

TO: MAYOR AND CITY COUNCIL

FROM: NEIL JENSEN, City Administrator

SUBJECT: Farmers Market Discussion

MEETING DATE: August 18, 2020

BACKGROUND:

A couple months ago the City Council made a motion to bring back the Farmers Market discussion to the council meeting in October. Mr. David Olson approached the city council at their last meeting to talk about the 2 farmers markets. He mentioned that the downtown market is stationed illegally according to the zoning ordinances and that he wanted "to share some facts". He mentions that his market takes the liability off of the city and provides ample parking. There was support for the downtown market by Chamber Director Kyle Paulson and a resident suggested that there be a Thursday night downtown market. Mayor Althoff stated to bring it back at the next meeting.

Mr. Olson stated that the Downtown Farmers Market is stationed illegally according to the zoning ordinances. This is true the downtown and city parking lot is a B-1 Zoning District which does not allow outside sales. See attached B-1 Zoning Ordinance.

The Artisan Plaza Farmers Market is in a B-2 Zoning and does allow outside sales only with a Conditional Use Permit. See B-2 Zoning Ordinance.

If the City council wants the Farmers Market Downtown the logical choice would be to change the ordinance in the B-1 zoning district to allow Farmers Markets in a B-1 district by Conditional Use. This would be the same as B-2. I would be careful on the language used since B-1 is a more concentrated district and outside sales takes space.

Council member Duncan and others brought up parking capacity and city liability. Certainly, with 4 new parking spots going to be used for electric charging stations there could be a concern with parking in the future. An option would be to have the Farmers Market on the Lee Chevrolet lot up the hill or in the overflow lot across the river from the grocery store.

I contacted the LMCIT the city's insurance carrier and they stated That as long as we carry liability insurance the city is covered. That doesn't mean someone wouldn't sue the city but it does mean we have coverage. We also have the vendors sign off on a form which indemnifies the city (see attached).

Here are some options to consider;

1. Have one Farmers Market at Artisan Plaza where it is zoned properly (Outside Sales) and meets all state guidelines and licensing.

2. Consider a zoning ordinance change to allow a Farmers Market (outside sales) in a B-1 zoning district with a conditional use permit.
3. Consider a zoning ordinance change to allow a Farmers Market (outside sales) in a B-1 zoning district with a conditional use permit and move the market to a different location such as the Lee Chevrolet lot or the Overflow parking lot across from Family Fare to free up parking.
4. Consider a zoning ordinance change to allow a Farmers Market (outside sales) in a B-1 zoning district with a conditional use permit and have the Framers Market on private property.

STAFF RECOMMENDATION

I have provided some options to consider for council discussion.

REQUESTED COUNCIL ACTION

Minimum lot area	
Elderly	1,000 square feet per unit
Multiply-family	2,500 square feet per unit
Other uses	15,000 square feet
Minimum lot depth	120 feet
Minimum lot width	100 feet
Minimum setbacks	
Front ✓	25 feet
Rear ✓	25 feet, not less than 35 feet for a nonresidential use on a rear yard abutting a single-family residential zoning district
Side	15 feet, not less than 25 feet on a side yard abutting a street
Zero lot line	Side yard setback requirements shall not be applied to common walls of multiple-family dwellings

(B) The following minimum requirements shall be observed for single-family detached and two-family dwellings subject to additional requirements, exceptions and modifications set forth in this chapter:

Minimum lot area		
Single-family	8,520 square feet	
Two-family (per unit)	5,000 square feet	
Minimum lot depth		
Single and Two Family	142 feet	
Minimum lot width		
Single-family	60 feet	
Two-family	80 feet	

Minimum setbacks		
Front	25 feet	
Rear	20 feet	
Side	Interior	10 feet
	Corner	20 feet
	Common wall	0 feet
Rear/side detached accessory	5 feet	
Garage accessing alley	15 feet	

(Prior Code, § 11-58-7) (Ord. 258, passed 5-4-2006; Ord. 347, passed 9-20-2016)

§ 152.612 BUILDING REQUIREMENTS.

The following building requirements shall be observed in an R-B District.

(A) All structures shall be limited to a maximum height of three stories or 45 feet, however, building heights in excess of the prescribed standard may be permitted through a conditional use permit, provided that the requirements of § 152.207(A) of this chapter are met.

(B) Dwelling unit floor area shall be governed by § 152.210 of this chapter.

(C) Accessory structures shall be governed by §§ 152.230 through 152.241 of this chapter.
(Prior Code, § 11-58-8) (Ord. 258, passed 5-4-2006)

B-1, CENTRAL BUSINESS DISTRICT

§ 152.625 PURPOSE.

The purpose of the B-1, Central Business District is to provide for the establishment of commercial and service activities which draw from and serve customers from the community and surrounding area.
(Prior Code, § 11-60-1) (Ord. 258, passed 5-4-2006)

§ 152.626 PERMITTED USES.

