

TO: Cannon Falls City Council
FROM: Zach Logelin, License and Permit Technician
SUBJECT: Ordinance Amending City Code Relating to the Cannon Valley Fair
DATE: December 17th, 2024

BACKGROUND:

Before you tonight is an ordinance text amendment relating to the Cannon Valley Fair and the proposed uses that will take place within the fairgrounds property.

A new zone for the fair is being proposed (F, Fairgrounds District) that will cover all of the property the Fair currently owns (see exhibit) and property the fair may own in the future. If the amendment is approved, a list of permitted, accessory, and interim uses will be added to the fair zone that will dictate land use decisions that will take place within the newly amended zone.

Interim Use Permit: Every nine months the permit will be reviewed and evaluated. If everything is in compliance, the Planning Commission and City Council can re-issue the permit to the Fair Association. Racing events would be required to obtain an Interim Use Permit. The City will have the power to withhold any permits or issue a stop work order if violations are observed. Please review the proposed conditions for racing events. The request was denied by Planning Commission.

Below is a summary of the comments recorded from the Fair Association and Planning Commission.

The Cannon Valley Fair Association objected to the following provisions of the ordinance:

- The definition of “Cannon Valley Fair” does not include racing events, which the Fair objected to on the grounds that it would not permit racing during the fair days.
- The definitions of Micro Sprint and Cart should be changed from 210cc to 600cc, as they believe Micro Sprints are the key issue and they are powered by 600cc engines.
- The PID of the property is wrong.
- It is not feasible for all people, equipment, shelters, and vehicles used for racing events and practice be removed from the fairgrounds each day, nor is it feasible for them to include the number of vehicles in a schedule.
- The duration of the IUP should be extended to 12 months, rather than 9.
- Subsections 152.830(A)(10) and (B)(10) are duplicates and should be removed.
- Camping has been a past occurrence on the fairgrounds and should not be a prohibited use.

In making its decision, the Planning Commission had the following comments:

- All engine powered racing may be a nuisance. Does not matter what CC the engines are.
- Allowing racing would be against the Comprehensive Plan, as it would be harmful to the wellbeing of the City’s residents.

The following exhibits are attached to further describe the proposal:

1. Proposed Ordinance amending Cannon Falls City Code Relating to the Cannon Valley Fair
2. Fair Association Maps
3. City Codes Referenced in the Proposed Ordinance
4. Resolution Denying the Ordinance

REQUESTED ACTION:

If Council deems the ordinance appropriate and wishes to approve, you will be approving the first reading of exhibit one. If Council wishes to deny, you will be approving the resolution in exhibit four, a resolution denying the proposed ordinance.

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

**ORDINANCE NUMBER ____
SECOND SERIES**

**AN ORDINANCE AMENDING CANNON FALLS CITY CODE
RELATING TO THE CANNON VALLEY FAIR**

THE CITY COUNCIL OF THE CITY OF CANNON FALLS DOES ORDAIN:

SECTION 1. AMENDMENT. Cannon Falls City Code Chapter 152 is hereby amended as set forth below to add the underlined language as follows:

§ 152.021 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CAMPING. To live or reside temporarily in a tent, house trailer, motorized vehicle, RV, mobile home, bus, or any other structure that does not comply with all building code standards for human habitation.

CANNON VALLEY FAIR. A public event sponsored by the Cannon Valley Fair Association held annually for four days during the first week of July that includes the following activities:

- (1) Amusement rides in compliance with state law;
- (2) Animal shows;
- (3) Auctions;
- (4) Demolition Derbies;
- (5) Fireworks shows;
- (6) Horse races and shows, harness racing;
- (7) Parades;
- (8) Outdoor concerts with less than _____ attendance;
- (9) Rodeos; and
- (10) Stage Performances with permit issued by the City.

CANNON VALLEY FAIR ASSOCIATION. The entity formed as a fair association under Minn. Stat. ch. 38 and nonprofit corporation under Minn. Stat. ch. 317A that owns and operates the Fairgrounds and sponsors the Fair.

CART. A motorized vehicle powered by an engine of less than 210cc. Carts shall not generate noise in excess of _____ as measured by the City with a meter certified by the MPCA.

DEMOLITION DERBY. An event, show, race, or other activity in which persons deliberately colliding their vehicles into one another.

ENGINE. A mechanism or object that serves as an energy source.

FAIRGROUNDS. All real property now or hereinafter owned by the Cannon Valley Fair Association, including PID #52.180.0030 #52.540.0030, and #52.500.0290.

MICRO SPRINT. A motorized vehicle powered by an engine of 210cc or greater or capable of generating noise in excess of _____ and consisting of a single seat.

MICRO SPRINT EVENT. An event, show, race, or other activity involving Micro Sprints.

MOTORCYCLE. A motorized vehicle powered by an engine of 210cc or greater with two or three wheels.

MPCA. Minnesota Pollution Control Agency.

PRACTICE/TIME TRIAL. A single day event involving Carts preparing or qualifying for a future race at the Fairgrounds that is not a contest or show.

RACING EVENT. An event, show, race, or other activity involving a contest of Carts, excluding Demolition Derbies and Micro Sprint Events.

RV. A motor vehicle or trailer designed for recreational use.

SPEEDWAY. All or any portion of the Fairgrounds that is designed, maintained or used as a speedway, racetrack, motocross track, or other sport which involves motorized vehicles.

STAGE PERFORMANCE. The presentation of a play, concert, or other form of entertainment on a stage or in a pavilion with audiences less than _____ people.

WEEKDAY. A weekday is either Monday, Tuesday, Wednesday, or Thursday.

WEEKEND. A weekend includes Friday, Saturday, and Sunday.

F, FAIRGROUND DISTRICT

§ 152.825 PURPOSE.

The F, Fairground District is created to regulate the Cannon Valley Fair Association's use of the Fairgrounds for the Fair and related purposes in order to protect the public health, safety, order, convenience, prosperity and general welfare of the community.

§ 152.826 AMENDMENT.

The zoning classification of the property described in § 152.827, as shown on the zoning map referred to in Cannon Falls City Code § 152.447, is hereby amended from UR, Urban Reserve and R-2, Single Family Residential to F, Fairground District.

§ 152.827 PROPERTY DESCRIPTION.

The F, Fairground District shall consist of all real property now or hereinafter owned by the Cannon Valley Fair Association, including PID #52.180.0030 #52.540.0030, and #52.500.0290.

§ 152.828 PERMITTED USES.

Subject to applicable provisions of this chapter, the following uses are permitted in a F, Fairground District:

- (A) Cannon Valley Fair;
- (B) Horse races and horse shows, harness racing;
- (C) Stage Performances not held during the Fair pursuant to a permit issued by the City;
- (D) Except as provided in section 152.828(E), public or private gatherings of less than _____ persons not held during the Fair pursuant to a permit issued by the City;
- (E) Events sponsored and put on by the Lions Club, Goodhue County 4-H, Fire Department, and local school districts; and
- (F) Demolition Derbies held on Memorial Day and Labor Day during the hours of _____.

§ 152.829 PERMITTED ACCESSORY USES.

Subject to applicable provisions of this chapter, the following are permitted accessory uses to the permitted uses allowed in the F, Fairground District:

(A) Accessory uses, buildings and structures customarily incidental and directly related to the uses allowed as permitted in this chapter, subject to applicable regulation of this chapter.

(B) Off-street parking as regulated by §§ 152.255 through 152.264 of this chapter.

(C) RV and equipment parking and storage as regulated by §§ 152.180 through 152.194 of this chapter, except that the maximum number of RV's parked on the Fairgrounds at any time shall not exceed _____;

(D) Signs as regulated by §§ 152.350 through 152.359 of this chapter, except that Dynamic Display Signs are permitted during the Fair and pursuant to a permit approved by the City.

(E) Outside vending of food, beverages, and goods, subject to all applicable licensing and permit requirements.

§ 152.830 INTERIM USES.

Subject to applicable provisions of this chapter, the following are interim uses in an F, Fairground District and require an interim use permit ("IUP") based upon procedures set forth in and regulated by §§ 152.085 through 152.089 of this chapter:

(A) Racing Events subject to the following conditions:

(1) No Micro Sprints may be operated in the F, Fairground District;

(2) No Racing Events are permitted between _____ P.M. and _____ A.M.;

(3) All Racing Events must conclude by _____ P.M. each day and all people, equipment, shelters, and vehicles, including, but not limited to, Carts, trailers and RVs, removed from the Fairgrounds by _____ P.M. each day;

(4) A schedule of all Racing Events to be held on the Fairgrounds, including the date, time, number of vehicles, and any other information requested by the City, shall be provided to the City no later than April 1st, which schedule shall be recorded by the Fair Association with an IUP issued pursuant to this chapter;

(5) Except as expressly provided in section 152.830(A)(6), a Racing Event may only be scheduled for a Weekend and may not be held on a Weekday.

(6) In the event a Racing Event scheduled on a Weekend cannot be held due to inclement weather, the Racing Event may be rescheduled for a single Weekday in June, July, or August;

(7) An IUP issued for Racing Events pursuant to this section shall contain a termination date no later than nine (9) months after the date of final approval by the City;

(8) Noise generated by Racing Events shall be less than _____ as measured by the City with a meter certified by the MPCA.

(9) Any light or combination of lights generated during a Racing Event that cast light on residential property shall not exceed four-tenths foot candles (meter reading) as measured from Fairground property line; and

(10) The Fair Association shall provide screening as provided below:

- a. Screening shall be provided along the boundary between all or any portion of the Fairgrounds used for Racing Events and any adjacent residential district (as determined by the Zoning Administrator);
- b. All screening required by this section shall comply with § 152.186 (traffic visibility) and § 152.279(a)(1) (green belt planting strip);
- c. Site and landscaping plans shall be submitted to the City for review; and
- d. Screening shall be approved by the City.

(B) A Practice/Time Trial subject to the following conditions, in addition to any conditions the City deems reasonable to protect the public health, welfare, and safety:

(1) No Micro Sprints may be operated in the F, Fairground District;

(2) No Practice/Time Trials are permitted between _____ P.M. and _____ A.M.;

(3) All Practice/Time Trials must conclude by _____ P.M each day and all people, equipment, shelters, and vehicles, including, but not limited to, Carts, trailers and RVs, removed from the Fairgrounds by _____ P.M. each day;

(4) A schedule of all Practice/Time Trials to be held on the Fairgrounds, including the date, time, number of vehicles, and any other information requested by the City, shall be provided to the City no later than April 1st, which schedule shall be recorded by the Fair Association with an IUP issued pursuant to this chapter;

(5) Except as expressly provided in section 152.830(B)(6), a Practice/Time Trial may only be scheduled for a Weekend and may not be held on a Weekday.

(6) In the event a Practice/Time Trial scheduled on a Weekend cannot be held due to inclement weather, the Practice/Time Trial may be rescheduled for a single Weekday in June, July, or August;

(7) An IUP issued for Practice/Time Trials pursuant to this section shall contain a termination date no later than nine (9) months after the date final approval by the City;

(8) Noise generated by Practice/Time Trials shall be less than _____ as measured by the City with a meter certified by the MPCA.

(9) Any light or combination of lights generated during a Practice/Time Trial that cast light on residential property shall not exceed four-tenths foot candles (meter reading) as measured from Fairground property line; and

(10) The Fair Association shall provide screening as provided below:

- a. Screening shall be provided along the boundary between all or any portion of the Fairgrounds used for Practice/Time Trials and any adjacent residential district (as determined by the Zoning Administrator);
- b. All screening required by this section shall comply with § 152.186 (traffic visibility) and § 152.279(a)(1) (green belt planting strip);
- c. Site and landscaping plans shall be submitted to the City for review; and
- d. Screening shall be approved by the City.

§ 152.840 PROHIBITED USES.

The following are prohibited in the F, Fairground District:

- (A) Camping;
- (B) Overnight vehicle parking except as permitted under section 152.829(B); and
- (C) Except during the Fair, sale or consumption of alcoholic beverages without first obtaining a license from the City.

§ 152.841 ENFORCEMENT.

§ 152.043 applies to the enforcement of §§ 152.021 and 152.825 through 152.840.

SECTION 2. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage and publications as required by law.

