This publication was prepared by the Public Health Law Center at William Mitchell College of Law, St. Paul, Minnesota, through a contract with the Open Door that was funded by the Dakota County Public Health Department through a grant from the Minnesota Department of Health’s Statewide Health Improvement Program.

This brief is provided for educational purposes only and is not to be construed as legal advice or as a substitute for obtaining legal advice from an attorney. Laws and rules cited are current as of July 2015. The Public Health Law Center provides legal information and education about public health, but does not provide legal representation. Readers with questions about the application of the law to specific facts are encouraged to consult legal counsel familiar with the laws of their jurisdictions.
# Table of Contents

**Table of Contents** ................................................................................................................................. 3

**Executive Summary** ............................................................................................................................... 5

  - Project Background ................................................................................................................................. 6

  - Gaps, Barriers and Opportunities ........................................................................................................... 8
    - General Municipal Ordinance Issues ................................................................................................... 8
  - Growing Food ................................................................................................................................. 9
  - Processing Food ............................................................................................................................... 10
  - Getting Food .................................................................................................................................. 10
  - Making Food ................................................................................................................................... 12
  - Disposing Food ............................................................................................................................... 12
  - Research Process ............................................................................................................................ 13
  - Use of Definitions ............................................................................................................................ 13
  - Appendices ...................................................................................................................................... 14

**General Information** ............................................................................................................................... 15

  - The Minnesota Food Charter ............................................................................................................. 15
  - State Laws Impacting the Food System ............................................................................................... 16
  - State and Local Agency Oversight of Food System ............................................................................ 17
    - Minnesota State Agency Oversight of Food System ........................................................................ 17
    - Municipal Government Oversight of Food System ........................................................................ 18
  - Local Government Ordinances Regulating the Food System ............................................................. 18
    - Licenses ......................................................................................................................................... 19
    - Permits .......................................................................................................................................... 20
    - Land Use Planning & Zoning ......................................................................................................... 20
    - Variances and Conditional Use Permits ........................................................................................ 23
    - Regulating Structures .................................................................................................................. 23

**Growing Food** ......................................................................................................................................... 26

  - Gardening .......................................................................................................................................... 27
  - Farming ............................................................................................................................................ 27
  - Keeping Animals (including Bees, Chickens, and Chicken Coops) .................................................. 28
  - Fences .............................................................................................................................................. 30
  - Arbors, Trellises, Pergolas, Planting Boxes, and Raised Beds ........................................................... 31
  - Greenhouses and Hoop Houses ......................................................................................................... 32
  - Shed ................................................................................................................................................ 33

**Processing Food** ................................................................................................................................. 35

**Getting Food** ......................................................................................................................................... 37

  - Selling Products of a Farm or Garden ............................................................................................... 39
Farmers’ Market........................................................................................................... 40
Restaurant ......................................................................................................................... 41
Mobile, Temporary, and Seasonal Food and Beverage Service Establishments ............. 44
Transient Merchant ......................................................................................................... 46
Grocery Store ................................................................................................................... 47
Displaying Signs ............................................................................................................... 48
Parking ............................................................................................................................... 49
MAKING FOOD ............................................................................................................... 51
DISPOSING FOOD ......................................................................................................... 53
Composting ....................................................................................................................... 53
Recycling and Waste Disposal ........................................................................................ 55
APPENDICES ................................................................................................................ 57
APPENDIX A: SEARCH TERMS .................................................................................... 58
APPENDIX B: REGULATIONS GOVERNING ACCESSORY BUILDING, STRUCTURES, AND USES ....... 59
APPENDIX C: REGULATIONS GOVERNING THE EXTERIOR OF STRUCTURES AND BUILDINGS ................. 62
APPENDIX D: LANDSCAPE PLAN REQUIREMENTS ................................................................ 66
APPENDIX E: GENERAL PROVISIONS GOVERNING ZONING ...................................................... 80
APPENDIX F: MUNICIPAL CODE PROVISIONS ........................................................................ 82
Gardening ........................................................................................................................... 82
Farming ................................................................................................................................ 86
Farm Animals .................................................................................................................... 88
Chicken Coops .................................................................................................................. 91
Fence .................................................................................................................................... 92
Arbors, Trellises, and Pergolas ....................................................................................... 94
Shed .................................................................................................................................. 95
Grocery Store ................................................................................................................... 101
Food Establishments ........................................................................................................ 101
Food carts, mobile food units, and food stands ............................................................... 103
Transient Merchant ......................................................................................................... 104
Parking ............................................................................................................................... 105
Signage .............................................................................................................................. 110
Garbage Disposal & Recycling .................................................................................... 125
APPENDIX G: APPENDIX G: STATE EXEMPTIONS FROM STATE FOOD HANDLERS LICENSING
REQUIREMENTS .............................................................................................................. 127
ENDNOTES ...................................................................................................................... 133
EXECUTIVE SUMMARY

Diets high in vegetables, fruits, whole grains, and lean proteins help maintain a healthy weight and avoid chronic diseases related to poor diet such as diabetes, cancer, and heart disease. But for many people, eating a healthier diet is not as simple as choosing to eat healthier foods. Some neighborhoods do not have grocery stores that sell healthy foods and sometimes healthy foods are too expensive for people to buy. Some neighborhoods have access to community gardens and farmers’ markets, while others do not. To eat healthier diets, people need better access to healthy, affordable food.

As local communities seek to increase their access to healthy foods, they are finding that many aspects of the local food environment are impacted by a wide range of municipal (city and county) and state laws. For example, state laws create food safety requirements for restaurants and local laws can create zoning restrictions governing where a restaurant or community garden can operate. Understanding how municipal and state laws impact access to healthy food is critical for those seeking to increase access to healthy food.

This policy brief analyzes local ordinances in Farmington, current as of July 2015, that may directly or indirectly impact access to healthy food in Farmington. While this policy brief focuses primarily on Farmington’s municipal regulations impacting the local food system, it also flags areas where state law may impact relevant activity at the local level. This analysis can be read in whole or in part. Citations are included at the end of this document for further reference.

This analysis divides the material into the following sections:

- growing,
- processing,
- distributing,
- getting,
- making,
- eating, and
- disposing of food.

These sections follow the structure of the food system identified by the Minnesota Food Charter to create consistency and continuity between this local food system analysis and the statewide food system analysis developed in Minnesota’s Food Charter.¹

¹ A copy of the Minnesota Food Charter is available online at http://mnfoodcharter.com/wp-content/uploads/2014/10/MNFoodCharterSNGLFINAL.pdf. Please see page 17 of the charter for a graphic of the food system.
Each section is divided into subsections focused on key areas of interest. Within each subsection, relevant state law and municipal regulations are identified and discussed.

This policy brief addresses the following questions regarding each section and subsection:

- Does the municipal code require a license or permit?
- What are the relevant regulations?

This memo also includes the specific regulatory language (see *italics* for cue when either a municipal code provision or state law is directly quoted) in Appendix F.

Lastly, when appropriate, this policy memo identifies potential resources and links to additional information, especially when state law may have an impact on the issue discussed.

When assessing opportunities and barriers impacting access to healthy food in different municipalities, it is important to recognize that there is not a “one size fits all” approach to municipal regulations impacting access to food. The ordinances governing activities in a municipality reflect different historical, political, environmental, and economic realities. Municipalities that are more rural in nature with more land and a stronger farming background will often have different priorities and needs reflected in their municipal ordinances than municipalities with greater population densities and more industrial or business enterprises. Those seeking to increase access to healthy food through local ordinances must recognize the different characteristics in a particular municipality and be sensitive to the larger municipal structure and priorities when identifying priorities and setting a policy agenda.

**Project Background**

In April 2015, using funding from the Minnesota Department of Health’s Statewide Health Improvement Program provided by the Dakota County Public Health Department, the Open Door contracted with the Public Health Law Center (Center) to analyze how the municipal codes impact the local food system to support the Open Door’s efforts to increase access to healthy food for its clients and Dakota County communities. This project analyzes the impact the municipal codes in the following municipalities have on access to healthy food:
• Apple Valley,  
• Burnsville,  
• Dakota County,  
• Eagan,  
• Farmington,  
• Hastings,  
• Inver Grove Heights,  

• Lakeville,  
• Mendota Heights,  
• Rosemount,  
• South St. Paul, and  
• West St. Paul.

The Center developed individual memos for each of these municipalities. In addition, the Center developed a Summary Guide providing an overview of key findings from the project’s research for the county and city ordinances in Dakota County reviewed. The Summary Guide walks through 15 different issues and compares how each of the municipalities researched for this project governs a particular issue.

For some topics, such as on-site composting, the State of Minnesota has also established statewide regulations governing the activity or practice. For the most part, Minnesota statutes and regulations do not regulate personal activities related to urban agriculture within municipal boundaries, especially if the activities are on private land, however, there are several activities that have received state attention, including:

• Structures and buildings  
• On-site composting  
• Beekeeping  
• The sale of personally grown produce  
• Food safety  
• Food retail (particularly the sale or processing of food)  
• Farmers’ markets

A discussion of state law is beyond the scope of this project. However, the following resources provide an overview of the key state laws impacting access to food that may overlap with the issues discussed in this memo:

• Starting a Food Business in Minnesota (2008), MINNESOTA DEPARTMENT OF AGRICULTURE,  
  http://www.mda.state.mn.us/~/media/Files/food/business/startingfoodbiz.ashx.  

• A Guide to Regulations for Local Food Entrepreneurs (2015), MINNESOTA INSTITUTE FOR SUSTAINABLE AGRICULTURE,  

In addition, information about some recent changes to Minnesota state law not included in these resources has been provided in Appendix G, below.
Gaps, Barriers and Opportunities

During the course of this project, researchers reviewed local ordinances to identify general themes, including gaps, barriers, and opportunities, that impact the ability of the local community to access healthy food. The following discussion provides an overview of some of the key gaps, barriers, and opportunities identified in the municipal ordinances reviewed that impact access to healthy food. The discussion of gaps, barriers, and opportunities is broken down into general municipal ordinance issues impacting access to healthy food and the different components of the food system identified in the Minnesota Food Charter, including growing, process, getting, making, and disposing of food.

General Municipal Ordinance Issues

Many municipalities include a general restriction within the zoning code indicating that if a particular use or activity is not specifically allowed, then that use or activity is prohibited. This type of general restriction can inadvertently restrict or prohibit different activities increasing access to healthy food. For example, if a municipality has this general restriction in its code, all activities promoting access to healthy food, such as community gardens, farmers’ markets, and keeping bees and chickens, must be specifically recognized as permitted or allowed to be a lawful activity. The review of Dakota County municipal ordinances included in this project found that many municipal codes that include this general restriction failed to specifically permit a wide range of activities throughout the code that serve to increase access to healthy food. Municipalities may want to assess the extent to which the general restriction against any activity that is not specifically permitted may impact activities promoting access to healthy food.

In addition, many municipal ordinances restrict a property from developing an accessory use or activity on a property before a principle use or structure is established. This type of restriction can impact the establishment of community gardens on vacant lots, especially if gardening activities are only recognized as an accessory use of property.

Finally, local ordinances that specifically define and approve certain activities that increase access to healthy food can serve to promote these activities and create a more supportive environment. For example, municipal ordinances can provide a definition of a certain activity or structure to provide direction to community members, such as defining the terms restaurant, community garden, or farm animal. While many of the municipal ordinances reviewed included a broad range of definitions for different activities or structures impacting growing and getting food, a number of local ordinances reviewed never used the defined term. Providing a definition is a start, but the defined term then should be followed with regulation for that use. The regulation may be to allow the use, such as gardening, in all zones, or the regulation may be to require fencing for community gardens. Having a term defined and used within the code not only helps residents, businesses, and would be entrepreneurs understand the local requirements but also proactively establishes parameters for addressing needs for healthy food within a community.
Growing Food

Gardening

Allowing backyard and community gardens as permitted uses within, at a minimum, all agricultural and residential zones has the effect of promoting these uses by identifying them. Additionally, by specifically identifying and approving community gardens, the general restriction found in many cities for unidentified uses is removed. Including vegetable gardens and production in the definitions of backyard and community gardens as well as urban agriculture, landscaping, agriculture, agricultural pursuits, and farming can clarify ambiguities within existing regulations. Finally, establishing community garden regulations can provide support to these activities while also ensuring these activities are appropriately used throughout a city.

For example, by recognizing community gardens as a principle use, municipalities can recognize community gardens as a proper use of vacant lots. In addition, cities may want to assess allowing the sale of products on the garden site where the produce is grown. These types of regulations can allow neighborhoods to establish gardens that not only increase access to healthy food but also promote livable neighborhoods within a city.

Farming

Different municipalities take a wide range of approaches to the definition and regulation of farming within the city. At the same time, the term “farm” is also used in some municipal ordinances out of context, without a specific or clear definition in the ordinance. Municipalities may want to assess their approach to governing farms in the city limits and make sure that the definition of farm is consistent with other municipal ordinances.

Keeping Animals

By identifying allowable animals, such as bees and chickens, and developing appropriate restrictions, municipalities can enable residents to increase their access to foods like eggs and honey. Some municipal codes restrict the total number of permits allowed for chickens or beekeeping. In addition, some codes include limits on the duration of the permit and the opportunity to renew existing permits. These types of regulations can discourage community members from pursuing these activities even when the municipal code allows the activity in certain areas. Chicken owners who cannot be assured of maintaining their permit from year to year may have less incentive to invest in coops that provide livable, healthy chicken environments, which also reduce nuisance issues that are a concern to neighboring residents.

Additionally, many cities do not address beekeeping. Home beekeeping can enhance vegetable and flower garden pollination, give residents access to local honey, and help develop an economic stream through individual sales to other community members.
Arbors, Trellises, Pergolas, Planting Boxes, and Raised Beds

Most municipalities did not include definitions for these types of gardening structures. These structures are generally too small to warrant any specific regulation or permit requirements. However, municipalities should ensure that any general restriction ordinances that prohibit any structures not specifically permitted do not inadvertently prohibit the use of these gardening structures.

Greenhouses and Hoop Houses

Greenhouses and hoop houses generally were either not addressed or addressed only as a commercial use. Small-scale hoop houses and greenhouses increase the growing season for individual or community gardeners and positively increase the amount of healthy food that a garden is able to produce. Municipalities that do not include specific regulations or direction about the use of commercial or private hoop houses or greenhouses may want to assess the interest in these gardening structures in their community and how local regulations can support these types of structures and the gardening activities they allow.

Processing Food

Food processing facilities can provide an important resource for local food producers to extend their market and provide new business enterprises and employment to local communities. No city in this research specifically identified food processing facilities within its code. While licensing of these types of facilities is generally done by the state, local zoning regulations can identify where these types of facilities may be located within a city. In addition, economic development policies can promote these types of facilities on a small as well as large scale.

Getting Food

Seasonal Produce/Farm Stands

Many cities did not define seasonal produce stands even though seasonal produce or farm stands are explicitly allowed or restricted in the code. In addition, licensing requirements for mobile food vendors can also impact the sale of seasonal produce. Some municipal codes reviewed limited the total number of licenses for mobile vendors without indicating if these limitations applied to seasonal produce stands that may operate out of a vehicle. Municipalities may want to assess how their local code defines and regulates both seasonal produce stands and mobile food vendors. Some code regulations may create unintended barriers that inhibit the ability of local producers to sell their produce or negatively impact the ability of mobile food vendors from selling fresh produce and other healthy food items.

Farmers’ Markets

Farmers’ markets were addressed at least minimally by some cities. However, many municipal ordinances did not reflect the growing interest and success of farmers’ markets as a key healthy
food source for local communities and the different ways that farmers’ markets are partnering with community organizations, such as churches, to increase access to fresh produce. For example, municipal ordinances that restrict the sale of goods on required off-street parking can create barriers to organizations or businesses that would like to host a farmers’ market, such as churches. Organizations or businesses hosting farmers’ markets in their parking lots do not need the parking spaces during the hours of the farmers’ market operations. Accordingly, restrictions against the use of these required parking spaces for the sale of goods from a farmers’ market is unnecessary. Municipalities may want to assess how their municipal code can support the expansion of farmers’ markets in different zones and on different types of properties.

**Restaurants**

The municipal codes reviewed for this project take widely different approaches to how restaurants are regulated. The definitions used by different municipalities for restaurants range from very general definitions covering all restaurants to extremely specific definitions identifying different types of restaurants. Specific restaurant definitions identified by this research include: drive-in, fast food, delivery or take-out, full-service, traditional, and cafeteria, amongst others. Many municipalities then use their zoning codes to determine where different types of restaurants are allowed, including some with restrictions on how close different types of restaurants can be located to schools, churches, or other community features within different zones.

Municipalities may want to assess how they define different types of restaurants and where a specific type of restaurant can operate. Creating regulations that encourage restaurants with healthier menus in areas community members frequent can greatly enhance the access community members have to healthier food and reduce access to unhealthy food.

**Mobile Food Vendors**

Mobile food vendors have been addressed to varying degrees within the cities assessed. Some cities identified specific zones where mobile food vendors can operate and also limit the number of licenses and times of operation for these vendors. While mobile food vendors are generally licensed by the state, cities that have not addressed mobile food vendors may want to assess how their local code can encourage mobile food vendors focused on healthy food options. For example, some social service agencies are exploring how to increase access to healthy food for low-income residents through mobile food shelves and mobile grocery stores. Municipal ordinances that restrict sales or giveaways from vehicles parked on city streets or require off-street parking for food vendors can create obstacles to the ability of social service agencies to provide access to healthy food for low-income residents.

**Transient Merchants**

All municipal codes reviewed included some regulation of transient merchants. However, many municipalities did not specifically indicate how or if the regulations governing transient merchants impacted vendors or merchants selling fresh farm products or other healthy food items. At the same time, some municipal ordinances specifically applied the regulations
governing transient merchants to those selling fresh farm products and other healthy food items. Municipalities may want to assess how regulations governing transient merchants impact seasonal produce vendors and determine if any changes need to be made to ensure that regulations governing transient merchants do not inadvertently burden vendors selling fresh farm produce or other healthy food items.

**Grocery Stores**

The municipal codes reviewed for this project take widely different approaches to how grocery stores are regulated. Many municipalities do not define grocery store, even though the municipal code may specify the zones in which a grocery store can operate. In addition, the municipal codes reviewed vary greatly in regards to where grocery stores could operate. Some municipal codes include very strict limitations on where a grocery store can operate. These types of restrictions can inhibit the ability of local neighborhoods to have access to healthy food retail options if grocery stores are only allowed in zones far from residential areas.

Municipalities may want to consider how they define and regulate grocery stores and other food retail, and create criteria for grocery stores and other food retail that emphasizes healthy food as part of the food retail operations. In addition, municipalities may want to assess any limitations on where grocery stores can operate to ensure that residential neighborhoods, including those with higher numbers of low-income housing, and other areas where community members frequent, such as business districts, have access to grocery stores and healthy food retail.

**Making Food**

While no city in this policy analysis addressed commercial kitchens, commercial kitchen space is needed for many types of food production. One way that cities may address this is by making for-rent commercial space available within community centers, allowing this type of use in community buildings and on public property, or even by identifying the zones where commercial kitchen incubators businesses are allowed.

**Disposing Food**

Overall, composting for food waste was not adequately addressed by most cities. When composting was addressed, it was typically only for yard waste. At the same time, many municipalities only recognized food waste as garbage or refuse. Establishing regulations for how compost is defined and recognizing food waste as part of the definition of compost can improve the ability of residential, institutional, and commercial properties to reduce this type of waste from the municipal waste stream while also providing an important resource to gardeners and urban agriculture initiatives.
Research Process

The Public Health Law Center identified a list of relevant “search terms” in consultation with The Open Door and Dakota County Public Health that describe activities or structures likely to impact the growing, processing, and selling of food. (A list of those terms are included in Appendix A.) Researchers used the online edition of Farmington’s municipal code, available publicly online at: http://www.sterlingcodifiers.com/codebook/index.php?book_id=463.

Each search term was entered into a “search” setting within the online municipal code for any potential matches. If a relevant match was found, the regulatory municipal code language is included. For some search results, the findings were deemed irrelevant. Researchers reviewed all search results and identified those relevant to the scope of this project.

Use of Definitions

The growing, processing, and selling of food encompasses a wide range of farming, agricultural, and business practices that may occur within a municipality. This brief presents the applicable definitions established by the City of Farmington at the beginning of each section. For example, at the beginning of the Restaurants sub-section, the definitions for “Restaurants, Class I; Traditional” and “Restaurants, Class II; Fast Food Convenience” are included at the very top of the section. The use of definitions ensures the reader understands how the municipality describes certain activities and structures.

For example, the City of Farmington differentiates between fast food restaurants and general restaurants as follows:

★ **Restaurants, Class I; Traditional.** An establishment serving food in or on nondisposable dishes to be consumed primarily while seated at tables or booths within a building and which does not serve liquor.¹

★ **Restaurants, Class II; Fast Food Convenience.** Restaurants where customers are served their food at a counter or in a motor vehicle in packages prepared to leave the premises or to be taken to a table or counter to be consumed.²

It is important to note that many of the definitions established by the City of Farmington are often narrower than how those terms may be understood by the general public or used outside of a legal context. Additionally, the City has not defined all terms, even those used throughout the municipal code. In that instance, the failure to define a term is highlighted in each section. One unintended consequence of a municipality choosing not to “define” a certain term is that the activity or structure may be captured in an unrelated or overly broad set of regulatory provisions. For example, while food is sold at grocery stores, farmers markets, and restaurants, there could be consequences for treating the sale of food at all three of these entities in the same way. At the same time, a municipality may choose not to specifically define a certain term to allow for greater flexibility in municipal governance. The decision to specifically define or regulate a
certain area of the food system is dependent on the specific needs and community characteristics of an individual municipality.

Appendices

This policy brief has several appendices attached to the end of the document. The appendices provide additional context to a variety of topics, including:

- Appendix A: Search terms
- Appendix B: Regulations governing accessory buildings, structures, and uses
- Appendix C: Regulations governing the exterior of structures and buildings
- Appendix D: Landscape plan requirements
- Appendix E: General provisions governing zoning
- Appendix G: State Exemptions from State Food Handlers Licensing Requirements
GENERAL INFORMATION

Before analyzing specific activities or structures, this memo briefly discusses some general information providing context regarding and impacting access to healthy food in Farmington, including:

- The Minnesota Food Charter
- State Laws Impacting the Food System
- State and Local Agency Oversight
- Policy Levers Used by Local Governments

The Minnesota Food Charter

The Minnesota Food Charter is described as:

“[A] roadmap designed to guide policymakers and community leaders in providing Minnesotans with equal access to affordable, safe, and healthy food regardless of where they live.

The strategies for policy and systems change described in the Food Charter are designed to reduce the risk and cost of obesity and diet-related diseases, like diabetes and heart disease; conserve state resources; and boost economic prosperity.

The Food Charter is intended to guide planning, decision-making, and collaboration for agencies, organizations, policy-makers, and public and private entities across the state.”

The Minnesota Food Charter provides strategies for policy, systems, and environmental change to increase access to healthy food. The information included in the Minnesota Food Charter further informs the Center’s analysis of Farmington’s regulation of different components of the food system. The Public Health Law Center used the Minnesota Food Charter to structure the analysis of Farmington’s municipal code. The Food Charter breaks the food system into seven parts: (1) grow, (2) process, (3) distribute, (4) get, (5) make, (6) eat, and (7) dispose. The Center uses the broad categories of growing, processing, distributing, getting, making, and disposing to frame each section of this brief.†

† This analysis does not include the category of “eating” as local governments do not regulate this area as directly as the other areas identified.
For more information:
The Minnesota Food Charter is available online at http://mnfoodcharter.com/.

State Laws Impacting the Food System

A number of Minnesota laws impact the food system and authority municipal governments have to regulate a certain area. Areas impacted by state law include, but are not limited to:

- Buildings and plumbing requirements,\(^4\)
- Sale of personally grown, unprocessed agricultural products,\(^5\)
- Licensing of food establishments,\(^6\)
- Food safety standards,\(^7\)
- Sale of products prepared in unlicensed kitchens,\(^8\) and
- Food sampling at farmers’ markets and other community events.\(^9\)

A discussion of state laws impacting the food system is beyond the scope of this project. Additional information on state laws impacting the local and regional food system can be obtained at:


In addition, information about some recent changes to Minnesota state law not included in these resources has been provided in Appendix G, below.
State and Local Agency Oversight of Food System

Minnesota state and local government entities have varying degrees of authority to establish laws that directly or indirectly impact the local food system. Understanding the authority state and local governments have to regulate different aspects of the food system is important to identify opportunities to increase access to healthy food in local communities and around the state.

Minnesota State Agency Oversight of Food System

Minnesota law gives authority to regulate different components of the food system to a range of Minnesota state agencies. The most well-known include the Minnesota Departments of Health (MDH) and Agriculture (MDA). Specifically, these agencies have the power to create, implement, and enforce rules governing food safety through authority granted by the Minnesota legislature. The following table provides a brief overview of the different roles MDA and MDH have in regulating the food system.

<p>| TABLE 1 – OVERSIGHT OF FOOD SYSTEM BY MINNESOTA DEPARTMENTS OF HEALTH AND AGRICULTURE |
|---------------------------------------------|---------------------------------------------|</p>
<table>
<thead>
<tr>
<th><strong>AGENCY</strong></th>
<th><strong>SOURCE OF FOOD</strong></th>
<th><strong>REGULATORY AUTHORITY</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>MDH</td>
<td>Cafes</td>
<td>Licenses and inspects food establishments(^{10})</td>
</tr>
<tr>
<td></td>
<td>Restaurants</td>
<td>Enforces Minnesota Food Code(^{11})</td>
</tr>
<tr>
<td></td>
<td>Bars</td>
<td>Provides food safety and food handling education and training(^{12})</td>
</tr>
<tr>
<td></td>
<td>Hotels &amp; motels</td>
<td>Investigates outbreaks(^{13})</td>
</tr>
<tr>
<td></td>
<td>Cafeterias</td>
<td>Tracks and monitors foodborne illness(^{14})</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Operates the Minnesota Foodborne Illness Hotline(^{15})</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Releases reports and summaries of foodborne illness outbreaks in Minnesota(^{16})</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Coordinates response to foodborne illness outbreak with other state and local government agencies</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Licenses and inspects food establishments(^{10})</td>
</tr>
<tr>
<td></td>
<td>Grocery stores</td>
<td>Enforces Minnesota Food Laws and the Minnesota Food Code(^{18})</td>
</tr>
<tr>
<td></td>
<td>Bakeries</td>
<td>Enforces state standards relating to food quality, labeling, and advertising(^{19})</td>
</tr>
<tr>
<td></td>
<td>Egg handlers</td>
<td>Investigates complaints regarding questionable food products or food sales practices(^{20})</td>
</tr>
<tr>
<td></td>
<td>Dairy farms</td>
<td>Cooperates in foodborne illness outbreak investigation when involving MDA-regulated facilities or food that is commercially distributed in Minnesota</td>
</tr>
<tr>
<td></td>
<td>Delis</td>
<td>Tests food products and environmental samples for the presence of pathogens or deleterious substances</td>
</tr>
<tr>
<td></td>
<td>Food manufacturers</td>
<td>Please note, there are a number of areas that MDA is involved in responding to foodborne illness beyond those mentioned in this resource. Please see <a href="http://www.mda.state.mn.us/">http://www.mda.state.mn.us/</a> for more information about the agency’s specific role.</td>
</tr>
<tr>
<td></td>
<td>Wholesale food dealers</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Meat &amp; poultry processors</td>
<td></td>
</tr>
</tbody>
</table>
Municipal Government Oversight of Food System

In Minnesota, there are several mechanisms through which a municipal government may be able to regulate the food system. For example, MDA and MDH have delegated some of their authority to regulate different aspects of the food system to a limited number of municipalities, including the authority to license food establishments and oversee food safety requirements (this authority is referred to as “delegated authority,” because the Minnesota Department of Agriculture or Minnesota Department of Health must delegate powers to the specific municipality). Municipal governments also have the authority to establish zoning and permitting requirements through their municipal code to impact different aspects of the food system.