Subject to applicable provisions of this chapter, the following are permitted uses in a B-1 District:

(A) Financial institutions;

(B) Governmental or public regulated utilities, buildings or structures necessary for the health, safety and general welfare of the city;

(C) Liquor sales, on- and off-site;

(D) Office business; clinic;

(E) Office business; general;

(F) Personal services, subject to any licensing requirements of the city, county or state;

(G) Restaurants;

(H) Retail business;

(I) Service business; on-site without drive-through service facilities;

(J) Specialty schools, such as music, dance, gymnastics, business or trade school; and

(K) Theaters.

(Prior Code, § 11-60-2) (Ord. 258, passed 5-4-2006)

§ 152.627 PERMITTED ACCESSORY USES.

Subject to applicable provisions of this chapter, the following are permitted accessory uses in a B-1 District:

(A) Commercial accessory buildings and structures provided that the use shall not exceed 30% of the gross floor space of the principal use;

(B) Fences as regulated by §§ 152.275 through 152.281 of this chapter;

(C) Off-street parking and loading as regulated by §§ 152.255 through 152.264 of this chapter;

(D) Secondary or accessory use antennas or satellites as regulated by §§ 152.330 through 152.337 of this chapter; and

(E) Signs as regulated by §§ 152.350 through 152.359 of this chapter.
(Prior Code, § 11-60-3) (Ord. 258, passed 5-4-2006)

§ 152.628 CONDITIONAL USES.

Subject to applicable provisions of this chapter, the following are conditional uses in the B-1 District and require a conditional use permit based upon procedures set forth in and regulated by §§ 152.070 through 152.074 of this chapter:

(A) Accessory drive-through facilities provided that:

(1) Not less than 120 feet of segregated automobile stacking shall be provided for the single service lane. Where multiple service lanes are provided, the minimum automobile stacking may be reduced to 60 feet per lane;

(2) The stacking lane and its access shall be designated to control traffic in a manner to protect the buildings and will not interfere with on-site traffic circulation or access to the required parking space;

(3) No part of the public street or boulevard may be used for stacking of automobiles;

(4) The stacking lane, order board telecom and window placement shall be designed and located in a manner as to minimize glare to adjacent premises, particularly residential premises and to maximize maneuverability of vehicles on the site;

(5) The drive-through window and its stacking lanes shall be screened from view of adjoining residential zoning districts and public street rights-of-way; and

(6) A lighting and photometric plan will be required that illustrates the drive-through service lane lighting and shall comply with § 152.187 of this chapter.

(B) Essential service involving transmission pipelines and transmission or substation lines in excess of 35kV and up to 100kV, as regulated by §§ 152.385 through 152.389 of this chapter;

(C) Residential and nonresidential uses within one structure, provided that:

(1) Residential and nonresidential uses shall not be contained on the same floor and no residential use shall be located on the first floor; and

(2) Residential and nonresidential uses shall have separate entrances and exits.

(D) Accessory outdoor dining facilities with more than 16 seats provided that:

(1) The applicant submit a site plan and other pertinent information demonstrating the location and type of tables, refuse receptacles and wait stations;

(2) The dining area shall be screened from view from adjacent residential uses in accordance with §§ 152.275 through 152.281 of this chapter;

(3) All lighting shall be hooded and directed away from adjacent residential uses; and

(4) The applicant demonstrates that pedestrian circulation is not disrupted as a result of the outdoor dining area by providing the following:

(a) Outdoor dining area shall be segregated from through pedestrian circulation by means of temporary fencing, bollards, ropes, plantings or other methods;

(b) Minimum clear passage zone for pedestrians at the perimeter of the restaurant shall be at least five feet without interference from parked motor vehicles, bollards, trees, tree gates, curbs, stairways, trash receptacles, street lights or the like;

(c) Overstory canopy of trees, umbrellas or other structures extending into the pedestrian clear passage zone or pedestrian aisle shall have a minimum clearance of seven feet above sidewalk;

(d) The dining area is surfaced with concrete, bituminous or decorative pavers or may consist of a deck with wood or other flooring material that provides a clean, attractive and functional surface;

(e) Storage of furniture shall not be permitted outdoors between November 2 and March 31. Outdoor furniture that is immovable or permanently fixed or attached to the sidewalk shall not be subject to the storage prohibition of this section. However, any immovable or permanently fixed or attached furniture shall be approved as part of the conditional use permit; and

(f) Refuse containers are to be provided for self-service outdoor dining areas. These containers shall be placed in a manner which does not disrupt pedestrian circulation.

(E) Production winery facilities provided that:

(1) All loading and unloading of semi trucks and related vehicles shall take place on property owned by the production winery facility.

(2) A full engineering report including drainage and runoff, utility connection specifications and water quality impacts shall be conducted and information provided to the City Engineer for review prior to the issuance of a conditional use permit.