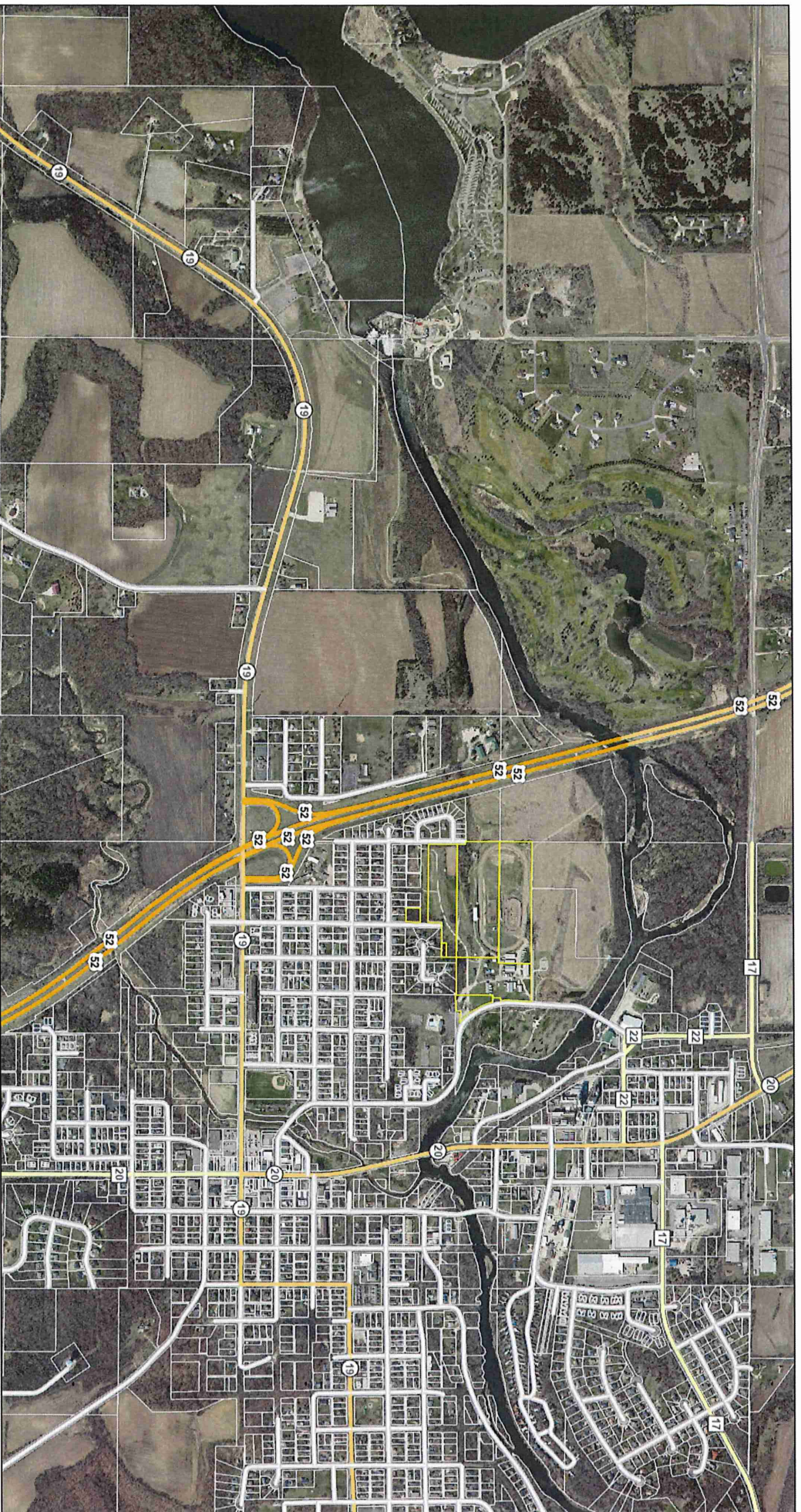
Adopted by the City Council of the City of Cannon Falls this ____ day of _____, ____.

Matt Montgomery, Mayor

ATTEST:

Jon Radermacher, City Administrator

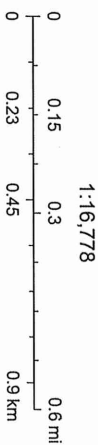
Fair Association Map



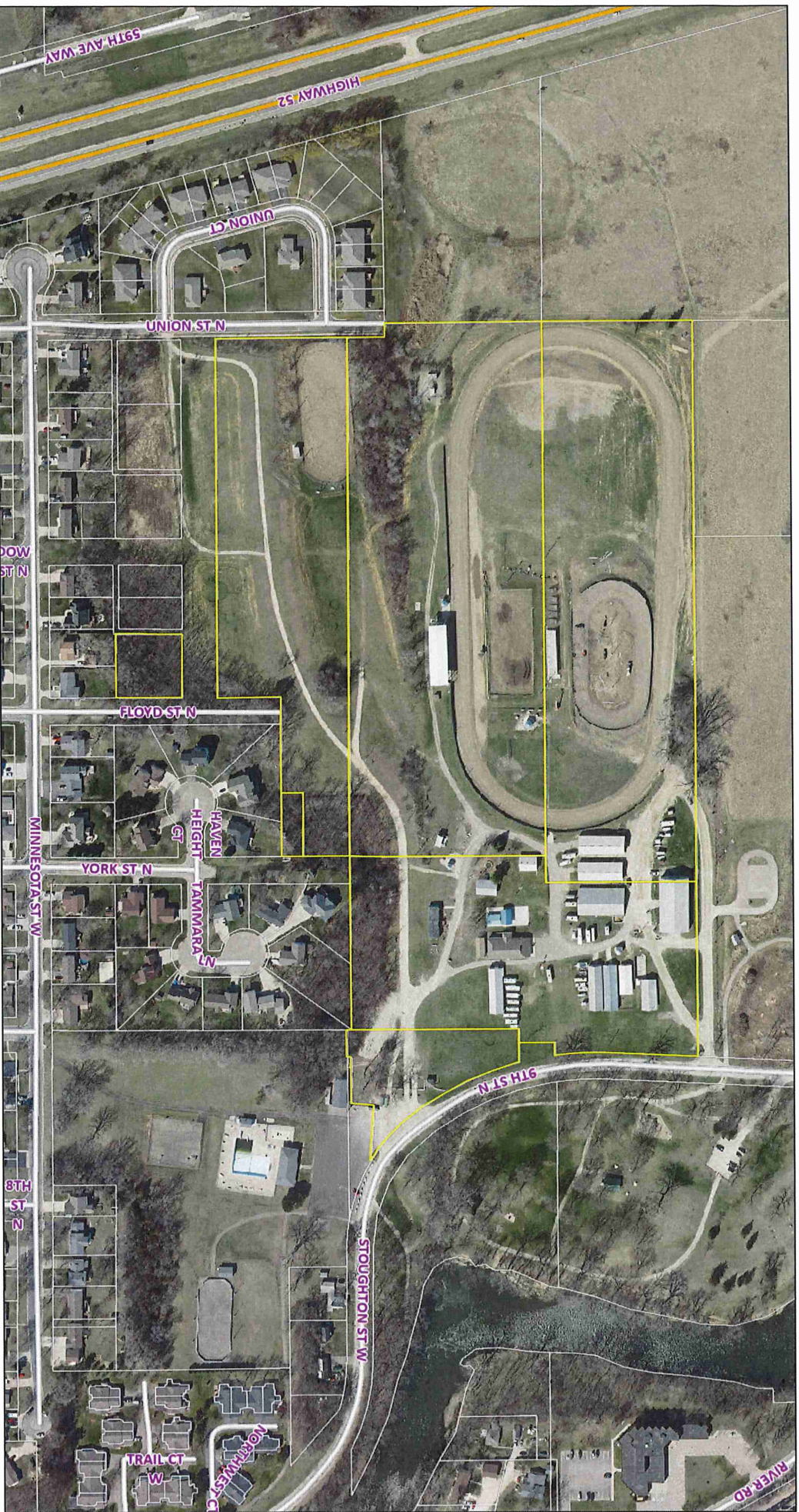
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Goodhue County Roads

- CEM: ; OCTY; OORLN; CTRLN
- USHWY
- Esri Major Roads
- CSAHP: CRP
- Parcels
- SHWY



Fair Association Map



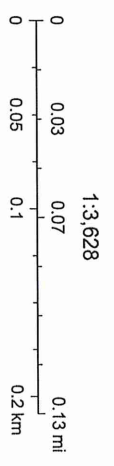
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Goodhue County Roads

CEM: ; OCTY; OCRLN; CTRLN

USHWY

Parcels



OFF-STREET PARKING AND LOADING REQUIREMENTS

§ 152.255 PURPOSE.

The regulation of off-street parking spaces and loading areas in this subchapter is to alleviate or prevent congestion of the public rights-of-way and to promote the safety and general welfare of the public, by establishing minimum requirements for off-street parking and loading areas for motor vehicles in accordance with the intensity of utilization of various parcels of land or structures.

(Prior Code, § 11-19-1) (Ord. 258, passed 5-4-2006)

§ 152.256 APPLICATION.

The regulations and requirements set forth herein shall apply to all off-street parking and loading areas in all of the zoning districts of the city.

(Prior Code, § 11-19-2) (Ord. 258, passed 5-4-2006)

§ 152.257 GENERAL PROVISIONS.

(A) *Reduction of existing off-street parking space or lot area.* Off-street parking spaces and loading areas existing upon the effective date of this subchapter hereof shall not be reduced in number or size unless the number or size exceeds the requirements set forth herein for a similar new use.

(B) *Change of use or occupancy of land.* No change of use or occupancy of land already dedicated to a parking area, parking spaces or loading areas shall be made, nor shall any sale of land, division or subdivision of land be made which reduces area necessary for parking, loading or circulation below the minimum prescribed by this chapter.

(C) *Change of use or occupancy of buildings.* Any change of use or occupancy of any building or buildings including additions thereto requiring more parking and loading area shall not be permitted until there is furnished additional parking and loading areas as required by this subchapter.

(D) *Disability accessible parking.* All parking associated with any building, structure or use shall be required to conform to the disability accessible parking standards pursuant to M.S. § 168.021, as it may be amended from time to time.

(E) *Restrictions on parking.*

(1) *Restrictions.* Required accessory off-street parking spaces in any district shall not be utilized for open storage, sale or rental of goods, storage of inoperable vehicles and/or storage of snow. All site plans required by this subchapter shall illustrate the size and location of snow storage space on the property in question.

(2) *Limitations.* Except as may be otherwise allowed by this subchapter, on- and off-street parking facilities accessory to a residential use shall be utilized solely for the parking of licensed and operable motor vehicles not to exceed 22 feet in length and eight feet in height; and recreational vehicles and equipment. Exceptions, for cause and in compliance with the intent and purpose of this subchapter, may be approved by the Zoning Administrator as an administrative permit.

(3) *Semi-tractor and semitrailer parking.* Semi-tractor and semitrailers shall not be permitted within residential zoned districts except for the specific purpose of loading or unloading cargo or freight.

(4) *Contracting, excavating equipment or other commercial vehicles and equipment.* Except where specifically allowed, contracting, excavating equipment or other commercial vehicles and equipment may not be parked or stored on any property in the city unless it is being used in conjunction with a temporary service benefitting the premises.

(F) *Repair work.* No motor vehicle repair work of any kind shall be permitted in conjunction with exterior off-street parking facilities, except for temporary (not exceeding eight hours) minor repairs of vehicles owned by the occupant or resident of the principal use for which the parking space is intended. No exterior storage of car parts is allowed at any time.

(G) *Maintenance.* It shall be the joint and several responsibility of the lessee and owner of the principal use, uses or building to maintain in a neat and adequate manner, the parking space, loading areas, accessways, striping, landscaping and required fences/screening.

(H) *Location.* All accessory off-street parking and loading areas required by this subchapter shall be located and restricted as follows.

(1) *Lot and ownership.* Required off-street parking and loading areas shall be on the same lot under the same ownership as the principal use being served, except under the provisions of § 152.262 of this subchapter.

(2) *Direct access.* Except for single-family, two-family, townhouse and quadraminium dwellings, head-in parking, directly off of and adjacent to a public street, with each stall having its own direct access to the public street, shall be prohibited.

(3) *Boulevard.* The boulevard portion of the street right-of-way shall not be used for parking, loading areas or circulation.

(4) *Setback area.* Required accessory off-street parking shall not be provided in required front yards or in required side yards adjacent to a public right-of-way (in the case of a corner lot) in residential districts defined by §§ 152.445 through 152.448 of this chapter.

(5) *Prohibited in yard.* In the case of single-family, two-family, townhouse and quadraminium dwellings, parking shall be prohibited in any portion of the front, side or rear yard, except on designated driveways leading directly into a garage or one open, surfaced space located on the side of a driveway, away from the principal use. The extra space shall be surfaced with paver bricks, concrete or bituminous material.

(Prior Code, § 11-19-3) (Ord. 258, passed 5-4-2006)

§ 152.258 PARKING STALL, AISLE AND DRIVEWAY DESIGN; DESIGN STANDARDS.

(A) *Parking lot dimensions.* Except for single-family and two-family residential uses or as otherwise provided for herein, all off-street parking facilities shall conform with the following design standards.

| <i>Parking Lot Dimensions Table*</i> | | | | |
|---|---------------------------|-----------------------------------|---------------------------|---------------------------|
| <i>Angle of Parking</i> | <i>Stall Width</i> | <i>Curb Length Per Car</i> | <i>Stall Depth</i> | <i>Aisle Width</i> |
| <i>Parking Lot Dimensions Table*</i> | | | | |
| <i>Angle of Parking</i> | <i>Stall Width</i> | <i>Curb Length Per Car</i> | <i>Stall Depth</i> | <i>Aisle Width</i> |
| 0 degrees | 9 feet 0 inches | 23 feet 0 inches | 9 feet 0 inches | 12 feet 0 inches |
| | 9 feet 6 inches | 23 feet 0 inches | 9 feet 6 inches | 12 feet 0 inches |
| | 10 feet 0 inches | 23 feet 0 inches | 10 feet 0 inches | 12 feet 0 inches |
| 20 degrees | 9 feet 0 inches | 26 feet 4 inches | 15 feet 0 inches | 11 feet 0 inches |
| | 9 feet 6 inches | 27 feet 10 inches | 15 feet 6 inches | 11 feet 0 inches |

| | | | | |
|---|------------------|-------------------|-------------------|------------------|
| | 10 feet 0 inches | 29 feet 3 inches | 15 feet 11 inches | 11 feet 0 inches |
| 30 degrees | 9 feet 0 inches | 18 feet 0 inches | 17 feet 4 inches | 11 feet 0 inches |
| | 9 feet 6 inches | 19 feet 0 inches | 17 feet 10 inches | 11 feet 0 inches |
| | 10 feet 0 inches | 20 feet 0 inches | 18 feet 3 inches | 11 feet 0 inches |
| 40 degrees | 9 feet 0 inches | 14 feet 0 inches | 19 feet 2 inches | 12 feet 0 inches |
| | 9 feet 6 inches | 14 feet 10 inches | 19 feet 6 inches | 12 feet 0 inches |
| | 10 feet 0 inches | 15 feet 8 inches | 19 feet 11 inches | 12 feet 0 inches |
| 45 degrees | 9 feet 0 inches | 12 feet 9 inches | 19 feet 10 inches | 13 feet 0 inches |
| | 9 feet 6 inches | 13 feet 5 inches | 20 feet 2 inches | 13 feet 0 inches |
| | 10 feet 0 inches | 14 feet 2 inches | 20 feet 6 inches | 13 feet 0 inches |
| 50 degrees | 9 feet 0 inches | 11 feet 9 inches | 20 feet 5 inches | 12 feet 0 inches |
| | 9 feet 6 inches | 12 feet 5 inches | 20 feet 9 inches | 12 feet 0 inches |
| | 10 feet 0 inches | 13 feet 2 inches | 21 feet 0 inches | 12 feet 0 inches |
| 60 degrees | 9 feet 0 inches | 10 feet 5 inches | 21 feet 0 inches | 18 feet 0 inches |
| | 9 feet 6 inches | 11 feet 0 inches | 21 feet 3 inches | 18 feet 0 inches |
| | 10 feet 0 inches | 11 feet 6 inches | 21 feet 6 inches | 18 feet 0 inches |
| 70 degrees | 9 feet 0 inches | 9 feet 8 inches | 21 feet 0 inches | 19 feet 0 inches |
| | 9 feet 6 inches | 10 feet 2 inches | 21 feet 3 inches | 18 feet 6 inches |
| | 10 feet 0 inches | 10 feet 8 inches | 21 feet 3 inches | 18 feet 0 inches |
| 80 degrees | 9 feet 0 inches | 9 feet 2 inches | 20 feet 4 inches | 24 feet 0 inches |
| | 9 feet 6 inches | 9 feet 8 inches | 20 feet 5 inches | 24 feet 0 inches |
| | 10 feet 0 inches | 10 feet 3 inches | 20 feet 6 inches | 24 feet 0 inches |
| 90 degrees | 9 feet 0 inches | 9 feet 0 inches | 20 feet 0 inches | 24 feet 0 inches |
| | 9 feet 6 inches | 9 feet 6 inches | 20 feet 0 inches | 24 feet 0 inches |
| | 10 feet 0 inches | 10 feet 0 inches | 20 feet 0 inches | 24 feet 0 inches |
| * This table pertains to a wall-to-wall situation | | | | |

