

ORDINANCE 28

AN ORDINANCE FOR THE PURPOSE OF PROMOTING HEALTH, SAFETY, ORDER, CONVENIENCE AND GENERAL WELFARE BY REGULATING THE USE OF LAND, THE LOCATION AND USE OF BUILDINGS AND THE ARRANGEMENT OF BUILDINGS ON LOTS, AND THE DENSITY OF POPULATION IN THE CITY OF MINNESOTA CITY, MINNESOTA.

The city council of the city of Minnesota City ordains:

SECTION 1. DEFINITIONS.

For the purpose of this ordinance certain terms used herein are defined as follows:

BLOCK: That property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets and railroad right of way of unsubdivided acreage.

COURT: An open, unoccupied space on the same lot with a building or buildings and which is bounded on two or more sides by such building or buildings, including the open space in a house court or court apartment providing access to the units thereof.

LOT: Land occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings together with such open spaces as are required under the provisions of this ordinance, having not less than the minimum area required by this ordinance for a building site in the district in which such lot is situated, and having its principal frontage on a street.

LOT, CORNER: A lot situated at the intersection of two or more streets or bounded on two or more adjacent sides by street lines.

LOT, INTERIOR: A lot other than a corner lot.

LOT, KEY: The first lot in the rear of a corner lot, the front line of which is a continuation of the side line of the corner lot, exclusive of the width of an alley, and fronting on the street which intersects or intercepts the street on which the corner lot fronts.

USE: The purpose for which land or premises or a building thereon is designed, arranged, or intended or for which it is or may be occupied or maintained.

YARD: An open space other than a court on the same lot with a building, which open space is unoccupied and unconstructed from the ground upward, except as otherwise provided in Section 8 of this ordinance. In measuring a yard, as hereinafter provided, the line of a building means a line parallel to the nearest lot line drawn through the point of a building or the point of a dwelling group nearest to such a lot line, exclusive of the architectural features enumerated in Section 8 of this ordinance as not to be considered in measuring yard dimensions or as being permitted to extend into any front, side or rear yard, respectively; and the measurement shall be

taken from the front line of the building to the nearest lot line, except, that if any future width line has been established for the street on which the lot faces, the measurement shall be taken from the future width line.

YARD, FRONT: A yard extending across the front of the lot between the inner side yards and lying between the front line of the lot and the nearest line of the building.

YARD, SIDE: A yard between the side line of the lot and the nearest line of the building and extending from the front line of the lot to the rear yard.

YARD, REAR: A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the building.

OFFICE BUILDINGS, PROFESSIONAL AND BUSINESS: An office shall be defined as a room or building in which the services of a recognized profession or business are performed. Such use shall be compatible to the residential district in which it is located and shall not threaten its character nor violate the intent of this code.

SECTION 2. ESTABLISHMENT OF DISTRICTS.

For the purpose of this ordinance, the city of Minnesota City is divided into use districts and described as follows:

INDUSTRIAL DISTRICT including Minnesota City lots number 15, 15½, 18, 18 ½, 43, 63, 66, and 42 except for that part of 42 commencing at a point on the North line of Section Eleven (11), Township One Hundred Seven (107) North, Range Eight (8), West 495 feet West of the Northeast corner of the Northwest quarter, running thence South 172 feet, thence South 56 degrees and 30 minutes West to the North line of the Highway as now located, established and traveled, thence Northwesterly on the North line of said Highway to the North line of said Section, thence East on the North line of said Section to the point of beginning, being a part of Lot 42 of the Subdivision Plat of Minnesota City, and located upon and forming a part of the Northeast quarter of the Northwest quarter (NE ¼ of NW ¼) of Section eleven (11), Township One Hundred Seven (107) North, of Range Eight (8), West of the fifth Principal Meridian.