(3) A production winery shall comply with all State of Minnesota liquor licensing requirements and evidence of such shall be provided to city staff prior to the issuance of a conditional use permit. (Prior Code, § 11-60-4) (Ord. 258, passed 5-4-2006; Ord. 278, passed 3-19-2008; Ord. 322, passed 9-4-2012; Ord. 359, passed 4-3-2018)

§ 152.629 INTERIM USES.

Subject to applicable provisions of this chapter, the following are interim uses in a B-1 District and require an interim use permit based upon procedures set forth in and regulated by §§ 152.085 through 152.089 of this chapter: none.
(Prior Code, § 11-60-5) (Ord. 258, passed 5-4-2006)

§ 152.630 USES BY ADMINISTRATIVE PERMIT.

Subject to applicable provisions of this chapter, the following uses are allowed by administrative permit in a B-1 District based upon procedures set forth in and regulated by §§ 152.115 through 152.118 of this chapter. Accessory outdoor dining facilities with 16 seats or less provided that:

- (A) The applicant shall submit a site plan and other pertinent information demonstrating the location and type of tables, refuse receptacles and wait stations;
- (B) All lighting shall be hooded and directed away from adjacent residential uses; and
- (C) The applicant shall demonstrate that pedestrian circulation is not disrupted as a result of the outdoor dining area by providing the following:
 - (1) Minimum clear passage zone for pedestrians at the perimeter of the restaurant shall be at least five feet without interference from parked motor vehicles, bollards, trees, tree gates, curbs, stairways, trash receptacles, street lights or the like;
 - (2) Overstory canopy of trees, umbrellas or other structures extending into the pedestrian clear passage zone or pedestrian aisle shall have a minimum clearance of seven feet above sidewalk;
 - (3) The dining area is surfaced with concrete, bituminous or decorative pavers or may consist of a deck with wood or other flooring material that provides a clean, attractive and functional surface;
 - (4) Storage of furniture shall not be permitted outdoors between November 2 and March 31; and
 - (5) Refuse containers are to be provided for self-service outdoor dining areas. These containers shall be placed in a manner which does not disrupt pedestrian circulation.
(Prior Code, § 11-60-6) (Ord. 258, passed 5-4-2006; Ord. 278, passed 3-19-2008)

§ 152.631 LOT REQUIREMENTS AND SETBACKS.

The following minimum requirements shall be observed in a B-1 District subject to additional requirements, exceptions and modifications set forth in this chapter.

Lot area	None
Lot width	None
Setbacks	
Front yard	None
Rear yard	None, except when abutting a residential district, then 25 feet
Side yard	None, except when abutting a residential district, then 25 feet

(Prior Code, § 11-60-7) (Ord. 258, passed 5-4-2006)

§ 152.632 BUILDING REQUIREMENTS.

The following building requirements shall be observed in the B-1 District.

(A) All buildings shall be limited to a maximum height of three stories or 35 feet, however, building heights in excess of the prescribed standard may be permitted through a conditional use permit, provided that the requirements of § 152.207(A) of this chapter are met.

(B) All buildings and property located within the boundaries of the HD, Historic Downtown Overlay District, shall be subject to the architectural standards described and illustrated within the downtown design standards manual adopted as an addendum to the Comprehensive Plan.

(Prior Code, § 11-60-8) (Ord. 258, passed 5-4-2006)

B-2, HIGHWAY BUSINESS DISTRICT

§ 152.645 PURPOSE.

The purpose of the B-2, Highway Business District is to provide for and limit the establishment of motor vehicle oriented or dependent high intensity commercial and service activities and less intensive industrial uses.

(Prior Code, § 11-61-1) (Ord. 258, passed 5-4-2006; Ord. 347, passed 9-20-2016)

§ 152.646 PERMITTED USES.

Subject to applicable provisions of this chapter, the following are permitted uses in a B-2 District:

(A) Automobile accessory stores;

(B) Automobile sales; indoor;

(C) Governmental and public regulated utilities, buildings and structures necessary for the health, safety and general welfare of the city;

(D) Greenhouses and landscape nurseries;

(E) Hospitality businesses;

(F) Liquor sales; on- and off-sale;

(G) Office businesses; clinical;

(H) Office businesses; general;

(I) Recreational businesses contained entirely within the principal building;

(J) Restaurant without drive-through facilities, without outdoor dining;

(K) Retail businesses without drive-through service facilities;

(L) Service businesses; off-site;

(M) Service businesses; on-site without drive-through service facilities; and

(N) Theaters.

(Prior Code, § 11-61-2) (Ord. 258, passed 5-4-2006)

§ 152.647 PERMITTED ACCESSORY USES.

Subject to applicable provisions of this chapter, the following are permitted accessory uses in a B-2 District:

(A) Commercial accessory buildings and structures provided that the use shall not exceed 30% of the gross floor space of the principal use;

(B) Fences as regulated by §§ 152.275 through 152.281 of this chapter;

(D) Off-street parking and loading as regulated by §§ 152.255 through 152.264 of this chapter, but not including semitrailer trucks, except in designated loading areas not to exceed four hours;

(E) Secondary or accessory use antennas or satellites as regulated by §§ 152.330 through 152.337 of this chapter; and

(F) Signs as regulated by §§ 152.350 through 152.359 of this chapter.
(Prior Code, § 11-61-3) (Ord. 258, passed 5-4-2006)

§ 152.648 CONDITIONAL USES.