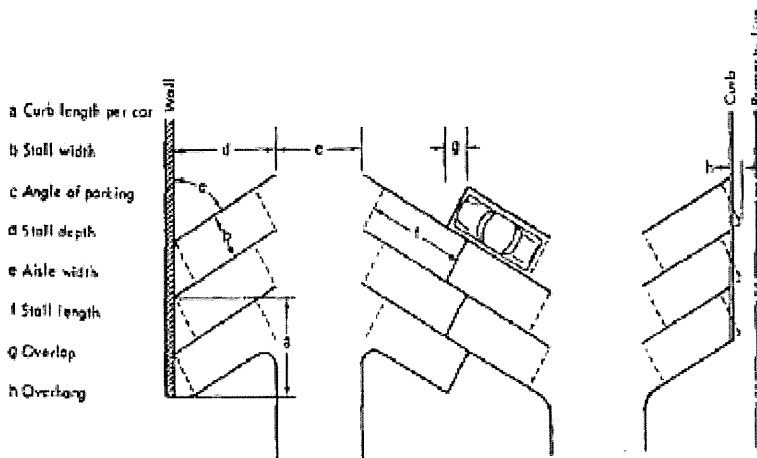
(B) *Parking area and drive aisle setbacks.*

| <i>Parking Area and Drive Aisle Setbacks</i> | | |
|---|----------------------------------|-----------------------|
| <i>Dimension</i> | <i>Land Use</i> | <i>Setback</i> |
| <i>Parking Area and Drive Aisle Setbacks</i> | | |
| <i>Dimension</i> | <i>Land Use</i> | <i>Setback</i> |
| Front yard and side yard abutting a street setback of parking and drive to lot line | R Districts | 30.0 feet |
| | Business/Institutional Districts | 10.0 feet |
| | Industrial Districts | 10.0 feet |

| | | |
|--|----------------------------------|-----------|
| Interior side and rear yard setback of parking to lot line | R Districts | 5.0 feet |
| | Business/Institutional Districts | 10.0 feet |
| | Industrial Districts | 10.0 feet |

(C) *Joint or combined parking facilities.* Joint or combined parking facilities on separate lots as authorized and when constructed adjacent to a common lot line separating two or more parking areas are not required to observe the parking area setback from the common lot line.

(D) *Commercial and industrial uses.* For commercial and industrial uses, side and rear yard setbacks shall be 20 feet when abutting a residential district.



(E) *Within structures.*

(1) The off-street parking requirements may be furnished by providing a space so designed within the principal building or detached accessory structure.

(2) Unless alternative provisions in compliance with this subchapter and chapter are made, no building permit shall be issued to convert the parking structure into a dwelling unit or living area or other activity.

(F) *Circulation.*

(1) Except in the case of single-family, two-family, townhouse and quadraminium dwellings, access and parking areas shall be designed so that circulation between parking bays or aisles occurs within the designated parking lot and does not depend upon a public street or alley.

(2) Except in the case of single-family, two-family, townhouse and quadraminium dwellings, access and parking area design which requires backing into the public street is prohibited.

(3) Subject to approval of an administrative permit by the Zoning Administrator, the required parking spaces serving one- and two-family dwellings constructed prior to the effective date of this subchapter, may be designed for parking not more than two vehicles in a tandem arrangement for each dwelling unit in order to comply with the requirements of this subchapter. In no case shall the space project into a sidewalk or public or private street or driveway.

(G) *Curb cut location/driveway access spacing.* Curb cut locations and driveway access spacing shall meet the following setbacks.

(1) No curb cut/driveway access shall be located less than 30 feet from the intersection of two or more local street rights-of-way. This distance shall be measured from the intersection of lot lines. Curb cut/driveway access setbacks from the intersection of streets with higher functional classifications shall be consistent with the recommendations of the Comprehensive Plan and require approval by the city.

(a) Street functional classification shall be defined by the Comprehensive Plan.

(b) The setback measurement shall be measured from the edge of the street right-of-way to the nearest edge of the curb cut.

(c) Driveways onto arterials and major collectors shall be prohibited where alternative street access is available. For existing lots of record, where alternative access is not available, direct access onto arterial and major collectors may be permitted, provided a site plan is submitted for review and approval of the city staff. Approval is also subject to the conditions of this subchapter.

(2) Except for single-, two-family and townhouse dwellings, quadraminium curb cut/driveway access on a public street shall not be located less than 40 feet from one another.

(3) Unless otherwise approved by the city staff, curb cut openings and driveways shall be a minimum of five feet from the side yard property line in all districts. Any shared driveway shall include a maintenance and access agreement.

(H) *Curb cut width.* No driveway curb cut access within the public right-of-way shall exceed the following unless approved by the City Engineer.

| <i>Use</i> | <i>Driveway Curb Cut Access</i> |
|--|---------------------------------|
| Single-family dwellings with two stall garages | 26 feet |
| Single-family dwellings with three stall garages | 26 feet |
| All other uses | 26 feet |

(I) *Property lines.* Except as allowed by administrative permit, curb cut openings shall be a minimum of five feet from the side yard property line in all districts.

(J) *Grade elevation.*

(1) *Parking spaces and areas.* The grade elevation of any parking area shall not exceed 5%, except as approved by the City Engineer.

(2) *Driveways.* Unless approved by the City Engineer, the grade elevation of any driveway shall not exceed:

(a) Ten percent for single-family and two-family dwellings; and

(b) Five percent for all other uses.

(K) *Number allowed.* Each property shall be allowed one curb cut access for each 125 feet of street frontage, except by administrative permit, subject to the following criteria.

(1) The additional access is necessary to provide adequate on-site circulation.

(2) The additional access shall create a minimum of conflict with through traffic movement and shall comply with the requirements of this chapter.

(L) *Surfacing.*

(1) All areas intended to be utilized for parking space and driveways shall be surfaced with pavement or concrete.

(2) Except for single-family, two-family, townhouse and quadraminium dwellings or as required or exempted by the city staff, drive aisles and parking stalls shall be constructed in accordance with the following minimum tonnage standards:

- (a) One and one-half inch wear course;
- (b) Two inch base course;
- (c) Eight inch aggregate base (Class 5); and
- (d) Subgrade subject to City Engineer's approval.

(3) Plans for surfacing and drainage of driveways and stalls for five or more vehicles shall be submitted to the City Engineer for review and the final plans shall be subject to the Engineer's written approval.

(M) *Striping*. All parking areas of five spaces or more shall be marked with white or yellow painted lines not less than four inches wide.

(N) *Lighting*. Any lighting used to illuminate an off-street parking area shall be in compliance with § 152.187 of this chapter.

(O) *Curbing*. Except for single-family, two-family, townhouse and quadraminiums, all open off-street parking shall have a perimeter continuous concrete curb around the entire parking lot.

(P) *Pedestrian provision*. Off-street parking areas shall be designed so that vehicle and pedestrian circulation is accommodated in a safe, complementary and orderly fashion. When curb separated sidewalks are provided at the head of parking stalls, the minimum width shall be five feet.

(Q) *Parking lot landscaping*.

(1) *Required screening*. All open, nonresidential off-street parking areas of five or more spaces shall be screened and buffered from abutting or surrounding residential districts in compliance with §§ 152.275 through 152.281 of this chapter.

(2) No landscaping or screening shall interfere with drive or pedestrian visibility for vehicles entering, circulating or exiting the premises.

(R) *Compact car spaces*. Up to 20% of the parking spaces in a parking lot may be permanently marked for compact cars only, provided that:

- (1) The parking lot contains 80 or more off-street parking spaces;
- (2) All compact car spaces are a minimum of nine feet in width and 16 feet in length;
- (3) Signs and markings, as approved by the city, are placed and maintained in each compact car space;
- (4) All required off-street parking aisle widths are maintained;
- (5) The compact car stalls shall not displace preferred disability accessible parking stall locations; and

(6) The design, layout and location of designated compact car spaces shall not be located in immediate proximity to building entrances, shall not encourage utilization by oversized vehicles and shall be subject to approval by the Zoning Administrator.

(S) *Drive-through windows.* Service windows shall be allowed subject to the following requirements.

(1) *Stacking.* Not less than 180 feet of segregated automobile stacking lane shall be provided for the service window.

(2) *Traffic control.* The stacking lane and its access shall be designed to control traffic in a manner to protect the pedestrians, buildings and green area on the site.

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

(Prior Code, § 11-19-4) (Ord. 258, passed 5-4-2006; Ord. 375, passed 5-4-2021)

§ 152.259 NUMBER OF PARKING SPACES REQUIRED.

(A) *Calculating space.*

(1) When determining the number of off-street parking spaces results in a fraction, each fraction of one-half or more shall constitute another space.

(2) The term **FLOOR AREA** for the purpose of calculating the number of off-street parking spaces required shall be determined on the basis of the exterior footprint dimensions of the buildings, structure or use times the number of floors, minus 10%, except as may hereinafter be provided or modified.

(3) In stadiums, sports arenas, churches and other places of public assembly in which patrons or spectators occupy benches, pews or other similar seating facilities, each 18 inches of the design capacity seating facilities shall be counted as one seat for the purpose of determining requirements.

(4) Except as provided for under joint parking and for shopping centers, should a structure contain two or more types of use, each use shall be calculated separately for determining the total off-street parking spaces required.

(B) *Number of spaces required.* The following minimum number of off-street parking spaces shall be provided and maintained by ownership, easement and/or lease for and during the life of the respective uses hereinafter set forth.

(1) *Auto, boat, trailer, farm equipment sales lots.* One space per 400 square feet gross sales and office floor area and of the building plus one space per each 2,000 square feet of gross outdoor sales lot area.

(2) *Auto repair.* Two spaces per serving bay; the service bay is not a parking space, plus one for each employee on the maximum shift.

(3) *Boarding house/accessory apartment.* At least one parking space for each person for whom accommodations are provided for sleeping.

(4) *Bowling alleys.* Five spaces for each alley plus additional spaces for related uses.

(5) *Car washes (drive through and self service).* One space per employee plus:

| | |
|---------------|-------------------------------|
| Drive through | 6 stacking spaces |
| Self-service | 1 stacking space per wash bay |

(6) *Churches, theaters, auditoriums.* At least one parking space for each four seats based on the design capacity of the main assembly hall. Facilities as may be provided in conjunction with the

buildings or uses shall be subject to additional requirements which are imposed by this chapter.

(7) *Community centers, libraries, private clubs, lodges, museums, art galleries.* One space for each 300 square feet of floor area in the principal structure.

(8) *Contractors' offices, shops and yards.* One per 1,000 square feet of shop area or warehousing, plus one per 300 square feet of office space.

(9) *Daycare facilities.*

(a) *Daycare facilities serving 14 or fewer persons.* In addition to residential parking requirements, one space per seven children capacity.

(b) *All other daycare facilities.* One space per teacher on the largest shift, plus one space per ten students/children based on maximum capacity of the facility.

(10) *Elderly (senior citizen) housing.* Reservation of area equal to one parking space per unit. Initial development is, however, required of only one-half space per unit and the number of spaces can continue until a time as the City Council considers a need for additional parking spaces has been demonstrated.

(11) *Financial institutions, banks, savings and loan.* Four spaces for every 1,000 square feet.

(12) *Funeral undertaking establishments.* At least 20 parking spaces for each chapel or parlor, plus one parking space for each funeral home vehicle. Aisle space shall also be provided off the street for making up a funeral procession.

(13) *Furniture store/household appliances.* One space per 400 square feet of gross sales floor area. One space per 1,000 square feet of warehousing.

(14) *Garden supply stores, building material sales in structures.* Eight off-street parking spaces, plus one additional space for 800 square feet of floor area over 1,000 square feet.

(15) *Golf courses.* Four spaces per hole, plus 50% of the requirements for any other associated use.

(16) *Golf driving ranges, miniature golf courses, archery ranges.* Ten off-street parking spaces plus one for each 100 square feet of floor space of building.

(17) *Health clubs.* One space per two exercise stations (e.g., strength machine or cardio vascular) plus one space per employee on the largest shift plus additional parking for ancillary uses (e.g., gymnasiums, auditoriums, offices, restaurants).

(18) *Manufacturing facilities.* One space for each 400 square feet of gross floor area, plus one space for every company owned vehicle.

(19) *Motels, motor hotels, hotels.* One space per each rental unit plus one space for each eight units and one space for each employee on any shift.

(20) *Motor fuel stations.* At least four off-street parking spaces plus one space for each employee on duty. Those facilities designed for sale of other items than strictly automotive products, parts or service shall be required to provide additional parking in compliance with other applicable sections of this chapter.