At this time, the City of Farmington does not have delegated authority to regulate food safety practices within food establishments, retail establishments, or food facilities. As a result, this memorandum focuses on how Farmington regulates the food system through its municipal code.

Local Government Ordinances Regulating the Food System

Minnesota state law recognizes that local governments have the power to enact ordinances and other regulatory tools.\(^2\) An ordinance is generally defined as “a local law of a municipal corporation, duly enacted by the proper authorities, prescribing general, uniform, and permanent rules of conduct relating to the corporate affairs of the municipality.”\(^3\)

For many local municipalities, local ordinances can be an effective way to increase access to healthy, affordable food. Local governments can change zoning laws to make it easier to create new grocery stores, farmers’ markets, and community gardens. New regulations and incentives can help existing stores increase the number and variety of healthy products they sell. Local governments can also create food policy councils to give residents a voice in how best to improve access to healthy food.

Understanding the different types of legal tools used by local governments to regulate the food system is important. These tools, also called “official controls”,\(^4\) can be used to increase access to healthy food. Minnesota state law gives local governments a broad range of powers over different aspects of the local food environment. For example, the primary policy levers used by local governments impacting access to healthy food, discussed below, include:

- Licenses,
- Permits,
- Land use planning and zoning,
- Variances and conditional use permits, and
- Regulation of structures.

Minnesota state law explicitly gives local governments the power to regulate many activities impacting healthy food through ordinance. For those cities governed by a home rule charter, the cities can exercise any powers in their locally adopted charters as long as these powers do not
conflict with state laws.² Minnesota state law gives statutory cities³ explicit authority to regulate a wide range of areas, including:²⁴

- Streets;
- Sidewalks;
- Public grounds;
- Buildings;
- Parks;
- Markets;
- Waterworks;
- Tourist camps;
- Transient commerce;
- Health;
- Haulers;
- Amusements, and
- Restaurants.

While Minnesota state law identifies specific areas over which statutory cities have authority, this language is also non-exhaustive. Minnesota state law gives statutory cities additional power to promote “health, safety, order, convenience, and the general welfare.”²⁵ This language acts almost as a catch-all, being very broad and allowing statutory cities to regulate further activities when reasonably classified within this general welfare provision.

License

Generally, licensing is used as a regulatory mechanism through which “local governments promote the public welfare and protect public health, safety and welfare…”²⁶ Local governments generally have power to license through state law giving local governments the power to exercise police powers to protect and promote the public welfare. "When a city official proposes local licensing of any activity or occupation, the city must determine whether the state already licenses that activity and, if so, whether the law forbids or allows that local license. . . Cities have adequate legislative authority for any licensing ordinance, as long as it is constitutional, reasonable, and not pre-empted by state regulation.”²⁷

Local governments can utilize licensing strategies to increase access to healthy food and limit access to unhealthy food. They may license certain types of food businesses while not requiring licenses for others. For example, local governments may require licenses for mobile food vendors but not for restaurants generally. Additionally, licensing schemes may limit where certain fast food businesses are allowed to operate, create or remove licensing requirements for certain food businesses, and/or create incentive or ratings programs for food businesses.

† Generally, a “home rule charter” serves as the constitution of a local city choosing to use the home rule charter as its governing law rather than Minnesota state law governing statutory cities. Of the municipalities reviewed for this project, the following cities are governed by a home rule charter: Hastings, South St. Paul, and West St. Paul.

§ Under Minnesota law, a “statutory city” is any city which has not adopted a home rule charter pursuant to the Constitution and the Minnesota laws, including includes every city which was a village on January 1, 1974. Of the municipalities reviewed for this project, the following cities are statutory cities: Apple Valley, Burnsville, Eagan, Farmington, Inver Grove Heights, Lakeville, Mendota Heights, and Rosemount.
Alternatively, local governments may be using licensing (or other regulations) to reduce access to healthy foods such as by prohibiting the use of required parking lots for sale of products.

Farmington does not require general business licensing or registration for all businesses. However, Farmington has established business licensing requirements for peddlers, solicitors, and transient merchants.²⁸

Permits

Permits are another policy tool used by local governments to regulate the food system and specifically certain types of food enterprises. Generally speaking, a permit is “a written license or warrant, issued by a governing body, to empower the permit holder the authority to take a specified action.”²⁹ Similar to a license, local governments can tailor permitting provisions to support access to healthy food. Permits often used by local governments include:

1. building permits allowing for some sort of construction or structural repair,
2. zoning permits that allow for certain activities, such as farmers’ markets, to take place in a certain designated zone, and
3. special permits that can allow for residents to keep certain animals.

Farmington uses permits to govern a wide range of activities, as found on their city website at: http://www.ci.farmington.mn.us/ForResidents/LicensesPermitsApps/ResidentialPermitInformation.html.

Land Use Planning & Zoning

Land use planning and zoning are fundamental tools local governments use to guide and control the use of land and manage growth in the municipality. Local governments use different policy mechanisms to establish plans for land use in the community, including comprehensive plans, land use agreements, and zoning regulations. Land use planning policies allow a local government to identify and develop goals and strategies for how the land within its jurisdiction is developed and used. The Planning and Zoning Chapter of Minnesota Statutes authorizes municipalities to conduct planning and zoning activities to guide improvements to the community and future development.³⁰ This includes the authority to prepare, adopt and amend a comprehensive municipal plan as well as the official controls to implement that plan. Farmington has the authority to conduct planning and enact zoning ordinances.³¹

Cities may adopt restrictive language which limits uses within specific zones to specifically defined uses included in the municipal ordinance. In addition, some municipalities may include a “catch-all” restriction against any uses not specifically allowed. Farmington’s municipal code states:
“A use not specifically designated as a permitted or conditional use anywhere in the city is considered prohibited. In such a case, the council, commission or property owner may request a study by the city to determine if the use is acceptable and, if so, what zoning district would be most appropriate for the use and what conditions and standards, if any, should be attached to the development of the use. If found acceptable, an amendment to the zoning title may be initiated permitting the use as outlined in chapter 3 of this title.”

**Comprehensive Planning**

In Minnesota, the Municipal Planning Act (“MPA”) of 1965 is the basis of the authority requiring municipalities in the metropolitan area to complete comprehensive planning. This Act reflects the Minnesota Legislature’s desire that cities use comprehensive planning for a three-fold purpose:

1. to insure a safer, more pleasant and more economical environment for residential, commercial, industrial and public activities,
2. to preserve agricultural and other open lands, and
3. to promote the **public health**, safety, and general welfare.

The cities, townships, and counties that make up the seven-county metro-area are so interdependent, that the legislature determined that these local jurisdictions would be required to complete comprehensive planning and to coordinate those plans to “protect the health, safety, and welfare of residents” and also to ensure “orderly, and economic development.” Townships in Dakota County may choose to prepare comprehensive plans for their jurisdictions or delegate their planning authority to the county by agreement.

In the metropolitan development region, state law has placed most of the seven-county “metropolitan area” under the jurisdiction of the Metropolitan Council, a “public corporation and political subdivision of the state.” State law establishes several means for the Metropolitan Council to guide urban growth and development, and includes local-level procedures and requirements for land use planning.

The Metropolitan Land Planning Act requires every local government – counties, cities, and towns – in the “metropolitan area” to develop a comprehensive plan, and to systematically review it every ten years. This “decennial review” is a multilayered process, and begins several years before the actual deadline; the next review is due in 2018. Farmington is required to review its comprehensive plan under this law.

Comprehensive plans provide a vision and direction for future growth and development for a municipality. These plans guide the development of municipal “official controls” regulating activity and land use within the municipal boundaries and regionally. A review of Farmington’s comprehensive plan is outside the scope of this project. However, any effort to increase access to healthy food in Farmington and Dakota County should consider the impact of the current comprehensive plan review that will be completed in 2018. Coordinating comprehensive plan assessment and revisions with identified needs and opportunities to increase access to healthy
food throughout Farmington’s municipal code is essential to ensure the comprehensive plan reflects the broader needs of the community to have access to healthy, affordable food. Farmington’s current comprehensive plan that is under review is available on the city’s website at: [http://www.ci.farmington.mn.us/index.html](http://www.ci.farmington.mn.us/index.html).

**Zoning**

Zoning is a tool through which cities can implement their comprehensive plans. Zoning allows cities to divide their boundaries into zoning districts, each of which have certain restrictions and/or characteristics. For more information on zoning, please see the League of Minnesota Cities’ informational memo Zoning Guide for Cities, available at: [http://www.lmc.org/media/document/1/zoning_guide.pdf?inline=true](http://www.lmc.org/media/document/1/zoning_guide.pdf?inline=true).

Farmington has established the following zoning districts:

<table>
<thead>
<tr>
<th>Agricultural Districts</th>
<th>Residential Districts</th>
<th>Commercial Districts</th>
<th>“I” Industrial Districts</th>
<th>Special and Environmental Protection Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-1 Agriculture</td>
<td>R-1 Low density residential</td>
<td>B-1 Highway business</td>
<td>IP Industrial park</td>
<td>P/OS Parks and open space</td>
</tr>
<tr>
<td>R-2 Low/medium density residential</td>
<td>R-2 Downtown transitional mixed use</td>
<td>B-2 Downtown business</td>
<td>I-1 Industrial</td>
<td></td>
</tr>
<tr>
<td>R-3 Medium density residential</td>
<td>R-3 Medium density residential</td>
<td>B-3 Heavy business</td>
<td></td>
<td></td>
</tr>
<tr>
<td>R-5 High density residential</td>
<td>R-T Downtown transitional mixed use</td>
<td>B-4 Neighborhood business</td>
<td></td>
<td></td>
</tr>
<tr>
<td>R-D Downtown residential</td>
<td>MUCR Mixed use commercial/residential</td>
<td>SSC Spruce Street commercial/office</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MUCR Mixed use commercial/residential</td>
<td></td>
<td>Mixed use MUCR Mixed use commercial/residential</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Variances and Conditional Use Permits

Local governments that have enacted zoning ordinances also use variances and conditional use permits as mechanisms for community members to request deviations from land use policies. Under Minnesota statute, a variance can be used when the use would be a departure from the standard created by ordinance. In contrast, a conditional use permit can be requested for a use that is only permitted in a zone with certain conditional requirements on a case-by-case basis.

Farmington provides additional clarification about variances and conditional uses as follows.

Municipal Definitions

★ Variance. (A) A waiving by the board of adjustment of literal provisions of this zoning title. (B) A modification of a specific permitted development standard required in this title to allow an alternative development standard not stated as acceptable, but only as applied to a particular property for the purpose of alleviating a hardship, practical difficulty or unique circumstance.

★ Conditional use. A listed specific type of structure or land use that may be allowed but only after review and with appropriate conditions or restrictions as provided in the zoning ordinance.

Additional information: Variances


Additional information: Conditional Use Permits


Regulating Structures

A wide range of built structures are used throughout the food system, including both permanent and temporary structures responding to the needs of a range of individuals and businesses involved in growing, processing, selling, and disposing food. These structures include, but are not limited to, sheds, hoop houses, greenhouses, fences, processing facilities, farm stands, composting facilities, and others. In Minnesota, structures are regulated by a range of Minnesota state laws and municipal codes, with Minnesota’s state laws creating minimum requirements for
structures to protect healthy, safety and welfare. Municipal ordinances often address structural issues that the state building code did not address but are important to the municipality. State law and municipal codes often work together to create a comprehensive legal framework to govern different types of structures used throughout the food system.

For example, the State Building Code sets requirements for temporary and permanent structures to “establish reasonable safeguards for health, safety, welfare, comfort, and security.” Permanent and temporary structures are required to meet minimal structural requirements, and permanent structures must meet additional requirements including snow load requirements. At the same time, agricultural buildings on agricultural lands are exempted from certain provisions of the state building code. The Minnesota Building Code also exempts certain small-sized, one-story accessory structures from permit requirements prior to being constructed, altered, or repaired.

While some structures are exempt from the state building code, in many circumstances municipalities retain the authority to apply more restrictive requirements in their municipal code. For example, a municipality may require a zoning permit for certain structures even if the structure is exempt from obtaining a building permit under the state building code. Local governments in Minnesota often adopt the state building code’s minimum requirements and also regulate structures that are not covered under the state building and plumbing codes, such as structures below the size threshold covered by the state building code. In addition, many local governments have set standards for structures taking place within its boundaries on different types of properties. To illustrate, many cities establish standards for all structures considered “accessory” or that are on a property in addition to the “principal” structure (i.e., a chicken coop that is on the same property as a residential home or a community garden shed on the same property as a church). Often times, standards for accessory structures may vary depending on the zoning designation for that property.

Depending on the language in the municipal code, regulations governing different types of structures may burden certain activities impacting access to healthy food, especially if the regulations are overly broad and unintentionally capture inappropriate or unintended structures and activities. Farmington has adopted the Minnesota Building Code, which governs “the construction, reconstruction, alteration, and repair of building and other structures to which the code is applicable.” In addition, Farmington has additional municipal ordinances governing structures, distinguishing principle use buildings and/or structures from accessory buildings and/or structures as follows.

**Municipal Definitions**

- **Accessory structure.** A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure including, but not limited to, an attached or detached garage, storage shed or gazebo.

- **Principle structure.** The main structure for that use to which the premises is devoted and principal purpose for which the premises exists.
Farmington’s municipal code requires a building permit to construct a detached accessory structure less than 200 square feet.  

Farmington’s municipal code does not require zoning permits.

For more information:

- City specific information may be obtained from the city’s municipal building official
- Explanation of the Agricultural Building Exemption in the State Building Code by the Minnesota Department of Labor and Industry (available at: [http://www.dli.mn.gov/ccll/OpinionStaffAgriculture.asp](http://www.dli.mn.gov/ccll/OpinionStaffAgriculture.asp)).
- More information on Farmington’s regulation of accessory buildings and structures is discussed in Appendix B, below.
GROWING FOOD

Subsections:
1. Gardening
2. Farming
3. Keeping Animals (including Bees, Chickens, and Chicken Coops)
4. Fences
5. Arbor, Trellises, Pergolas, Planting Boxes, and Raised Beds
6. Greenhouse (personal use)
7. Hoop house
8. Shed

Local governments can encourage local food production by evaluating whether their municipal code supports or burdens activities and structures that are necessary to grow and cultivate food.
Gardening

Gardens increase access to fresh vegetables, provide opportunities for physical activity, teach both adults and children about the origins of their food, and promote healthier eating behaviors. As gardening opportunities increase, advocates must often address legal and policy issues that affect the development and maintenance of gardens in local communities. These issues include access to water, composting efforts, land use planning and zoning considerations, liability issues, and the organizational structure of the gardens.

Municipal Code Definitions

- **Community garden.** Not defined by municipal code as of July 13, 2015.
- **Market garden.** Not defined by municipal code as of July 13, 2015.
- **Horticulture.** The growing of garden vegetables, small fruit, orchards, flowers and shrubs or trees.₅⁹

Does the municipal code require a permit or license?

The City does not require a permit or license to operate a garden.

What are the relevant regulations?

Gardening is permitted as an agricultural use within the following zones: "A-1" Agricultural District, "R-1" Low Density Residential District, "I-1" Industrial District, and "P/OS" Parks and Open Space District.₆³

The term “community garden” is not referenced anywhere in the municipal code.

Tangentially, Farmington has established regulations governing landscaping on private property that may affect where gardens may be located on residential lots.₆⁴

Farming

Local farms and farmers are part of the local community by providing access to larger quantities of healthy foods. These products may be sold at farm stands on the farm itself, at farmers’ markets, or even through local grocers. Buying fresh fruits and vegetables that are in season, from local farmers, is often more economical than purchasing from a grocery or convenience store because these foods are usually available in large amounts and are perishable, so products are more likely priced to sell.
Municipal Code Definitions

★ **Farm.** Not defined by municipal code as of July 16, 2015.

★ **Agriculture; agricultural.** The production of livestock, dairy animals, dairy products, poultry or poultry products, furbearing animals, horticultural or nursery stock, fruit, vegetables, forage, grains, timber, trees, or bees and apiary products. 65

★ **Accessory structure.** A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure including, but not limited to, an attached or detached garage, storage shed or gazebo. 66

Does the municipal code require a permit or license for a farm?

No.

What are the relevant regulations?

Agriculture is permitted in the Agricultural District, 67 the R-a Low Density Residential District, 68 and the P/OS Parks and Open Space District. 69 Additionally, agriculture is a conditional use in the Industrial District. 70

Farmington established regulations for accessory buildings that are likely applicable to structures used in agriculture. 71

Please see Appendix B for more information regarding regulations governing accessory structures.

Keeping Animals (including Bees, Chickens, and Chicken Coops)

Raising chickens and beekeeping are just two types of activity that allow community members to become more involved in and engaged with the production of their food. Local governments are increasingly allowing for beekeeping and keeping small farm animals for personal use or sale of animal products, such as meat, eggs or honey, within a municipality. Amendments to zoning and animal ordinances allow residents to keep small farm animals and bees in a manner that prevents nuisances to occupants of nearby properties and prevents conditions that are unsanitary or unsafe.

Chicken coops protect chickens and other fowl from the elements and provide a space for the fowl to roam and exercise. Allowing chicken coops through city ordinances, amendments to zoning, and animal ordinances allow residents to keep poultry in a manner that prevents nuisances to occupants of nearby properties and prevents conditions that are unsanitary or unsafe.
Municipal Code Definitions

★ **Farm animals.** Cattle, hogs, bees, sheep, goats, chickens, turkeys, horses, and other animals commonly accepted as farm animals in the state of Minnesota.\(^72\)

★ **Chicken.** Not defined by municipal code as of July 14, 2015.

★ **Rooster.** Not defined by municipal code as of July 14, 2015.

★ **Domestic animals.** Not defined by municipal code as of July 14, 2015.

★ **Chicken coop.** Not defined by municipal code as of June 14, 2015.

★ **Chicken run.** Not defined by municipal code as of June 14, 2015.

**Does the municipal code require a permit or license?**

The City does not require a permit to keep farm animals, including chickens, on lots two and one-half acres or larger but does make certain requirements to the proximity of the structure used to house or hold the animals and residential buildings.\(^73\)

The City requires a permit to keep chickens on lots smaller than two and one-half acres.\(^74\) The “urban chicken permit” allows for the keeping of up to three (3) hen chickens\(^75\) on any residential lot under two and one-half acres as long as the lot is zoned R-1, Low Density Residential.\(^76\)

The City may require a building permit for a chicken coop as an accessory structure if it is 200 square feet or greater.\(^77\)

**What are the relevant regulations?**

For urban residential lots larger than 2 ½ acres, chickens are allowed as a permitted accessory use.\(^78\) The municipal code prohibits keeping chickens, except in an area zoned as agricultural or pursuant to a permit.\(^79\) A public hearing is required prior to the issuing of such a permit.

Chickens must be confined to a coop or run.\(^80\) Chickens are not allowed in residential or garage structures.\(^81\)

The municipal code requires a chicken coop and a chicken run to comply with building and zoning codes. They are also subject to the regulations governing accessory structures.\(^82\)

Chicken coops and runs are not allowed in front or side yards.\(^83\) The interior floor space of the coop must be at least ten square feet for each chicken authorized by the permit. The floor area of the chicken run must be at least twenty square feet for each chicken authorized by the permit.\(^84\)

There are set back requirements that vary depending on zoning district.\(^85\)

The municipal code does not have specific provisions for honey bees or other insects.
Additional resources

- Please see the City’s permit application for more information at: http://www.ci.farmington.mn.us/ForResidents/LicensesPermitsApps/Animal_pdfs/Urban_Chicken_Permit_Packet_2014.pdf.

Fences

Many municipalities have established fence regulations that govern the height of the fence and the types of materials that may be used in the construction or repair of the fence. Fencing is often an integral component of many agricultural and gardening activities. For example, community gardens often use fences to provide protection from animals, define the garden’s parameters, and minimize vandalism and trespassing on community garden property. Ordinances that allow community gardens to install permanent fencing may encourage gardens, promote community acceptance of local gardening efforts, and improve the long-term success of a community garden.

Municipal Code Definitions

★ **Fence.** Not defined by municipal code as of July 13, 2015.

★ **Obstruction.** Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across or projecting into any channel, watercourse or regulatory floodplain which may impede, retard or change the direction of the flow of water. 86

★ **Screening.** A method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, tree rows, berms, or other features. 87

★ **Structure.** Anything constructed or erected, the use of which requires a fixed location on the ground or an attachment to something having a fixed location on the ground, including, but not limited to, buildings, billboards, carports, porches, signs, retaining walls, decks and other building features, but not including sidewalks, drives, fences and patios. 88

Does the municipal code require a permit or license?

No, the City does not require a permit for construction or physical improvement of fences up to six feet in height. 89
Yes, the City requires a variance application for fences over six feet in height.\textsuperscript{90}

Fences in the Floodplain Overlay District require a permit prior to construction, rehabilitation or modification of structures including fences.\textsuperscript{91}

**What are the relevant regulations?**

Farmington has established several municipal provisions that apply to fences, including:

- In front yards, fences shall not exceed 4 feet in height, and
- Interior lot rear and side yard fences may be 6 feet in height, and
- Certain fence materials are prohibited.\textsuperscript{92}

**Additional resources**

[Handout](http://www.ci.farmington.mn.us/Departments/BuildingInspection/BuildingInspectInfo/Fences.pdf) from the city outlining fence requirements, including: permit, height, set back, and maintenance requirements.

**Arbors, Trellises, Pergolas, Planting Boxes, and Raised Beds**

Arbors, pergolas, trellises, planting boxes, and raised beds are types of garden structures used to encourage climbing vegetables and flowering vines, as well as used to create clearly defined gardening spaces that are generally easier to cultivate, weed, and maintain for the gardener. Planting boxes and raised beds can be used to develop beds with improved soils when the quality or safety of existing soil is questionable; they can also be used to make garden beds accessible to those in wheelchairs or who are otherwise physically not capable of working at ground level. Raised beds may also be allowed along public right of ways in residential areas, increasing the available area for garden production.

**Municipal Code Definitions**

- **Arbor.** Not defined by municipal code as of July 14, 2015.
- **Pergola.** Not defined by municipal code as of July 14, 2015.
- **Trellis.** Not defined by municipal code as of July 14, 2015.
- **Planting box.** Not defined by municipal code as of July 14, 2015.
- **Raised plant bed.** Not defined by municipal code as of July 14, 2015.
**Accessory structure.** A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure including, but not limited to, an attached or detached garage, storage shed or gazebo.\(^93\)

Does the municipal code require a permit or license?

No.

What are the relevant regulations?

The City has developed specific landscaping requirements that may affect the placement of these types of structures.\(^94\) Please see APPENDIX D: LANDSCAPE PLAN REQUIREMENTS for more information.

Greenhouses and Hoop Houses

Greenhouses and hoop houses (also called “high tunnels”) are structures that extend the growing season and protect plants from animals and inclement weather. (While hoop houses are generally a type of semi-permanent structure made up of several hoops or bows that are covered in a heavy plastic, some hoop houses may be a principal structure and be built as a permanent building.) These structures can be either an accessory or principal structure, depending on their use or the other uses of the property. If the greenhouse or hoop house is for personal use and is secondary to the main structure, it would likely fall into a category of a type of accessory structure. However, greenhouses and hoop houses that are for retail or commercial purposes could also be the principal structure on a property. Zoning and building regulations that allow for these types of buildings can support both personal gardening efforts as well as promote local business enterprises and the local food system by providing sources of plants and extending the growing season.

Municipal Code Definitions

- **Greenhouses and nurseries, commercial.** A retail establishment for the growth, wholesale and/or display of plants, shrubs, trees and landscape material used in indoor and outdoor planting, conducted within or without an enclosed building.\(^95\)

- **Hoop house.** Not defined by municipal code as of July 15, 2015.

- **High tunnel.** Not defined by municipal code as of July 15, 2015.
Does the municipal code require a permit or license?

Yes. The city code requires a building permit to construct or modify accessory structures larger than 200 square feet, in compliance with the State Building Code.\(^{96}\) This is also true if the greenhouse is considered a temporary structure.\(^{97}\)

What are the relevant regulations?

Commercial greenhouses are permitted in the A-1 Agricultural District\(^{98}\) and conditionally permitted in the B-3 Heavy Business District.\(^{99}\)

The municipal code is silent concerning hoop houses.

Depending on the type and size of greenhouse and hoop house, municipal provisions governing accessory structures may apply. In addition, there may be some restrictions on the location of commercial greenhouses or hoop houses based on different zoning regulations.

Please see Appendix B for more information regarding regulations governing accessory structures.

Please see Appendix C regarding regulations governing exterior of structures and buildings.

For more information, contact the City’s Building Official at 651-280-6833.

Additional Resources:

- University of Minnesota’s Minnesota High Tunnel webpage, [http://hightunnels.cfans.umn.edu/](http://hightunnels.cfans.umn.edu/)

- The City of Minneapolis adopted regulations governing hoop houses and greenhouses in March 2012. The City of Minneapolis defined hoop house as “a temporary or permanent structure typically made of, but not limited to, piping or other material covered with translucent material for the purpose of growing food or ornamental crops. A hoop house is considered more temporary than a greenhouse.”\(^{100}\) For more information about those regulations, visit: [http://www.minneapolismn.gov/sustainability/homegrown/WCMS1P-130152](http://www.minneapolismn.gov/sustainability/homegrown/WCMS1P-130152).

Shed

Sheds generally fall into a category of a type of accessory structure that is secondary to the primary building on a piece of property. Zoning and building regulations that allow for these types of structures allow gardeners to secure the tools that are necessary in cultivation while also providing the convenience of having tools and storage space on-site. The municipal zoning code should consider the beneficial impact of sheds as permanent garden structures, while balancing
that with the impact on adjacent residences, businesses and public spaces, as well as ensuring compatibility with existing architecture of the community.

