

## ORDINANCE 221

### **ORDINANCE REPEALING PRIOR ZONING ORDINANCES AND ENACTING A COMPREHENSIVE ZONING ORDINANCE; PROVIDING FOR PROCEDURES AND PENALTIES FOR VIOLATIONS THEREOF** **AN ORDINANCE REPLACES IN ENTIRETY ORDINANCE 216**

#### **THE CITY COUNCIL OF THE CITY OF SCANLON DOES HEREBY ORDAIN:**

**TITLE:** This ordinance shall be known and referred to as the City of Scanlon, Minnesota Zoning Ordinance.

#### **ARTICLE 1.**

**Section 1: REPEALER.** This ordinance repeals the following City of Scanlon, Minnesota ordinances:

(1) Ordinance No. 174 entitled “An Ordinance Establishing a Zoning Plan for the City of Scanlon by Dividing the City into Districts and therein Regulating the Use of Land and Buildings, the Arrangement of Buildings on Lots, and the Density of Population: Providing for the Administration and Enforcement of this Ordinance.

(2) Ordinance No. 174a, an ordinance deleting several previous zoning ordinances and establishing a comprehensive ordinance regulating sexually oriented businesses, etc.

(3) Ordinance No. 167, an Ordinance amending Ordinance No. 108, Article 5 and Article 6 and adding Section no. 6 to Article 5.

#### **ARTICLE 2. PURPOSE**

Section 1. Pursuant to the authority conferred by the State of Minnesota in Chapter 462 of the State Statutes this Ordinance is adopted to:

1. Protect and promote the public health, safety and general welfare of the community.
2. Classify properties into zones and districts reflecting their peculiar suitability for particular uses.
3. Guide future land development to insure a safer, more pleasant and more economical environment of residential, commercial, industrial, and public activities.
4. Regulate the location, construction, alteration, and use of buildings, structures, and land.
5. Provide for sequential planned development that will allow the efficient and orderly expansion of utility systems without premature urbanization of existing undeveloped land.
6. Preserve the unique character and individuality of the city’s historic growth pattern.
7. Conserve the area’s unique natural resources and maintain high standards of environmental quality.
8. Conserve the natural and scenic beauty and attractiveness of the roadside areas.
9. Insure adequate light, air, privacy, and convenience of access to property.

10. Facilitate adequate transportation, water, sewage disposal, education, recreation, and other public facilities and requirements.

A. Findings of the City Council Regarding Sexually Oriented Businesses. The City Council of the City of Scanlon makes the following findings regarding the effect sexually-oriented businesses have on the character of the City. The findings are based on the City council's study of experience of other urban areas in the nation where sexually-oriented businesses are located.

(a) Sexually-oriented businesses can exert a dehumanizing influence on persons attending places of worship, children attending licensed day care, homes, persons using public parks, and children and other persons attending public schools.

(b) Sexually-oriented businesses can contribute to an increase in criminal activity in the area where such businesses are located taxing local law enforcement services.

(c) Sexually-oriented businesses can significantly contribute to the deterioration of residential neighborhoods and can impair the value of the residential housing in the area in which businesses are located.

(d) The concentration of sexually-oriented businesses in one area can have a substantially detrimental effect on the area in which such businesses are concentrated and on the overall quality of urban life. A cycle of decay can result from the influx and concentration of sexually-oriented businesses the presence of such businesses is perceived by others as an indication that the area is deteriorating and the results can be devastating as other businesses and residences move out of the vicinity. Declining real estate values, which can result from the concentration of such businesses, erode the city's tax base.

B. Conclusions of the City Council Regarding Sexually Oriented Businesses. In order to minimize the detrimental effect sexually-oriented businesses have on adjacent land uses, the City Council adopts the land use regulations set forth hereafter particularly in Article 4, Section 6, regarding sexually oriented businesses, recognizing that it has a great interest in the present and future character of the City's residential and commercial neighborhoods.

Section 2. This ordinance may also be cited as the "Zoning Ordinance of the City of Scanlon."

### **ARTICLE 3. DEFINITIONS**

Section 1. For the purpose of this ordinance, certain terms and words are hereby defined: words used in the present tense shall include the future; the word "building" shall include the word "structure"; the word "lot" shall include the word "plot"; and the word "shall" is mandatory and not directory.

**ACCESSORY BUILDINGS.** A subordinate building, or a portion of the main building, the use of which is incidental to that of the dominant use of the main building or premises.

**ALLEY.** A public thoroughfare which affords only a secondary means of access to abutting property.

**ALKALINE HYDROLYSIS OR WATER CREMATION.** Is a process for the disposal of human remains. This process is not allowed within the City of Scanlon City Limits.

**APARTMENT HOUSE.** See “Dwelling Multiple”.

**BASEMENT.** A story having part but not more than one-half its height below grade. A basement is counted as a story for the purpose of height regulations, if subdivided and used for business or dwelling purposes by others than a janitor employed on the premises.

**BOARDING HOUSE, BED & BREAKFAST (B&B).** A building where for compensation and by pre-arrangement for definite periods, meals or lodging and meals are provided for three or more persons, but not exceeding twenty persons.

**BUILDING.** Any structure for the shelter, support or enclosure of persons, animals, or property, and when separated by dividing walls without openings, each portion of such building, so separated is a separate building.

**BUILDING, HEIGHT OF.** The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.

**CAMPGROUND OR RV CAMPGROUND.** An area containing one or more structures designed or intended to be used as temporary living facilities of two or more families and intended primarily for automobile transients; or providing space where two or more tents or auto trailers can be parked.

**CELLAR.** A story having more than one-half of its height below grade.

**CLINIC.** An establishment where patients are not lodged overnight, but are admitted for examination and treatment by a group of physicians or dentists practicing medicine or dentistry together.

**CREMATORY.** A place where the bodies of dead people are cremated

**CREMATION.** Is the combustion vaporization and oxidation of cadavers to basic chemical compounds, such as gases, ashes and mineral fragments retain the appearance of dry bones. Cremation may serve as a funeral or post funeral rite as an alternative to the interment of an intact dead body in a coffin, casket or shroud.

**DISTRICT.** Any section as shown on the District Map of the City of Scanlon for which the regulations governing the use of buildings and premises or the height and area of buildings are uniform.

**DWELLING.** Any building or portion thereof, which is designed for use exclusively for residential purposes.

**DWELLING, SINGLE FAMILY.** A building designed for occupancy by one family.

**DWELLING, TWO FAMILY.** A building or portion thereof designed for occupancy by two families.

**DWELLING, MULTIPLE.** A building or portion thereof designed for occupancy by three or more families.

**DWELLING UNIT.** One or more rooms in a dwelling designed for occupancy by one family for living purposes and having its own cooking and sanitary facilities.

**FAMILY.** One or more persons occupying a premises and living as a single housekeeping unit as distinguished from a group occupying a boarding house, lodging house or hotel as herein defined.

**FARM.** An area which is used for raising the usual farm products such as vegetables, fruit, trees and grain, and their storage on the area as well as for the raising thereon of the usual farm poultry and farm animals such as horses, cattle, sheep and swine. The term "farming" includes the operating of such as area for one or more of the above uses, including dairy farms with the necessary accessory uses for treating or storing the produce; provided however, that the operation of any such accessory uses shall be secondary to that of the normal farming activities. A farm does not include intensive livestock raising such as feed lots or large batteries of rabbit hutches.

**GAS STATION/CONVENIENCE STORE** Any building or premises used principally for the storing, dispensing, sale or offering for sale at retail of automobile supplies and other retail items.

**FRONTAGE.** All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street.

**FUNERAL DIRECTOR.** One whose profession is the management of funerals and who is usually an embalmer. Today Funeral Director is more commonly used, but undertaker still appears.

**FUNERAL HOME** An establishment with facilities for the preparation of the dead for burial or cremation, for the viewing of the body, and for funerals.

**GARAGE, PRIVATE.** An accessory building designed or used for the storage of not more than three motor-driven vehicles owned and used by the occupants of the building to which is an accessory.

**GARAGE, PUBLIC.** A building or portion thereof, other than a private or storage garage, designed or used for servicing, repairing, equipping, hiring, selling or storing motor driven vehicles.

**GARAGE, STORAGE.** A building or portion thereof, designed or used exclusively for housing four or more motor-driven vehicles.

**GRADE.** (1) For buildings having walls adjoining one street only the elevation of the sidewalk, or if there is no sidewalk, then the elevation of the roadway at the center of the wall adjoining the street.

(2) For buildings having walls adjoining more than one street, the average of the elevation of the sidewalk, or if there be no sidewalk, then the elevation of the roadway at the centers of all walls adjoining the streets.

(3) For buildings having no walls adjoining the street, the average level of the finished surface of the ground adjacent to the interior walls of the building

(4) Any walls approximately parallel to and not more than five feet from a street line are to be considered as adjoining the street.