Subject to applicable provisions of this chapter, the following are conditional uses in a B-2 District and require a conditional use permit based upon procedures set forth in and regulated by §§ 152.070 through 152.074 of this chapter:

(A) Accessory drive-through facilities provided that:

(1) Not less than 120 feet of segregated automobile stacking must be provided for the single service lane. Where multiple service lanes are provided, the minimum automobile stacking may be reduced to 60 feet per lane;

(2) The stacking lane and its access shall be designed to control traffic in a manner to protect the buildings and will not interfere with on-site traffic circulation or access to the required parking space;

(3) No part of the public street or boulevard may be used for stacking of automobiles;

(4) The stacking lane, order board telecom and window placement shall be designed and located in a manner as to minimize glare to adjacent premises, particularly residential premises and to maximize maneuverability of vehicles on the site;

(5) The drive-through window and its stacking lanes shall be screened from view of adjoining residential zoning districts and public street rights-of-way; and

(6) A lighting and photometric plan will be required that illustrates the drive-through service lane lighting and shall comply with § 152.187 of this chapter.

(B) Automobile repair, major and minor, provided that:

(1) Landscaping and screening not less than five feet in width shall be provided at the boundaries abutting a residential zoning district in compliance with §§ 152.275 through 152.281 of this chapter;

(2) Parking or automobile storage space shall be screened from view of abutting residential districts in compliance with §§ 152.275 through 152.281 of this chapter;

(3) Regardless of whether the dispensing, sale or offering for sale of motor fuels and/or oil is incidental to the conduct of the use or business, the standards and requirements imposed by this chapter for motor fuel stations shall apply. These standards and requirements are, however, in addition to other requirements that are imposed for other uses of the property;

(4) All painting shall be conducted in an approved paint booth. All paint booths and all other activities of the operation shall thoroughly control the emission of fumes, dust or other particulate matter so that the use shall be in compliance with the State Pollution Control Standards, Minn. Regulations APC 1-15, as amended;

(5) All flammable materials, including liquids and rags, shall conform with the applicable provisions of the State Uniform Fire Code; and

(6) Provisions are made to control and reduce noise.

(C) Commercial car washes (drive-through, mechanical and self-service) provided that:

(1) The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or areas as to cause impairment in property values or constitute a blighting influence;

(2) Magazining or stacking space is constructed to accommodate that number of vehicles which can be washed during a maximum 30-minute period and shall be subject to the approval of the City Engineer;

(3) At the boundaries of a residential district, a strip of not less than five feet shall be landscaped and screened in compliance with § 152.278 of this chapter;

(4) Parking or car magazine storage space shall be screened from view of abutting residential districts in compliance with § 152.279 of this chapter;

✓(5) The entire area other than occupied by the building or plantings shall be surfaced with material which will control dust and drainage which is subject to the approval of the city;

✓(6) The entire area shall have a drainage system which is subject to the approval of the city;

(7) All lighting shall be hooded and so directed that the light source is not visible from the public right-of-way or from an abutting residence and shall be in compliance with § 152.187 of this chapter;

(8) Vehicular access points shall be limited, shall create a minimum of conflict with through traffic movement and shall be subject to the approval of the City Engineer; and

(9) Provisions are made to control and reduce noise.

(D) Commercial daycare facilities provided that:

(1) All requirements of the State Department of Health and Human Services, as may be amended, are satisfactorily met and the structure and operation is licensed accordingly;

(2) Screening is provided along all shared property lines. The required fencing and screening shall be in compliance with the applicable provisions of § 152.279 of this chapter;

(3) Adequate off-street parking is provided in a location separated from any outdoor play area(s); and

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(4) Adequate off-street loading spaces in compliance with §§ 152.255 through 152.264 of this chapter.

(E) Contractor shops and offices provided that:

(1) All outside storage is prohibited. The storage of contractor equipment and materials must be completely inside; and

(2) When abutting a residential land use, a buffer area with screening and landscaping in compliance with § 152.279 of this chapter.

(F) Hospitals provided that:

(1) Side yards are double the minimum requirements established for this district and are screened in compliance with § 152.279 of this chapter;

(2) The site shall be served by an arterial or collector street of sufficient capacity to accommodate traffic which will be generated;

(3) All state statutes and regulations governing the use are strictly adhered to and all required operating permits are secured; and

(4) Adequate off-street loading space is provided in compliance with §§ 152.255 through 152.264 of this chapter.

(G) Motor fuel stations provided the following.