(21) *Office buildings, animal hospitals and clinics, professional offices and medical clinics.* Three spaces plus at least one space for each 200 square feet of floor area.

(22) *Open sales lots.* Ten spaces or one per 2,000 square feet gross land area devoted to sales lot, whichever is larger.

(23) *Racquetball, handball and tennis courts, commercial.* Not less than six spaces per each court.

(24) *Rest home, nursing home, convalescent center or institution.* One space for each six beds based upon maximum design capacity, plus one space for each two employees.

(25) *Restaurants, cafés, private clubs serving food and/or drinks, bars, on-sale nightclubs.* One space for each 40 square feet of dining or bar area and one space for each 80 square feet of kitchen area.

(26) *Restaurants, fast food.* Fifteen spaces per 1,000 square feet of gross floor area.

(27) *Retail sales and service business with 50% or more of gross floor area devoted to storage, warehouses and/or industry.* At least eight spaces or one space for each 200 square feet devoted to public sales or service, plus one space for each 500 square feet of storage area.

(28) *Retail stores and service establishments.* At least one off-street parking space for each 200 square feet of floor area.

(29) *Schools, elementary and junior high.* One space for each classroom plus one additional space for each 300 student capacity, plus one space for each employee, plus one space for each four seats in auditorium.

(30) *Schools, high schools and colleges.* One space for each classroom plus one additional space for each seven students based upon maximum design capacity.

(31) *Shopping centers.* Five spaces per each 1,000 square feet of gross leasable floor area (exclusive of common areas).

(32) *Single-family and two-family dwellings.* Two spaces per unit.

(33) *Townhome, quadraminium, manor home, multiple-family dwellings and manufactured homes within manufactured home parks.* At least two and one-fourth rent-free spaces per unit. In projects involving eight or more units, the city may require additional clustered guest parking spaces based upon calculation of required demand.

(34) *Warehousing, storage of handling of bulk goods.* The space which is solely used as office shall comply with the office use requirements and one space for each 1,500 square feet of floor area and one space for each company owned truck (if not stored inside principal building).

(35) *Other uses.* Other uses not specifically mentioned herein shall be determined on an individual basis by the City Council. Factors to be considered in the determination shall include (without limitation) the national parking standards for size of building, type of use, number of employees, expected volume and turnover of customer traffic and expected frequency and number of delivery or service vehicles.

(C) *Off-street bicycle parking.* Provisions shall be made for the off-street parking of bicycles in all multiple-family and nonresidential developments and uses. Plans for the facilities shall be reviewed and evaluated on an individual project or use basis as part of site plan review provisions of §§ 152.130 through 152.138 of this chapter.

(Prior Code, § 11-19-5) (Ord. 258, passed 5-4-2006)

§ 152.260 EXEMPTIONS.

The Historic Downtown District is exempt from all parking requirements.

(Prior Code, § 11-19-6) (Ord. 258, passed 5-4-2006)

§ 152.261 PARKING DEFERMENT.

The city may allow a reduction in the number of required parking stalls for commercial, industrial and institutional uses by administrative permit provided as follows.

(A) The proposed use will have a peak parking demand less than the required parking under § 152.259(B) of this subchapter. Factors to be considered when reviewing the proposed parking demand shall include, but not be limited to:

- (1) Size of building;
- (2) Type and use;
- (3) Number of employees;
- (4) Projected volume and turnover of customer traffic;
- (5) Projected frequency and volume of delivery or service vehicles;
- (6) Number of company-owned vehicles; and
- (7) Storage of vehicles on-site;

(B) In no case shall the amount of parking provided be less than one-half of the amount of parking required by this subchapter.

(C) The site has sufficient property under the same ownership to accommodate the expansion of the parking facilities to meet the minimum requirements of this chapter if the parking demand exceeds on-site supply.

(D) On-site parking shall only occur in areas designed and constructed for parking in accordance with this subchapter.

(E) The applicant and city enter into a development agreement, to be recorded against the subject property, which includes a clause requiring the owner to install the additional parking stalls, upon a finding of the Zoning Administrator that additional parking stalls are necessary to accommodate the use.

(F) A change of use will necessitate compliance with the applicable zoning regulation standard for parking.

(Prior Code, § 11-19-7) (Ord. 258, passed 5-4-2006)

§ 152.262 JOINT FACILITIES.

The City Council may, after receiving a report and recommendations from the Planning Commission, approve as applicable a conditional use permit for long term permanent joint parking facilities as regulated under the provisions of §§ 152.070 through 152.074 of this chapter, or an interim use permit for short term temporary joint parking facilities as regulated under the provisions of §§ 152.085 through 152.089 of this chapter, for one or more businesses to provide the required off-street parking facilities by joint use of one or more sites where the total number of spaces provided are less than the sum of the total required for each business should they provide them separately. When considering a request for a permit, the Planning Commission shall not recommend that the permit be granted nor the Council approve a permit except when the following conditions are found to exist.

(A) Up to 50% of the parking facilities required for a conference center, theater, bowling alley, banquet hall, bar or restaurant may be supplied by the off-street parking facilities provided by types of uses specified as primarily daytime uses in § 152.261 of this chapter.

(B) Up to 50% of the off-street parking facilities required for any use specified under § 152.261 of this chapter as primary daytime uses may be supplied by the parking facilities provided by the

following nighttime or Sunday uses: auditoriums incidental to a public or parochial school, religious buildings, bowling alleys, banquet halls, theaters, bars, apartments, restaurants or health clubs.

(C) Up to 80% of the parking facilities required by this chapter for a religious building or for any auditorium incidental to a public or parochial school may be supplied by the off-street parking facilities provided by uses specified under division (D) below of this section as primarily daytime uses.

(D) For the purpose of this section the following uses are considered as primarily daytime uses: banks, business offices, manufacturing, wholesale and similar uses, as determined by the Zoning Administrator.

(E) Conditions required for joint use.

(1) The building or use for which application is being made to utilize the off-street parking facilities provided by another building or use shall be located within 500 feet of the parking facilities;

(2) There shall be no substantial conflict in the principal operating hours of the two buildings or uses (for which joint use of off-street parking facilities is proposed); and

(3) A properly drawn legal instrument, executed by the parties involved in joint use of off-street parking facilities, duly approved as to form and manner of execution by the City Attorney, shall be filed with the City Administrator and recorded with the County Recorder. The legal instrument shall legally bind all parties and provide for amendment or cancellation only upon written approval from the city.

(Prior Code, § 11-19-8) (Ord. 258, passed 5-4-2006)

§ 152.263 OFF-SITE PARKING.

(A) Any off-site parking which is used to meet the requirements of this subchapter may, as applicable, be allowed by a conditional use permit for long term off-site parking facilities as regulated under the provisions of §§ 152.070 through 152.074 of this chapter, or an interim use permit for short term temporary off-site parking facilities as regulated under the provisions of §§ 152.085 through 152.089 of this chapter and shall be subject to the conditions listed below.

(B) Off-site parking shall be developed and maintained in compliance with all requirements and standards of this subchapter.

(C) Reasonable access from off-site parking facilities to the use being served shall be provided.

(D) Except as provided by division (H) below of this section, the site used for meeting the off-street parking requirements of this chapter shall be under the same ownership as the principal use being served or under public ownership.

(E) Off-site parking for multiple-family dwellings shall not be located more than 250 feet from any normally used entrance of the principal use served.

(F) Off-site parking for nonresidential uses shall not be located more than 500 feet from the main public entrance of the principal use being served. Off-site parking located more than 500 feet from the main entrance may be allowed with the provision of a private shuttle service.

(G) Any use which depends upon off-site parking to meet the requirements of this subchapter shall maintain ownership and parking utilization of the off-site location until a time as on-site parking is provided or a site in closer proximity to the principal use is acquired and developed for parking.

(H) Compliance with off-street parking requirements provided through leased off-street parking may be approved by the City Council, subject to the following additional conditions.

(1) The lease shall specify the total number and location of parking spaces under contract and this number, when added to any on-site parking provided, shall be equal to or exceed the total number of parking spaces required.

(2) The lease instrument shall legally bind all parties to the lease and provide for amendment or cancellation only upon written approval from the city.

(3) The lease agreement shall incorporate any other provisions, as recommended by the City Attorney that are deemed necessary to ensure compliance with the intent of this subchapter.

(Prior Code, § 11-19-9) (Ord. 258, passed 5-4-2006)

§ 152.264 OFF-STREET LOADING.

(A) *Loading area required.* Any structure erected or substantially altered for a use that requires the receipt of distribution of materials or merchandise by trucks or similar vehicles, shall provide off-street loading area as required for a new structure.

(B) *Number of loading spaces required.* The number of required off-street loading area spaces shall be as follows.

(1) *Residential uses.*

| <i>Use</i> | <i>Spaces Required</i> |
|--|------------------------|
| Single-family and two-family dwellings, townhomes, quadraminiums | None |
| Other multiple-family dwellings | |
| Less than 4 dwelling units | None |
| 4 to 24 dwelling units | 1 |
| For each additional 24 dwelling units over 24 | 1 |

(2) *Nonresidential uses.*

| <i>Gross Floor Area (Square Feet)</i> | <i>Spaces Required</i> |
|---|------------------------|
| Less than 25,000 | 1 |
| 25,001 to 50,000 | 2 |
| 50,001 to 75,000 | 3 |
| 75,001 to 100,000 | 4 |
| For each additional 50,000 over 100,000 | 1 |

(C) *Reduction in spaces.* Reductions to the number of loading spaces required by this section may be granted by administrative permit upon determination of facility need.

(D) *Location.*

(1) Except for uses allowed within residential districts, loading areas established after the effective date of this subchapter shall be prohibited within 100 feet of residentially zoned or guided property unless completely screened by an intervening building.

(2) Loading areas not screened by an intervening building shall be screened from adjacent residentially zoned or guided property by the use of berms, fences or walls to provide 100% opacity to a height of at least ten feet.

(3) Loading areas shall not occupy the required front yard in residential districts and the front yard or side yard of a corner lot in commercial and industrial districts, except by conditional use permit provided that:

(a) Loading areas shall not conflict with pedestrian movement; and

(b) Loading areas shall not obstruct the view of the public right-of-way from off-street parking access.

(E) *Surfacing.* All loading areas and accessways shall be improved with pavement or concrete.

(F) *Accessory use, parking and storage.* Any space allocated as a required loading area or access drive so as to comply with the terms of this subchapter shall not be used for the storage of goods, inoperable vehicles or snow and shall not be included as part of the space requirements to meet the off-street parking area.

(G) *Screening.* Except in the case of multiple-family dwellings, all loading areas shall be screened and landscaped from abutting and surrounding residential uses and districts and public rights-of-way in compliance with §§ 152.275 through 152.281 of this subchapter.

(H) *Size.*

(1) The first loading area shall be not less than 70 feet in length and additional areas required shall be not less than 30 feet in length and all loading areas shall be not less than ten feet in width, exclusive of aisle and maneuvering space and 14 feet in clearance height.

(2) The size of the loading area may be reduced upon approval of an administrative permit. To qualify for the exception, the following provisions shall be met.

(a) It is demonstrated that the site cannot physically accommodate a loading area to the size required.

(b) It is demonstrated that semitrailer truck deliveries will not occur at the site or all deliveries will occur at a time as to not conflict with customer or employee access to the building and parking demand.

(I) *Circulation.* In addition to the required loading space, all loading spaces shall include a maneuvering area. The maneuvering area shall not use any of that portion of the site containing parking stalls or customer service areas. Maneuvering areas shall be of a size as to permit the backing of truck tractors and coupled trailers into the loading space, without blocking the use of other loading spaces, drives, parking spaces or maneuvering areas on public rights-of-way.

(J) *Construction standards.* The construction and setback standards listed in § 152.258 of this subchapter shall apply to all loading spaces.

(Prior Code, § 11-19-10) (Ord. 258, passed 5-4-2006; Ord. 375, passed 5-4-2021)

GENERAL PERFORMANCE STANDARDS

§ 152.180 PURPOSE.

The purpose of this subchapter is to establish general development performance standards. These standards are intended and designed to assure compatibility of uses; to prevent urban blight, deterioration and decay; and to enhance the health, safety and general welfare of the residents of the community.

(Prior Code, § 11-16-1) (Ord. 258, passed 5-4-2006)

§ 152.181 DWELLING UNIT RESTRICTION.

(A) Except as may be expressly allowed by this chapter, no garage, tent, accessory building or motor home shall at any time be used as living quarters, temporarily or permanently. Tents, playhouses or similar structures may be used for play or recreational purposes.

(B) Basements and cellars may be used as living quarters or rooms as a portion of the principal residential dwelling provided it meets the State Building Code.

(Prior Code, § 11-16-2) (Ord. 258, passed 5-4-2006)

§ 152.182 PLATTED AND UNPLATTED PROPERTY.

(A) Any person desiring to improve property shall submit to the Building Official a certificate of survey of the premises and information on the location and dimensions of existing and proposed buildings, location of easements crossing the property, encroachments and any other information which may be necessary to ensure conformance to city ordinances.

(B) All buildings/structures shall be placed so that they will not obstruct future public streets which may be constructed in conformity with existing streets and according to the system and standards employed by the city.

(C) Except in the case of a PUD District established by §§ 152.150 through 152.153 of this chapter or as specifically allowed and stated in a respective zoning district, not more than one principal building shall be located on a lot. The words **PRINCIPAL BUILDING** shall be given their common, ordinary meaning as defined in § 152.021 of this chapter. In case of doubt or on any questions or interpretation, the decision of the Zoning Administrator shall be final, subject to the right to appeal to the Board of Adjustment and Appeals.

(D) On a through lot, both street lines shall be front lot lines for applying the yard setback regulations of this chapter except in the case of a buffer yard fence or accessory building. In addition, no home on a through lot or corner lot in any residential zone shall be allowed direct access to any major collector or arterial street designated as that by the city's Transportation Plan, except as may be permitted by the city.

(E) In the case of properties which abut street easements, applicable setbacks shall be measured from the easement line and shall be related to roadway classification as identified in the City Transportation Plan and subdivision regulations.

(F) Outlots are deemed unbuildable and no building permit shall be issued for those properties, except in the case of public park facilities and essential services.

