

**TO: Cannon Falls City Council**  
**FROM: Zach Logelin, License and Permit Technician**  
**SUBJECT: Bethel's Rock Church-Ordinance Text Amendment**  
**DATE: September 3<sup>rd</sup>, 2024**

## **BACKGROUND**

Bethel's Rock Church is applying for an Ordinance Text Amendment to amend code in the B-2 district to allow religious institution, via a Conditional Use Permit. The applicant is holding off applying for a Conditional Use Permit until approval regarding the text amendment is secured.

If you recall, the church had previously applied for a rezone, but was not granted this request.

Bethel's Rock would still need to apply for a Conditional Use Permit in order to operate at their desired location.

## **Uniformity With Surrounding Communities:**

**Red wing:** Allows religious intuitions in their equivalent of the B-2 via a conditional use permit

**Zumbrota:** Permitted in in R1, R1a(One-Family Residential District is to provide for low-density, single-family residences and directly related complimentary customary home occupation and certain public and semi-public uses that primarily serve the residents of Zumbrota, at a maximum of five dwellings per acre), R2(two family residential), R3(media density residential), and R4

**Wanamingo:** CUP in r-1, r-2, r-3, and ag zones

**Mantorville:** CUP single family residential, CUP in multifamily residential, permitted in commercial area

**Kasson:** Places of worship can't generate a significant amount of traffic, all residential areas allowed, not c-2 or c-3(commercial) unless combined with a funeral home.

**Pine Island:** CUP in R-1 (suburban Residential District), CUP in R-4 (Multi-family Residential District), CUP in C-1 Central Business District, CUP Highway commercial (C-1), CUP in neighborhood commercial (C-3)

**Northfield:** Conditional Use in the R1, R2, R3, R4, N1(Neighborhood general), N2, C-1, C-2 (highway Commercial).

**Kenyon:** C-2(General Commercial) -Churches permitted use

**Faribault:** CUP in Residential except R4 (permitted). CUP in commercial.

## **Comprehensive Plan:**

Taken from page 2.1 "*Growth management*" of the Cannon falls Comprehensive Plan: There is a prevailing feeling that too much commercial growth along Highway 52 may not be a good thing because it could have a detrimental effect on the old downtown."

Chapter 2. Growth Management

## **Primary obstacles:**

-Uncontrolled growth in and outside of the city that gives the city a different feel and appearance.

-Transportation access and highway design results in highway-oriented growth that is uncharacteristic of a small town.

-Decision making without a vision or thought about consequences allows new developments that change the character of the city.

-A need for tax base.

**Actions or governmental decision that would be detrimental to preserving the small-town feel:**

-Failure to address continued loss of downtown retail businesses.

-Failure to adopt design guidelines for downtown and new housing developments and rehabilitation.

-Not communicating and listening to citizenry.

-Not Planning and prioritizing.

-Failure to set economic development priorities.

-Withdrawing support for community events.

**Economic development goals:**

-Preservation of existing jobs and businesses and the addition of new retail and industrial activities that are a benefit to the community.

**Highway Oriented Use:**

Objective: A commercial district that serves Hwy. 52 travelers and provides for larger scale uses that are incompatible with the city's other commercial areas. (Page 8.5, Cannon Falls Comprehensive Plan)

LU 19: The businesses should those that benefit from Hwy. 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.

Taken from page 2.5 "*Small Town Atmosphere*" of the Cannon falls Comprehensive Plan:

"The city will continue to support events that promote a feeling a community."

**Criteria for Amendments:**

City Code 152.057

The Planning Commission shall consider possible effects of the proposed amendment. Its judgment shall be based upon, but not limited to, the following factors:

(A) The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the official City Comprehensive Plan;

(B) **The proposed use is or will be compatible with present and future land uses of the area;**

(C) The proposed use conforms with all performance standards contained in this chapter;

(D) The proposed use can be accommodated with existing public services and will not overburden the city's service capacity; and

(E) Traffic generation by the proposed use is within capabilities of streets serving the property.

