

# **CITY OF SARGEANT, MINNESOTA**

## **ORDINANCE # 211**

### **AN ORDINANCE REGULATING OF LAND, THE LOCATION, BULK, HEIGHT, AND USE OF BUILDING AND THE ARRANGEMENT OF BUILDINGS ON LOTS, AND THE DENSITY OF POPULATION IN THE CITY OF SARGEANT, MINNESOTA AND PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF SUCH REGULATIONS.**

THE CITY COUNCIL OF SARGEANT ORDAINS;

#### **ARTICLE 1. DEFINITIONS**

10.01 DEFINATIONS. For the purpose of this ordinance the terms defined in this Article have the meanings given them:

10.02 ACCESSORY USE OR STRUCTURE: A use or structure on the same lot with, and incidental and subordinate to, the principal use or structure.

10.03 DWELLING. ONE FAMILY: A building used exclusively for occupancy by one family.

10.04 DWELLING. TWO FAMILY: A building used exclusively for occupancy by two families living independently of each other.

10.05 DWELLING MULTIPLE: A building or portion thereof used for occupancy by three or more families living independently of each other daily.

10.06 DWELLING UNIT: A dwelling or portion of a dwelling or an apartment or hotel used by one family for cooking, living, and sleeping.

10.07 FAMILY: One or more persons occupying a premises and living as a single, nonprofit housekeeping unit, as distinguished from a group occupying a hotel, club, fraternity or sorority house. A family includes necessary servants.

10.08 HEIGHT OF BUILDING: The vertical distance from the average elevation of the finished grade at the front of the building to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

10.09 HOME OCCUPATION: A lawful occupation customarily carried on by a resident of a dwelling as an accessory use within the same dwelling.

10.10 JUNK YARD: Land or structures used for the storage of keeping junk, including scrap metal, or for the dismantling or "wrecking" of automobiles or other vehicles or machinery, other than the storage of materials which is incidental or accessory to any business or industrial use of the same lot.

10.11 LOT: A single parcel of land (located within a block, if in a platted area) which, at the time of application for a permit for a building on the land designated by its owner or developer as a parcel, or be used, developed, or built upon as a unit under single ownership or control. A lot may or may not coincide with a lot record.

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

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

10.14 NONCONFORMING STRUCTURE OR USE: A structure or use lawfully in existence on the effective date of this ordinance or any amendment thereto and not conforming to the regulations for the district in which it is situated.

10.15 STORY: That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, than the space between the floor and ceiling next above it.

10.16 STORY-HALF: That portion of the building under a Gable, Hip or Gambrel roof, the wall plates of which, on at least two opposite exterior walls, are not more than two feet above the floor of such story.

10.17 STRUCTURE: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

10.18 STRUCTURE ALTERATION: Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

10.19 YARD: An open space other than a court which open space is unoccupied and unobstructed from the ground upward, except as otherwise provided in this ordinance.

10.20 YARD, FRONT: A yard extending across the front of the lot between side lots and lying between the front street line and the nearest line of the principal building.

10.21 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 principle building.

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

## **ARTICLE 2. ZONING DISTRICT AND DISTRICT REGULATIONS**

ESTABLISHING OF DISTRICTS: For the purpose of this ordinance, the city of Sargeant is divided into the following use districts:

(A). COMMERCIAL DISTRICT: All the platted or unplatted land in the City of Sargeant not designated as industrial or residential. A map shall be on permanent file and available for public inspection in the city hall.

(B). RESIDENTIAL DISTRICT: All the platted or unplatted land in the City of Sargeant not designated as industrial or commercial. Any land annexed to the city in the future shall be placed in the residential district until special action of the city council, hereinafter provided, shall definitely assign such land to another use.

(C). INDUSTRIAL DISTRICT: All the platted or unplatted land in the City of Sargeant not designated as commercial or residential. A map shall be on permanent file and available for public inspection in the city hall.

### **ARTICLE 3. PERMITS REQUIRED:**

Any person or persons desiring to construct, reconstruct, or move a building or structure upon premises it was not previously located upon, shall, before any work is begun, make application to the City Council of the City of Sargeant for a permit and shall deposit with the city clerk the sum of \$15.00 when application is made. Any person or persons desiring to alter, remodel, make additions to, or structural change of, a building or structure, including: homes, garages, additions, utility sheds, decks and pole sheds, before any work has begun, make application to the City of Sargeant for a permit, and shall deposit with the city clerk the sum of \$15.00 when application is made. All applications shall be accompanied by plans and specifications showing the construction, re-construction, alteration, addition, or movement of the building or structure, intended to take place.

