

TO: CANNON FALLS CITY COUNCIL

FROM: Neil Jensen, City Administrator

SUBJECT: An Ordinance Of The City Of Cannon Falls, Minnesota Annexing Land Located In Cannon Falls Township, Goodhue, County, Minnesota Pursuant To Minnesota Statutes § 414.033 Subdivision 2(3), Permitting Annexation By Ordinance

DATE: March 2, 2021

Proposed Annexation of property owned by Josie and Zachary Hayes currently located in Cannon Falls Township: A Planning Commission meeting was held on Monday January 11, 2021 to consider a proposal by Josie and Zachary Hayes to begin annexation proceedings on their property currently located in Cannon Falls Township into the City of Cannon Falls. Planning Commission approved the proposal unanimously on January 11, 2021.

The following exhibits are enclosed to further describe the proposal:

1. Exhibit A: Legal description of property to be annexed
2. Exhibit B: Map of property to be annexed
3. Overhead GIS map of property to be annexed
4. Application from Josie and Zachary Hayes proposing annexation
5. Copy of R-3 Medium Density Residential District ordinance

The proposed annexation would allow for future residential development in the City of Cannon Falls. It is also being proposed that this property is zoned *R-3 Medium Density Residential District* once the annexation is complete.

**CITY OF CANNON FALLS
GOODHUE COUNTY, MINNESOTA**

ORDINANCE NUMBER 374

**AN ORDINANCE OF THE CITY OF CANNON FALLS, MINNESOTA ANNEXING
LAND LOCATED IN CANNON FALLS TOWNSHIP, GOODHUE COUNTY,
MINNESOTA PURSUANT TO MINNESOTA STATUTES § 414.033 SUBDIVISION
2(3), PERMITTING ANNEXATION BY ORDINANCE**

WHEREAS, a petition signed by all the property owners, requesting that property legally described on attached Exhibit A and depicted on attached Exhibit B be annexed to the City of Cannon Falls, Minnesota, was duly presented to the Council of the City of Cannon Falls on the 2nd day of March, 2021; and

WHEREAS, said property is unincorporated and abuts the City of Cannon Falls on its northwest boundary; is less than 120 acres; is not presently served by public sewer facilities or public sewer facilities are not otherwise available; and

WHEREAS, said property is not located within a flood plain or shoreland area; and

WHEREAS, said property is currently residential and agricultural and annexation is requested to facilitate the extension of city services for the residential development of the property; and

WHEREAS, the City of Cannon Falls held a public hearing pursuant to Minnesota Statutes § 414.033 Subd. 2b, on March 2, 2021, following thirty (30) days written notice by certified mail to the Town of Cannon Falls and to all landowners within and contiguous to the area to be annexed; and

WHEREAS, provisions of Minnesota Statutes § 414.033 Subd. 13 are not applicable in that there will be no change in the electric utility service provider resulting from the annexation of the territory to the municipality.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CANNON FALLS
HEREBY ORDAINS AS FOLLOWS:**

1. The City Council hereby determines that the property as hereinafter described abuts the city limits and is or is about to become urban or suburban in nature in that residential use is being proposed for said property the construction of which requires or will need city services, including public sewer facilities.
2. None of the property is now included within the limits of any city, or in any area that has already been designated for orderly annexation pursuant to Minnesota Statute § 414.0325.

3. The corporate limits of the City of Cannon Falls, Minnesota, are hereby extended to include the following described property, said land abutting the City of Cannon Falls and being 120 acres or less in area, and is not presently served by public sewer facilities or public sewer facilities are not otherwise available, and the City having received a petition for annexation from all the property owners of the land, to wit: See Attached Exhibit A.

The above described property consists of a total of 12.40 acres, more or less. Copies of the corporate boundary map showing the property to be annexed and its relationship to the corporate boundaries and all appropriate plat maps are attached hereto.