**HOME OCCUPATION.** A use of non-residential nature conducted entirely within the dwelling and carried on only by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes.

Home occupations shall not:

- (1) Include activities that are or may be a nuisance to or otherwise be incompatible with the surrounding area.
- (2) Involve the use of more than one-fourth the floor area of the dwelling.
- (3) Generate pedestrian or vehicular traffic beyond that is reasonable or normal to the district in which it is located.
- (4) Involve the unreasonable or inappropriate use of commercial vehicles for delivery of occupational materials to or from the premises.
- (5) Involve the use of an accessory building, motor home, camper or space outside the principal building for such home occupations.

Other home occupations (such as but not limited to: “licensed day care”, “beauty shops”, “workshops” and “crafts”) will be allowed with the approval of the City Council in consultation with affected property owners. Under no condition shall a home occupation be interpreted to include restaurants, automobile repair shops,

funeral homes, stables, animal or veterinary hospitals or antique dealers, and others in the same or similar category.

**AFFECTED PROPERTY OWNERS.** Shall include, but not be limited to any property owner who is within a one block radius, or is anticipated to be affected in some way by any request under this ordinance.

**HOTEL/MOTEL.** A building or group of buildings used for the temporary residence of a transient, motorist or travelers

**LOT.** A parcel of land occupied or intended for occupancy by one main building together with its accessory buildings, and uses customarily incidental to it including the open spaces required by this ordinance and having its principal frontage on a street or upon a place as defined in this ordinance.

**LOT, CORNER.** A lot adjoining two or more streets at their intersection.

**LOT, DEPTH OF.** The mean horizontal distance between the front and rear lot lines.

**LOT, DOUBLE FRONTAGE.** A lot having a frontage on two non-intersecting streets, as distinguished from a corner lot.

**LOT, ZERO LOT LINE CONCEPT.** Every development proposal in a residential District which is designed so as to place the principle structure abutting a side property line in order to have only one open yard. Each principal structure must otherwise meet the area and setback requirements applicable to single family residential housing.

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

**LOT LINES.** The lines bounding a lot.

**LOT OF RECORD.** A lot which is part of a subdivision, the plat of which has been recorded in the office of the Register of Deeds of Carlton County, Minnesota, or a lot described by metes and bounds, the description of which has been recorded in the office of the Register of Deeds of Carlton County, Minnesota.

**NONCONFORMING USE.** The use of any premises contrary to the use provisions of this ordinance for the district in which the premises are located.

**NURSING HOME.** A home for the aged, chronically ill or incurable persons, except mental or alcoholic patients, in which two or more persons are received, kept or provided with food or shelter and care for compensation, but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis, treatment or care of the sick or injured. Can also be a temporary stay for rehabilitation from surgery or an injury.

**PARKING LOT.** A parcel of land devoted to unenclosed parking spaces.

**PLACE.** An open unoccupied space other than a street or alley permanently reserved as the principal means of access to adjoining property.

**SIGNS.** Any device designed to inform or attract attention of persons not on the premises on which the device is located, including any structure erected primarily for use in connection with the display of such device and all lighting or other attachments used in connection therewith. Design and placement of such sign must be in accordance with the regulations set forth in Article 10 of this ordinance.

**STREET.** All property dedicated or intended for public or private street purposes or subject to public easements therefore.

**STREET LINE.** A dividing line between a lot, tract, or parcel of land and a contiguous street.

**STORY.** That portion of a building other than a cellar, included between the surfaces of any floor next above it. If there is no floor above it, then the space between the floor and the ceiling above it.

**STORY, HALF.** A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than two-thirds of the floor area is finished off for use. A half-story containing independent apartment or living quarters shall be counted as a full story.

**STRUCTURE.** Anything constructed or erected, the use of which requires a permanent location on the ground, or attached to something having a permanent location on the ground, including, but without limiting the generality of the foregoing, advertising signs, billboards, backstop for tennis courts and pergolas.

**STRUCTURAL ALTERATIONS.** Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any complete re-building of the roof.

**TRAILER.** “Trailer” or “Mobile Home” Any structure used for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses or skirting and which has been or reasonably may be equipped with wheels or other devices for the transportation of the structure from place to place, whether by motive power or other means. For the purpose of this ordinance a trailer or mobile house is a single family dwelling and shall conform to all reasonably applicable regulations therefore, except when located in a trailer or tourist camp as provided herein.

**UNDERTAKER.** A person whose job is to arrange and manage funerals. Today Funeral Director is more commonly used, but undertaker still appears.

**YARD.** An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

**YARD, REAR.** A yard extending across the rear of a lot measured between side lot lines and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projection thereof. On corner lots the rear yard shall be considered as parallel to the streets upon which the lot has its least dimension. On both corner lots and the interior lots the rear yard shall, in all cases, be at the opposite end of the lot from the front yard.

**YARD, SIDE.** A yard between the building and the side line of the lot and extending from the front lot line to the rear lot line and being the minimum horizontal distance between a side lot line and the side of the main building or any projections thereof.

#### **ADULT RELATED SEXUALLY ORIENTED DEFINITIONS.**

**ADULT BOOKSTORE, ADULT NOVELTY STORE, OR ADULT VIDEO STORE.** Means a commercial establishment which has a significant or substantial portion of its stock-in-trade or derives a significant or substantial portion of its revenues or devices a significant or substantial portion of its interior business or advertising to the sale, or rental for any form of consideration, or any one or more of the following:

- A. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations which are characterized by the depiction of description of “specified sexual activities” or “specified anatomical area”.
- B. Instruments, devices or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochist use or abuse of themselves or others.
- C. An establishment may have other principal business purposes that do not involve the offering for sale, rental, or viewing of materials, depicting or describing “specified sexual activities” or “specified anatomical areas” and still be categorized as an adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such establishments from being categorized as an adult bookstore, adult novelty store or adult video store so long as one of its principal business purposes is offering for sale or rental, for some form of



consideration, the specified materials which depict or describe “specified anatomical area” or “specified sexual activities.

**ADULTS ONLY MOTION PICTURE THEATER.** An enclosed building used regularly and routinely for presenting programs, material distinguished or characterized by an emphasis on matter depicting by an emphasis on matter depicting, describing or relating to nudity, sexual conduct, sexual excitement or sadomasochistic abuse, as defined herein for observation of patrons therein.

**MASSAGE PARLOR.** A massage parlor which regularly restricts minors by reason of age, and which regularly provides the service of “massage” if such service is distinguished by an emphasis on nudity, sexual conduct, sexual excitement or sadomasochistic abuse, as defined herein, for observation or participation by patrons therein.

**NUDITY.** The showing of the human male or female genitals, pubic hair or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.

**ADULT RAP PARLOR.** A conversation/rap parlor which excludes minors by reason of age, and which regularly provides the service of engaging in; or listening to conversation, talk, or discussion, if such service is distinguished are characterized by an emphasis on nudity, sexual conduct, sexual excitement or sadomasochistic abuse as defined herein, for observation or participation by patrons therein.

**ADULT SAUNA.** An establishment or place primarily in the business of providing (i) a steam bath or hot air bathing, and/or (ii) massage services which excludes minors by reason of age where such service(s) is distinguished or characterized by an emphasis on nudity, sexual conduct, sexual excitement or sadomasochistic abuse, as defined herein for patrons.

**SEXUAL EXCITEMENT.** The condition of human male or female genitals when in a state of sexual stimulation or arousal.

**SADOMASOCHISTIC ABUSE.** Flagellation or torture by or upon a person clad in undergarments, a marked or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

**ADULT ARCADE.** Adult Arcade. An establishment where, for any form of consideration one or more still motion pictures, machines, projectors, slide projects, or other similar machines, or other image producing machines, for viewing by 5 or fewer persons per machine at any one time, are regularly used to show films, motion pictures, video cassettes, slides, or other photographic or electronic reproductions which are characterized by the description of " specified sexual activities" or "specified anatomical areas."

**ADULT CABARET.** A nightclub, bar, restaurant “bottle club” or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features: (a) persons who appear nude or in a state of nudity or semi-nude; (b) live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”, or (c) films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction of “specified sexual activities “ or “specified anatomical areas”.

**ADULT HEALTH/SPORT CLUB.** A health/sport club which excludes minors by reason of age and which provides sponsors or allows activities which are distinguished or characterized by an emphasis on “specified sexual activities’ or nudity, sexual conduct, sexual excitement or sadomasochistic abuse, as defined herein, for observation or participation by patrons therein.

**SEXUALLY-ORIENTED BUSINESS.** An adult bookstore, novelty store or video store, adult theater, adult massage parlor, adult conversation/rap parlor, adult sauna, adult arcade, adult cabaret, adult health/sport club, adult steam room/bathhouse facility or any other business whose primary business activity is characterized by emphasis on matters depicting, describing or relating to nudity, sexual conduct, sexual excitement or sadomasochistic abuse as defined herein.