**Municipal Code Definitions**

- **Accessory structure.** A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure including, but not limited to, an attached or detached garage, storage shed or gazebo.\(^{101}\)

- **Shed.** An accessory structure customarily incidental and subordinate to the principal structure and used primarily for storage purposes.\(^{102}\)

**Does the municipal code require a permit or license?**

Yes. The city requires a building permit to construct or modify accessory structures larger than 200 square feet, in compliance with the State Building Code.\(^{103}\)

**What are the relevant regulations?**

Sheds are treated like accessory structures and certain foundation and height requirements apply as such.\(^{104}\)

Depending on the type and size of sheds constructed municipal provisions governing accessory structures may apply.

Please see Appendix B for more information regarding regulations governing accessory structures.

Please see Appendix C regarding regulations governing exterior of structures and buildings.
PROCESSING FOOD

Food processing is an important part of the food system. Apple juice, bread, smoked and cured meat, cereal bars, and chips are just a few of the examples of the varying types of foods that require processing before reaching a final consumer.

Wholesale food processors are generally governed by Minnesota state law and regulated by the Minnesota Department of Agriculture. The Minnesota Department of Agriculture has issued rules governing a wide range of food processing activities. The Minnesota Department of Agriculture generally incorporates applicable regulations from the U.S. Food and Drug Administration’s regulations into Minnesota’s legal requirements. State law creates the minimum standards regulating food processing facilities in Minnesota. While some local Minnesota municipalities may have limited authority over food processing facilities in their jurisdiction, local authority is limited to those powers delegated to the local government by MDA.

State Law Definitions

★ **Food processing plant.** [A] commercial operation that manufactures, packages, labels, or stores food for human consumption and does not provide food directly to a consumer. Food processing plant does not include a food establishment as defined in subpart 35.

Municipal Code Definitions

★ **Food processor.** Not defined by municipal code as of July 21, 2015.

Does the municipal code require a permit or license?

No.

What are the relevant regulations?

While Farmington does not have any regulations specifically targeting food processing facilities, a food processing facility would likely fall into one of Farmington’s zoning districts, such as Farmington’s commercial or industrial zoning districts.

Additional Resources

For more information about specific state laws impacting food processors and municipal zoning ordinances, please see:


Diets high in vegetables, fruits, whole grains, and lean proteins can help a person maintain a healthy weight and avoid chronic diseases such as diabetes, cancer, and heart disease. But for many people, eating a healthier diet is not as simple as choosing to eat healthier foods. Some neighborhoods do not have grocery stores or other food outlets that sell healthy foods and sometimes healthy foods are too expensive for people to buy. In order to eat healthier foods, people need better access to healthy, affordable food.

Minnesota law creates two general categories of businesses where Minnesotans purchase their food - food establishments and food and beverage service establishments. These categories encompass the vast majority of venues involved in providing food to consumers, including retail food sales and prepared food sold to customers to be consumed onsite. Minnesota state law gives authority to regulate different types of food establishments and food and beverage service establishments to the Minnesota Departments of Health and Agriculture, depending on different characteristics established by state law. Minnesota state law and Farmington ordinances have created general definitions for food establishments and food and beverage service establishments as follows:

**State Law Definitions**

*Food Establishment.* An operation that: (1) stores, prepares, packages, serves, vends, or otherwise provides food for human consumption, including a market, grocery store, convenience store, special event food stand, vending machine and vending location, and retail bakery (2) relinquishes possession of food to a consumer directly or indirectly through a delivery service, including the home delivery of grocery orders or restaurant takeout orders, and a delivery service that is provided by common carriers.

** Please note: State law includes a wide range of legal definitions for different types of food establishments and food and beverage service establishments. The definitions included here are meant to highlight key definitions relevant to this discussion.
★ **Food and Beverage Service Establishment.** A building, structure, enclosure, or any part of a building, structure, or enclosure used as, maintained as, advertised as, or held out to be an operation that prepares, serves, or otherwise provides food or beverages, or both, for human consumption.\(^{112}\)

**Municipal Code Definitions**

★ **Food Establishment.** Not defined by municipal code as of October 8, 2015.

★ **Food and Beverage Service Establishment.** Not defined by municipal code as of October 8, 2015.

For many communities, policies at the local level can help increase access to healthy, affordable food. For example, cities can change zoning and licensing laws to make it easier to establish and operate new grocery stores and farmer’s markets. This section provides a focused look at a range of food establishments and food and beverage service establishments to explore how state law and Farmington regulations impact different business models that can be used to increase access to healthy food.

Minnesota law requires that every person who handles food obtain a license and that “all producers, packagers, labelers, handlers, distributors and vendors of food, whether or not subject to licensing … be required to comply with the applicable rules.”\(^ {113}\) Specifically, any person that engages in the business of manufacturing, processing, selling, handling, or storing of food must obtain a license, unless Minnesota law specifically exempts that person or activity from the general licensing requirement.

**Additional Resources**

As mentioned, above a few exceptions to the state’s licensing requirement exist. More information about some state exemptions from state licensing requirements is available in Appendix G, below. In addition, the following resources provide additional information about the range of exemptions from licensing requirements for food sales:

- Starting a Food Business in Minnesota (2008), MINNESOTA DEPARTMENT OF AGRICULTURE, [http://www.mda.state.mn.us/~media/Files/food/business/startingfoodbiz.ashx](http://www.mda.state.mn.us/~media/Files/food/business/startingfoodbiz.ashx).


See Table 1: *Oversight of Food System by Minnesota Departments of Health and Agriculture*, provided earlier, for additional information regarding the specific authority the Minnesota Departments of Agriculture and Health have over different types of food establishments and food and beverage service establishments.
Selling Products of a Farm or Garden

The Minnesota constitution and state law exempts those selling products from a farm or garden that they have grown from the requirement of obtaining a food license. This exemption does not extend to the sale of processed food or other products created from the garden or farm from licensing requirements. At the same time, local governments can regulate other components of the sale of farm or garden products, such as accessory structures or stands used to sell or display farm or garden products and parking requirements for areas where these products are sold. Local governments can eliminate other regulatory and administrative barriers so that these food sellers can become more accessible to local residents.

Municipal Code Definitions

- **Seasonal produce stands.** A temporary use for the purpose of selling seasonal produce.

- **Home Occupation.** An occupation or profession that is accessory to a residential use; carried on by a member of the family residing in the dwelling unit, clearly incidental and secondary to the use of the building for dwelling purposes.

Does the municipal code require a permit or license?

Yes, it is unlawful to conduct business as a peddler, solicitor, or transient merchant without first having obtained a permit from the city. There are several exemptions to this permitting requirement:

1. A person selling produce raised on the lot it is sold on by the owner or lessee of the lot who also raised the produce.
2. A person selling wholesale to a retail seller.

A person selling or attempting to sell “products of the farm or garden occupied and cultivated” by that person is exempt from this licensing requirement under state law. Please see Appendix G for more information.

What are the relevant regulations?

Farmington allows seasonal produce stands as a permitted use only in the Agricultural District. Off street parking is required for stands and the stand itself must be set back at least 50’ from the roadside edge.

The home occupation municipal code requirements may be a factor in prohibiting the sale of garden produce other than at the city farmer’s market or a permitted seasonal produce stand unless a conditional use permit is obtained. See the code for additional information about regulations impacting home occupations.
Garden produce may be able to be sold on the lot it was raised on without a transient merchant license as the sale of agricultural products made from the premises that the product was cultivated on by the owner or lessee of the premise is exempt from the licensing requirements.\textsuperscript{122} These types of sales may not constitute a “home occupation.”\textsuperscript{123}

**Farmers’ Market**

Local governments regulate farmers’ markets in different ways. Some local governments use very specific language and regulatory provisions to address the unique attributes of farmers’ markets, while others regulate farmers’ markets in the same way that other types of food establishments or businesses are regulated. Notably, certain laws and regulations may strengthen and encourage the operation of farmers’ markets within a certain community, while others burden or hinder the prosperity of farmers’ markets.

Minnesota state law provides a framework for farmers’ markets by establishing a definition for farmers’ market and exempting some farmers’ market activities from licensing requirements, including the sale of agricultural products sold by the farmer or gardener, food sampling provided to farmers’ market customers, and certain products processed in unlicensed kitchens covered under the 2015 Cottage Food Law. However, state regulation of farmers’ markets is fairly limited and local governments are generally more involved in regulating different aspects of farmers’ markets beyond this limited state involvement.

**Minnesota State Legal Definitions**

- **Farmers’ market.** (State law definition) An association of three or more persons who assemble at a defined location that is open to the public for the purpose of selling directly to the consumer the products of a farm or garden occupied and cultivated by the person selling the product.\textsuperscript{124}

- **Food product sampling.** (State law definition) Distributing to individuals at a farmers' market or community event, for promotional or educational purposes, small portions of a food item that include as a main ingredient a product sold by the vendor at the farmers' market or community event. For purposes of this subdivision, "small portion" means a portion that is no more than three ounces of food or beverage.\textsuperscript{125}

- **Food product demonstration.** (State law definition) Cooking or preparing food products to distribute to individuals at a farmers' market or community event for promotional or educational purposes.\textsuperscript{126}

**Municipal Code Definitions**

- **Farmers’ market.** Not defined by municipal code as of July 14, 2015.
Does the municipal code require a permit or license?

Yes, the City requires vendors at the city-managed farmers’ market to obtain a permit. As part of this permit process, the vendors must apply for a permit and obtain an insurance policy, which includes general liability or product liability coverage for at least $300,000.00.††

The City licenses transient merchants and some vendors may fall into this licensing scheme. Please see the Transient Merchant Section for additional information.

What are the relevant regulations?

The City operates a downtown farmers’ market annually. Vendors apply for booth space directly to the city. The city controls the overall number of booths available and the type and number of booths available by category of products.127

Currently, there are no farmers’ market-specific regulations in the municipal code.

Additional Resources

The following resources provide additional information about state law impacting farmers’ markets:


In addition, information about some recent changes to Minnesota state law not included in these resources has been provided in Appendix G, below.

Restaurant

Restaurants are a type of food and beverage service establishment defined by Minnesota law. These can vary greatly – size, types of food products offered, and affordability. Some local governments use very specific language and regulatory provisions to address the unique attributes of a particular type of restaurant. For example, a municipal code may differentiate between a conventional bricks-and-mortar restaurant and a mobile food truck. Other local governments utilize broad regulatory language and regulate restaurants in a uniform manner.

†† See Vendor Application Packet online at: http://www.ci.farmington.mn.us/ForResidents/Farmers%27Market/Farmers_pdfs/Vendor_application_packet.pdf.
Notably, certain laws and regulations may strengthen and encourage different types of restaurants within a certain community, while others burden or hinder the prosperity of these initiatives. As indicated in Table 1: Oversight of Food System by Minnesota Departments of Health and Agriculture, provided earlier, the Minnesota Department of Health (MDH) generally regulates restaurants in Minnesota. While MDH can delegate some of its licensing and other regulatory authority over restaurants to specific local governments, Farmington does not have delegated authority from MDH. However, Farmington does regulate various aspects of restaurants, as discussed, below.

**Minnesota State Legal Definitions**

★ **Restaurant.** [ ] a food and beverage service establishment, whether the establishment serves alcoholic or nonalcoholic beverages, which operates from a location for more than 21 days annually. Restaurant does not include a food cart or a mobile food unit.\(^{128}\)

**Municipal Code Definitions**

★ **Restaurants, Class I; Traditional.** An establishment serving food in or on nondisposable dishes to be consumed primarily while seated at tables or booths within a building and which does not serve liquor.\(^{129}\)

★ **Restaurants, Class II; Fast Food Convenience.** Restaurants where customers are served their food at a counter or in a motor vehicle in packages prepared to leave the premises or to be taken to a table or counter to be consumed.\(^{130}\)

★ **Restaurants, Class III; With Liquor Service.** An establishment serving both food and alcoholic beverages, but in which the principal business is the sale of such beverages at retail for consumption on the premises.\(^{131}\)

★ **Restaurants, Class IV; Nonintoxicating.** An establishment serving food in or on nondisposable dishes to be consumed primarily while seated at tables or booths within a building and which has no on-sale liquor service. On-sale beer and wine permitted as regulated by this code.\(^{132}\)

**Does the municipal code require a permit or license to operate?**

No, the City does not require a license for restaurants.\(^{133}\)

**What are the relevant regulations?**

Farmington has established several sets of code provisions that apply to different food establishments, including:

- Off Street parking space requirements,\(^{134}\) and
- Use of properties in residential zone that has been historically used for commercial purposes.\(^{135}\)
Currently, only certain zoning districts permit food establishments (see below for the list).

<table>
<thead>
<tr>
<th>District</th>
<th>Permitted uses:</th>
<th>Conditional uses:</th>
</tr>
</thead>
<tbody>
<tr>
<td>B-1 HIGHWAY BUSINESS DISTRICT</td>
<td>Restaurants, class I, traditional.</td>
<td>Restaurants, class II, fast food, convenience.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Restaurants, class III, with liquor service.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Restaurants, class IV, nonintoxicating.</td>
</tr>
<tr>
<td>B-2 DOWNTOWN BUSINESS DISTRICT</td>
<td>Restaurants, class I, traditional.</td>
<td>Restaurants, class II, fast food, convenience.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Restaurants, class III, with liquor service.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Restaurants, class IV, nonintoxicating.</td>
</tr>
<tr>
<td>B-3 HEAVY BUSINESS DISTRICT</td>
<td>Restaurants, class I, traditional.</td>
<td></td>
</tr>
<tr>
<td>SSC SPRUCE STREET COMMERCIAL DISTRICT</td>
<td>Restaurants, class I, traditional.</td>
<td>Restaurants, class II, fast food, convenience.</td>
</tr>
<tr>
<td></td>
<td>Restaurants, class III, with liquor service.</td>
<td></td>
</tr>
<tr>
<td>BUSINESS/COMMERCIAL FLEX DISTRICT</td>
<td>Restaurants, class I, traditional.</td>
<td>Restaurants, class II, fast food, convenience.</td>
</tr>
<tr>
<td></td>
<td>Restaurants, class III, with liquor service.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Conditional uses:</td>
<td>Conditional uses:</td>
</tr>
<tr>
<td></td>
<td>Restaurants, class II, fast food, convenience.</td>
<td>Restaurants, class II, fast food, convenience.</td>
</tr>
<tr>
<td>MIXED USE DISTRICT</td>
<td>Restaurants, class I, traditional.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Restaurants, class III, with liquor service.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Conditional uses:</td>
<td>Conditional uses:</td>
</tr>
<tr>
<td></td>
<td>Restaurants, class II, fast food, convenience.</td>
<td>Restaurants, class II, fast food, convenience.</td>
</tr>
<tr>
<td>MUCR MIXED USE COMMERCIAL/RESIDENTIAL DISTRICT</td>
<td>Restaurants, class I, traditional.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Restaurants, class III, with liquor service.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Restaurants, class IV, nonintoxicating.</td>
<td></td>
</tr>
</tbody>
</table>
Mobile, Temporary, and Seasonal Food and Beverage Service Establishments

State and local laws often have different requirements for mobile, temporary, and seasonal food and beverage establishments. Local governments can support healthy food access by tailoring regulations governing different types of mobile, temporary, and seasonal food and beverage service establishments serving healthy food options. Many communities find that one-size-fits-all regulatory structure for food and beverage service establishment may not meet the needs of different types of business models and can sometimes prove to be burdensome for new and emerging businesses seeking to provide fresh, local foods.

Minnesota State Legal Definitions‡‡

**Mobile food unit** means a food and beverage service establishment that is a vehicle mounted unit, either:

(1) motorized or trailered, operating no more than 21 days annually at any one place, or operating more than 21 days annually at any one place with the approval of the regulatory authority as defined in Minnesota Rules, part 4626.0020, subpart 70; or

(2) operated in conjunction with a permanent business licensed under this chapter or chapter 28A at the site of the permanent business by the same individual or company, and readily movable, without disassembling, for transport to another location.\(^1^{48}\)

**Food cart** means a food and beverage service establishment that is a nonmotorized vehicle self-propelled by the operator.\(^1^{49}\)

**Seasonal permanent food stand** means a food and beverage service establishment which is a permanent food service stand or building, but which operates no more than 21 days annually.\(^1^{50}\)

**Seasonal temporary food stand.** (a) "Seasonal temporary food stand" means a food and beverage service establishment that is a food stand which is disassembled and moved from location to location, but which operates for no more than 21 days annually at any one location, except as provided in paragraph (b).

(b) A seasonal temporary food stand may operate for more than 21 days annually at any one place with the approval of the regulatory authority, as defined in Minnesota Rules, part 4626.0020, subpart 70, that has jurisdiction over the seasonal temporary food stand.\(^1^{51}\)

---

‡‡ Please note: State law includes a wide range of legal definitions for different types of mobile, seasonal, and temporary food and beverage service establishments. The definitions included here are meant to highlight those key definitions related to food and beverage service establishments more likely to promote healthy food options.
★ Special event food stand. "Special event food stand" means a food and beverage service establishment which is used in conjunction with celebrations and special events, and which operates no more than three times annually for no more than ten total days.152

Municipal Code Definitions

★ Food cart. Not defined by municipal code as of July 14, 2015.
★ Food stand. Not defined by municipal code as of July 14, 2015.
★ Mobile food unit. Not defined by municipal code as of July 14, 2015.
★ Food truck. Not defined by municipal code as of July 14, 2015.

Does the municipal code require a permit or license?

The City does not specifically require a license to sell food products from a food cart, mobile food unit, or food stand, however the activities of these types of sales are regulated through the licensing requirements of transient merchants.153 See section “Transient Merchant” for more information.

What are the relevant regulations?

The City may require a permit to construct, reconstruct, repair, or alter one of these structures, specifically if the structure is accessory to a principal use. Please see Appendix B for more information about accessory structures.

Additional Resources

The state may require a license to sell food from one of these food and beverage service establishments and have other legal requirements. The following resources provide additional information regarding state legal requirements:

**Transient Merchant**

Anyone who engages in a temporary or transient business within Dakota County is required to obtain a Transient Merchant License. Many businesses may fall into this broad category, including different types of food establishments, food and beverage service establishments, and other vendors.

**Minnesota State Legal Definitions**

- **Transient merchant.** The term "transient merchant" includes any person, individual, copartnership, limited liability company, and corporation, both as principal and agent, who engage in, do, or transact any temporary and transient business in this state, either in one locality, or in traveling from place to place in this state, selling goods, wares, and merchandise; and who, for the purpose of carrying on such business, hire, lease, occupy, or use a building, structure, vacant lot, or railroad car for the exhibition and sale of such goods, wares, and merchandise. The term "transient merchant" does not include a seller or exhibitor in a firearms collector show involving two or more sellers or exhibitors.\\(^{154}\)

**Municipal Code Definitions**

- **Transient merchant.** Any person, firm or corporation who engages temporarily in the business of selling and delivering goods, wares or merchandise within the City, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, vacant lot, motor vehicle, trailer or railroad car.\\(^{155}\)

**Does the municipal code require a permit or license?**

Yes, it is unlawful to conduct business as a peddler, solicitor, or transient merchant without first having obtained a permit from the city. There are several exemptions to this permitting requirements, including:

1. A person selling produce raised on the lot it is sold on by the owner or lessee of the lot who also raised the produce.
2. A person selling wholesale to a retail seller.\\(^{156}\)

**What are the relevant regulations?**

Farmington has noise restrictions on vendors who may use sounds to call attention to their goods.\\(^{157}\)

---

\\(^{88}\) Please note: State law includes a wide range of legal definitions for different types of mobile, seasonal, and temporary food and beverage service establishments. The definitions included here are meant to highlight those key definitions related to food and beverage service establishments more likely to promote healthy food options.
Grocery Store

Grocery stores must comply with the Minnesota state food safety requirements established in Minnesota law and other legal requirements governing food establishments and food and beverage service establishments if the grocery store serves prepared food to be eaten on site.\textsuperscript{158} As indicated in \textit{Table 1: Oversight of Food System by Minnesota Departments of Health and Agriculture}, provided earlier, the Minnesota Departments of Health and Agriculture may share regulatory authority over different aspects of a grocery store, depending on what activities the grocery store includes. For example, MDH could have regulatory authority over a restaurant service provided in a grocery store while MDA would have regulatory authority over the retail grocery operations.

Local governments can be instrumental in promoting access to healthy foods through grocery stores. For example, some localities have used zoning ordinances or variances to encourage developers, grocers, and other property owners to locate grocery stores in underserved areas known as “food deserts.”

\textbf{Minnesota State Legal Definitions\textsuperscript{***}}

** Food establishment\textsuperscript{159}**

\begin{itemize}
\item A. “Food Establishment” means an operation that:
\begin{itemize}
\item (1) stores, prepares, packages, serves, vends, or otherwise provides food for human consumption, including a restaurant, satellite or catered feeding location, market, grocery store, convenience store, special event food stand, school, boarding establishment, vending machine and vending location, institution, and retail bakery; or
\item (2) relinquishes possession of food to a consumer directly or indirectly through a delivery service, including the home delivery of grocery orders or restaurant takeout orders, and a delivery service that is provided by common carriers.
\end{itemize}
\end{itemize}

\textbf{Municipal Code Definitions}

** Grocery store. A place of business established primarily for the retailing of food.\textsuperscript{160}**

\textsuperscript{***} Please note: State law includes a wide range of legal definitions for different types of food establishments governed by the Minnesota Food Code, including grocery stores. The definitions included here are meant to highlight those key definitions related to food and beverage service establishments more likely to promote healthy food options. As indicated by this definition, a grocery store is included in the definition of a “food establishment” governed by the Minnesota Food Code. However, a grocery store is not recognized as a type of “food and beverage service establishment” even though a restaurant within a grocery store may fall within the definition of a “food and beverage service establishment”, discussed earlier.
Does the municipal code require a permit or license?

No, the City currently only requires a license for the following business categories: billiards; gambling, liquor, massage, taxicabs, tobacco, peddlers, solicitors, and transient merchants, youth recreation facilities, pawnbrokers and precious metal dealers.\textsuperscript{161}

What are the relevant regulations?

Four zone districts permit grocery stores. The Highway Business District,\textsuperscript{162} the Downtown Business District,\textsuperscript{163} the Spruce Street Commercial District,\textsuperscript{164} and the Business/Commercial Flex District\textsuperscript{165} all “allow” grocery stores as a conditional use.

Additional Resources

The following resources provide additional information regarding state legal requirements impacting grocery stores:


Displaying Signs

Many food establishments and vendors – big and small – rely on signage to advertise and communicate with the public. Signage is generally regulated by the city, and can include restrictions on where signs are allowed on certain property. These sign regulations can prove to be overly burdensome to small or alternative food retailers.

Municipal Code Definitions

- **Sign.** A name, identification, description, display, illustration, structure, device which is affixed to, or painted, or represented directly or indirectly upon a building or other outdoor surface or a piece of land, and which directs attention to an object, product, place, activity, person, institution, organization or business. A sign shall be considered as a structure or part of a structure for the purpose of applying yard and height regulations.\textsuperscript{166}

- **Snipe sign.** Any sign of any material whatsoever that is attached in any way to a utility pole, tree or any object located or situated on public property.\textsuperscript{167}
Does the municipal code require a license or permit?

Yes, a permit is required for commercial signage. A copy of the 2015 sign permit application is available online, here: http://www.ci.farmington.mn.us/Business/PermitsLicenses_pdfs/Sign_Permit.pdf.

What are the relevant regulations?†††

The City has established numerous restrictions on signage, including:

- Snipe signs are not permitted anywhere in the city;
- Signs may not be on a public right of way;
- Signs in residential areas may not be larger than six square feet.169

Additionally, the restrictions may vary depending on zoning district.170

Parking

Many local governments require certain businesses to comply with parking requirements. By establishing parking requirements, the local government can ensure there is handicap accessibility, maintain access to emergency vehicles, and address traffic and overcrowding concerns. At the same time, parking requirements for small and unconventional businesses can be burdensome.

The municipal code should consider the beneficial impact of parking requirements, while balancing that with the impact on small or unconventional establishments, such as farmers’ markets.

Municipal Code Definitions

★ Parking. Not defined by municipal code as of July 15, 2015

★ Street or highway. "Street or Highway" means the entire width between the boundary lines of any way or place when any part thereof is open to the use of the public as a matter of right, for the purpose of vehicular traffic, and shall include any shopping center

††† In 2015, the United States Supreme Court held, in Reed v. Town of Gilbert, 135 S.Ct. 2218 (2015), that the Town of Gilbert, Arizona’s comprehensive sign code that exempted 23 categories of temporary signs resulted in constitutionally prohibited content-based restrictions that favor some temporary signs over other types of temporary signs. Analyzing this case is outside of the scope of this review, however, this case may have relevance to local sign regulations within Dakota County and local municipalities.
Parking lot or roadway, or other place used for vehicular parking for or access to any business establishment.\textsuperscript{171}

**Does the municipal code require a license or permit?**

No.

**What are the relevant regulations?**

Farmington has set minimum parking requirements for certain establishments, including convenience stores, fast food establishments, restaurants, wholesale stores, and retail stores. \textsuperscript{172}

Please visit the applicable zoning regulations for additional considerations.
Making Food

For new and growing food businesses making food for either retail food operations or for sales of prepared foods to serve to consumers, access to a licensed or commercial kitchen can be invaluable. Some local governments may have policies in place to allow community groups or others to use licensed kitchens in community facilities to promote food skills and other activities increasing access to healthy food. These policies can support efforts to teach community members how to cook and provide new and emerging food businesses with space to develop their business without having to make an initial investment in a commercial kitchen.

Under state law, kitchens used to prepare food for public consumption, including catering operations, meal service programs, school kitchens, and other food preparation sights are recognized as “food establishments” and must comply with state laws, including licensing and food safety requirements. Minnesota state law does create limited exceptions from the state licensing requirements for some types of food prepared in kitchens that have not been licensed or inspected. A discussion of these exemptions is outside the scope of this document. However, resources providing additional information about these exemptions are provided, below.

Municipal Code Definitions

- **Kitchen.** Not defined by municipal code as of July 15, 2015.

Does the municipal code require a permit or a license?

The City does not require a permit or license to use a kitchen. Depending on several factors, the state may require a permit or license to use a kitchen. These factors include: whether the kitchen is commercial in nature; what type of food is being prepared; whether the food will be sold or served to the public, etc. Please consult with MDA and/or MDH for more information.

What are the relevant regulations?

No municipal regulations are directly on point. If a food license is required to operate the kitchen, the Minnesota Food Code will govern the use of the kitchen.
Additional Resources

For more information about state laws impacting kitchens used to prepare food for sale or other regulated purposes, including licensing and inspection requirements, please see the following resources:

- **Starting a Food Business in Minnesota (2008), MINNESOTA DEPARTMENT OF AGRICULTURE,**
  [http://www.mda.state.mn.us/~/media/Files/food/business/startingfoodbiz.ashx](http://www.mda.state.mn.us/~/media/Files/food/business/startingfoodbiz.ashx).

