

INTERIM USE PERMIT
City of Marshall, Minnesota

WHEREAS, the Planning Commission of the City of Marshall has held a Public Hearing for a Interim Use Permit for a storage container at the location described as:

State of Minnesota, County of Lyon, City of Marshall
1300 Susan Drive

and, in accordance with and pursuant to the provisions of Chapter 86 of the City Code of Ordinances related to zoning; and has written findings that the establishment, maintenance or conducting of the use for which the permit is sought will not under the circumstances be detrimental to the health, safety, morals, comfort, convenience or welfare of the persons residing or working in the area adjacent to the use, or to the public welfare, or injurious to property or improvements in the area adjacent to such use; and,

WHEREAS, the Planning Commission has designated certain conditions in the granting of such use permit.

NOW, THEREFORE Be It Resolved by the Common Council of the City of Marshall, Minnesota, that a Interim Use Permit be granted to James and Patricia Skewes for an Interim Use Permit for a storage container in a B-3 General Business District on the premises described herein subject to the following conditions:

1. That the regulations, standards and requirements as set forth in the City Code and as pertains to the class of district in which such premises are located shall be conformed with.
2. That the City reserves the right to revoke the Interim Use Permit in the event that any person has breached the conditions contained in this permit provided that the City serve the person with written notice specifying items of any default and allow the applicant a reasonable time in which to repair such default.
3. That this permit expires when the property changes ownership.
4. That this container meets all conditions of Sec. 86-248(f) dated 5-9-2023 (as attached) by August 31, 2023.

ADOPTED June 27, 2023.

ATTEST:

Mayor

City Clerk

(SEAL)

File No. 1160

This Instrument Drafted By:
Jason R. Anderson, P.E.
City Engineer/Zoning Administrator

RESOLUTION NO. _____

**RESOLUTION GRANTING
AN INTERIM USE PERMIT
FOR 1300 SUSAN DRIVE
WITHIN THE CITY OF MARSHALL, MINNESOTA**

WHEREAS, an application has been submitted by James and Patricia Skewes, (“Applicant”) to the City Council requesting approval of an interim use permit under the Zoning Code, Article 86-IV, Section 86-96, in the City of Marshall for the following location:

LOCATION: 1300 Susan Drive.

LEGAL DESCRIPTION: Shopko Addition, Lot 1.

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING: An Interim Use Permit to keep a shipping container on the property located at 1300 Susan Drive and legally described above, and

WHEREAS, notice required pursuant to Minnesota Statutes Section 462.357 including the time, place and purpose of the hearing was published in the official newspaper at least ten days prior to the day of the hearing; and

WHEREAS, notice required pursuant to Minnesota Statutes Section 462.357 was mailed at least ten days before the day of the hearing to each owner of affected property and property situated wholly or partly within 350 feet of the property to which the interim use permit relates; and

WHEREAS, the Planning Commission has held a public hearing as required by the city Zoning Code on June 14, 2023, and

WHEREAS, staff presented the Planning Commission with information that the requested use may meet the criteria listed for granting an interim use for a shipping container allowed as an interim use in B general business districts per Marshall Code, Article 86-VI, Section 86-248 (f), and

WHEREAS, staff reviewed the above section allowing granting an interim use permit for shipping containers and specifically found:

- (1) The containers will not be placed in any front or required rear yard, but it is located in a required side yard.
- (2) The containers will be screened from public right of way and adjacent property by adequate fencing.
- (3) Any signage on the containers will be painted over.
- (4) This permit will expire when the property changes ownership or if a change in zoning regulations occurs.

WHEREAS, staff reviewed Standards for Hearing listed in Section 86-49 and specifically found:

- (1) Placing a container in this area will be comparable with the open area around.
- (2) The fencing will be built to screen the view of the container.
- (3) The container total area is below maximum permitted area provided in Section 86-248.

- (4) The site is large enough to accommodate a container covered by this request.
- (5) The duration of proposed interim use is as suggested by the Ordinance.
- (6) The use will not be injurious to the adjacent area, which will not be affected due to screening.
- (7) All other standards are not applicable to this request.