**ARTICLE 4. DISTRICTS AND BOUNDARIES THEREOF INCLUDING SEXUALLY ORIENTED BUSINESSES DISTRICT**

Section 1. For the purpose of this ordinance the City of Scanlon is hereby divided into five classes of “Districts”. The use, height and area regulations are uniform in each class of district, and said districts shall be known as:

- “R-1”            - -     Residential District
- “C-1”            - -     Commercial District
- “C-2”            - -     Commercial District
- “C-2A”          - -     Commercial District (Business District)
- “I”                - -     Industrial District

Section 2. The boundaries of these districts are shown upon the map made part of this ordinance, which map is designated as the “District Map”, which map is on file in the Council Chamber of the City of Scanlon. The district map and all the notations, references, and other information shown are a part of this ordinance and have the same force and effect as if the district map and all the notations, references and other information shown thereon were fully set forth or described herein, which district map is attached hereto, and made part of this ordinance by reference.

Section 3. All territory which may hereafter be annexed to the City of Scanlon shall be considered as being in the Residential District until otherwise changed by ordinance.

Section 4. Whenever any street, alley or other public way is vacated by official action of the City council, the zoning districts adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation and all areas included in the

vacation shall then and hence forth be subject to all appropriate regulations of the extended districts.

Section 5. Except as hereinafter provided:

- (1) No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used except in conformity with the use, height, area and loading and parking regulations in the district in which the building or land is located.
- (2) The minimum yards and other open spaces, including lot area per family, required by this ordinance for each and every building at the time of passage of this ordinance, or for any building hereafter erected, shall not be encroached upon or considered as yard or open space requirements for any other building; nor shall any lot area be reduced beyond the district regulations of this ordinance.
- (3) Every building hereafter erected or structurally altered shall be located on a lot herein defined and in no case shall there be more than one main building on one lot.
- (4) Before any building, addition to a building, accessory building, structure or fence is erected or modified on any lot within 10' of the property line the owner must establish the location of the survey stakes or, alternatively, have the land surveyed by a registered land surveyor and appropriate survey stakes showing the property line installed.

Section 6. Sexually Oriented Businesses.

- A. Location Restrictions. Adult use only bookstores, novelty stores, video stores, adult theaters, adult massage parlors, adult conversation/rap parlors, adult saunas, adult arcades, adult cabarets, adult health/sport clubs, adult steam room/bathhouse facilities, and other sexually-oriented businesses may be operated or maintained only within the C-2A business district.
- B. Regulated Uses. No adult use only bookstores, novelty stores, video stores, adult theaters, adult massage parlors, adult conversation/rap parlors, adult saunas, adult arcades, adult cabarets, adult health/sport clubs, adult steam room/bathhouse facilities, and other sexually-oriented businesses shall:
  1. Be operated within 750 feet of a residentially zoned district, measured between the nearest property line of the sexually-oriented business and the nearest boundary line of the residentially zoned district;
  2. Be operated or maintained within 750 feet of a church, licensed daycare facility, public library, public educational facility which serves persons 17 years of age or younger, elementary school, high school, place of worship,

or elderly housing facility. The distance shall be measured between the nearest property line of the sexually-oriented business and the nearest property line of any of the facilities described above. Only one of the above regulated uses shall be allowed per block face.

3. Be operated or maintained within 2,000 feet of another such sexually-oriented business measured from the nearest exterior walls of such sexually-oriented businesses
- C. Prohibitions Regarding Minors and Sexually Oriented Businesses. A person commits a misdemeanor if he/she operates or causes to be operated a sexually-oriented business and knowingly or with reasonable cause to know, permits, suffers, or allows:
- (1) Admittance of a person under (18) years of age to the business premises unless accompanied by a parent or guardian:
  - (2) A person under (18) years of age to remain at the business premises unless accompanied by a parent or guardian:
  - (3) A person under (18) years of age to purchase goods or services at the business premises without the specific consent of a parent or guardian; or
  - (4) A person under (18) years of age to work at the business premises as an employee.
- D. No sexually-oriented business shall be located in the same building or upon the same property as another such sexually oriented use.
- E. No sexually-oriented business shall be located in any place which is also used to dispense or consume alcohol.
- F. Regulations pertaining to Exhibition of Sexually Explicit Films or Videos and Video Boosts. A person who operates a sexually-oriented business which exhibits on the premises in a viewing room of less than 150 square feet of floor space, a film, video cassette or other video reproduction which depicts specified sexual activities or specified anatomical areas shall comply with the following requirements:
- (1) Prior to opening such sexually-oriented business, such person shall provide the City Clerk's Office of the City of Scanlon with a diagram of the premises showing a plan thereof, specifying the location of one or more manager's stations, the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed 32 square feet of floor area, with no dimension greater than 8 feet. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required;

however each diagram should be oriented to the north or some designated street or object and shall be drawn to a designated scale with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches. No alteration in the configuration or location of a manager's station may thereafter be made without the prior approval of the city or its designee;

- (2) The owner(s) and operator(s) of the premises shall insure that at least one employee is on duty and situated in each manager's station at all times that any patron is present inside the premises;
- (3) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises have two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's sections, restrooms excluded. The view required in this subsection must be in direct line of sight from the manager's station.
- (4) The view area specified in the preceding subsection shall remain unobstructed by any doors, walls, merchandise display racks or other materials or persons at all times.
- (5) No viewing room may be occupied by more than one person at any one time. No holes, commonly known as "glory holes" shall be allowed in the walls or partitions which separate each viewing room from an adjoining viewing room or restroom.
- (6) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at and illumination of not less than two (2) foot candles as measured at the floor level. The illumination described shall be maintained at all times that any patron is present on the premises.

#### **Article 5A. RESIDENTIAL DISTRICT REGULATIONS**

Section 1. The regulations set forth in this article, or set forth elsewhere in this ordinance, when referred to in this article, are the Residential District Regulations.

Section 2. Use regulations. A building or premises shall be used for only the following purposes. Any residential dwelling other than a single family dwelling or duplex will need a conditional use permit in order to be permitted in the Residential District.

- (1) Family dwellings, including single family and two family dwellings.  
Provided that a "trailer" or "mobile home" shall not be considered a

family dwelling for purposes of this section and shall not be permitted in a residential district unless the “trailer” or “mobile” home meets the requirements of Ordinance 206, as now enacted or as hereafter amended. A “manufactured home” is a family dwelling and is permitted in a residential district if it meets the requirements of Ordinance 206 as now enacted or as hereafter amended. Any trailer, mobile home, or manufactured home which was located in a residential district on January 1, 1999 and which does not meet the requirements of ordinance 206 as to dimension and /or area, may be replaced by the current owner(s) only, with another trailer, mobile home or manufactured home which does not meet the requirements of Ordinance 206 as to dimension and /or area. Such replacement trailer, mobile home or manufactured home, from the current calendar year that the trailer, mobile home or manufactured home is being replaced in, the replacement cannot exceed 15 years of the manufacture date of the replacement trailer, mobile home or manufactured home; which meets the standards of the Manufactured Home Building Code as set forth in Minnesota Statutes 327.31, Subdivision 3. Any subsequent owner(s) of such property may replace such nonconforming trailer, mobile home or manufactured home only with one which meets the requirements of Ordinance 206, as now enacted or hereafter amended.

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- (2) Parks, playgrounds, community buildings, libraries and museums owned and operated by a public agency.
- (3) Churches.
- (4) Public schools, elementary and high, or private schools: having a curriculum equivalent to a public elementary school or public high school and having no rooms regularly used for housing or sleeping.
- (5) Golf courses, except miniature courses or practice driving tees operated for commercial purposes.
- (6) Truck gardens and gardens for the propagation and cultivation of plants only when said plants or produce are not offered for sale on the premises.
- (7) Zoning Permit are required for any accessory buildings customarily incident to the above uses, including a private garage and home occupation. Any accessory building that is not a part of the main building shall be located in the rear yard or side yard not less than five (5) feet from any lot line. Provided, however, that with regard to any lot line that is subject to an easement in favor of any utility company or municipal entity, the accessory building shall also be located in the rear yard or side yard not less than five (5) feet from any such easement.
- (8) Hospitals and Clinics, but not animal hospitals.

(9) Nursing Homes

(10) Home Occupations

Section 3. Height Regulations. No building shall exceed two and one-half stories nor shall it exceed forty five (45) feet in height.

Section 4. Area Regulations

**FRONT YARD.** There shall be a front yard having a depth of not less than twenty feet.

Where lots have a double frontage, the required front yard shall be provided on both streets.

Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record at the time of passage of this ordinance need not be reduced to less than 20 feet. No accessory building shall project beyond the front yard line on either street.

See Article 9, section 18 for additional front yard area regulations.

**SIDE YARD.** There shall be a side yard on each side of a building having a width of not less than five feet.

**REAR YARD.** There shall be a rear yard having a depth of not less than twenty-five feet.

**INTENSITY OF USE OF LOT.** Every lot shall have an area of not less than seven thousand five-hundred (7,500) square feet and an average width of not less than seventy-five feet except that if a lot has less area or width than herein required and its boundary lines along the entire length touched lands under other ownership on the effective date of the passage of this ordinance and have not since been changed, such lot may be used for any purpose permitted in this article.

Section 5. Housing Projects utilizing the “Zero Lot Line” concept. Every development proposal in a residential District which is designed so as to place the principle structure abutting a side property line in order to have only one open yard, must file with the Zoning Administrator a signed copy of the covenant assuring access through the adjacent yard for purposes of repairs and general maintenance. Such covenant is mandatory and the issuance of said certificate of Zoning Compliance shall be contingent on the filing. Each principle structure must otherwise meet the area and setback requirements applicable to single family residential housing.

Section 6. Parking Provision in Residential Districts - The following provision shall apply to parking in all Residential Districts unless otherwise stated:

- A. Location of parking spaces and driveway aisles.
  - 1. Same lot as principal building or adjacent lot.
- B. Types of Vehicles Prohibited on Residential Lots. Except for the purpose of loading and unloading or rendering a service, the following commercially licensed motor vehicles and recreational vehicles shall be prohibited from being parked or stored outside on residential lots or within a platted residential district.
  - 1. Commercially licensed vehicles with a manufactures nominal rated carrying capacity of over three (3) ton and commercially licensed trailers.
- C. Types of Vehicles Permitted to be parked on Residential Lots. The following motor vehicles and recreational vehicles shall be permitted to be parked or stored outside on residential lots subject to the requirements listed below. When Commercial vehicles, motor vehicles, or recreation vehicles below are numerically exceed on a platted residential lot, they must be stored elsewhere.

Type of Vehicle	Permitted Location	Numerical Restriction
<b>a.</b> Passenger automobiles vans, and trucks with carrying capacity of 3 ton or less	On a designated parking area either Front, side or rear yard.	Two commercially licensed vehicles (must not block sidewalk, driveway, no exterior evidence of a business)
<b>b.</b> Large recreational vehicles such as travel trailers, motor home, and pickups with slip in campers	Same as above	One per lot
<b>c.</b> Motorboats, sailboats and unoccupied trailers	Same as above	No restrictions

- D. Other Regulations. Other general regulation applicable to parking or storing motor vehicles and recreational vehicles on residential lots are as follows:
  - 1. A motor home or travel trailer stored on a property shall not be occupied while on the premises
  - 2. Visitors that are staying in a camper must park on the property not on city streets. No staying in camper while parked on city streets. .
  - 3. Visitors may stay in a motor home or travel trailer up to 2 weeks without City Council approval. Visitor and or homeowner will contact City Clerk’s office to let them know about visitor in campers.

**FAMILY DWELLINGS.** One parking space for each family unit.



**CHURCHES.** One parking space for each family unit.

**COMMUNITY BUILDINGS, LIBRARIES AND MUSEUMS.** One parking space for each one hundred square feet of floor space in the building.

**Article 5B.** C-1 COMMERCIAL DISTRICT REGULATIONS.

Section 1. The regulations set forth in this article, or set forth elsewhere in this ordinance, when referred to in this article, are the C-1 Commercial District Regulations.

Section 2. Use Regulations. A building or premises shall only be used for the following purposes.

- (1) Any use permitted in the Residential District.
- (2) Banks
- (3) Barber shop, beauty parlor, chiropractic, massage, or similar personal shops.
- (4) Bicycle sales and repair shops.
- (5) Business or commercial schools of dancing or music academy.
- (6) Catering establishment.
- (7) Crematory (Effective 3/14/2018 only allowed in C2A)
- (8) Tailor
- (9) Gas Station/Convenience Store
- (10) Florist shop.
- (11) Funeral Director
- (12) Funeral Home
- (13) Hotel/Motel
- (14) Hospital and clinics for animals, but not open kennels
- (15) Locksmith
  
- (16) Laundromat and Dry Cleaning
- (17) Nurseries and Greenhouses
- (18) Offices.
- (19) Parking Lots
- (20) Photographer's or artist's studio
- (21) Restaurants.
- (22) Repair Shop
- (23) Store or shop for the conduct of a retail business, subject to the following: that there shall be no slaughtering of animals or poultry upon the premises.
- (24) Undertaking establishments
- (25) Accessory buildings and uses customarily incident to the above uses, including parking lots.
- (26) Other business uses which, in the opinion of the Planning Commission and the City Council, are of the same general character as the uses enumerated in this section and will not be obnoxious or detrimental to the district in which located.
- (27) Signs as permitted by the regulations set forth in Article 10 of this ordinance.

Section 3. Height Regulations. No building shall exceed two and one-half stories nor shall it exceed forty five (45) feet in height,

Section 4. Area Regulations. Front, side and rear yards, parking and loading regulations. The front, side and rear yard and parking regulations for uses permitted in the Residential District shall apply when used for residential purposes in the Commercial District with the following additional regulations:

**RESTAURANT.** A minimum of one parking space for each one hundred square feet of floor space in the building is required.

**HOTEL/MOTEL.** A minimum of one parking space for each one hundred square feet of floor space is required.

**OTHER PERMITTED USES.** A minimum of one parking space for each two hundred square feet of floor space in the building is required.

The parking spaces required in this section may be located on the same lot as the building, or on area within this district and within three hundred feet of the building and such parking space may be provided within the required front yard. Two or more owners may join together in providing this parking space.

**LOADING SPACE.** A minimum of one loading space shall be provided for each ten thousand square feet of floor area, or fraction thereof, used for commercial purposes is required.

Section 5. Area Regulations in District C-1 when used for commercial purposes.

**FRONT YARD.** No front yard is required for any building used for commercial purposes as herein set out.

**SIDE YARD.** No side yard is required for any building used for commercial purposes as herein set out.

**REAR YARD.** No rear yard is required for any building used for commercial purposes as herein set out.

## **Article 6. C-2 COMMERCIAL DISTRICT REGULATIONS**

Section 1. The regulations set forth in this article, or set forth elsewhere in this ordinance, when referred to in this article, are the C-2 Commercial District Regulations, also includes all items listed under C-1

Section 2. Use Regulations. A building or premises shall only be used for the following purposes

- (1) Private clubs, fraternities, sororities, and lodges, bottle clubs or other establishments serving non-intoxicating malt beverages or intoxicating liquors for consumption on the premises.

(2) Campgrounds or RV Campgrounds

Section 3. Height Regulations. No building shall exceed two and one-half stories nor shall it exceed forty five (45) feet in height,

Section 4. Area Regulations. Front, side and rear yards, parking and loading regulations. The front, side and rear yard and parking regulations for uses permitted in the Residential District shall apply when used for residential purposes in the Commercial District with the following additional minimum regulations:

**FUNERAL HOMES.** Fifteen parking spaces plus five parking spaces for each parlor or chapel in excess of one.

**RESTAURANT.** One parking space for each one hundred square feet of floor space in the building.

**HOTEL.** One parking space for each one hundred square feet of floor space.

**UNDERTAKING ESTABLISHMENTS.** Fifteen parking spaces plus five parking spaces for each parlor or chapel in excess of one.

**OTHER PERMITTED USES.** One parking space for each two hundred square feet of floor space in the building.

The parking spaces required in this section may be located on the same lot as the building, or on area within this district and within three hundred feet of the building and such parking space may be provided within the required front yard. Two or more owners may join together in providing this parking space.

**LOADING SPACE.** One loading space shall be provided for each ten thousand square feet of floor area, or fraction thereof, used for commercial purposes.

Section 5. Area Regulations for District C-1 when used for commercial purposes.

**FRONT YARD.** No front yard is required for any building used for commercial purposes as herein set out.

**SIDE YARD.** No side yard is required for any building used for commercial purposes as herein set out.

**REAR YARD.** No rear yard is required for any building used for commercial purposes as herein set out.

**Article 6-A. C-2A COMMERCIAL DISTRICT REGULATIONS.**

Section 1. The regulations set forth in this article, or set forth elsewhere in this ordinance, when referred to in this article, are the C-2A Commercial District Regulations, also includes all items listed under C-1 and C-2

Section 2. Use Regulations. A building or premises shall be used only for the following purposes.

(1) Sexually-oriented businesses.

(2) All uses permitted in C-2 Commercial District Regulations set forth in article 6 of this Ordinance.