(G) Except as may be allowed by conditional use permit and property subdivision, each lot shall have frontage and access directly onto an abutting, improved and city accepted public street.

(Prior Code, § 11-16-3) (Ord. 258, passed 5-4-2006)

§ 152.183 EROSION AND DRAINAGE.

(A) *State Pollution Control Agency (MPCA) requirements.* Every applicant for a building permit, subdivision approval or a grading permit to allow land disturbing activities shall adhere to erosion control measure standards and specifications contained in the MPCA publication *Protecting Water Quality in Urban Areas*, as may be amended, or as approved by the City Engineer and applicable city's stormwater management requirements. All applications shall comply with the State Pollution Control Agency's National Pollutant Discharge Elimination System (NPDES) Phase II requirements.

(B) *Prohibited development.* No land shall be developed and no use shall be permitted that results in water runoff causing flooding, erosion or deposit of sediment on adjacent properties. The runoff shall be properly channeled into a storm drain, watercourse, ponding area or other public facilities subject to the review and approval of the City Engineer.

(C) *Stormwater management.* All residential, commercial, industrial and institutional developments shall satisfy the provisions of the subdivision regulations in regard to stormwater management.

(D) *City Engineer approval.* In the case of all single-family lots, multiple-family lots, business, industrial and institutional developments, the drainage and erosion control plans shall be subject to the City Engineer's written approval. No modification in grade and drainage flow through fill, cuts, erection of retaining walls or other actions shall be permitted until the plans have been reviewed and received written approval from the City Engineer.

(E) *Approval of erosion control measures.* Proposed erosion control measures may be approved by the City Engineer as part of grading plan review. Erosion control may be specified by the City Engineer as part of a site survey for individual building permits. Erosion control measures may also be specified by the City Engineer as needed and deemed appropriate during the construction and post-construction periods separate from the above.

(F) *Storm sewer inlets.* All storm sewer inlets which are functioning during construction shall be protected so that sediment laden water does not enter the conveyance system without first being filtered or otherwise treated to remove sediment.

(G) *Stormwater channels.* All on-site stormwater conveyance channels shall be designed and constructed to withstand the design volume of stormwater with appropriate stabilization to prevent scour and erosion. Erosion controls shall be provided at the outlets of all storm sewer pipes.

(H) *Sediment control practices.* All temporary and permanent erosion and sediment control practices shall be maintained and repaired whenever necessary to assure the continued performance of their intended function.

(I) *Tracking.* Each site shall have graveled roads, access drives and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed by street cleaning (not flushing) before the end of each workday.

(J) *Seeding.* All disturbed ground left inactive for seven or more days shall be stabilized by seeding or sodding or by mulching or covering or other equivalent control measure.

(K) *Sites over one acre.* For sites with more than one acre disturbed at one time, or if a channel originates in the disturbed area, one or more temporary or permanent sedimentation basins shall be constructed. Each sedimentation basin shall have a surface area of at least 1% of the area draining to the basin and at least three feet of depth and constructed in accordance with accepted design specifications. Sediment shall be removed to maintain a depth of three feet. The basin discharge rate shall also be sufficiently low as to not cause erosion along the discharge channel or the receiving water.

(L) *Sites under one acre.* For sites with less than one acre disturbed at one time, silt fences, straw bales or equivalent control measures shall be placed along all side slope and down slope sides of the site. If a channel or area of concentrated runoff passes through the site, silt fences shall be placed along the channel edges to reduce sediment reaching the channel. The use of silt fences, straw bales or equivalent control measures must include a maintenance and inspection schedule.

(M) *Removal.* All temporary erosion control devices including silt fence, gravel, hay bales or other measures shall be removed from the construction site and properly disposed of or recycled. This removal and disposal shall occur within 30 days of the establishment of permanent vegetative cover on the disturbed area.

(N) *Site dewatering.* Water pumped from the site shall be treated by temporary sedimentation basins, grit chambers, sand filters, up flow chambers, hydro-cyclones, swirl concentrators or other appropriate controls as appropriate. Water may not be discharged in a manner that causes erosion or flooding of the site or receiving channels of a wetland. All dewatering shall be in accordance with all applicable county, state and federal rules and regulations.

(O) *Waste and material disposal.* All waste and unused building materials (including garbage, debris, cleaning wastes, wastewater, toxic materials or hazardous materials) shall be properly disposed of off-site and not allowed to be carried by runoff into a receiving channel or storm sewer system.

(P) *Foundation, garage floor.* Unless approved by the City Engineer, the top of the foundation and garage floor of all structures shall be at least 18 inches above the grade of the crown of the street. Elevations shall be in accordance with the approved grading plan for the development.

(Q) *Stop work order.* The city's Building Official or City Engineer may issue stop work orders for any violation of this chapter.

(Prior Code, § 11-16-4) (Ord. 258, passed 5-4-2006)

§ 152.184 WETLANDS.

(A) *Delineation report.* Every applicant for a grading permit to allow wetland disturbing activities shall submit a wetland delineation report to the City Engineer. No grading permit to allow wetland disturbing activities shall be issued until approval of the wetland replacement plan application or a certificate of exemption has been obtained in strict conformance with the provisions of this chapter and the State Wetland Conservation Act being Minn. Rules 8420.0100 *et seq.* This chapter applies to all land, public or private, located within the city.

(B) *Impacts.* Utilization and development impacts to wetlands shall be consistent with the stormwater management policies of the city.

(C) *Impacts to wetland.*

(1) Concentrated runoff discharge into wetlands shall be consistent with the stormwater management policies of the city. All stormwater shall be treated for water quality improvements prior to discharge to a wetland.

(2) A protective buffer strip of natural vegetation of 30 feet in width from the delineated edge at the time of development shall surround all wetlands within areas developed or redeveloped after the effective date of this chapter. Grading or construction within this buffer is prohibited.

(3) A building setback of 30 feet shall exist from the delineated edge of all wetlands at the time of development within areas developed or redeveloped after the effective date of this chapter.

(4) Wetlands shall not be drained or filled, wholly or partially, unless replaced by restoring or creating wetland areas of at least equal public value in accordance with the State Wetland

Conservation Act being Minn. Rules 8420.0100 *et seq.* Replacement shall be guided by the following principles in descending order of priority:

- (a) Avoiding the direct or indirect impact of the activity that may destroy or diminish the wetland;
- (b) Minimizing the impact by limiting the degree or magnitude of the wetland activity and its implementation;
- (c) Rectifying the impact by repairing, rehabilitating or restoring the affected wetland environment;
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the activity; and
- (e) Compensating for the impact by replacing or providing approved substitute wetland resources or environments.

(Prior Code, § 11-16-5) (Ord. 258, passed 5-4-2006)

§ 152.185 PUBLIC RIGHTS-OF-WAY.

(A) *Encroachment.* There shall be no encroachments in the public right-of-way with the exception of the following:

- (1) USPS mail boxes;
- (2) Essential services;
- (3) Signs allowed under §§ 152.350 through 152.359 of this chapter;
- (4) Radio receivers and transmitters as an accessory use to essential services; and
- (5) Personal wireless communication antennas located on existing lattice electrical transmission towers, provided that the use and equipment comply with all applicable requirements of this chapter.

(B) *Liability.* As a condition of approval for the erection or placement of a structure in the public right-of-way or on city property, the applicant shall be required to demonstrate a significant need for the structure placement and that it will not interfere or conflict with the public use and/or purpose of the right-of-way. Additionally, the applicant shall sign a contract with the city that holds harmless the city for any potential liability and expense if it needs to be moved or removed by the city and must demonstrate to the Zoning Administrator proof of adequate liability insurance.

(C) *Compliance required.* The erection and/or placement of any structure in the public right-of-way on city property shall be done in conformance with the provisions of this chapter.

(Prior Code, § 11-16-6) (Ord. 258, passed 5-4-2006)

§ 152.186 TRAFFIC SIGHT VISIBILITY TRIANGLE.

Except for a governmental agency for the purpose of screening, no wall, fence, structure, tree, shrub, vegetation or other obstruction shall be placed on or extend into a yard or right-of-way area so as to pose a danger to traffic by obscuring the view of approaching vehicular traffic or pedestrians from any street or driveway. Visibility from any street or driveway shall be unobstructed above a height of three feet, measured from where both street or driveway centerlines intersect within the triangle described as beginning at the intersection of the projected curb line of two intersecting streets or drives, thence 30 feet along one curb line, thence diagonally to a point 30 feet from the point of beginning along the other curb line. The exception to this requirement shall be where there is a tree, planting or landscape arrangement within the area that will not create a total obstruction wider than three feet. These requirements shall not apply to conditions of this chapter that legally exist prior to the

effective date of this chapter, unless the City Council determines that the conditions constitute a safety hazard.

(Prior Code, § 11-16-7) (Ord. 258, passed 5-4-2006)

§ 152.187 EXTERIOR LIGHTING.

(A) *Purpose.* It is the purpose of this section to encourage the use of lighting systems that will reduce light pollution and promote energy conservation while increasing night-time safety, utility, security and productivity.

(B) *Exemptions.* The provisions of this section shall not apply to the following:

- (1) Temporary outdoor lighting used during customary holiday seasons;
- (2) Temporary outdoor lighting used for civic celebrations and promotions;
- (3) Lighting required by a government agency for the safe operation of airplanes or security lighting required on government buildings or structures;
- (4) Emergency lighting by police, fire and rescue authorities;
- (5) Architectural/historical light fixtures and street lights that feature globes that are not shielded. In no case shall the light affect adjacent property in excess of the maximum intensity defined in division (C)(1) below of this chapter; and
- (6) All outdoor lighting fixtures existing and legally installed prior to the effective date of this chapter are exempt from regulations of this section but shall comply with the following standards:

(a) *Glare.* Any lighting used to illuminate an off-street parking area, sign or other structure, shall be arranged as to deflect light away from any adjoining residential zone or from the public streets. Direct or sky-reflected glare, where from flood lights or from high temperature processes such as combustion or welding shall not be directed into any adjoining property. The source of lights shall be hooded or controlled in some manner so as not to light adjacent property. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights which cast light on a public street shall not exceed one foot candle (meter reading) as measured from the centerline of the street. Any light or combination of lights which cast light on residential property shall not exceed four-tenths foot candles (meter reading) as measured from the property.

(b) *Replacement.* Whenever a light fixture that was existing on the effective date of this chapter is replaced by a new outdoor light fixture, the provisions of this section shall be complied with.

(C) *Performance standards.*

(1) *Limitation.* No light source or combination thereof which cast light on a public street shall exceed one foot candle meter reading as measured from the centerline of the street nor shall any light source or combination thereof which cast light on adjacent property exceed four-tenths foot candles as measured at the property line.

(2) *Measurement.* The foot candle level of a light source shall be taken after dark with the light meter held six inches above the ground with the meter facing the light source. A reading shall be taken with the light source on, then with the light source off. The difference between the two readings will be identified as the light intensity.

(3) *Residential district standards.* In all residential districts, any lighting used to illuminate an off-street parking area, structure or area shall be arranged as to deflect light away from any adjoining residential property or from any public right-of-way in accordance with the following provisions.

(a) The light source shall be hooded or controlled so as not to light adjacent property in excess of the maximum intensity defined in division (C)(1) above of this chapter.

(b) Bare light bulbs shall not be permitted in view of adjacent property or public right-of-way, unless part of a permanent fixture.

(4) *Commercial, industrial and institutional districts.* Any lighting used to illuminate an off-street parking area, structure or area shall be arranged so as to deflect light away from any adjoining property or from any public right-of-way in accordance with the following provisions.

(a) *Shielding.* The light fixture shall contain a cutoff which directs the light at an angle of 90 degrees or less. Exposure of the light source shall not be permitted in view of adjacent property or public right-of-way.

(b) *Lighting of entire facades or architectural features.* Lighting of entire facades or architectural features of a building shall be approved by the City Council. Building facades or architectural features may not be internally illuminated and shall only utilize illuminating devices mounted on top and facing downward onto the structure. In no case shall the light affect adjacent property in excess of the maximum intensity defined in division (C)(1) above of this chapter.

(c) *Intensity.* Light sources shall not be permitted so as to light adjacent property in excess of the maximum intensity defined in division (C)(1) above of this chapter.

(5) *Height.* The maximum height above the ground grade permitted for poles, fixtures and light sources mounted on a pole is 25 feet. A light source mounted on a building shall not exceed the height of the building. Exceptions to the height limits for light sources may be approved by conditional use permit provided that all other requirements of this section are complied with.

(6) *Location.*

(a) All non-public outdoor light fixtures shall be set back a minimum of ten feet from a street right-of-way and five feet from an interior side or rear lot line.

(b) No light sources shall be located on the roof unless the light enhances the architectural features of the building and is approved by the City Council.

(7) *Glare.* Direct or reflected glare from high temperature processes such as combustion or welding shall not be visible from any adjoining property.

(8) *Outdoor recreation.* Outdoor recreational uses such as, but not limited to, baseball fields, football fields and tennis courts have special requirements for night-time lighting. Due to these unique circumstances, a conditional use permit shall be required for outdoor lighting systems for those uses that do not comply with regulations of this section, provided that:

(a) No public or private outdoor recreation facility shall be illuminated after 11:00 p.m., except for required security lighting;

(b) Off-street parking areas for outdoor recreation uses that are illuminated shall meet the requirements for commercial, industrial and institutional applications as found in division (C)(4) above of this chapter; and

(c) The provisions of § 152.072 of this chapter are considered and satisfactorily met.

(9) *Outdoor signs.*

(a) Outdoor signs constructed of translucent materials and wholly illuminated from within do not require shielding.

(b) All shall comply with all other provisions of this chapter.

(Prior Code, § 11-16-8) (Ord. 258, passed 5-4-2006)

§ 152.188 SMOKE.

The emission of smoke by any use shall be in compliance with and regulated by the State Pollution Control Standards, Minn. Regulations APC 7017 and similar regulations as may be amended from time to time.

(Prior Code, § 11-16-9) (Ord. 258, passed 5-4-2006)

§ 152.189 DUST AND OTHER PARTICULATE MATTER.