If requested; all applicants shall appear at the city council meeting at which their permit application is considered in order to answer questions of the city council and to explain the work to be done. The work permitted to be done upon the building or structure or addition shall be limited to the activities required to complete the project as shown in the plans and specifications accompany the application, and as stated to the city council at its meeting. Any change from the plans and specs attached to the permit shall require a new permit application.

No building shall be moved onto a site whether in sections or one piece without first receiving a building permit. The application for permit must be accompanied by no less than four photographs of four different sides of the building moved. The building must be sided with new unused materials or be in a state of good repair such as to match surrounding structures. Roofing materials must be a good state of repair and must match roofing material of the surrounding buildings. A good state of repair is to mean: materials showing no physical evidence of damage or structural defect or deterioration or lack of paint, stain, or exterior finish.

Requests for moving in a building that is repairable to the point of good repair may be done only if repairs be made within thirty days of placement of building anywhere on site. Failure to complete repairs in thirty days will constitute a violation and revocation of the building permit and the building must then be removed from the site on the thirty first day after placement anywhere on the building site.

New factory packaged or prefabricated buildings or buildings built upon the site and made of all new materials are not subject to this section but shall require the issuance of a building permit.

No utility shed, outbuilding, and or garage shall be moved on to a site or built on site, unless there is a residence on the residential zoning district.

### **ARTICLE 4. REGULATIONS FOR RESIDENTIAL DISTRICT**

4.01 USE REGULATIONS. In the residential district, unless otherwise provided in this ordinance, no building or land shall be used an no building shall hereafter be erected or structurally altered except for one or more of the following used:

1. One or two family dwellings excepting mobile homes unless their location is approved under 4.01, (7), hereunder; accessory buildings to family dwellings; business shall be conducted therein except those conducted incidentally and solely for guests and to which entrance can be made only from the outside of the building.

2. Farming or truck gardening; plant nurseries or green houses.

3. Park and playgrounds.

4. Churches, libraries, schools, clubs and lodges.

5. Boarding and lodging houses. A boarding or lodging house shall be designated as a structure in which one or more rooms are rented out to persons who are not members of the immediate family of the normal occupant, whether or not meals are approved to such tenants, in a dwelling as an incidental use to that of its occupancy as a dwelling. A facility commonly known as a "Bed and Breakfast Inn" shall be considered a lodging or boarding house and allowed in the residential district.

6. The following uses, but only upon securing a special permit if the city council determines it will not materially affect adversely the health, safety or property of persons residing in the area.

A. Hospitals, clinics, dental offices or other buildings used for the treatment of human ailments.

B. Other professional offices in hoes used incidentally in the carrying out of a business conducted away from the home.

C. Home occupations as defined and further regulated in the next succeeding paragraph.

7. The principal residential building of any lot located in the residential district shall conform to the following regulations.

A. The maximum width and/or length of such building, excluding its garage, screened porches, patios, decks, breezeway, or other seasonal use portions thereof, shall be not less than 30 feet, and the other dimension thereof, be it width or length, shall not be less than 20 feet.

B. Such building shall be permanently attached to a permanent foundation constructed of concrete, cement block or threated wood, for the full perimeter of the structure and set below the frost line.

8. One or more mobile homes subject to approval of the location and a license granted by the city council as a part of a planned manufactured/mobile home park. A Planned manufactured/mobile home park is intended to be exclusively for residential use of mobile homes. The council may impose such other conditions, requirements or limitations concerning the design, development, and operation of such manufactured/mobile home park as it may deem necessary for the property of adjacent properties and the public interest. Additionally, on-site construction may be allowed in any planned park provided it is done in accordance with this ordinance.

**4.02 HEIGHT REGULATIONS.** In the residential district, no building shall hereafter be erected or structurally altered to exceed thirty-five (35) feet or two and one-half (21/2) stories in height.

#### **4.03 AREA REGULATIONS.**

**1. 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 lot in one ownership having an area of not less than 5000 sq. feet.

**2. FRONT YARD REQUIREMENTS.** Each lot in the residential area shall have a front yard of not less than twenty (20) feet, except that where on one side of the street between two intersection streets there are already buildings, no building shall hereafter be erected or extended so as to project beyond a line drawn between the nearest front of the first adjacent building on each side. Where this rule works a hardship because of the unusual placing of the older buildings or the curved line of the street, the city council shall decide the depth of the front yard.