WHEREAS, the Planning Commission has discussed the above findings and, after discussion, held a vote on the request, and

WHEREAS, the Planning Commission, based on the above findings, has recommended to the City Council to approve a request for an interim use permits for a shipping container in a B-3 general business district with specific conditions, arising out of the motion offered by Pieper and seconded by Muchlinski, and declared carried on the following vote Ayes: 6 Nays: 0 , and

WHEREAS, the City Council reviewed the Minutes of the Planning Commission and heard from staff, and

WHEREAS, Staff reiterated its findings to the Council at the June 27, 2023 Council meeting,

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Marshall that the City Council accepts and adopts the following findings:

1. Because of the nature of the proposed use and its location, the requested interim use will not:
 - a. Be inconsistent with adjacent properties.
 - b. Unreasonably diminish or impair established property values within the neighborhood or in any way be contrary to the intent of this Code.
 - c. Violate any Ordinance provisions.
2. The interim use will be in harmony with the general purpose and intent of the City Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

FURTHER, BE IT RESOLVED, that the City Council of the City of Marshall hereby approves the requested interim use permit, subject to on-going compliance with all of the following conditions:

1. Pursuant to Marshall Code Article 86-II, Division 86-II-2, Section 86-49, no application for a condition modification shall be considered by the planning commission or council for at least one-year from the date of an interim use permit approval or from when circumstance sufficiently change to justify a review.
2. The owner shall maintain the property to conform with the Zoning Ordinance, Building Code, and not cause or create negative impacts to existing or future properties adjacent thereto.

3. The owner shall obtain all relevant and required permits prior to doing any work.
4. The shipping container covered by this interim use permit shall not have any painted signage or lettering and shall be screened from the public right of way and adjacent properties by a 7-foot-tall opaque fence on the north and east sides as shown in the attached drawing; the fence color shall match the buildings on the property.
5. The shipping container covered by this interim use permit may stay within required side yard until adjacent property is developed at which time it will have to be moved off the required side yard.
6. The City reserves the right to revoke the Interim Use Permit if the applicant has breached the conditions contained in this permit provided first, however, that the City serve the applicant with written notice specifying items of any such default and thereafter allow the applicant a reasonable time in which to cure any such default.
7. This permit will expire when the property changes ownership.

The foregoing resolution, arising out of the motion offered by Pieper and seconded by Muchlinski, was declared carried on the following vote:

Ayes: 5

Nays: 0

Passed: Y

Mayor

ATTEST:

City Clerk

Approval is contingent upon execution and return of this document to the City Planning Office. I have read and agree to the conditions of this resolution as outlined above.

Property Owner / Applicant

Date

Section 86-248 Outside Storage

- (a) In all classes of residential districts, open storage and accumulation of materials and equipment shall be prohibited. In all other zoning districts, open storage of materials and equipment shall be prohibited in the required front, side, and rear yards, except storage shall be allowed in the required rear yard in industrial districts. Unless prohibited elsewhere in the ordinance, any other outside storage, including outdoor storage tanks, shall be located or screened so as not to be visible from public right-of-way, public parks or any lot within 500 feet in any of the classes of business or residence districts, except in industrial and agricultural zoning districts screening from public right-of-way is not required. The screening may be achieved by fencing or landscaping means compliant with section 86-247. In all classes of business districts, the storage area shall be paved or graveled to control erosion and shall be properly maintained. Temporary storage of building materials intended for construction use on premises shall be allowed during ongoing construction and up to two weeks prior to construction and is exempt from the above requirements provided a valid building permit is obtained.
- (b) Outdoor display of retail merchandise intended for sale or rent and open to public shall be allowed in all classes of business and industrial districts. In all classes of business districts, the display area, except live plants sales area, shall be paved to control dust and erosion and facilitate access to, and moving of, displayed products. Except licensed automobile, motorcycle, off-road vehicle, and boat sales lots, and small motorized farm and lawn care equipment sales, the display area shall not be located in the required front and side yards. Outdoor display areas adjacent to any of the classes of residence districts shall be screened by fencing or landscaping means compliant with section 86-247. Outdoor display area shall be adequately lighted.
- (c) In all classes of residential districts and residential properties within other zoning districts, outdoor display and sale shall be allowed during garage and yard sales only. The display and sales area shall be located entirely within the pertinent residential property.
- (1) Any related signage shall be limited to premises and to other private properties provided permission from the property owners is obtained; all signage shall be erected not earlier than one-day before sale and shall be removed at the termination of the sale. Such signs shall be limited to three square feet each.
 - (2) There shall be no more than four garage sales conducted during any period of 12 calendar months; there shall be no more than two garage sales conducted during any period of 30 calendar days; there shall be no garage sales conducted for more than four consecutive days; and there shall be no garage sales conducted before 7:00 a.m. or after 8:00 p.m.
- (d) Building enlargement and expansions over 50 percent of existing building footprint area, construction of additional buildings on site, or changes of use resulting in new exterior storage or display area shall cause an exterior storage/display area review by city staff for ordinance compliance.
- (e) Trash, garbage, refuse, recycling materials or any other items intended for disposal shall be stored in designated containers or dumpsters which, with the exception of R-1 and R-2 residence districts, shall be located within areas set for collection of garbage as prescribed by section 50-23. In R-1 and R-2 residence districts trash cans shall not be stored in the required front yard except on the day of garbage collection. In R-1 and R-2 residence districts furniture and other bulky items may be left at the curb for pick up by the licensed garbage hauler or anywhere in the front yard for anyone to take for no more than 48 hours. In all classes of business and industrial districts, similar items intended for disposal may be piled together for