Section 3. Height Regulations. No building shall exceed two and one-half stories nor shall it exceed forty five (45) feet in height,

Section 4. Area Regulations. Front, side and rear yards, parking and loading regulations. The front, side and rear yard and parking regulations for uses permitted in the Residential District shall apply when used for residential purposes in the Commercial District with the following additional minimum regulations:

**CREMATORY.** One parking space for each two hundred square feet of floor space in the building

**FUNERAL HOME.** Fifteen parking spaces plus five parking spaces for each parlor or chapel in excess of one.

**RESTAURANT.** One parking space for each one hundred square feet of floor space in the building.

**HOTEL/MOTEL.** One parking space for each one hundred square feet of floor space.

**UNDERTAKING ESTABLISHMENTS.** Fifteen parking spaces plus five parking spaces for each parlor or chapel in excess of one.

**OTHER PERMITTED USES.** One parking space for each two hundred square feet of floor space in the building.

The parking spaces required in this section may be located on the same lot as the building, or on area within this district and within three hundred feet of the building and such parking space may be provided within the required front yard. Two or more owners may join together in providing this parking space.

**LOADING SPACE.** One loading space shall be provided for each ten thousand square feet of floor area, or fraction thereof, used for commercial purposes.

Section 5. Area Regulations in District C-1A when used for commercial purposes:

**FRONT YARD.** No front yard is required for any building used for commercial purposes as herein set forth.

**SIDE YARD.** No side yard is required for any building used for commercial purposes as herein set forth.

**REAR YARD.** No rear yard is required for any building used for commercial purposes as herein set forth.

**Article 7. INDUSTRIAL DISTRICT REGULATIONS.**

Section 1. The regulations set forth in this article, or set forth elsewhere in this ordinance, when referred to in this Article, are the Industrial District Regulations.

Section 2. Use Regulations. Any building or premises may be used for any purpose not in conflict with any ordinance of the City of Scanlon regulating nuisances; provided, however that no building shall be erected, reconstructed, converted, enlarged or structurally altered for residential purposes except for resident watchmen and caretakers employed on the premises; provided further, that no building permit shall be issued for any of the following uses until and unless the location of such use shall have been approved by the City Council after report by the District Fire Chief, the Health Officer and the Planning Commission:

- (1) Acid manufacture.
- (2) Cement, lime, gypsum or plaster of paris manufacture.
- (3) Distillation of bones.
- (4) Explosives manufacturer or storage.
- (5) Fat rendering.
- (6) Fertilizer manufacture.
- (7) Gas manufacture.
- (8) Garbage, offal, or dead animal's reduction or dumping.
- (9) Glue manufacture.
- (10) Refining of petroleum or its products.
- (11) Smelting of tin, copper, zinc or iron ore.
- (12) Stockyards or slaughter of animals.
- (13) Wholesale storage of gasoline.
- (14) Similar uses of a dangerous or potentially noxious character.

The City Council may decline to permit any such use if the proposed use would be dangerous to the citizens of the city, dangerous to the environment, noxious in character or otherwise inappropriate for similar reason(s).

Section 3. Height Regulations. A building may be erected to any height not in conflict with other ordinances.

Section 4. Area Regulations:

**FRONT YARD.** No front yard is required for any building used for commercial purposes as herein set forth.

**SIDE YARD.** No side yard is required for any building used for commercial purposes as herein set forth.

**REAR YARD.** No rear yard is required for any building used for commercial purposes as herein set forth.

Section 5. Parking and Loading Regulations. The parking and loading regulations are the same as those in the Commercial District.

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

Section 1. The use of land for storage purposes or of land located in a dwelling district for advertising signs and billboards, which is lawful at the time of the adoption of this ordinance, but which does not conform to the provisions of this ordinance, shall be discontinued within two years from the date of original adoption of this Article of this ordinance and the use of such land which becomes non-conforming by reason of subsequent change in this ordinance shall also be discontinued within two years from the date of the change.

Section 2. The lawful use of a building existing at the time of the adoption of this ordinance may be continued, although such use does not conform with the provisions thereof, and such use may be extended throughout the building , providing no structural alterations, except those required by law or ordinance are made therein. If no structural alterations are made, a nonconforming use of a building may be changed to another non-conforming use of the same or more restricted classification. The foregoing provisions shall also apply to non-conforming uses in districts hereafter changed. Whenever a non-conforming use of a building has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.

Section 3. No non-conforming building which has been damaged by fire, explosion, act of God, or the public enemy, to the extent of more than seventy-five percent of its assessed value, shall be restored except in conformity with the regulations of this ordinance.

Section 4. In the event that a non-conforming use of any building or premises is discontinued or its normal operation stopped for a period of three consecutive years, the

use of the same shall thereafter conform to the regulations of the district in which it is located.

Section 5. No existing building or premises devoted to a use not permitted by this ordinance in the district in which such building or premises is located, except when required to do so by law or ordinance shall be enlarged, extended, converted, reconstructed or structurally altered, unless such use is changed to one permitted in the district in which such building or premises is located; provided, however, that during the ten year period immediately following the original passage of this Article of this ordinance, non-conforming industrial uses in the commercial districts may be extended or enlarged by not to exceed a fifty percent increase in the cubical contents of the building as it existed at the date of the adoption of this ordinance, and further provided that all height and area regulations be observed in any extension.

## **ARTICLE 9. ADDITIONAL HEIGHT AND AREA REGULATIONS**

The district regulations hereinafter set forth in this article qualify or supplement, as the case may be, the district regulations appearing elsewhere in this extension.

Section 1. Public, semi-public or public service buildings, hospitals, institutions, or schools when permitted in a district, may be erected to a height not exceeding forty five (45) feet, and churches and temples may be erected to a height not exceeding forty five (45) if the building is set back from each yard line at least one foot for each two feet of additional building height above the height limit otherwise provided in the district in which the building is located.

Section 2. Chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers and spires, wireless towers, drain elevators or necessary mechanical appurtenances may be erected to a height not exceeding one hundred feet in accordance with existing or hereafter adopted ordinances of the City of Scanlon, Minnesota.

Section 3. Accessory buildings not exceeding twenty feet (20) in height may occupy not to exceed twenty-five percent of the area of a required rear yard.

Section 4. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used for dwelling purposes other than by domestic servants employed on the premises.

Section 5. Every part of a required yard shall be open to the sky, unobstructed, except for accessory buildings in a rear yard, and except for the ordinary projections of sills, belt courses, cornices and ornamental features projecting not to exceed twelve inches.

Section 6. No basement or cellar shall be occupied for residential purposes until the remainder of the building has been substantially completed, but in no event for more than two years.

Section 7. Open lattice-enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into required rear yard not more than five feet are permitted.

Section 8. An uncovered balcony or paved terrace may project into the required front yard for a distance not exceeding ten feet. An enclosed vestibule containing not more than forty square feet may project into the required front yard for a distance not to exceed four feet.

Section 9. Terraces, uncovered porches, platforms and ornamental features which do not exceed three feet above the floor level of the ground (first) story may project into a required side yard provided these projections be distant at least two feet from the adjacent side lot line.

Section 10. For the purpose of the side yard regulations, a two family dwelling or a multiple dwelling shall be considered as one building occupying one lot.

Section 11. Temporary buildings that are used in conjunction with construction work only may be permitted in any district during the period that the building is being constructed, but such temporary buildings shall be promptly removed upon completion of the construction work.

Section 12. Where a lot or tract is used for commercial or industrial purpose, more than one main building may be located upon the lot or tract, but only when such buildings conform to all open spaces requirements around the lot for the district in which the lot or tract is located.

Section 13. In the event that a lot is to be occupied by a group of two or more related buildings to be used for residential, institutional, or hotel purposes, there may be more than one main building on the lot; provided, however, that open space between buildings that are parallel or within forty-five degrees of being parallel, shall have a minimum dimension of twenty feet for one-story buildings and thirty feet of two-story buildings and forty feet for three-story buildings.

Section 14. Where an open space is more than fifty percent surrounded by a building, the minimum width of the open space shall be at least twenty feet for one-story buildings, thirty feet for two-story buildings, and forty feet for three-story buildings.

Section 15. No side yards are required where dwelling units are erected above commercial and industrial structures.

Section 16. Whenever the number of employees is restricted in connection with any use in the commercial districts, such maximum number applies only to employees engaged in processing or treating materials or products on the premises and not to employees engaged in selling, clerical, delivery or similar activities.

Section 17. Buildings that are to be used for storage purposes only may exceed the maximum number of stories that are permitted in the district in which they are located, but



such buildings shall not exceed the number of feet of building height permitted in such districts.

