

Goodhue County Land Use Management

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To: Planning Advisory Commission
From: Land Use Management Staff
Meeting Date: January 9, 2017
Report Date: December 29, 2016

PUBLIC HEARING to consider Zoning Ordinance Text Amendments involving: Article 11 PERFORMANCE STANDARDS, Section 17. Sign Regulations; ARTICLE 12 BLUFF LAND PROTECTIONS; and, ARTICLE 30 CR, COMMERCIAL RECREATIONAL DISTRICT

Background: Attached with this staff report are copies of proposed amendments to the Goodhue County Zoning Ordinance: Article 11 PERFORMANCE STANDARDS, Section 17. Sign Regulations; ARTICLE 12 BLUFF LAND PROTECTION; and, ARTICLE 30 CR, COMMERCIAL RECREATIONAL DISTRICT.

The proposed amendments to ARTICLE 12 (BLUFF LAND PROTECTION) and Article 30 CR (COMMERCIAL RECREATION) District are being presented with proposed changes being illustrated with text to be deleted denoted in blue using strikethrough and text to be added denoted in red and underlined. The changes to Article 11 (PERFORMANCE STANDARDS), Section 17 (Sign Regulations) are more substantial and the proposed text is intended to entirely replace the current Section 17.

Proposed changes to ARTICLE 12 (BLUFF LAND PROTECTION) Regulations include minor “housekeeping” wording revisions to delete the use of the term “physically handicapped” and to reference a survey requirement as needed to be provided by a “Minnesota Licensed Surveyor” rather than a “registered surveyor”. The proposed changes to the Bluff Land Protection Regulations also provide for height exceptions to the thirty-five (35) foot height limit for certain structures allowed within the CR (COMMERCIAL RECREATION) District. Bluff Lands located with Shoreland Areas are subject to a twenty-five (25) foot height limit for structures with exceptions being subject to approval of a variance that must be referred to the Minnesota Department of Natural Resources for review and comment. The proposed change regarding heights exceptions references various uses referenced in Subdivisions 6, 12, and 13 of the proposed amendments to Article 30 CR (COMMERCIAL RECREATION) District Regulations. This includes such structures as ski jumps, ski lifts, zip lines, rope or disc golf courses and outdoor concert facilities. Height limits for these types of facilities would be established through a Conditional Use Permit or Interim Use Permit process.

Proposed changes to ARTICLE 30 CR (COMMERCIAL RECREATIONAL DISTRICT) regulations are being recommended to provide for a broader range of uses and activities that would be compatible with the purpose of the District. The amendments being recommended for Article 30 would provide the potential for additional commercial recreation uses and would also more clearly reference structures/facilities/activities that may already exist within the County.

The proposed version of Article 11 PERFORMANCE STANDARDS, Section 17. Sign Regulations being recommended to replace the current Section 17, includes significant changes to the County's approach in regulating signs while also retaining some of the current provisions.

Significant changes include the following:

- Content Neutral Approach: The proposed sign regulations would not distinguish between on premise and off-premise signs. For example: Signs subject to obtaining a permit within the County's Business Districts, Industrial District or Commercial Recreation District may be used for advertising either for on premise or off-premise messages.
- Types of Signs: Standards for monument, pylon and wall mounted signs are proposed for signs subject to obtaining a permit within the County's Business Districts, Industrial District or Commercial Recreation District. Current standards do not distinguish between these types of signs.

The proposed changes to Article 11, Section 17, and provisions of State Statutes (prohibiting Amortization) may warrant removal of Article 11, Section 18 (Off-Premise Advertising Signs - Billboards), Section 19 (Amortization). In addition, the language included in Article 11, Section 20 (Inspection) may need to be revised to reflect current practices regarding administration of sign regulations and permits. Also, the proposed changes to Article 11, Section 17, may require changes to the Sign Definitions included in Article 10.