COMMERCIAL DISTRICT including Minnesota City lots number 1, 2, 8, 11, 12, 13, 16, 17, 24, 25, east 99 feet of that portion of lot 26 abutting Main Street, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 50, 51, 52, 52 ½, 57, 61, 64, 65, and that parcel of Lot Sixty Seven (67) Subdivision Plat of City of Minnesota City, being a triangular piece adjoining Lot Eight (8), on the Easterly side to wit: Commencing at a point 6.95 chains North 79 ¼° East of a point 8.37 ½ chains North of South ¼ post of said Section, running thence North 55 West 2 ½ chains; thence North 79 ¼° East to a point North 10 ¾° West to the place of beginning, thence in a direct line to the place of beginning, all of said described premises constituting one continuous parcel and being located upon and forming a part of the SW ¼ of the SE ¼ of Section Two (2), Township One Hundred Seven (107) North, of Range Eight (8) West, Winona County, Minnesota.

RESIDENTIAL DISTRICT all Minnesota City Lots not classified as industrial or commercial above.

Any land annexed to the city in the future shall be placed in the residential district until placed in another district by action of the city council.

SECTION 3. PROHIBITIONS IN DISTRICTS

Except as provided in Section 9, in each district land and structures shall be used only for the purposes listed by this ordinance as permitted in the district. In each district every building hereafter erected or structurally altered shall be provided with the yards specified, shall be on a lot of the area and width specified, and shall not exceed the height specified in this ordinance for the district. No open space or lot required for a building shall during its existence be occupied by, or counted as open space for, another building.

SECTION 4. REGULATIONS FOR RESIDENTIAL DISTRICT:

Subdivision 1. Use Regulations. In the residential district, unless otherwise provided in the ordinance, no building or land shall be used and no building hereafter be erected or structurally altered except for one or more of the following uses:

1. One or two-family dwellings and their accessory buildings, apartments, and flats.
2. Plant nurseries or greenhouse; farms or truck garden, but no retail stand for the display or sale of agricultural products or any other commercial structure shall be located thereon without a special use permit.
3. Public parks and playgrounds.
4. Churches, libraries, museums, schools, memorial buildings, including name plates and bulletin boards placed in back of the prescribed set back lines.
5. Home occupations.
6. Clubs and lodges without services to the public customarily carried on as a business.
7. Boarding and lodging houses; Office buildings
8. The following uses, but only upon securing a special permit issued by the council:
 - a. Hospitals, clinics, rest homes or other buildings used for the treatment of human ailments,
 - b. Philanthropic and charitable institutions,
 - c. Automobile courts,
 - d. Hotels.

Subdivision 2. Height Regulations. In the residential district no building shall be hereafter erected or structurally altered to exceed 35 feet in overall height, exclusive of chimney.

Subdivision 3. Building Site Regulations. In the residential district, every building designed for the housing of one or two families, together with its accessory buildings, shall be

located on a building site in one ownership having an area of not less than 5,000 square feet per family on a lot whose minimum width shall be 50 lineal feet.

Subdivision 4. Front Yard Requirements. Each lot in the residential district shall have a front yard of not less than 25 feet.

Subdivision 5. Side Yard Requirements. Each lot in the residential district shall have two side yards, one on each side of buildings. Each side yard shall have a width of not less than five feet on lots with one story buildings. On lots with two story buildings, the side yard shall have a width of eight feet or more and on lots with two and one-half story buildings, the side yard shall have a width of at least ten feet.

On a corner lot adjacent to a key lot, the side yard on the street side of such corner lot shall have a width of not less than 25 feet.

In case a dwelling is so located on a lot that its front or rear yard faces any side lot line, the dwelling shall be not less than 25 feet from the lot line.

A church, library, museum, school or memorial building shall have a side yard of 25 feet on each side adjoining a dwelling or vacant land.

Subdivision 6. Rear Yard Requirements. Each lot in the residential district shall have a rear yard of a depth equal to 20 percent of the depth of the lot, but not less than 25 feet.

SECTION 5. REGULATIONS FOR COMMERCIAL DISTRICT.

