

**TO: Cannon Falls City Council**  
**FROM: Dianne Howard, Zoning Administrator**  
**SUBJECT: REZONE FOR PIDs #52.530.0020 AND #52.530.0010**  
**MATT FIMMEN, OWNER**  
**DATE: April 19, 2022**

## **BACKGROUND**

A public hearing was held to consider a request by Matt Fimmen owner of PIDs #52.530.0020 and #52.530.0010 for a Rezone from UR, Urban Reserve to B-2 Highway Business District. Planning Commission approved the Rezone unanimously.

## **PROJECT DETAILS**

The proposed Rezone to B-2 Highway Business District would allow possible future development of this lot to accommodate additional business expansion in Cannon Falls.

The following exhibits are enclosed to further describe the proposal:

1. Staff Response
2. Development Application
3. GIS site map
4. Matt Fimmen preliminary concept plan
5. Site survey
6. B-2 Highway Business District Code

## **REQUESTED COUNCIL ACTION**

City Council is being asked to approve the First Reading of Ordinance 382 for a Rezone for PIDs #52.530.0020 and #52.530.0010. Staff recommends approval of the Application.

**STAFF RESPONSE TO REZONE AND LOT COMBINATION OF**  
**#525300020 AND #525300010**

- 1. According to the Land Use Plan, the B-2 Highway Business District is appropriate at this location.**
  
- 2. Comprehensive Plan: Highway Oriented Use is also compatible, as stated below:**  
**LU-19:** The businesses should be those that benefit from Highway 52 visibility and the high volume of traffic between Rochester and the Twin Cities.  
**LU-20:** The area should accommodate primarily retail and service uses rather than manufacturing and production businesses that could be located in the City's industrial park.  
**LU-21:** The area should provide the buildings that are too large and incompatible with the smaller scale commercial uses in the downtown and convenience commercial areas of the City.
  
- 3. The size of the lot meets the minimum requirement of the B-2, which is 20,000 square feet.**

STAFF RECOMMENDS APPROVAL OF RESOLUTION 2022-06.

P A I D MAR 30 2022

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*CE*



**DEVELOPMENT APPLICATION**

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

**SUBJECT TO STAFF REVIEW**

**Street Location of Property:** 63<sup>rd</sup> Ave between County 24 Blvd & 64<sup>th</sup> Ave Way (CF)

**Legal Description of Property:** (please see attached "Legal Description-Parcel B = 7.16 acres.PDF" + "Survey.PDF")

Owner of Record: Name: James (Matt) and Janet Fimmen

Daytime Phone: C: 651.788.2455

Address: 32399 County 24 Blvd.  
Cannon Falls, MN 55009

E-Mail Address: [mfimmen@hotmail.com](mailto:mfimmen@hotmail.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 checked="" 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 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: \_\_\_\_\_

Date Submission Deemed to be Complete: \_\_\_\_\_

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

*Combine parcels #525300020 (1.48 acres) and #525300010\_B (5.68 acres) and rezone them from their current classification of "Urban Reserve/UR" to "Highway Business/B-2".*

**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:**

J. Matthew Fimmen & Janet Fimmen  
Property Owner

Date: 3/29/22

\_\_\_\_\_  
Applicant (if not the Property Owner)

Date: \_\_\_\_\_

=====

**FOR CITY USE ONLY**

Date Application Filed: 3/30/2022

Basic Fees: 450<sup>00</sup>

Received By: dh

Escrow Deposit: \_\_\_\_\_

Evidence of Ownership Submitted:  Yes       No       Required  
Certified Lot Survey:  Yes       No       Required  
Legal Description Adequate:  Yes       No       Required