(1) *Motor fuel facilities.* Motor fuel facilities shall be installed in accordance with state and city standards. Additionally, adequate space shall be provided to access fuel pumps and allow maneuverability around the pumps. Underground fuel storage tanks are to be positioned to allow adequate access by motor fuel transports and unloading operations which do not conflict with circulation, access and other activities on the site. Fuel pumps shall be installed on pump islands;

(2) *Architectural standards.*

(a) As a part of the conditional use permit application, a color illustration of all building elevations shall be submitted;

(b) The architectural appearance, scale and functional plan of the building(s) and canopy shall be complementary and compatible with each other and the existing buildings in the neighborhood setting;

(c) All sides of the principal and accessory structures are to have essentially the same or a coordinated harmonious finish treatment pursuant to § 152.208 of this chapter; and

(d) Exterior wall treatments like brick, stone (natural or artificial), decorative concrete block and stucco shall be used.

(3) *Canopy*. A protective canopy structure may be located over the pump island(s), as an accessory structure. The canopy shall meet the following performance standards:

(a) The edge of the canopy shall be 30 feet or more from the front and/or side lot line, provided that adequate visibility both on-site and off-site is maintained;

(b) The canopy shall not exceed 18 feet in height and shall provide 14 feet of clearance to accommodate a semitrailer truck passing underneath;

(c) The canopy fascia shall not exceed three feet in vertical height;

(d) Canopy lighting shall consist of canister spotlights recessed into the canopy. No portion of the light source or fixture may extend below the ceiling of the canopy. Total canopy illumination may not exceed 115 foot candles below the canopy at ground level;

(e) The architectural design, colors and character of the canopy shall be consistent with the principal building on the site;

(f) Signage may be allowed on a detached canopy in lieu of wall signage on the principal structure, provided that the individual canopy sign does not exceed more than 20% of the canopy facade facing a public right-of-way; and

(g) Canopy posts/sign posts shall not obstruct traffic or the safe operation of the gas pumps.

(4) *Pump islands*. Pump islands shall comply with the following performance standards:

(a) Pump islands shall be elevated six inches above the traveled surface of the site; and

(b) All pump islands shall be set at least 30 feet back from any property line. Additionally, the setback between the pump islands curb face shall be at least 24 feet.

(5) *Dust control and drainage*. The entire site other than taken up by a building, structure or plantings shall be surfaced with asphalt, concrete, cobblestone or paving brick. Plans for surfacing and drainage shall be subject to approval of the City Engineer. Drainage from all fueling areas shall be directed to an oil/grit separator. Minimum design standards for the oil/grit separator shall include the following:

(a) A minimum of 400 cubic feet of permanent pool storage capacity per acre of drainage area;

(b) A minimum pool depth of four feet;

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(c) A minimum oil containment capacity of 800 gallons; and

(d) Minimum maintenance/inspection of two times per year and/or after measurable spill events. A measurable spill shall be defined by the State Pollution Control Agency (MPCA). Any measurable spill event must be reported to the MPCA.

(6) *Landscaping.*

(a) At least 35% of the lot, parcel or tract of land used exclusively for the gas sales facility shall remain as a grass plot, including trees, shrubbery, plantings or fencing and shall be landscaped. Required minimum green area should be emphasized in the front and side yards abutting streets or residential property; and

(b) At the boundaries of the lot, the following landscape area shall be required:

1. From side and rear property lines, an area of not less than ten feet side shall be landscaped in compliance with § 152.278 of this chapter;

2. From all road rights-of-way, an area of not less than 15 feet wide shall be landscaped in compliance with § 152.278 of this chapter;

3. Where lots abut residentially zoned property, a buffer yard of not less than 20 feet wide shall be landscaped and screened in accordance with § 152.278 of this chapter; and

4. The property owner shall be responsible for maintenance of all landscaping, including within the boulevard.

(7) *Exterior lighting.* The lighting shall be in compliance with § 152.187 of this chapter. A comprehensive lighting plan shall be submitted as part of the conditional use permit application and shall be subject to the following performance standards:

(a) *Canopy lighting.* Canopy lighting under the canopy structure shall consist of canister spotlights recessed into the canopy. No portion of the light source or fixture may extend below the ceiling of the canopy. Total canopy illumination below the canopy may not exceed 115 foot candles at ground level;

(b) *Perimeter lighting.* Lighting at the periphery of the site and building shall be directed downward and individual lights shall not exceed 15 foot candles at ground level;

(c) *Illumination.* Maximum site illumination shall not exceed four-tenths foot candle at ground level when measured at any boundary line with an adjoining residential property or any public property; and

(d) *Access.* Vehicular access points shall create a minimum of conflict with through traffic movement and shall comply with §§ 152.255 through 152.264 of this chapter.

(8) *Circulation and loading.* The site design shall accommodate adequate turning radius and vertical clearance for a semitrailer truck. Designated loading areas shall be exclusive of off-street parking stalls and drive aisles. A site plan shall be provided to illustrate adequate turning radius, using appropriate engineering templates;

(9) *Parking.*

(a) Parking spaces shall be calculated solely based upon the use(s) and the square footage of the principal building(s); and

(b) Parking spaces shall be screened from abutting residential properties in accordance with § 152.279 of this chapter.

