

**Sauk Centre Planning Commission  
Regular Meeting  
Tuesday, February 14, 2017 – 4:30 P.M.**

**AGENDA**

1. Call to Order/Roll Call/Pledge of Allegiance
2. Approval of Agenda
3. Approval of Minutes
  - a. January 10, 2017 Regular Meeting **(P. 1-2)**
4. Reports/Presentations
  - a. January 2017 Monthly Building Report **(P. 3-4)**
5. Public Hearings
  - a. Ordinance Regulating the use & location of Cargo Containers **(P. 5-9)**
6. Action Items/Appeals
  - a. Ordinance Regulating the use & location of Cargo Containers **(P. 10-13)**
7. Unfinished Business
8. New Business
9. Informational Items
  - a. Comprehensive Plan Update
10. Adjournment

**SAUK CENTRE PLANNING & ZONING  
COMMISSION MEETING MINUTES  
TUESDAY, JANUARY 10, 2017  
4:30 P.M.**

**1. CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE**

The regular meeting of the Sauk Centre Planning Commission was called to order at 4:30 p.m. with Commissioners Jansen, Gieski, Leach and Magnuson present. Also present was City Planner Morton. Those in attendance were asked to stand and recite the Pledge of Allegiance. Walz was absent.

- a. A motion was made by Magnuson and was seconded by Gieske to appoint Heidi Leach as Chairperson of the Planning Commission. A vote being recorded as follows: For: Magnuson, Gieske, Jansen and Leach. Against: None. Absent: Walz. The motion passed.
- b. A motion was made by Jansen and was seconded by Leach to appoint Mark Magnuson and Vice-Chairperson of the Planning Commission. A vote being recorded as follows: For: Jansen, Leach, Gieske and Magnuson. Against: None. Absent: Walz. The motion passed.

**2. APPROVAL OF AGENDA**

A motion was made by Jansen and was seconded by Gieske to approve the agenda as presented. A vote being recorded as follows: For: Jansen, Gieske, Magnuson and Leach. Against: None. Absent: Walz. The motion passed.

**3. APPROVAL OF MINUTES**

A motion was made by Magnuson and was seconded by Jansen to approve the December 13, 2016 Regular Meeting Minutes. A vote being recorded as follows: For: Magnuson, Jansen, Gieske and Leach. Against: None. Absent: Walz. The motion passed.

**4. PUBLIC HEARING**

None.

**5. REPORTS/PRESENTATIONS**

- a. During the month of December, a total of 7 permits were issued as follows: 3 miscellaneous residential permits, 3 miscellaneous commercial permits and 1 tax exempt permit.

City Planner Morton also presented the following:

- 2016 construction value of 6.9 million.
- A total of 46 Zoning Permits were issued in 2016, with \$1,275 in fees collected.
- 2016 New Homes Report.
- 2016 Building Permit Report.
- 2016 Zoning Permit Report.

**6. ACTION ITEMS**

None.

**7. UNFINISHED BUSINESS**

- a. On March 16, 2016 the Council approved the placement of a one year moratorium regarding the placement of cargo containers and the like within City limits. Staff is working on this and asked that if any Commission Member has information, comments or questions to discuss with staff.
  
- b. The City is seeking volunteers to serve on the 2017 Comprehensive Plan Team.

**8. NEW BUSINESS**

- a. 2017 Meeting Agenda

**9. INFORMATIONAL ITEMS**

- a. 2017 Meeting Schedule
- b. 2017 Fee Schedule
- c. 2017 Stearns County Shoreland Training

**10. ADJOURNMENT**

With no further action, Leach adjourned the meeting.

Respectfully submitted,

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Nicki Vogt,  
Recording Secretary

Planning Commission  
City of Sauk Centre  
Staff Report

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**Meeting Date:** February 14, 2017  
**Subject:** January 2017 Building Permit Report  
**Agenda Item:** 4a

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**Description/Summary**

See attachments – January 2017 Building Permit Summary

During the month of January, 3 permits have been issued as follows:

- 3 miscellaneous commercial permits

Total construction value: \$69,500

January of 2016, ten building permit were issued, construction value \$62K.

