LAKEVILLE

FOOD SYSTEMS POLICY ANALYSIS
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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 Lakeville, current as of July 2015, that may directly or indirectly impact access to healthy food in Lakeville. While this policy brief focuses primarily on Lakeville’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.

The analysis divides the material into the following sections:

- growing,
- processing,
- distributing,
- getting,
- making, 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

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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 memo addresses the following questions regarding the impact of the municipal code in 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 state-wide 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](http://www.mda.state.mn.us/~media/Files/food/business/startingfoodbiz.ashx).

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 incubator 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 Lakeville’s municipal code, available publicly at: http://www.sterlingcodifiers.com/codebook/index.php?book_id=418

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 encompass 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 Lakeville at the beginning of each section. For example, at the beginning of the Restaurants sub-section, the definitions for “Restaurant (Convenience)” and “Restaurant (General)” 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 Lakeville differentiates between fast food restaurants and general restaurants as follows:

★ **Restaurant (Convenience).** An establishment that serves food and/or beverages, in or on disposable or edible containers, for consumption on or off premises, including drive-in restaurants, and including drive-through facilities.¹

★ **Restaurant (General).** An establishment which serves food in or on nondisposable dishes to be consumed primarily while seated at tables or booths within the building.²

It is important to note that many of the definitions established by the City of Lakeville are often narrower than how those terms may be understood by the general public or used outside of a legal context. Additionally, Lakeville 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 a 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 concepts providing context regarding and impacting access to healthy food in Lakeville, 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 Lakeville’s regulation of different components of the food system. The Public Health Law Center used the Minnesota Food Charter to structure the analysis of Lakeville’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.

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<th>SOURCE OF FOOD</th>
<th>REGULATORY AUTHORITY</th>
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<td>MDH</td>
<td>Cafes, Restaurants, Bars, Hotels &amp; motels, Cafeterias</td>
<td>Licenses and inspects food establishments.(^{10}) Enforces Minnesota Food Code.(^{11}) Provides food safety and food handling education and training.(^{12}) Investigates outbreaks.(^{13}) Tracks and monitors foodborne illness.(^{14}) Operates the Minnesota Foodborne Illness Hotline.(^{15}) Releases reports and summaries of foodborne illness outbreaks in Minnesota.(^{16}) Coordinates response to foodborne illness outbreak with other state and local government agencies.</td>
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<tr>
<td>MDA</td>
<td>Grocery stores, Bakeries, Egg handlers, Dairy farms, Delis, Food manufacturers, Wholesale food dealers, Meat &amp; poultry processors</td>
<td>Licenses and inspects certain food retailers, dairies, and meat processors. Licenses and inspects food manufacturers, wholesalers, and retailers.(^{17}) Enforces Minnesota Food Laws and the Minnesota Food Code.(^{18}) Enforces state standards relating to food quality, labeling, and advertising.(^{19}) Investigates complaints regarding questionable food products or food sales practices.(^{20}) Cooperates in foodborne illness outbreak investigation when involving MDA-regulated facilities or food that is commercially distributed in Minnesota. Tests food products and environmental samples for the presence of pathogens or deleterious substances.</td>
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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 [http://www.mda.state.mn.us/](http://www.mda.state.mn.us/) for more information about the agency’s specific role.
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 specific municipality, including the authority to license food establishments and establish 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 Lakeville 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 Lakeville 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. 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.”

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”, 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. ³ Minnesota state law gives statutory cities⁴ 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.

### Licenses

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.

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³ 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.

⁴ 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.

Lakeville does not require general business licensing or registration for all businesses. However, Lakeville has established business licensing requirements for peddlers and transient merchants and refuse haulers.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.


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 and implement 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. Lakeville 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. Lakeville’s code states:
“Whenever in any zoning district a use is neither specifically permitted nor denied, the use shall be considered prohibited.”\textsuperscript{32}

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.\textsuperscript{33} 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 \textit{public health}, safety, and general welfare.\textsuperscript{34}

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.”\textsuperscript{35} Townships in Dakota County may choose to prepare comprehensive plans for their jurisdictions or delegate their planning authority to the county by agreement.\textsuperscript{36}

In the metropolitan development region, state law has placed most of the seven-county “metropolitan area”\textsuperscript{37} under the jurisdiction of the Metropolitan Council, a “public corporation and political subdivision of the state.”\textsuperscript{38} 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.\textsuperscript{39}

The Metropolitan Land Planning Act requires every local government – counties, cities, and towns\textsuperscript{40} – in the “metropolitan area” to develop a comprehensive plan, and to systematically review it every ten years.\textsuperscript{41} This “decennial review” is a multilayered process, and begins several years before the actual deadline; the next review is due in 2018. Lakeville 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 Lakeville’s comprehensive plan is outside the scope of this project. However, any effort to increase access to healthy food in Lakeville 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 Lakeville’s municipal code is essential to ensure the comprehensive plan reflects the broader needs of the community to have access to healthy, affordable food. Lakeville’s current comprehensive plan that is under review is available on the city’s website at:
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.42

Lakeville has established the following zoning districts:43

<table>
<thead>
<tr>
<th>“A” Agricultural Districts</th>
<th>“R” Residence Districts</th>
<th>“C” Commercial Districts</th>
<th>“I” Industrial Districts</th>
<th>Special and Environmental Protection Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-P, Agricultural preserve district</td>
<td>RS-1, Single-family residential district</td>
<td>O-R, Office/residential transition district</td>
<td>I-CBD, Industrial - central business district</td>
<td>PUD, Planned unit development district</td>
</tr>
<tr>
<td>RA, Rural/agricultural district</td>
<td>RS-2, Single-family residential district</td>
<td>RS-1, Neighborhood commercial district</td>
<td>I-1, Light industrial district</td>
<td>P-OS, Public and open space district</td>
</tr>
<tr>
<td>RAO, Rural/agricultural overlay district</td>
<td>RS-3, Single-family residential district</td>
<td>C-1, Neighborhood commercial district</td>
<td>I-2, General industrial district</td>
<td>FP, Floodplain overlay district</td>
</tr>
<tr>
<td></td>
<td>RS-4, Single-family residential district</td>
<td>C-2, Highway commercial district</td>
<td></td>
<td>S, Shoreland overlay district</td>
</tr>
<tr>
<td></td>
<td>RS-CBD, Single-family residential - central business district</td>
<td>C-3, General commercial district</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>RSMH, Single-family manufactured home park district</td>
<td>C-CBD, Commercial - central business district</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>RST-1, Single- and two-family residential district</td>
<td>O-P, Office park district</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>RST-2, Single- and two-family transition district</td>
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<tr>
<td></td>
<td>RM-1, Medium-density residential district</td>
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<tr>
<td></td>
<td>RM-2, Medium-density residential district</td>
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</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 property owners 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.44 In contrast, a conditional use can be requested for a use that is only permitted in a zone with certain conditional requirements on a case-by-case basis.45 Lakeville provides additional clarification about variances and conditional uses as follows.

Municipal Definitions

★ **Use.** The purpose or activity for which the land or building thereon is designated, arranged, or intended or for which it is occupied, utilized or maintained, and shall include the performance of such activity as defined by the performance standards of this title.46

★ **Variance.** A modification of or variation from the provisions of this title consistent with the state enabling statute for municipalities, as applied to a specific property and granted pursuant to the standards and procedures of this title, except that a variance shall not be used for modification of the allowable uses within a district and shall not allow uses that are prohibited.47

★ **Interim use.** A temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer allow it.48

★ **Conditional use.** A use, which because of special problems of control the use presents, requires reasonable, but special, unusual and extraordinary limitations peculiar to the use for the protection of the public welfare and the integrity of the city comprehensive plan.49

Additional information: Variances

See League of Minnesota Cities information memo Zoning Guide for Cities for more information on variances.

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.

Lakeville has adopted the Minnesota Building Code,\textsuperscript{56} which governs “the construction, reconstruction, alteration, and repair of building and other structures to which the code is applicable.”\textsuperscript{57} In addition, Lakeville has additional municipal ordinances governing structures, distinguishing principle use buildings and/or structures from accessory buildings and/or structures as follows.

\section*{Municipal Definitions}

\begin{itemize}
  \item \textbf{Accessory building or use.} A subordinate building or use which is located on the same lot on which the principal building or use is situated and which is reasonably necessary and incidental to the conduct of the principal building or use.\textsuperscript{58}
  \item \textbf{Principle use/building.} The main use of land or buildings as distinguished from subordinate or accessory uses. A "principal use" may be either permitted, interim, conditional, or allowed by administrative permit.\textsuperscript{59}
\end{itemize}

Lakeville’s municipal code requires an administrative permit (also called a zoning permit) to construct or move a detached accessory structure less than 200 square feet.\textsuperscript{60} The municipal code requires a building permit to construct or move a detached accessory structure larger than 200 square feet.\textsuperscript{61} Therefore, how a specific structure is regulated depends on whether the structure falls into one of those categories.