Section 18. The front yards heretofore established shall be adjusted in the following cases:

- (1) Where 40 percent or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have a front yard that is greater or less than the required front yard in the district, no building shall project beyond the average front yard so established.
- (2) Where forty percent or more of the frontage on one side of a street between two intersecting streets is developed with buildings, that have not observed a front yard as described above then:
  - (a) Where a building is to be erected on a parcel of land that is within one hundred feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two closest front corners of the adjacent buildings on the two sides, or
  - (b) Where a building is to be erected on a parcel of land that is within one hundred feet of an existing building on one side only, such building may be erected as close to the street as the existing adjacent building.

## **ARTICLE 10. SIGN REGULATIONS**

Section 1. Purpose and Intent. This article is intended to promote and protect the general welfare, health, safety and order within the City of Scanlon through the establishment of a comprehensive and impartial series of standards, regulations and procedures governing the type, numbers, size, structure, location, height, lighting, erection, use, display and maintenance of devices, signs or symbols serving as visual communicative media to persons situated within or upon public-rights-of-way or properties.

The provisions of this Article are intended to assure compatibility of signs with surrounding land uses, to conserve property values in all zone districts, to protect public investments in streets and highways, and to promote the safety of public travel through the City.

Section 2. Definitions: For the purpose of this Article, the following words shall have the meanings ascribed to them in this Section:

**BANNER.** Any attention getting device, the materials of which consist of paper, cloth or other man-made materials and which are of temporary nature.

**BILLBOARD.** A sign which directs attention to a business, product, service or activity not necessarily conducted, sold or offered on the premises where the sign is located.

**BUSINESS.** Any establishment, occupation, employment or enterprise wherein merchandise is manufactured, exhibited or sold, or which occupies time, labor, attention and materials or where services are offered for compensation.

**DIRECTIONAL SIGN.** A sign erected on public or private property which bears the address and/or name of a business, institution or other use or activity plus directional arrows or information on location.

**FLASHING SIGN.** An illuminated sign which contains flashing lights or exhibits noticeable changes in color or light intensity.

**FREE STANDING SIGN.** Any stationary or portable self-supporting sign not affixed to any other structure.

**GOVERNMENTAL SIGNS.** A sign which is erected by a governmental unit for the purpose of identification and directing or guiding traffic.

**IDENTIFICATION SIGNS.** Signs which identify the business or owner, or manager or resident and set forth the address of the property.

**ILLUMINATED SIGN.** Any sign which is lighted by an artificial light source either directed upon it or illuminated from an interior source.

**INDIVIDUAL PROPERTY SALE OR RENTAL SIGNS.** Any on-site sign announcing the name of the owner, manager, realtor or other person directly involved in the sale or rental of the property or announcing the purpose for which it is being offered.

**INSTITUTIONAL SIGN.** A sign or bulletin boards which identifies the name or other characteristics of a public, semi-public or private institution on the site where the sign is located. Institutions shall include, but not be limited to, churches, hospitals, nursing homes, schools and other non-profit organizations.

**OFF-SITE SIGNS.** A sign other than an on-site sign.

**ON-SITE SIGNS.** A sign which in its subject matter refers only to the premises on which it is located, or to products, services, accommodations or activities on the premises.

**POLITICAL CAMPAIGN SIGNS.** Signs or posters announcing the candidate(s) seeking political office and/or political issues, and data pertinent thereto.

**PUBLIC SIGN.** Signs of a public, non-commercial nature, to include safety signs, danger signs, trespassing signs, traffic signs, and the like when erected by or on order of a public officer or employees.

**PROJECTING SIGN.** A sign other than a wall sign, which is affixed to a building and which extends perpendicular or at an angle from a building wall.

**ROOF SIGN.** A sign supported by the roof or parapet wall of a building or structure.

**SIGN AREA.** That area within the marginal lines created by the sign surface which bears the advertisement. Only one side of a double faced sign shall be counted as sign area.

**TEMPORARY SIGN.** Any sign which is erected or displayed for a specified period of time.

**WALL SIGN.** A sign which is affixed to the exterior wall of a building. A wall sign does not project more than (18) inches from the surface to which it is attached.

Section 3. Exemptions. Permits shall be required for both on-site and off-site signs and shall be subject to the performance standards contained herein. Only the following are exempt from the regulations herein and therefore do not require a permit:

- (1) Signs not exceeding four (4) square feet in area and bearing only property numbers, post box numbers, names of occupants, or other identification of premises, not having commercial connotations.
- (2) Signs or bulletin boards not exceeding twenty-four (24) square feet used in connection with any church, school or similar public building.
- (3) Flags and insignia of any government except when displayed in connection with commercial promotion.
- (4) Directional signs which are intended to direct or guide traffic and parking on private property but bearing no advertising matter.
- (5) Individual property sale or rental signs indicating real estate for rent or for sale of premises upon which said signs are located and shall not exceed six (6) square feet in area. Such signs shall be removed within seven (7) days of completion of the advertised sale or rental.
- (6) In residential areas, signs advertising garage or rummage sales are allowed under the following conditions.
  - (a) The sale is not part of or used in connection with a commercial enterprise.
  - (b) The sign may not be larger than four (4) square feet, and
  - (c) The sign must be removed within 24 hours of the time when it is erected.
- (7) Legal notices, identification, information or directional signs erected by or required by governmental bodies, as defined in Minnesota Laws 1971, Chapter 173, and Section 173.02, Subd. 6, as may be amended from time to time.

- (8) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights.
- (9) Political campaign signs erected or placed in accordance with all applicable state laws, may be allowed provided that they are removed within ten (10) days following the election for which they were intended, and provided that such posters do not exceed thirty-two (32) square feet.
- (10) Other temporary signs may be allowed without a permit provided they are approved by the City and conform to conditions contained in this Article.

Section 4. Sexually-Oriented Business Sign Regulations. Notwithstanding any other provision of this code, a sexually-oriented business shall not be permitted more than one sign advertising its business, which shall be an “on premise sign” only. All such signs:

- (1) Shall be flat wall signs;
- (2) The amount of allowable sign area shall be one square foot of sign area per foot of lot frontage on the street;
- (3) No merchandise or pictures of the products or entertainment on the premises shall be displayed in window areas or any area where they can be viewed from the outside of the building.
- (4) Window areas shall not be covered or made opaque in any way. No sign shall be placed in any window. A one square foot sign may be placed on the door to state “hours of operation and admittance to adults only”.
- (5) No sign shall contain any flashing lights, moving elements, or mechanically changing messages.
- (6) No sign shall contain any depiction of sexual conduct or nudity.

No sexually-oriented business may have any off premise sign. No owner or operator of any sexually-oriented business shall allow any portion of the interior premises to be visible from outside the premises.

Section 5. Prohibited Devices. No advertising device shall be erected or maintained:

- (1) Which contains or imitates an official traffic sign or signal, except for private, on premise, directional signs.
- (2) Which interferes with the visibility or effectiveness of any official traffic sign or signal, or with driver vision of approaching, merging or intersecting traffic.
- (3) Which are structurally unsafe, in disrepair or are abandoned.

- (4) Within the right-of-way of any public roadway.
- (5) Which contain any indecent or offensive pictures or written matter.
- (6) On trees or shrubs, or which are painted or drawn upon rocks, other natural features, public utility poles or abandoned buildings.

Section 6. On Site Sign and Off Site Regulations. On-site/off site signs shall be allowed by permit subject to the following conditions:

- (1) Signs advertising a permitted home occupation shall not exceed six (6) square feet in area. No home occupation sign shall be illuminated. No more than one sign for each use located on the premises shall be permitted.
- (2) Signs within commercial or industrial districts shall be limited to not more than three (3) display units, each shall not exceed eighty (80) square feet in area when non-lighted and not more than forty (40) square feet in area when illuminated.

Section 7. Off-Site and On Site Sign Regulations. Off-site/on site signs shall be allowed by permit subject to the following conditions.

- (1) The maximum area of a sign face shall not exceed three hundred (300) square feet including the border and trim, but excluding the base and apron supports and other structural members.
- (2) No off-site/on site sign shall be erected closer to any other off-site/on site sign on the same side of the same roadway facing traffic proceeding in the same direction than:
  - (a) 500 feet on I-35
  - (b) 300 feet on other highway or roadway
- (3) On I-35, no off-site signs may be erected adjacent to or within 500 feet along such highway from the beginning or ending of pavement widening at the exit from or entrance to the main traveled way.
- (4) On primary highways, no off-site sign may be located closer than 300 feet from the intersection of any primary highway at grade with another highway or with a railroad, provided that advertising may be affixed to or located adjacent to a building at such intersection in such a manner as not to cause any greater obstruction of vision than caused by the building itself.
- (5) No off-site sign shall be erected or maintained in or within 500 feet of local parks, historic sites and public picnic or rest areas, nor shall any off-site sign be erected or maintained within 100 feet of a church or school.