4. That the population of the area legally described herein and hereby annexed is 5.

5. The City of Cannon Falls, pursuant to Minnesota Statutes § 414.036, that with respect to the property taxes payable on the area legally described herein, hereby annexed, shall make a cash payment to the Town of Cannon Falls in the amount of one year's property taxes for the property to be annexed in the total amount of \$44.35 (2020 taxes were \$3.58 per acre on the entire 157.85 acres; 12.40 acres to be annexed). The payment shall be made in accordance with the following schedule:

- a. In the first year following the year in which the City of Cannon Falls could first levy on the annexed area, an amount equal to \$22.18; and
- b. In the second year, an amount equal to \$22.18.

6. That pursuant to Minnesota Statutes § 414.036 with respect to any special assessments assigned by the Town to the annexed property and any portion of debt incurred by the Town prior to the annexation and attributable to the property to be annexed, but for which no special assessments are outstanding, for the area legally described herein there are no special assessments or debt incurred by the Town on the subject are for which reimbursement is required.

7. That pursuant to City Code Section 152.448 the property is presumed to be classified UR District. However, the City Council has made a determination that the appropriate classification for the annexed property is R-3 Medium Density Residential and that upon annexation the property shall be automatically classified as such without need for a separate amendment to rezone the property.

8. That the City Clerk of the City of Cannon Falls is hereby authorized and directed to file a copy of this Ordinance with the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings, the Minnesota Secretary of State, the Goodhue County Auditor, and the Cannon Falls Township Clerk.

9. That this Ordinance shall be in full force and effect and final upon the date this Ordinance is approved by the Office of Administrative Hearings.

PASSED AND ADOPTED by the City Council of the City of Cannon Falls, Minnesota, this _____ day of _____, 2021.

John O. Althoff, Mayor

ATTEST:

Neil L. Jensen, City Administrator

Exhibit A

Legal Description of Property to be Annexed

That part of the South Half of the Northeast Quarter of Section 7, Township 112 North, Range 17 West, Goodhue County, Minnesota, lying westerly, southwesterly and southerly of the following described line:

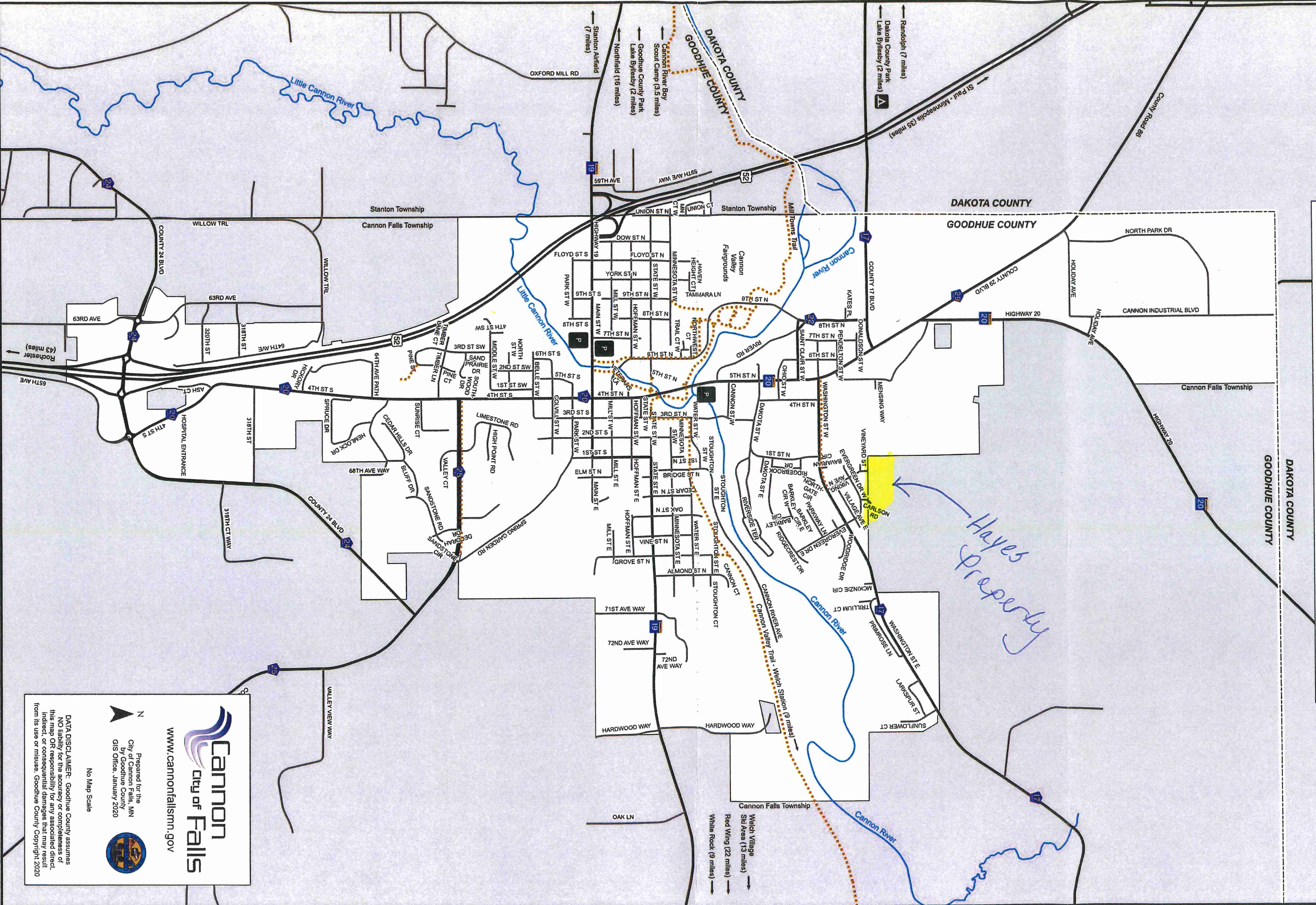
Commencing at the east quarter corner of said Section 7, thence on an assumed bearing of North 89 degrees 20 minutes 37 seconds West, along the south line of said Northeast Quarter and along the north line of PINE TREE RIDGE REPLAT CITY OF CANNON FALLS, according to the recorded plat thereof, on file in the Goodhue County Records office, a distance of 1304.66 feet to the point of beginning of the line to be described; thence North 00 degrees 18 minutes 13 seconds West, a distance of 106.05 feet; thence North 53 degrees 37 minutes 15 seconds West, a distance of 686.52 feet; thence South 89 degrees 42 minutes 31 seconds West, a distance of 761.55 feet to the west line of said Northeast Quarter and there terminating.

Exhibit B

Map of Property to be Annexed

See Attached PDF Survey

CANNON FALLS, MINNESOTA





www.cannonfallsmn.gov

Prepared for the
City of Cannon Falls, MN
by Goodhue County
GIS Office, January 2020

DATA DISCLAIMER: Goodhue County assumes
NO liability for the accuracy or completeness of
this map OR responsibility for any associated direct,
indirect, or consequential damages that may result
from its use or misuse. Goodhue County Copyright 2020

ArcGIS WebMap



January 25, 2021

Township or Other Roads

Township or Other Roads

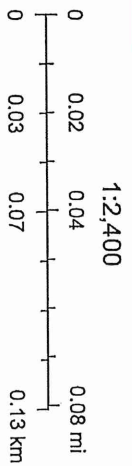


Parcels

County Roads 2,400

Township or Other Roads

County Roads - Paved



Site plan
R-3



DEVELOPMENT APPLICATION

918 River Road
Cannon Falls, MN 55009
507-263-9308

SUBJECT TO STAFF REVIEW

Street Location of Property: Viking Ave / Carlson Road
Legal Description of Property: _____

Owner of Record:

Name: Josie Hayes Zachary Hayes

Daytime Phone: 651-253-7659

Address: 300 Carlson Road
Cannon Falls, MN 55009

E-Mail Address: jhayes432@gmail.com

Applicant (if other
than owner)