For more information on how Lakeville regulates different types of structures through Administrative Permits please see Title 11, Zoning, Chapter 8, Administrative Permits and Approvals; Administration section of Lakeville’s ordinances: http://sterlingcodifiers.com/codebook/index.php?book_id=&chapter_id=64933

For more information:

\begin{itemize}
  \item City specific information may be obtained from the city’s municipal building official
  \item \textbf{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/ccld/OpinionStaffAgriculture.asp).
  \item More information on Lakeville’s regulation of accessory buildings and structures is discussed in Appendix B, below.
\end{itemize}
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. Greenhouses and Hoop Houses
7. 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 2, 2015.

★ **Market garden.** Not defined by municipal code as of July 2, 2015.

★ **Agricultural uses.** Those uses commonly associated with the growing of produce on farms, these include: field crop farming; pasture for hay, fruit growing; tree, plant, shrub, or flower nursery without building; truck gardening; roadside stand for sale of in season products grown on premises; and livestock raising and feeding, but not including fur farms, commercial animal feedlots, retail nurseries and garden centers, and kennels.62

Does the municipal code require a permit or license?

Lakeville’s municipal code does not require a permit or license to operate a garden.

What are the relevant regulations?

Lakeville’s zoning code specifically prohibits all uses unless they are specifically permitted within a zone.63 While certain activities of gardening are allowed, such as filling a raised bed, operating a garden tiller during certain hours, and watering a garden during times of water restrictions, gardens are not specifically permitted within any zone other than the Floodplain Overlay District,64 the Agricultural Preservation District,65 the Rural/Agricultural District,66 and the Rural/Agricultural Overlay District.67

During times of a city water shortage, the city still allows limited hand watering of gardens and plants with a hose.68

The city allows raised beds to be filled with topsoil without the requirement to get a landfilling permit.69

Gardens are not permitted along street right-of-ways.70 Trees and shrubs are allowed along the street right-of-ways with a permit while grass and other ground cover is allowed without a permit.71
Garden tillers and other domestic power maintenance equipment is not allowed after 10:00 pm and before 7:00 am.\textsuperscript{72}

Garden products may be sold without a peddler or transient merchant license.\textsuperscript{73} See Transient Merchant section.

**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.** A tract of land of more than ten (10) acres in size usually with a house and barn plus other buildings on which crops and often livestock are raised for a principal source of livelihood.\textsuperscript{74}

- **Farming.** Process of operating a farm for the growing and harvesting of crops which shall include those necessary accessory buildings, related to operating the farm, and the keeping of common domestic farm animals.\textsuperscript{75}

- **Farm winery.** A winery operated by the owner of a Minnesota farm producing table, sparkling or fortified wines from grapes, grape juice, other fruit bases or honey with a majority of the ingredients produced on the premises.\textsuperscript{76}

- **Farm Animal.** Cattle, hogs, bees, sheep, goats, chickens, turkeys, horses and other animals commonly accepted as farm animals in the state of Minnesota.\textsuperscript{77}

- **Agricultural uses.** Those uses commonly associated with the growing of produce on farms, these include: field crop farming; pasture for hay, fruit growing; tree, plant, shrub, or flower nursery without building; truck gardening; roadside stand for sale of in season products grown on premises; and livestock raising and feeding, but not including fur farms, commercial animal feedlots, retail nurseries and garden centers, and kennels.\textsuperscript{78}

- **Animal feedlot.** A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. Open lots used for feeding and rearing of poultry (poultry ranges), and barns, dairy farms,
swine facilities, beef lots and barns, horse stalls, mink ranches and zoos, shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots. 79

★ **Animal unit.** A unit of measure used to compare differences in the production of animal manure that employs as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer for an animal feedlot or manure storage area, calculated by multiplying the number of animals of each type by the respective multiplication factor and summing the resulting values for the total number of animal units. . . . 80

★ **Accessory building or use.** A subordinate building or use which is located on the same lot on which the principal building or use is situated and which is reasonably necessary and incidental to the conduct of the principal building or use. 81

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

No.

What are the relevant regulations?

Lakeville defines a farm as being at least 10 acres in size82 and permits farming within the four zones listed below. The city no longer permits new feedlots, however, and has established ordinances that govern grandfathered feedlots.83

Farming and agricultural uses are permitted within the Floodplain Overlay District,84 the Agricultural Preservation District,85 the Rural/Agricultural District,86 and the Rural/Agricultural Overlay District. 87

Fences on a farm or fences for agricultural purposes are not required to obtain a zoning permit if they are under seven feet or a building permit if they are over seven feet in height.88 Electric fences are only permitted on farms and for agricultural purposes but may not be boundary fences.89 Barbed wire fences are only allowed on farms. 90

Agricultural buildings are exempt from the conditional use permit requirements of the Zoning chapter on accessory buildings, structures and uses.91 In addition, farm buildings are not subject to maximum building height limits92 and steel and aluminum siding or roofing is only allowed if it is used in association with a farm.93

**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 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 animal.** Cattle, hogs, bees, sheep, goats, chickens, turkeys, horses and other animals commonly accepted as farm animals in the state of Minnesota. 94

★ **Animal unit.** A unit of measure used to compare differences in the production of animal manure that employs as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer for an animal feedlot or manure storage area, calculated by multiplying the number of animals of each type by the respective multiplication factor and summing the resulting values for the total number of animal units. . . 95

★ **Animal feedlot:** A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. Open lots used for feeding and rearing of poultry (poultry ranges), and barns, dairy farms, swine facilities, beef lots and barns, horse stalls, mink ranches and zoos, shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots. 96

★ **Chicken.** Not defined by municipal code as of July 2, 2015.

★ **Rooster.** Not defined by municipal code as of July 2, 2015.

★ **Chicken coop.** Not defined as of July 2, 2015.

★ **Chicken run.** Not defined as of July 2, 2015.

Does the municipal require a permit or license?

The municipal code does not establish a permitting or licensing requirement as a pre-requisite to keeping certain farm animals, such as chickens or bees.

The City requires a zoning permit for a chicken coop as an accessory structure if it is less than 200 square feet and a building permit if it is greater than 200 square feet. 97
The City does not require a permit for a fence used to create a chicken run if it is on a farm or is considered an agricultural use. See Farming discussion, above, for more detail on exemption for fences for agricultural uses.

**What are the relevant regulations?**

Farm animals may be kept on all farm properties as long as the number of animals does not constitute a feedlot, animal enclosures are setback a minimum distance from the lot line, and the keeping of the animals does not create a nuisance.

Properties that were allowed to have farm animals prior to April 5, 2004 and had the equivalent of 10 animal units or less are not allowed to expand to more than 10 animal units. See definition of animal units with multiplication factors found in Lakeville Code, section 11-2-3.

The collection of food waste to feed farm animals is excepted from licensing requirements for the collection of mixed municipal solid waste.

Lakeville’s municipal code allows bees and chickens as a farm animal but does not address bee or chicken keeping specifically.

Chicken coops are not addressed in the municipal code. See section “Farming” above for specifications of agricultural uses. See also “Appendix B” for specifications of accessory structures.

**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 may be required to install a fence 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.** Any partition, structure, wall or gate erected as a dividing mark, barrier or enclosure.
- **Buffer.** The use of land, topography, difference in elevation, space, fences or landscape plantings to screen or partially screen a use or property from another use or property or to shield or mitigate noise, lights or other impacts.
**Structure.** Anything which is built, constructed or erected; an edifice or building of any kind; or any piece of work artificially built up and/or composed of parts joined together in some definite manner whether temporary or permanent in character.\(^{106}\)

Does the municipal code require a permit or license?

A Zoning Permit is required for the construction or physical improvement of fences except on a farm or for an agricultural purpose.\(^{107}\)

Please visit the following link for a copy of the permit application: [http://www.ci.lakeville.mn.us/departments/departmentspdf/fence.pdf](http://www.ci.lakeville.mn.us/departments/departmentspdf/fence.pdf)

What are the relevant regulations?

Lakeville has established several municipal provisions that apply to fences in residential zones, including:

- Fences on residential properties may not be more than six (6) feet in height except in front yards where it can be no more than 48” in height,
- Fences cannot impair visibility of traffic,
- Fences must be maintained so as not to be a nuisance,
- Electric and barbed wire fences are only permitted for agricultural purposes, and
- The face side of a fence must face outward from the property.\(^{108}\)

**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 vegetable 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 2, 2015.

**Trellis.** Not defined by municipal code as of July 2, 2015.

**Pergola.** Not defined by municipal code as of July 2, 2015.

**Plant bed.** Not defined by municipal code as of July 2, 2015.
Does the municipal code require a permit or license?

No.

What are the relevant regulations?

The City regulates encroachments on yards. However, arbors and trellis’ are specifically exempted from these requirements.\footnote{109}

Lakeville’s municipal code includes land use provisions that apply to filling land and exempts activities from these requirements when filling a raised bed or applying garden soil.\footnote{110} See section on “Gardening” for discussion of applicable municipal code provisions.