Because changes to Article 11, Section 17, may lead to a need for the additional zoning ordinance text amendment referenced above, a sensible approach may be to begin discussion of revisions of the County's Sign Regulations, hear any public comments, and for the Planning Advisory Commission to provide direction that will clarify the need for further Zoning Ordinance Text Amendments. The PAC may wish to table the proposed Amendment of Article 11 (Performance Standards), Section 17 (Sign Regulations) so that any further amendments related to Sign Regulation may be prepared for PAC consideration.

Findings of Fact:

Proposed Amendments to Article 12 (Bluff Land Protection) represent both housekeeping and substantive change to the County's Bluff Land Protection Regulations. Exceptions to certain structures that may be permitted within the County's CR (Commercial Recreation Zone) will be thoughtfully regulated through a Conditional Use Permit or Interim Use Permit procedure. The commercial recreation related structures that may be subject to height exceptions such as ski jumps, ski lifts, zip lines, rope or disc golf courses, and outdoor concert facilities are expected to be allowed on a limited basis with careful review of site related issues.

Proposed amendments to Article 30 CR (Commercial Recreation) District Regulations to permit various additional structures/uses/facilities such as ski jumps, ski lifts, zip lines, rope or disc golf courses, and outdoor concert facilities are consistent with the "purpose" of the CR District.

Actions for PAC Consideration:

Amendment of Article 12 (Bluff Land Protection) Regulations (see enclosed)

Recommend that the County Board

- **adopt the staff report into the record**
- **adopt the findings of fact;**
- **accept the application, testimony, exhibits, and other evidence presented into the record; and**

APPROVE the ordinance wording changes as presented:

Article 12, Section 3, Subd. 1, Subd. 2, Subd. 3, Subd. 6 and Subd. 8.

Recommend Approval to County Board

Amendment of Article 30 CR (Commercial Recreation) District Regulations (see enclosed)

Recommend that the County Board

- **adopt the staff report into the record**
- **adopt the findings of fact;**
- **accept the application, testimony, exhibits, and other evidence presented into the record; and**

APPROVE the ordinance wording changes as presented:

Article 30, Section 3, Subd. 6, Subd. 2, Subd. 12, and Subd. 13.

Table consideration of Amendments to Article 11 (Performance Standards), Section 17 (Sign Regulations) until the February PAC Meeting.

PROPOSED ZONING ORDINANCE, ARTICLE 11 (PERFORMANCE STANDARDS), SECTION 17 (SIGN REGULATIONS) – JANUARY 3, 2017. THIS AMENDED VERSION OF SECTION 17 IS INTENDED TO COMPLETELY REPLACE THE CURRENT SECTION 17.

SECTION 17. SIGN REGULATIONS

- Subd. 1. All signs hereinafter erected, altered, substantially repaired, relocated or maintained shall conform to the provisions of this Ordinance. No sign shall be allowed in any zoning district unless it is a permitted use, conditionally permitted use or accessory use established in accordance with the provisions of this Ordinance.
- Subd. 2. Signs Generally.
- A. All sign locations shall be kept free from unreasonable growth, debris or rubbish. Failure to correct such conditions after being so directed in writing by the Zoning Administrator shall be cause for revocation of the existing permit and removal of sign or signs on said location or locations.
 - B. All signs shall be properly identified stating the name and address of the individual or firm responsible for the sign.
 - C. Private signs other than underground utility warning signs are prohibited within public right-of-way and easements provided, however, such underground utility is located within such right-of-way easement.
 - D. Illuminated signs may be permitted; except that devices giving off an intermittent or rotating beam of rays of light shall be prohibited.
 - E. No sign shall, by reason of position, shape or color interfere in any way with the proper functioning or purpose of a traffic sign or signal.
 - F. Signs shall not be painted on fences, rocks, or similar structures or features nor shall paper or similar signs be attached directly to a building wall by an adhesive or similar means.
 - G. No lighting for signs shall directly reflect light beams onto any public road or highway.
 - H. All signs shall be setback from the right-of-way of public roads not less than ten (10) feet from the closest part of the sign. All signs shall be setback ten (10) feet from adjacent property lines.
 - I. No sign in excess of three (3) square feet shall be less than three hundred (300) feet from the intersection of two (2) or more public roads or less than three hundred (300) feet from the intersection of a public road and a railroad, provided that advertising may be affixed to

or located adjacent to a building at such intersection in such a manner as not to cause any greater obstruction of vision than that caused by the building itself.

