

CHAPTER 462

PLANNING AND ZONING

462.01 MUNICIPALITIES MAY PASS ZONING ORDINANCE.

HISTORY. 1929 c. 176 s. 1; 1935 c. 235 s. 1; 1935 c. 376 s. 1; M. Supp s. 1933-42.

The justification for a zoning ordinance lies in the police power exerted in the public interest, and the legislature may not unreasonably and arbitrarily restrict the use of private property. Neither may it permit a use of property which unreasonably and arbitrarily infringes the rights of others, as by the creation of a nuisance. *Gunderson v Anderson*, 190 M 245, 251 NW 515.

If the reasonableness of a zoning ordinance is debatable, the courts will not interfere with the discretion which is primarily the legislature's; but the court is free to find and determine the facts upon which the reasonableness of a zoning ordinance depends, and if upon the facts so found the ordinance is determined to be unreasonable and arbitrary or discriminatory, it is beyond the legislative exercise of the police power and is void. *Gunderson v Anderson*, 190 M 245, 251 NW 515.

A zoning ordinance attempting to permit the maintenance of a funeral home near residences is unreasonable and arbitrary, and void. *Gunderson v Anderson*, 190 M 245, 251 NW 515.

A zoning ordinance may not be enacted for a mere aesthetic purpose. OAG Feb. 8, 1932.

A zoning ordinance passed where a majority voting on such specific question favored it, though the election was held at the same time as the general city election and the proposition was contained on the same ballot, though there was not a majority of all the persons voting at the general election. OAG May 3, 1935 (59a-32).

A zoning ordinance may be adopted in a city of the second class without a vote of the electors. OAG Oct. 6, 1935 (59a-32).

A zoning ordinance for gasoline filling stations is unreasonable and invalid. OAG May 25, 1936 (477b-10).

Any village may pass a zoning ordinance forbidding the construction of a filling station within a residence district. OAG Sept. 10, 1936 (477b-10).

Village may pass an ordinance governing the kind of material to be used in the construction of a building, requiring plumbers, plasterers, and electricians to have a license from the village, regulate the height of ceilings, so long as the regulation tends to protect health, safety, and comfort. OAG Jan. 22, 1937 (477b-11).

The filing of an application for a permit to construct a filling station gives such person no such right as will prevent the amendment of an ordinance prohibiting filling stations, unless such person does something of a substantial character toward the construction of the station before the enactment of new zoning ordinance. OAG Dec. 7, 1937 (59a-32).

Village council may adopt an ordinance regulating the location, size, and use of buildings to be erected, and in order to ascertain whether any proposed building complies with the ordinance, may require building permits to be obtained from the council. OAG April 25, 1938 (471e).

In the absence of an ordinance regulating the construction of buildings, it is not necessary that one obtain a permit before erecting a building. OAG April 25, 1938 (471e).

A village may not fix the minimum cost of buildings to be erected in the village. OAG Oct. 13, 1938 (477b-3).

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A proposal under this act may be submitted at a special election called for that purpose to be held on the same date as the state-wide primary election. OAG May 23, 1930.

Where the city charter gave the council power to adopt a zoning ordinance, it was not necessary to again submit the matter to the voters under this section. OAG Feb. 18, 1931.

The entire ordinance should be published verbatim, and not merely a synopsis thereof. OAG May 20, 1932.

A zoning ordinance prohibiting a person from use of neon lights on his own home would be of doubtful validity unless the lights was per se a nuisance. 1942 OAG 239, July 21, 1942 (477b-34).

462.02 ENFORCEMENT.

HISTORY. 1929 c. 176 s. 2; M. Supp. s. 1933-43.

The erection of a radio pole and wires such as are in use as part of a residential establishment and not used commercially are not the subject of proper interference by zoning ordinances. Village of St. Louis Park v Casey, 218 M 394, 16 NW(2d) 459.

462.03 POWERS ADDITIONAL TO EXISTING LAWS.

HISTORY. 1929 c. 176 s. 3; M. Supp. s. 1933-44.

462.04 APPLICATION.

HISTORY. 1929 c. 176 s. 4; 1931 c. 163; M. Supp. s. 1933-45.

462.05 BUILDING AND ZONING REGULATIONS.

HISTORY. Ex. 1936 c. 35 s. 1; M. Supp. s. 1664-91.

Where a zoning ordinance is passed, but before it goes into effect state officers grant a permit under the old code, the right to construct the building depends upon whether any substantial part of the building is constructed before the new ordinance goes into effect. OAG July 24, 1936 (59a-32).

Zoning ordinance would not prevent condemnation of a right of way by a railroad. See as to play grounds. OAG Oct. 2, 1944 (817f).

462.06 MAY ENFORCE REGULATIONS.

HISTORY. Ex. 1936 c. 35 s. 2; M. Supp. s. 1664-92.