Name: _____

Notary Stamp

Daytime Phone: _____

Address: _____

E-Mail Address: _____

Nature of Legal or Equitable Interest of Applicant (Documentation must be attached :)

- | | | | | |
|----------|--------------------------|------------------------|-------------------------------------|-----------------------------------|
| Request: | <input type="checkbox"/> | Conditional Use Permit | <input type="checkbox"/> | Rezoning/Ordinance Text Amendment |
| | <input type="checkbox"/> | Subdivision | <input type="checkbox"/> | Variance |
| | <input type="checkbox"/> | Concept | <input type="checkbox"/> | Interim Use Permit |
| | <input type="checkbox"/> | Preliminary Plat | <input type="checkbox"/> | Amendment |
| | <input type="checkbox"/> | Final Plat | <input type="checkbox"/> | CUP/PUD |
| | <input type="checkbox"/> | Administrative | <input type="checkbox"/> | Site Plan Review |
| | <input type="checkbox"/> | Administrative Permit | <input type="checkbox"/> | Special Home Occupation |
| | <input type="checkbox"/> | Vacation | <input checked="" type="checkbox"/> | Annexation Petition |
| | <input type="checkbox"/> | Comp Plan Amendment | <input type="checkbox"/> | Appeal |
| | <input type="checkbox"/> | Other | | |

Note: Each requested approval may require a separate fee and/or escrow amount, even where they apply to the same project.

Date Application Received: 12/22/2020

Date Submission Deemed to be Complete: _____

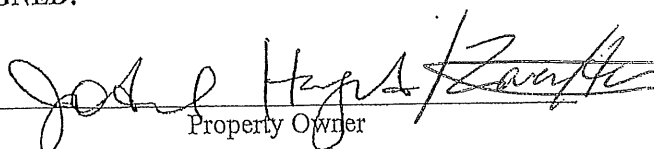
Give detailed description of project and reason for conditional use or variance, if applicable:

Annexation of acres plus house
for future development. See map
for additional details

SUPPORTING DOCUMENTATION: Applicant must submit with the application all documentation required by the Zoning or Subdivision Ordinance relating to the requested approval. Applicant will be advised of the completeness. Only when it has been determined that an application is complete will it be placed on a Planning Commission agenda for consideration. Applications that do not include the proper plans and/or documentation may be delayed from formal review. **FAILURE ON THE PART OF THE APPLICANT TO SUPPLY ALL NECESSARY SUPPORTIVE INFORMATION MAY BE GROUNDS FOR DENIAL OF THE REQUEST.**

APPLICANT RESPONSIBILITY FOR PAYMENT OF ALL CITY FEES AND COSTS IN PROCESSING APPLICATION: Applicant acknowledges that she/he understands that before this request can be considered and/or approved, all fees, including the basic application fee and any escrow processing deposits must be paid to the city and that, if additional fees are required to cover costs incurred by the City, the City Clerk has a right to require additional escrow amounts and payment. These fees include all actual costs including, but not limited to, planning, engineering, public notification and legal costs. All processing of an application will be halted if payments are not made within 30 days of receipt of a monthly statement from the City, in the event any escrow account established is insufficient to cover the costs.

SIGNED:

 ^{1/14/2021}
Property Owner

Date: 10/1/2020

Applicant (if not the Property Owner)

Date: _____

Minimum setbacks	
Front	30 feet
Rear	30 feet
Rear (detached accessory structure)	5 feet
Rear (garage accessing alley)	See § 152.237
Side (detached accessory structure)	5 feet
Side (principal structure)	10 feet or 20 feet on a side yard abutting a public right-of-way; 5 feet on garage side only when accommodating an attached garage

(Prior Code, § 11-54-7) (Ord. 258, passed 5-4-2006; Ord. 271, passed 3-15-2007)

§ 152.527 BUILDING REQUIREMENTS.