- Subd. 3. No Sign Permit required. The following signs are allowed without a sign permit but shall comply with all other applicable provisions of this Section. Signs allowed under this subdivision may require a building permit if applicable.
- A. Government Signs. Signs of a public, non-commercial nature to include safety signs, danger signs, trespassing signs, traffic signs, signs indicating scenic or historical points of interest, memorial plaques and the like, when such signs are erected by or on order of a public officer or employee in the performance of their official duties.
 - B. Directory Signs. Wall sign which identifies the business, owners, manager, or resident occupant and sets forth the occupation or other address information but contains no advertising. There may be one (1) directory sign per zoning lot not to exceed two (2) square feet per business or resident occupant. Home occupations may display a directory sign.
 - C. Directional and Parking Signs (On-Site). On-site directional and parking signs intended to facilitate the movement of vehicles and pedestrians upon which the sign is located. Such signs shall not exceed six (6) square feet in total area.
 - D. Integral Signs. Names of buildings, date of construction, commemorative tablets and the like, which are part of the building or structure.
 - E. Real Estate Signs. For the purpose of selling, renting, or leasing a single parcel, a sign not in excess of twenty-five (25) square feet per surface may be placed in the front yard.
 - F. Construction Signs. The purpose of selling or promoting a residential project, commercial area or an industrial area, one sign not to exceed one hundred (100) square feet of surface may be erected upon the project site.
 - G. Election Signs. Election signs are permitted in all districts provided such signs are removed within ten (10) days following the election. No election signs shall be permitted more than two (2) months preceding the election the sign relates to.
 - H. Agricultural Product Signs. Signs indicating that the proprietor of a farm is a dealer in seed, fertilizer or other agricultural products only when such dealership is incidental to the primary agricultural business of the farm.
 - I. Crop Demonstration Signs. Any farm crop demonstration sign for informational use.

- J. **Holiday Signs.** Signs or displays which contain or depict messages pertaining to a national or state holiday and no other material. Such signs may be displayed for a period not exceeding thirty (30) days.
- K. **Institutional Signs.** One wall mounted sign up to thirty-two (32) square feet and one (1) freestanding sign not exceeding twelve (12) feet in height and single or combined surface area shall not exceed thirty (30) square feet.

Subd. 4. **Sign Permit required.** Except for signs listed in Subd. 3, no signs shall be erected, altered, reconstructed, maintained or moved in the County without first securing a sign permit or a building permit (if the sign is subject to issuance of a building permit) from the County. The content of the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit. The applicant shall include sign dimensions, height, colors, construction materials, method of anchoring and location. A sketch or photograph of the proposed sign and a site plan that adequately illustrates the location of the sign is required. In addition, the application shall include the location and size of all other signs at the subject property/development. .

A. **Signs Allowed in the FP, Floodplain; A-1, A-2, A-3 Districts; and the R-1, Residential District.**

1. **Permitted Signs.** Permitted signs as regulated by Subdivision 3 of this Section.

2. **Home occupation signs** as regulated by Section 13 of this Article.

3. **Residential Signs.**

- a) One (1) nameplate sign for each dwelling not to exceed six (6) square feet in area per surface, and no sign shall be so constructed as to have more than two (2) surfaces.
- b) One (1) nameplate sign for each permitted non-residential use or use by conditional use permit or by interim use permit. Such sign shall not exceed thirty-two (32) square feet in area per surface and no sign shall be so constructed as to have more than two (2) surfaces.
- c) Symbols, statues, sculptures, and integrated architectural features on buildings may be illuminated by floodlights provided the source of the light is not visible from the public right-of-way or adjacent property.