462.07 POWERS ADDITIONAL TO EXISTING LAWS.

HISTORY. Ex. 1936 c. 35 s. 3; M. Supp. s. 1664-93.

462.08 RESIDENCE DISTRICTS DESIGNATED.

HISTORY. 1913 c. 98 s. 1; G.S. 1913 s. 1581; G.S. 1923 s. 1569; M.S. 1927 s. 1569.

Prohibiting the owner from erecting a store building upon land within a residential district cannot be sustained as a legitimate exercise of the police power, and is an unlawful invasion of the rights secured to him by the constitution. State ex rel v Houghton, 134 M 226, 158 NW 1017.

There is no distinction between the rule governing store buildings and four-family buildings in a residence district. State ex rel v City of Minneapolis, 136 M 479, 162 NW 477.

In a city of the first class, a residence district having been established, one asking permission to erect a factory therein has the burden to show that the proposed industry will not impair or seriously interfere with a proper enjoyment of the property in such district for residential purposes. State ex rel v Houghton, 142 M 28, 170 NW 853.

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The zoning ordinance of Minneapolis excluding a four-family flat building from a restricted residence district, is constitutional. *State ex rel v Houghton*, 164 M 146, 204 NW 569.

Courts will hesitate to invalidate an ordinance which has been in operation and unchallenged for 13 years and under which valuable rights have accrued, which would be destroyed if the ordinance were held invalid. *State v Modern Box Makers*, 217 M 41, 13 NW(2d) 731.

Zoning defined. Zoning restrictions attach to and run with the land. *Orme v Atlas*, 217 M 27, 13 NW(2d) 757.

Aesthetics in zoning. 14 MLR 109.

462.09 RESIDENCE DISTRICTS IN CITIES NOT UNDER HOME RULE CHARTERS.

HISTORY. 1913 c. 420 s. 1; G.S. 1913 s. 1582; G.S. 1923 s. 1571; M.S. 1927 s. 1571.

462.10 DESIGNATION OF INDUSTRIAL DISTRICTS.

HISTORY. 1913 c. 420 s. 2; G.S. 1913 s. 1583; G.S. 1923 s. 1572; M.S. 1927 s. 1572.

462.11 CHANGE OF DISTRICTS.

HISTORY. 1913 c. 420 s. 3; G.S. 1913 s. 1584; G.S. 1923 s. 1573; M.S. 1927 s. 1573.

462.12 RESTRICTED RESIDENCE DISTRICTS.

HISTORY. 1915 c. 128 s. 1; 1923 c. 133 s. 1; G.S. 1923 s. 1618; 1925 c. 122 s. 1; M.S. 1927 s. 1618; 1931 c. 290 s. 1; M. Supp. s. 1618; 1943 c. 246 s. 1.

The zoning ordinance of Minneapolis excluding a four-family flat building from a restricted residence district, is constitutional. *State ex rel v Houghton*, 164 M 146, 204 NW 569.

The building restrictions imposed under Laws 1915, Chapter 128, were not affected by the zoning law, Laws 1921, Chapter 217, and Laws 1923, Chapter 364, and the ordinance adopted thereunder; and such restrictions are in full force and effect. *State ex rel v Houghton*, 182 M 77, 233 NW 831.

462.13 COUNCIL GIVEN RIGHT OF EMINENT DOMAIN.

HISTORY. 1915 c. 128 s. 2; G.S. 1923 s. 1619; M.S. 1927 s. 1619; 1931 c. 290 s. 2; M. Supp. s. 1619.

462.14 APPRAISAL OF DAMAGE.

HISTORY. 1915 c. 128 s. 3; 1919 c. 297; G.S. 1923 s. 1620; 1925 c. 122 s. 2; M.S. 1927 s. 1620; 1931 c. 290 s. 3; M. Supp. s. 1620.

462.15 MAPS, PLATS, AND LISTS OF DISTRICTS MADE AND FILED; ASSESSMENT OF TAXES ON PROPERTY.

HISTORY. 1915 c. 128 s. 4; G.S. 1923 s. 1621; 1925 c. 122 s. 3; M.S. 1927 s. 1621.

462.16 POWER TO ENACT ORDINANCES FOR ENFORCEMENT OF RIGHTS GIVEN TO COUNCIL.

HISTORY. 1915 c. 128 s. 5; G.S. 1923 s. 1622; M.S. 1927 s. 1622.

462.17 BUILDINGS DECLARED A NUISANCE.

HISTORY. 1915 c. 128 s. 6; G.S. 1923 s. 1623; M.S. 1927 s. 1623.

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462.18 HEIGHT OF BUILDINGS REGULATED IN CITIES OF FIRST CLASS.

HISTORY. 1921 c. 217 s. 1; 1923 c. 364 s. 1; G.S. 1923 s. 1614; 1925 c. 284 s. 1; M.S. 1927 s. 1614; 1937 c. 239 s. 1; M. Supp. s. 1614.