The following building requirements shall be observed in an R-2 District:

- (A) All residences shall be limited to a maximum height of two and one-half stories or 35 feet;
 - (B) Dwelling unit floor area shall be governed by § 152.210 of this chapter; and
 - (C) Accessory structures shall be governed by §§ 152.230 through 152.241 of this chapter.
- (Prior Code, § 11-54-8) (Ord. 258, passed 5-4-2006)

R-3, MEDIUM DENSITY RESIDENTIAL DISTRICT

§ 152.540 PURPOSE.

The purpose of the R-3, Medium-Density Residential District is to establish low to moderate density residential housing in single-family and two-family residential dwelling units and directly related complementary uses.

(Prior Code, § 11-55-1) (Ord. 258, passed 5-4-2006)

§ 152.541 PERMITTED USES.

Subject to applicable provisions of this chapter, the following are permitted uses in the R-3 District:

(A) Public parks, playgrounds, recreational uses and directly related buildings and structures;

(B) Residential facilities, licensed by the state, serving six or fewer persons in a single-family detached dwelling;

(C) Single-family detached dwellings; and

(D) Two-family dwellings.

(Prior Code, § 11-55-2) (Ord. 258, passed 5-4-2006)

§ 152.542 PERMITTED ACCESSORY USES.

Subject to applicable provisions of this chapter, the following are permitted accessory uses in the R-3 District:

(A) Accessory uses, buildings and structures customarily incidental and directly related to the uses allowed as permitted, conditional, interim and administrative permit in this subchapter, subject to applicable regulation of this chapter;

(B) Boarding or renting of rooms to not more than two individuals per dwelling unit;

(C) Daycare facilities serving 12 or fewer persons in a single-family dwelling unit;

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

(E) Home offices;

(F) Keeping of animals subject to §§ 152.315 through 152.319 of this chapter;

(G) Play and recreational facilities, accessory to an existing permitted use;

(H) Private garages and off-street parking and off-street loading as regulated by §§ 152.255 through 152.264 of this chapter;

(I) Recreational vehicles and equipment parking and storage as regulated by §§ 152.180 through 152.194 of this chapter;

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

(K) Signs as regulated by §§ 152.350 through 152.359 of this chapter; and

(L) Tool houses, sheds and other structures for the storage of domestic supplies and equipment.
(Prior Code, § 11-55-3) (Ord. 258, passed 5-4-2006)

§ 152.543 CONDITIONAL USES.

Subject to applicable provisions of this chapter, the following are conditional uses in an R-3 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) Essential services involving transmission pipelines and transmission or substation lines in excess of 35kV and up to 100kV, provided that the applicable provisions of §§ 152.385 through 152.389 of this chapter are determined to be satisfied;

(B) Government buildings and public related utility buildings and structures necessary for the health, safety and general welfare of the city, provided that when abutting a residential use or a residential use district, the property is screened and landscaped in compliance with § 152.279 of this chapter;

(C) Personal wireless service antennas not located on a public structure or existing tower, provided that the applicable provisions of §§ 152.330 through 152.337 of this chapter are determined to be satisfied; and

(D) Planned unit development residential, townhomes and quadraminiums as regulated in §§ 152.150 through 152.153 of this chapter.
(Prior Code, § 11-55-4) (Ord. 258, passed 5-4-2006)

§ 152.544 INTERIM USES.

Subject to applicable provisions of this chapter, the following are interim uses in an R-3 District and require an interim use permit based upon procedures set forth in and regulated by §§ 152.085 through 152.089 of this chapter:

(A) Satellite TVROs greater than one meter in diameter as regulated by §§ 152.330 through 152.337 of this chapter; and

(B) Special home occupations, as regulated by §§ 152.295 through 152.300 of this chapter.
(Prior Code, § 11-55-5) (Ord. 258, passed 5-4-2006)

§ 152.545 USES BY ADMINISTRATIVE PERMIT.