B. **Signs Allowed in the B-1 (General Business); B-2 (Highway Business); I (Industry), and CR (Commercial Recreation) Districts.**

1. **Permitted Signs.** Permitted signs as regulated by Subdivision 3 of this Section.

2. **Signs monument or pylon and wall mounted :**

- (a) **One Monument or pylon freestanding sign** for each parcel not to

exceed fifty (50) square feet. Signs for properties with multiple tenant may not exceed (100) square feet. Freestanding signs may not exceed thirty-five (35) feet in height.

(b) Wall mounted signs may not exceed fifty (50) square feet or 5% of wall surface.

(c) No sign may be erected within one hundred (100) feet of an adjoining residential property.

B. Signs Allowed in the MXH, Mixed Use Hamlet District

1. **Permitted Signs.** Permitted signs as regulated by Subdivision 3 of this Section.
2. One Monument or pylon freestanding sign for each parcel not to exceed thirty-two (32) square feet. Freestanding signs may not exceed (25) feet in height.
3. Wall signs not to exceed two (2) square feet per lineal foot of wall surface not exceed fifty (50) square feet or 5% of wall surface.

ARTICLE 12 BLUFF LAND PROTECTION

SECTION 1. INTENT AND PURPOSE

Goodhue County recognizes the historic and economic values of the bluffs that line the many rivers and valleys of the County. These standards set out to protect and preserve the sensitive physical features of the bluffs by regulating development, preventing erosion and controlling the cutting of timber on the slopes and tops of the bluffs.

SECTION 2. SCOPE

These standards shall regulate the setback of structures, sanitary waste treatment facilities and row crops from bluff impact zones to protect the existing and/or natural scenic values, significant historic sites, vegetation, soils, water and bedrock from disruption by man-made structures or facilities. These standards will also regulate alterations of the natural vegetation and topography.

- Subd. 1. **BLUFF.** A natural topographic feature such as a hill, cliff, or embankment having the following characteristics:
- A. The slope rises at least twenty-five (25) feet above the toe of the bluff; and
 - B. The grade of the slope from the toe of the bluff to a point twenty-five (25) feet or more above the toe of the bluff averages thirty (30) percent or greater;
 - C. An area with an average slope of less than twenty (20) percent over a horizontal distance of fifty (50) feet shall not be considered part of the bluff.
- Subd. 2. **BLUFF IMPACT ZONE.** All of the land lying between the top of the bluff and the toe of the bluff.
- Subd. 3. **SIGNIFICANT HISTORIC SITE.** Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, Section 307.08. A historic site meets these criteria if it is presented listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota State Archaeologist or the Director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.
- Subd. 4. **TOE OF THE BLUFF.** The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from gentler to steeper slope above. If no break in the slope is apparent, the toe of the bluff shall be determined to be the lowest end of the lowest fifty (50) foot segment that exceeds twenty (20) percent slope.
- Subd. 5. **TOP OF THE BLUFF.** The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from steeper to gentler slope above. If no break in the

slope is apparent, the top of the bluff shall be determined to be the highest end of the highest fifty (50) foot segment that exceeds twenty (20) percent slope.

- Subd. 6. **VISUALLY INCONSPICUOUS.** Difficult to be seen and not readily noticeable from any point on the river or valley during the time when the leaves are on the deciduous trees.