The emission of dust, fly ash or other particulate matter by any use shall be in compliance with and regulated by the State Pollution Control Standards, Minn. Regulations APC 7011 and similar regulations as may be amended from time to time.

(Prior Code, § 11-16-10) (Ord. 258, passed 5-4-2006)

§ 152.190 AIR POLLUTION.

The emission of air pollution, including potentially hazardous emissions, by any use shall be in compliance with and regulated by M.S. § 116, as it may be amended from time to time.

(Prior Code, § 11-16-11) (Ord. 258, passed 5-4-2006)

§ 152.191 NOISE.

Noises emanating from any use shall be in compliance with and regulated by the State Pollution Control Standards, Minn. Regulations NCP 7030. In no case shall noise emanations constitute a nuisance as defined and regulated by this code.

(Prior Code, § 11-16-12) (Ord. 258, passed 5-4-2006)

§ 152.192 BULK STORAGE (LIQUID).

All uses associated with the bulk storage of all gasoline, liquid fertilizer, chemical, flammable and similar liquids shall comply with county, state and federal agency requirements and have documents from those respective agencies stating the use is in compliance.

(Prior Code, § 11-16-13) (Ord. 258, passed 5-4-2006)

§ 152.193 WASTE, REFUSE AND RECYCLABLE MATERIAL.

(A) *Waste disposal.* All waste generated shall be disposed in a manner consistent with all State Pollution Control Agency rules.

(B) *Waste not stored in containers.* Any accumulation of waste generated on any premises not stored in containers which comply with applicable requirements of this chapter and State Pollution Control Agency rules, or any accumulation of mixed municipal solid waste generated on any premises which has remained thereon for more than one week, or any accumulation of infectious, nuclear, pathological or hazardous waste which is not stored and disposed in a manner consistent with State Pollution Control Agency rules is a nuisance and shall be abated and the cost of abatement may be assessed against the property where the nuisance is found.

(C) *Off-site waste.* The accumulation, storage, processing and disposal of waste on any premises, which is not generated on that premises, is prohibited, except as specifically provided in this chapter.

(D) *Abandoned, unlicensed or inoperable vehicles.* Passenger automobiles and trucks not currently licensed by the state, or which are because of mechanical deficiency incapable of movement under

their own power, parked or stored outside for a period in excess of 30 days and all materials stored outside in violation of city code provisions are considered refuse or junk and shall be abated in the manner provided for by § 152.043 of this chapter.

(E) *Location and screening.*

(1) *Single-family dwellings, duplexes and all other residential structures with four or less residential units.* Garbage cans and recycling bins shall be kept in rear or side yards and shall be screened from neighboring properties and the public right-of-way or shall be kept indoors.

(2) *Other uses.* All refuse, recyclable materials and necessary handling equipment including, but not limited to, garbage cans, recycling bins and dumpsters shall be stored within the principal structure, within an accessory building or totally screened from eye-level view from all neighboring uses and the public right-of-way.

(3) *Exterior storage.* Exterior storage shall require the following.

(a) Exterior wall or fence treatment shall be similar and/or complement the principal building.

(b) The enclosed trash and/or recycling receptacle area shall be located in the rear or side yard and shall observe all applicable setback requirements and easements.

(c) The trash and/or recycling enclosure shall be in an accessible location for pick up hauling vehicles.

(d) The trash and/or recycling receptacles shall be fully screened from view of adjacent properties and the public right-of-way by a fence or wall of at least six feet in height and a minimum opaqueness of 80%.

(e) All dumpsters, recycling bins, handling equipment and enclosures shall be kept in a good state of repair with tight-fitting lids to prevent spilling and spread of debris. The construction of trash and recycling enclosures shall be per standards established by the City Building Official and all design and construction of the enclosures shall be subject to the Building Official's approval.

(Prior Code, § 11-16-14) (Ord. 258, passed 5-4-2006)

§ 152.194 OUTDOOR STORAGE.

(A) *District requirements.* Except as herein provided or as specifically allowed within the specific zoning districts established by § 152.445 through 152.448 of this chapter, all materials and equipment shall be stored within a building.

(B) *Exceptions.*

(1) Clothes line pole and wires and play equipment;

(2) Recreational vehicles and utility vehicle and trailer storage provided the following standards are met.

(a) No more than two recreational vehicles or trailers may be parked or stored outdoors.

(b) The vehicles are registered to or rented by a resident of the dwelling on the site.

1. The vehicles have affixed thereto current registration or license plates as required by law.

2. The vehicles are stored no closer than five feet from side and rear lot lines.

3. The vehicles shall be stored on asphalt or concrete surface.

(c) The recreational vehicle or equipment shall be set back a minimum of 15 feet from the edge of any public street.

(d) No vehicle shall be parked in a manner that blocks a city or county trail or sidewalk.

(e) The vehicles are not connected to any electrical, water or sewage disposal system on the residential property where the same is so parked or stored.

(f) The vehicle shall not be stored or parked on a public street for a period longer than 24 hours.

(g) Unless mounted on a trailer, or equipped with wheels, ice fishing houses or other structures used or designed to be used as temporary shelters shall be subject to the area, setback and other provisions of this chapter.

(3) Construction and landscaping material currently being used on the premises; and

(4) Off-street parking of motor vehicles as specified in the respective zoning districts.

(C) *Vehicle/equipment sales.*

(1) *Residential districts.*

(a) Personal vehicles, recreational vehicles, farm machinery and equipment and similar merchandise offered for sale in residential zoning districts shall comply with the following.

1. The merchandise sold in residential areas shall be the personal property of the occupant.

2. Merchandise items for sale shall not be parked in any portion of the public right-of-way, public boulevard or required front yard except a designated, improved driveway.

(b) Garage or rummage sales conducted in residential zones shall comply with the following.

1. Merchandise offered for sale shall be the personal property of the property owner.

2. Sales shall be limited to a maximum of four consecutive days and occurring no more than two times within one calendar year per property.

3. Signs shall be governed by §§ 152.350 through 152.359 of this chapter.

(2) *Nonresidential districts.* Motor, commercial and recreational vehicles shall not be displayed "for sale" or sold within nonresidential districts unless as part of an approved licensed sales dealership or for short-term parking (12 hours or less) if the vehicle is owned by an employee of the business where the vehicle is parked with the consent of the business owner.

(Prior Code, § 11-16-15) (Ord. 258, passed 5-4-2006)

SIGNS

§ 152.350 PURPOSE.

The purpose of this subchapter is to establish minimum requirements, adopted to protect the public health, safety, morals, comfort and general welfare of the people of the city by providing regulations governing all signs, including, but not limited to, the type, area, height, materials, construction, illumination, location and maintenance of all signs and sign structures in the city.

(Prior Code, § 11-24-1) (Ord. 258, passed 5-4-2006)

§ 152.351 EXISTING SIGNS AND NONCONFORMING SIGNS.

(A) *Existing signs.* Except for signs determined to create a public safety hazard due to content or due to disrepair and condition or illegally established signs, all legally established signs existing upon the effective date of this subchapter shall not be enlarged or reconstructed, but may be continued at the size and in the manner of operation existing upon that date.

(B) *Alterations.*

(1) A nonconforming sign may not be expanded.

(2) A nonconforming sign may be continued, including through repair, replacement, restoration, maintenance or improvement, unless:

(a) The nonconforming sign is discontinued for a period exceeding one year; or

(b) The nonconforming sign is destroyed by fire or other peril to the extent of greater than 50% of its market value, and no permit has been applied for within 180 days of when the nonconforming sign is damaged.

(3) Any permit is subject to reasonable conditions imposed by the City Council to mitigate the impact on adjacent properties.

(C) *Nonconforming sign maintenance and repair.* Nothing in this chapter shall be construed as relieving the owner or user of a legal nonconforming sign or owner of the property on which the legal nonconforming sign is located from the provisions of this chapter regarding safety, maintenance and repair of signs; provided, however, that any repainting, cleaning and other normal maintenance or repair of the sign or sign structure shall not modify the sign structure or copy in any way which makes it more nonconforming or the sign shall lose its legal nonconforming status.

(D) *Nonconforming uses.* When the principal use of land is legally nonconforming, all existing or proposed signs in conjunction with that land, shall be considered conforming if they are in compliance with the sign provisions for the most restrictive zoning district in which the principal use is allowed.

(Prior Code, § 11-24-2) (Ord. 258, passed 5-4-2006)

§ 152.352 GENERAL PROVISIONS.

(A) The design and construction standards for signs, as set forth in the State Building Code, as may be amended, are hereby adopted.

(B) The installation of electrical signs shall be subject to the State's Electrical Code. Electrical service to the sign shall be underground.

(C) Signs containing noncommercial speech are permitted anywhere that advertising or business signs are permitted, subject to the same regulations applicable to the signs.

- (D) Signs shall not create a hazard to the safe, efficient movement of vehicular or pedestrian traffic. No private sign shall contain words which might be construed as traffic controls, unless the sign is intended to direct traffic on the premises.
- (E) Signs and sign structures shall be properly maintained and kept in a safe condition. Sign or sign structures which are rotted, unsafe, deteriorated or defaced shall be repainted, repaired or replaced by the licensee, owner or agent of the building upon which the sign stands.
- (F) No sign shall be attached or be allowed to hang from any building until all necessary wall and roof attachments have been approved by the Building Official.
- (G) No signs, guys, stays or attachments shall be erected, placed or maintained on rocks, fences, utility poles, public signs or trees nor interfere with any electric light, power, telephone or telegraph wires or the supports thereof.
- (H) Banners, pennants and similar devices shall require a license. The license shall be valid for no more than 15 consecutive days. No more than two licenses per business shall be granted during any 12-month period. Maximum sign size shall be limited to 32 square feet if the adjacent roadway has a posted speed of 44 mph or less, or 64 square feet if the adjacent roadway has a posted speed of 45 mph or more.
- (I) Illuminated signs shall be shielded to prevent lights from being directed at oncoming traffic in a brilliance that it impairs the vision of the driver. Nor shall signs interfere with or obscure an official traffic sign or signal. This includes indoor signs which are visible from public streets.
- (J) Except for legal, nonconforming portable signs existing prior to the effective date of this chapter, portable signs may not exceed 24 square feet and may not be illuminated with any flashing device. Use of a portable sign shall require a license. The license shall be valid for no more than 15 consecutive days. No more than two licenses per business shall be granted during any 12-month period.
- (K) No sign or sign structure shall be closer to any lot line than a distance equal to one-half the minimum required yard setback. No sign shall be placed within any drainage or utility easement.
- (L) No sign or sign structure shall be erected or maintained that prevents free ingress or egress from any door, window or fire escape. No sign or sign structure shall be attached to a standpipe or fire escape.
- (M) A freestanding sign or sign structure constructed so that the faces are not back to back, shall not have an angle separating the faces exceeding 20 degrees unless the total area of both sides added together does not exceed the maximum allowable sign area for that district.
- (N) Signs prohibited (but visible) in residential districts shall be positioned so that the copy is not visible from residential uses or districts along adjoining side and rear yard property lines.
- (O) At least one address sign identifying the correct property number, as assigned by the city, shall be required on each principal building in all districts. The address number shall be at least four inches in height.
- (P) The owner of any sign which is otherwise allowed by this sign subchapter may substitute noncommercial copy in lieu of any other commercial or noncommercial copy. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. This provision prevails over any more specific provision to the contrary.

(Prior Code, § 11-24-3) (Ord. 258, passed 5-4-2006; Ord. 303, passed 5-18-2010)

§ 152.353 PERMITTED AND PROHIBITED SIGNS.

(A) *Permitted signs.* The following signs are allowed without a permit:

(1) *Public signs.* Signs of a public, noncommercial nature, including safety signs, directional signs to public facilities, trespassing signs, traffic signs, signs indicating scenic or historical points of interest, memorial plaques and the like, when erected by or on behalf of the city or its employees;

(2) *Identification signs.* Identification signs not exceeding three square feet;

(3) *Informational signs.* Informational signs not exceeding 16 square feet;

(4) *Directional signs.*

(a) *On-premise signs.* On-premise signs shall not be larger than four square feet. The number of signs shall not exceed four unless approved by the Council; and

(b) *Off-premise signs.* Off-premise signs shall be limited to situations where access is confusing and traffic safety could be jeopardized or traffic could be inappropriately routed through residential streets. The size of the sign shall be approved by the Council and shall contain no advertising.

(5) *Campaign signs.*

(a) All noncommercial signs of any size may be posted in any number from 46 days before the state primary in a state general election year until ten days following the state general election subject to the applicable provisions of M.S. § 211B.045, as it may be amended from time to time. The signs shall conform with the provisions of § 152.352.

(b) Campaign signs posted in connection with elections held at times other than as regulated by M.S. § 211B.045, as it may be amended from time to time, are subject to the following:

1. Campaign signs in commercial, industrial and institutional zones not exceeding eight square feet and in all residential zones not exceeding four square feet;

2. The sign shall contain the name and address of the person responsible for the sign and that person shall be responsible for its removal; and

3. The signs shall remain for no longer than 75 days in any calendar year.

(6) *Holiday signs.* Signs or displays which contain or depict a message pertaining to a religious, national, state or local holiday and no other matter and which are displayed for a period not to exceed 75 days in any calendar year;

(7) *Construction signs.* A non-illuminated construction sign confined to the site of the construction, alteration or repair. The sign shall be removed within two years of the date of issuance of the first building permit on the site or when the particular project is completed, whichever is sooner. One sign shall be permitted for each street the project abuts. No sign may exceed 32 square feet in residential districts, or 64 square feet in business, industrial and institutional districts;

(8) *"For Sale" and "To Rent" signs.* "For sale" and "to rent" signs shall be permitted subject to the following regulations:

(a) *Residential dwelling units, regardless of number of units.*

1. No more than one sign per lot, except on a corner lot, two signs, shall exceed 16 square feet in area or be illuminated;

2. Each sign shall be devoted solely to the sale or rental of the property being offered and shall be removed immediately upon the sale or rental of the property; and

3. Each sign shall be placed only upon the property offered for sale or rent.

(b) *Commercial, industrial or institutional property.* In the event of the sale or rental of commercial, industrial or institutional property, there shall be permitted one sign facing each public street, providing access to the property being offered. Each sign shall not exceed 32 square feet in area and shall be devoted solely to the sale or rental of the property being offered and must be removed immediately upon the sale or rental of the last property offered at that location. The sign may be located within the front yard setback provided it is on private property.