**Current City Code Pertaining to Conditional Uses in the R-2, Single-Family Residential District:**

(F) Public or semi-public recreational buildings and neighborhood or community centers; public and private educational institutions limited to elementary, junior high and senior high schools; and religious institutions such as churches, chapels, temples and synagogues provided that:

- (1) Side yards shall be double that required for the district, but no greater than 30 feet;
- (2) Adequate screening from abutting residential uses and landscaping is provided in compliance with §§ [152.275](#) through [152.281](#) of this chapter; and
- (3) Adequate off-street parking, loading and access is provided on the site or on lots directly abutting or directly across a public street or alley to the principal use in compliance with §§ [152.255](#) through [152.264](#) of this chapter and that the parking is adequately screened and landscaped from surrounding and abutting residential uses in compliance with §§ [152.275](#) through [152.281](#) of this chapter.

**Planning for the Future:**

If approved, the City can put conditions on the church, but should not stray too far from the conditions that already exist for churches in the residential areas of the city. How do you want your city to feel? How will this approval have an impact on present and future land uses of the area?

**The following are attached to further describe the proposal:**

1. Development application
2. Aerial map
3. Zoning map
4. City code 152.070
5. Resolution for Denial
6. Ordinance for Approval

**REQUESTED COUNCIL ACTION**

I respectfully request the Council discuss the proposed Zoning Text Amendment and choose either to approve or deny the application. If approving, the text amendment requires the adoption of an ordinance and you may consider approving the first reading of the proposed ordinance. If denying, your decision should be memorialized by written findings and you may consider approving the proposed resolution.

## **NOTICE OF PUBLIC HEARING**

Notice is hereby given that the Planning Commission of the City of Cannon Falls, Minnesota will meet on Monday, August 19<sup>th</sup>, 2024 beginning at 6:30 p.m. (or as soon thereafter as the matter may be heard) in the City Council Chambers at City Hall, 918 River Road, to conduct a public hearing to consider an application requesting an Ordinance Text Amendment to allow religious institutions in the B-2, highway business district via a Conditional Use Permit.

More detailed information relating to the application is available for public inspection at the office of the City Administrator, 918 River Road, Cannon Falls, MN 55099.

Anyone interested in offering comments with regard to the application for the Amendment will be given an opportunity to do so at this hearing.

Zach Logelin

507-263-9308

(Aug. 8, 2024) 24382



DEVELOPMENT APPLICATION

918 River Road
Cannon Falls, MN 55009
507-263-9312

SUBJECT TO STAFF REVIEW

Street Location of Property: 32057 64th Avenue, Cannon Falls, MN 55009

Legal Description of Property: Improved large two story commercial building.

Owner of Record: Name:
Daytime Phone:
Address:

Applicant (if other than owner) Name: Bethel's Rock Church Cannon Falls
Daytime Phone: 612-388-2440
Address: 220 Main Street West
Cannon Falls, MN 55009
E-Mail Address: pastorbrandon@bethelsrock.org
Notary Stamp

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

- Request:
Conditional Use Permit
Subdivision
Concept
Preliminary Plat
Final Plat
Administrative
Administrative Permit
Vacation
Comp Plan Amendment
Other
Rezoning/Ordinance Text Amendment
Variance
Interim Use Permit
Amendment
CUP/PUD
Site Plan Review
Special Home Occupation
Annexation Petition
Appeal

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

Date Application Received: 7/22/24

Date Submission Deemed to be Complete: 8/2/24

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

Text amendment to change B-2 to add under § 152.648 CONDITIONAL USES.

(Y) Religious institutions such as churches, chapels, temples and synagogues

**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:**

\_\_\_\_\_  
Property Owner



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

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

Date: 07/24/2024

FOR CITY USE ONLY

Date Application Filed: \_\_\_\_\_

Basic Fees: TA Fee: 450.00

Received By: [Signature]

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: August 19<sup>th</sup>, 2024