SECTION 3. BOUNDARIES

- Subd. 1. The bluff land protection area shall include all areas with the following soil types as determined by the Goodhue County Soil Survey:

- A. N634E - Massbach-Schapville complex, 18-35% slopes
- B. N598E - Winneshiek-Waucoma complex, 18-35% slopes
- C. N594E - Chelsea loamy sand, 12-35% slopes
- D. N553E - Frankville-Nasset-Mt. Carroll complex, 18-35% slopes
- E. N635E - Frankville-Nasset-Downs complex, 18-35% slopes
- F. N642E - Frankville-Nasset complex, Oneota formation, 18-35% slopes
- G. N609E - Hawick sandy loam, 18-45% slopes
- H. M516E - Wangs-Wagen Prairie complex, 18-35% slopes
- I. M537E - Meridian-Bassett complex, 18-35% slopes
- J. N526F - Gale-Oak Center complex, 18-45% slopes
- K. M540F - Frontenac-Bellechester complex, 18-45% slopes
- L. N639F - Frontenac-Lacrescent complex, 20-45% slopes
- M. N631E - Schapville silt loam, 18-35% slopes
- N. N580G - Brodale, very flaggy-Bellechester-Rock outcrop complex, 45-90% slopes
- O. N632G - Brodale, flaggy-Schapville complex, 18-80% slopes
- P. N638G - Brodale, flaggy-Bellechester complex, 30-70% slopes
- Q. N640G - Lacrescent, flaggy-Frontenac-Rock outcrop complex, 45-90% slopes
- R. N641F - Brodale channery loam, 20-45% slopes, flaggy
- S. N639G - Frontenac-Lacrescent complex, 30-70% slopes
- T. M539F - Bellechester loamy sand, 18-45% slopes

SECTION 4. GENERAL REGULATIONS

- Subd. 1. Developments and other land disturbing activities including: structures, accessory facilities, ~~(except stairways and landings)~~, driveways, and parking areas shall not be placed within bluff impact zones except the following:

A. Stairways and landing subject to provisions set forth in Subd. 6, of this Section.

B. Facilities such as ramps, lifts, or mobility paths for ~~physically handicapped persons~~ subject to provisions set forth in Subd. 6, of this Section.

C. Uses identified in Article 30 ~~(CR - Commercial Recreation District Regulations)~~; Section 3 ~~(Conditional and Interim Uses)~~; Subd. 6, Subd. 12, and ~~Subd. 13., and Subd. 14.~~

Article 12 Bluff Land Protection

- Subd. 2. Setback from top or toe of the bluff to any structure in any district shall be no less than thirty (30) feet. Exceptions may include structures allowed under Article 30, Section 3, Subdivisions 6, 12, and 13..
- Subd. 3. The maximum height of any structure shall be twenty-five (25) feet from the highest natural grade touching foundation. Exceptions may include structures allowed under the following provisions: Article 30 (~~CR – Commerical Recreation District Regulations~~); Section 3 (~~Conditional and Interim Uses~~; Subd. 6, Subd. 12, and Subd. 13., ~~and Subd. 14.~~ Permitted Hheight for structures that may be permitted within bluff impact zones under these ~~provisons~~provisions shall be set forth within Conditional or Interim Use Permits.
- Subd. 4. No person may begin a mining or quarrying activity or expand a mining or quarrying activity within three hundred (300) feet of the toe or top of a bluff without a conditional use permit.
- Subd. 5. Towers as defined in Article 17 (Wireless Communication Facilities) must be located outside of bluff impact zones and shall be subject to a minimum setback of 1.1 times the height of the tower from the top of a bluff and a minimum of 30 feet from the toe of a bluff.
- Subd. 6. All stairways and lifts on bluffs and in shoreland areas shall be visually inconspicuous. Stairways and lifts shall meet the following design requirements:
- A. Stairways and lifts must not exceed four (4) feet in width on residential lots.
 - B. Landings for stairways and lifts on residential lots must not exceed thirty-two (32) square feet in area. Landings larger than thirty-two (32) square feet may be used for public open space recreational properties.
 - C. Canopies or roofs are not allowed on stairways, lifts, or landings.
 - D. Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion.
 - E. Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming Summer, leaf on conditions, whenever practical.
 - F. Facilities such as ramps, lifts, or mobility paths ~~for physically handicapped persons~~ are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of sub-items A-E are complied with in addition to the requirements of Minnesota Regulations, Chapter 1340.
- Subd. 7. No grading, excavating or filling (including Mineral Extraction) within the bluff impact zones, except for approved erosion control measures. Erosion control projects within the bluff impact zone shall comply with A. and B. below:

Article 12 Bluff Land Protection

- A. Altered areas shall be stabilized to acceptable erosion control standards consistent with the field office technical guides of the Goodhue Soil and Water Conservation District and the USDA, Natural Resources Conservation Service.
- B. Plans to place fill or excavated materials in bluff impact zones shall be prepared by qualified professional for continued slope stability, and approved by Land Use Management. All costs to be borne by the applicant.

Subd. 8. The top or toe of bluffs shall be certified by a Minnesota Licensed registered Land Surveyor or Zoning Administrator.

Subd. 9. Vegetation Alterations. Vegetation alterations shall be subject to the standards found in Article 11, Section 7 of the Goodhue County Zoning Ordinance.

ARTICLE 30 CR, COMMERCIAL RECREATIONAL DISTRICT

SECTION 1. PURPOSE

The intent of the CR Commercial Recreational District is to provide suitable locations for, and to encourage the development of, commercial recreation facilities in those areas of the county which benefit the recreational needs of both residents and tourists and restrict incompatible commercial and industrial uses. The Commercial Recreational District shall not be an overlay district, but shall be an exclusive district when used. It shall be the only district where new commercial uses are allowed in the shoreland areas. Such uses shall be limited to those listed below. Performance standards shall be those listed in Article 11 and as otherwise applicable in this Ordinance.

SECTION 2. PERMITTED USES

Subd. 1. None.

SECTION 3. CONDITIONAL USES AND INTERIM USES

Subd. 1. Resort facilities to include lodges, guesthouses, cabins and retreat facilities.

Subd. 2. On-site taverns where the main function is servicing a resort or recreational development.

Subd. 3. On-site restaurants where the main function is servicing a resort or recreational development.

Subd. 4. Golf courses and clubhouses.

Subd. 5. Dinner theaters.

Subd. 6. Ski areas, ski jumps, related lifts, and lodges, and maintenance facilities.

Subd. 7. Yacht slips, service and storage and storage marinas, harbor and docking facilities subject also to all approved regulations and ordinances of governmental agencies for the same.

Subd. 8. Recreational trailer parks and commercial camping facilities for short duration uses.

Subd. 9. Nature trails, snowmobile trails, ski trails, and similar facilities.

Subd. 10. Museums and commercialized historical attractions.

Subd. 11. Accessory structures, size and location to be determined by the Planning Advisory Commission and the Board of Commissioners.

~~Subd. 12. Nordic Ski Jumps and related ski lift(s), chalets, and maintenance facilities.~~

~~Subd. 13. Outdoor Recreational uses including, but not limited to: Zip Lines, rope or dDisc gGolf cCourses, Tubing Runs and Mountain Bike Trails.~~

~~Subd. 14. Outdoor Concert Facilities.~~

SECTION 4. GENERAL DISTRICT REGULATIONS

Subd. 1. Height Regulations.

A. No building or structure shall exceed thirty-five (35) feet in height, with the exception of Ski jump facilities-

Subd. 2. Each lot or parcel shall have an area of not less than two (2) acres.

Subd. 3. Every permitted, conditionally permitted building, or accessory building shall meet the following setbacks:

A. Front yard

1. A front yard of not less than forty five (45) feet shall be provided as measured from the street.
2. In the event any building is located on a lot at the intersection of two (2) or more roads or highways, such a lot shall have a front yard abutting each such road or highway.

B. Side Yard

1. Every building shall have two (2) side yards. Each side yard shall have a minimum depth of thirty (30) feet.

C. Rear Yard

1. Every building shall have a rear yard. The rear yard for parcels that do not abut a "Minnesota Protected Water" shall be a minimum of fifty (50) feet.

Subd. 4. Lot Width. Each lot shall have a minimum width of one hundred (100) feet.