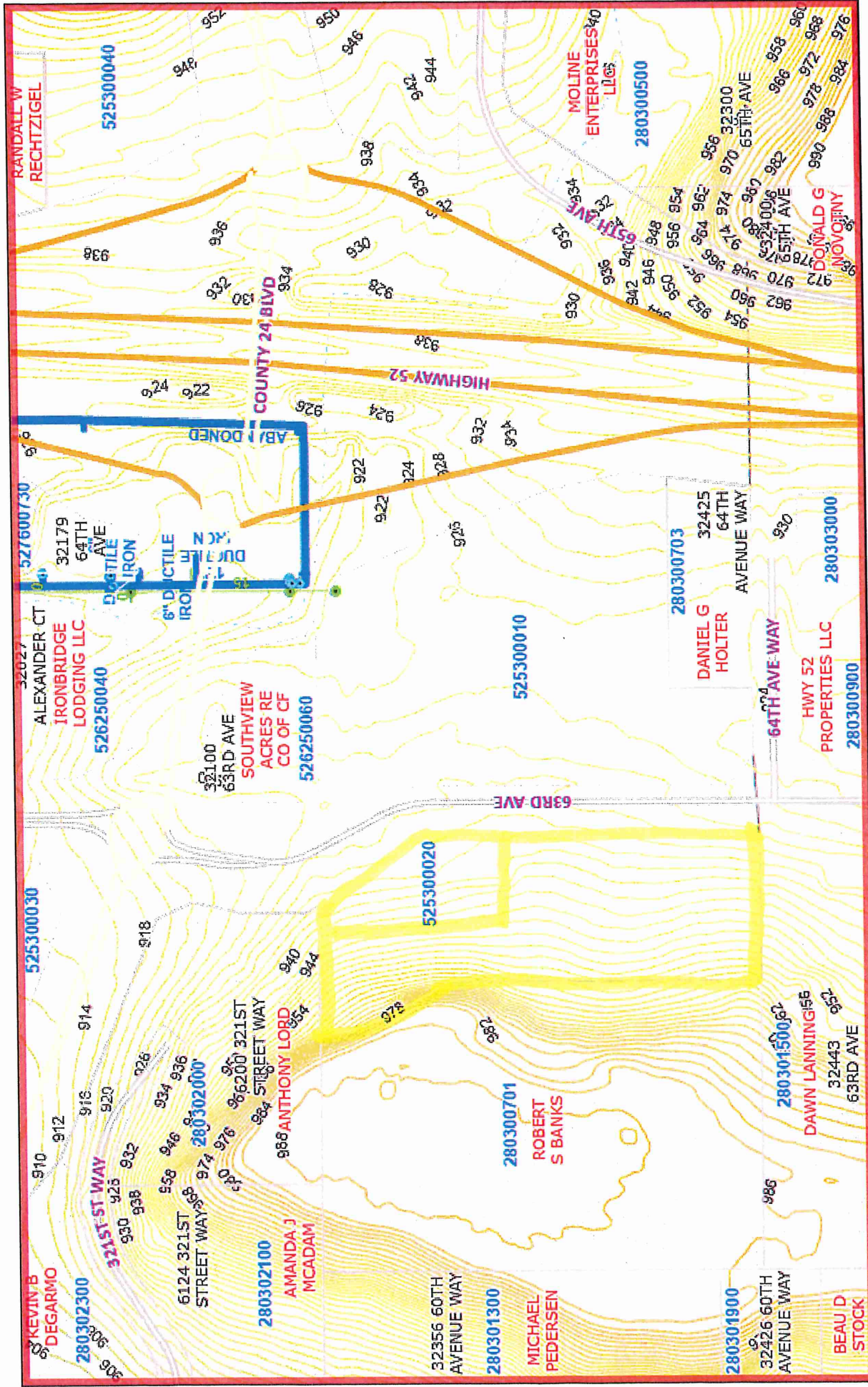
Date of Planning Commission Meeting: 4/11/2022

Recommendation of Planning Commission on: \_\_\_\_\_  Approve  Deny

Recommendation of City Council on: \_\_\_\_\_  Approve  Deny

Subject to following conditions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# South Side - Banks Property