Subject to applicable provisions of this chapter, the following uses are allowed by administrative permit in an R-3 District based upon procedures set forth in and regulated by §§ 152.115 through 152.118 of this chapter:

(A) Essential services, except 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;

(B) Home occupations, as regulated by §§ 152.295 through 152.300 of this chapter;

(C) Model homes as regulated by §§ 152.205 through 152.216 of this chapter;

(D) Personal wireless service antennas located upon a public or quasi-public structure or existing tower as regulated by §§ 152.330 through 152.337 of this chapter; and

(E) Temporary structures as regulated by §§ 152.205 through 152.216 of this chapter.
(Prior Code, § 11-55-6) (Ord. 258, passed 5-4-2006)

§ 152.546 LOT REQUIREMENTS AND SETBACKS.

The following minimum requirements shall be observed in an R-3 District subject to additional requirements, exceptions and modifications set forth in this chapter.

Double frontage lots	155 feet
Minimum lot area	
Single-family	9,000 square feet
Townhouse or quadraminium	6,000 square feet per unit
Two-family	10,000 square feet base lot; 5,000 square feet per unit
Minimum lot depth	
Single-family	135 feet
Two-family	135 feet
All other uses	135 feet
Minimum lot width	
Single-family	
Corner lot	70 feet
Interior lot	60 feet
Townhouse or quadraminium	
Base lot	Not less than 120 feet
Unit lot	Not less than 24 feet per unit

Two-family	
Corner lot	90 feet
Interior lot	80 feet
Setbacks	
Base lot	
Front	25 feet
Rear	20 feet except 25 feet for double frontage lots
Side	10 feet except 20 feet for the side yard of a corner lot abutting a public right-of-way
Zero lot line	Side yard setback requirements shall not be applied to a common wall of a two-family, townhouse, quadraminium or multiple-family dwelling unit
Single-family lot	
Front	25 feet
Rear	20 feet except 25 feet for double frontage lots
Rear (detached accessory structure)	5 feet
Rear (garage accessing alley)	See § 152.237
Side (detached accessory structure)	5 feet
Side (principal structure)	10 feet except 20 feet for the side yard of a corner lot abutting a public right-of-way; 5 feet on garage side only when accommodating an attached garage

(Prior Code, § 11-55-7) (Ord. 258, passed 5-4-2006; Ord. 271, passed 3-15-2007)

§ 152.547 BUILDING REQUIREMENTS.

The following building requirements shall be observed in an R-3 District.

(A) All residences shall be limited to a maximum height of two and one-half stories or 35 feet.

(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, § 11-55-8) (Ord. 258, passed 5-4-2006)

§ 152.548 COMMON AREAS.

The following minimum requirements shall be observed in the R-3 District governing common areas.

(A) *Ownership.* All common areas within an R-3 development including, but not limited to, open space, wetlands, greenways, drainage ponds, driveways, private drives, parking areas, play areas and the like shall be owned in one of the following manners:

(1) Condominium ownership pursuant to M.S. § 515A.1-106, as it may be amended from time to time; and

(2) Townhome and quadraminium subdivision common areas shall be owned by the owners of each unit lot, with each owner of a unit having an equal and undivided interest in the common area.

(B) *Homeowners' association.* A homeowners' association shall be established for all quadraminium, three- and four-plex multiple-family and townhome developments within the R-3 District, subject to review and approval of the City Attorney and shall be responsible for all exterior building maintenance, approval of any exterior architectural modifications, landscaping, snow clearing and regular maintenance of private driveways and other areas owned in common when there is more than one individual property owner having interest within the development.

(Prior Code, § 11-55-9) (Ord. 258, passed 5-4-2006)

§ 152.549 DESIGN AND CONSTRUCTION STANDARDS.

(A) *Unit size.* The size of dwelling units shall comply with the minimums established in § 152.210 of this chapter.

(B) *Unit width.* The minimum width of a dwelling unit within the R-3 District shall be 24 feet.

(C) *Unit construction.*

(1) *Subdivision requests.* Building elevations and floor plans shall be furnished with subdivision requests illustrating exterior building material and colors to demonstrate compliance with §§ 152.205 through 152.216 of this chapter. Building floor plans shall identify the interior storage space within each unit.