**3. SIDE YARD REQUIREMENTS.** Each lot in the residential district shall have two side yards, one on each side of the building. For each dwelling hereafter erected or structurally altered which does not exceed one and one-half stories, each side yard shall have a width not less than five (5) feet. For every such dwelling which has more than one and a half stories, each side yard have a width of not less than ten (10) feet.

**4. REAR YARD REQUIREMENTS.** Each lot in the residential district shall have a rear yard of not less than twenty (20) feet for the principal structure, and not less than five (5) feet for garages, sheds or other allowed structures.

**5. OVERHANG INCLUDED.** The distance limitations provided for this section 4.03 shall be measured from the outside edge of any overhang or other building protrusions extending from the main portions or such structures. Where this rule works a hardship because of size, the city council shall decide distance.

**6. ON A CORNER LOT IN RESIDENTIAL DISTRICT.** Nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of 3 and 10 feet above the centerline grades or the intersecting streets in the area bounded by the street lines and the lots and a line joining points along the street lines 50 feet from the point of intersection.

**7. OFF-STREET PARKING.** For any dwelling, there is no long term (day in day out) parking on the city streets. No parking where it does not allow for two vehicles to meet on street. No Parking on streets during snow removal, road grading or road maintenance being done. If in violation, vehicles will be towed at owner's expense.

## **ARTICLE 5. REGULATIONS FOR COMMERCIAL DISTRICT.**

1. In the Commercial District, unless otherwise provided in the ordinance, no building or land shall be erected, moved in, or structurally altered except for one or more of the following uses:
  - A. All uses permitted in the residential districts.
  - B. Retail shops and stores.
  - C. Automobile and farm implement stations for the sale of gas, oil and accessories.
  - D. Theaters, financial institutions, telephone and telegraph offices, professional offices.
  - E. Carpenter, furniture, repairing or upholstering shops, dress making shops, shoe repairing and dyeing shops, newspaper or job painting establishments, electrical or metal working, tin smithing, plumbing, water, gas, or steam fitting shops, paint or paper hanging shops.
  - F. Other business uses which in the opinion of the city council, following review, 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 located.
2. **Height Regulation.** In the Commercial District, no building shall hereafter be erected or structurally altered to exceed sixty (60) feet in height.
3. **Fencing requirements.** From and after enactment of this ordinance, as a condition of issuing a building permit for construction on any lot or lots in the commercial district which abut or are adjacent to the

residential district, the city council shall have the authority, as condition of issuing the building permit, to require the applicant to erect a fence or other appropriate screening structure upon the lot in the commercial district, for the purpose of screening from view the activities of the business being conducted in the commercial district and further for screening from view any materials, good, or items stored, kept for moved upon and from the property in the commercial district.

## **ARTICLE 6 REGULATIONS FOR INDUSTRIAL DISTRICT.**

- 1. Use regulations.** In the Industrial District, buildings, and land may be used for any use not prohibited by law; provided, however, that none of the following uses shall be established in the Industrial District until a special use permit in each case, shall first have been secured for such use:
  - A. Distillation of bones.
  - B. Garbage, offal or dead animal reduction or dumping
  - C. Fat rendering.
  - D. Livestock feeding.
  - E. Stock yards or slaughter of animals.
  - F. Junk yard/salvaged yard.
  - G. Toxic or hazardous waste dump or receiving stations, garbage or refuse storage of collection.
- 2. Height Regulations.** In the Industrial District, height regulations shall be the same as those prescribed by the ordinance for commercial district.

## **ARTICLE 7. SIGN, BILLBOARDS, AND EXTERIOR GRAPHIC DISPLAYS.**

1. The purpose and intent of this article is to protect and promote the welfare, safety, order and beauty of Sargeant by setting reasonable standards and regulations for outdoor advertising signs, symbols, markings, and devices intended for visual communications.
2. No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a land use permit – except those signs excepted below and without being in conformity with the provisions of this ordinance.
  - A. Signs over show windows or doors of a non-conforming business establishment announcing without display or elaboration only the names and occupation of the proprietor and not to exceed two feet in height and ten feet in length.
  - B. Real estate signs not to exceed eight (8) square feet in area which advertise the sale, rental or lease of the premises upon which said signs are temporarily located.
  - C. Name, occupation and warning signs not to exceed two square feet located on the premises.
  - D. Bulletin boards for public, charitable or religious institutions not to exceed twenty square feet in area located on premises.
  - E. Memorial signs, tablets, names of building and date of erection when cut into any masonry surface or when constructed or metal and affixed flat against a structure.
  - F. Official signs, such as traffic control, parking restrictions, information and notices.
  - G. Temporary signs or banners when authorized by the City Council.
3. Signs are permitted in all districts subject to the following restrictions.