February 17, 2022

Goodhue County Roads

CEM; ; OCTY; OCRLN; CTRLN

CSAHP; CRP

USHWY

Parcels

Full Address

Water Main

6

12

Storm Drain

12

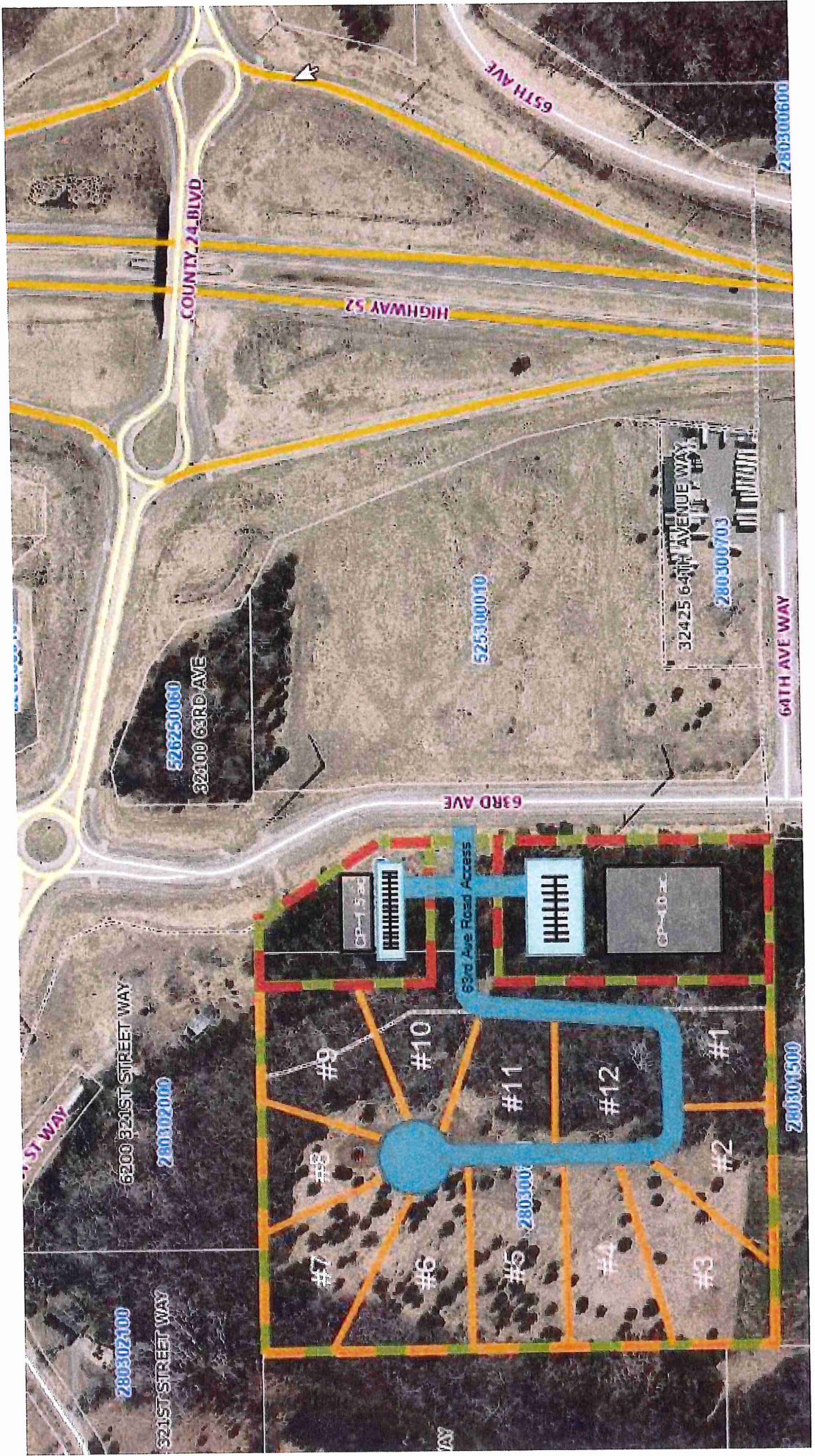
12

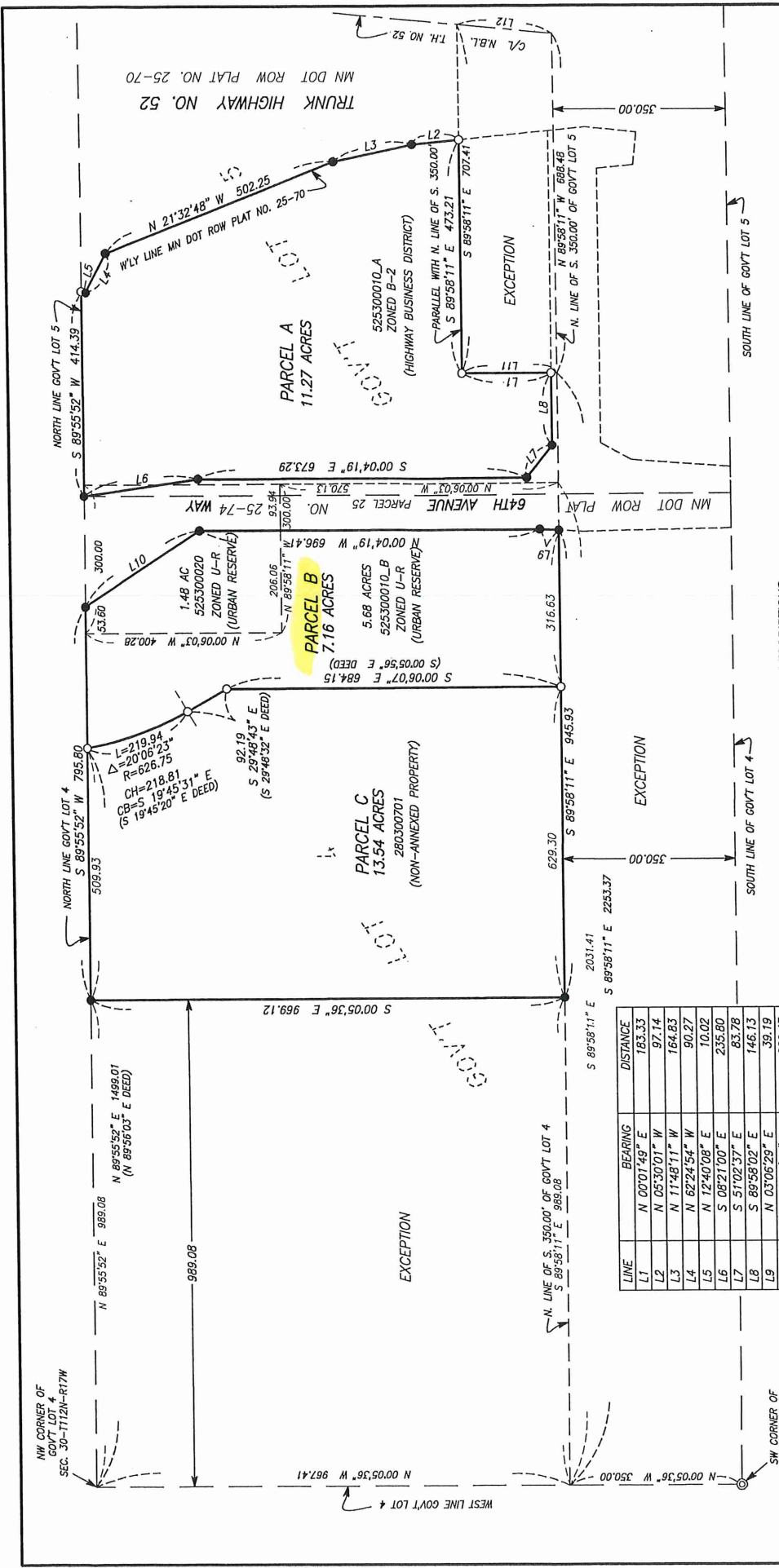
Sanitary Points

Sanitary Main

NA



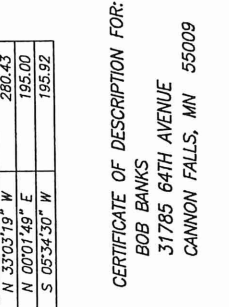




**RAPP LAND SURVEYING, INC.**  
 45967 HIGHWAY 56 BLVD  
 KENTON, MN 55946  
 612-532-1263

PROJECT NO. D21334Z, D20185  
 DATE: 10-23-21  
 DRAWN BY: DGR  
 SHEET 2 of 2 sheets  
 SCALE: 1"=200'  
 BOOK/PAGE 54/6