Subdivision 1. Use Regulations in the commercial district unless otherwise provided in this ordinance, no building or land shall be used and no building shall be erected or structurally altered except for one or more of the following uses:

1. All uses permitted in the residential district, but no special use permit need be secured for any use which is permitted in the residential district upon the securing of such a permit.
2. Retail stores and shops.
3. Automobile stations for the sale of gasoline, oil and accessories, public garages.
4. Theaters, financial institutions, telephone and telegraph offices, messenger offices, professional offices.
5. Carpenter, furniture repairing and upholstery shops, book binding shops, dress making shops, shoe repairing and dyeing shops, newspaper or job printing establishments, electrical, tinsmithing, plumbing, water, gas or steam fitting shops, paint or paper hanging shops.
6. Self-service laundries.
7. Other business uses which, in the opinion of the city council, are of the same general character as the uses enumerated in this subsection and will not be obnoxious or detrimental to the district in which it is intended to be located.
8. The following uses, but only upon securing a special permit issued by the council:
 - a. Undertaking establishments.
 - b. Any drive-in business.

- c. Outdoor advertising signs and structures.

Subdivision 2. Height Regulations. In the commercial district, no building shall be erected or structurally altered to exceed 60 feet in height.

Subdivision 3. Side Yard Requirements. In the commercial district, no side yard shall be required except as follows:

- a. Dwellings shall comply with the side yard requirements of the residential district.
- b. On a corner lot adjacent to a key lot in the residential district, there shall be a side yard adjacent to the street of a width equal to not less than one-half the depth required for front yards on the lots to the rear of such corner lots.
- c. Along that side of every lot in the commercial district bounding upon property in the residential district, there shall be a side yard of a width not less than the width of a side yard required in the residential district.

Subdivision 4. Rear Yard Requirements. In the commercial district no rear yard shall be required except as follows:

- a. Buildings erected or used for dwelling purposes exclusively shall comply with the rear yard regulations of the residential district.
- b. On every corner lot in the commercial district the rear of which borders on property in the residential district, there shall be a rear yard of a depth equal to not less than twice the width of a side yard required in the residential district.

SECTION 6. REGULATIONS FOR INDUSTRIAL DISTRICT.

Subdivision 1. Use Regulations. In the Industrial district, buildings and land may be used for any of the following purposes without a use permit:

- 1. All uses permitted without a use permit in the residential and commercial districts.
- 2. All normal manufacturing operations creating no objectionable noises, fumes, smoke, deposits, odors or hazards to the health and welfare of the community.
- 3. Hauling or storage yards not potentially hazardous to the health and welfare of the community. Any junk yard or automobile wrecking yard may operate only if completely enclosed within a building or within a continuous solid fence of such height, not less than 8 feet in any case, as to screen completely the operations of the junk yard or auto wrecking plant. Plans of such building or fence shall be approved by the city council before it is erected.
- 4. The following uses, but only upon securing a special permit issued by the council:
 - a. Abattoir, acid manufacture (hydrochloric, nitric, pleric, sulphuric, sulphanous, carbolic); ammunition storage; arsenal; asphalt manufacture or refining; auto wrecking; boiler or tank works; bone distillation; bottled gas storage; cement; lime; gypsum, or plaster of

plaster of paris manufacture; chemical plants; dead animal and offal reduction; disinfectant, insecticide or poison manufacture; distillation of bones, coal, petroleum, refuse grain or wood (except in the manufacture of gas); explosives, fireworks, and gun powder manufacture or storage; fat rendering; fertilizer manufacture; foundry or metal fabricating plant; gas (illuminating or heating) manufacture or storage; glucose manufacture; glue, size or gelatin factory; grease, lard or tallow manufacture or refining from animal fat; hog farms; incineration, reduction, storage or dumping of slaughter house refuse; rancid fats, garbage, dead animals, garbage of offals, junk yard; lime cement or plaster of paris manufacture; ore reduction; petroleum or kerosene refining, distillation or derivation of by-products and/or storage; reduction, canning, processing or treatment of fish or animal products; rock crushers, scrap iron or junk storage; scrap paper or rag storage; animal slaughter; smelting of tin, copper, zinc, lead or iron ores, starch, glucose, or dextrine manufacture, steel furnace, blooming or rolling mill; stock yards; stone cutting or monument works; stone quarry, mill or crusher; sulphurous, sulphuric, nitric, pleric, carbolic or hydrochloric acid manufacture; tar distillation or manufacture; yeast plant.