The making of an opening ten feet square through the wall of a public garage, not indicated on the plans filed with the inspector of buildings upon which the building permit was issued is a change in the structural part of the building, and therefore prohibited by section 15 of the building ordinance of Minneapolis, unless the written consent of the inspector of buildings is first obtained. *State v Kaplan*, 157 M 446, 196 NW 648.

The mere fact that a zoning ordinance is harsh and seriously depreciates the value of property is not enough to establish invalidity. *American Wood Prod. Co. v Minneapolis*, (DC-Minn) 21 F(2d) 440, affirmed 35 F(2d) 657.

An ordinance passed under this section creating multiple dwelling district and prohibiting the enlargement of factories erected therein is valid. *American Wood Prod. Co. v Minneapolis* (CCA8) 35 F(2d) 657, affirming 21 F(2d) 440.

Minneapolis had power to fix setback lines in a zoning ordinance. Setback lines may cast an uncompensated burden on property, under the police power. *State ex rel v Houghton*, 171 M 231, 213 NW 907.

The action of the city council in vacating a granted permit to erect a building in disregard of a setback line was not arbitrary or unlawful. *State ex rel v Houghton*, 171 M 231, 213 NW 907.

The refusal of the building inspector to permit the repair of a building, damaged by fire, and deterioration to the extent of more than 50 per cent of a similar new building, rested upon a sufficient fact basis, as shown by undisputed facts. *Zalk & Josephs Realty Co. v Stuyvesant Ins. Co.* 191 M 60, 253 NW 8.

Where a block consists in part of "commercial" and residence "B" zones under the St. Paul building and zoning ordinance, the owner of a building in the commercial zone may erect an addition to his building. *Morse v Wind*, 211 M 356, 1 NW(2d) 369.

A zoning ordinance cannot impair the contractual obligations created by a conveyance restriction accepted by the owner when he purchased the lot. *Strauss v Ginsberg*, 218 M 57, 15 NW(2d) 130.

462.19 MAY PASS ORDINANCES FOR ENFORCEMENT.

HISTORY. 1923 c. 364 s. 2; G.S. 1923 s. 1615; M.S. 1927 s. 1615.

462.20 IN ADDITION TO EXISTING POWERS.

HISTORY. 1923 c. 364 s. 3; G.S. 1923 s. 1616; M.S. 1927 s. 1616.

462.21 GRANT OF POWER.

HISTORY. 1929 c. 340 s. 1; M. Supp. s. 1617-1.

462.22 BOARD OF ADJUSTMENT.

HISTORY. 1929 c. 340 s. 2; M. Supp. s. 1617-2.

462.23 APPLICATION.

HISTORY. 1929 c. 340 s. 3; M. Supp. s. 1617-3.

462.24 CITY PLANNING COMMISSIONS TO CONTROL PLATTING.

HISTORY. 1933 c. 93 s. 2; M. Supp. s. 8246-3.

462.25 DEFINITIONS.

HISTORY. 1933 c. 93 s. 1; M. Supp. s. 8246-2.

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462.26 JURISDICTION.

HISTORY. 1933 c. 93 s. 3; M. Supp. s. 8246-4.

462.27 PLATS MUST BE APPROVED BY COMMISSION.

HISTORY. 1933 c. 93 s. 4; M. Supp. s. 8246-5.

462.28 MAY ADOPT REGULATIONS.

HISTORY. 1933 c. 93 s. 5; M. Supp. s. 8246-6.

462.29 MUST APPROVE PLAT WITHIN 45 DAYS.

HISTORY. 1933 c. 93 s. 6; M. Supp. s. 8246-7.

462.30 NOT TO SELL UNTIL PLAT IS APPROVED.

HISTORY. 1933 c. 93 s. 7; M. Supp. s. 8246-8.

462.31 PLATS MUST BE APPROVED BEFORE FILING.

HISTORY. 1933 c. 93 s. 8; M. Supp. s. 8246-9.

462.32 STREET IMPROVEMENTS.

HISTORY. 1933 c. 93 s. 9; M. Supp. s. 8246-10.

462.33 BUILDING RESTRICTIONS.

HISTORY. 1933 c. 93 s. 10; M. Supp. s. 8246-11.

462.34 EXCLUSIVE.

HISTORY. 1933 c. 93 s. 11; M. Supp. s. 8246-12.

462.35 MAY APPEAL TO DISTRICT COURT.

HISTORY. 1933 c. 93 s. 12; M. Supp. s. 8246-13.

NEIGHBORHOOD REDEVELOPMENT ACT

462.41 CITATION.

HISTORY. 1945 c. 493 s. 1.

462.42 URBAN CONDITIONS; PURPOSE.

HISTORY. 1945 c. 493 s. 2.