- (6) Off-site signs shall not be erected or maintained in such a place or manner as to obscure or otherwise physically interfere with an official traffic control device or a railroad safety signal or sign, or to obstruct or physically interfere with a driver's view of approaching, merging or intersecting traffic for a distance of 500 feet.
- (7) Off-site/on site signs shall not exceed twenty (20) feet in height, from highway grade level to the highest point on the sign and shall not be located within three-hundred (300) feet of an existing residence.

Section 8. Outdoor Advertising. General Regulations:

**GOVERNMENTAL SIGNS.** Only official identification, directional or traffic control signs, as defined by Minnesota Laws 1971, chapter 173, Section 173.02, Subdivision 6 (1), (b) and (d) and all acts amendatory thereof, shall be allowed within the public right of way of a highway, street or roadway.

**SET BACKS.** All signs shall have a minimum set back distance of (10) feet from any road right-of-way, front, side or rear lot line.

**LIGHTING.** Signs shall not be erected or maintained which contain, include or are illuminated by any flashing lights, except those giving public service information such as time, date or temperature. Additionally:

- (1) Signs shall not be erected or maintained which are not effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled way or roadway or beams of light of such intensity or brilliance as to cause glare or impair the vision of the operator of any motor vehicle.
- (2) Signs shall not be erected or maintained which will be so placed or illuminated that it obscures or interferes with the effectiveness of any official traffic sign, device or signal, or any official sign as defined in Article 10, Section 8 of this ordinance.
- (3) Lights shall not shine on or reflect into residential areas.

**SIGN MODIFICATIONS.** A change in advertising, message, maintenance and repair, or the use of extensions, cut-outs or embellishments upon an existing sign shall not be considered an enlargement, extension or structural alteration, provided the sign does not exceed any limitation imposed by this ordinance.

Section 9. Permits. It shall be unlawful for any person to erect, structurally alter or relocate any sign within the City, without first obtaining a building permit from the City Clerk/Treasurer.

**APPLICATION.** Application for a permit shall be upon forms provided by the Clerk/Treasurer and shall contain at a minimum the following information:

- (1) Name, address and telephone number of applicant.
- (2) Location of building, structure or lot to which or upon which the sign is to be attached or erected.
- (3) Position of sign in relation to nearby buildings or structures.
- (4) Name of person, firm or corporation erecting the sign.
- (5) Evidence of written consent of owner of the building, structure or land to which or on which the sign is to be erected.
- (6) Such other information as the City Clerk/Treasurer shall require to show full compliance with this article and other City ordinances.

## **ARTICLE 11. CONDITIONAL USES.**

Section 1. Definition. A conditional use constitutes a use that would not be appropriate generally or without restriction throughout a zoning district, but which, if controlled as to number, area, location or relation to neighborhood would not be injurious to the public health, safety or general welfare.

Section 2. Authority. The City council may, after review and recommendation by the Planning Commission, grant a conditional use Permit authorizing the development of uses listed in this Article 11.

Section 3. Conditional Permitted Uses. A Conditional Use Permit may be granted for the following buildings or uses in a District from which they are prohibited by this ordinance:

**ACCESSORY BUILDING.** A subordinate building, on a privately owned lot or a portion of the main building, the use of which is incidental to that of the dominant use of the main building or premises

**PUBLIC BUILDINGS.** Any public building erected or used by any department of the City, school district, county or state or federal government.

**PRIVATE SCHOOLS.** Private schools, including nursery, pre-kindergarten, play and special schools.

**HOSPITALS, CLINICS AND INSTITUTIONS** including educational, religious and philanthropic institutions and convalescent homes; provided, however, that such buildings occupy not over forty percent of the total area of the lot, and provided further that the building shall be set back from all yard lines a distance of not less than one foot for each foot of building height, and that adequate off-street parking be provided.

**COMMUNITY BUILDING OR RECREATIONAL FIELD.**

**AIRPORT OR LANDING FIELD.**

**GREENHOUSES AND NURSERIES.**

**CAMPGROUND OR RV CAMPGROUND.** This use shall be allowed only in the commercial or industrial districts, provided that:

- (1) The number of campground or rv campground, or both, shall not exceed the number obtained by dividing the total square foot area of the site by 1,800.
- (2) A distance of at least twenty feet shall be maintained between buildings, between trailers, and between trailers and buildings.
- (3) Each tourist cabin unit have a minimum enclosed floor area of two hundred square feet and be provided with heating and cold running water. Sanitary and water supply facilities installed shall be subject to approval of the City Health Officer.
- (4) Each trailer camp shall provide sanitary facilities and water supply in accordance with the standards of, and meeting the approval of the City Health Officer. No special permit for a trailer camp shall be granted until certification of compliance with the requirements of the City Health Officer. All special permits for trailer camps shall be valid only during the period that the camp complies with the requirements of the City Health Officer.

**PRIVATE RECREATIONAL USE.** Private recreational uses where buildings do not cover more than five percent of the area of the site.

**RIDING STABLES AND PRIVATE STABLES.**

**ROADSIDE STANDS AND RECREATIONAL ACTIVITIES.** Roadside stands and recreational activities for temporary or seasonal periods.

**RADIO AND TELEVISION TOWERS AND BROADCASTING STATIONS.**

**EXTRACTION OF SAND, GRAVEL, COAL OR OTHER RAW MATERIALS.**

Extraction for sand, gravel, coal or other raw materials and the processing of those raw materials which have extracted on the same premises.

**PARKING LOTS.** Parking lots on land located not more than three hundred feet from any commercial or business district.

**CLUBS, AND SEMI-PUBLIC BUILDINGS.**

**OTHER USES.** Other uses of the same general character as those listed in a particular district. Any use so determined shall be regarded as a listed use.



- (1) Application for a Conditional Use Permit shall be made to the City Clerk/Treasurer who shall refer it to the Planning Commission. The application shall contain the following information as well as such additional data or documentation prescribed by the Planning Commission:
  - (a) Names and addresses of owner and applicants.
  - (b) Plans drawn to convenient scale, showing the current zoning and existing land use of the tract, and those tracts directly adjacent to it, and any significant topographical or physical features of the tract;
  - (c) A detailed description of the proposed use including a plot plan;
  - (d) The legal description of the tract of land;
  - (e) Other information and materials required by the City;
  - (f) The filing fee required by the City as set by resolution.
- (2) Planning Commission Meeting. The Planning commission shall conduct a meeting to consider the application within thirty (30) days after it is filed with the City Clerk/Treasurer. Written notice shall be sent to all affected property owners in an area as defined by the petition submitted with the application.
- (3) Decisions. Within thirty (30) days after the conclusion of the meeting, the Planning Commission shall transmit to the City council a written report containing its recommendations concerning the Conditional Use. The report shall include all necessary documentation specifying the reasons for the recommendation as well as a recommendation as to whether a public hearing should be called based on any opposition received or heard at the Planning Commission meeting.

The Planning Commission shall recommend approval of a conditional use permit only when it determines the following.

- (a) The conditional use will not be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity nor substantially diminish and impair property values within the surrounding neighborhood.
- (b) The Conditional use will not impede the normal and orderly development and improvement of surrounding property of uses permitted by right in the zone district.
- (c) The location and character of the proposed use is considered to be consistent with a desirable pattern of development for the area.

- (d) The use conforms to the Comprehensive Plan for the City of Scanlon.
- (4) Denial. In the event the Planning Commission recommends denial of the application for a Conditional Use Permit, the factual basis and reasons for denial shall be set forth in writing to the City Council
- (5) Conditions. In recommending issuance of any Conditional Use Permit, the Planning Commission may impose such conditions and restrictions as it deems necessary to protect the public interest, including but not limited to matters relating to appearance, lighting, hours of operation and performance standards.
- (6) Duration. A Conditional Use Permit shall remain in effect for so long as the conditions agreed upon are observed. However, when it is deemed appropriate, the Planning Commission or City Council may include a time limitation or a review requirement may be included as a condition of a permit.
- (7) City Council Action. The City Council shall hold a Public Hearing if recommended by the Planning commission. The City Council shall within 60 days of the receipt of the recommendation of the Planning Commission grant or deny the Conditional Use or refer it back to the Planning Commission for further consideration. If the City Council denies an application for Conditional Use Permit, it shall make written findings as to the factual basis and reasons for its action.

## **ARTICLE 12. BOARD OF ZONING APPEALS**

Section 1. Creation and Membership. A Board of Zoning Appeals is hereby established, vested with such administrative authority as is hereinafter provided, and shall consist of five members as follows: A member of the City Planning Commission selected by it, and four other citizens appointed for a term of three years by the Mayor and approved by the City Council. Vacancies shall be filled for unexpired terms, and the Council may, by a 4/5 vote, remove any member there from.

Section 2. Variances.