PLEASE SEE ATTACHED SHEET FOR LEGAL DESCRIPTIONS



LINE	BEARING	DISTANCE
L1	N 00°01'49" E	183.33
L2	N 05°30'01" W	97.14
L3	N 11°48'11" W	164.83
L4	N 62°24'54" W	90.27
L5	N 12°40'08" E	10.02
L6	S 08°21'00" E	235.80
L7	S 51°02'37" E	83.78
L8	S 89°58'11" E	146.13
L9	N 03°06'29" E	39.19
L10	N 33°03'19" W	280.43
L11	N 00°01'49" E	195.00
L12	S 05°34'30" W	195.92

CERTIFICATE OF DESCRIPTION FOR:  
**BOB BANKS**  
 31785 64TH AVENUE  
 CANNON FALLS, MN 55009

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.  
 Date: OCTOBER 23, 2021  
 David G. Rapp  
 David G. Rapp  
 Minnesota Registration No. 22044  
 Revised 3-05-22

SW CORNER OF GOVT LOT 4 SEC. 30-1112N-R17W GOODHUE COUNTY MONUMENT

NW CORNER OF GOVT LOT 4 SEC. 30-1112N-R17W



LEGAL DESCRIPTIONS:

Parcel A

That part of Government Lot 5, Section 30, Township 112 North, Range 17 West, Goodhue County, Minnesota, lying westerly of the westerly line of Minnesota Department of Transportation Right of Way Plat Number 25-70,

EXCEPT the South 350.00 feet thereof, and also EXCEPT the following: That part of Government Lot 5, Section 30, Township 112 North, Range 17 West, Goodhue County, Minnesota, described as follows: Commencing at the intersection of the north line of the South 350.00 feet of Government Lot 4, said Section 30, with the west line of said Government Lot 4; thence South 89 degrees 58 minutes 11 seconds East (assumed bearing) along said north line of the South 350.00 feet of Government Lots 4 and 5, a distance of 2253.37 feet to the point of beginning of the land to be described; thence North 00 degrees 01 minute 49 seconds East 195.00 feet; thence South 89 degrees 58 minutes 11 seconds East, parallel with said north line of the South 350.00 feet of Government Lots 4 and 5, a distance of 707.41 feet to the centerline of the north bound lane of U.S. Highway No. 52; thence South 05 degrees 34 minutes 30 seconds West, along said centerline, 195.92 feet to said north line of the South 350.00 feet of Government Lot 5; thence North 89 degrees 58 minutes 11 seconds West, along said north line of the South 350.00 feet of Government Lot 5, a distance of 688.48 feet to the point of beginning. Also EXCEPT that part of said Government Lot 5, taken in fee title for Parcel 25, Minnesota Department of Transportation Right of Way Plat Number 25-74, according to the recorded plat thereof. Containing 11.27 acres, more or less.

Parcel B

That part of Government Lot 4, Section 30, Township 112 North, Range 17 West, Goodhue County, Minnesota, lying northerly of the South 350.00 feet thereof, which lies easterly of the following described line: Commencing at the northwest corner of said Government Lot 4, Section 30, Township 112 North, Range 17 West; thence on an assumed bearing of North 89 degrees 56 minutes 03 seconds East along the north line of said Government Lot 4, a distance of 1499.01 feet to the point of beginning of the line to be described; thence southeasterly 219.94 feet along a non tangential curve concave to the east, said curve has a radius of 626.75 feet, a central angle of 20 degrees 06 minutes 23 seconds, and the chord of said curve bears South 19 degrees 45 minutes 20 seconds East 218.81 feet; thence South 29 degrees 48 minutes 32 seconds East, tangent to said curve, 92.19 feet; thence South 00 degrees 05 minutes 56 seconds East 684.15 feet to the north line of the South 350.00 feet of said Government Lot 4 and there terminating.