temporary storage no longer than six months within garbage collection areas in a single stack not higher than five feet and with area no more than 100 square feet.

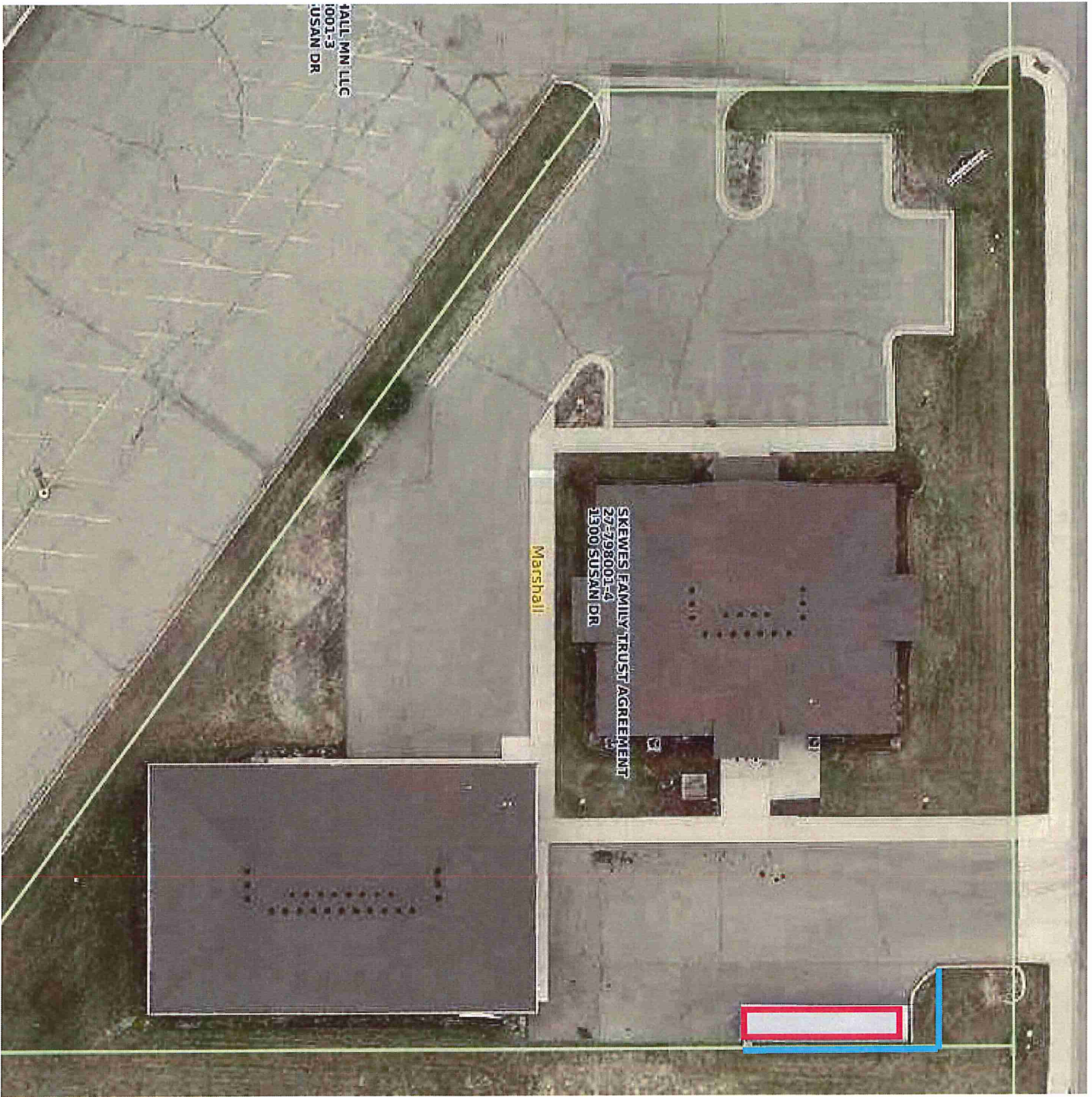
- (1) In all classes of multiple-family and business districts, garbage collection areas shall be paved and fully enclosed with secured access and shall not be located in the required front yard. The enclosure shall be between five and six feet high and fully opaque. If it is located next to the building, it shall be finished with materials matching the exterior of the building. Enclosure requirement does not apply in the Downtown district.
 - (2) Temporary construction dumpsters intended for demolition and other construction debris may be located outside of such enclosures during ongoing construction and up to one week before and after construction provided a valid building permit is obtained. No temporary construction dumpster shall be set on public right-of-way or public parking lot unless a city permit is secured.
- (f) Storage units are not allowed as permanent storage in all classes of residential or business districts. Storage units include motor vehicle trailers, including semi-trailers, designed to carry cargo; cargo or shipping containers constructed out of prefabricated metal and designed for overseas shipping or mounting on rail cars or truck trailers; or steel framed, weatherproof moving containers, commonly known as PODS. Utilization of a single unit is allowed for temporary storage for no more than 30 days in a calendar year; the 30 days limit may be extended up to 180 days by an interim use permit. The above listed units used for temporary construction related storage shall be allowed during an ongoing construction project and up to a month prior to construction, provided a valid building permit is obtained. As an exception, storage units totaling less than 1,000 square feet or ten percent of the main building area, whichever is less, may be permitted by an interim use permit in a B-3 general business district, with the following conditions:
- (1) The containers shall not be placed in any front or required side or rear yard.
 - (2) The containers shall be located so as not to be visible from the public right-of-way, public parks, or any lot in any of the classes of business or residence districts within 500 feet of the containers. It may be screened by fencing or landscaping means compliant with section 86-247. If a fence taller than otherwise permitted by the Ordinance is required for screening by an interim use permit condition, a variance for such fence construction shall not be required.
 - (3) The containers shall be new or freshly painted with neutral colors with no painted signage, lettering, or advertising and shall be properly maintained.
 - (4) The interim use permit shall expire when the property changes ownership or earlier as approved by the council.
- (g) In all classes of residential districts, a licensed boat, open or closed trailer, camper, motor-home, recreational vehicle or other motorized vehicle, but no more than three units, may be stored outside on the property as regulated in section 74-131. One snowmobile, ATV, golf cart, riding mower, trailer, boat, or camper can be displayed for sale in the front yard, provided it has not been purchased or consigned for resale and is not displayed for longer than seven consecutive days or longer than 30 days in a calendar year. No storage or accumulation of any materials in trailers is permitted.

Editor's note(s)—Ord. No. 687, § 1, adopted June 10, 2014, amended the title of § 86-248 to read as set out herein. Previously § 86-248 was titled storage of materials.

HISTORY

Amended by Ord. [22-005](#) on 5/10/2022

Amended by Ord. [23-009 Outside Storage](#) on 5/9/2023



FALL MN LLC
0001-3
SUSAN DR

Marshall

SKWESI FAMILY TRUST AGREEMENT
27/98001-4
1300 SUSAN DR