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

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

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

Attachment A1  
 CITY OF CANNON FALLS  
 ZONING AND SUBDIVISION FEE SCHEDULE  
 2024

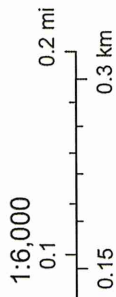
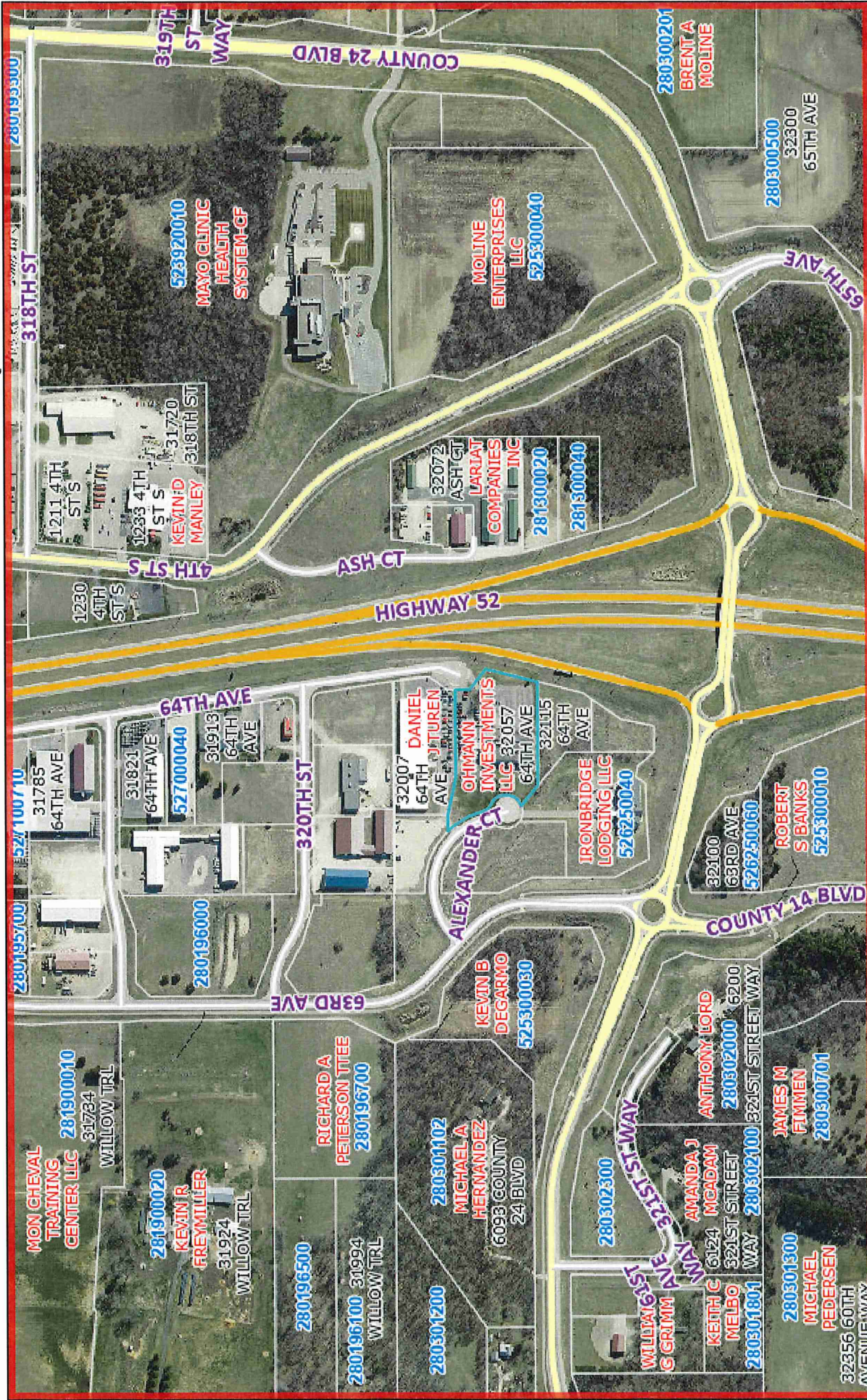
	Base Fee/Recording	Escrow Deposit*	Total
<b>Zoning:</b>			
Comprehensive Plan Amendment	\$450	\$0	\$450
Variance	\$450	\$0	\$450
Appeal	\$450	\$0	\$450
Rezoning and Ordinance Text Amendment	\$450	\$0	\$450
Amendment	\$450	\$0	\$450
Conditional Use Permit	\$450	\$0	\$450
Planned Unit Development / Conditional Use Permit	\$450	\$0	\$450
Site Plan Review	\$0	\$0	\$0
Interim Use Permit	\$450	\$0	\$450
Administrative Permit	\$150	\$0	\$150
Home Occupation	\$150	\$0	\$150
Annexation Petition	\$450	\$0	\$450
Vacation	\$450	\$0	\$450
Renewal Permit	\$150	\$0	\$150
Other	\$250	\$0	\$250
<b>Subdivision:</b>			
Administrative Subdivision	\$250	\$0	\$250
Concept Plan	\$250	\$0	\$250
Preliminary Plat	\$500	\$2,500	\$3,000
Final Plat	\$500	\$500	\$1,000
<b>Park Dedication:</b>			
All Residential Units	Fees set by City Council Resolution	NA	10% land \$1,390.00/unit
Commercial	Fees set by City Council Resolution	NA	10% land \$2,000.00/acre
Industrial	Fees set by City Council Resolution	NA	10% land \$2,000.00/acre