EXCEPT that part of said Government Lot 4, taken in fee title for Parcel 25, Minnesota Department of Transportation Right of Way Plat Number 25-74, according to the recorded plat thereof.

Containing 7.16 acres, more or less.

Parcel C

Government Lot 4, Section 30, Township 112 North, Range 17 West, Goodhue County, Minnesota, EXCEPT the South 350.0 feet thereof, and also EXCEPT the West 989.08 feet thereof. Also EXCEPT that part of Government Lot 4 which lies easterly of the following described line: Commencing at the northwest corner of said Government Lot 4; thence on an assumed bearing of North 89 degrees 56 minutes 03 seconds East along the north line of said Government Lot 4, a distance of 1499.01 feet to the point of beginning of the line to be described; thence southeasterly 219.94 feet along a non tangential curve concave to the east, said curve has a radius of 626.75 feet, a central angle of 20 degrees 06 minutes 23 seconds, and the chord of said curve bears South 19 degrees 45 minutes 20 seconds East 218.81 feet; thence South 29 degrees 48 minutes 32 seconds East, tangent to said curve, 92.19 feet; thence South 00 degrees 05 minutes 56 seconds East 684.15 feet to the north line of the South 350.00 feet of said Government Lot 4 and there terminating.

Containing 13.54 acres, more or less.

CERTIFICATE FOR:

BOB BANKS  
31785 64TH AVENUE  
CANNON FALLS, MN 55009

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

JANUARY 26, 2022

*David J. Rapp*

Dated:

David G. Rapp  
Minnesota Registration No. 22044

RAPP LAND SURVEYING, INC.

45967 HIGHWAY 56 BLVD  
KENYON, MN 55946  
612-532-1263

DRAWN BY: DGR	DATE: 1-26-22	PROJECT NO. D2133421
SCALE: 1"=50'	SHEET 1 of 2 sheets	BOOK/PAGE 54/6

## **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) Magazing 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

(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;

(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;

(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.

(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

(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% 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;

(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)

### **§ 152.649 INTERIM USES.**

Subject to applicable provisions of this chapter, the following are interim uses in a B-2 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, § 11-61-5) (Ord. 258, passed 5-4-2006)

## **§ 152.650 USES BY ADMINISTRATIVE PERMIT.**

Subject to applicable provisions of this chapter, the following uses are allowed by administrative permit in a B-2 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 33kV and up to 100kV, as regulated by §§ 152.385 through 152.389 of this chapter;

(B) Open or outdoor sales, rental or display as an accessory use in association with an allowed principal use provided that:

(1) The area so occupied shall not exceed 10% of the principal building;

(2) No storage or display of merchandise shall be permitted in required rear, side or front yards and shall be limited to the area of the customer entrances; and

(3) The outdoor sales, rental or display area shall be included in the calculations for parking spaces required for the use and shall not occupy space required for parking as stipulated by §§ 152.255 through 152.264 of this chapter, except as may be exempted for cause by the Zoning Administrator.

(C) Other uses of the same general character as those listed as a permitted use in this district;

(D) Personal wireless service antennas located upon an existing structure or tower or temporary mobile tower as regulated by §§ 152.330 through 152.337 of this chapter;

(E) Temporary, outdoor promotional events and sales provided that:

(1) The event shall not exceed the period specified in the administrative permit. In no case shall the event exceed 30-consecutive calendar days per event;

(2) There shall be no more than two promotional events per calendar year per property; and

(3) Signage related to the event shall be in compliance with the temporary sign standards of §§ 152.350 through 152.359 of this chapter and shall be allowed for the duration of the event. Special signage for purposes of traffic direction and control may be authorized by the Zoning Administrator; the erection and removal of the signage shall be the responsibility of the applicant.