- **A Guide to Regulations for Local Food Entrepreneurs (2015), MINNESOTA INSTITUTE FOR SUSTAINABLE AGRICULTURE,**

In addition, information about some recent changes to Minnesota state law allowing for some exemptions from state licensing requirements under the 2015 Cottage Food Law not included in these resources is provided in Appendix G.
DISPOSING FOOD

Subsections:

1. Composting
2. Recycling and Waste Disposal

Composting and recycling are both components of the local food system. Local governments can help reduce the amount of waste reaching landfills by removing barriers to composting and recycling (such as by permitting backyard composts in residential areas). Additionally, local governments can encourage composting and recycling by maintaining composting and recycling centers and by providing areas throughout the community to compost or recycle. Local governments can also support local gardening efforts by providing free or reduced cost compost.

Composting

Composting provides an organic source of nutrients for garden soil, and makes great use of leaf litter, grass clippings, plant debris, certain food scraps, and other decomposed organic matter. Composting programs are used to reduce waste and create a resource of organic matter for farmers and gardeners. Both municipal and state laws may impact composting activities, depending on the type of composting activity. Composting can be an activity limited to an individual household, also known as backyard composting. However, composting can also involve a larger waste stream if a larger commercial facility or business composts waste for its individual business or industrial activities or consolidates compost from other businesses or facilities. Laws governing composting activities, at both the state and municipal level, generally depend on the type of composting activity – whether the composting is for an individual household or a larger facility.

Minnesota state law does not regulate permits or licenses for “backyard composting”. However, Minnesota state law does require a permit for facility composting (or commercial composting. Therefore, a distinction must be made between “backyard compost” and “facility compost.”

Compost generated by individual households, apartment buildings, or businesses would generally fall under the “Backyard composting” umbrella and are regulated largely by the City. All other categories are most like to be considered “compost facilities” and are more heavily regulated by the Minnesota Pollution Control Agency. Regulations of compost by the state may include:

- Odors
- Design requirements
- Discharge and surface water drainage runoff
- Operation requirements (i.e., staff training)
Minneapolis State Law Definitions:

★ **Backyard compost site.** (State Definition) A site used to compost food scraps, garden wastes, weeds, lawn cuttings, leaves, and prunings from a single family or household, apartment building, or a single commercial office, a member of which is the owner, occupant, or lessee of the property.\textsuperscript{175}

★ **Compost facility.** (State Definition) A site used to compost or cocompost solid waste, including all structures or processing equipment used to control drainage, collect and treat leachate, and storage areas for the incoming waste, the final product, and residuals resulting from the composting process.\textsuperscript{176}

★ **Composting.** (State Definition) The controlled microbial degradation of organic waste to yield a humus like product.\textsuperscript{177}

★ **Operator.** (State Definition) The person or persons responsible for the operation of a facility.\textsuperscript{178}

★ **Owner or facility owner.** (State Definition) The person or persons who own a facility or part of a facility.\textsuperscript{179}

Municipal Code Definitions:

★ **Composting.** Not defined by municipal code as of July 15, 2015.

★ **Yard waste.** Leaves, grass clippings, thatch and garden wastes.\textsuperscript{180}

Does the municipal code require a permit or license?

No.

What are the relevant regulations?

No municipal regulations are directly on point for this topic.

Additional Resources

Instructions for commercial/facility composting: The Minnesota Pollution Control Agency (MPCA) Yard Waste Compost Permit Program requires applicants (facility owners and operators) to:

1) Complete and submit the permit-by rule (PBR) permit application form below.

2) Operate in compliance with the yard waste rules in Minn. Rules 7035.2836.

3) Complete and submit an annual report below.
Recycling and Waste Disposal

The food system extends beyond the consumption of food and includes the disposal of food packaging and other non-compostable materials. Many materials can be used or reused through recycling, such as paper, glass, and plastic. Local governments often address garbage disposal and recycling via their municipal codes. By making recycling an easier option, local governments can encourage residents to recycle and reduce waste throughout the city.

Municipal Code Definitions

**Garbage.** Discarded material resulting from the handling, processing, storage, preparation, serving and consumption of food. ¹⁸¹

**Mixed solid waste.** Garbage, refuse and other solid waste from residential, commercial, industrial and community activities which is generated and collected in aggregate, but does not include hazardous waste, auto bulks, street sweepings, ash, demolition waste, mining waste, sludges, tree and agricultural wastes, yard wastes, brush, tires, white goods and other materials collected, processed and disposed of as separate waste streams. ¹⁸²

**Recyclable Materials.** Materials that are separated from mixed municipal solid waste for the purpose of recycling as defined in the city's solid waste code, including, but not limited to, paper, glass, metals, automobile oil, batteries, cardboard, rubber (excluding tires and wood products). ¹⁸³

Does the municipal code require a permit or license?

A permit or license is not required to dispose of garbage or to recycle at one’s residence or business property. The city may exempt these producers from required collection by the city if the garbage and/or recyclables are being disposed of in an environmentally safe manner. ¹⁸⁴

All other refuse must be collected by the city. ¹⁸⁵
What are the relevant regulations?

The City has established several requirements regarding waste management in the city, including:

- Every household in residential and multi-dwelling districts and all commercial establishments shall have garbage and refuse collection.  
- Private haulers may be allowed to haul construction refuse and recyclables with a permit issued by the city. 
- It is unlawful for any person to store garbage or refuse on residential dwelling premises for more than one week. 
- MSW and recyclables must be separated. 
- Yard waste is separated for special collection.
APPENDICES
**APPENDIX A: SEARCH TERMS**

<table>
<thead>
<tr>
<th>Fence</th>
<th>Market garden</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arbor</td>
<td>Garden</td>
</tr>
<tr>
<td>Trellis</td>
<td>Farmers’ market</td>
</tr>
<tr>
<td>Pergola</td>
<td>Grocery store</td>
</tr>
<tr>
<td>Plant bed</td>
<td>Restaurant</td>
</tr>
<tr>
<td>Greenhouse</td>
<td>Fast food</td>
</tr>
<tr>
<td>Hoop house</td>
<td>Food truck</td>
</tr>
<tr>
<td>High tunnel</td>
<td>Mobile food unit</td>
</tr>
<tr>
<td>Farm animal</td>
<td>Compost</td>
</tr>
<tr>
<td>Domestic animal</td>
<td>Recycling</td>
</tr>
<tr>
<td>Chicken</td>
<td>Sign</td>
</tr>
<tr>
<td>Bee</td>
<td>Parking</td>
</tr>
<tr>
<td>Chicken coop</td>
<td>Kitchen</td>
</tr>
<tr>
<td>Shed</td>
<td>Pantry</td>
</tr>
<tr>
<td>Community garden</td>
<td></td>
</tr>
</tbody>
</table>
APPENDIX B: REGULATIONS GOVERNING ACCESSORY BUILDING, STRUCTURES, AND USES

Those interested in constructing an accessory building or structure should be aware that the City has established some height and set back requirements. While Farmington does not require a building permit unless the residential accessory structure is 200 square feet or greater, it does have anchoring and slab requirements depending on the size of the structure.

Municipal Code of Ordinances:

Title 10 – Zoning

Section 10-6-6: ACCESSORY STRUCTURES:

Accessory structures shall be permitted uses in residential districts and conditional uses in business and industrial districts subject to the following conditions:

(A) Residential:

1. Accessory structures shall be located behind principal structure in the side or rear yard and at least ten feet (10’) away from any structure.

2. Storage sheds shall not exceed twelve feet (12’) in building height and two hundred forty (240) square feet.

3. Accessory structures shall meet the minimum requirements of the building code as approved by the building inspector.

4. Accessory structures over two hundred (200) square feet require a building permit.

5. Storage sheds are required to be anchored to the ground.

6. Accessory structures over two hundred forty (240) square feet require a foundation or floating slab.

7. Accessory structures at one thousand (1,000) square feet and above require frost footings and foundation.

8. Detached garages shall be constructed of similar materials as the principal structure. (Ord. 015-696, 3-16-2015)

(B) Commercial and industrial:

1. Accessory structures shall be approved as part of the conditional use process.

2. Accessory structures shall be constructed of similar materials as the principal structure.
3. Accessory structures shall comply with minimum requirements of subsection (A) of this section. (Ord. 009-607, 8-3-2009)

Section 10-6-7: TEMPORARY STRUCTURES:

Temporary structures and trailers used in conjunction with construction work shall be permitted only during the period that the construction work is in progress. The temporary structures are subject to the Minnesota state building code and permits may be issued by the city zoning officer for a six (6) month period. (Ord. 002-469, 2-19-2002)

**Title 4 – Building Regulations**

Section 4-5-2: USABLE MATERIALS:

No building permits shall be issued for any structure for which a building permit is required which contains exterior facing materials which rapidly deteriorate or which, for any reason, are or quickly become unsightly. The following are examples of such materials: concrete masonry units (unless decorative block), common clay brick, sand lime brick, concrete brick, unfinished structural clay tile, sheet metal (either corrugated or plain) and exposed unfinished concrete. Such materials, however, may be used in a special arrangement or combination with other materials of a permanent nature with good architectural design and appeal. The provisions of this section shall not apply to building permits issued for structures in zoning districts A-1 or C-1. (Ord. 093-319, 12-6-1993)

Section 4-5-3: ALTERNATE MATERIALS:

In the event an owner, intending to apply for a building permit, desires to use any of the materials included under section 4-5-2 of this chapter as exterior finish materials, such owner may present to the building official a request for preliminary approval for the use of such materials prior to the preparation of final drawings and application required by other sections of this chapter. Such information may be necessary to indicate accurately the use to be made of such materials and the appearance of the exterior of such structure when completed.

If such request for preliminary approval of materials is granted by the building official or the council, as the case may be, the sketch and other information shall be properly marked for identification by the building official and be filed in his office and such data shall become a part of the building permit application when filed. (Ord. 093-319, 12-6-1993)

Section 4-5-4: POLE BUILDINGS:

A pole building shall be permitted in zoning districts A-1 or C-1 and only in any other district upon approval by the city council. Said council shall exercise its discretion in determining whether or not a building of such type will be compatible with the surrounding area. Such structures may be authorized by the council for use as warehouse, heavy equipment storage, or other uses which would tend to be compatible with that type of structure and in a location where
it would not be offensive to other property owners or persons within the city. (Ord. 093-319, 12-6-1993)

Section 4-5-5: RESIDENTIAL PERFORMANCE STANDARDS:

. . .

(C) Accessory Buildings:

1. The maximum number of accessory buildings that shall be permitted on each residential lot is as follows:

(a) One Acre Or Less: Two (2) accessory buildings.

(b) Greater Than One Acre But Less Than Two Acres: Three (3) accessory buildings.

(c) Greater Than Two Acres But Less Than Three Acres: Four (4) accessory buildings.

(d) Accessory Buildings: All accessory buildings shall comply with lot coverage and size limitation requirements under the city zoning ordinance.

2. The same or similar quality exterior building material shall be used in the accessory and principal building. All accessory buildings shall also be compatible with the principal building to the extent that the exterior appearance of the accessory building is not at variance with the principal building from an aesthetic and architectural standpoint.

3. Accessory buildings exceeding two hundred forty (240) square feet in floor area shall be designed for placement on a floating slab or permanent foundation complying with the international residential code.

4. The height of an accessory building shall be measured from the mean ground level to the uppermost point of the roof. Except as expressly permitted by a conditional use permit, accessory buildings shall be limited to twenty feet (20’) in height. (Ord. 015-696, 3-16-2015)

. . .

Additional resources:

Handout outlining requirements for Accessory Buildings,
APPENDIX C: REGULATIONS GOVERNING THE EXTERIOR OF STRUCTURES AND BUILDINGS

The City of Farmington has established specific regulations governing exterior work that is authorized by a building permit.

Municipal Code of Ordinances:

Title 4 – Building Regulations

Section 4-5-5: RESIDENTIAL PERFORMANCE STANDARDS:

(A) International Residential Building Code: All residential units shall meet applicable requirements of the one- and two-family dwelling code, 2012 edition, which has been adopted by reference by the city. (Ord. 015-689, 3-2-2015)

(B) Dwelling Unit Restrictions:

1. No garage, tent, accessory building or motor home shall at any time be used as living quarters, either temporarily or permanently.

2. Basements and cellars may be used as living quarters or rooms as a portion of the principal residential dwelling. Energy conserving designs such as earth sheltered housing shall be exempt from this provision.

3. Tents, playhouses or similar structures may be used for play or recreational purposes such as children camping out overnight.

4. The minimum dimension of any part of the basic dwelling shall be twenty two feet (22'). This shall not be construed to prohibit smaller individual room additions or to restrict architectural design flexibility or integrity. (Ord. 013-665, 10-21-2013)

5. All dwelling units shall be designed for placement on permanent foundations complying with the international building code1. (Ord. 013-665, 10-21-2013; amd. Ord. 015-689, 3-2-2015)

(C) Accessory Buildings:

1. The maximum number of accessory buildings that shall be permitted on each residential lot is as follows:

(a) One Acre Or Less: Two (2) accessory buildings.

(b) Greater Than One Acre But Less Than Two Acres: Three (3) accessory buildings.

(c) Greater Than Two Acres But Less Than Three Acres: Four (4) accessory buildings.

(d) Accessory Buildings: All accessory buildings shall comply with lot coverage and size limitation requirements under the city zoning ordinance2.
2. The same or similar quality exterior building material shall be used in the accessory and principal building. All accessory buildings shall also be compatible with the principal building to the extent that the exterior appearance of the accessory building is not at variance with the principal building from an aesthetic and architectural standpoint.

3. Accessory buildings exceeding two hundred forty (240) square feet in floor area shall be designed for placement on a floating slab or permanent foundation complying with the international residential code.

4. The height of an accessory building shall be measured from the mean ground level to the uppermost point of the roof. Except as expressly permitted by a conditional use permit, accessory buildings shall be limited to twenty feet (20’) in height. (Ord. 015-696, 3-16-2015)

(D) Property Maintenance: The purpose of this subsection is to ensure that the exterior appearance of residential structures are maintained in an acceptable manner and do not become a chronic nuisance, life safety issue or substantially diminish property values.

1. General Requirements:

(a) Scope: The provisions of this section shall govern the minimum conditions and the responsibilities of persons for the exterior maintenance of structures.

(b) Responsibility: The owner of the premises shall maintain the structures in a safe condition that is in compliance with the requirements of this section.

2. Exterior Building Structure:

(a) General: The exterior of a building structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

(b) Structure: The foundation, exterior walls, exterior roof, and all appurtenances thereto shall be kept in sound condition and repair. The foundation must adequately support the building at all points. Exterior walls shall be maintained and kept free from decay, dilapidation by cracks, tears or breaks from deteriorated plaster, stucco, brick, wood, vinyl, aluminum and steel siding, or other material that is extensive and shows evidence of neglect. The protective surface on exterior walls of a building above ground level must be maintained and in good repair so as to provide a sufficient covering and protection of the structural surface underneath against its deterioration. Without limiting the generality of this subsection, a protective surface of a building shall also be deemed to be out of repair if:

(1) The protective surface is paint which is blistered or peeled to an extent of more than twenty five percent (25%) of the area of any place or wall or other area including windows, trims, cornices, railings, and other such areas;

(2) More than twenty five percent (25%) of a wall that is protected by vinyl siding, aluminum siding, steel siding or other comparable protective coverings that reveals any part of the underlying structure;

(3) More than twenty five percent (25%) of the pointing of any chimney or the pointing of any brick or stone wall is loose or has fallen out; or
(4) More than twenty five percent (25%) of the finish coat of a stucco wall is worn through, chipped away, broken, or damaged, revealing the metal lathe or any part of the underlying structure;

(5) More than twenty five percent (25%) of the exterior roof is missing shingles or other protective coverings.

c) Completion Of Exterior Building Structure Projects: All exterior building structure projects requiring a building permit (including, but not limited to, siding) must be completed and pass inspection by the city's building official within six (6) months of building permit issuance.

3. Duties And Powers Of The Building Official Or Designee:

(a) General: The building official or designee shall enforce the provisions of this section.

(b) Right Of Entry: The building official or designee is authorized to enter the premises or structure at reasonable times to inspect subject to constitutional restrictions on unreasonable search and seizures. If entry is refused or not obtained, the building official or designee is authorized to pursue recourse as provided by law.

(c) Identification: The building official or designee shall carry proper identification when inspecting structures in the performance of duties under this section.

(d) Notices And Orders: The building official or designee shall issue all necessary notices or orders to ensure compliance with this section.

(e) Modifications: Whenever there are practical difficulties involved in carrying out the provisions of this section, the building official or designee shall have the authority to grant modifications for individual cases. The building official or designee shall first find that strict compliance with this section imposes an undue hardship on the owner, and that the modification does not lessen the health, aesthetic, life and fire safety requirements. Modifications shall only relate to an extension of time to remedy the violation; no modification from specific code requirements shall be granted.

4. Notice And Orders:

(a) Notice To Owner Or To Person Or Persons Responsible: Whenever the building official or designee determines that there has been a violation of this section or has grounds to believe that a violation has occurred, notice shall be given to the owner or the person or persons responsible therefor in the manner prescribed in subsections (D)4(b) and (D)4(c) of this section.

(b) Form: Such notice prescribed in subsection (D)4(a) of this section shall:

(1) Be in writing;

(2) Include a description of the real estate sufficient for identification;

(3) Include a statement of the violation or violations and why the notice is being issued; and

(4) Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the structure into compliance with the provisions of this section.
(c) Method Of Service: Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally; or

2. Sent by certified or first class mail addressed to the owner at the last known address; or

3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

(d) Transfer Of Ownership: It shall be unlawful for the owner of any structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of to another unit until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the building official or designee and shall furnish to the building official or designee a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

5. Violation:

(a) Violation Unlawful: It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this section.

(b) Notice Of Violation: The building official or designee shall serve a notice of violation or order in accordance with subsection (D)4 of this section or as required by state statute.

(c) Prosecution Of Violation: If the notice of violation is not complied with, the building official or designee shall institute the appropriate proceedings at law or in equity to restrain, correct or abate such violation of the provisions of this section or of the order or direction made pursuant thereto.

(d) Violation Penalties: Any person who shall violate a provision of this section, or fail to comply therewith, or with any of the requirements thereof is guilty of a misdemeanor. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(e) Abatement Of Violation: The imposition of the penalties herein prescribed shall not preclude the city attorney from instituting appropriate action to restrain, correct or abate a violation.

(Ord. 013-665, 10-21-2013)
APPENDIX D: LANDSCAPE PLAN REQUIREMENTS

The City requires certain properties to submit a landscape plan to the city, and have that plan approved, as part of its construction process.

Municipal Code of Ordinances:

Chapter 10 – Zoning

Section 10-6-10: Landscaping:

(A) Purpose: The purpose of this landscaping regulation is:

1. To provide vegetation to enhance the architecture of structures and soften and enhance the visual impact of buildings and paved areas.

2. To minimize environmental effects of a development on a particular site and surrounding area by providing shade, erosion control, air purification, groundwater recharge, oxygen regeneration and noise, glare, and heat abatement.

3. To protect and preserve the appearance, character, and value of property and thereby promote the general welfare of the city.

4. To buffer conflicting land uses and enhance the quality and appearance of the entire site. (Ord. 002-469, 2-19-2002)

(B) Landscape Plan Requirements: Plans for required landscaping in the B-1, B-2, B-3, B-4, SSC, IP and I-1 districts and for multi-family dwellings shall be submitted to the planner for approval before any permits are issued. The plan shall be based on accurate final site plans and consist of a planting plan and exterior lighting plan. A registered landscape architect, registered architect, certified arborist, horticulturist or landscape designer shall prepare the plan. (Ord. 005-526, 3-21-2005)

(C) Landscape Plan Contents: A landscape plan shall include the following information:

1. North point and graphic scale, not less than one inch (1") to one hundred feet (100').

2. The name of the project; developer; owner; and the person who prepared the plan, with their professional designation; and the date and revision dates of the plan.

3. Accurate final grades at two foot (2') contour interval.

4. The location and dimensions of all existing and proposed structures, parking lots and drives, curbs, sidewalks, refuse disposal areas, fences, storm drainage systems,
freestanding electrical equipment, recreational facilities and other freestanding structural features as determined necessary by the city.

5. The location, size, and type of all overhead, at grade, and underground utilities and structures with proper notation, where appropriate, as to any safety hazards to avoid during landscape installation.

6. The location, type, sizes and quantity of all proposed landscape materials shall be delineated on the plan. Proposed plant material shall be shown at maturity and called out on plan by common name or appropriate key.

7. All plans shall be accompanied by a list or schedule of proposed landscape material, including common and botanical name, the quantity of proposed plants and trees, their height, caliper or gallon size and any requirements during installation.

8. Location of hose connections and other watering sources including the location of irrigation systems.

9. Any existing vegetation proposed to be saved shall be identified by name, quantity and size. Methods of protecting the vegetation must be illustrated and explained. Any existing trees, twelve inch (12") diameter or larger measured at four and one-half feet (4'1/2") aboveground that are proposed for removal, must be included on the plan.

10. Water permeability test results are required to be shown on the landscape plan. See subsection (E)2 of this section for testing techniques.

(D) General Landscaping:

1. Landscaping Required: All areas not covered by buildings, paved areas, or other acceptable improvements shall be finish graded and installed with turf grass or other acceptable plant material.

2. Developed Uses: In all residential, business and industrial districts, except in B-2, developed uses shall provide a landscaped yard along all public streets. This yard shall be free from structures, storage and off street parking, except for driveways, and shall be at least ten feet (10') in depth. (Ord. 002-469, 2-19-2002)

3. Nonresidential: Where lots or parcels in any nonresidential zoning district are within one hundred feet (100') of a residential zoning district (R-1, R-2, R-3, and R-5) a landscaped yard ten feet (10') in width installed with a one hundred percent (100%) screen (plant material, fence, etc.) shall be installed within the landscaped yard. (Ord. 002-469, 2-19-2002; amd. Ord. 009-613, 10-19-2009)

4. High Density: High density residential developments which range from seven (7) and sixty (60) units per acre shall include at least twenty percent (20%) of the parcel as
landscaped open space and ten percent (10%) of the parcel must be developed for private recreation and/or common open space.

5. New Construction: New business construction in the B-1 limited business district shall maintain a minimum of ten percent (10%) of the site area as landscaped open space devoted to pedestrian use.

6. Off Street Parking: Any off street parking lot containing more than six (6) parking spaces shall be landscaped along the perimeter of the parking lot as follows:

   (a) Number Of Plant Materials: One tree and three (3) shrubs for every forty feet (40') of parking lot perimeter installed as close to forty feet (40') as possible along the parking lot frontage, allowing for utilities and intersection visibility requirements, in order to shade and enhance the appearance of the parking lot. Shrub plantings should be planted in groups of three (3) or more and installed to visually buffer the parking lot and roadway.

   (b) Minimum Landscape Area: A continuous nonpaved area at least ten feet (10') in width, shall be located between the edge of the parking lot and the property line.

   (c) Plant Species: Large canopy trees should be installed to provide shade for parking spaces. Evergreen trees should be used to screen parking lots and interior roadways. Visual buffers shall be a maximum of three feet (3') in height at maturity. No plant material or berm may be located so as to obstruct the sight distance of motorists entering or leaving the site.

7. Parking Lots: Any parking lot containing more than twenty (20) parking spaces shall provide landscaping as follows:

   (a) Number Of Plant Materials: A minimum of one tree and three (3) shrubs for every twenty (20) parking spaces is required. Each interior island shall have at least one canopy tree that does not impede vehicular visibility.

   (b) Location Of Interior Islands: A minimum of one interior planting island for every twenty (20) parking spaces is required and shall be dispersed throughout the parking lot with the final layout design subject to review by the community development department.

   (c) Interior Planting Island: The planting island shall have a minimum width of eight feet (8'), a maximum length of sixteen feet (16'), and a minimum area of one hundred twenty eight (128) square feet. A minimum of seventy percent (70%) of every interior planting island shall be planted with live plant material, such as trees, shrubs, ground cover, or turf grass. The shrubs and ground cover shall be a maximum height of three feet (3’) at maturity. The remaining area of the interior planting island shall be covered with an organic mulch.
(d) Location Of Conduits: In cases where lighting conduits are installed within the interior planting islands, the conduits shall be located along the edge of the curb and not through the middle of the island in order to allow for the installation of plant material.

(e) End Islands Of Parking Aisles: The end islands of all parking aisles and corners must be a minimum width of eight feet (8') and a maximum length of sixteen feet (16') for a single parking aisle or thirty two feet (32') for double parking aisles. The end islands shall be landscaped as required above.

(f) Concrete Curbing: Concrete curbing is required for parking islands within the parking lot area.

(g) Suggested Location Of Interior Islands For Safety: Parking lots shall be designed to promote safety for automobile drivers and pedestrians. In designing parking spaces, the driving aisles should be aligned towards the major destination as permitted by topography. This allows for pedestrian traffic to move through the aisles instead of crossing parking bays. One solution to quality parking is to locate a planting island between parked cars and install a sidewalk for easy access to the major destination as permitted by topography. Plantings may be located along the sidewalk to promote an aesthetic approach towards the building.

8. Screening Of High Activity Uses: All loading docks; commercial facilities with drive-through services; automotive repair and service; car washes; and other similar high activity uses associated with the building, adjacent to residential districts, shall be screened from adjacent property or street right of way by a six foot (6') opaque fence or masonry wall.

9. Screening Of Storage Yards: In industrial and commercial districts, no outside storage areas shall be allowed nor shall any articles, goods, materials or storage tanks be kept in the open or exposed to public view or view from adjacent buildings, without prior approval of the city. If outside storage is given city approval, all materials and/or containers and equipment, shall be screened one hundred percent (100%) from view. Required screening shall include: a) a six (6) to eight foot (8') high opaque wooden fence and landscaping; b) landscaping and berms; or c) a combination of both to fully screen the outdoor storage.

10. Screening Of Double Frontage Lots Adjacent To Collector And Minor Arterial Roadways: All subdivided land, included in all districts, which backs up to a collector or minor arterial street, either at right angles or parallel to the collector or arterial, shall provide for each double frontage lot an additional twenty feet (20') from the edge of the right of way line towards the property in order to allow space for buffering/screening along the back lot line. The developer shall be required to install the screening and this area may be screened by either a six foot (6') high wood fence with landscaping located between the fence and the property line, a berm with landscaping, a hedgerow, or an
opaque landscaped screen. The plantings should be installed in order to provide one hundred percent (100%) screening of rear buildings from the collector or minor arterial street.

(E) Planting Requirements:

1. Specifications: The minimum planting sizes for all plant material is the following:

   (a) Evergreen trees: Six feet (6') in height as specified by the American Association of Nurserymen, except for the true dwarf varieties.

   (b) Ground cover plants: Crowns, plugs, containers, in a number as appropriate by species to provide fifty percent (50%) surface coverage after one growing season. The species must provide seventy five (75) to one hundred percent (100%) surface coverage after two (2) growing seasons.