*\*Whether or not an Escrow Deposit is required, if a consultant is engaged by the City to review the application and a cost is incurred for services rendered the applicant is responsible for payment of any and all professional service expenses. The final determination by the City Council will not be recorded unless and until any and all fees due have been paid by the applicant.*



Legal Description: WINTER ADDITION LOT-003 BLOCK-001 3.17 AC DOC#682968 LOT 3 BLK 1





1:6,000

August 16, 2024

Goodhue County Roads

CEM; ; OCTY; OCRLN; CTRLN

CSAHP; CRP

USHWY

Full Name

Full Address

Parcels

PIN



## **ADMINISTRATION; CONDITIONAL USE PERMITS**

### **§ 152.070 PURPOSE.**

The purpose of a conditional use permit is to provide the city with a reasonable degree of discretion in determining the suitability of certain designated uses upon the general welfare, public health and safety. In making this determination, whether or not the conditional use is to be allowed, the city may consider the nature of the adjoining land or buildings, the effect upon traffic into and from the premises or on any adjoining streets, and all other or further factors as the city shall deem a prerequisite of consideration in determining the effect of the use on the general welfare, public health and safety.

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

### **§ 152.071 PROCEDURE.**

An application for a conditional use permit requires a public hearing and is to be processed in accordance with the procedures outlined in § 152.037 of this chapter.

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

### **§ 152.072 CRITERIA.**

The Planning Commission shall consider possible effects of the proposed conditional use. Its judgment shall be based upon, but not limited to, the following factors:

- (A) The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the official City Comprehensive Plan;
- (B) The proposed use is or will be compatible with present and future land uses of the area;
- (C) The proposed use conforms with all performance standards contained in this code;
- (D) The proposed use can be accommodated with existing public services and will not overburden the city's service capacity; and
- (E) Traffic generation by the proposed use is within capabilities of streets serving the property.

(Prior Code, § 11-5-3) (Ord. 258, passed 5-4-2006)

### **§ 152.073 GENERAL PERFORMANCE STANDARDS.**

As may be applicable, the evaluation of any proposed conditional use permit request shall be subject to and include, but not be limited to, the following general performance standards and criteria.

- (A) The use and the site in question shall be served by a street of sufficient capacity to accommodate the type and volume of traffic which would be generated and adequate right-of-way shall be provided.
- (B) The site design for access and parking shall minimize internal as well as external traffic conflicts and shall be in compliance with §§ 152.255 through 152.264 of this chapter.
- (C) If applicable, a pedestrian circulation system shall be clearly defined and appropriate provisions made to protect the areas from encroachment by parked or moving vehicles.
- (D) Adequate off-street parking and off-street loading shall be provided in compliance with §§ 152.255 through 152.264 of this chapter.
- (E) Loading areas and drive-up facilities shall be positioned so as to minimize internal site access problems and maneuvering conflicts, to avoid visual or noise impacts on any "adjacent" residential use

or district and provided in compliance with §§ 152.255 through 152.264 of this chapter.

(F) Whenever a nonresidential use is "adjacent" to a residential use or district, a buffer area with screening and landscaping shall be provided in compliance with §§ 152.275 through 152.281 of this chapter.

(G) General site screening and landscaping shall be provided in compliance with §§ 152.275 through 152.281 of this chapter.

(H) All exterior lighting shall be so directed so as not to cast glare toward or onto the public right-of-way or neighboring residential uses or districts and shall be in compliance with § 152.187 of this chapter.

(I) Potential exterior noise generated by the use shall be identified and mitigation measures, as may be necessary, shall be imposed to ensure compliance with § 152.191 of this chapter.

(J) The site drainage system shall be subject to the review and approval of the City Engineer.

(K) The architectural appearance and functional design of the building and site shall not be so dissimilar to the existing or potential buildings and area so as to cause a blighting influence. All sides of the principal and accessory structures are to have essentially the same or coordinated, harmonious exterior finish materials and treatment.