462.43 DEFINITIONS.

HISTORY. 1945 c. 493 s. 3.

462.44 DEVELOPMENT COMMISSION; MEMBERS; SECRETARY; COMPENSATION.

HISTORY. 1945 c. 493 s. 4.

462.45 POWERS; QUORUM; DOCUMENTS.

HISTORY. 1945 c. 493 s. 5.

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462.46 NEIGHBORHOOD REDEVELOPMENT CORPORATIONS.

HISTORY. 1945 c. 493 s. 6.

462.47 PROCEDURE.

HISTORY. 1945 c. 493 s. 7.

462.48 FILING; CERTIFICATE.

HISTORY. 1945 c. 493 s. 8.

462.49 RIGHTS, POWERS, AND PRIVILEGES.

HISTORY. 1945 c. 493 s. 9.

462.50 PROHIBITIONS.

HISTORY. 1945 c. 493 s. 10.

462.51 NAME REQUIREMENTS.

HISTORY. 1945 c. 493 s. 11.

462.52 TAXATION.

HISTORY. 1945 c. 493 s. 12.

462.53 SUBJECT TO BUSINESS CORPORATION ACT.

HISTORY. 1945 c. 493 s. 13.

462.54 PREREQUISITES TO ACQUISITION OF REAL ESTATE.

HISTORY. 1945 c. 493 s. 14.

462.55 PROCEDURE BY REDEVELOPMENT COMMISSION.

HISTORY. 1945 c. 493 s. 15.

462.56 PROCEDURE IN DISTRICT COURT.

HISTORY. 1945 c. 493 s. 16.

462.57 PETITION FOR EXTENSION; HEARING AND ORDER.

HISTORY. 1945 c. 493 s. 17.

462.58 STATEMENT; CONTENT; TIME; FILING.

HISTORY. 1945 c. 493 s. 18.

462.59 PREFERENCE SHARES.

HISTORY. 1945 c. 493 s. 19.

462.60 AMENDMENT; CONDITIONS.

HISTORY. 1945 c. 493 s. 20.

462.61 CHARGED WITH PERFORMANCE OF.

HISTORY. 1945 c. 493 s. 21.

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462.62 CESSATION OF SUPERVISION.

HISTORY. 1945 c. 493 s. 22.

462.63 SUPERVISION BY AND DUTIES OF COMMISSION.

HISTORY. 1945 c. 493 s. 23.

462.64 INVESTIGATION; TESTIMONIAL IMMUNITY.

HISTORY. 1945 c. 493 s. 24.

462.65 HEARINGS; SUBPOENAS; SERVICE; FEES.

HISTORY. 1945 c. 493 s. 25.

462.66 APPEAL TO DISTRICT COURT; PROCEDURE.

HISTORY. 1945 c. 493 s. 26.

462.67 APPEALS TO SUPREME COURT.

HISTORY. 1945 c. 493 s. 27.

462.68 DUTY OF CITY ATTORNEY.

HISTORY. 1945 c. 493 s. 28.

462.69 STAYS; SUSPENSIONS OF PROCESS.

HISTORY. 1945 c. 493 s. 29.

462.70 MANDAMUS OR INJUNCTION.

HISTORY. 1945 c. 493 s. 30.

462.71 APPEALS TO SUPREME COURT.

HISTORY. 1945 c. 493 s. 31.

467.72 ZONING AND PLANNING TO CONTROL.

HISTORY. 1945 c. 493 s. 32.

462.73 PROSPECTIVE DETERMINATION OF DEVELOPMENT COST.

HISTORY. 1945 c. 493 s. 33.

462.74 ISSUANCE OF SHARES OR EXECUTION OF MORTGAGE DEEMED A SPECIAL PRIVILEGE.

HISTORY. 1945 c. 493 s. 34.

462.75 CONSENT TO ISSUANCE OF SHARES OR EXECUTION OF MORTGAGE.

HISTORY. 1945 c. 493 s. 35.

462.76 VOID ISSUANCE OF SHARES OR EXECUTION OF MORTGAGE.

HISTORY. 1945 c. 493 s. 36.

462.77 AUTHORIZED INVESTMENTS.

HISTORY. 1945 c. 493 s. 37.

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462.78 CONDEMNATION PROCEEDINGS; PREREQUISITES; CONDITIONS.

HISTORY. 1945 c. 493 s. 38.

462.79 CITY PLANNING COMMISSION MAY BE DESIGNATED.

HISTORY. 1945 c. 493 s. 39.

**462.80 CITY OF FIRST CLASS; DETERMINATION OF BLIGHT AREA;
PROCEDURE.**

HISTORY. 1945 c. 493 s. 40.

462.81 GIFT; FORFEITED TAX PROPERTY.

HISTORY. 1945 c. 493 s. 41.