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

★ **Greenhouse.** An enclosed building, permanent or portable, which is used for the growing of small plants.\footnote{111}

★ **Hoop house.** Not defined by municipal code as of May 15, 2015.

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

Yes. The city code requires a zoning permit to construct or move a greenhouse or hoop house as an accessory building if it is less than 200 square feet and a building permit if it is more than 200 square feet.

1. Zoning Permit Required: Detached accessory buildings not exceeding two hundred (200) square feet in floor area shall be allowed without issuance of a building permit, but shall comply with all other provisions of this title. Such buildings must receive a zoning permit before they are constructed or moved onto property. The zoning administrator or designee shall review the site plan and construction drawings to determine compliance with this zoning title and other applicable ordinances, laws, and regulations.

2. Building Permit Required: Detached accessory buildings greater than two hundred (200) square feet in floor area shall require a building permit. The building official shall review the site plan and construction drawings to determine compliance with the building code and other applicable ordinances, laws, and regulations. (Ord. 697, secs. 1, 2, 12-17-2001; amd. Ord. 936, 3-16-2015):112

Notably, there is an exception to this requirement. Lakeville’s municipal code specifically exempts agricultural buildings on farm properties from the requirements governing accessory buildings, structures and uses found in Chapter 18 of Title 11 “Zoning”.113

What are the relevant regulations?

Greenhouses are permitted in the A-P District,114 the RA District,115 and the ROA District.116

The municipal code is silent concerning hoop houses.

Depending on the type and size of greenhouse or 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.

For more information, contact the City’s Building Inspections Department at (952) 985-4440.

Additional Resources:

- University of Minnesota’s Minnesota High Tunnel webpage, 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.”117 For more information about those

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 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 building or use.** A subordinate building or use which is located on the same lot on which the principal building or use is situated and which is reasonably necessary and incidental to the conduct of the principal building or use.\(^{118}\)

★ **Shed.** Not defined by municipal code as of July 2, 2015.

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

Yes. The city code requires a zoning permit to construct or move to shed as an accessory building if it is less than 200 square feet and a building permit if it is more than 200 square feet.\(^ {119}\)

1. **Zoning Permit Required:** Detached accessory buildings not exceeding two hundred (200) square feet in floor area shall be allowed without issuance of a building permit, but shall comply with all other provisions of this title. Such buildings must receive a zoning permit before they are constructed or moved onto property. The zoning administrator or designee shall review the site plan and construction drawings to determine compliance with this zoning title and other applicable ordinances, laws, and regulations.

2. **Building Permit Required:** Detached accessory buildings greater than two hundred (200) square feet in floor area shall require a building permit. The building official shall review the site plan and construction drawings to determine compliance with the building code and other applicable ordinances, laws, and regulations. (Ord. 697, secs. 1, 2, 12-17-2001; amd. Ord. 936, 3-16-2015)\(^ {120}\)

Notably, there is an exception to this requirement. Lakeville’s municipal code specifically exempts agricultural buildings on farm properties from the requirements governing accessory buildings, structures and uses found in Chapter 18 of Title 11 “Zoning”.\(^ {121}\)
What are the relevant regulations?

Depending on the type and size of sheds constructed municipal provisions governing accessory structures may apply. The city requires a conditional use permit for more than one accessory building other than one private garage.\textsuperscript{122}

Agricultural buildings on farms are exempt from these requirements.\textsuperscript{123}

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

For more information, contact the City’s Building Inspections Department at (952) 985-4440.
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.\textsuperscript{124} The Minnesota Department of Agriculture has issued rules governing a wide range of food processing activities.\textsuperscript{125} 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

\textbf{★ 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.\textsuperscript{126}

Municipal Code Definitions

\textbf{★ Food processor.} Not defined by municipal code as of July 2, 2015.

Does the municipal code require a permit or license?

No.

What are the relevant regulations?

While Lakeville does not have any regulations specifically targeting food processing facilities, a food processing facility would likely fall into one of Lakeville’s zoning districts, such as Lakeville’s commercial or industrial zoning districts.\textsuperscript{127}

Additional Resources

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


GETTING FOOD

Subsections:

1. Selling Products of a Farm or Garden
2. Farmers’ Markets
3. Restaurants
4. Mobile, Temporary, and Seasonal Food and Beverage Service Establishments
5. Transient Merchants
6. Grocery Stores
7. Displaying Signs
8. Parking

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 places 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 Lakeville 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.¹³¹

**Municipal Code Definitions**

★ **Food Establishment.** Not defined by municipal code as of October 6, 2015.

★ **Food and Beverage Service Establishment.** Not defined by municipal code as of October 6, 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 farmers’ 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 Lakeville’s 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.”¹³² 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

★ Farm stand. Not defined by municipal code as of July 2, 2015.

★ Agricultural uses. Those uses commonly associated with the growing of produce on farms, these include: field crop farming; pasture for hay, fruit growing; tree, plant, shrub, or flower nursery without building; truck gardening; roadside stand for sale of in season products grown on premises; and livestock raising and feeding, but not including fur farms, commercial animal feedlots, retail nurseries and garden centers, and kennels.

Does the municipal code require a permit or license?

No.

What are the relevant regulations?

“Roadside stand for sale of in season agricultural products planted and completely grown on the premises” are permitted as an accessory use in three districts: Agricultural Preserve District, Rural/Agricultural District, and Rural/Agricultural Overlay District.

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. 138

★ 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.139

★ 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.)140

Municipal Code Definitions

★ Farmers’ market. Not defined by municipal code as of July 2, 2015.

★ Transient merchant. Any person who engages in 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, hires, leases, occupies, or uses 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 (2) or more sellers or exhibitors. (Ord. 724, sec. 1, 1-6-2003).141

Does the municipal code require a permit or license?

Unclear. Farmers’ markets are not addressed in the municipal code. However, the St. Paul Farmers’ Market operates in Lakeville. Depending on the products sold, individual vendors may be subject to obtaining a permit as a transient merchant or peddler. See “Transient Merchant” section for more information.
What are the relevant regulations?

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 as 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.

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, Lakeville does not have delegated authority from MDH. However, Lakeville 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.142
Municipal Code Definitions

★ Restaurant (convenience). An establishment that serves food and/or beverages, in or on disposable or edible containers, for consumption on or off premises, including drive-in restaurants, and including drive-through facilities. 143

★ Restaurant (general). An establishment which serves food in or on nondisposable dishes to be consumed primarily while seated at tables or booths within the building. 144

★ Drive-through facility. An establishment (principal or accessory use) at which patrons may purchase products or receive service without having to leave the motor vehicle. 145

Does the municipal code require a permit or license to operate?
No, the City does not require a license for restaurants. 146

What are the relevant regulations?
Lakeville has established several sets of code provisions that apply to restaurants, including:

- Parking space requirements, 147
- Sign placement requirements, 148 and
- Outdoor dining restrictions. 149

No zones in the city specifically permit restaurants. However, four zones allow “retail businesses” generally as a permitted use: Neighborhood Commercial District, 150 Highway Commercial District, 151 General Commercial District, 152 and Commercial – Central Business District. 153

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.154

★ **Food cart** means a food and beverage service establishment that is a nonmotorized vehicle self-propelled by the operator.155

★ **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.156

★ **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.157

★ **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.158

Municipal Code Definitions

★ **Food truck.** Not defined by municipal code as of July 2, 2015.

★ **Food cart.** Not defined by municipal code as of July 2, 2015.

★ **Food stand.** Not defined by municipal code as of July 2, 2015.

†† 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.
**Mobile food unit.** Not defined by municipal code as of July 2, 2015.

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

The City does not require a license specifically to sell food products from a food cart, mobile food unit, or food stand, however it requires a license for transient merchants and peddlers. See “Transient Merchant” section for more information.

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.

**What are the relevant regulations?**

Lakeville has established additional parking restrictions that are enforced during the winter seasons. These restrictions may impact where a mobile food unit can legally park on the street during the winter months.

See section “Transient Merchant” for additional information.

**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:

- **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,**

**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.

‡‡ This municipal language has not been included in the brief for brevity.
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.161

Municipal Code Definitions

- **Transient merchant.** Any person who engages in 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, hires, leases, occupies, or uses 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 (2) or more sellers or exhibitors. (Ord. 724, sec. 1, 1-6-2003).162

- **Peddler.** Any person who goes from dwelling to dwelling, business to business, street to street, or any other type of place to place, for the purpose of offering for sale, displaying or exposing for sale, selling or attempting to sell, and delivering immediately upon sale, the goods, wares, products, merchandise, or other personal property that the person is carrying or otherwise transporting. The term "peddler" shall mean the same as the term "hawker".163

Does the municipal code require a permit or license?

Yes, the municipal code (and state law164) makes it unlawful to conduct business as either a peddler or transient merchant without first having obtained a permit from the city.165 A person selling product grown, produced, cultivated, or raised on any farm is exempt from this requirement.166 Vendors are prohibited from selling products while occupying public property or public right of ways.167

What are the relevant regulations?