   (c) Medium and large deciduous shade trees: Two inch (2") caliper, as measured six inches (6") above the ground as specified by the American Association of Nurserymen.

   (d) Shrubs (deciduous and evergreen, including spreader and globe tree forms): Twelve (12) to eighteen inches (18") in height.

   (e) Small deciduous or ornamental trees: Minimum caliper of one and one-half inches (1 1/2") as specified by the American Association of Nurserymen, except for the true dwarf varieties.

   (f) Sod: As required to provide coverage and soil stabilization. Sod is required in the street side yard or front yard and seeding may be planted within other areas of the yard.

   (g) Turf and native grass: Seeding as appropriate to provide complete coverage within the first growing season.

2. Soil Specifications: The landscape plan must contain results of a water permeability test. A water permeability test is required in order to determine the type of soil the plant material is planted in. This requires a sharp shooter spade dug eighteen inches (18") into the ground. Fill the hole with water and if after eighteen (18) hours the hole still retains the water, the soil is determined to be too poor for planting.

3. Poor Soil Remedies: If the soil is determined to be too poor for planting, the following two (2) possible remedies are recommended. The first remedy is to install a ten foot (10') wide raised planting bed in order to provide acceptable planting soil. The height of the bed is the amount of soil it takes to cover the root ball of the plant to a level of two inches (2") above the ball. The bed must be covered with four inches (4") of mulch to provide for moisture retention. A second remedy is to excavate the soil to the depth of the root ball,
allowing the root ball to rest on the clay soil. Excavate an area five (5) times the size of the root ball and replace the soil with quality planting soil. This will allow the tree roots to spread into adequate soil and provide an established root system before spreading into the poorer soil. (Ord. 002-469, 2-19-2002)

(F) Lot Frontage Tree And Boulevard Tree Species To Be Planted:

1. Official Lot Frontage Trees And Boulevard Trees: The following list constitutes the official lot frontage and boulevard tree species for Farmington, Minnesota. No species other than those included in this list may be planted as lot frontage trees and boulevard trees without written permission of the natural resources division.

   (a) Landscape Plan: Developers of new developments must submit a landscape plan to the planning division. The planning division will be responsible for approving appropriate lot frontage and boulevard tree plantings. The lot frontage trees are required in the front yards of lots in new developments. Boulevard trees in new developments shall only be installed on city approved boulevard tree routes. The only exception would be if an agreement is made with a homeowners' association or other such organization where the responsibility to maintain the trees is that of the named organization in perpetuity.

2. Allowable Lot Frontage Tree And Boulevard Tree Species:

<p>| |</p>
<table>
<thead>
<tr>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Linden</td>
</tr>
<tr>
<td>American</td>
</tr>
<tr>
<td>Greenspire</td>
</tr>
<tr>
<td>Redmond</td>
</tr>
<tr>
<td>Maple</td>
</tr>
<tr>
<td>Species</td>
</tr>
<tr>
<td>-------------------------</td>
</tr>
<tr>
<td>Crimson king</td>
</tr>
<tr>
<td>Deborah Schwedler</td>
</tr>
<tr>
<td>Emerald lustre</td>
</tr>
<tr>
<td>Emerald queen</td>
</tr>
<tr>
<td>Green mountain</td>
</tr>
<tr>
<td>Northwood red</td>
</tr>
<tr>
<td>Norway</td>
</tr>
<tr>
<td>Oak</td>
</tr>
<tr>
<td>Northern red</td>
</tr>
<tr>
<td>Pin</td>
</tr>
<tr>
<td>Swamp white</td>
</tr>
<tr>
<td>Other</td>
</tr>
<tr>
<td>Imperial honey locust</td>
</tr>
</tbody>
</table>
### Trees approved by city staff

<table>
<thead>
<tr>
<th>Tree Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regal elm</td>
</tr>
<tr>
<td>Skyline honey locust</td>
</tr>
<tr>
<td>Sunburst honey locust</td>
</tr>
</tbody>
</table>

(a) Spacing For Lot Frontage And Boulevard Trees:

(1) Lot frontage trees in new developments shall be installed on private property in the front yard at a minimum spacing of one tree for every forty feet (40') of lot frontage or one tree per lot if forty feet (40') is not feasible. The developer is responsible for installing the lot frontage trees per the landscape plan as required by the development contract. Special planting designs for lot frontage trees need to be approved by the planning division.

(2) Boulevard trees in new developments shall be located on city approved boulevard tree routes and be installed at a minimum spacing of one tree for every forty feet (40') of boulevard frontage or one tree per boulevard frontage if forty feet (40') is not feasible. The developer is responsible for installing the boulevard trees per the landscape plan as required by the development contract.

(b) Location For Lot Frontage And Boulevard Trees:

(1) Lot frontage trees in new developments shall be planted by the developer per the development contract on private property eight feet (8') from the front property line and shall be installed in a parallel line to the front lot line.

(2) Boulevard trees in new developments shall be planted by the developer per the development contract on city approved boulevard tree routes in the center of the city boulevard width between the property line and curb or the sidewalk and curb. The distance trees may be planted from curbs, sidewalks, trails, or pavement shall be no closer than four feet (4').

(c) Distance From Street Corners And Fire Hydrants: No lot frontage tree, boulevard tree, replacement tree, landscape material or fences shall be located within the triangle of visibility, which is the area within a triangle created by measuring from a point on the curb or edge of the street closest to the center of the intersection, down the front curb lines or edge or intersecting streets thirty feet (30'), and connecting their end points with a straight line. No lot frontage tree, boulevard tree, or replacement tree shall be planted closer than ten feet (10') from any fire hydrant.
(d) Utilities: No lot frontage tree, boulevard tree, or replacement tree may be planted within ten (10) lateral feet of any underground water line or sewer line (sanitary or storm) and two feet (2') from any other underground utility. Gopher State One shall be called to request locations of utilities.

(G) Tree Maintenance:

on private property, as a onetime emergency service. (Ord. 008-582, 5-5-2008)

(H) Tree Topping:

1. It shall be unlawful as a normal practice for any person to top any street tree, park tree or other tree on public property except as allowed in section 8-6-10 of this code. "Topping" is defined as the severe cutting back of limbs to stubs larger than three inches (3") in diameter within the tree’s crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this subsection at the determination of the natural resources division. (Ord. 006-563, 9-18-2006)

(I) Pruning, Corner Clearance:

1. Prune branches so that such branches shall not obstruct the view of any street intersection and so that there shall be a clear space of ten feet (10') above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs that constitute a menace to the safety of the public. The city shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a streetlight or interferes with visibility of any traffic control device or sign. (Ord. 002-469, 2-19-2002)

(J) Dead Or Diseased Tree Removal On Private Property:

1. The city shall have the right to cause the removal of any dead or diseased trees on private property within the city in accordance with title 7, chapter 6 of this code when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees in the city. The natural resources division will notify, in writing, the owners of such trees. Removal shall be done by said owners at their own expense within sixty (60) days after the date of service of notice. In the event of failure of owners to comply with such provisions, the city shall have the authority to remove such trees and charge the cost of removal on the owners' property tax notices. (Ord. 006-563, 9-18-2006)

(K) Removal Of Stumps:

1. All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.
(L) Tree Protection In Construction Zones:

1. Specifications: Existing trees and vegetation that are to be saved shall be protected from all construction activities, including earthwork operations, movement and storage of equipment, and materials and dumping of toxic materials. A minimum protection zone shall be established by the installation of temporary fencing around existing vegetation to be preserved, placing the fencing no closer to the trees than their drip lines, and this information shown and noted on the plans. Protective fencing shall be maintained throughout the construction period. Alternative protection measures may be approved by the zoning officer. Construction details which indicate special techniques that will be employed to save trees are required for all existing trees for which credit is desired. Existing trees will be counted as fulfilling the landscaping requirements of this section. Trees counted shall be all existing deciduous trees with a trunk size of four inches (4”) or larger, measured at four and one-half feet (4½’) above the ground and all existing evergreen trees measuring five (5) vertical feet or more in height.

2. Replacement: If any of the trees required to be retained or trees planted as part of the landscaping plan should die within a period of eighteen (18) months after completion of the activities associated with construction of the site, the owner of the property must replace the trees within six (6) months at a ratio of one to one (1:1) with an approved tree having a minimum diameter of two inches (2”) measured at a point six inches (6”) above the natural grade. Shrubbery or other plantings which die within eighteen (18) months of completion of the activities shall be replaced in kind within six (6) months. (Ord. 002-469, 2-19-2002)

(M) Overhead Utility Line Planting Requirements:

1. Location: Overhead utility lines must be located on the landscape plan. In order to allow for maintenance of the lines, if an overhead utility line is located in the rear yard along the property line, the buffer plantings required in the buffer yard shall be installed following guidelines set below. If the overhead utility line is located in the rear yard, but five feet (5’) to ten feet (10’) from the property line, the screening and buffer yard plantings shall be installed along the property line with city staff approval.

2. Species: The following is a list of plant materials that might be considered for use near overhead utility lines. This list is not all inclusive. Considerations should be given to soil conditions, drainage, exposure, growth patterns, and local experience when selecting plant materials.

<table>
<thead>
<tr>
<th>Shrubs (Maximum Of 15 Feet In Height)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plant under overhead lines</td>
</tr>
<tr>
<td>Small Trees (Over 15 Feet, But Under 30 Feet In Height)</td>
</tr>
<tr>
<td>--------------------------------------------------------</td>
</tr>
</tbody>
</table>

- **Althea (rose of Sharon)**
- **Barberry**
- **Boxwood**
- **Burning bush (Euonymus alatus)**
- **Flowering almond**
- **Forsythia**
- **Honeysuckle**
- **Lilac**
- **Ornamental grasses**
- **Potentilla**
- **Spireas**
- **Spreading junipers**
- **Viburnums**

*Plant at least 15 feet from overhead utility line*
Amur maple
Crab apples
Dogwoods
Flowering cherries
Flowering plums
Hawthorns
Japanese tree lilac
Redbud
Serviceberry
Weeping mulberry

Medium Trees (30 - 70 Feet In Height)

Plant at least 35 feet from overhead utility line

Bald cypress
Black gum
<table>
<thead>
<tr>
<th>Tree Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Goldenrain tree</td>
</tr>
<tr>
<td>Lindens</td>
</tr>
<tr>
<td>Maples (red, Norway)</td>
</tr>
<tr>
<td>Oaks (sawtooth, English)</td>
</tr>
<tr>
<td>Pears (aristocrat, chanticlear)</td>
</tr>
<tr>
<td>River birch</td>
</tr>
<tr>
<td>Spruce</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td><strong>Large Trees (Over 70 Feet In Height)</strong></td>
</tr>
<tr>
<td>Plant at least 45 feet from overhead utility line</td>
</tr>
<tr>
<td>Basswood</td>
</tr>
<tr>
<td>Ginkgo</td>
</tr>
<tr>
<td>Hackberry</td>
</tr>
<tr>
<td>Honey locust</td>
</tr>
<tr>
<td>Kentucky coffeetree</td>
</tr>
<tr>
<td>London plane tree</td>
</tr>
</tbody>
</table>
Oaks (burr, red, pin)

Red pine

Tulip poplar

White pine

(Ord. 008-589, 10-20-2008)

(N) Landscape Guarantee:

1. Guarantee: All new plantings shall be guaranteed for two (2) full years from the time planting has been completed. Plants not alive at the end of the guarantee period shall be replaced.

2. Surety: Prior to approval of the landscape plan, the applicant shall submit surety acceptable to the city administrator in the amount of the established costs of complying with the plan. The aforesaid surety shall be provided for guaranteeing completion and compliance with the plan.

3. Completion Or Bond: A certificate of occupancy shall not be issued until either the landscaping is completed or a bond has been filed. (Ord. 002-469, 2-19-2002)
APPENDIX E: GENERAL PROVISIONS GOVERNING ZONING

Zoning is a tool that allows cities to divide its boundaries into zoning districts, each of which have certain restrictions and/or characteristics. Farmington has established several zoning regulations – some general and others that are specific to a particular zoning district. The following information is not an extensive overview of the zoning regulations. Instead, this section is intended to give a general overview of the zoning regulations in Farmington.

Farmington has over fifteen (15) zoning districts. Farmington’s municipal code holds that if there are other laws, code provisions, resolutions, or regulations that are more restrictive than the zoning regulations set forth, that the most restrictive rules shall prevail. Additionally, the municipal code outlines its procedure process, specifically allotting for public participation.

For more information, please visit Farmington’s planning website, http://www.ci.farmington.mn.us/Departments/Planning/Planning.html.

Municipal Code of Ordinances:

Chapter 10 – Zoning

10-5-2: ZONING DISTRICTS:

The city is divided into the districts shown by the district boundaries on the zoning map. The districts are:

- A-1 Agriculture
- R-1 Low density residential
- R-2 Low/medium density residential
- R-3 Medium density residential
- R-5 High density residential
- R-T Downtown transitional mixed use
- R-D Downtown residential
- B-1 Highway business
- B-2 Downtown business
<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>B-3</td>
<td>Heavy business</td>
</tr>
<tr>
<td>B-4</td>
<td>Neighborhood business</td>
</tr>
<tr>
<td>SSC</td>
<td>Spruce Street commercial</td>
</tr>
<tr>
<td></td>
<td>Business/commercial flex</td>
</tr>
<tr>
<td></td>
<td>Mixed use</td>
</tr>
<tr>
<td>MUCR</td>
<td>Mixed use commercial/residential</td>
</tr>
<tr>
<td>IP</td>
<td>Industrial park</td>
</tr>
<tr>
<td>I-1</td>
<td>Industrial</td>
</tr>
<tr>
<td>P/OS</td>
<td>Parks and open space</td>
</tr>
</tbody>
</table>
APPENDIX F: MUNICIPAL CODE PROVISIONS

Gardening

Chapter 3 – Business Regulations; Landfilling Controls

Section 3-24-4: Exemptions From Permitting Requirements:

*The following activities do not require a permit under this chapter:

. . .

(C) Filling for agricultural purposes except for filling of wetlands.

. . .

(E) Filling a garden with topsoil.

(F) Filling up to six inches (6”) of topsoil for purposes of growing grass or other vegetables.

Chapter 10 – Zoning; Districts and District Provisions

Section 10-5-5: A-1 Agricultural District:

(A) Purpose: The agriculture district is intended to preserve the city's agricultural uses in order to protect farms until at least 2020, to maintain the city's small town character and to create an urban reserve for such time when there is a need for additional urban development and public utilities may be extended.

(B) Bulk And Density Standards:

1. Minimum Standards:

<table>
<thead>
<tr>
<th>Lot area</th>
<th>40 acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot width</td>
<td>150 feet</td>
</tr>
<tr>
<td>Front yard setback</td>
<td>50 feet</td>
</tr>
<tr>
<td>Side yard setback</td>
<td>20 feet</td>
</tr>
<tr>
<td>Rear yard setback</td>
<td>20 feet</td>
</tr>
<tr>
<td>Height (maximum)</td>
<td>35 feet</td>
</tr>
</tbody>
</table>

*All standards are minimum requirements unless noted.*

2. Accessory Structure Standards:
Front yard setback  50 feet  
Side yard setback  20 feet  
Rear yard setback  20 feet  

All standards are minimum requirements unless noted.

3. Additional Accessory Use Standards:

(a) Feedlots, fenced runs, pens and similar intensively used facilities for animal raising and care shall not be located within three hundred feet (300') of a neighboring property.

(b) Roadside stands used exclusively for the sale of locally grown agricultural products shall be permitted if:

(1) They are erected at least fifty feet (50') from the nearest edge of roadway surface.

(2) Parking space is provided off the road right of way.

(C) Uses:

1. Permitted:

   Agriculture.
   Daycare facilities, in home.
   Dwellings, single-family.
   Greenhouses and nurseries, commercial.
   Public parks and playgrounds.
   Recreational vehicle storage facilities.
   Seasonal produce stands.
   Specialized animal raising facilities.

2. Conditional:

   Accessory apartment.
   Agricultural services.
   Cemeteries.
   Churches.
   Commercial recreational uses.
Equipment maintenance and storage facilities.
Feedlots.
Golf courses.
Kennels.
Mineral extraction.
Public and parochial schools.
Public buildings and facilities.
Public utility buildings.
Stables and riding academies.
Towers. (Ord. 009-615, 10-19-2009)

3. Accessory:
Accessory structures.
Home occupations.

4. Interim:
Soil pulverizing operation. (Ord. 002-474, 5-6-2002)

Section 10-5-6: R-1 LOW DENSITY RESIDENTIAL DISTRICT:

(A) Purpose: The R-1 low density residential district provides for existing and future low density single-family development with full public utilities.

2. Accessory Structure Standards: Accessory structures must be located behind principal structure in the side or rear yard according to the following requirements:

<table>
<thead>
<tr>
<th>Maximum size:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Detached garages:</td>
<td></td>
</tr>
<tr>
<td>Lots up to 0.5 acre</td>
<td>Lesser of 1,000 square feet or square feet of principal structure</td>
</tr>
<tr>
<td>Lots 0.5 to 1 acre</td>
<td>Lesser of 1,250 square feet or square feet of principal structure</td>
</tr>
<tr>
<td>--------------------</td>
<td>---------------------------------------------------------------</td>
</tr>
<tr>
<td>Lots 1.0 acre +</td>
<td>Lesser of 1,500 square feet or square feet of principal structure</td>
</tr>
<tr>
<td>Storage shed</td>
<td>240 square feet</td>
</tr>
<tr>
<td>Building permit</td>
<td>Any accessory structure over 120 square feet requires a building permit</td>
</tr>
<tr>
<td>Building material</td>
<td>The detached garage shall be constructed of similar materials as the principal structure</td>
</tr>
<tr>
<td>Maximum number</td>
<td>1 of each type of structure provided it is not over approved lot coverage</td>
</tr>
<tr>
<td>Side yard setback</td>
<td>6 feet</td>
</tr>
<tr>
<td>Rear yard setback</td>
<td>6 feet</td>
</tr>
<tr>
<td>Height (maximum) storage shed</td>
<td>12 feet</td>
</tr>
<tr>
<td>Height (maximum) detached garage</td>
<td>20 feet</td>
</tr>
</tbody>
</table>

All standards are minimum requirements unless noted. (Ord. 009-607, 8-3-2009)

3. Minor Arterial Setbacks: The minimum front yard setback for all land adjacent to minor arterial streets shall be fifty feet (50') from the planned right of way line.

(C) Uses:
1. Permitted:
Agriculture.

2. Conditional:

3. Accessory:
Accessory structures.
Section 10-5-22: I-1 INDUSTRIAL DISTRICT:

(A) Purpose: The I-1 industrial district allows for the continuation of existing industrial uses but not their expansion in the downtown area.

... 

(C) Uses:

... 

2. Conditional:
Agriculture.

... 

Section 10-5-23: P/OS PARKS AND OPEN SPACE DISTRICT:

(A) Purpose: The P/OS parks and open space district provides recreational and leisure opportunities through publicly owned land and recognizes vital environmental resources including steep slopes, wetlands, and floodplains.

... 

(C) Uses:

1. Permitted:
Agriculture.

... 

Farming

Chapter 6 – Police Regulations; Animals; Fowl

ORDINANCE NO. 015-698, AN ORDINANCE AMENDING TITLE 6, POLICE REGULATIONS, OF THE CITY CODE

Section 6-4-1: DEFINITION:

The term "rural district" as used in this chapter shall include all platted and unplatted land presently within the limits of the city, or hereinafter annexed thereto, which are not developed for commercial, industrial or urban residential purposes. Land in rural districts must be open, rural in character and maintained generally in farm crops, pasture land, seeded or diverted acreage. The term "urban district" as used in this chapter shall include all other lands within the limits of the city, or such lands hereinafter annexed thereto, which are not within the rural districts. (10-4-1971)
Section 6-4-3: HERDING WITHIN CITY LIMITS:

It shall be unlawful for any person to herd, hold, pasture or detain any herd, drove or band of sheep, horses, cattle or any other animals within the urban districts of the city. (10-4-1971)

Section 6-4-4: RUNNING AT LARGE:

It shall be unlawful for any person to permit or allow any horse, mare, colt, mule, cow, bull, calf, jack, jenny, goat or hog belonging to him/her or under his/her control, to run at large within the urban districts of the city. (10-4-1971)

Section 6-4-5: UNLAWFUL TO DRIVE ANIMALS INTO CITY:

If any person drives or causes to be driven any animal or animals into the urban districts of the city, with the intention or the purpose of having such animal impounded, he/she shall be deemed guilty of a misdemeanor. (10-4-1971)

Chapter 11 – Land Use Regulations (Zoning)

Sec. 11.60. - Use districts and overlays

Subd. 3. "A" Agricultural District.

A. Purpose. The intent of the agricultural district is for agricultural uses and related activities, and a holding area for future development.

B. Permitted uses. Within any agricultural district no structure or land shall be used except for one or more of the following uses or uses deemed similar by the council:

1. Agriculture.

2. Freestanding satellite dishes, subject to the regulations thereof elsewhere in this chapter.

3. Public parks, playgrounds and public utility service facilities.

4. Public utility tower mounted antennae, subject to the regulations thereof elsewhere in this chapter.

5. Stands for the sale of agricultural products provided said products are raised on the premises.


Sec. 11.66. – Floodplain Overlay Districts: Floodway District (FW) and Flood Fringe District (FF)

Subd. 5. Floodway district (FW) and flood fringe district (FF).
A. Floodway district (FW) permitted uses. The following uses shall be permitted uses within the floodway district (FW), provided they are not prohibited by any other Code provision and comply with the standards for floodway permitted uses set forth herein:

1. Agricultural uses not involving a structure, such as: general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting.

Sec. 11.70. – Performance standards

Subd. 16. Fences.

A. Construction and maintenance. (2) Above-ground electric boundary fences shall only be permitted in the A district when the property is an active farm.

Farm Animals

Chapter 6 – Police Regulations; Animals; Fowl

ORDINANCE NO. 015-698, AN ORDINANCE AMENDING TITLE 6, POLICE REGULATIONS, OF THE CITY CODE

Section 6-4-2: KEEPING ANIMALS WITHIN CITY:

(A) Definitions: The following terms shall have the following meanings:
FARM ANIMALS: Cattle, hogs, bees, sheep, goats, chickens, turkeys, horses, and other animals commonly accepted as farm animals in the state of Minnesota.
HOUSE PETS: Animals such as dogs, cats, birds (not including pigeons, chickens, geese, turkeys or other domestic fowl), gerbils, hamsters, rabbits (including those normally sheltered outside of the principal structure), and tropical fish, that can be contained within a principal structure throughout the entire year, provided that the containment can be accomplished without special modification to the structure that would require a building permit, excluding wild or domesticated wild animals.
(B) House Pets: The keeping of house pets is a permitted accessory use in all zoning districts.
(C) Farm Animals: The keeping of farm animals, with the exception of chickens on urban residential lots which are regulated under section 10-6-29 of this code, is a permitted accessory use in all zoning districts provided:
1. The minimum lot size is two and one-half (2 1/2) acres.
2. Farm animals may not be confined in a pen, feedlot or building within one hundred feet (100') of any residential dwelling not owned or leased by the keeper of the animals, unless:
   (a) The animals were kept prior to the adoption of this section, or
   (b) The animals were kept after the adoption of this section but prior to the existence of a residence within one hundred feet (100').
(D) Prohibition: With the exception of the keeping of animals allowed by subsections (B) and (C) of this section, no other animals are allowed except by interim use permit as regulated under the provisions of section 10-3-7 of this code.

(E) Commercial Purposes: Animals may only be kept for commercial purposes if authorized in the zoning district where the animals are located.

(F) Nuisance Animals: Animals may not be kept if they cause a nuisance or endanger the health or safety of the community.

(G) Animal Enclosures: Animal enclosures shall be subject to the accessory structure requirements of section 10-6-6 of this code. (Ord. 013-660, 3-18-2013)

Section 6-4-3: HERDING WITHIN CITY LIMITS:

It shall be unlawful for any person to herd, hold, pasture or detain any herd, drove or band of sheep, horses, cattle or any other animals within the urban districts of the city. (10-4-1971)

Section 6-4-4: RUNNING AT LARGE:

It shall be unlawful for any person to permit or allow any horse, mare, colt, mule, cow, bull, calf, jack, jenny, goat or hog belonging to him/her or under his/her control, to run at large within the urban districts of the city. (10-4-1971)

Section 6-4-5: UNLAWFUL TO DRIVE ANIMALS INTO CITY:

If any person drives or causes to be driven any animal or animals into the urban districts of the city, with the intention or the purpose of having such animal impounded, he/she shall be deemed guilty of a misdemeanor. (10-4-1971)

Chapter 10 – Zoning

Section 10-6-29: CHICKENS ON URBAN RESIDENTIAL LOTS: (Zoning, Performance Standards)

(A) Permit Required: An urban chicken permit shall be required for the keeping of any hen chickens on residential property less than two and one-half (21/2) acres in size, provided said property is zoned R-1 (low density residential). The keeping of chickens on lots two and one-half (21/2) acres and larger are regulated under section 6-4-2 of this code. An urban chicken permit requires a public hearing be held by the board of adjustment after a fee, established by the city council, is paid and all adjacent property owners are notified. Supporting information/documents to be submitted to the planning division with an urban chicken permit application are:

1. Number of chickens to be kept on the property.

2. Site plan or property survey showing the proposed location of the chicken coop and/or chicken run on the subject property.

3. To scale building plan, including elevations, of the proposed coop and/or run.
(B) Duration Of Permit: The urban chicken permit shall be valid for one year from the date of board of adjustment approval. A renewal permit will be required every year after the initial board of adjustment approval that chickens are kept on an approved residential lot. An application for a renewal permit shall be filed with the city thirty (30) days prior to the expiration of the current permit. The urban chicken permit may be terminated or not renewed for violations of the ordinance following notice to the permit holder and an opportunity for a hearing at the board of adjustment.

The renewal permit will be reviewed and approved administratively. The fee for a renewal permit will be established yearly by the city council.

(C) Automatic Termination Of Permit: If the owner of hen chickens, who has an approved permit, moves from the premises approved for said hens, the urban chicken permit shall automatically become null and void.

(D) Limitation On The Number Of Chickens: No person shall keep on any single-family residential property more than three (3) total hen chickens.

(E) Three Or More Dwelling Unit Properties: Chickens are not allowed on properties that contain three (3) or more dwelling units.

(F) No Roosters: No person shall keep roosters, or adult male chickens, on any residentially zoned property less than two and one-half (2 1/2) acres in size.

(G) No Cockfighting: Cockfighting is specifically prohibited within the city.

(H) No Slaughtering: The slaughter of chickens is prohibited on residentially used or zoned properties.

(I) Ownership Occupancy: The owner of the chickens shall live on the property on which they are being kept.