(2) *Decks or porches.* Provision shall be made for possible decks, porches or additions as part of the initial dwelling unit building plans. The unit lot shall be configured and sized to include decks or porches.

(3) *Minimum overhang.* In case of gable roof, a minimum 18-inch roof overhang or soffit shall be required for all residential structures.

(4) *Exterior building finish.* The exterior of townhome dwelling units shall include a variation in building materials which are to be distributed throughout the building facades and coordinated into the architectural design of the structure facing the public right-of-way to create an architecturally balanced appearance. A minimum of 25% of the area of all building facades of a structure shall have an exterior finish of brick, stucco and/or natural or artificial stone.

(D) *Garages.*

(1) Each dwelling unit shall include an attached garage that shall comply with the following minimum size standards.

For dwellings with basements	440 square feet
For dwellings without basements	540 square feet

(2) Garages shall be a minimum of 20 feet in width.

(E) *Outside storage.* Outside storage shall be allowed only in designated areas which are screened in accordance with § 152.279 of this chapter and under the ownership of the property owners' association subject to other applicable provisions of this chapter.

(F) *Utilities.*

(1) *Underground or exterior service.* All utilities serving an R-3 subdivision, including telephone, electricity, gas and telecable shall be installed underground. Exterior utility meters and/or fixtures shall be located in interior side or rear yards when possible and shall be screened from view of adjacent properties and the public right-of-way.

(2) *Public utility service.* Separate public utility services shall be provided to each unit unless exempted by the City Engineer.

(3) *Water connection.* Individual unit shut-off valves shall be provided.

(4) *Sewer connection.* Where more than one unit is served by a sanitary sewer service, all maintenance and cleaning shall be the responsibility of the property owners' association or owners.

(G) *Streets.* All streets shall be public and shall comply with the design standards and specifications as governed by the city's subdivision regulations.

(H) *Drives.*

(1) Dead-end private driveways shall serve a maximum of two structures or six units per side.

(2) Private drives shall be under the ownership and control of the property owners' association who shall be responsible for the maintenance, repair and replacement of surfacing. The association shall maintain a capital improvement program for the driveways under its ownership.

(3) Provisions for adequate turnaround shall be made at the terminus of all private drives.

(4) Private drives shall include plans and areas for snow storage.

(I) *Guest parking.* At minimum, one-half of guest parking spaces per unit shall be provided in an off-street parking lot or private drive. The design of the off-street parking lot shall conform to requirements of §§ 152.255 through 152.264 of this chapter.

(J) *Landscaping/screening and lighting.* Detailed landscaping/screening and lighting plans shall be provided and implemented pursuant to §§ 152.180 through 152.194 and 152.275 through 152.281 of this chapter.

(K) *Open space/recreational use.* In addition to the park dedication requirements stipulated by the city's subdivision regulations, a minimum of 10% of the gross development project area shall be in usable open space and recreational use for the project residents. These areas shall be specifically designed for both the active and passive use by the project residents and may include swimming pools, trails, nature areas, tot lots, exercise equipment, saunas and the like. The areas and facilities shall be private, except in those cases where the city agrees to assume responsibility for all or a portion of the recreational space.

(L) *Irrigation.* All pervious landscaped areas shall be irrigated subject to plan submission, review and approval by the City Engineer.

(Prior Code, § 11-55-10) (Ord. 258, passed 5-4-2006)

R-4, HIGH DENSITY RESIDENTIAL DISTRICT

§ 152.560 PURPOSE.

The purpose of the R-4, High Density Residential District is to provide for high density housing in multiple-family structures and directly related complementary uses as guided by the Comprehensive Plan. (Prior Code, § 11-56-1) (Ord. 258, passed 5-4-2006)

§ 152.561 PERMITTED USES.

Subject to applicable provisions of this chapter, the following are permitted uses in the R-4 District:

(A) Essential services;