- (1) Pursuant to Minn. Stat. Sec. 462.357, Subd. 6, as it may be amended from time to time, the Board of Zoning Appeals may issue variances from the provisions of this zoning code. A variance is a modification or variation of the provisions of this zoning code as applied to a specific piece of property.
- (2) Variances shall only be permitted
  - (i) When they are in harmony with the general purposes and intent of the ordinance and
  - (ii) When the variances are consistent with the comprehensive plan.
- (3) Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance.

(4) “Practical difficulties,” as used in connection with the granting of a variance, means that

- (i) The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;
- (ii) The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
- (iii) The variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

(5) Variances shall be granted for earth sheltered construction as defined in section 216C.06, subdivision 14, when in harmony with the ordinance. The Board of Zoning Appeals may not permit as a variance any use that is not allowed under the zoning ordinance for property in the zone where the affected person’s land is located. The board may permit as a variance the temporary use of a one family dwelling as a two family dwelling. The board may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

### Section 3. Procedure.

(1) Application. Application for a variance shall be made to the City Clerk/Treasurer who shall refer it to the Board of Zoning Appeals. The application shall contain the following information as well as such additional data or documentation as may be prescribed by the Board:

- (a) Names and addresses of owner and applicants.
- (b) Plans drawn to convenient scale, showing the current zoning and existing land use of the tract, and those tracts directly adjacent to it, and any significant topographical or physical features of the tract;
- (c) Detailed description of the proposed variance including a plot plan;
- (d) Legal description of the tract of land;
- (e) Other information and materials required by the Board;
- (f) The filing fee required by the City as set by resolution.

(2) Board of Zoning Appeals Meeting. The Board shall conduct a meeting on the application within thirty (30) days after it is filed with the City Clerk/Treasurer. Written notice shall be sent to all affected property owners in an area as defined by the petition submitted with the application.

- (3) Decision. Within thirty (30) days after the conclusion of the meeting, the Board shall render its decision granting or denying the requested variance with factual Findings in support and explanation of its decision. In granting a variance, the Board may impose such conditions and restrictions as it deems necessary to protect and promote the public interest as evidenced by the provisions of this Zoning Ordinance.

### **ARTICLE 13. ENFORCEMENT**

Section 1. Duties. The City Clerk/Treasurer shall receive applications required by this ordinance, forward them to the Building Inspector, and issue permits when instructed by the Building Inspector to do so. The Building Inspector shall examine premises for which permits have been issued, and shall make necessary inspections to see that the provisions of this Ordinance are complied with.

### **ARTICLE 14. PERMITS**

Section 1. **When Required.** It shall be unlawful to construct, alter, repair, remove or demolish, or to commence construction, alteration, removal or demolition of a building or structure without first filing with the City Clerk/Treasurer or the authorized agent an application in writing and obtaining a formal permit on forms prescribed by the City of Scanlon.

Section 2. Forms.

- (1) An application for a permit shall be submitted in such form as the Building Inspector may prescribe.
- (2) Such applications shall contain the full names and addresses of the applicant and of the owner, and, if the owner is a corporate body, of its responsible officers.
- (3) Such application shall describe briefly the proposed work and shall give such additional information as may be required by the City Clerk/Treasurer or the Building Inspector for the intelligent understanding and review of the proposed work.

Section 3. **Plans.** Application for permits shall be accomplished by such drawings of the proposed work, drawn to scale, including floor plans, sections, elevations and structural details, as the City Clerk/Treasurer or Building Inspector may require.

Section 4. **Plot Diagram.** There shall also be filed a plot diagram in a form and size suitable for filing permanently with the permit records, drawn to scale, with all dimensions figured, showing accurately the size and exact location of all proposed new construction, or in the case of demolition, of such construction as is to be demolished, and of all existing buildings and structures that are to remain. The plot diagram shall also show all lot lines and structures drawn to scale.

Section 5. **Action on Application.** It shall be the duty of the City Clerk/Treasurer or authorized agent to examine applications for permits within a reasonable time after filing. If, after examination, and passage to the Building Inspector, he finds no objection to the same, and it appears that the proposed work will be in compliance with the laws and ordinances applicable thereto, he shall approve such application and authorize the issue of a permit for the proposed work as soon as practicable. Setbacks must be checked and approved by either the Building Inspector or Maintenance Superintendent before a permit can be issued for construction of any new building, fence, and addition to a building, accessory building or structure.

If in the opinion of the building Inspector, the proposed work is contrary to any of the provisions of this ordinance, he shall refer the matter to the Board of Zoning Appeals who shall act thereon at its next meeting, and a decision upon the matter shall be made by the Board. The applicant shall be notified of the time and place of the meeting of such Board and shall be given the opportunity of being heard.

If the applicant is dissatisfied with the decision of the Board of Zoning Appeals, the applicant may appeal the matter to the City Council. The Board of Zoning Appeals shall submit to the City Clerk/Treasurer and/or the Building Inspector said application, information, and data pertinent to the particular case. The action of the City Council shall be final, and shall be taken within thirty days after filing notice of such application.

## **ARTICLE 15. CERTIFICATION OF COMPLIANCE AND OCCUPANCY**

Section 1. **Certificate of Compliance with Zoning Ordinance and Occupancy.** A Certificate of Compliance with Zoning Ordinance and Occupancy for a new building or the reconstruction or alteration of an existing building shall be applied for coincident with the application for a building permit. This certificate shall be issued within three days after the request for same shall have been made in writing to the City Clerk/Treasurer after the erection or alteration of such buildings or part thereof shall have been completed, in conformity with the provisions of these regulations. Until this Certificate is issued, no such structure may be finally occupied by the permittee, its assigns or any other person or entity.

Section 2. The Certificate of Compliance with Zoning Ordinance and Occupancy shall state that the building or proposed use of a building complies with the City of Scanlon Zoning Ordinance. A record of all certificates shall be kept on file in the office of the City Clerk/Treasurer and copies shall be furnished on request, to any person having a proprietary or tenancy interest in the building affected. No fee shall be charged for issuance of a Certificate of Compliance with Zoning Ordinance and Occupancy.

## **ARTICLE 16. BOUNDARIES OF DISTRICTS**

Section 1. **Rules Where Uncertainty May Arise.** Where uncertainty exists with respect to the boundaries of the various districts as shown on the map accompanying and made a part of this ordinance, the following rules apply:

- (1) The district boundaries are either streets or alleys unless otherwise shown, and where the districts designated on the map accompanying and made a part of this ordinance are bounded approximately by street or alley lines, the street or alley shall be construed to be the boundary of the district.
- (2) Where the district boundaries are not otherwise indicated, and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the districts designated on the map accompanying and made a part of this ordinance are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the districts unless the boundaries are otherwise indicated on the map.
- (3) With regard to property that has not been subdivided, the district boundary lines on the map accompanying and made a part of this ordinance shall be determined by use of the scale appearing on the map.

#### **ARTICLE 17. INTERPRETATION, PURPOSE AND CONFLICT.**

Section 1. In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. It is not intended that this ordinance shall interfere with or abrogate or annul any ordinances, rules, regulations, or permits previously adopted or issued, and not in conflict with any of the provisions of this ordinance, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises, and likewise not in conflict with this ordinance; nor is it intended that this ordinance shall interfere with or abrogate or annul any easements, covenants or other agreements between parties, except that if this ordinance imposes a greater restriction, this ordinance shall control.

**Penalty.** A violation of this Ordinance shall be a misdemeanor, and shall be punished as provided by State Law.

**Severability.** If any sub-section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have adopted this Ordinance and each sub-section sentence, clause or phrase thereof irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, or phrases be declared invalid.

#### **ARTICLE 18. AMENDMENT.**

Section 1. The City Council may amend this ordinance after public hearing whenever the public necessity and convenience or the general welfare requires such amendment pursuant to the following procedures:

Amendments may be proposed by the Board of Zoning Appeals; the Planning Commission or a petition of not less than fifty percent of the property owners affected by the proposed

amendment, or by the Council itself. Before any amendment is made, it shall be referred to the Planning Commission, who shall make a report thereon after such referral. Thereafter, the Council may adopt such amendment by a two-thirds majority vote of all of its members.

**ARTICLE 19. VIOLATION AND PENALTY**

Section 1. In any case where any building or structure is constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure, or land is used in violation of this Ordinance, the City, in addition to other remedies, may institute any appropriate action or proceeding:

- (1) To prevent the unlawful construction, reconstruction, alteration, repair, conversion, maintenance, or use.
- (2) To prevent the occupancy of the building, structure or land.
- (3) To prevent any illegal act, conduct, business or use in or about the premises.
- (4) To restrain, correct or abate the violation.

Passed by the City Council of the City of Scanlon this 23 day of September, 2020.

CITY OF SCANLON, MINNESOTA

\_\_\_\_\_  
Annette Bryant, Mayor

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Lori Stigers, City Clerk/Treasurer

ATTEST