(J) Confinement: Every person who owns, controls, keeps, maintains or harbors hen chickens must keep them confined on the premises at all times in a chicken coop or chicken run while in the city. Chickens are not allowed to be located in any part of the home and/or garage.

(K) Shelter And Enclosure Requirements: Chickens shall be properly protected from the weather and predators and have access to the outdoors in an enclosure or fenced area. The shelter and/or enclosure shall meet all of the following requirements:

1. Any chicken coop and run fencing must be consistent with building and zoning codes.

2. No chicken coop or run shall be constructed on any urban residential lot prior to the time of construction of the principal structure.

3. One chicken coop and/or chicken run will be allowed per residential lot provided the maximum lot coverage of the underlying zoning district is not exceeded.

4. Chicken coops and runs shall not be located in the front or side yards and shall not be placed within any drainage and utility easements found on residential lots.
5. Any chicken coop or run shall be set back at least twenty five feet (25') from any principal structure on adjacent lots and a minimum of ten feet (10') from all property lines.

6. Any chicken coop or run shall be screened from view with a solid fence or landscaped buffer with a minimum height of four feet (4'). All fencing shall be in accordance with section 10-6-12 of this chapter.

7. All chicken coops must have a maximum size of ten (10) square feet per chicken and must not exceed eight feet (8') in total height. Fenced in chicken runs must not exceed twenty (20) square feet per chicken and fencing must not exceed six feet (6') in total height. Chicken runs may be enclosed with wood and/or woven wire materials, and may allow chickens to contact the ground. Chicken runs must have a protective overhead netting to keep the chickens separated from other animals.

8. Chicken coops must be elevated a minimum of twelve inches (12") and a maximum of thirty six inches (36") above grade to ensure circulation beneath the coop.

9. Chicken grains and feed must be stored in a rodentproof container.

(L) Conditions/Maintenance And Inspection: No person who owns, controls, keeps, maintains or harbors hen chickens shall permit the premises where the hen chickens are kept to be or remain in an unhealthy, unsanitary or noxious condition or to permit the premises to be in such condition that noxious odors to be carried to adjacent public or private property. Any chicken coop and chicken run authorized under this section may be inspected at any reasonable time by the city. (Ord. 014-668, 6-16-2014)

**Chicken Coops**

Chapter 10 – Zoning

Section 10-6-29: CHICKENS ON URBAN RESIDENTIAL LOTS: (Zoning, Performance Standards)

(J) Confinement: Every person who owns, controls, keeps, maintains or harbors hen chickens must keep them confined on the premises at all times in a chicken coop or chicken run while in the city. Chickens are not allowed to be located in any part of the home and/or garage.

(K) Shelter And Enclosure Requirements: Chickens shall be properly protected from the weather and predators and have access to the outdoors in an enclosure or fenced area. The shelter and/or enclosure shall meet all of the following requirements:

1. Any chicken coop and run fencing must be consistent with building and zoning codes.

2. No chicken coop or run shall be constructed on any urban residential lot prior to the time of construction of the principal structure.
3. One chicken coop and/or chicken run will be allowed per residential lot provided the maximum lot coverage of the underlying zoning district is not exceeded.

4. Chicken coops and runs shall not be located in the front or side yards and shall not be placed within any drainage and utility easements found on residential lots.

5. Any chicken coop or run shall be set back at least twenty five feet (25’) from any principal structure on adjacent lots and a minimum of ten feet (10’) from all property lines.

6. Any chicken coop or run shall be screened from view with a solid fence or landscaped buffer with a minimum height of four feet (4’). All fencing shall be in accordance with section 10-6-12 of this chapter.

7. All chicken coops must have a maximum size of ten (10) square feet per chicken and must not exceed eight feet (8’) in total height. Fenced in chicken runs must not exceed twenty (20) square feet per chicken and fencing must not exceed six feet (6’) in total height. Chicken runs may be enclosed with wood and/or woven wire materials, and may allow chickens to contact the ground. Chicken runs must have a protective overhead netting to keep the chickens separated from other animals.

8. Chicken coops must be elevated a minimum of twelve inches (12”) and a maximum of thirty six inches (36”) above grade to ensure circulation beneath the coop.

9. Chicken grains and feed must be stored in a rodentproof container.

(L) Conditions/Maintenance And Inspection: No person who owns, controls, keeps, maintains or harbors hen chickens shall permit the premises where the hen chickens are kept to be or remain in an unhealthy, unsanitary or noxious condition or to permit the premises to be in such condition that noxious odors to be carried to adjacent public or private property. Any chicken coop and chicken run authorized under this section may be inspected at any reasonable time by the city. (Ord. 014-668, 6-16-2014)

Fence

Chapter 10 – Zoning

Section 10-5-25: FLOODPLAIN OVERLAY DISTRICT: (Zoning, Districts and District Provisions)

(I) Administration:

1. Permit Required: A permit issued by the city engineer shall be secured prior to the construction, addition, alteration, rehabilitation (including normal maintenance and repair) or modification of any building or structure, or portion thereof; prior to the use or change of use of a building, structure, or land; prior to the construction of a dam, fence, or on site septic system; prior to the change or extension of a nonconforming use; prior to the repair of a structure that has been damaged by flood, fire, tornado, or any other source; and prior to the placement of fill, excavation of materials, or the placement of an obstruction within the floodplain.
Section 10-6-12: FENCES: (Zoning, Performance Standards)

Fences shall be permitted in all yards subject to the following:

(A) Residential Fence Heights: In residential districts four foot (4’) fences may be located on any lot line except that fences on interior lots may be six feet (6’) in height on the side and rear lot lines beginning at the nearest front corner of the principal building.

(B) Corner Lots: Fences up to six feet (6’) in height may be constructed on the side and rear lot lines behind the nearest front corner of the principal building subject to the following:

1. The front corner of the principal building is defined as beginning at the widest point of the structure’s front street facing foundation as determined by its street address.

2. No fence over four feet (4’) in height shall be located within the triangle of visibility which is that area within a triangle created by measuring from a point on the curb or edge of the street closest to the center of the intersection, down the front curb lines or edge of the intersecting streets thirty feet (30’), and then connecting these end points with a straight line.

3. When a fence is adjacent to a driveway of a neighboring lot, a five foot (5’) triangle of visibility or a five foot (5’) setback along the streetside shall be provided at the intersecting lot lines.

(C) Varying Setbacks: Should the fence be located between principal buildings with varying setbacks on adjacent lots, a fence up to six feet (6’) in height may not extend beyond the average setback of the two (2) buildings.

(D) Variance: A variance is required for fences over six feet (6’) and up to eight feet (8’) in height when constructed within the buildable areas of lots in residential districts.

(E) Commercial And Industrial Districts: Fences located within commercial and industrial districts may be located on any lot line up to a height of eight feet (8’) except in the required front yard.

(F) Site Plan; Building Permit: A site plan or legal survey with the location of the proposed fence shall be submitted to the building inspection division for approval for all fences over four feet (4’) in height. An application for a building permit is required for all fences exceeding six feet (6’) in height.

(G) Materials: Fences in all districts, except agricultural, shall be constructed of materials widely accepted in the fencing industry. No plywood boards, canvas, plastic sheeting, metal sheeting or similar material shall be used for any fence construction.

(H) Maintenance: All fences shall be maintained in good condition and vertical position, and any missing or deteriorated wood slats, pickets, other fencing material, or structural elements shall be replaced in a timely manner with the same quality of material and workmanship. (Ord. 002-469, 2-19-2002)
Arbors, Trellises, and Pergolas

Chapter 10 – Zoning

Section 10-4-1: GENERAL REQUIREMENTS: (Zoning, General Provisions)

(A) Lots which abut on more than one street shall provide the required front yards along each street. Rear yard setbacks shall not be required on corner lots since side yard setbacks apply.

(B) All structures, whether attached to the principal structure or not, and whether open or closed, including porches, carports, balconies or platforms above normal grade level, shall not project into any minimum front, side or rear yard.

(C) Any lot of record existing on the effective date (original adoption date) hereof may be used for the erection of a structure conforming to use regulations of the district in which it is located, even though its area and width are less than the minimum requirements of this title.

(D) In new residential subdivisions, all structures may be arranged to include one zero lot line; provided, that no windows or doors open on this side of the structure. In such lot arrangements, the total side yard requirement may be placed on one side of the principal structure. Maintenance easements must be provided as part of the subdivided plat to afford access to the sides and roof of structures so placed.

(E) Rear and side yard lot lines abutting a railroad right of way are exempt from rear and side yard setbacks in all districts.

(F) If underground parking is included as part of townhouse and apartment developments, a credit of three hundred (300) square feet per unit will be added for the units provided with basement garages.

(G) Single- and two-family dwellings shall be erected over a basement and include a single car garage of at least three hundred (300) square feet. If a basement is either not possible or not desired, the construction shall include a double car garage of at least four hundred forty (440) square feet.

(H) Except in the case of a planned unit development, not more than one principal building or structure shall be located on a platted lot or parcel of land.

(I) Conditions under which solar energy systems will be approved include findings that:

1. The proposed energy system complies with the definition listed in section 10-2-1 of this title.

2. The proposed collector will be unshaded by structures and vegetation between the hours of nine o’clock (9:00) A.M. and three o’clock (3:00) P.M. on December 21.

3. Solar sky space needs will not adversely restrict the reasonable economic use of neighboring property to the south.
(J) A vehicular access plan shall be required which links every site with an improved public street or alley before any building permit is issued.

(K) The lot coverage of structures within development projects which include common open space controlled by a neighborhood association shall be calculated using each unit’s share of that common open space. (Ord. 002-469, 2-19-2002)

(L) The minimum front yard setback for all districts adjacent to minor arterial streets included in the thoroughfare plan of the Farmington comprehensive plan, except for those located in section 31, range 19, township 114, Dakota County, Minnesota, shall be fifty feet (50’) from the planned right of way line. (Ord. 003-495, 7-7-2003).

Shed

Chapter 4 – Building Regulations

Section 4-6-2: PERMIT EXCEPTIONS: (Building Regulations, Demolition)

No permit shall be required for the wrecking, demolishing or tearing down of a private shed, garage or freestanding accessory building (except with respect to those located on properties identified in section 4-6-10 of this chapter). Further, and except as provided elsewhere herein, this chapter shall not apply in cases where partial demolition is necessary in connection with a minor remodeling or altering of an existing building. (Ord. 002-475, 5-6-2002).

Ordinance 015-693a - ACCESSORY STRUCTURE STANDARDS – Effective April 20, 2015

Section 10-5-6: R-1 LOW DENSITY RESIDENTIAL DISTRICT: (Zoning, Districts and District Provisions)

2. Accessory Structure Standards: Accessory structures must be located behind principal structure in the side or rear yard according to the following requirements:

<table>
<thead>
<tr>
<th>Maximum size:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Detached garages:</strong></td>
<td></td>
</tr>
<tr>
<td>Lots up to 0.5 acre</td>
<td>Lesser of 1,000 square feet or square feet of principal structure</td>
</tr>
<tr>
<td>Lots 0.5 to 1 acre</td>
<td>Lesser of 1,250 square feet or square feet of principal structure</td>
</tr>
<tr>
<td>Lots 1.0 acre +</td>
<td>Lesser of 1,500 square feet or square feet of principal structure</td>
</tr>
<tr>
<td>Storage shed</td>
<td>240 square feet</td>
</tr>
<tr>
<td>Building permit</td>
<td>Any accessory structure over 200 square feet requires a building permit</td>
</tr>
<tr>
<td>-----------------</td>
<td>-------------------------------------------------------------------</td>
</tr>
<tr>
<td>Building material</td>
<td>The detached garage shall be constructed of similar materials as the principal structure</td>
</tr>
<tr>
<td>Maximum number</td>
<td>1 of each type of structure provided it is not over approved lot coverage</td>
</tr>
<tr>
<td>Side yard setback</td>
<td>6 feet</td>
</tr>
<tr>
<td>Rear yard setback</td>
<td>6 feet</td>
</tr>
<tr>
<td>Height (maximum) storage shed</td>
<td>12 feet</td>
</tr>
<tr>
<td>Height (maximum) detached garage</td>
<td>20 feet</td>
</tr>
</tbody>
</table>

Section 10-5-7: R-2 LOW/MEDIUM DENSITY RESIDENTIAL DISTRICT: (Zoning, Districts and District Provisions)

2. Accessory Structure Standards: Accessory structures must be located behind principal structure in the side or rear yard according to the following requirements:

<table>
<thead>
<tr>
<th>Maximum size:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Detached garages:</td>
<td></td>
</tr>
<tr>
<td>Lots up to 0.5 acre</td>
<td>Lesser of 1,000 square feet or square feet of principal structure</td>
</tr>
<tr>
<td>Lots 0.5 to 1 acre</td>
<td>Lesser of 1,250 square feet or square feet of principal structure</td>
</tr>
<tr>
<td>Lots 1.0 acre +</td>
<td>Lesser of 1,500 square feet or square feet of principal structure</td>
</tr>
<tr>
<td>Storage shed</td>
<td>240 square feet</td>
</tr>
<tr>
<td>Apartment</td>
<td>1,800 square feet</td>
</tr>
<tr>
<td>Building permit</td>
<td>Any accessory structure over 200 square feet requires a building permit</td>
</tr>
<tr>
<td>----------------</td>
<td>---------------------------------------------------------------------</td>
</tr>
<tr>
<td>Building material</td>
<td>The detached garage shall be constructed of similar materials as the principal structure</td>
</tr>
<tr>
<td>Maximum number</td>
<td>1 of each type of structure provided it is not over approved lot coverage</td>
</tr>
<tr>
<td>Side yard setback</td>
<td>6 feet</td>
</tr>
<tr>
<td>Rear yard setback:</td>
<td></td>
</tr>
<tr>
<td>With alley</td>
<td>10 feet</td>
</tr>
<tr>
<td>Without alley</td>
<td>3 feet</td>
</tr>
<tr>
<td>Height (maximum) storage shed</td>
<td>12 feet</td>
</tr>
<tr>
<td>Height (maximum) detached garage</td>
<td>20 feet</td>
</tr>
</tbody>
</table>

Section 10-5-8: R-3 MEDIUM DENSITY RESIDENTIAL DISTRICT: (Zoning, Districts and District Provisions)

2. Accessory Structure Standards: Accessory structures must be located behind principal structure in the side or rear yard according to the following requirements:

<table>
<thead>
<tr>
<th>Maximum size:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Detached garages</td>
<td>Lesser of 1,000 square feet or square feet of principal structure</td>
</tr>
<tr>
<td>Storage shed</td>
<td>240 square feet</td>
</tr>
<tr>
<td>Apartment</td>
<td>1,800 square feet</td>
</tr>
<tr>
<td>Building permit</td>
<td>Any accessory structure over 200 square feet requires a building permit</td>
</tr>
<tr>
<td>Building material</td>
<td>The detached garage shall be constructed of similar materials as the principal structure</td>
</tr>
</tbody>
</table>
Maximum number | 1 of each type of structure provided it is not over approved lot coverage
---|---
**Side yard setback** | 6 feet
**Rear yard setback:** |  
With alley | 10 feet
Without alley | 3 feet
**Height (maximum) storage shed** | 12 feet
**Height (maximum) detached garage** | 20 feet

Section 10-5-10: R-5 HIGH DENSITY RESIDENTIAL DISTRICT: (Zoning, Districts and District Provisions)

2. Accessory Structure Standards: Accessory structures must be located behind principal structure in the side or rear yard according to the following requirements:

<p>| Maximum size: |<br />
| --- | --- |
| <strong>Detached garages</strong> | Lesser of 1,000 square feet or square feet of principal structure |
| <strong>Storage shed</strong> | 240 square feet |
| <strong>Apartment</strong> | 1,800 square feet |
| <strong>Building permit</strong> | Any accessory structure over 200 square feet requires a building permit |
| <strong>Building material</strong> | The detached garage shall be constructed of similar materials as the principal structure |
| <strong>Maximum number</strong> | 1 of each type of structure provided it is not over approved lot coverage |
| <strong>Side yard setback</strong> | 6 feet |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Rear yard setback</strong></td>
<td>6 feet</td>
</tr>
<tr>
<td><strong>Height (maximum) storage shed</strong></td>
<td>12 feet</td>
</tr>
<tr>
<td><strong>Height (maximum) detached garage</strong></td>
<td>20 feet</td>
</tr>
</tbody>
</table>

Section 10-5-11: R-T DOWNTOWN TRANSITIONAL MIXED USE DISTRICT: (Zoning, Districts and District Provisions)

2. Accessory Structure Standards: Accessory structures must be located behind principal structure in the side or rear yard according to the following requirements:

<table>
<thead>
<tr>
<th>Maximum size:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Detached garages</strong></td>
<td>Lesser of 1,000 square feet or square feet of principal structure</td>
</tr>
<tr>
<td><strong>Storage shed</strong></td>
<td>240 square feet</td>
</tr>
<tr>
<td><strong>Apartment</strong></td>
<td>1,800 square feet</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Building permit</th>
<th>Any accessory structure over 200 square feet requires a building permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building material</td>
<td>The detached garage shall be constructed of similar materials as the principal structure</td>
</tr>
<tr>
<td>Maximum number</td>
<td>1 of each type of structure provided it is not over approved lot coverage</td>
</tr>
<tr>
<td>Side yard setback</td>
<td>3 feet</td>
</tr>
<tr>
<td>Rear yard setback:</td>
<td></td>
</tr>
<tr>
<td>With alley</td>
<td>10 feet</td>
</tr>
<tr>
<td>Without alley</td>
<td>3 feet</td>
</tr>
<tr>
<td><strong>Height (maximum) storage shed</strong></td>
<td>12 feet</td>
</tr>
</tbody>
</table>
Section 10-5-12: R-D DOWNTOWN RESIDENTIAL DISTRICT: (Zoning, Districts and District Provisions)

2. Accessory Structure Standards: Accessory structures must be located behind principal structure in the side or rear yard according to the following requirements:

<table>
<thead>
<tr>
<th>Maximum size:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Detached garages</td>
<td>Lesser of 1,000 square feet or square feet of principal structure</td>
</tr>
<tr>
<td>Storage shed</td>
<td>240 square feet</td>
</tr>
<tr>
<td>Apartment</td>
<td>1,800 square feet</td>
</tr>
<tr>
<td>Building permit</td>
<td>Any accessory structure over 200 square feet requires a building permit</td>
</tr>
<tr>
<td>Building material</td>
<td>The detached garage shall be constructed of similar materials as the principal structure</td>
</tr>
<tr>
<td>Maximum number</td>
<td>1 of each type of structure provided it is not over approved lot coverage</td>
</tr>
<tr>
<td>Side yard setback</td>
<td>3 feet</td>
</tr>
<tr>
<td>Rear yard setback:</td>
<td></td>
</tr>
<tr>
<td>With alley</td>
<td>10 feet</td>
</tr>
<tr>
<td>Without alley</td>
<td>3 feet</td>
</tr>
<tr>
<td>Height (maximum) storage shed</td>
<td>12 feet</td>
</tr>
<tr>
<td>Height (maximum) detached garage</td>
<td>20 feet</td>
</tr>
</tbody>
</table>
## Grocery Store

Chapter 10 – Zoning

Districts and District Provisions

<table>
<thead>
<tr>
<th>District Name</th>
<th>Conditional uses: Grocery stores</th>
</tr>
</thead>
<tbody>
<tr>
<td>B-1 HIGHWAY BUSINESS DISTRICT</td>
<td>193</td>
</tr>
<tr>
<td>B-2 DOWNTOWN BUSINESS DISTRICT</td>
<td>194</td>
</tr>
<tr>
<td>SSC SPRUCE STREET COMMERCIAL DISTRICT</td>
<td>195</td>
</tr>
<tr>
<td>BUSINESS.COMMERICAL FLEX DISTRICT</td>
<td>196</td>
</tr>
</tbody>
</table>

## Food Establishments

Chapter 10 – Zoning

Districts and District Provisions

<table>
<thead>
<tr>
<th>District Name</th>
<th>Permitted uses:</th>
<th>Conditional uses:</th>
</tr>
</thead>
<tbody>
<tr>
<td>B-1 HIGHWAY BUSINESS DISTRICT</td>
<td>Restaurants, class I, traditional. 197</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Restaurants, class II, fast food, convenience.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Restaurants, class III, with liquor service.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Restaurants, class IV, nonintoxicating. 198</td>
<td></td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Permitted uses</th>
<th>Conditional uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>B-2 DOWNTOWN BUSINESS DISTRICT</td>
<td>Permitted uses: Restaurants, class I, traditional. 199</td>
<td>Conditional uses: Restaurants, class II, fast food, convenience.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Restaurants, class III, with liquor service.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Restaurants, class IV, nonintoxicating. 200</td>
</tr>
<tr>
<td>B-3 HEAVY BUSINESS DISTRICT</td>
<td>Permitted uses: Restaurants, class I, traditional. 201</td>
<td></td>
</tr>
<tr>
<td>SSC SPRUCE STREET COMMERCIAL DISTRICT</td>
<td>Permitted uses: Restaurants, class I, traditional.</td>
<td>Conditional uses: Restaurants, class II, fast food, convenience. 203</td>
</tr>
<tr>
<td></td>
<td>Restaurants, class III, with liquor service. 202</td>
<td></td>
</tr>
<tr>
<td>BUSINESS/COMMERCIAL FLEX DISTRICT</td>
<td>Permitted uses: Restaurants, class I, traditional.</td>
<td>Conditional uses: Restaurants, class II, fast food, convenience. 205</td>
</tr>
<tr>
<td></td>
<td>Restaurants, class III, with liquor service. 204</td>
<td></td>
</tr>
<tr>
<td>MIXED USE DISTRICT</td>
<td>Permitted uses: Restaurants, class I, traditional.</td>
<td>Conditional uses: Restaurants, class II, fast food, convenience. 207</td>
</tr>
<tr>
<td></td>
<td>Restaurants, class III, with liquor service. 206</td>
<td></td>
</tr>
</tbody>
</table>
MUCR MIXED USE COMMERCIAL/RESIDENTIAL DISTRICT

Permitted uses:
- Restaurants, class I, traditional.
- Restaurants, class III, with liquor service.
- Restaurants, class IV, nonintoxicating

Section 10-6-4: OFF STREET PARKING: (Zoning, Performance Standards)

| Restaurants, class I, III, IV and coffee shops | 1 per every 3 customers to maximum seating capacity plus 1 per employee |

Section 10-6-30: LIMITED COMMERCIAL VENTURE STANDARDS: (Zoning, Performance Standards)

(A) Location And Uses: Limited commercial ventures shall be allowed to be conducted at historic properties located within residential zoning districts subject to the approval of a conditional use permit. All limited commercial ventures must meet the established performance standards of subsection (B) of this section; and containing one or more of the following uses: class I restaurants, catering centers, reception facilities, meeting or conference facilities, professional office uses, museums, art galleries, antique shops, craft boutiques, or other uses deemed similar by the zoning administrator.

Food carts, mobile food units, and food stands

Chapter 10 – Zoning

Districts and District Provisions

| A-1 AGRICULTURE DISTRICT | Permitted uses: Seasonal produce stands |

Section 10-5-5: A-1 AGRICULTURE DISTRICT: (Zoning, Districts and District Provisions)

(A) Purpose: The agriculture district is intended to preserve the city's agricultural uses in order to protect farms until at least 2020, to maintain the city's small town character and to create an
urban reserve for such time when there is a need for additional urban development and public utilities may be extended.

(B) Bulk And Density Standards:

3. Additional Accessory Use Standards:

(a) Feedlots, fenced runs, pens and similar intensively used facilities for animal raising and care shall not be located within three hundred feet (300’) of a neighboring property.

(b) Roadside stands used exclusively for the sale of locally grown agricultural products shall be permitted if:

(1) They are erected at least fifty feet (50’) from the nearest edge of roadway surface.

(2) Parking space is provided off the road right of way.

Transient Merchant

Chapter 3 – Business Regulations, Peddlers, Solicitors, Transient Merchants

Section 3-18-2: LICENSE REQUIRED:

No peddler, solicitor or transient merchant shall sell or offer for sale any goods, wares or merchandise within the City unless a license therefor shall first be secured as provided in this Chapter. (Ord. 078-66, 7-5-1978)

Section 3-18-5: CERTAIN SALES PROHIBITED:

No transient merchant, peddler or solicitor shall sell or solicit orders for goods or services which are otherwise illegal. (Ord. 078-66, 7-5-1978)

Section 3-18-9: PRACTICES PROHIBITED:

No peddler, solicitor or transient merchant shall call attention to his business or to his merchandise by crying out, by blowing a horn, or ringing a bell, or by any loud or unusual noise. (Ord. 078-66, 7-5-1978)

Section 3-18-10: EXEMPTIONS:

This Chapter does not apply to any sale under court order, to any bona fide auction sale, to a sale at wholesale to a retail dealer, to a sale of agricultural products when such sales are made from the premises of the owner or lessee of the lands from which said agricultural products are raised, or to a sale to the public of personal property from the premises of the owner or lessee of the lands from which the sales are made; provided, however, that no such activities may
constitute a "home occupation" as defined in Section 10-1-4 of this Code. (Ord. 082-134, 8-16-1982).

Chapter 10 –Zoning, Performance Standards

**Home Occupation.** An occupation or profession that is accessory to a residential use; carried on by a member of the family residing in the dwelling unit, clearly incidental and secondary to the use of the building for dwelling purposes. 210

Section 10-6-2: HOME OCCUPATIONS:

A home occupation is permitted as an accessory use if it complies with the requirements of this section following all procedures outlined for approval of a conditional use.

(A) The home occupation shall be conducted solely and entirely by persons who reside full time in the home.

(B) The home occupation shall be conducted wholly within the principal or accessory structures.

(C) No structural alterations or enlargements shall be made for the sole purpose of conducting a home occupation.

(D) Only one home occupation shall be permitted for each principal structure.

(E) Exterior displays or signs other than a two (2) sided, two (2) square foot, nonilluminated sign and exterior storage of materials and exterior indication of the home occupation or variation from the residential character of the principal structure shall not be permitted.

(F) The activity does not involve the manufacture, assembly or distribution of goods and the activity does not deal with the general retail public. (Ord. 002-469, 2-19-2002)

Parking

Chapter 9 – Traffic

Section 9-1-3: PARKING AND STOPPING: (Traffic, Traffic Regulations)

It shall be unlawful for the owner and/or driver of a motor vehicle to stop, stand, or park the said vehicle in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic control device:

(A) On a sidewalk or boulevard between sidewalk and roadway.

(B) On a cross walk.

(C) Within an intersection.

(D) Within twenty feet (20’) of a crosswalk at any intersection.
(E) Within ten feet (10') of a fire hydrant.

(F) Within thirty feet (30') of any arterial stop sign or sign indicating the direction for travel.

(G) On the roadway side of any vehicle stopped or parked at the edge or curb of a street or highway.

(H) At any place where official signs prohibit stopping, standing, or parking.

(I) In any manner on any street or highway so as to interfere with or interrupt the passage of other vehicles.