(9) *Rummage (garage) sale signs.* Rummage sale signs shall not be posted until the day before the sale and shall be removed within one day after the end of the sale and shall not exceed four square feet. Rummage sale signs shall not be located in any public right-of-way, or on utility poles, public signs, traffic signals or equipment. The city shall have the right to remove and destroy signs not conforming to this chapter.

(B) *Prohibited signs.* The following signs are prohibited:

(1) Advertising signs (off-premises). With the following exceptions:

(a) Signs advertising nonprofit organizations are permitted subject to the restrictions imposed within the zoning district in which the sign is located; and

(b) A real estate development sign advertising lots or property for sale may be located off-premises by permit. The permit shall be renewable annually and conditioned upon documentation allowing the sign or structure by the property owner upon which it is to be located. The sign shall conform to the size restriction of signs imposed within the respective district in which the sign is located.

(2) Advertising or business signs on or attached to equipment such as semi-truck trailers where signing is a principal use of the equipment on either a temporary or permanent basis;

(3) Motion signs and flashing signs, except time and temperature signs and barber poles;

(4) Projecting signs except as provided for in § 152.355 of this subchapter;

(5) Roof signs, except that a business sign may be placed on the fascia or marquee of a building and provided:

(a) The sign does not extend above the highest elevation of the building, excluding chimneys;

(b) The sign is thoroughly secured and anchored to the frames of the building over when they are constructed and erected; and

(c) No portion of the sign extends beyond the periphery of the roof.

(6) Business signs which advertise an activity, business, product or service no longer produced or conducted on the premises upon which the sign is located. Where the owner or lessor of the premises is seeking a new tenant, the signs may remain in place for not more than 30 days from the date of vacancy.

(Prior Code, § 11-24-4) (Ord. 258, passed 5-4-2006; Ord. 303, passed 5-18-2010)

§ 152.354 GENERAL DISTRICT REGULATIONS.

(A) *R-E, R-1 and R-2 Districts; residential area identification.*

(1) Only one sign for each area.

(2) Sign area may not exceed 32 square feet with a maximum height of eight feet for freestanding signs.

(B) *R-3 and R-4 Districts.*

(1) *Residential area identification.* Only one sign for each area. Sign area may not exceed 32 square feet with a maximum height of ten feet for freestanding signs.

(2) *Single or double occupancy multiple-family or business sign.* The total sign area may not exceed 10% of the total front building facade, except that both front and side facades may be counted on a corner lot. Signs chosen to comprise the total sign area shall be consistent with the following provisions:

(a) *Freestanding.* Not more than one freestanding sign. Sign area may not exceed 32 square feet with a maximum height of ten feet; and

(b) *Wall, canopy or marquee.* Not more than one wall, canopy or marquee sign per building. However, on corner lots, two signs are allowed, one per street frontage. Individual sign area may not exceed 32 square feet.

(C) *R-B, B-1 and B-2 Districts.*

(1) *Area identification.* Only one sign. Sign area may not exceed 100 square feet with a maximum height of 25 feet for freestanding signs.

(2) *Single or double occupancy business sign.* The total sign area may not exceed 250 square feet or 15% of the total front building facade, whichever is less. In calculating building facade, both front and side facades may be counted on a corner lot. Signs chosen to comprise the total sign area shall be consistent with the following provisions:

(a) *Freestanding.* Not more than one sign. Sign area may not exceed a maximum height of 25 feet; and

(b) *Wall, canopy or marquee.* Not more than one wall, canopy or marquee sign per building. However, on corner lots, two signs are allowed, one per street frontage. Individual sign area for the second wall sign shall not be calculated in the maximum for the property, but shall be limited so as not to exceed 100 square feet.

(D) *I-1 and I-2 Districts.*

(1) *Area identification.* Only one sign. Sign area may not exceed 100 square feet with a maximum height of 25 feet for freestanding signs; and

(2) *Single or double occupancy business sign.* The total sign area may not exceed 15% of the front building facade, except that both front and side facades may be counted on a corner lot. Signs chosen to comprise the total sign area shall be consistent with the following provisions:

(a) *Freestanding.* Not more than one sign. Sign area may not exceed 100 square feet with a maximum height of 25 feet; and

(b) *Wall, canopy or marquee.* Not more than one wall, canopy or marquee sign per building. However, on corner lots, two signs are allowed, one per street frontage. Individual sign area may not exceed 100 square feet.

(E) *PUD, Planned Unit Development District.* In a PUD District, signing restrictions shall be based upon the individual uses and structures contained in the complex. Signs shall be in compliance with the restrictions applied in the most restrictive zoning district in which the use is allowed.

(Prior Code, § 11-24-5) (Ord. 258, passed 5-4-2006; Ord. 375, passed 5-4-2021)

§ 152.355 SPECIAL DISTRICT REGULATIONS.

(A) *Motor fuel stations.* Signs for motor fuel stations shall be regulated by the single occupancy business structure sign provisions for the zoning district in which the station is located. In addition,

motor fuel stations may also display signs which identify current fuel prices and car wash facilities. The signs shall be limited to a maximum size of 16 square feet and a maximum height of ten feet each.

(B) *Wall, canopy or marquee signs in business, industrial and institutional zoning districts.* Where freestanding signs are not used and where principal structures have a front yard setback in excess of that which is required under the applicable zoning district regulations, the maximum property signage percentage limitation or maximum square feet restriction may be increased 1% for every five feet of additional setback beyond the zoning district front yard setback requirement. This increase shall be limited to a 25% maximum and shall be applied only to signs located in the year for which the calculation was made.

(C) *Multiple occupancy business and industrial buildings.* When a single principal building is devoted to four or more businesses, or industrial uses, a comprehensive sign plan for the entire structure shall be submitted and shall be of sufficient scope and detail to permit a determination as to whether or not the plan is consistent with the following regulations. The plan shall be subject to the approval of the Council. No permit shall be issued for an individual use except upon a determination that it is consistent with the approved comprehensive sign plan.

(1) The maximum individual sign sizes for multiple occupancy structures and individual uses which may display signs shall not exceed the maximum provisions for single or double occupancy structures in the same zoning district. The bonus provided in division (B) above of this section shall not apply in calculating maximum sign size.

(2) Multiple occupancy structures may display an area identification sign consistent with the applicable district provisions of § 152.354 of this subchapter. Individual freestanding signs identifying the tenants' business shall not be displayed.

(3) Except as provided in division (C)(4) below of this section, individual tenants of multiple occupancy structures shall not display separate business signs unless the tenants' business has an exclusive exterior entrance. The number of signs shall be limited to one per entrance, and each sign shall be limited to the maximum wall size sign permitted in the district. The signs shall be located only on exterior walls which are directly related to the use being identified.

(4) In any multiple occupancy structure qualifying as a shopping center, directory signs shall be permitted for each common public entrance. Each directory sign area shall not exceed a total of 50 square feet and shall be located within 50 feet of the common public entrance being served. The size of individual business identification signing within the directory shall be established during the site plan review process. Attention shall be given to the possible number of tenant or occupancy bays which may be served by the common public entrance for which the directory sign is intended.

(D) *Shopping centers and industrial parks containing more than 20 acres.* Where shopping center facilities or industrial parks cover more than 20 acres of land, two area identification signs may be displayed in accordance with the maximum sign size provisions per area identification sign of the applicable zoning district. Additional signs may be displayed subject to approval of the City Council.

(E) *Highway area directional signs.* Within the area immediately adjacent to U.S. 52, directional signs indicating business identification and access routing signs may be allowed by approval of the City Council. These signs shall be in compliance with the maximum sign size provisions of the district.

(F) *Schools, athletic complexes or other public or semi-public institutions.*

(1) For facilities occupying an area of five acres or more, an identification sign not larger than 96 square feet may be permitted upon approval of a permit by the City Council.

(2) Temporary signs, banners and displays for church, school, institutional or civic events are permitted but must be located on property owned or controlled by the church, school, institution or civic organization and may be displayed only during a period commencing 60 days prior to the scheduled event and ending three days after closing date of the scheduled event.

(3) For city parks and city athletic complexes, sponsorship signage if approved by the City Council.

(G) *Projecting signs.* These signs, including those projecting into the public right-of-way, may be allowed by a conditional use permit approved by the Council in the B-2 Zoning District, provided that:

- (1) The sign conforms to the uniform character and design guidelines established for the area;
- (2) The owner assumes all liability for the signs; and
- (3) The signs conform to the size and height limitations of the respective district.

(H) *Murals.* Public art murals are allowed within the Historic Downtown Overlay District by a conditional use permit approved by the Council, provided that:

(1) Business identification signs for a commercial building may be separate from the wall mural or integrated into the wall mural. The business identification sign will be limited in size to 10% of the cumulative wall area of the facades facing a public street;

(2) Wall murals must be located on a side building facade facing either a public street or a parking area and not on the front building facade so as to preserve the historic character of the buildings;

(3) Wall murals shall not contain material which is obscene;

(4) The wall mural shall be maintained in presentable condition at all times. The property owner shall be responsible for repainting, cleaning and other acts required for maintenance purposes;

(5) The wall mural is a private venture. Should a building which includes a mural be sold, the new property owner takes on all maintenance responsibilities. Should the new owner choose not to maintain the mural as required, the owner(s) must return the building facade to its original state. Should the new owner(s) choose to change the mural in any fashion, an amendment to the approved conditional use permit is required; and

(6) The applicant must submit examples of the proposed mural design and dimensions to be reviewed by staff, the Downtown Committee, the Planning Commission and the City Council.

(I) *Business wall signs; temporary.* Within the B-1 and B-2 Districts, two business wall signs per building frontage are permitted without a permit and may be displayed for a maximum period of 60 days. The size of each sign may not exceed 32 square feet.

(J) (1) Dynamic displays on signs are allowed only on monument and pylon signs for schools, athletic complexes or other public or semi-public institutions pursuant to § 152.355(F) and for permitted (§ 152.646) and conditional (§ 152.648) uses within the B-2, Highway Business District. Within the B-1, Central Business District, a dynamic display sign is allowed as a wall sign only on structures that are not designated as a contributing property by the National Register of Historic Places (January 7, 2000).

(2) Signage for the display of current fuel prices for permitted Motor Fuel Stations is regulated by § 152.355(A) and is not considered to be a dynamic display sign.

(3) Except within the B-1, Central Business District, dynamic displays may occupy no more than 35% of the total allowable sign area that is permitted by the Sign Code. Only one contiguous dynamic display area is allowed on a sign face.

(4) A dynamic display may not change or move more often than once every five minutes, except one for which changes are necessary to correct hour-and-minute, date or temperature information. Time, date or temperature information is considered one dynamic display and may not be included as a component of any other dynamic display.

(5) The images and messages displayed must be static and the transition from one static display to another must be instantaneous without any special effects.

(6) Dynamic displays must be designed and equipped to freeze the device in one position if a malfunction occurs. The displays must also be equipped with a means to immediately discontinue the display if it malfunctions and the sign owner must immediately stop the dynamic display when notified by the city that it is not complying with the standards of the Sign Code.

(7) Dynamic displays must comply with the brightness standards contained in § 152.352(I).

(8) Dynamic display signs shall be allowed in the R-B, Residential Business District so long as the property the sign serves is a commercial use by definition, found in § 152.021 of the City of Cannon Falls zoning ordinance. The signage shall be allowed pursuant to all regulations and restrictions presented in Chapter 152 of the City of Cannon Falls City Code.

(Prior Code, § 11-24-6) (Ord. 258, passed 5-4-2006; Ord. 331, passed 8-6-2013; Ord. 353, passed 6-13-2017; Ord. 367, passed 10-1-2019)

§ 152.356 INSPECTION.

All signs for which a permit is required shall be subject to inspection by the Building Official. The Building Official may order the removal of any sign that is not maintained in accordance with the maintenance provisions of this subchapter.

(Prior Code, § 11-24-7) (Ord. 258, passed 5-4-2006)

§ 152.357 PERMIT, APPLICATION, LICENSE, VARIANCE AND CITY COUNCIL APPROVAL.

(A) *Permit requirement.* Except as provided in § 152.353 of this subchapter, it is unlawful for any person to erect, construct, alter, rebuild or relocate any sign or structure until a permit has first been issued by the city.

(B) *Sign application.* The following information for a sign license shall be supplied by an applicant if requested by the city:

(1) Name, address and telephone number of person making application;

(2) Name, address and telephone number of person owning sign;

(3) A site plan to scale showing the location of lot lines, building structures, parking areas, existing and proposed signs and any other physical features;

(4) Plans, location and specifications and method of construction and attachment to the buildings or placement method in the ground;

(5) Copy of stress sheets and calculations showing that the structure is designed for dead load and wind pressure in any direction in the amount required by this and all other laws and city code provisions;

(6) Written consent of the owner or lessee of any site on which the sign is to be erected;

(7) Sign specs, color, material and lighting; and

(8) Other information as the city may require to show full compliance with this and all other laws and city code provisions.

(C) *License issued if application is in order.* The Building Official, upon the filing of an application for a license, shall examine the plans, specifications and other data and the premises upon which it is proposed to erect the sign. If it appears that the proposed structure is in compliance with all requirements of this chapter and all other laws and city code provisions, the license shall be issued. If

the work authorized under a license has not been completed within 60 days after the date of issuance, the license shall be null and void.

(D) *City Council approval.* When this subchapter requires Council approval for a sign, the application shall be processed in accordance with the procedural and substantive requirements of the zoning regulations for a conditional use permit.

(E) *Variances.* The City Council, acting as the Board of Adjustment and Appeals, may, upon application, grant a variance from the terms of this subchapter. The request for a variance shall be processed in accordance with the procedural and substantive requirements of §§ 152.100 through 152.103 of this subchapter.