Lakeville has established a licensing scheme that regulates transient merchants, including:

- Restriction from selling or attempting to sell in public right-of-ways.168

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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

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.”

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. As indicated in 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.

Minnesota State Legal Definitions

★ Food establishment

A. “Food Establishment” means an operation that:

(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

(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.

Municipal Code Definitions

★ Grocery store. Not defined by municipal code as of July 2, 2015.

*** 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 does not require permits or licenses for grocery stores or businesses generally.¹⁷¹

What are the relevant regulations?

No zones in the city permit grocery stores specifically. However, four zones allow “retail businesses” generally as a permitted use: Neighborhood Commercial District,¹⁷² Highway Commercial District,¹⁷³ General Commercial District,¹⁷⁴ and Commercial – Central Business District.¹⁷⁵

Additional Resources

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

- 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,  

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. Any letter, word or symbol, poster, picture, statuary, reading matter or representation in the nature of advertisement, announcement, message or visual communication, whether painted, posted, printed, affixed or constructed, including all associated brackets, braces, supports, wires and structures, which is displayed for informational or communicative purposes.¹⁷⁶

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:  
What are the relevant regulations?†††

Yes. The City has established numerous restrictions on signage, including:

- Sandwich board signs are allowed without a permit in commercially zoned districts;¹⁷⁷
- Dynamic display signs require specific licensing;¹⁷⁸ and
- Signs are considered accessory structures.¹⁷⁹

Additionally, the restrictions may vary depending on zoning district.

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, ensure 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 2, 2015.

Does the municipal code require a license or permit?

No.

What are the relevant regulations?

Lakeville has set minimum parking requirements for certain establishments, including, drive-in or convenience food restaurants, other restaurants, and retail stores.¹⁸⁰

The use of required off-street parking for the sale of goods is specifically prohibited.¹⁸¹

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††† 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.
Conditional Use and Administrative Permit applications will consider the adequacy of on and off street parking.\textsuperscript{182}

Agricultural uses and developments are exempt from certain development site planning reviews.\textsuperscript{183}

Please visit the applicable zoning regulations for additional considerations.\textsuperscript{184}
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 licensed 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 as of May 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:


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 likely to be considered “compost facilities” and are more heavily regulated by the Minnesota Pollution Control Agency.

Compost is regulated in part, by the Minnesota Pollution Control Agency. State regulations govern:

- Odors
- Design requirements
- Discharge and surface water drainage runoff
- Operation requirements (i.e., staff training)

Minnesota 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.

**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.

**Composting.** (State Definition) The controlled microbial degradation of organic waste to yield a humus like product.

**Operator.** (State Definition) The person or persons responsible for the operation of a facility.

**Owner or facility owner.** (State Definition) The person or persons who own a facility or part of a facility.

Municipal Code Definitions:

**Composting.** Not defined by municipal code as of July 2, 1015.

**Kitchen waste.** Not defined by municipal code as of July 2, 1015.

**Yard waste.** Organic materials consisting of grass clippings, leaves and other forms of organic garden waste, prunings, tree waste, and fresh cut Christmas trees and boughs, but excluding garden vegetables and materials that are not readily compostible within a calendar year.

Does the municipal code require a permit or license?

No. Lakeville’s municipal code does not specifically address backyard composting.

What are the relevant regulations?

Yard waste may not be disposed of in mixed municipal waste or any other way unless for composting purposes.

The structures uses for composting are accessory uses, must be contained in rear yards and must be set back from property lines.

The collection of food waste to feed farm animals is excepted from licensing requirements for the collection of mixed municipal solid waste.
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. Waste foodstuffs or table wastes of vegetable or animal origin, together with other incidental admixtures. Dead animals weighing ten (10) pounds or less shall be classified as garbage. 196

★ Mixed municipal solid waste. Garbage, refuse and other solid waste from residential, commercial, industrial and community activities that the generator of the waste aggregates for collection, but does not include auto hulks, street sweeping, ash, construction debris, mining waste, sludges, tree and agricultural wastes, tires, lead acid batteries, used oil, and other materials collected, processed and disposed of as separate waste streams.

★ Refuse. Ashes, nonrecyclable glass, crockery, cans, paper, boxes, rags and similar nonputrescible wastes (does not decay or have foul odor), and construction or demolition debris, and wood except when stored as firewood in compliance with section 11.10 subd. 32.C. 197

★ Recyclable material. Materials that can be readily separated from mixed municipal solid waste for the purpose of recycling, including, but not limited to, paper, glass, plastics, metals, automobile oil and batteries. Recyclable materials that have been
separated from the waste stream, processed, and sold or given away for reuse are no longer considered waste.\textsuperscript{198}

Does the municipal code require a permit or license?

A license is required to haul garbage, refuse, recyclables, yard waste or food waste.\textsuperscript{199}

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.\textsuperscript{200}
- It is unlawful for any person to store garbage or refuse on residential dwelling premises for more than one week.\textsuperscript{201}
- Recyclable materials must be collected every two weeks.\textsuperscript{202} Occupants of residential dwelling properties jointly managed by associations or others shall have the same opportunity to recycle afforded to occupants of other residential dwelling units. It is unlawful for any residential dwelling association or other residential dwelling joint management entity to negotiate, execute or maintain a contract for residential garbage or other refuse collection unless it includes as a part of that contract or as part of a separate contract weekly collection of recyclables occurring on the same day as their refuse collection.\textsuperscript{203}
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>
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<tr>
<td>Plant bed</td>
<td>Restaurant</td>
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<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. Additionally, Lakeville limits the number of accessory structures on properties to no more than one without a conditional use permit. In addition, Lakeville will not issue conditional use permits for accessory building to be used for commercial purposes or a home occupation business.

Most notably, agricultural buildings on farm properties are exempt from the accessory buildings, structures, uses and equipment chapter.

Municipal Code of Ordinances:

Chapter 11 – Zoning

Section 11-18-1: PURPOSE:

The purpose of this chapter is to provide performance standards for the erection, siting and use of accessory buildings, structures and uses that may be allowed within the various zoning districts to ensure compatibility with the principal use and with surrounding properties, as well as to protect the general health, safety and welfare of the community. (Ord. 674, sec. 1, 7-17-2000)

Section 11-18-3: AGRICULTURAL BUILDINGS:

Agricultural buildings on farm properties are exempt from the requirements of this chapter. (Ord. 674, sec. 1, 7-17-2000)

Section 11-18-5: CONDITIONAL USE PERMITS:

Application for a conditional use permit under this chapter shall be regulated by chapter 4 of this title. Such a conditional use permit may be granted provided that:

A. There is a demonstrated need and potential for continued use of the structure for the purpose stated. (Ord. 674, sec. 1, 7-17-2000)

B. No accessory building or private garage shall be utilized for all or a portion of a home occupation, for commercial activities or for commercial storage. (Ord. 762, sec. 3, 4-5-2004)

C. The accessory building has an evident reuse or function related to a single-family residential environment in urban service areas or farm environment in nonurban service areas of the city. (Ord. 674, sec. 1, 7-17-2000; amd. Ord. 867, sec. 2, 5-17-2010)

D. Detached accessory buildings shall be maintained in a manner that is compatible with the adjacent residential uses and does not present a hazard to public health, safety and general welfare.
E. The performance standards and criteria of section 11-4-7 of this title shall be considered and a determination made that the proposed activity is in compliance with such criteria. (Ord. 674, sec. 1, 7-17-2000)

Section 11-18-7: SINGLE-FAMILY ATTACHED AND DETACHED ACCESSORY USES:

A. Conditional Use Permit Required: No building permit shall be issued for the construction of more than one detached accessory building on a single parcel in addition to one private garage (attached or detached), except by conditional use permit. (Ord. 674, sec. 1, 7-17-2000)

B. Site Plan Approval:

1. Zoning Permit Required: Detached accessory buildings not exceeding two hundred (200) square feet in floor area shall be allowed without issuance of a building permit, but shall comply with all other provisions of this title. Such buildings must receive a zoning permit before they are constructed or moved onto property. The zoning administrator or designee shall review the site plan and construction drawings to determine compliance with this zoning title and other applicable ordinances, laws, and regulations.

2. Building Permit Required: Detached accessory buildings greater than two hundred (200) square feet in floor area shall require a building permit. The building official shall review the site plan and construction drawings to determine compliance with the building code and other applicable ordinances, laws, and regulations. (Ord. 697, secs. 1, 2, 12-17-2001; amd. Ord. 936, 3-16-2015)

C. Setbacks And Encroachment:

1. For corner lots within the RS-3, RS-4, and RS-CBD districts, private garages (attached or detached) that are oriented so that vehicle access is directly straight in off of a public street adjacent to the side lot line shall be set back not less than twenty five feet (25’) from the side lot line abutting the public right of way. (Ord. 674, sec. 1, 7-17-2000)

2. Detached accessory buildings with a gross floor area of two hundred (200) square feet or less:

   a. Such structures shall be set back at least six feet (6’) from any other building or structure on the same lot and shall not be located within a required buffer yard or drainage and/or utility easement.

   b. Such structures may encroach into the required side or rear yard setbacks when located in the rear yard of the lot, except in the case of a side yard of a corner lot abutting a public street.

   c. When encroachment into required side or rear yard setbacks is allowed, such detached accessory buildings shall be set back at least five feet (5’) from all adjoining lots.