**Action Requested:**  
Information Item Only

**Action Taken:**

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**Motion:**

**Second:**

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CITY OF SAUK CENTRE - BUILDING PERMIT SUMMARY LOG  
January 2017

Date	No.	Name	Address	Project Description	Contractor	License #	Value	Permit Fee	State Surcharge	Plan Check	Total Fee	PID	Census Code
1/11/2017	2017B001	Lawinger Brothers Properties LLC dba Schaefer's Market	411 Sinclair Lewis Ave	install wall cover with glass board; cut opening in for walkway	Jim Bosl	BC 2720	6,000.00	112.25	3.00		115.25	94.59098.0000	Comm
1/17/2017	2017B002	Moening, Chris & Renee	333 Main St S	interior remodel - 2 offices & conference room	Steve Moritz		13,500.00	206.00	6.75		212.75	94.59113.0000	Comm
1/31/2017	2017B003	Hardee's	1180 Main St S	remodel interior of restaurant	Jon Murnier	715-836-8800	50,000.00	574.75	25.00		599.75	94.59096.0000	Comm
							<b>69,500.00</b>	<b>893.00</b>	<b>34.75</b>		<b>927.75</b>		

# Planning Commission Staff Report

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**Meeting Date:** February 14, 2017

**Subject:** Amendment to Zoning Ordinance Chapter 156.003 Definitions and Section 156.022 Accessory Structures – Regulating the Use and Location of Cargo Containers within the city

**Agenda Item:** 5a

**Description/Summary**

LUR #2016-03

Because the City Code covers so many varying aspects of land use and development standards, it is expected that from time to time it may be necessary to change or amend one or more portions of the City Code to keep it up to date with the most current and desirable trends in planning and zoning.

Staff was given direction to look at revisions to the ordinance that would limit the use and location of cargo containers within the city. The proposed revised ordinance would modify the existing city code. The containers would not be permitted to be used for human habitation nor have any plumbing, electrical power or air conditioning/heating systems. Storage would be limited to materials consistent with the zone classification; refuse, debris and hazardous substances would not be permitted. Staff believes that the revised ordinance addresses the potential concerns by industrial area business owners, and responds to the direction given by to staff.

**Staff Considerations**

If the Planning Commission desires to amend the Ordinance to regulate the use and location of Cargo Containers the following Definition and Performance Standards/Regulations should be considered. The definitions exist elsewhere in the Code and should be restated in this section.

Please see the attached excerpts from the existing City Code; Section 156.003 Definitions, Section 156.022 Accessory Structures, the new language to be added is under lined in each appropriate section.

**Action Requested:**

Action to be taken under agenda item 6a.

**Action Taken:**

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**Motion:**

**Second:**

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### § 156.003 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ABUTTING.** Making contact with or separated only by public thoroughfare, railroad, public utility, right-of-way or navigable waters.

**ACCESSORY USE OR STRUCTURE.** A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, a principal use or structure.

**ADDITION.** A physical enlargement of an existing structure.

**ALLEY.** A public right-of-way which affords a secondary means of access to abutting property not to exceed 30 feet in width at its intersection with a street.

**ALTERATION.** Any change in the size, shape, character or use of a building or structure.

**BASEMENT.** Any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all 4 sides, regardless of the depth of excavation below ground level.

**BLOCK.** A tract of land bounded by streets or a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines, waterways or boundary lines of the corporate limits of the city.

**BOARD OF APPEALS AND ADJUSTMENTS.** The Planning Commission of the City of Sauk Centre.

**BUILDABLE AREA.** The space remaining on a zoning lot after the minimum setbacks and open space requirements of this chapter are met.

#### **BUILDING.**

(1) A structure built for the support, shelter or enclosure of persons, animals or personal property of any kind and which is permanently affixed to the land, and which provides permanent protection from the elements.

(2) When a **BUILDING** is divided by party, walls without openings, each portion of that building so separated will be called a separate **BUILDING**.

**BUILDING, COMPLETELY ENCLOSED.** A building separated on all sides from the adjacent open space or from other buildings or structures by a permanent roof and by exterior

walls or party walls, pierced only by windows and normal entrance and exit doors.

***BUILDING HEIGHT.***

(1) The vertical distance measured from curb level or its equivalent, to the highest point of the roof surface on a flat roof, to the deck line of mansard roofs, and to the mean height level between eaves and ridge of gable, hip and gambrel roofs.

(2) For buildings set back from the street line, the ***HEIGHT*** of the building shall be measured from the average elevation of the finished grade along the front of the building, provided its setback from the street line is not less than the height of the finished grade above the established curb level.

***BUILDING INSPECTOR.*** As used in this chapter shall mean the Building Inspector provided for in the Building Code.

***BUILDING, NONCONFORMING.*** Any building or structure which does not comply with all the regulations of this chapter or any amendment thereto governing the zoning district in which the building or structure is located.

***BUILDING LINE.*** An imaginary line separating buildable area and required yards.

***BUILDING, PRINCIPAL.*** A non-accessory building in which the primary use of the lot on which it is located is conducted.