(10) *Noise.* Public address system shall not be audible at any property line. Playing of music or advertisement from the public address system is prohibited. Noise control shall be required as regulated in § 152.191 of this chapter;

(11) *Outside storage, sales and service.* No outside storage or sales shall be allowed, except as follows:

(a) Public phones may be located on site as long as they do not interrupt on-site traffic circulation and are not located in a yard abutting residentially zoned property;

(b) Propane sales of 20 pound capacity tanks may be located outside provided the propane tanks are secured in a locker and meet all State Uniform Building and Fire Codes;

(c) A compressed air service area may be located on site as long as it does not interrupt on-site traffic circulation; and

(d) Accessory outdoor services, sales or rental as regulated by § 152.650(B) of this chapter.

(12) *Litter control.* The operation shall be responsible for litter control on the subject property, which is to occur on a daily basis. Trash receptacles shall be provided at a convenient location on site to facilitate litter control; and

(13) *Additional stipulations.* All conditions pertaining to a specific site are subject to change when the City Council, upon investigation in relation to a formal request, finds that the general welfare and public betterment can be served as well or better by modifying or expanding the conditions set forth herein.

(H) Accessory outdoor recreation provided that:

(1) The facilities are an accessory use to a principal use allowed within the B-2 District;

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- (2) The facilities meet the principal building setbacks;
- (3) The facilities shall maintain a 50-foot setback from residential districts;
- (4) The facilities shall be screened from adjoining properties or public rights-of-way; and
- (5) The city may set limits on the hours of operation to avoid nuisance issues.

(I) Outdoor sales lots (not outdoor storage) provided that:

(1) Outside sales areas are fenced or screened from view of neighboring residential uses or an abutting residential district in compliance with § 152.279 of this chapter;

(2) Outside sales or rental are associated with a principal building of at least 1,000 square feet of floor area;

(3) Outdoor sales area shall be set at least five feet back from all property lines and at least 15 feet back from any street surface;

(4) The entire sales lot and off-street parking area is paved;

(5) A perimeter curb is provided around the sales/parking lot;

(6) All lighting shall be hooded and so directed that the light source is not visible from the public right-of-way or from an abutting residence and shall be in compliance with § 152.187 of this chapter; and

(7) Materials for sale shall be displayed in an orderly manner and shall not constitute junk, as defined by this chapter.

(J) Personal wireless service antennas not located on an existing structure or tower, as regulated by §§ 152.330 through 152.337 of this chapter;

(K) Planned unit development as regulated in §§ 152.150 through 152.153 of this chapter;

(L) Private lodges and clubs provided that:

(1) Adequate screening from abutting and adjoining residential uses and landscaping is provided;

(2) Adequate off-street parking and access is provided and that such parking is adequately screened and landscaped from adjoining and residential uses; and

(3) Adequate off-street loading and service entrances are provided and regulated where applicable by §§ 152.255 through 152.264 of this chapter.

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(13) The site plan is designed to direct traffic to a primary point or limited points of access to the mini self-storage facilities and provides acceptable location for directory signage;

(14) Signage will be evaluated in accordance with applicable requirements of the sign ordinance and will be authorized by the conditional use permit.

(P) Bottling establishments to include beverages such as soft drinks, milk and the like, but not including hazardous or toxic materials.

(Q) Assembly of a wide variety of products that produces no exterior noise, glare, fumes, obnoxious products, by-products or wastes or creates other objectionable impact on the environment, including the generation of large volumes of traffic. Examples of these uses are: (1) assembly of small products such as optical, electronic, pharmaceutical, medical supplies equipment; and (2) printing and publishing operations.

(R) Mass transit terminals.

(S) Radio and television terminals.

(T) Trade schools/specialty schools.

(U) Warehousing and distribution facilities but not including truck terminals.

(V) Wholesale businesses.

(Prior Code, § 11-61-4) (Ord. 258, passed 5-4-2006; Ord. 322, passed 9-4-2012; Ord. 330, passed 5-7-2013; Ord. 347, passed 9-20-2016)

threshold standard, pervious surface area that is provided in conjunction with an approved plan for storm drainage may be included in the calculation;