(L) All signs and informational or visual communication devices shall be in compliance with §§ 152.350 through 152.359 of this chapter.

(M) The use and site shall be in compliance with any federal, state or county law or regulation that is applicable and any related permits shall be obtained and documented to the city.

(N) Any applicable business licenses mandated by the city code are approved and obtained.

(O) The hours of operation may be restricted.

(P) The use complies with all applicable performance standards of the zoning district in which it is located and where applicable, any nonconformities shall be eliminated.

(Q) All additional conditions pertaining to a specific site are subject to change when the 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.

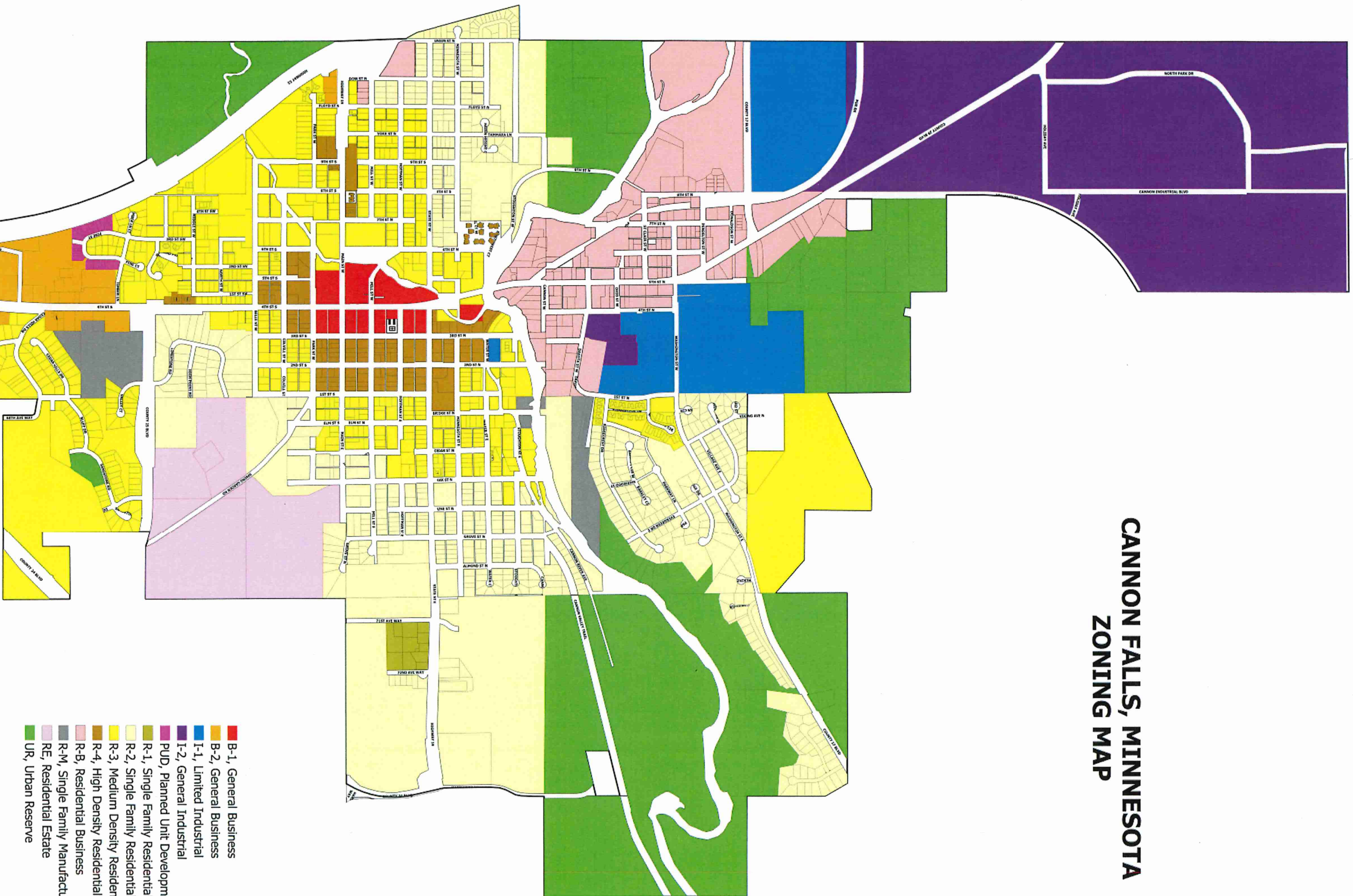
(Prior Code, § 11-5-4) (Ord. 258, passed 5-4-2006)