(J) Along the curb adjacent to any posted school property from eight o'clock (8:00) A.M. to four o'clock (4:00) P.M. on days when school is in session.

(K) In front of a public or private driveway.

(L) Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic. (Ord. 083-146, 5-16-1983)

Section 9-1-4: PARKING PROHIBITED: (Traffic, Traffic Regulations)

A) No person shall park a vehicle or permit it to stand upon any street, highway or public alley within the city in any place where official signs prohibit parking or alongside any curbing officially painted yellow.

(B) No person shall, for camping purposes, leave or park a house or camping trailer on any public street, highway or alley within the city.

(C) No person shall, for the purposes of displaying it for sale, leave or park a vehicle on any public street, highway or alley within the city.

(D) No person shall park a vehicle in any public alley except that such alley parking shall be permitted only for the purpose of loading or unloading said vehicle and only in event that said parking does not otherwise obstruct traffic or violate any of the other provisions of this chapter.

(E) Between the hours of eight o’clock (8:00) A.M. and five o’clock (5:00) P.M., Sundays and legal holidays excepted, no person shall park a vehicle for a period longer than two (2) consecutive hours at any place within the city where official signs provide for "Two Hour Parking". (Ord. 083-146, 5-16-1983)

(F) Between two o’clock (2:00) A.M. and five o’clock (5:00) A.M., no person shall park any vehicle in excess of seven thousand (7,000) pounds GVW or any trailer on any city street except that the owner of a vehicle under fifteen thousand (15,000) pounds GVW may apply to the Farmington police department for a temporary parking permit, not to exceed three (3) consecutive days or six (6) days annually. Such permit to be issued only with the written consent of the property owner(s) directly adjacent to the parked vehicle. No property owner may authorize more than three (3) permits per calendar year. (Ord. 092-270, 7-6-1992)

Section 9-1-9: PARKING LIMITATIONS: (Traffic, Traffic Regulations)
No person shall park a vehicle or permit it to stand upon any street, highway, alley or public parking within the corporate city limits for a period of time exceeding seventy two (72) consecutive hours. In addition, between November 1 and April 15 of each calendar year, no person shall park a vehicle or permit it to stand upon any street, highway, alley, or public parking between the hours of two thirty o’clock (2:30) A.M. and five thirty o’clock (5:30) A.M. or after a two inch (2”) or greater snowfall until the streets are plowed curb to curb except as authorized in subsection 9-1-12(E) of this chapter. (Ord. 004-505, 1-5-2004)

Chapter 10 – Zoning

Section 10-6-4: OFF STREET PARKING: (Zoning, Performance Standards)

Off street parking spaces shall be provided in accordance with the specifications of this section in all districts except the B-2 downtown business district whenever any new use is established or existing use is enlarged.

<table>
<thead>
<tr>
<th>Uses</th>
<th>Parking Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Convenience stores, with and without gas</td>
<td>1 per 200 square feet or retail plus 1 per employee</td>
</tr>
<tr>
<td>Home occupations</td>
<td>2 spaces in addition to the requirement for dwelling</td>
</tr>
<tr>
<td>Restaurant, class II</td>
<td>1 per every 2 customers to maximum seating capacity</td>
</tr>
<tr>
<td>Restaurants, class I, III, IV and coffee shops</td>
<td>1 per every 3 customers to maximum seating capacity plus 1 per employee</td>
</tr>
<tr>
<td>Retail facilities</td>
<td>At least 1 off street parking space for each 200 square feet of floor area up to a total floor area of 10,000 square feet. At least 1 off street parking space for each 250 square feet of floor area in a building that has between 10,001 and 30,000 square feet. At least 1 off street parking space for each 300 square feet of floor area in a building that has more than 30,000 square feet</td>
</tr>
<tr>
<td>Wholesale businesses</td>
<td>1 per 1,000 square feet</td>
</tr>
</tbody>
</table>

(K) Use Of Parking Area: Required off street parking space in all districts shall not be utilized for open storage of goods or for the storage of vehicles which are inoperable, for lease, rent or sale. (Ord. 002-469, 2-19-2002)
Section 10-6-21: DESIGN STANDARDS FOR SPRUCE STREET COMMERCIAL, MIXED USE, AND BUSINESS/FLEX ZONING DISTRICTS: (Zoning, Performance Standards)

(A) Site Development Standards (In Addition To Any Performance Standards That May Be Applicable): These standards apply to the business/flex, mixed use, and Spruce Street commercial zoning districts unless otherwise specified. The zoning districts are depicted on the official zoning map.

1. Outdoor Storage: All materials shall be stored and/or warehoused within the principal building.

2. Off Street Parking: Off street parking areas shall be designed and located to minimize their impacts on adjacent development, streets and pedestrian corridors. Parking lot landscaping is required per this chapter.

3. Sidewalks: Sidewalks shall be provided on both sides of all streets. Trails may be required instead of sidewalks as provided in the city’s trail master plan.

   (a) All pedestrian walkways shall have and maintain a minimum unobstructed pathway width of fifteen feet (15’) along the north/south corridor (i.e., the first roadway constructed between CSAH 50 and Spruce Street, west of Denmark Avenue) and within the mixed use area. Pedestrian walkways bordering off street parking areas shall be at least eight feet (8’) wide. Pedestrian and bicycle pathways connecting to greenways or trail systems are subject to standards in the city trail master plan.

   (b) Walkways shall be designed to create a safe and uninterrupted pedestrianway, and to avoid frequent crossings by driveways and streets.

   (c) Pedestrian walkways shall be designed as amenity areas with approved landscaping, benches, lighting, signage, and street furniture.

   (d) Pavers shall be required within the sidewalk design and within the crosswalk areas. Installation of the pavers shall comply with city standards.

   (e) Electrical and water services shall be required within the sidewalk areas to prepare for amenities including (but not limited to) water fountains, clocks, kiosks and seasonal lighting, and shall be master planned during the design phase of the project.

4. Screening: Screening of service yards, refuse, and waste removal areas, loading docks, truck parking areas and other areas which tend to be unsightly shall be accomplished by use of walls, fencing, dense planting, or any combination of these elements. Screening shall block views from public rights of way, private street and off street parking areas, and shall be equally effective in winter and summer. Chainlink and slatted fencing are prohibited.

5. Lighting: The lighting in the Spruce Street area shall be designed to create a well balanced, integrated lighting plan for public and private locations that enhances vehicular and pedestrian visibility while minimizing glare and contrast. Exterior lighting shall comply with section 10-6-8.
of this chapter. The intent for lighting is to provide needed illumination of the site, while at the same time preventing glare to residential uses either within or adjacent to the site. Light fixtures should be oriented to pedestrian circulation so that pedestrian walkways are emphasized and safety is enhanced.

(a) At the time of site plan review for the development, a detailed lighting plan shall be submitted.

(b) Any lighting required on the perimeter of parking lots or along streets shall consist of fixtures illustrated in the city's standard detail plate as "streetlight - downtown district". The interior portions of parking lots may be lit with cobra lights.

6. Required Amenities: For each development, one of the following amenities per ten (10) acres of net developable land area shall be required and installed at the time of construction of the project. The amenities shall be highly visible, easily accessible outdoor focal points or gathering places for residents, employees, and visitors to the development site:

(a) Patio and/or plaza with permanent seating areas; provided such patio or plaza has a minimum depth of fifteen feet (15') and a minimum total area of three hundred (300) square feet.

(1) Pavers as required in the city standards shall be installed within the patio or plaza.

(2) Patios and plazas shall include pedestrian amenities intended to support these places as gathering areas such as benches, water features, kiosks, etc.

(b) Landscaped minipark, square, or green, provided such amenity has a minimum depth and width of fifteen feet (15’) and a minimum total area of six hundred fifty (650) square feet, and includes pedestrian amenities intended to support these places as gathering areas. The landscaped miniparks, squares or greens do not count toward the park dedication requirements.

(c) Protected customer walkway, arcade, or easily identifiable building pass through containing window displays and intended for general public access.

(d) Water feature, such as a pond or fountain, provided the feature is easily accessed by pedestrians and includes or integrates permanent seating areas for pedestrians.

(e) Any other well designed area and/or focal feature that the city finds consistent with the intent of these design standards, and that substantially enhances such development and serves as a gathering place for residents, visitors, customers, and employees.

7. Parking Of Bicycles: Bike parking spaces shall be installed at ten percent (10%) of the total number of automobile spaces within the development. For convenience and security, bicycle parking facilities shall be located near building entrances, shall be placed parallel to the sidewalks, shall be easily visible and shall not be located in remote automobile parking areas. Such facilities shall not, however, be located in places that impede pedestrian or automobile traffic flow or that would cause damage to plant material. Bike racks shall provide a means for the bicycle frame and one wheel to be attached to a permanent fixture (designed for securing bicycles) by means of a lock.
Section 10-6-28: DOWNTOWN COMMERCIAL OVERLAY DISTRICT DESIGN
STANDARDS: (Zoning, Performance Standards)

(G) Parking Areas:

1. Required off street parking shall be provided by spaces at the rear or sides of a building and provided with architecturally compatible security lighting, and screened with landscape buffers or low walls.

2. Underground and structured parking shall be encouraged and new parking structures shall be compatible with (but not indistinguishable from) adjacent buildings in terms of height, scale, massing, and materials.

Signage

Chapter 10 – Zoning

Section 10-6-3: SIGNS AND BILLBOARDS: (Zoning, Performance Standards)

(A) Purpose And Intent:

1. Purpose: Signs have an impact on the character and quality of the environment as a prominent part of the scenery. They attract or repel the viewing public and affect the safety of vehicular traffic. Their suitability or appropriateness helps to set the tone of the neighborhood. The purpose of this section is to protect and promote the general welfare, health, safety and aesthetics within the city through the establishment of comprehensive standards, regulations and procedures governing the placement, erection, maintenance, use and/or display of devices, signs or symbols.

2. Intent: The provisions of this section are intended to encourage creativity, a reasonable degree of freedom of choice, an opportunity for effective communication and a sense of concern for visual amenities on the part of those designing, displaying or otherwise utilizing needed communicative media of the types regulated by this section. At the same time, the provisions of this section are intended to ensure that the public is not endangered, annoyed or distracted by unsafe, disorderly, indiscriminate or unnecessary use of such communicative facilities. (Ord. 003-485, 2-18-2003)

(B) Signs Permitted: Upon the adoption of this section, it shall be unlawful and a violation of this section for any person to erect, construct, paint, alter, relocate, reconstruct, display, or maintain or cause to be erected, constructed, displayed or maintained within the city of Farmington any sign without first having obtained a permit from the zoning officer. (Ord. 010-619, 3-1-2010)

1. Signs Permitted In All Zoning Districts:

(a) On Premises Directional Signs: Where one-way access and egress drives are incorporated in a site plan, a sign indicating traffic direction no more than two (2) square feet may be placed at
a driveway within five feet (5') of the street right of way. A directional sign indicating the entrance to a two-way driveway may be required where the zoning officer deems it is necessary to safely direct the traveling public. (Ord. 003-485, 2-18-2003)

(b) Off Premises Directional Signs: For the purpose of providing off premises direction to a residential project described in this subsection, or to a new venture less than twelve (12) months following the issuance of an occupancy permit, or to a public, religious or nonprofit institution, or to a use which, in the determination of the planning commission, incurs substantial hardship from lack of reasonable identification as a result of its location, an interim use permit shall be required. Such sign shall not exceed twenty five (25) square feet per face and such sign shall conform to the yard requirements of the zoning district in which it is located. If said sign is lighted, it shall be illuminated only during those hours when business is in operation or when the model homes or other developments are open for conducting business. (Ord. 010-619, 3-1-2010)

(c) Real Estate Signs: Temporary signage for the purpose of selling, renting or leasing individual lots, parcels, homes or buildings may be erected provided:

(1) One sign may be placed per street frontage and located within fifteen feet (15’) of the right of way line on the property to be sold or leased.

(2) The size of such sign shall be a maximum of six (6) square feet for residentially zoned property and a maximum of thirty two (32) square feet for all other properties.

(3) The sign shall be removed upon sale, rental, or lease of the property.

(d) Development Project Sign: Temporary signage for the purpose of selling or promoting a development project or used as construction signs shall comply with the following conditions:

(1) For development projects of thirty (30) acres or less, one sign each at a maximum of thirty two (32) square feet of sign area and not exceeding ten feet (10’) in height may be erected on the project site.

(2) For development projects over thirty (30) acres, two (2) signs each at a maximum of thirty two (32) square feet of sign area and not exceeding ten feet (10’) in height may be erected.

(3) Signs shall be permitted only after a sign permit has been approved.

(4) Signs shall be located at least ten feet (10’) from the nearest property line on the property to be sold or leased and in no case shall be permitted within the thirty foot (30’) triangle of visibility at public or private street intersections or driveway intersections.

(5) Signs shall be located at least fifty feet (50’) from any existing or occupied dwelling unit.

(6) Signs shall be removed when the residential development is sold out or the multiple dwelling project is sold or rented.
(e) **Banners:** Banners shall comply with the following conditions:

1. **Sign Permit Required:** A sign permit is required for the banner and shall be valid for thirty (30) consecutive days. No more than three (3) banners may be allowed on a property.

2. **Minimum Setbacks:** Banners shall be set back at least ten feet (10’) from all property lines and in no case shall be permitted within the thirty foot (30’) triangle of visibility at public or private street intersections or driveway intersections.

3. **Banners; Public Safety:** Banners shall not be erected or maintained in such a manner as may endanger the public safety, interfere with or obstruct pedestrian or vehicular travel, or create a traffic safety problem.

4. **Banners On Streetlights:** The city may place banners on streetlights to display distinctive colors, patterns, or symbols, used as a symbol of the city.

(f) **Election Signs:** Election signs shall be permitted on private property in any zoning district with the expressed consent of the owner or occupant of such property. The following conditions apply:

1. Such signs may not be posted more than sixty (60) days prior to the election and must be removed by those responsible for the erection of the sign or the property owner within seven (7) days following the election.

2. Such signs must be no larger than thirty two (32) square feet of sign area and shall not exceed six feet (6’) in height above grade.

3. Such signs shall not be more than three feet (3’) in height within the thirty foot (30’) triangle of visibility at public or private street intersections or driveway intersections.

4. Any sign found by the city to be in violation of this section may be, without notice, summarily dismantled, removed or otherwise rendered in compliance with this section by the city.

5. Signs shall not be placed upon public right of way or property, except for parks and other public areas approved by the city council.

6. **Installation shall comply with the fair campaign practices act.** (Ord. 003-485, 2-18-2003)

(g) **Window:** Permanent signs printed or otherwise displayed from the surface of an individual window shall not exceed two (2) square feet or forty percent (40%) of the total window area, whichever is greater. (Ord. 012-655, 12-17-2012)

(h) **Public Information Signs:** Public information signs shall be allowed by conditional use permit in all districts. Sign area shall be limited to one hundred fifty (150) square feet, and shall comply with setback requirements in each district, and may be illuminated subject to timing and information controls stipulated as a condition to the conditional use permit.
(i) On Premises Signs: For the purpose of identifying or advertising a business, person, activity, goods, products or services located on the premises where the sign is installed and maintained, signs shall be regulated as set forth in this subsection (B)1.

(j) No Trespassing: No trespassing signs and no dumping signs shall not exceed two (2) square feet in area per side and not to exceed four (4) in number per lot in R districts. In the A district such signs shall not be located less than three hundred feet (300’) apart.

(k) Awning Signs: Signs consisting of one line of letters not exceeding nine inches (9”) in height may be painted or placed upon the hanging border only of an awning. An identification emblem, insignia, initial or other similar design, not exceeding eight (8) square feet in area may be painted or placed elsewhere on an awning.

(l) Painted Wall Signs: Painted wall signs shall be permitted only on structurally sound and homogeneous surfaces. A conditional use permit shall be required.

(m) Municipal Entrance Sign: A sign may be placed at the city boundary along a roadway identifying the city name. Such sign shall not exceed one hundred fifty (150) square feet and ten feet (10’) in height.

(n) Open House Signs: Open house signs shall not exceed four (4) square feet, six feet (6’) in height and the display of signs is limited to the same day of the open house. Said signs may be placed in the city right of way but not exceed three feet (3’) in height within the thirty foot (30’) triangle of visibility at public or private street intersections or driveway intersections.

(o) Temporary Holiday Signs: Temporary holiday signs and displays relating to noncommercial messages associated with national, state or local holidays or festivals. (Ord. 003-485, 2-18-2003)

(p) Garage Sale Signs: Garage/rummage sale signs on private property not to exceed four (4) square feet in size and to be removed on the same day the sale ends. (Ord. 005-539, 7-5-2005)

(q) Integral Signs: Integral signs displaying only the name, address of the building or date of construction not to exceed two (2) square feet.

(r) Flags: Flags or insignia of any government.

(s) Traffic/Street Signs: Traffic/street signs approved by the director of public works. (Ord. 003-485, 2-18-2003)

(t) A-Frame Signs:

(1) Sign Size And Placement: An established local business (including a church) shall be allowed to display on the sidewalk adjacent to its business or on other private property with the owner’s permission within the B, SSC, mixed use, and business/commercial flex zoning districts, a portable two (2) sided sign, up to two feet (2’) wide and three feet (3’) high, during its regular
business hours. Churches shall be allowed to display such signs on the day before and day during which services are conducted. Such signs shall not restrict pedestrian traffic flow.

(2) Permit Required: It shall be unlawful for any business to display a portable sign without first having obtained a permit from the city. Application for a permit shall be made in writing to the zoning officer, and applicants shall state the location of the proposed portable sign and such other facts as may be required and applicable to the granting of such permit. The permit shall be valid for a period of up to one year and is not transferable to another business without authorization of the zoning officer. The city may approve the permit with additional terms and conditions, including, but not limited to, conditions regarding location, duration, and design.

(3) Fees And Insurance: The fees required for this permit shall be paid at the office of the city clerk before the granting of the permit. The amount of the fee shall be as provided from time to time by resolution of the council. The city clerk or authorized city staff shall issue a receipt for the fee and issue the permit to the applicant. No fee shall be prorated for a portion of a year, and no fee paid shall be refunded unless the permit is denied. The applicant is required to take out and maintain public liability and property damage insurance covering personal injury, including death, and claims for property damage which may arise directly or indirectly out of the use and/or placement of the portable sign. Limits for bodily injury and death shall not be less than five hundred thousand dollars ($500,000.00) for one person and one million dollars ($1,000,000.00) for each occurrence; limits for property damage shall not be less than two hundred thousand dollars ($200,000.00) for each occurrence; or a combination single policy of one million dollars ($1,000,000.00) or more. The city shall be named as an additional insured on the policy, and the applicant shall file with the city a certificate evidencing coverage prior to the city issuing a permit.

(4) Revocation Of Permit: Any permit issued by the city may be suspended or revoked by the zoning officer for any of the following causes:

A. Conducting such permitted activity in such a manner as to constitute a breach of the peace or menace to the health, safety or welfare of the public, or a disturbance of the peace or comfort of residents of the city, or upon the recommendation of the appropriate city official.

B. Expiration or cancellation of the required insurance coverage.

C. Actions unauthorized or beyond the scope of the permit granted.

D. Violation of any regulation or provision of this code applicable to the activity for which the permit has been granted, or any regulation or law of the state so applicable.

E. Failure to continuously comply with all conditions required as precedent to the approval of the permit.

(5) Hearing: Any person aggrieved by the action of any city official in denying, suspending or revoking a permit shall have the right to a hearing before the planning commission on any such action, provided a written request therefor is filed with the clerk within ten (10) days after
receipt of the notice of such denial, suspension or revocation. The planning commission may grant such permit or confirm any suspension or revocation or reinstate any such permit. The action taken by the planning commission after a hearing shall be final. (Ord. 005-540, 7-5-2005)

(u) Special Event Sign: Special event banners shall comply with subsection (B)1(e) of this section. Other special event signs require a permit of the type referred to in subsection (B)1(e)(1) of this section, shall not exceed four (4) square feet in area, shall be permitted in all zoning districts within thirty (30) days prior to the event, and shall not be located within the thirty foot (30') triangle of visibility at public or private street intersections or driveway intersections. (Ord. 005-538, 7-5-2005)

(v) LED Message Sign: One LED message sign in the form of a pylon, monument or wall sign may be installed on any property which is continually utilized for a civic, educational, nonprofit, charitable, religious, commercial, or industrial purpose, and shall be subject to the sign area and height requirements for the underlying zoning districts as specified within subsections (B)2 through (B)6 of this section. The installation of an LED message sign shall be subject to the state's electrical code. The electrical service to such sign shall be underground. LED signs permitted under this section shall comply with subsection (C)1 of this section. (Ord. 005-542, 9-6-2005)

2. Residential Zoning Districts:

(a) Home Occupations: For home occupations, one nonilluminated wall or freestanding sign not exceeding two (2) square feet in size. (Ord. 007-575, 8-20-2007)

(b) Single-Family Subdivisions And Multi-Family Complexes: For single-family subdivisions and multi-family complexes, one monument sign per street frontage, not to exceed fifty (50) square feet in sign area and five feet (5') in height. Signs shall be located at least ten feet (10') from property lines and in no case shall be permitted within the thirty foot (30') triangle of visibility at street intersections. (Ord. 003-485, 2-18-2003)

(c) Permitted Nonresidential Uses: For permitted nonresidential uses, one freestanding monument sign is allowed per street frontage if an access drive is present. Each sign shall not exceed fifty (50) square feet in sign area and ten feet (10') in height. Signs shall be located at least ten feet (10') from property lines and in no case shall be permitted within the thirty foot (30') triangle of visibility at street intersections. Wall signs shall not exceed twelve percent (12%) of the building facade or three hundred (300) square feet, whichever is less. (Ord. 005-523, 2-22-2005)

(d) Illuminated Signs: Except for temporary signs, illuminated signs shall be allowed in residential zoning districts for nonresidential uses. Such signs shall be illuminated only by steady, stationary, shielded light sources directed solely at the sign, or internal to it, without causing glare for motorists, pedestrians or neighboring premises as outlined in section 10-6-8 of this chapter regarding exterior lighting.
(e) Athletic Complex Scoreboards: Freestanding signs shall be permitted on public school property as follows: Scoreboards may be located only at the varsity and junior varsity playing fields at the northeast intersection of Akin Road and CSAH 50 and on the parcel at 800 Denmark Avenue. One scoreboard may be erected for each competitive playing field and is restricted to a maximum of six feet six inches (6'6") in height by twenty seven feet (27') in length. The maximum height of the scoreboard at installation is twenty feet (20'). The scoreboards at the varsity and junior varsity baseball fields may display nonilluminated advertisement panels located on the bottom perimeter of the front of the scoreboard and shall not exceed two feet (2') in height or twenty seven feet (27') in width. A second nonilluminated advertisement panel may be located on the back of the scoreboard at the top of the scoreboard perimeter and shall not exceed three feet (3') in height or twenty seven feet (27') in width. One business may be advertised on both sides of the scoreboard and shall display the exact same sign. Team logos, names and field location may be located on the front of the scoreboard at the top of the scoreboard perimeter and shall not exceed two feet (2') in height and twenty seven feet (27') in width. Team logos, names and field location may also be located on the back of the scoreboard and shall not exceed two feet (2') in height and twenty seven feet (27') in width. The scoreboards located at 800 Denmark Avenue may display nonilluminated advertisement panels on the bottom perimeter of the scoreboard and may not exceed two feet (2') in height or twenty seven feet (27') in length. Team logos, names and field location may be shown on a panel located on the top perimeter of the scoreboard and may not exceed two feet (2') in height or twenty seven feet (27') in length. A second nonilluminated advertisement panel may be located on the back of the scoreboard at the top of the scoreboard perimeter and shall not exceed three feet (3') in height or twenty seven feet (27') in width. One business may be advertised on the back of the scoreboard. (Ord. 003-485, 2-18-2003)

3. B-1, B-2, B-3, B-4, And I-1 Zoning Districts:

(a) Wall Signs: One wall sign is permitted per building front as follows for each zoning district:

<table>
<thead>
<tr>
<th>Zone</th>
<th>Maximum Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>B-1</td>
<td>10 percent of facade (200 square foot maximum)</td>
</tr>
<tr>
<td>B-2</td>
<td>14 percent of facade (300 square foot maximum)</td>
</tr>
<tr>
<td>B-3</td>
<td>16 percent of facade (300 square foot maximum)</td>
</tr>
<tr>
<td>B-4</td>
<td>16 percent of facade (300 square foot maximum)</td>
</tr>
<tr>
<td>I-1</td>
<td>18 percent of facade (400 square foot maximum)</td>
</tr>
</tbody>
</table>

(b) Monument Identification Signs: Monument identification signs are permitted up to one hundred (100) square feet in sign area with a height maximum of ten feet (10') from the ground (including the base) to the top of the sign. The sign must be set back ten feet (10') or more from the property line and shall not be located within the thirty foot (30') triangle of visibility at street
intersections. One monument identification sign per street frontage may be erected on a lot if the lot is adjacent to more than one street. Primary sign shall not exceed one hundred (100) square feet in sign area per sign with a maximum height of ten feet (10’); secondary street frontage sign shall not exceed sixty (60) square feet in sign area per sign with a maximum height of six feet (6’). Monument identification signs in the B-4 district may be illuminated between eight o’clock (8:00) A.M. and ten o’clock (10:00) P.M. and shall be in compliance with section 10-6-8 of this chapter.

(c) Sign Plan: A multiple occupancy building shall submit a sign plan that will coordinate signage for the entire project. The plan shall address height, location, size, number type, decorative theme, design, color and materials to be used on the building. The plan shall be reviewed and approved by the zoning officer prior to the issuance of a sign permit for the building. The owner of the building is responsible for obtaining the sign permit, complying with the approved sign criteria, and ensuring that signs erected are in compliance with the approved sign plan.

(d) Pylon Signs: Pylon signs are permitted as follows:

1. No pylon sign shall be located in a required yard.

2. Pylon signs shall not be located closer than five feet (5’) from a driveway or parking space.

3. Area and height of pylon signs are determined by the speed of automobile traffic along the frontage street as follows:

<table>
<thead>
<tr>
<th>Speed (mph)</th>
<th>Area (Square Feet)</th>
<th>Height (Feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>30</td>
<td>50</td>
<td>18</td>
</tr>
<tr>
<td>35</td>
<td>75</td>
<td>20</td>
</tr>
<tr>
<td>40</td>
<td>100</td>
<td>22</td>
</tr>
<tr>
<td>45</td>
<td>125</td>
<td>24</td>
</tr>
<tr>
<td>50</td>
<td>150</td>
<td>26</td>
</tr>
</tbody>
</table>
(4) Pylon signs shall not be permitted in the B-4 zoning district.

(e) Window Signs: No more than twenty five percent (25%) of the total window or two (2) square feet, whichever is greater.

