

CITY OF MARSHALL
ORDINANCE 24-007

AN ORDINANCE AMENDING CHAPTER 86 ARTICLE IV SECTION 86-97 R-1
LOW DENSITY RESIDENCE DISTRICT

The Common Council of Marshall do ordain as follows:

SECTION 1: AMENDMENT “Section 86-97 R-1 One-Family Residence District” of the Marshall Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 86-97 R-1 ~~One-Family~~Low Density Residence District

- (a) *Intent; scope.* This section applies to the R-1 one-family residence district. This R-1 district is intended to preserve and enhance low density (less than 6 units per acre) residential areas ~~for one-family detached dwellings.~~
- (b) *Permitted uses.* The following uses shall be permitted in the R-1 low density residence district:
- (1) ~~Churches, provided that no building shall be located within 25 feet of any lot line of an abutting lot in any of the classes of residence districts.~~
 - (2) ~~One-family manufactured homes~~ Residential facility serving six or fewer individuals.
 - (3) Day care facility serving 14 or fewer individuals.
 - (4) One-family detached dwellings, ~~occupied by persons related by blood, marriage, adoption, or by three unrelated persons.~~
- (c) *Permitted accessory uses.* The following uses shall be permitted accessory uses in the R-1 low density residence district:
- (1) Accessory uses customarily incidental to the uses permitted in this section, such as private vehicle garages ~~and storage sheds.~~
 - (2) Accessory building complying with section 86-163, including, but not limited to, private garages, storage sheds, fallout shelters, and gazebos.
 - (3) Accessory equipment complying with section 86-164, including, but not limited to, solar energy collectors and systems, playgrounds, and sports courts.
 - (4) Bed and breakfast facility, provided property is registered with the City as a rental. ~~Fallout shelters.~~
 - (5) Keeping ~~of not more than two~~ boarders and/or roomers by a resident family, provided the property is registered with the City as a rental.
 - (6) Offices of persons and home occupations meeting the specific conditions of Section 86-50, provided an interim use permit is obtained when required.
 - (7) Private swimming pool and hot tub when completely enclosed within a non-climbable fence five feet high with openings no greater than four inches in any

dimension and self-closing and self-locking gate. Swimming pools exempt from the building permit requirements as defined in the state building code and hot tubs with latchable covers do not need to be enclosed.

~~Private solar energy collectors and systems:~~

(8) Private amateur radio towers and antennas complying with division 6.

(9) Private gardens complying with Section 86-247 (a) (5).

- (d) *Conditional uses.* All conditional use permits for the R-1 district may only be issued if the proposed use meets the specific requirements of this section and also meets the supplemental regulations as outlined in article VI and meets the eligibility for conditional use permits as specified in article II, division 2. The following uses may be allowed in the R-1 low density district by conditional use permit:

~~Bed and breakfast facility meeting the conditions of section 86-51:~~

(1) Fire stations, community center buildings, public libraries, ~~museums, art galleries, post office, greenhouses (excluding commercial)~~, and essential public utility structures serving the surrounding area.

~~Golf course and clubhouse, country club, public swimming pool, private swimming pool serving more than one family, provided that no principal structure shall be located within 25 feet of any lot line of an abutting lot in any of the classes of residence districts.~~

~~Keeping of three or more roomers or boarders:~~

~~Offices of persons and home occupations in existing structures when they meet the specific conditions of section 86-50 except motor vehicle repair, tobacco sales, sales of alcoholic beverages, adult entertainment, adult book or video sales, motor vehicle or machinery sales, or restaurants are not permitted.~~

(2) One-family manufactured homes.

(3) Other residential uses of the same general character as listed in subsection (b).

(4) Parks and recreational areas, public or private.

(5) Religious institutions as defined under Minnesota State Statutes.

~~Residential facility serving more than six individuals.~~

~~Day care facility serving more than 14 individuals.~~

(6) School, public or private, kindergarten through grade 12.

(7) Two-family dwellings under single ownership, joint ownership or tenants in common.

(8) Two-family dwellings under split ownership under the following conditions:

a. The dwellings have separate utility service lines to each unit.

b. The owners execute and record a common maintenance agreement containing covenants as to uniformity of exterior appearance of the

dwellings.

- c. Proper separation of units, occurring along the lot line, exists as provided by the building code.
- d. Such dwellings comply with all yard regulations for single-family dwellings, except side yard regulations between the dwelling units.
- e. The dwelling location on the lot be compatible with the neighborhood.
- f. Landscaping, fencing, grading, exterior lighting, and driveway conform to the surrounding neighborhood.
- g. Any accessory building is compatible with the dwellings and the surrounding neighborhood.
- h. The dwellings shall be a maximum height of two stories.
- i. Not more than 50 percent of the lot area shall be occupied by buildings.
- ~~j. No unit shall be eligible under this [use] unless the division of the dwelling occurs along the lot lines.~~

(e) *Height and yard regulations.* Height, yard, area and lot width and depth regulations for the R-1 district are as follows:

(1) *Height regulations.* No building hereafter erected or altered shall exceed 3 stories or 30 feet in height.

(2) *Front yard regulations.*

- a. There shall be a front yard having a depth of not less than 25 feet except as otherwise provided in this section.
- b. There shall be a front yard of not less than 35 feet on a lot or plot that abuts a thoroughfare as shown on the ~~adopted~~-city zoning map thoroughfares plan.
- ~~e. Where a lot or plot is located at the intersection of two or more streets there shall be a front yard on each street side of each corner lot.~~
- ~~d. No accessory buildings shall project beyond the front yard line of any street.~~

(3) *Side yard regulations.* There shall be a side yard on each side of a building, each having a width of not less than five feet, except for non-residential uses, the width shall be no less than 20 feet if abutting another one-family residence district lot.

(4) *Rear yard regulations.* There shall be a rear yard having a depth of not less than 25 percent of the lot or plot depth, or 18 percent of the lot or plot depth for a two-street corner lot.

(5) *Lot or plot area regulations.*

- a. Every lot or plot ~~upon which a one-family dwelling is erected~~ shall contain an area of not less than 8,000 square feet.
- b. Every lot or plot upon which a two-family dwelling is erected or altered shall contain an area of not less than 10,000 square feet.

(6) *Lot width and depth regulations.* Every lot or plot ~~on which a one-family dwelling or a two-family dwelling is erected~~ shall have a minimum width of not less than 70 feet at the building setback line, and a minimum depth of not

less than 110 feet.

(f) *Supplemental regulations*. Additional regulations in the R-1 low density residence district are set forth in article VI.

(Code 1976, § 11.07; Ord. No. 407 2nd series, § 1, 12-21-1998; Ord. No. 443, § 3, 11-6-00; Ord. No. 529 2nd series, § 1, 7-5-2005; Ord. No. 590 2nd series, § 1, 2-19-2008; Ord. No. 699 2nd series, § 1, 9-9-2015; Ord. No. 712 2nd series, § 1, 9-13-2016; Ord. No. 732 2nd Series, § 1, 1-8-2019)

SECTION 2: EFFECTIVE DATE This Ordinance shall take effect after its passage and summary publication.

PASSED AND ADOPTED BY THE CITY OF MARSHALL COMMON COUNCIL

May 14, 2024

Presiding Officer

Attest



Robert Byrnes, Mayor, City of
Marshall



Steven Anderson, City Clerk, City of
Marshall