***CARGO CONTAINER.*** An article of transport equipment which falls into any of the following categories:

A standardized, reusable vessel maximum forty feet (40') in length, 8 feet (8') in width, and 8 feet, six inches (8'6") in height that is or appears to be:

- (1) Originally, specifically or formerly designed for or used in the parking, shipping, movement, transportation or storage of freight, articles, goods or commodities; or
- (2) Designed for or capable of being mounted or moved on a rail car; or
- (3) Designed for or capable of being mounted on a chassis or bogie for movement by truck trailer or loaded on a ship.

***Permanent:*** Means a period of time that exceeds six (6) months.

***Temporary:*** Means a period of time that does not exceed (6) months.

***CELLAR.*** That portion of the building having more than ½ of the floor to ceiling height below the average level of the adjoining grade.

***CITY/COMMUNITY.*** The City of Sauk Centre, Minnesota.

***CLEARCUTTING.*** The complete (as opposed to selective) removal of vegetation within an



area.

**COMMISSION.** The Planning Commission of the City of Sauk Centre.

**CONDITIONAL USE.** See *USE, CONDITIONAL*.

**COUNCIL.** The City Council of the City of Sauk Centre.

**DISTRICT, ZONING.** A portion of the city within which regulations and requirements govern the use of land and buildings.

**EROSION.** The wearing away of the land surface by the action of natural elements.

**FAMILY.** One or more persons related by blood, marriage or adoption including foster children or a group of not more than 5 persons not so related, maintaining a common household in a dwelling unit.

**FENCE.** A structure providing enclosure but not necessarily protection against the elements.

**FENCE, SOLID.** A fence that provides a visual barrier between adjacent property and the area enclosed.

**FLOOR AREA.**

(1) The sum of the gross horizontal areas of the several floors of a building or buildings on a zoning lot measured from the exterior faces of exterior walls or from the centerline of party walls separating 2 buildings.

(2) In particular, **FLOOR AREA** will include:

- (a) Basement space (see "basement" defined herein);
- (b) Attic floor space where the structural headroom exceeds 7.5 feet;
- (c) Interior balconies and mezzanines;
- (d) Enclosed porches, but not terraces and breezeways;
- (e) Stairwells at each level; and
- (f) Accessory structures.

**FLOOR AREA, LIVABLE.** The same area as defined in **FLOOR AREA**, excluding all areas occupied by basements, garages, porches, attics, stairways and storage, utility and heating rooms and other accessory uses.

**§ 156.022 ACCESSORY STRUCTURES.**

(A) No more than 2 detached accessory structures are permitted on a parcel occupied by a single-family detached dwelling.

(B) (1) On parcels less than 90,000 square feet occupied by a single-family dwelling the cumulative square feet of accessory structures and attached garages shall not exceed 1,800 square feet.

(2) On parcels greater than 90,000 square feet in the R-1 Zoning District that are occupied by a dwelling unit the cumulative square feet of accessory structures and attached garages shall not exceed 2% of the total parcel area up to a maximum of 3,600 square feet.

(C) On parcels occupied by dwelling units no attached garage or accessory structure shall exceed 1,200 square feet in area. No accessory structure shall be constructed on a parcel without a principal structure.

(D) Accessory structures shall be set back a minimum of 30 feet from the front lot line, 25 feet from the side street lot line on a corner lot and 5 feet from rear and interior side lot lines and not placed within or on any easement or ROW.

(E) Accessory garage structures shall be set back at least 20 feet from a public alley right-of-way if the vehicle entrance to the garage backs upon a public alley.

(F) An accessory structure on a legal nonconforming corner lot of record, buildable under § 156.011(A) above, shall be set back a minimum of 33% of the lot width from a street side lot line.

(G) Accessory structures in commercial and industrial districts shall comply with setbacks for principal structures, except that buildings for parking attendants, guard shelters, gatehouses and transformer buildings and similar structures may be located in the front and side yards.

(H) The maximum roofline height of an accessory building in an R-1, R-2 and R-M District shall not exceed 26 feet.

(I) The maximum height of sidewalls of an accessory building in an R-1, R-2 and R-M District shall not exceed 12 feet.

(J) No accessory structure shall be constructed on a parcel without a principal structure.

**(K) Cargo Containers**

**(1) Permitted Locations and Prohibitions:**

**(a) Cargo containers may not be placed, stored or used permanently on any property zoned for residential use. Cargo containers with alterations, such as cosmetic or**

City of Sauk Centre  
Staff Report

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**Meeting Date:** February 14, 2017

**Subject:** Amendment to Zoning Ordinance Chapter 156.003 Definitions and Section 156.022 Accessory Structures – Regulating the Use and Location of Cargo Containers within the city

**Agenda Item:** 6a

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**Description/Summary**

See agenda items 4a Zoning Ordinance Amendment. Hearing Notice was published in the Sauk Centre Herald on February 2, 2017 and was posted as required by law. See attachments, copy of Hearing Notice, staff report, and any correspondence received. As of Wednesday 8<sup>th</sup> no comments have been received concerning this ordinance amendment.