- (2) No buildings shall be located closer than 25 feet to each other to allow for parking, loading, driveway and fire lanes;
- (3) No single building shall be greater than 150 feet in length;
- (4) Adequate space is provided for snow storage;
- (5) All structures are to be within 300 feet of a fire hydrant as required by the Minnesota State Fire Marshal;
- (6) If required by the Minnesota State Fire Marshal, all storage buildings (Group S-1 occupancy) are to be equipped with an approved fire suppression system which will be subject to review and approval of the City Building Official and the Fire Department;
- (7) If required by the Minnesota State Building Code, every 2,000 square feet of the storage structure is to be separated by a fire wall and a complete and comprehensive fire alarm system with smoke detectors shall be initiated in each structure subject to the review and approval of the Fire Department;
- (8) All driveways are to be hard (blacktop or concrete) surfaced and adequate turning radius for fire truck maneuverability is to be maintained throughout the site. Designated snow storage space is to be provided to insure adequate and safe access during winter months;
- (9) If an on-premises caretaker dwelling unit is provided on site, construction of the dwelling unit shall conform to all design standard regulations for multiple-family dwelling units of the Minnesota State Building Code;
- (10) Any structures having exposure to an adjacent residential use or public right-of-way, park or similar public use areas shall be of brick, natural stone, wood or stucco facing material or alternatively must be adequately screened;
- (11) Except for periodic and temporary outside or garage sale events, no retailing or activity other than storage is to occur within the self-storage, mini warehousing facility unless so authorized by the conditional use permit;
- (12) Any area within the development site that is designated and approved for outside storage will be secured by fencing. The area approved for outside storage may also be subject to additional performance standards relating to screening, maintenance and surfacing;

Cannon Falls - Land Usage

(10) Refuse containers are provided for self-service outdoor dining areas. These containers shall be placed in a manner which does not disrupt pedestrian circulation and shall be designed to prevent spillage and blowing litter.

(N) Veterinary clinics (with kennels) provided that:

(1) All areas in which animals are confined are located indoors and are properly soundproofed from adjacent properties;

(2) Animal carcasses are properly disposed of in a manner not utilizing on-site garbage facilities or incineration and the carcasses are properly refrigerated during periods prior to disposal;

(3) An animal kennel is permitted as a use accessory to the veterinary clinic provided that:

(a) The number of animals boarded shall not exceed 20;

(b) An indoor exercise area shall be provided to accommodate the periodic exercising of animals boarded at the kennel. No outdoor exercising of animals shall be permitted;

(c) A ventilation system shall be designed so that no odors or organisms will spread between wards or to the outside air and will be capable of completely exchanging internal air at a rate of at least twice per hour. Air temperature must be maintained between 60°F and 75°F;

(d) A room separate from the kennel area shall be provided of sufficient size to adequately separate animals that are sick or injured from healthy animals;

(e) Indoor animal kennel floors and walls shall be made of nonporous materials or sealed concrete to make it nonporous; and

(f) Animal wastes shall be flushed down an existing sanitary sewer system or enclosed in a container of sufficient construction to eliminate odors and organisms and shall be properly disposed of at least once a day.

(4) The appropriate license is obtained from the City Administrator and the conditions of the city code relating to the keeping of animals are satisfactorily met; and

(5) All State Health Department and State Pollution Control Agency requirements for the facilities are met.

(O) Mini self-storage facilities provided that:

(1) At least 25% of the site is open green space which is sodded or seeded and with reasonable landscaping provided in accordance with a plan approved by the City Council. To satisfy this 25%

(M) Restaurants with accessory outdoor dining facilities provided that:

(1) The applicant submit a site plan and other pertinent information demonstrating the location and type of all tables, refuse receptacles and wait stations;

(2) The size of the dining area is restricted to 30% of the total customer floor area within the principal structure;

(3) The dining area is screened from view from adjacent residential uses in accordance with § 152.279 of this chapter;

(4) All lighting be hooded and directed away from adjacent residential uses in accordance with § 152.187 of this chapter;

(5) The applicant demonstrates that pedestrian circulation is not disrupted as a result of the outdoor dining area by providing the following:

(a) Outdoor dining area shall be segregated from through pedestrian circulation by means of temporary fencing, bollards, ropes, plantings or other methods and shall be subject to review and approval by the City Council;

(b) Minimum clear passage zone for pedestrians at the perimeter of the restaurant shall be at least five feet without interference from parked motor vehicles, bollards, trees, tree gates, curbs, stairways, trash receptacles, street lights, parking meters or the like; and

(c) Overstory canopy of trees, umbrellas or other structures extending into the pedestrian clear passage zone or pedestrian aisle shall have a minimum clearance of seven feet above sidewalk.

(6) The dining area is surfaced with concrete, bituminous or decorative pavers or may consist of a deck with wood or other flooring material that provides a clean, attractive and functional surface;

(7) A minimum width of 36 inches shall be provided within aisles of the outdoor dining area;

(8) Storage of furniture shall not be permitted outdoors between November 1 and March 31. Outdoor furniture that is immovable or permanently fixed or attached to the sidewalk shall not be subject to the storage prohibition of this section. However, any immovable or permanently fixed or attached furniture must be approved as part of the administrative permit application;

(9) Additional off-street parking shall be required pursuant to the requirements set forth in §§ 152.255 through 152.264 of this chapter based on the additional seating area provided by the outdoor dining area; and



2020 Cannon Falls Downtown Farmers Market

VENDOR APPLICATION

(Please submit this application, the ST19, \$100.00 vending fee, and all other applicable forms to: The City of Cannon Falls, 918 River Road, Cannon Falls, MN 55009).