### **§ 152.074 REVOCATION.**

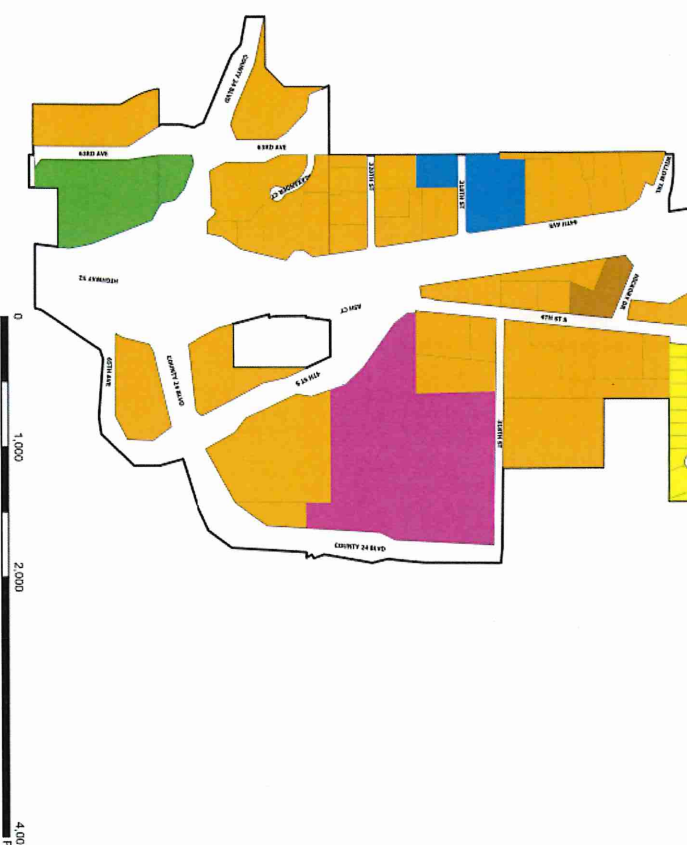
The Planning Commission may recommend, and the City Council may direct, the revocation of any conditional use permit for cause upon determination that the authorized conditional use is not in conformance with the conditions of the permit or is in continued violation of this chapter, city codes or other applicable regulations. The City Council or Planning Commission shall initiate an application and the Zoning Administrator shall notify the responsible person that they have an opportunity to show cause why the permit should not be revoked. The application shall be processed and considered pursuant to § 152.037 of this chapter. The Zoning Administrator shall provide the responsible person a copy of the proceedings and findings of the Planning Commission and City Council.

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

# CANNON FALLS, MINNESOTA ZONING MAP



- B-1, General Business
- B-2, General Business
- I-1, Limited Industrial
- I-2, General Industrial
- PUD, Planned Unit Development
- R-1, Single Family Residential
- R-2, Single Family Residential
- R-3, Medium Density Residential
- R-4, High Density Residential
- R-B, Residential Business
- R-M, Single Family Manufactured Home
- RE, Residential Estate
- UR, Urban Reserve



Prepared for the  
City of Cannon Falls, Minnesota  
by Goodhue County GIS Office  
February 2023



DATA DISCLAIMER: Goodhue County assumes no liability for the accuracy or completeness of this map. GIS responsibility for any associated data from this use or misuse. Goodhue County, Copyright 2023

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

**RESOLUTION NUMBER \_\_\_\_\_**

**RESOLUTION DENYING THE ORDINANCE TEXT AMENDMENT  
FOR BETHEL’S ROCK CHURCH**

**WHEREAS**, Bethel’s Rock Church (“Applicant”) is the applicant for an Ordinance Text Amendment for property located in the City of Cannon Falls and legally described on the attached Exhibit A (the “Property”);

**WHEREAS**, the Applicant is applying to amend City Code § 152.648 by adding language allowing Religious Institutions in the B-2, Highway Business as a conditional use (the “Amendment”);

**WHEREAS**, City staff studied the matter, made a report, and provided other information to the Planning Commission and City Council;

**WHEREAS**, on August 19<sup>th</sup>, 2024, the Planning Commission held a public hearing and after considering the Applicant’s request for the Amendment, recommended approval; and

**WHEREAS**, the City Council of the City of Cannon Falls has considered the Planning Commission’s recommendation at its September 3, 2024, City Council meeting.