3. Detached accessory buildings exceeding two hundred (200) square feet in gross floor area:

   a. Such structures shall be set back at least ten feet (10’) from any other building or structure on the same lot, and shall not be located within a required buffer yard or drainage and/or utility easement.
b. Such structures may encroach into the required side or rear yard setbacks when located in the rear yard of a lot, except in the case of a side yard of a corner lot abutting a public street.

c. When encroachment into required side or rear yard setbacks is allowed, such detached accessory buildings shall be set back at least ten feet (10’) from all adjoining lots. (Ord. 936, 3-16-2015)

d. In the RS-CBD district, detached accessory buildings shall be set back at least five feet (5’) from side lot lines. (Ord. 674, sec. 1, 7-17-2000)

e. A paved driveway meeting the requirements of subsection 11-19-7I of this title shall be constructed for any detached structures having an exterior opening a minimum of eight feet (8’) wide. (Ord. 888, 2-21-2012)

... Section 11-18-9: ALL ZONING DISTRICTS:

A. Time Of Construction: No detached accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.

B. Requirements: Any structure which requires a building permit or which is thirty inches (30”) or more in height shall be subject to setback, floor area and other requirements of this title. (Ord. 674, sec. 1, 7-17-2000)

C. Height: Accessory buildings shall comply with the following height limitations, except as allowed by conditional use permit:

1. Detached Single-Family Dwellings:

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Maximum Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-P</td>
<td>20 feet</td>
</tr>
<tr>
<td>RA</td>
<td>20 feet</td>
</tr>
<tr>
<td>RS-1</td>
<td>20 feet</td>
</tr>
<tr>
<td>RS-2</td>
<td>15 feet</td>
</tr>
<tr>
<td>RS-3</td>
<td>15 feet</td>
</tr>
<tr>
<td>RS-4</td>
<td>15 feet</td>
</tr>
<tr>
<td>RS-CBD</td>
<td>15 feet</td>
</tr>
<tr>
<td>RST-1</td>
<td>15 feet</td>
</tr>
</tbody>
</table>
2. Detached Accessory Buildings Other Than Garages: Detached accessory buildings other than garages shall be limited to fifteen feet (15’) in height on all two-family or townhouse unit lots.

3. Multiple-Family And Nonresidential Uses: Detached accessory buildings and structures shall be limited to twenty feet (20’) in height for all multiple-family and nonresidential uses.

4. Conditional Use Permit: Application for a conditional use permit under this section may be granted provided that:

   a. There is a functional need for the additional height while maintaining that the structure is accessory to the principal use consistent with the intent of this title.

   b. The additional height is necessary to maintain an evident architectural character compatible to the principal building.

   c. In no case shall the height of an accessory building exceed that of the principal building on the lot on which it is located within the RS-3, RS-4, RST-1, RST-2, RM-1, RM-2, RH-1, RH-2 districts. (Ord. 867, sec. 42, 5-17-2010)

D. Area Limitations:

1. Except for agricultural buildings on farms, as provided for by subsection D2 of this section, or as expressly permitted by conditional use permit, the combination of accessory buildings and garages shall not exceed either of the following area limitations per unit or the total gross floor area of the principal structure, whichever is least:

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Use</th>
<th>Percentage Of Minimum Lot Area That May Be Occupied By The Accessory Building</th>
<th>Maximum Allowable Floor Area Per Unit (Square Feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-P</td>
<td>All uses</td>
<td>Not applicable</td>
<td>Not applicable</td>
</tr>
<tr>
<td>RA</td>
<td>Single-family</td>
<td>2 percent</td>
<td>8,712</td>
</tr>
<tr>
<td>RS-1</td>
<td>Single-family</td>
<td>10 percent</td>
<td>2,000</td>
</tr>
</tbody>
</table>
| District   | Use                          | Percentage | Maximum
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>RS-2</td>
<td>Single-family</td>
<td>10 percent</td>
<td>1,500</td>
</tr>
<tr>
<td>RS-3</td>
<td>Single-family</td>
<td>10 percent</td>
<td>1,100 (interior lot) 1,250 (corner lot)</td>
</tr>
<tr>
<td>RS-4</td>
<td>Single-family</td>
<td>10 percent</td>
<td>938 (interior lot) 1,125 (corner lot)</td>
</tr>
<tr>
<td>RS-CBD</td>
<td>Single-family</td>
<td>10 percent</td>
<td>840 (interior lot) 1,008 (corner lot)</td>
</tr>
<tr>
<td>RST-1</td>
<td>Single-family</td>
<td>10 percent</td>
<td>1,500</td>
</tr>
<tr>
<td></td>
<td>Two-family</td>
<td>10 percent</td>
<td>750</td>
</tr>
<tr>
<td>RST-2</td>
<td>Single-family</td>
<td>10 percent</td>
<td>1,100 (interior lot) 1,250 (corner lot)</td>
</tr>
<tr>
<td></td>
<td>Detached townhomes</td>
<td>10 percent</td>
<td>750</td>
</tr>
<tr>
<td></td>
<td>Two-family</td>
<td>10 percent</td>
<td>750</td>
</tr>
<tr>
<td>RM-1 and</td>
<td>Single-family</td>
<td>10 percent</td>
<td>1,100 (interior lot) 1,250 (corner lot)</td>
</tr>
<tr>
<td>RM-2</td>
<td>Two-family</td>
<td>10 percent</td>
<td>750</td>
</tr>
<tr>
<td></td>
<td>Townhouse</td>
<td>10 percent</td>
<td>750</td>
</tr>
<tr>
<td>RH-1 and</td>
<td>Single-family</td>
<td>10 percent</td>
<td>1,100 (interior lot) 1,250 (corner lot)</td>
</tr>
<tr>
<td>RH-2</td>
<td>Two-family</td>
<td>10 percent</td>
<td>750</td>
</tr>
<tr>
<td></td>
<td>Townhouse</td>
<td>10 percent</td>
<td>750</td>
</tr>
</tbody>
</table>

(Ord. 867, sec. 43, 5-17-2010)

2. For lots in the RA district and for lots of record in the RS-1, RS-2, and RS-3 districts created after January 1, 1994, and lots of record existing before January 1, 1994, in the RS-1, RS-2 and RS-3 districts one acre or larger, a garage attached to the principal building shall not exceed the following:
a. Single-family homes with an above grade finished floor area of more than two thousand (2,000) square feet are permitted the following:

(1) A maximum attached garage area of one thousand two hundred fifty (1,250) square feet. (Ord. 867, sec. 44, 5-17-2010)

(2) A detached accessory building area of not more than two hundred (200) square feet is permitted in addition to the attached garage area provided for by subsection D2a(1) of this section. (Ord. 936, 3-16-2015)

(3) Attached garages on lots of record created after January 1, 1994, and pre-1994 lots greater than one acre may exceed one thousand two hundred fifty (1,250) square feet by conditional use permit subject to the provisions listed in section 11-18-5 of this chapter. (Ord. 867, sec. 44, 5-17-2010)

3. Storage spaces located directly below attached garages shall not be considered in determining allowable accessory building floor area. (Ord. 674, sec. 1, 7-17-2000)

E. Exterior Building Material: The same or similar quality and scale exterior building materials shall be used in the accessory buildings as in the principal building, except as may be allowed by conditional use permit for structures accessory to public and quasi-public uses. All accessory buildings shall also be compatible with the principal building on the lot. "Compatible" means that the exterior appearance of the accessory building is not at variance with the principal building from an aesthetic and architectural standpoint as to cause:

1. A difference to a degree to cause incongruity.


Additional resources:

Handout outlining requirements for Accessory Structures (Garages/Sheds), [http://www.ci.lakeville.mn.us/departments/departmentspdf/shed.pdf](http://www.ci.lakeville.mn.us/departments/departmentspdf/shed.pdf)
APPENDIX C: REGULATIONS GOVERNING THE EXTERIOR OF STRUCTURES AND BUILDINGS

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

Municipal Code of Ordinances:

Chapter 11 – Zoning

Section 11-9-19: SITE IMPROVEMENT PERFORMANCE AGREEMENT AND FINANCIAL GUARANTEE:

Following the approval of the site plan required by this title and before issuance of a building permit, the applicant, as determined to be necessary by the zoning administrator, shall guarantee to the city the completion of all improvements as shown on the approved site plan and as required by the site plan approval. This guarantee shall be made by means of a site improvement performance agreement and a financial guarantee as provided below:

A. The applicant shall execute the site improvement performance agreement on forms provided by the city. The agreement shall be approved as to form and content by the city attorney and shall define the required work and reflect the terms of this chapter as to the required guarantee for the performance of the work by the applicant. (Ord. 674, sec. 1, 7-17-2000)

B. The required work includes, but is not limited to, private exterior amenities such as landscaping, private driveways, parking areas, recreational fields, structures or buildings, drainage systems, stormwater basins, wetland mitigation, wetland buffers, erosion control, curbing, fences and screening, and other similar facilities. The required work shall also include all aspects of a tree preservation plan and reforestation plan, if applicable. (Ord. 674, sec. 1, 7-17-2000; amd. Ord. 866, sec. 10, 5-17-2010)

C. A financial guarantee shall be submitted with the executed site performance agreement as provided herein:

1. Financial guarantees acceptable to the city include cash escrow; an irrevocable letter of credit; or other financial instruments which provide equivalent assurance to the city and which are approved by the zoning administrator.