Please see the draft attachment amending Section 156.003, and Section 156.022 adding new language to the existing ordinance.

**Action Requested:**

A. Planning Commission to recommend City Council adopt Ordinance XXX, amending Section 156.003 and Section 156.022 as presented to planning commission.

or

B. Continue to a future date to obtain additional information or to further consider the information presented.

or

C. Recommend denial of the proposed zoning amendment.

**Action Taken:**

**Motion:** \_\_\_\_\_ **Second:** \_\_\_\_\_

**Approval:** \_\_\_\_\_ **Denial:** \_\_\_\_\_ **Tabled:** \_\_\_\_\_ **No Action:** \_\_\_\_\_

**ORDINANCE NO. XXX**

**AN ORDINANCE OF THE CITY OF SAUK CENTRE, MINNESOTA,  
AMENDING THE CITY CODE TO ADD REGULATING THE USE AND LOCATION  
OF CARGO CONTAINERS IN THE CITY**

**WHEREAS**, cargo containers are routinely used during the construction or remodeling phase of work in commercial and industrial areas; and

**WHEREAS**, cargo containers, while having a valid temporary construction purpose, are occasionally placed in residential districts which proves to be unsightly; and

**WHEREAS**, the proposed ordinance reflects the City Council's desire to ensure that storage/cargo containers are not permanently placed in residential zoning districts, that public safety is protected by ensuring that sight distance is not hampered. These amendments also recognize that storage/cargo containers are in integral part of business operations in certain industrial commercial zones; and in these zones the use of storage/cargo containers will not be prohibited.

**WHEREAS**, the City desires, in order to protect the health, safety and welfare, to regulate and provide for the use of such cargo containers.

**THE CITY COUNCIL OF THE CITY OF SAUK CENTRE, MINNESOTA,  
HERE BY AMENDS CHAPTER SECTION 156.003 DEFINITIONS  
AND SECTION 156.022 ADDING (K) CARGO CONTAINERS**

As used in this chapter, the following terms shall have the meanings subscribed in interpreting the provisions of this chapter.

**Cargo Container.** An article of transport equipment which falls into any of the following categories:

A standardized, reusable vessel maximum forty feet (40') in length, 8 feet (8') in width, and 8 feet, six inches (8'6") in height that is or appears to be:

- (1) Originally, specifically or formerly designed for or used in the parking, shipping, movement, transportation or storage of freight, articles, goods or commodities; or
- (2) Designed for or capable of being mounted or moved on a rail car; or
- (3) Designed for or capable of being mounted on a chassis or bogie for movement by truck trailer or loaded on a ship.

**Permanent:** Means a period of time that exceeds six (6) months.

**Temporary:** Means a period of time that does not exceed (6) months.

The City Council of the City of Sauk Centre hereby amends Section 156.033 of the City Code pertaining to "Accessory Structures".

**SECTION 156.022  
ACCESSORY STRUCTURES**

**(K) Cargo Containers**

**(1) Permitted Locations and Prohibitions:**

(a) Cargo containers may not be placed, stored or used permanently on any property not zoned Industrial Commercial. Cargo containers with alterations, such as cosmetic or structural changes done in order for the container to appear more like a typical accessory building, are not allowed permanently on residential property.

**(2) The following standards shall apply to all cargo containers:**

(a) Cargo Containers shall not be stacked on one another.

(b) Cargo containers shall not be used for human habitation, commercial, retail or rental purposes, and shall not be provided with refrigeration, heating, electricity or plumbing.

(c) Refuse and debris shall not be stored in, against, on or under the cargo container.

(d) The cargo container may not occupy any required off-street parking spaces or loading/unloading areas or fire lanes in any district, unless permitted under 96.068.

(e) The cargo container shall not block, obstruct, or reduce in any manner any required exits, windows, vent shafts, parking spaces, and/or access driveways.

(f) The cargo container shall be structurally sound, stable, and in good repair. Any cargo container that becomes unsound, unstable or otherwise dangerous shall be immediately repaired or removed from the property.

**(3) Current Violations - Time to Comply:** Cargo containers located on any lot not zoned Industrial Commercial (I-C) prior to the effective date of this ordinance are considered illegal. All property owners within the City shall have 12 months from the effective date of this ordinance to bring the properties, which currently contain cargo containers or accessory storage structures that are in violation of the terms of this Chapter, into full compliance with the provisions of this Chapter.

The foregoing ordinance was duly passed and adopted by the Council of the City of Sauk Centre, Minnesota at its regular meeting on the XX day of February, 2017.

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By Warren Stone

Its Mayor

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By Vicki M. Willer

Its City Administrator/Clerk

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