- A. Wall signs placed against the exterior walls of buildings shall not extend more than six inches outside of a building's wall surface, shall not exceed 500 square feet in area for any one premises and shall not exceed 20 feet in height above the mean centerline street grade.
  - B. Projecting signs fastened to, suspended from, or supported by structures shall not exceed 100 square feet in area for any one premises, shall not extend more than six feet into any required yard, shall not extend into any public-of-way, shall not be less than ten feet from all side lot centerlines street grad, and shall not be less than ten feet above the sidewalk nor fifteen feet above a driveway or an alley.
  - C. Ground signs shall not exceed twenty feet in height above the mean centerline street grade, shall meet all yard requirements for the district in which it is located, shall not exceed 100 square feet on one side nor 200 square feet on all sides for any premises.
  - D. Roof signs shall not exceed ten feet in height above the roof, shall meet all the yard and height requirements for the district in which it is located, and shall not exceed 300 square feet on all sides for one premises.
  - E. Window signs shall be placed only on the inside of commercial building and shall not exceed twenty-five percent of the glass area of the pane upon which the sign is displayed.
  - F. Combination of any of the above signs shall meet all requirements for the individual sign.
4. Signs shall not resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs, signals, or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from a door, window or fire escape, and no sign shall be attached to a standpipe or fire escape. No sign shall be placed so as to obstruct or interfere with traffic visibility.
  5. Signs lawfully existing at the time of the adoption or amendment of this ordinance may be continued although the use, size or location does not conform with the provisions of this ordinance.

## **ARTICLE 8: NON-CONFORMING USES.**

1. **Present uses** of building and premises may be continued even though they do not conform to the restrictions of this ordinance. However, structural repairs or alterations of such buildings or premises shall not exceed fifty percent of their assessed value at the time they become non-conforming unless a building or premise conforming to this ordinance results. Any non-conforming use that is abandoned shall be discontinued permanently.
2. **Maintenance:** All signs shall be constructed to be safe and substantial and must be maintained in good repair, signs deemed to be unsafe, in poor repair, or a hazard, to pedestrian or vehicular traffic, or a nuisance as determined by the city council shall be improved so as to comply with these provisions within thirty (30) days of notification from the council or they will be removed at owner's expense.
3. **Permit required.** Prior to the erection, construction, moving upon the premises, or replacement of any sign, the person doing such erection, construction, moving or replacement shall obtain a signed permit approved by the city council authorizing such placement. A fee for each permit issued shall be paid to the City of Sargeant, at the time of making application for the permit, in the amount of fifteen dollars

(\$15). All applications for permits shall be accompanied by plans and specifications for the requested sign.

**ARTICLE 9: PENALTY**

1. Any person who violates any provisions of this ordinance shall be subject to a fine of not less than \$15.00 or more than \$200.00, plus the cost of prosecution, or by imprisonment in the county jail for a term of not more than 30 days, or until such judgement is paid. Every day of violation shall be a separate offense.

**ARTICLE 10: AMENDMENTS**

The City Council may amend this ordinance following the procedures prescribed by Minnesota Statutes, Chapter 559, Laws 1959, Section 462.01

**ARTICLE 11: SEPARABILITY**

Invalidation of any part of this ordinance by a court shall not invalidate the rest of the ordinance.

**ARTICLE 12: ANNEXATON**

All territory annexed by the city shall become part of the residential district until definite boundaries and regulations are recommended by the city council, and adopted by the City Council.

**ARTICLE 13: EFFECTIVE DATE**

This ordinance shall be in forced from and after its passage, approval, publication and recording according to law.

**ADOPTED BY THE CITY COUNCIL OF SARGEANT THIS 29<sup>th</sup> DAY OF SEPTEMBER, 2020.**

**ATTEST**

**Jennifer Winsky**  
Jennifer Winsky, City Clerk

**James Jensen**  
James Jensen, Mayor

**CITY OF SARGEANT, MINNESOTA  
MOWER COUNTY**