(F) *Fees.* Fees for the review and processing of sign license applications and variance requests shall be imposed in accordance with the fee schedule established by City Council resolution.

(Prior Code, § 11-24-8) (Ord. 258, passed 5-4-2006) Penalty, see § 10.99

§ 152.358 ENFORCEMENT.

This subchapter shall be administered and enforced by the Building Official. The Building Official may institute, in the name of the city, appropriate actions or proceedings against a violator.

(Prior Code, § 11-24-9) (Ord. 258, passed 5-4-2006)

§ 152.359 VIOLATION A MISDEMEANOR.

Every person violates a section, division, paragraph or provision of this subchapter when he or she performs an act thereby prohibited or declared unlawful, or fails to act when the failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

(Prior Code, § 11-24-10) (Ord. 258, passed 5-4-2006)

ADMINISTRATION; INTERIM USE PERMITS

§ 152.085 PURPOSE AND INTENT.

The purpose and intent of allowing interim uses is:

(A) To allow a use for a temporary period of time until a permanent location is obtained or while the permanent location is under construction;

(B) To allow a use that is presently judged acceptable by the City Council, but that with anticipated development or redevelopment, will not be acceptable in the future or will be replaced in the future by a permitted or conditional use allowed within the respective district; and

(C) To allow a use which is reflective of anticipated long-range change to an area and which is in compliance with the Comprehensive Plan provided that the use maintains harmony and compatibility with surrounding uses and is in keeping with the architectural character and design standards of existing uses and development.

(Prior Code, § 11-6-1) (Ord. 258, passed 5-4-2006)

§ 152.086 PROCEDURE.

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

(Prior Code, § 11-6-2) (Ord. 258, passed 5-4-2006)

§ 152.087 CRITERIA.

The Planning Commission shall consider possible effects of the proposed interim use. Its judgment shall be based upon, but not limited to, the factors outlined in § 152.072 of this chapter.

(Prior Code, § 11-6-3) (Ord. 258, passed 5-4-2006)

§ 152.088 GENERAL PERFORMANCE STANDARDS.

As may be applicable, the evaluation of any proposed interim use permit request shall be subject to and include, but not be limited to, the general performance standards and criteria outlined in § 152.073 of this chapter and the following:

(A) The date or event that will terminate the use can be identified with certainty;

(B) The use will not impose additional unreasonable costs on the public;

(C) The user agrees to any conditions that the City Council deems appropriate for permission of the use; and

(D) The use is allowed as an interim use in the respective zoning district.

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

§ 152.089 TERMINATION.

An interim use shall terminate on the happening of any of the following events, whichever occurs first:

(A) The date or event stated in the permit;

(B) Upon violation of conditions under which the permit was issued;

(C) Upon change in the zoning regulations which renders the use nonconforming; or

(D) The property is redeveloped to a permitted or conditional use allowed in the respective zoning district.

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

§ 152.186 TRAFFIC SIGHT VISIBILITY TRIANGLE.

Except for a governmental agency for the purpose of screening, no wall, fence, structure, tree, shrub, vegetation or other obstruction shall be placed on or extend into a yard or right-of-way area so as to pose a danger to traffic by obscuring the view of approaching vehicular traffic or pedestrians from any street or driveway. Visibility from any street or driveway shall be unobstructed above a height of three feet, measured from where both street or driveway centerlines intersect within the triangle described as beginning at the intersection of the projected curb line of two intersecting streets or drives, thence 30 feet along one curb line, thence diagonally to a point 30 feet from the point of beginning along the other curb line. The exception to this requirement shall be where there is a tree, planting or landscape arrangement within the area that will not create a total obstruction wider than three feet. These requirements shall not apply to conditions of this chapter that legally exist prior to the effective date of this chapter, unless the City Council determines that the conditions constitute a safety hazard.

(Prior Code, § 11-16-7) (Ord. 258, passed 5-4-2006)

§ 152.279 REQUIRED LANDSCAPE SCREENING.

(A) *Screening.* All commercial, industrial or institutional uses shall provide screening along the boundary of any abutting residential district or when the side or rear of the use (as determined by the Zoning Administrator) is separated from any residential district by a public right-of-way. All screening required by this section shall be subject to § 152.186 of this chapter (traffic visibility) and is to consist of a green belt strip as provided below.

(1) A green belt planting strip shall consist of evergreen trees and/or deciduous trees and plants and shall be a minimum of 20 feet in width and of a sufficient density to provide a visual screen and reasonable buffer. This planting strip shall be designed to provide visual screening to a minimum height of six feet. The grade for determining height shall be the grade elevation of the building or use for which the screening is providing protection, unless otherwise established by the Zoning Administrator. The planting plan and type of plantings shall require the approval of the Zoning Administrator.

(2) A fence may also be installed, but not in lieu of the green belt planting strip. The fence shall be constructed of masonry, brick or wood, except as otherwise provided herein. The fence shall provide a solid screening effect and shall be a minimum of six feet in height but shall not exceed eight feet in height. The grade for determining height shall be the grade elevation of the building or use for which the screening is providing protection, unless otherwise established by the Zoning Administrator. The design and materials used in constructing a required screening fence shall be subject to the approval of the Zoning Administrator.

(B) *Residential buffer yards.*

(1) *Lot depth requirements.* Except for lots of record and preliminary platted lots having legal standing on the effective date of this subchapter, double frontage residential lots shall have an additional depth of at least 20 feet designated as an additional drainage and utility easement, in order to allow space for buffering/screen planting along the back lot line.

(2) *Lot width requirements.* Except for lots of record and preliminary platted lots having legal standing established on the effective date of this subchapter, lots which border major collector or arterial streets on a side yard shall have an additional width of at least ten feet designated as an additional drainage and utility easement in order to allow space for buffering and screening plantings along the lot line bordering the streets.

(3) *Screening plan required.* For applicable subdivisions, a comprehensive screening plan shall be submitted. The plan shall identify all proposed buffer screening in both plan and sectional view.

(4) *Timing/responsibility of installation.* Weather permitting, all buffer, bermings and/or plantings shall be constructed or planted prior to the issuance of a final certificate of occupancy.

(5) *Design standards.*

(a) *Plantings.* All designated buffer yards shall be seeded or sodded except in areas of steep slopes where natural vegetation is acceptable as approved by the Zoning Administrator. All plantings within designated buffer yards shall adhere to the following.

1. Plant material centers shall not be located closer than three feet from the fence line or property line, and shall not conflict with public plantings, sidewalks, trails and the like.

2. Landscape screen plant material shall be planted in two or more rows. Plantings shall be staggered in rows unless otherwise approved by the Zoning Administrator.

3. Deciduous shrubs shall not be planted more than four feet on center and/or evergreen shrubs shall not be planted more than three feet on center.

4. Deciduous trees intended for screening shall be planted not more than 40 feet apart. Evergreen trees intended for screening shall be planted not more than 15 feet apart.

(b) *Walls and fences.* All walls and fences erected within designated buffer yards shall adhere to the following.

1. Only walls and fences formally approved as part of the subdivision and site plan process shall be permitted within the buffer yard.

2. At least 50% of the street side of a screening fence shall be landscaped with plant materials. Plant materials shall be at least equal to the fence height.

3. Fences and landscaping shall not be located within the traffic visibility triangle defined by § 152.186 of this chapter.

(c) *Earth berms.*

1. Except in areas of steep slopes or where other topographic features will not permit, as determined by the City Engineer, an earth berm at least four feet in height shall be installed in all designated buffer yards;

2. Shall not exceed a three to one slope unless approved by the City Engineer; and

3. Shall contain no less than four inches of topsoil.

(6) *Maintenance.*

(a) Maintenance of the buffer strip planting and/or fence shall be the responsibility of the individual property owners or, if applicable, the homeowners' association.

(b) All repairs to the fence or wall shall be consistent with the original fence design in regard to location and appearance.

(c) Replacement of landscape materials or plantings in a buffer yard area shall be consistent with the original screen design.

(d) All repair or plant replacement shall be done within 45 days of written notification from the Zoning Administrator or if applicable, the homeowners' association.

(Prior Code, § 11-20-5) (Ord. 258, passed 5-4-2006)

§ 152.043 ENFORCEMENT.

This chapter shall be administered and enforced by the Zoning Administrator. The Zoning Administrator may institute in the name of the city any appropriate actions or proceedings against a violator. Whenever a violation of this chapter occurs, or is alleged to have occurred, any person may file a written complaint. The complaint shall state fully the causes and basis thereof and shall be filed with the Zoning Administrator. That person shall record properly the complaint, immediately investigate and take action thereon as provided by this chapter.

(A) *Enforcement procedure.* For the enforcement of the provisions of the zoning regulations, the first zoning violation notice shall be sent by regular mail and the second notice will be sent by certified mail or return receipt requested to the property owner of which the violation is taking place. The zoning violation notice shall contain the following information:

- (1) A description of the violation which is taking place;
- (2) A picture (if possible) of the violation which is taking place;
- (3) Location and/or address of the property at which the violation is taking place;
- (4) Identification of the section of the zoning regulations which is being violated;
- (5) Date the violation was discovered;
- (6) Steps necessary to correct the violation; and
- (7) Deadline in which the violation must be corrected, which is at the discretion of the Zoning Administrator, but which in no case may be longer than 30 days from the date the first notice is mailed.

(B) *Correction of the zoning violation.* Correction of the violation in the manner stipulated by the zoning notice violation, at any point during this enforcement process, shall deem the zoning violation notice null and void and enforcement activity shall cease.

(C) *Failure to correct zoning violation; enforcement remedies.* Failure to correct the zoning violation shall result in the city pursuing enforcement action following notification to the property owner, with the city having the authority to carry out the following enforcement remedies.

(1) *Withhold permits.* The city shall have the authority to withhold any permits or city approvals which are necessary until the violation is corrected to the city's satisfaction.

(2) *Stop work order.* The city shall have the authority to issue a stop work order on the subject violation.

(3) *Abatement.* The city shall have the authority to require that the violation be abated by completely removing or stopping the item or use which has been identified in the zoning violation notice.

(4) *Injunctive relief.* The city shall have the authority to seek an injunction in court to stop any violation of this chapter.

(5) *Civic remedies.* The city shall have the authority to institute appropriate civil action to enforce the provisions of this chapter and shall recover reasonable court costs and attorney's fees which are incurred due to the enforcement of the subject violation, at the discretion of the court.

(6) *Assessment.* The city shall have the authority to use the provisions of M.S. § 429, as it may be amended from time to time, assess any charge against the property benefitted and any assessment shall, at the time at which taxes are certified to the County Auditor, be certified for collection in the manner that other special assessments are so certified.

(7) *Criminal remedies.* The city shall have the authority to institute appropriate misdemeanor criminal action for a violation of this chapter.

(8) *Cumulative remedies.* The powers and remedies of this section shall not be individually limited and are not exclusive. The powers and remedies of this section are cumulative and all power and remedies may apply, as well as any other remedies allowed under state law.

(Prior Code, § 11-3-9) (Ord. 258, passed 5-4-2006)

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

RESOLUTION NUMBER ____

**RESOLUTION DENYING AN ORDINANCE AMENDING CANNON FALLS CITY
CODE RELATING TO THE CANNON VALLEY FAIR**

WHEREAS, the Cannon Valley Fair Association (“Fair Association”) is the owner of property with the PID #52.180.0030, 52.540.0030, 52.500.0290, 52.120.0040, 52.120.0010, 52.120.0080, and 52.100.4230 (the “Property”) and operates a fair on the Property;

WHEREAS, City staff studied whether to rezone the Property into a Fairground Zoning District, made a report, and provided other information to the Planning Commission; and

WHEREAS, on December 9, 2024, the Planning Commission of the City of Cannon Falls held a public hearing, accepted testimony, and considered the Ordinance Amending Cannon Falls City Code Relating to the Cannon Valley Fair attached hereto as Exhibit A (the “Ordinance”), recommending denial of the Ordinance; and

WHEREAS, the City Council considered the matter at its December 17, 2024 meeting, receiving the recommendation from the Planning Commission, the report from City staff, and other information.

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

FINDINGS

1. The Property is currently zoned R-2, Single-Family Residential and UR, Urban Reserve. The land to the north and east of the Property is currently zoned R-B, Residential Business. The land to the south of the Property is currently zoned R-2, Single Family Residential. The land to the west of the Property is outside of City limits.

2. 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.

3. Rezoning the Property to a Fairground Zoning District is inconsistent with the City’s Comprehensive Plan by allowing a commercial use and racing facility that has been and continues to be advertised as an intense noise creating event that attracts large crowds, which is wholly inconsistent with the purposes of and the uses allowed in the urban reserve and residential areas in the Comprehensive Plan. The proposed zoning amendment is also inconsistent with the historic use of the Property.

4. The Fair Association’s operation of a racetrack on the Property did and would disrupt and interfere with residents’ enjoyment of their property due to excessive noise from racing vehicles and loudspeaker announcements.

5. The City received numerous and persistent complaints from residents about the noise generated from racing activities held on the Property during 2024. Several residents provided similar testimony during the December 9, 2024 public hearing. A resident residing on Minnesota Street W reported measuring noise levels on his property in excess of 80 dBs during a race on the Property.

6. The Fair Association’s use of the Property for engine powered racing generates noise that creates a nuisance, is incompatible with surrounding uses, and would harm the health, safety, morals and general welfare of the land and residents surrounding the Property.

7. The conditions imposed by the Ordinance are unlikely to ameliorate the harm caused by racing on the Property.

8. Racing on the Property is incompatible with and a substantial deviation from the Fair Association’s historic use of the Property.

9. The City notified the Fair Association that operating a racetrack on the Property, including the racing activity that occurred on June 28-29, 2024, is not permitted and demanded that the Fair Association cease such activity. The Fair Association did not respond to the notice sent and continued to allow racing on the Property.

DECISION

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

1. The City Council hereby accepts the Planning Commission’s recommendation, declines to adopt the Ordinance amending the zoning code, and directs staff to continue studying the matter.

ADOPTED by the City Council this 17th day of December, 2024.

Matt Montgomery, Mayor

ATTEST: _____
Jon Radermacher, City Administrator