2. The term of the financial guarantee shall be for the life of the site improvement performance agreement, and it shall be the responsibility of the applicant to ensure that a submitted financial guarantee shall continue in full force and effect until the zoning administrator shall have approved and accepted all of the work undertaken to be done and shall thereby have released the guarantee or reduced the amount of the guarantee as provided in this chapter.
3. When any instrument submitted as a financial guarantee contains a provision for an automatic expiration date, after which the instrument may not be drawn upon, notwithstanding the status of the site performance agreement or of the required work, the expiration date shall be October 31; further, it shall be the responsibility of the applicant to notify the city in writing, by certified mail, at least sixty (60) days in advance of the expiration date of the intention to renew the instrument or to not renew the instrument. If the instrument is to be renewed, a written notice of extension shall be provided thirty (30) days prior to the expiration date; if the instrument is not to be renewed, and has not been released by the zoning administrator, another acceptable financial guarantee in the appropriate amount shall be submitted at least thirty (30) days prior to the expiration. The term of any extension shall be approved by the zoning administrator. Upon receipt of an acceptable substitute financial guarantee, the zoning administrator may release the original guarantee.

4. The amount of the financial guarantee shall be established by the zoning administrator based upon an itemized estimate of the cost of all required work as provided by the applicant. A cash escrow or irrevocable letter of credit shall be in the amount of one hundred twenty five percent (125%) of the approved estimated cost. The amount of any other approved financial instrument shall be determined by the zoning administrator.

5. At the option of the city, the applicant may submit a separate financial guarantee for that portion of the required work consisting solely of landscaping improvements with another financial guarantee for all other exterior amenities and improvements which comprise the work. All trees shall be warranted to be alive, of good quality, and disease free for twelve (12) months from the time of planting. Any subsequent replacement shall be warranted for twelve (12) months from the time of planting.

D. The time allowed for completion of the required improvements shall be set out in the site improvement performance agreement. The agreement and the financial guarantee shall provide for forfeiture to the city to cure a default or reimburse the city the cost of enforcement measures. As various portions of such required work are completed by the applicant, are in compliance with city requirements, and are approved by the city, the zoning administrator may release such portion of the financial guarantee as is attributable to such completed work. Landscaping improvements shall not be deemed complete until the city has verified survivability of all required plantings through one "winter season" which is defined for the purpose of this section as the period October 31 through April 30.

E. The applicant shall notify the zoning administrator in writing when all or a portion of the required improvements have been completed in accordance with the approved plan and may be inspected. Upon receipt of such notice, the zoning administrator shall be responsible for the inspection of the improvements to determine that the useful life of all work performed meets the standards for the particular industry, profession, or material used in the performance of the work. Any required work failing to meet such standards shall not be deemed to be complete and the applicant shall be notified in writing as to required corrections. Upon determination that the work has been completed, including the winter season survivability of all landscape improvements, a notice of the date of actual completion shall be given to the applicant and
appropriate action, to release or to reduce the amount of the financial guarantee shall be taken by the zoning administrator. (Ord. 674, sec. 1, 7-17-2000)
APPENDIX D: LANDSCAPE PLAN REQUIREMENTS

The City has developed general mandatory landscaping requirements for all properties.

Municipal Code of Ordinances:

Chapter 11 – Zoning

Section 11-21-7: GENERAL MANDATORY LANDSCAPING AND MAINTENANCE:
(Zoning, Fencing/Screening/Landscaping)

A. All exposed ground areas, including street boulevards, and areas not devoted to off street parking, drives, sidewalks, patios or other such improvements shall be landscaped with grass, shrubs, trees (except in boulevard portions of the public right of way) or other ornamental landscape materials within one year following the date of building occupancy, as determined by the certificate of occupancy. (Ord. 936, 3-16-2015)

B. All landscaped areas shall be maintained by the property owner and kept neat, clear and uncluttered, and where landscaping is required as part of city approvals, any plant material which is diseased or dies shall be replaced with like kind of the original size. No landscaped area shall be used for the parking of vehicles or for the storage or display of materials, supplies or merchandise, unless specifically approved by the city.

C. Fences and/or plantings placed upon utility easements are subject to removal by the city or utility company if required for maintenance or improvement of the utility. In such case, costs for removal and replacement shall be the responsibility of the property owner. Trees on utility easements containing overhead wires shall not exceed fifteen feet (15’) in height, and such trees shall be the property owner’s responsibility to maintain. (Ord. 674, sec. 1, 7-17-2000)
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. Lakeville 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 Lakeville.

Lakeville has over twenty-five (25) zoning districts. Lakeville’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.


Municipal Code of Ordinances:

Chapter 11 – Zoning

Section 11-1-1: TITLE AND PURPOSE:

A. Title: This title shall be known as the LAKEVILLE ZONING ORDINANCE except as referred to herein, where it shall be known as "this title".

B. Intent And Purpose: The intent of this title is to protect the public health, safety and general welfare of the community and its people through the establishment of minimum regulations in regard to the location, erection, construction, alteration and use of structures and land. Such regulations are established to protect such use areas; to promote orderly development and redevelopment; to provide adequate light, air and convenience of access to property; to prevent congestion in the public right of way; to prevent overcrowding of land and undue concentration of structures by regulating land, building, yards and density of population; to provide for compatibility of different land uses; to provide for administration of this title; to provide for amendments; to prescribe penalties for violation of such regulations; and to define powers and duties of the city staff, the board of adjustment and appeals, the planning commission, and the city council in relation to this title.

C. Relation To The City's Comprehensive Plan: Pursuant to Minnesota statutes 473.858, as may be amended, and city policy, the city's adopted comprehensive plan shall serve as the basis upon which land use and development shall be regulated. This title shall not conflict with and shall be based upon and implement the city's comprehensive plan.

D. Standard, Requirement: Where the conditions imposed by any provision of this title are either more or less restrictive than comparable conditions imposed by other ordinance, rule or
regulation of the city, the ordinance, rule or regulation which imposes the more restrictive condition, standard, or requirement shall prevail.

E. Application: The provisions of this title shall be the minimum requirements for the promotion of the public health, safety and welfare. (Ord. 674, sec. 1, 7-17-2000)

Section 11-1-9: USES NOT PROVIDED FOR WITHIN ZONING DISTRICTS:

Whenever in any zoning district a use is neither specifically permitted nor denied, the use shall be considered prohibited. In such cases the city council or the planning commission, on their own initiative or upon request, may conduct a study to determine if the use is acceptable and if so what zoning district would be most appropriate and the determination as to conditions and standards relating to development of the use. The city council, planning commission or property owner, upon receipt of the study shall, if appropriate, initiate an amendment to this zoning title to provide for the particular use under consideration or shall find that the use is not compatible for development within the city. (Ord. 674, sec. 1, 7-17-2000)

11-45-1: ESTABLISHMENT OF ZONING DISTRICTS:

In order to classify, regulate and restrict the location of trade and industry, and the location of buildings designated for specific uses, to protect residential uses, to regulate and limit the height and bulk of buildings hereafter erected or altered, to regulate and limit the intensity of the use of lot areas, and to regulate and determine the areas of yards and open space within and surrounding such buildings, the city is hereby divided into zoning districts. The use, height and area regulations shall be uniform in each zoning district, and said zoning districts shall be known as:

A. Agricultural/rural districts:
   - A-P, Agricultural preserve district
   - RA, Rural/agricultural district
   - RAO, Rural/agricultural overlay district

B. Residential districts:
   - RS-1, Single-family residential district
   - RS-2, Single-family residential district
   - RS-3, Single-family residential district
   - RS-4, Single-family residential district
   - RS-CBD, Single-family residential - central business district
RSMH, Single-family manufactured home park district
RST-1, Single- and two-family residential district
RST-2, Single- and two-family transition district
RM-1, Medium-density residential district
RM-2, Medium-density residential district
RH-1, Multiple-family residential district
RH-2, Multiple-family residential district