**NOW, THEREFORE**, the City Council of the City of Cannon Falls makes the following:

**FINDINGS**

1. The Applicant is requesting the Amendment to allow Religious Institutions as defined by City Code § 152.021 in the B-2, Highway Business zone as a conditional use, including on the Property (the “Proposed Use”).

2. The Property where the Proposed Use will be located is currently zoned B-2, Highway Business.

3. Minn. Stat. § 462.357 grants to the City, for the purpose of promoting the public health, safety, morals and general welfare, the authority to regulate use of land within the City through zoning regulations.

4. The time limit for a decision on the Applicant’s applications will not expire until October 1<sup>st</sup>, 2024.

5. The granting of amendments within the City is governed both by the City Code and State Statutes.



6. Minn. Stat. § 462.357, subd. 4 states an amendment to a zoning ordinance may be initiated by the governing body, the planning agency, or by petition of affected property owners as defined in the zoning ordinance. An amendment not initiated by the planning agency shall be referred to the planning agency, if there is one, for study and report and may not be acted upon by the governing body until it has received the recommendation of the planning agency on the proposed amendment or until 60 days have elapsed from the date of reference of the amendment without a report by the planning agency.

7. City Code § 152.056 states that an “[a]pplication for an amendment of this chapter (text or map) requires a public hearing and is to be processed in accordance with the procedures set forth in § 152.037 of this chapter.

8. City Code § 152.057 states that “[t]he City Council or Planning Commission may, upon their own motion, initiate a request to amend the text or the district boundaries of this chapter. The procedural requirements of this section shall not apply to the proposed amendments except to the extent required by state statute. Any person owning real estate within the city may initiate a request to amend the district boundaries or text of this chapter so as to affect the real estate.”

9. City Code § 152.057 states:

The Planning Commission shall consider possible effects of the proposed amendment. Its judgment shall be based upon, but not limited to, the following factors:

(A) The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the official City Comprehensive Plan;

(B) The proposed use is or will be compatible with present and future land uses of the area;

(C) The proposed use conforms with all performance standards contained in this chapter;

(D) The proposed use can be accommodated with existing public services and will not overburden the city's service capacity; and

(E) Traffic generation by the proposed use is within capabilities of streets serving the property.

10. The Applicant’s requested Amendment would amend City Code § 152.648 by allowing Religious Institutions as defined by City Code § 152.021 as a conditional use anywhere within the B-2, Highway Business district. The requested Amendment is inconsistent with the Cannon Falls Comprehensive Plan. Allowing religious institutions in the B-2, Highway Business district as a conditional use is not compatible with present and future land uses in the area.

**DECISION**

NOW, THEREFORE, BE IT RESOLVED by the City Council of Cannon Falls and based upon the information received and the above Findings:

1. The City Council does hereby deny the requested Ordinance Text Amendment.

**ADOPTED** by the City Council this 3<sup>rd</sup> day of September, 2024.

\_\_\_\_\_  
Matt Montgomery, Mayor

ATTEST: \_\_\_\_\_  
Neil Jensen, City Administrator



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

**ORDINANCE NUMBER \_\_\_\_**

**AN ORDINANCE OF THE CITY OF CANNON FALLS, MINNESOTA AMENDING  
CITY CODE § 152.648 TO ALLOW RELIGIOUS INSTITUTIONS AS A  
CONDITIONAL USE IN THE B-2, HIGHWAY BUSINESS**

THE CITY OF CANNON FALLS ORDAINS

**WHEREAS**, Bethel’s Rock Church (“Applicant”) is the applicant for an Ordinance Text Amendment for property located in the City of Cannon Falls and legally described on the attached Exhibit A (the “Property”);

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**DECISION**

Section 1. Amendment. City Code § 152.648 is hereby amended by adding the underlined language, as follows:

§ 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:

\* \* \*

(Y) Religious Institutions.

Section 2. Effective Date. This ordinance shall not be effective until the Applicant acquires fee simple ownership of the Property and upon its subsequent passage and publication according to law, but in no case more than ninety (90) days after it is introduced.

**ADOPTED** by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Matt Montgomery, Mayor

ATTEST: \_\_\_\_\_  
Neil Jensen, City Administrator