- b. Any other operation potentially objectionable as injurious to the health and/or welfare of the community provided such operation is equipped with an operating means of abating such objectionable features to the satisfaction of the city council. Plans and specifications of equipment to abate said objectionable features must be approved by the city council before construction is initiated.

SECTION 8. GENERAL PROVISIONS AND EXCEPTIONS.

The regulations specified in this ordinance shall be subject to the following interpretations and exceptions regarding use:

- a. Nothing in this ordinance shall be deemed to prohibit the construction or maintenance of any stand or shelter for the sale of agricultural products produced on the premises.
- b. No filling station, public garage or gasoline distributing station shall be located within 300 feet of a school, church, hospital or public meeting place having a seating capacity of more than 50 persons.
- c. In no district shall soil, gravel, sand or other natural materials be removed or stored for building or construction purposes or excavations be made except upon securing a special permit from the City Council and upon submitting a plan of land restoration agreeable with the City Council.
- d. Nothing in this ordinance shall be deemed to prohibit the excavation of land for the purpose of constructing a basement or sewage disposal system or for the establishment of footings for buildings within the duration of the initial building permit.

SECTION 9. NON-CONFORMING USES.

Subdivision 1. Any non-conforming use other than use specified in Subdivision 2 may be continued until expiration of the time fixed by Subdivision 4, except that any non-conforming use or building may not be:

- a. Changed to another non-conforming use;
- b. Re-established after discontinuance for one year if it be a substantial building; or after discontinuance for any period in other cases;
- c. Extended;
- d. Rebuilt after damage exceeding 50 percent of its value.

Subdivision 2. No outdoor advertising structure may continue as a non-conforming use for more than one year after the effective date of this ordinance except as permitted by the council.

Subdivision 3. No non-conforming use of a building may be continued for more than ten years after the effective date of this ordinance, or, if later, beyond the end of a reasonable period for amortization of the building. In no event shall the amortization period, commencing with the completion of erection of the building, be more than;

- a. 30 years for buildings of ordinary wood frame construction;
- b. 40 years for buildings of wood and masonry construction;
- c. 50 years for buildings of other construction

SECTION 10. ADJUSTMENTS AND APPEALS.

Subdivision 1. Before making its decision upon any application for adjustment or exception to the terms of this ordinance, the city council shall hold a public hearing thereon and shall thereafter make its decision. It may attach to its grant of such application such conditions and guarantees as it deems necessary to carry out the provisions of this ordinance.

Subdivision 2. The city council shall not grant any application for adjustment or exception unless they shall find from evidence submitted by the applicant the following facts:

1. That there are special circumstances or conditions affecting the land, building or use referred to in the application;
2. That the granting of the application is necessary for the preservation and enjoyment of substantial property rights;
3. That the granting of the application will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the applicant and will not be materially detrimental to the public welfare or injurious to property improvements in the neighborhood.

SECTION 11. AMENDMENTS.

This ordinance may be amended only by a four-fifths vote of the city council after a public hearing on such amendment has been duly advertised and held. Proceedings for such

amendment may be initiated by the city council or by the verified petition of not less than 50 percent of those property owners within 300 feet of the proposed change.

SECTION 12. ENFORCEMENT

Subdivision 1. The city council shall enforce this ordinance through the proper legal channels.

Subdivision 2. Application for a building permit hereafter shall be accompanied by a plan drawn to scale showing the dimensions of the lot to build upon and the size and location of the building and accessory buildings to be erected. Applications for any kind of building permit shall contain such other information as may be deemed necessary for the proper enforcement of this ordinance.

SECTION 13. PENALTIES.

Any person who violates or fails to comply with any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not to exceed \$100.00 or by imprisonment for not to exceed ninety days for each offense. Each month the violation is permitted to exist shall constitute a separate offense.

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