C. Commercial districts:
   O-R, Office/residential transition district
   C-1, Neighborhood commercial district
   C-2, Highway commercial district
   C-3, General commercial district
   C-CBD, Commercial - central business district
   O-P, Office park district

D. Industrial districts:
   I-CBD, Industrial - central business district
   I-1, Light industrial district
   I-2, General industrial district

E. Special districts:
   PUD, Planned unit development district
   P-OS, Public and open space district

F. Environmental protection districts:
   FP, Floodplain overlay district
   S, Shoreland overlay district

(Ord. 867, sec. 92, 5-17-2010)
APPENDIX F: MUNICIPAL CODE PROVISIONS

Gardening

Title 4, Chapter 1 – Health and Sanitation, Nuisances

Section 4-1-4-2: EQUIPMENT AND CONSTRUCTION ACTIVITY:

A. Restrictions: The following is prohibited between the hours of ten o’clock (10:00) P.M. and seven o’clock (7:00) A.M.:

3. The use of domestic power maintenance equipment including, but not limited to, lawn mowers, hedge trimmers, grass/weed trimmers, garden tillers, chain saws, leaf blowers, wood chippers; and

Title 7, Chapter 5 – Public Ways and Property, Water and Sanitary Sewer Systems

Section 7-3-7: BOULEVARD MAINTENANCE AND USE:

A. The following are prohibited in or on any public boulevard or right of way without the written approval of the public works director or city engineer: privately owned structures, shrubs, boulders, landscape material. The following are permitted in the boulevard area of a right of way: grass, ground cover, mailboxes, and delivery tubes.

B. The owners or occupants of buildings, grounds or premises shall maintain the boulevards abutting the same.

Section 7-5-12-3: EXCEPTIONS:

The water use restrictions in section 7-5-12-2 of this chapter do not apply in the following situations:

A. Limited hand watering of gardens and plants using a hose.

B. Watering of areas with new sod or seed within thirty (30) days of installation.

C. Watering from a source other than the city’s water supply if the water user has registered the alternative source with Dakota County and the alternative source is properly permitted by the state of Minnesota. Under this exemption, the city may inspect the property to ensure compliance. (Ord. 831, sec. 1, 12-17-2007)

Title 7, Chapter 11 – Public Ways and Property, Land Filling

Section 7-11-4: EXCEPTIONS FROM PERMIT REQUIREMENTS:

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

...
C. Filling for agricultural purposes.

E. Filling a garden with topsoil.

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

Title 11, Chapter 21 – Zoning, Fencing/Screening/Landscaping

Section 11-21-9: REQUIRED SCREENING AND LANDSCAPING:

C. Standards And Criteria: All landscaping required by this section shall conform to the following standards and criteria: (Ord. 867, sec. 60, 5-17-2010)

4. Design (Except For Pond Slopes Which Shall Be Subject To The Review And Approval Of The City Engineer):

e. Properties developed after May 17, 2010, with detached townhouse, two-family, townhouse or multiple-family dwelling units within the RST-2, RM or RH district and all commercial, industrial or institutional uses shall provide an exterior inground irrigation system within the property where necessary to ensure that all turf grass, ground cover of cultivated vegetation, garden, hedges, trees and shrubbery maintenance can be accomplished.

Chapter 11: Zoning

Use districts and overlays

<table>
<thead>
<tr>
<th>Use districts and overlays</th>
<th>A. Permitted Uses:</th>
</tr>
</thead>
<tbody>
<tr>
<td>FW Floodplain Overlay District</td>
<td>4. Residential lawns, gardens, parking areas, and play areas.</td>
</tr>
<tr>
<td>A-P Agricultural Preserve District</td>
<td>Permitted Uses:</td>
</tr>
<tr>
<td></td>
<td>A. Farms, agriculture, nurseries, wholesale nurseries, greenhouses, and tree farms, not including animal feedlots regulated by section 11-35-5 of this title.</td>
</tr>
<tr>
<td>RA Rural/Agricultural District</td>
<td>Permitted Uses:</td>
</tr>
<tr>
<td></td>
<td>A. Farms, agriculture, nurseries, wholesale nurseries, greenhouses, and tree farms, not including animal feedlots regulated by section 11-35-5 of this title.</td>
</tr>
</tbody>
</table>
**Farming**

**Title 11 – Zoning**

Section 11-17-7: BUILDING HEIGHT:

*D. The building height limits established herein for districts shall not apply to the following:*

8. Agricultural buildings on farm properties.

Section 11-17-9: BUILDING TYPE AND CONSTRUCTION:

*B. Exterior Building Finishes: For the purpose of this subsection, materials shall be divided into grades and categories as follows: (Ord. 867, sec. 30, 5-17-2010)*

7. Steel Or Aluminum Buildings: Except in association with farms as defined by this title, no galvanized or unfinished steel or unfinished aluminum buildings (walls or roofs), except those specifically intended to have a corrosive designed finish such as COR-TEN steel shall be permitted in any zoning district.

Section 11-18-3: AGRICULTURAL BUILDINGS:

Agricultural buildings on farm properties are exempt from the requirements of this chapter.  
(Ord. 674, sec. 1, 7-17-2000)

Section 11-18-5: CONDITIONAL USE PERMITS:

Application for a conditional use permit under this chapter shall be regulated by chapter 4 of this title. Such a conditional use permit may be granted provided that:

*A. There is a demonstrated need and potential for continued use of the structure for the purpose stated. (Ord. 674, sec. 1, 7-17-2000)*

*B. No accessory building or private garage shall be utilized for all or a portion of a home occupation, for commercial activities or for commercial storage. (Ord. 762, sec. 3, 4-5-2004)*

*C. The accessory building has an evident reuse or function related to a single-family residential environment in urban service areas or farm environment in nonurban service areas of the city. (Ord. 674, sec. 1, 7-17-2000; amd. Ord. 867, sec. 2, 5-17-2010)*
D. Detached accessory buildings shall be maintained in a manner that is compatible with the adjacent residential uses and does not present a hazard to public health, safety and general welfare.

E. The performance standards and criteria of section 11-4-7 of this title shall be considered and a determination made that the proposed activity is in compliance with such criteria. (Ord. 674, sec. 1, 7-17-2000)

Section 11-18-9: ALL ZONING DISTRICTS:

D. Area Limitations:

1. Except for agricultural buildings on farms, as provided for by subsection D2 of this section, or as expressly permitted by conditional use permit, the combination of accessory buildings and garages shall not exceed either of the following area limitations per unit or the total gross floor area of the principal structure, whichever is least:

Section 11-21-5: FENCES:

A. Approval Required: No person except on a farm and related to agricultural uses shall hereafter construct or cause to be constructed or erected within the city any fence without first making an application for and securing approval by the zoning administrator or their designee in accordance with section 11-8-5 of this title for fences not exceeding seven feet (7') in height, or a building permit for fences greater than seven feet (7') in height. (Ord. 936, 3-16-2015)

C. Construction And Maintenance:

3. Electric fences shall only be permitted in the A-P and RA districts when related to agriculture, and on farms in other districts when related to agricultural purposes, but not as boundary fences.

4. Barbed wire fences shall only be permitted on farms related to agriculture except as provided for by subsection H3 of this section.

Section 11-32-3: APPLICATION:

All occupations conducted in the home shall comply with the provisions of this chapter. This chapter shall not be construed, however, to apply to home occupations accessory to farming, nor home offices as defined by this title. (Ord. 867, sec. 86, 5-17-2010)

Section 11-46-5: PERMITTED USES: (Zoning, A-P, Agricultural Preserve District)

In addition to other uses specifically identified elsewhere in this title, the following uses are permitted in an A-P district:

A. Farms, agriculture, nurseries, wholesale nurseries, greenhouses, and tree farms, not including animal feedlots regulated by section 11-35-5of this title.
B. Parks, trails, playgrounds, and directly related buildings and structures; city of Lakeville only.

C. Residential facility serving six (6) or fewer persons in a single-family detached dwelling.

D. Single-family detached dwellings. (Ord. 867, sec. 93, 5-17-2010)

Section 11-46-9: CONDITIONAL USES: (Zoning, A-P, Agricultural Preserve District)

F. Farm buildings for the keeping of farmanimals that are located within three hundred feet (300') of an existing residence on an abutting property or residential platted lot not under the same ownership as the parcel on which said buildings are constructed.

Section 11-46-11: INTERIM USES: (Zoning, A-P, Agricultural Preserve District)

G. Farm wineries with tasting rooms. (Ord. 924, 7-7-2014)

Section 11-47-3: PERMITTED USES: (Zoning, RA, Rural/Agricultural District)

In addition to other uses specifically identified elsewhere in this title, the following are permitted uses in an RA district:

A. Farms, agriculture, nurseries, wholesale nurseries, greenhouses, and tree farms, not including animal feedlots regulated by section 11-35-5 of this title.