(f) Marquee Signs: Marquee signs may be placed on the roof of a covered walk or marquee in a building complex on the vertical face of a marquee and may project from the lower edge of the marquee not more than twenty four inches (24”), but the bottom of a sign placed on a marquee shall be no less than eight feet (8’) above the ground at any point. No part of the sign shall extend above the top of the roofline for a covered walk or above the top of the vertical face of the marquee.

(g) Illuminated Signs: Except for temporary signs, illuminated signs shall be allowed in B and I districts. Such signs shall be illuminated only by steady, stationary, shielded light sources directed solely at the sign, or internal to it, without causing glare for motorists, pedestrians or neighboring premises as outlined in section 10-6-8 of this chapter dealing with exterior lighting.

(h) Billboards:

(1) Billboards shall be permitted only in the I-1 district.

(2) A conditional use permit is required for all billboards.

(3) The maximum sign size shall be three hundred (300) square feet in sign area. Billboards may incorporate cutouts protruding beyond the framed perimeter of the sign face, providing the total sign area does not exceed three hundred fifty (350) square feet.

(4) The maximum height to the uppermost portion of any advertising device shall be thirty feet (30’). The building setback limitation for the zoning district in which the sign is located shall apply to setbacks for billboards.

(5) The minimum radius distance between billboards shall be one thousand five hundred feet (1,500’).

(6) No billboard structure shall be constructed within five hundred feet (500’) of any park or residential zoning district.

(7) No billboard shall be located closer to any intersection than five hundred feet (500’).

(8) Billboards shall be a single support, metal structure, free of supports or guywires. The metal shall be treated in such a manner as to prevent deterioration.
(9) Billboards may be illuminated provided that there are no flashing, intermittent or moving lights, and that beams or rays of light are not directed toward any portion of public streets.

(10) Billboards are permitted in undeveloped land areas. When a plat is approved and improvements are in place, the billboard must be removed from the site.

4. IP Zoning District:

(a) Single Occupant Building:

(1) Monument Identification Sign: One monument identification sign for each principal structure or legal parcel. Lots adjacent to more than one street may have one sign per street frontage. Signs shall not exceed sixty (60) square feet in sign area per sign with a maximum height of six feet (6'). Said signs shall be located at least ten feet (10') from the nearest property line and in no case shall be permitted within the thirty foot (30') triangle of visibility at public or private street intersections or driveway intersections. (Ord. 007-575, 8-20-2007)

(2) Wall: The total sign area on the building shall not exceed twenty percent (20%) of the building facade or five hundred (500) square feet in area. (Ord. 003-485, 2-18-2003)

(b) Multiple Occupant Building:

(1) Monument Identification Sign: One monument identification sign may be erected on a lot. The sign shall not exceed seventy five (75) square feet in sign area and ten feet (10') in height. Monument identification signs may include the name of the development and up to four (4) tenants of the development. Said signs shall be located at least ten feet (10') from the nearest property line and in no case shall be permitted within the thirty foot (30') triangle of visibility at public or private street intersections or driveway intersections. (Ord. 007-575, 8-20-2007)

(2) Wall: The total sign area on the building shall not exceed twenty percent (20%) of the building facade or five hundred (500) square feet in area.

(3) Sign Plan: Multiple occupancy buildings shall submit a sign plan that will coordinate signage for the entire project. The plan shall address height, location, size, number type, decorative theme, design, color and materials to be used on the building. The plan shall be reviewed and approved by the zoning officer prior to the issuance of a sign permit for the building. The owner of the building is responsible for obtaining the sign permit, complying with the approved sign criteria, and ensuring that signs erected are in compliance with the approved sign plan. (Ord. 003-485, 2-18-2003)

5. Spruce Street Commercial, Mixed Use, And Business/Flex Zoning Districts:

(a) Single Occupant Building:

(1) Monument Identification Sign:
A. Under one hundred thousand (100,000) square feet: One monument identification sign for each principal structure or legal parcel. Lots adjacent to more than one street may have one sign per street frontage. Signs shall not exceed one hundred (100) square feet in sign area per sign with a maximum height of ten feet (10'). Said signs shall be located at least ten feet (10') from the nearest property line and in no case shall be permitted within the thirty foot (30') triangle of visibility at public or private street intersections or driveway intersections.

B. Over one hundred thousand (100,000) square feet: One monument identification sign per street frontage for each principal structure or legal parcel. Lots adjacent to more than one street may have one sign per street frontage. Primary sign shall not exceed one hundred fifty (150) square feet in sign area per sign with a maximum height of fifteen feet (15'); secondary street frontage sign shall not exceed sixty (60) square feet in area per sign with a maximum height of six feet (6'). Said signs shall be located at least ten feet (10') from the nearest property line and in no case shall be permitted within the thirty foot (30') triangle of visibility at public or private street intersections or driveway intersections. (Ord. 007-575, 8-20-2007)

(2) Wall: The total sign area on the building may not exceed sixteen percent (16%) of the building facade or four hundred (400) square feet per building face. (Ord. 004-508, 3-1-2004)

(b) Multiple Occupant Building:

(1) Monument Identification Sign: One monument identification sign per street frontage may be erected on a lot. Lots adjacent to more than one street may have one sign per street frontage. Primary sign shall not exceed two hundred (200) square feet in sign area per sign with a maximum height of twenty feet (20'); secondary street frontage sign shall not exceed seventy five (75) square feet in sign area per sign with a maximum height of six feet (6'). Monument identification signs may include the name of the development and up to four (4) tenants of the development. Said signs shall be located at least ten feet (10') from the nearest property line and in no case shall be permitted within the thirty foot (30') triangle of visibility at public or private street intersections or driveway intersections. (Ord. 007-575, 8-20-2007)

(2) Wall: The total sign area on the building may not exceed sixteen percent (16%) of the building facade or four hundred (400) square feet.

(3) Sign Plan: Multiple occupancy buildings shall submit a sign plan that will coordinate signage for the entire project. The plan shall address height, location, size, number, type, decorative theme, design, color and materials to be used on the building. The plan shall be reviewed and approved by the zoning officer prior to the issuance of a sign permit for the building. The owner of the building is responsible to obtain the sign permit, comply with the approved sign criteria and ensure that signs erected are in compliance with the approved sign plan.

(c) On Premises/Traffic Directional Signs: Where one-way access and egress drives are incorporated in a site plan, a sign indicating traffic direction no more than two (2) square feet in sign area may be placed at a driveway within five feet (5') of the street right of way. A directional sign indicating the entrance to a two-way driveway may be required where the
zoning officer deems it is necessary to safely direct the traveling public. Business directional signs are allowed within a development at no more than two (2) square feet in sign area per sign to direct traffic to business locations.

(d) Marquee Signs: Marquee signs are allowed on theater buildings in the SSC district and may be placed on the vertical face of the building and may project from the lower edge of the marquee not more than twenty four inches (24”), but the bottom of a sign placed on a marquee shall be no less than eight feet (8’) above the ground at any point. No part of the sign shall extend above the top of the roofline for a covered walk or above the top of the vertical face of the marquee.

(e) Projecting Signs:

1) Type Of Signage: No advertising signage is allowed; only business identification signs are permitted.

2) Projecting: The sign shall be perpendicular to the surface of the building and the sign may be no more than one foot (1’) thick.

3) Size: Projecting signs may project no more than four feet (4’) from the front edge of the building and be no more than twelve (12) square feet in area.

4) Height: The bottom of the projecting sign must be at least eight feet (8’) above sidewalk grade.

5) Materials: Projecting signs must be approved by the planning commission during the sign permit application process.

6) Illumination: Projecting signs may be lit with external lighting only and shall comply with section 10-6-8 of this chapter.

7) Public Right Of Way: Projecting signs may not extend over a public right of way or public property (except a sidewalk or trail portion thereof) except by conditional use permit.

8) Parking Space Or Loading Dock: Projecting signs may not extend over a designated parking space or loading area.

9) Box Signs: Projecting box signs or cabinet signs are prohibited. (Ord. 004-508, 3-1-2004)

6. A-1 Zoning District:

(a) Permitted Nonresidential Uses: For permitted nonresidential uses, one freestanding monument sign is allowed per street frontage if an access drive is present. Each sign shall not exceed one hundred (100) square feet in sign area and ten feet (10’) in height. Signs shall be located at least ten feet (10’) from property lines and in no case shall be permitted within the thirty foot (30’) triangle of visibility at street intersections. Wall signs shall not exceed twelve
percent (12%) of the building facade or three hundred (300) square feet, whichever is less. (Ord. 005-531, 5-16-2005)

(C) Signs Prohibited: All signs not expressly permitted under this section or exempt from regulation hereunder in accordance with this section are prohibited. Such signs include, but are not limited to:

1. Rotating, Moving, Animated, Or Flashing Signs: Rotating, moving or flashing signs shall not be permitted in any district.

2. Traffic Interference: No sign shall be erected that, by reason of position, shape or color would interfere in any way with the proper functioning or purpose of a traffic sign or signal.

3. Snipe Signs: There shall be no use of snipe signs anywhere within the city.

4. Roof Signs: Roof signs, roof advertising symbols, roof statues or roof sculptures shall not be permitted in any district. No sign shall extend above the roofline. (Ord. 003-485, 2-18-2003)

5. Miscellaneous Signs: Such signs shall not be painted, attached or in any manner affixed to trees, rocks or similar natural surfaces, nor shall such signs be affixed to a fence or utility pole. (Ord. 007-575, 8-20-2007)

6. Public Rights Of Way: No sign shall be upon or overhang any public right of way, with the exception of B-2 districts where an overhang of fifteen inches (15”) is possible. (Ord. 003-485, 2-18-2003)

7. Obsolete Signs: Signs which advertise an activity, business, product or service that has not been produced or conducted on the premises for more than thirty (30) days and are considered obsolete. (Ord. 007-575, 8-20-2007)

(D) General Design And Construction Standards: All signs shall be designed, constructed, and maintained in accordance with the following standards:

1. Except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of this section, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.

2. All signs shall be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this code, at all times.
(E) Nonconforming Signs:

1. Continuation Of Use: A nonconforming sign lawfully existing upon the effective date of this section may be continued at the size and in the manner existing upon such date except as hereinafter specified.

2. Nonconforming Sign: Upon adoption of this section, a nonconforming sign shall not be:

(a) Structurally changed to another nonconforming sign if altered to prolong the life of the sign, except to meet safety requirements.

(b) Structurally altered except to bring it into compliance with the provisions of this section.

(c) Expanded or enlarged so as to increase the degree of nonconformity of the sign.

(d) Continued in use if a change of use occurs as defined in the zoning ordinance, or if such sign is proposed to be remodeled, repainted or otherwise changed for the purpose of displaying the new name or other new identification of the premises.

(e) Repaired or otherwise rehabilitated after damage, destruction or deterioration of more than fifty percent (50%), except to bring into conformance with this section.

3. Nonconforming Sign Maintenance And Repair: Nothing in this section shall be construed as relieving the owner of use of a legal nonconforming sign or owner of the property on which the legal nonconforming sign is located from the provisions of this section 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.

4. Nonconforming Signs Annexed To The City: All existing signs located on property annexed into the city after the effective date of this section that are not in conformance with this section shall be brought into conformance within sixty (60) days after such annexation.

(F) Administration And Enforcement:

1. Enforcement Officer: All administration and enforcement of this section shall be primarily implemented by the zoning officer. Anyone who wishes to report a sign that may be in violation of this section should do so to the zoning officer.
2. Permit Procedure: Except as otherwise provided in this section, all signs shall require a sign permit prior to being constructed, reconstructed, moved, altered, placed, or repaired. Sign permits shall be issued by the zoning officer.

3. Permit Fees: Each application for a sign permit shall be accompanied by the applicable fees, which shall be established by the Farmington city council.

4. Cancellation: A sign permit shall be null and void if the work for which the permit was issued has not been completed within a period of six (6) months after the date of the permit. A permit may be renewed one time and no additional fee shall be collected for renewal.

5. Fines: Any person, organization, corporation or their representatives, found in violation of this section shall be guilty of a misdemeanor and upon conviction, shall be punished by a fine not to exceed the maximum statutory amount. Each day that a violation exists shall constitute a separate and distinct offense, punishable as aforesaid.

6. Appeals: To provide for a reasonable interpretation of the provisions of this section, a permit applicant who wishes to appeal an interpretation by the zoning officer may file a notice of appeal with the planning commission and request a hearing. The commission shall hear appeals or requests in the following cases:

(a) Appeals where it is alleged that there is an error in any order, requirement, decision or determination made by the zoning officer in the enforcement of this section.

(b) Request for variances from the literal provisions of this section in instances where their strict enforcement would cause undue hardship.

7. Severance Clause: If any subsection, clause or provision or portion thereof, of this section shall be found to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other subsection, clause, provision or portion thereof of this section.

8. Revocation Of Permit: The zoning officer is authorized and empowered to revoke any permit upon failure of the holder of said permit thereof to comply with any provisions of this section.

9. Maintenance: All signs shall be maintained in a safe, presentable and good structural condition at all times. Maintenance shall include painting, repainting, cleaning, replacement or repair of defective parts and other necessary acts.

Any sign which is found in a dangerous or defective condition shall be removed or repaired by the owner of the sign or the owner of the premises on which the sign is located. (Ord. 003-485, 2-18-2003)
Garbage Disposal & Recycling

Title 7 – Health and Sanitation

Section 7-1-4: RULES AND REGULATIONS: (Health and Sanitation, Solid Waste Collections)

The following rules and regulations shall apply in preparing refuse for collection:

(A) Collection of MSW shall be provided on a weekly basis. Additional weekly pick ups may be made upon request of the owner. Collection of recyclable materials shall be provided biweekly and weekly collection of yard waste will be provided seasonally. (Ord. 008-595, 12-15-2008)

(B) MSW and recyclable materials shall be placed separately in the proper containers provided by the city. The type of container shall be set by city policy.

(C) MSW not deposited in the proper containers shall only be collected by special arrangement which shall be set by city policy.

(D) The preparation, placement, and location of containers shall be set by city policy.

(E) The collection schedule shall be set by city policy.

(F) Brush, yard waste, special waste, hazardous waste, demolition waste, ashes and tires shall only be collected by special arrangements.

(G) Noncompliance with any provision of this section shall be deemed grounds for the city to refuse collection.

(H) All rules of the Minnesota pollution control agency and ordinances and rules of Dakota County are hereby adopted as part of this chapter.

(I) Refuse containers must be set out by seven o'clock (7:00) A.M. on the collection day.

(J) The city will only accept yard waste in compostable bags. (Ord. 006-547, 1-17-2006)

Section 7-1-5: CONTAINERS: (Health and Sanitation, Solid Waste Collections)

Containers for MSW shall be provided by the city and containers for recyclable and yard waste materials shall be provided by the city's contractor. The cost of replacement or repair of the containers shall be paid by the person assigned the container if it is determined by the city that the action was necessary because of negligence on the owner's part. The city shall have the authority to refuse collection services for failure to comply herewith. (Ord. 008-595, 12-15-2008)

Section 7-1-6: STORING OF REFUSE: (Health and Sanitation, Solid Waste Collections)
(A) No person shall place any refuse in any street, alley or other public place, or upon any private property whether owned by such person or not, within the city except it be in a proper container for collection or under express approval granted by the city. Nor shall any person place any refuse in a proper container not owned by them unless they have written permission of the individual owning that proper container. Nor shall any person throw or deposit any refuse in any stream or other body of water.

(B) Any unauthorized accumulation of refuse on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of refuse within ten (10) days after the effective date hereof shall be deemed a violation of this chapter.

(C) No person shall cast, place, sweep or deposit anywhere within the city any refuse in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway or other public place, or into any occupied premises within the city. (Ord. 006-547, 1-17-2006)
APPENDIX G: APPENDIX G: STATE EXEMPTIONS FROM STATE FOOD HANDLERS LICENSING REQUIREMENTS

Exemptions from State Food Handlers Licensing Requirements

Minnesota state law requires that “every person who handles food… obtain a license” further indicating that “all producers, packagers, labelers, handlers, distributors and vendors of food, whether or not subject to licensing, shall be required to comply with the applicable rules adopted by the commissioner [of agriculture].” Specifically, any person that engages in the business of manufacturing, processing, selling, handling, or storing of food must obtain a license. At the same time, a few exceptions to this licensing requirement exist discussed, below. Please note, this is not meant to be an exhaustive list and state law includes additional exemptions.

Minnesota Constitution

Exception: The Sale of Farm and Garden Products

The Minnesota Constitution exempts “growers” from obtaining a license to sell their farm and garden products. The Minnesota Constitution, indicates that “Any person may sell or peddle the products of the farm or garden occupied and cultivated by him without obtaining a license therefor.”

Therefore, the City of Farmington cannot require a grower to apply for a food license if that person falls under this constitutional provision.

This provision means:

- A farmer can sell his/her crops without a food license.
- A gardener or other grower can sell his/her produce without a food license.
- A farmer or individual can sell eggs directly from his/her farm or home to an individual customer with no licensing, registration, or inspection.

This Constitutional provision has been interpreted in the following ways:

- Provision of state constitution allowing any person to sell or peddle products of farm or garden occupied and cultivated by him without obtaining license therefor does not exempt a farmer from health and safety regulations that prohibit the sale of uninspected meat. (*State v. Hartmann*, 2005, 700 N.W.2d 449).

- The sale of “related products” are not exempt from a peddling license. (Farmer who grows broom corn from which he makes brooms and sells them to merchants and at private houses was required to have a peddler’s license to sell the brooms, and is not exempt therefrom by Constitution. (Op.Atty.Gen., 1928, No. 250, p. 231).
• Meats from animals and turkeys and chickens raised on land occupied by a farmer who sells such meat in city constitutes “products of the farm or garden”, therefore city could not require farmer to be licensed in order to sell such product. (Op.Atty.Gen., 1940, No. 213, p. 263).

The constitutional provision does not cover (and therefore, these farmers and growers would still likely need some sort of food license in order to sell their products):

• Processed foods

• Products cultivated on land NOT occupied by the grower

To date, there is no clear legal ruling that interprets what exactly is meant when the constitutional provision requires the garden or farm be “occupied” by the grower/farmer/seller.

**Minnesota Statutes**

**Exemption: Small Scale Production & Minnesota’s Cottage Food Law (formerly known as Minnesota’s “Pickle Bill”)**

Minnesota state law creates an exemption from the state licensing requirements for individuals selling “home-processed” and “home-canned” foods, so long as the sale of these products meets certain statutory requirements. This law, formerly referred to as the “Pickle Bill”, was amended in 2015 to the current “Cottage Foods Exemption”. The 2015 Cottage Foods Exemption identifies certain circumstances under which an individual preparing and selling certain foods is exempt from obtaining a food handlers license.

**Minnesota Statutes Chapter 28A. Licensing Food Handlers**

[28A.152] COTTAGE FOODS EXEMPTION

**Subdivision 1. Licensing provisions applicability.**

(a) The licensing provisions of sections 28A.01 to 28A.16 do not apply to the following:

1. an individual who prepares and sells food that is not potentially hazardous food, as defined in Minnesota Rules, part 4626.0020, subpart 62, if the following requirements are met:
   
   (i) the prepared food offered for sale under this clause is labeled to accurately reflect the name and address of the individual preparing and selling the food, the date on which the food was prepared, and the ingredients and any possible allergens; and

   (ii) the individual displays at the point of sale a clearly legible sign or placard stating: “These products are homemade and not subject to state inspection.”; and

2. an individual who prepares and sells home-processed and home-canned food products if the following requirements are met:
(i) the products are pickles, vegetables, or fruits having an equilibrium pH value of 4.6 or lower;

(ii) the products are home-processed and home-canned in Minnesota;

(iii) the individual displays at the point of sale a clearly legible sign or placard stating: "These canned goods are homemade and not subject to state inspection."; and

(iv) each container of the product sold or offered for sale under this clause is accurately labeled to provide the name and address of the individual who processed and canned the goods, the date on which the goods were processed and canned, and ingredients and any possible allergens.

(b) An individual who qualifies for an exemption under paragraph (a), clause (2), is also exempt from the provisions of sections 31.31 and 31.392.

Subd. 2. Direct sales to consumers.

(a) An individual qualifying for an exemption under subdivision 1 may sell the exempt food:

(1) directly to the ultimate consumer;

(2) at a community event or farmers’ market; or

(3) directly from the individual's home to the consumer, to the extent allowed by local ordinance.

(b) If an exempt food product will be delivered to the ultimate consumer upon sale of the food product, the individual who prepared the food product must be the person who delivers the food product to the ultimate consumer.

(c) Food products exempt under subdivision 1, paragraph (a), clause (2), may not be sold outside of Minnesota.

(d) Food products exempt under subdivision 1 may be sold over the Internet but must be delivered directly to the ultimate consumer by the individual who prepared the food product. The statement "These products are homemade and not subject to state inspection." must be displayed on the Web site that offers the exempt foods for purchase.

Subd. 3. Limitation on sales.

An individual selling exempt foods under this section is limited to total sales with gross receipts of $18,000 or less in a calendar year.

Subd. 4. Registration.

An individual who prepares and sells exempt food under subdivision 1 must register annually with the commissioner. The annual registration fee is $50. An individual with $5,000 or less in annual gross receipts from the sale of exempt food under this section is not required to pay the registration fee.
Subd. 5. Training.

(a) An individual with gross receipts between $5,000 and $18,000 in a calendar year from the sale of exempt food under this section must complete a safe food handling training course that is approved by the commissioner before registering under subdivision 4. The training shall not exceed eight hours and must be completed every three years while the individual is registered under subdivision 4.

(b) An individual with gross receipts of less than $5,000 in a calendar year from the sale of exempt food under this section must satisfactorily complete an online course and exam as approved by the commissioner before registering under subdivision 4. The commissioner shall offer the online course and exam under this paragraph at no cost to the individual.

Subd. 6. Local ordinances.

This section does not preempt the application of any business licensing requirement or sanitation, public health, or zoning ordinance of a political subdivision.

Subd. 7. Account established.

A cottage foods account is created as a separate account in the agricultural fund in the state treasury for depositing money received by the commissioner under this section. Money in the account, including interest, is appropriated to the commissioner for purposes of this section.

Exemption: Minnesota’s Farmers’ Market or Community Event Food Product Sampling and Demonstration Law

In 2014, the Minnesota Legislature passed the “Farmers’ Market or Community Event; Food Product Sampling and Demonstration” Law. This law allows farmers’ market vendors and individuals selling items at a community event to provide a small portion of a food item that includes as a main ingredient a product sold by the vendor at the farmers’ market or community event for promotional or educational purposes free of charge without obtaining a food handlers license.

Minnesota Statutes Chapter 28A, Licensing Food Handlers

28A.151 FARMERS’ MARKET OR COMMUNITY EVENT; FOOD PRODUCT SAMPLING AND DEMONSTRATION.

Subdivision 1. Definitions.

(a) For purposes of this section, the following terms have the meanings given them.

(b) "Farmers' market" means an association of three or more persons who assemble at a defined location that is open to the public for the purpose of selling directly to the consumer the products of a farm or garden occupied and cultivated by the person selling the product.

(c) "Food product sampling" means distributing to individuals at a farmers' market or community event, for promotional or educational purposes, small portions of a food item that
include as a main ingredient a product sold by the vendor at the farmers' market or community event. For purposes of this subdivision, "small portion" means a portion that is no more than three ounces of food or beverage.

(d) "Food product demonstration" means cooking or preparing food products to distribute to individuals at a farmers' market or community event for promotional or educational purposes.

Subd. 2. Food sampling and demonstration.

The licensing provisions of [the Minnesota Consolidated Food Licensing Law] shall not apply to persons engaged in food product sampling or food product demonstrations.

Subd. 3. Food required to be provided at no cost.

Food provided through food product sampling or food product demonstrations must be provided at no cost to the individual.

Subd. 4. Regulatory authority oversight.

Any person conducting food product sampling or food product demonstrations shall provide to the regulatory authority upon request the following information related to the food product sampling or food product demonstration conducted by the person:

1. the source of the food used in the sampling or demonstration and whether or not the food was produced at the person's farm or garden;
2. the type and volume of food to be served, held, prepared, packaged, or otherwise provided for human consumption;
3. the equipment used to serve, hold, prepare, package, or otherwise provide food for human consumption;
4. the time period and location of the food product sampling or food product demonstration;
5. the availability of facilities for hand washing by persons conducting the food product sampling or food product demonstrations;
6. information on facilities available for ware washing of multiuse utensils and equipment;
7. the available source of water; and
8. methods of liquid and solid waste disposal.

Subd. 5. Food safety and equipment standards.

Any person conducting food product sampling or food product demonstrations shall meet the same food safety and equipment standards that are required of a special event food stand in Minnesota Rules, parts 4626.1855, items B to O, Q, and R; and 4626.0330.

Subd. 6. Definition exception.
The definition of farmers' market in subdivision 1, paragraph (b), does not prohibit a farmers' market association from establishing a definition of farmers' market that applies to its membership that is more restrictive than the definition in subdivision 1, paragraph (b).
ENDNOTES

4 MINN. STAT. §§ 326B.101, 326B.41.
5 MINN. CONST., art. 13, § 7.
6 MINN. STAT. §§ 157.16, 28A.04; MINN. RULES CH. 4626.
7 MINN. RULES CH. 4626.
10 MINN. STAT. § 28A.04.
11 MINN. RULES 4626.
13 MINN. RULES 4626.0017; MINN. STAT. § 144.05.
14 MINN. RULES 4626.0017; MINN STAT. § 144.05.
17 MINN. RULES. 4626.1785.
18 MINN. STAT. §§ 31.101; 31.11.
19 MINN. RULES 4626.1785.
21 See generally, MINN. STAT. CH. 410 (home rule charter cities) and MINN. STAT. CH. 412 (statutory cities).
23 MINN. STAT. § 462.352, subd. 15 (2014); see also MINN. STAT. § 394.22, subd. 6 (2014); MINN. STAT. § 473.582, subd. 9 (2014).
28 FARMINGTON, MINN., Code, Title 3 (2015).
29 Black’s Law Dictionary (2nd ed.) (“Permit”).
30 MINN. STAT. Ch. 462.
31 MINN. STAT. § 462.351.
33 MINN. STAT. § 462.351 et seq. (2014).
34 MINN. STAT. § 462.351 (2014).
35 MINN. STAT. § 473.851 (2014).
36 MINN. STAT. § 473.861 (2014).
37 MINN. STAT. § 473.121, subd. 2 (2014) (“the area over which the Metropolitan Council has jurisdiction, including only the counties of Anoka; Carver; Dakota excluding the city of Northfield; Hennepin excluding the cities of Hanover and Rockford; Ramsey; Scott excluding the city of New Prague; and Washington”).
38 MINN. STAT. § 473.123, subd. 1 (2014).
40 MINN. STAT. § 473.852, subd. 7 (2014).
41 MINN. STAT. § 473.864, subd. 2 (2014).
211 MINN. STAT. §28A.02 (2015).
212 “Egg Sales,” Minnesota Institute of Sustainable Agriculture,
 http://www.misa.umn.edu/FarmFoodResources/LocalFood/EggSales/.