YOUR BUSINESS NAME: _____

MN State Tax ID Number, (if applicable): _____

BUSINESS OWNER'S NAME: _____

PRIMARY SELLER'S NAME: _____

PRIMARY SELLER'S EMAIL: _____

PRIMARY SELLER'S ADDRESS: _____

PRIMARY SELLER'S PHONE NUMBER: _____

SEASONAL OR DAILY VENDOR: _____

PLEASE NOTE: If you are selling produce, food product or other homemade farmers market items at the Cannon Falls Downtown Farmers Market in Cannon Falls, you are required to be approved by submitting all required forms as well as paying corresponding fees to the City of Cannon Falls. Thank you!

***I understand that it is my own responsibility to carry general liability insurance and product liability insurance. The City of Cannon Falls will not provide this coverage.*

***Your fees will cover any Public Works and Police support as well as the rental of the City parking lot for the 2020 season.*



I AGREE that submittal and payment of the enclosed application, entitles me to vend at the Cannon Fall Downtown Farmers Market.

I AGREE that the Cannon Falls Downtown Farmers Market nor the City of Cannon Falls is liable for any injury, theft or damage to either buyer or seller or their property arising out of or pertaining to preparation for or participation in the Cannon Falls Downtown Farmers Market whether such injury, theft or damage occurs prior, during or after the farmers market.

I AGREE to indemnify and hold the Cannon Falls Downtown Farmers Market and the City of Cannon Falls harmless for and against any claims for such injury, theft or damage.

I AGREE to produce, prepare, display and store all produce in accordance with applicable MN Department of Agriculture, MN Department of Health, and Goodhue County Health Department guidelines and regulations.


***Vendors selling baked goods, canned goods or pickled foods are required to be registered with the State of Minnesota Department of Agriculture and as an agent for Artisan Plaza Market, the City of Cannon Falls will require that you provide a copy of your certificate to keep on file prior to selling said items.*

***Farmers selling eggs from their own flock should be registered with MDA as a small flock producer. Eggs must be held and transported at 45 degrees or less.*

DATE: _____

VENDOR SIGNATURE: _____

THANK YOU FOR APPLYING TO BE A VALUED VENDOR AT THE CANNON FALLS DOWNTOWN FARMERS MARKET! We appreciate your interest in joining us. Upon receipt of all required paperwork and payment of fees, you will be approved for vending at the Cannon Falls Downtown Farmers Market.



The Cannon Falls Downtown Farmers Market will run from May 9th – October 24th from 7:00 a.m. – Noon.

Drop-in vendors will be charged \$15.00 a day, up to the \$100.00/seasonal vending fee cap, for multiple drop-in days. Youth vendors—16 and under will be free.

Vending spaces for 2020: Vendor locations will be on a first-come, first-served basis.


VENDING RULES:


**All food items sold at the market must be homegrown and/or homemade by the vendor, (no reselling)—exceptions must be approved by the market managers. PERMITTED ITEMS:*

- 1. Vendor grown fresh fruits and vegetables.*
- 2. Vendor grown herbs and spices.*
- 3. Vendor produced farmstead products.*
- 4. Vendor grown bedding plants, hanging and potted plants, and cut flowers.*
- 5. Vendor grown dried flowers or plants.*
- 6. Craft items if they are designed and made by the seller.*
- 7. A copy of the vendor's Cottage License, where applicable, will need to accompany the market application.*
- 8. Youth vendors 16 and under will be allowed to vend for free.*
- 9. All vendors must keep their area neat and clean while selling. They are also responsible for their vending area being clean before leaving the market. No left-over produce, litter, or garbage may be place in the City refuse receptacles.*

**All items must be produced, processed, prepared, displayed and stored in accordance with the MN Department of Agriculture, MN Department of Health and the Goodhue County Health Department guidelines.*

MARKET CONDUCT RULES:

- *We discourage smoking in the market for everyone's comfort*
 - *Please no obscene language.*
 - *No selling of produce under false information. i.e. variety, organic or bought to be resold.*
 - *MN law discourages dogs from farmers markets for others safety, with the exception of service dogs.*
 - *Vendors must provide their own tables, chairs, awnings, signage, etc.*
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- *Vendors are responsible for daily set-up and cleanup of their stalls and its surrounding area.*
 - *Absolutely no dumping of unsold produce in Artisan Plaza refuse receptacles.*
 - *Please no downplaying of other grower's quality, pricing or product.*

Pricing your product: Gross undercutting hurts everybody. Do not be afraid to ask your neighboring vendors what they are charging for similar products.

SEASONAL VENDORS:

***Seasonal vendors, (example: corn or apples), who want to vend outside the regular day and time parameters of the regular Saturday farmers market in the downtown location, please read on:*

All rules, regulations and fees will still apply to all seasonal vendors. The area that can be used (pending approval) for off-day and off-time vending is located in the City Lot across the median that separates the south tier of the parking lot from the middle tier, just north of stalls 2-4. PLEASE NOTE: vending here can only be done if vehicles are not already occupying this space. Alternate locations may not be used.