(F) Temporary structures as regulated by §§ 152.205 through 152.216 of this chapter.

(Prior Code, § 11-61-6) (Ord. 258, passed 5-4-2006)

## **§ 152.651 LOT REQUIREMENTS AND SETBACKS.**

The following minimum requirements shall be observed in a B-2 District subject to additional requirements, exceptions and modifications set forth in this chapter.

Lot area	20,000 square feet
Lot width	80 feet
Setbacks	
Front yard	30 feet
Rear yard	20 feet or 30 feet if abutting a residential zoned property
Side yard	10 feet on any one side or 20 feet on the side yard abutting a street or residential zoned property

(Prior Code, § 11-61-7) (Ord. 258, passed 5-4-2006)

**§ 152.652 BUILDING REQUIREMENTS.**

(A) *Height.* All buildings shall be limited to three stories or 35 feet in height.

(B) *Minimum floor area.* One thousand square feet.

(Prior Code, § 11-61-8) (Ord. 258, passed 5-4-2006)

**§ 152.653 IMPERVIOUS SURFACE COVERAGE.**

In no event shall off-street parking space, structures of any type, buildings or other features cover more than 75% of the lot area resulting in less than 25% pervious landscaped area.

(Prior Code, § 11-61-9) (Ord. 258, passed 5-4-2006)

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

**ORDINANCE NUMBER 382  
SECOND SERIES**

**AN ORDINANCE AMENDING CHAPTER 152 OF THE CANNON FALLS CITY CODE  
BY REZONING CERTAIN PROPERTY FROM UR, URBAN RESERVE TO A B-2  
HIGHWAY BUSINESS DISTRICT**

**WHEREAS.** Matt Fimmen (“Fimmen”) owns Property in the City of Cannon Falls described as follows: that part of Government 4, Section 30, Township 112 North, Range 17 West, Goodhue County, Minnesota, lying northerly of the South 350.00 feet thereof, which lies easterly of the following described line: Commencing on the northwest corner of said Government Lot 4, Section 30, Township 112 North, Range 17 West; thence on an assumed bearing of North 89 degrees 56 minutes 03 seconds East along the north line of said Government Lot 4, a distance of 1499.01 feet to the point of beginning of the line to be described, thence southeasterly 219.94 feet along a non-tangential curve concave to the east, said curve has a radius of 626.75 feet, a central angle of 20 degrees 06 minutes 23 seconds, and the chord of said curve bears South 19 degrees 45 minutes 20 seconds East 218.81 feet; thence South 29 degrees 48 minutes 32 seconds East, tangent to said curve, 92.19 feet; thence South 00 degrees 05 minutes 56 seconds East 684.15 feet to the north line of the South 350.00 feet of said Government Lot 4 and there terminating.

EXCEPT that part of said Government Lot 4, taken in fee title for Parcel 25, Minnesota Department of Transportation Right of Way Plat Number 25-74, according to the recorded plat thereof. Containing 7.16 acres, more or less. (“Property”):

**WHEREAS,** Fimmen has requested that the Property be rezoned from UR, Urban Reserve to B-2 Highway Business District.

**WHEREAS,** the Planning Commission of the City of Cannon Falls held a duly noticed public hearing on the requested rezone and unanimously recommended approval.

**NOW THEREFORE, THE CITY OF CANNON FALLS ORDAINS:**

**Section 1.** The City hereby approves the rezone of the Property from UR, Urban Reserve to B-2 Highway Business District.

**Section 2.** The Zoning Map of the City of Cannon Falls referred to and described in Chapter 152, shall be updated to reflect revisions identified by the by the attached map for parcels--#52.530.0020 and #52.530.0010.

**Section 3.** This Ordinance shall be effective immediately upon its passage and publication.

**PASSED AND DULY ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2022 by the City Council of the City of Cannon Falls.

CITY OF CANNON FALLS

BY: \_\_\_\_\_  
John O. Althoff, Mayor

ATTEST:

\_\_\_\_\_  
Neil L. Jensen, City Administrator