B. Parks, trails, playgrounds, and directly related buildings and structures; city of Lakeville only.

C. Residential facility serving six (6) or fewer persons in a single-family detached dwelling.

D. Single-family detached dwellings. (Ord. 867, sec. 94, 5-17-2010)

Section 11-47-7: CONDITIONAL USES: (Zoning, RA, Rural/Agricultural District)

E. Farm buildings for the keeping of farmanimals that are located within three hundred feet (300') of an existing residence on an abutting property or residential platted lot not under the same ownership as the parcel on which said buildings are constructed.

Section 11-47-9: INTERIM USES: (Zoning, RA, Rural/Agricultural District)

G. Farm wineries with tasting rooms. (Ord. 924, 7-7-2014)

Section 11-48-5: PERMITTED USES: (Zoning, RAO, Rural/Agricultural Overlay District)

In addition to other uses specifically identified elsewhere in this title, the following are permitted uses in an RAO district:

A. Farms, agriculture, nurseries, wholesale nurseries, greenhouses, and tree farms, not including animal feedlots regulated by section 11-35-5 of this title.
Section 11-48-9: CONDITIONAL USES: (Zoning, RAO, Rural/Agricultural Overlay District)

B. Farm buildings for the keeping of farm animals that are located within three hundred feet (300') of an existing residence on an abutting property or residential platted lot not under the same ownership as the parcel on which said buildings are constructed.

Section 11-57-1: PURPOSE: (Zoning, RST-2, Single- and Two-Family Transitional District)

The purpose of the RST-2 district is to provide for a transition in housing density and styles between low density traditional single-family areas and medium density housing areas, in a manner which satisfies the following objectives:

C. Preservation of natural land farms, open spaces, and greenways for scenic enjoyment and recreational use through the regulation of medium density residential land use. (Ord. 867, sec. 102, 5-17-2010)

Section 11-101-11: FW, FLOODWAY DISTRICT: (Zoning, FP, Floodplain District)

A. Permitted Uses:

1. General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.

D. Conditional Uses:

1. Structures accessory to the uses listed in subsection A of this section, and the uses listed in subsections D2 through D8 of this section.

Section 11-102-19: SHORELAND ALTERATIONS: (Zoning, S, Shoreland Overlay District)

C. Special Provisions For Agricultural, Extractive, And Commercial Uses:

1. Agriculture Use Standards:

a. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan (resource management systems) consistent with the field office technical guides of the Dakota County soil and water conservation district or the United States soil conservation service, as provided by a qualified individual or agency. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and fifty feet (50') from the ordinary high water level.

b. Use of fertilizer, pesticides, or animal wastes within shorelands must be done in such a way as to minimize impact on the shore impact zone or public water by proper application or use of earth or vegetation
Farm Animals

Title 3, Chapter 8 – Business and License Regulations, Mixed Municipal Solid Waste and Recyclable Collectors

Section 3-8-2: COLLECTION LICENSE REQUIRED:

A. License Requirement: It shall be unlawful for any person to engage in the business of collecting mixed municipal solid waste or recyclable material without having first secured from the city council a license to do so.

B. Term Of License: No license issued hereunder shall be for a period longer than one year, and all licenses shall expire on December 31 of each year.

C. Exceptions: A license under this chapter is not required for the following:

2. Collecting food waste to feed farm animals.

Title 11 – Zoning

Section 11-2-3: DEFINITIONS:

ANIMAL UNIT: A unit of measure used to compare differences in the production of animal manure that employs as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer for an animal feedlot or manure storage area, calculated by multiplying the number of animals of each type by the respective multiplication factor and summing the resulting values for the total number of animal units. For the purposes of this title, the following multiplication factors shall apply:

<table>
<thead>
<tr>
<th>Animal</th>
<th>Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Dairy cattle:</td>
<td></td>
</tr>
<tr>
<td>1 mature cow (milked or dry) greater than 1,000 pounds</td>
<td>1.4</td>
</tr>
<tr>
<td>1 mature cow (milked or dry) less than 1,000 pounds</td>
<td>1.0</td>
</tr>
<tr>
<td>1 heifer</td>
<td>0.7</td>
</tr>
<tr>
<td>1 calf</td>
<td>0.2</td>
</tr>
</tbody>
</table>
B. Beef cattle:

<table>
<thead>
<tr>
<th>Animal Type</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 cow and calf pair</td>
<td>1.2</td>
</tr>
<tr>
<td>1 slaughter cow or stock steer</td>
<td>1.0</td>
</tr>
<tr>
<td>1 feeder cattle or heifer</td>
<td>0.7</td>
</tr>
<tr>
<td>1 calf</td>
<td>0.2</td>
</tr>
</tbody>
</table>

C. Swine:

<table>
<thead>
<tr>
<th>Weight Range</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 greater than 300 pounds</td>
<td>0.4</td>
</tr>
<tr>
<td>1 55 pounds to 300 pounds</td>
<td>0.3</td>
</tr>
<tr>
<td>1 less than 55 pounds</td>
<td>0.05</td>
</tr>
</tbody>
</table>

D. 1 horse                        | 1.0    |

E. 1 sheep or lamb                | 0.1    |

F. Chicken:

<table>
<thead>
<tr>
<th>Type</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 laying hen or broiler - liquid storage</td>
<td>0.033</td>
</tr>
<tr>
<td>1 laying hen or broiler - dry storage greater than 5 pounds</td>
<td>0.005</td>
</tr>
<tr>
<td>1 laying hen or broiler - dry storage less than 5 pounds</td>
<td>0.003</td>
</tr>
</tbody>
</table>

G. Turkey:

<table>
<thead>
<tr>
<th>Weight Range</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 greater than 5 pounds</td>
<td>0.018</td>
</tr>
<tr>
<td>1 less than 5 pounds</td>
<td>0.005</td>
</tr>
</tbody>
</table>

H. 1 duck                         | 0.01   |

I. For animals not listed, the number of animal units shall be the average weight of the animal in pounds divided by 1,000 pounds.

Section 11-35-3: KEEPING ANIMALS:

The following animals may be kept in the city: (Ord. 674, sec. 1, 7-17-2000)

A. The keeping of house pets is a permitted accessory use in all agriculture/rural and residential zoning districts.
1. Not more than three (3) dogs over six (6) months of age shall be allowed to be kept except as a licensed kennel allowed within the respective zoning district in which the animals are located. (Ord. 867, sec. 87, 5-17-2010)

B. The keeping of horses is a permitted accessory use in all agriculture/rural zoning districts provided:

1. The minimum lot size is two and one-half (2 1/2) acres. (Ord. 867, sec. 88, 5-17-2010)

2. The number of horses does not exceed one per acre or ten (10) animal units, whichever is less, unless a higher number is granted by the issuance of an interim use permit. (Ord. 897, 12-3-2012)

C. The keeping of farm animals in numbers or conditions not defined as an "animal feedlot" is an allowed activity on all farm property. 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 farmer. Uses defined as animal feedlots shall be regulated by section 11-35-5 of this chapter. (Ord. 762, sec. 13, 4-5-2004)

D. With the exception of the keeping of animals allowed by subsections A, B, and C of this section, no other animals are allowed except by interim use permit as regulated under the provisions of chapter 5 of this title. (Ord. 674, sec. 1, 7-17-2000)

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

G. Animal enclosures shall be subject to the accessory structure requirements of subsection 11-18-7E of this title. (Ord. 674, sec. 1, 7-17-2000)

Section 11-35-5: ANIMAL FEEDLOTS:

A. Purpose: The purpose of this section is to provide for the operation of animal feedlots within the city of Lakeville as to:

1. Prohibit establishment of new animal feedlots or expansion of existing animal feedlots to levels not compatible with the existing or planned character of the city.

2. Allow for continuance of existing animal feedlots at present intensities in areas so guided by the comprehensive plan while protecting land use compatibility in recognition of ongoing growth and development of the community as part of the Twin Cities metropolitan area.

3. Provide regulations that can be applied in an equitable manner to promote best farm management practices, protect valuable ground and surface water resources, minimize environmental effects and protect human and animal health, safety and welfare. (Ord. 762, sec. 14, 4-5-2004)
B. Feedlots Prohibited:

1. No new animal feedlots shall be established within the city after April 5, 2004, except as allowed by subsection 11-35-3B of this chapter. (Ord. 897, 12-3-2012)

2. No animal feedlot established prior to April 5, 2004, shall be allowed to expand its operations beyond its permitted level on April 5, 2004, subject to subsection C of this section.

3. No farm property or other property allowed to keep farm animals with ten (10) animal units or less established prior to April 5, 2004, shall expand to more than ten (10) animal units.

C. Nonconforming Use: Animal feedlots established prior to April 5, 2004, may continue operations as legal nonconforming uses as allowed by section 11-15-5 of this title. For the purposes of interpreting expansion of a nonconforming use applicable only to this section, only those activities or actions that result or may result in an increase in the number of animal units that an animal feedlot is capable of holding or an increase in the capacity of a manure storage area shall be considered to be an expansion of the use and are prohibited.

D. Performance Standards:

1. Setbacks:

   a. The following setbacks shall be required for all manure storage facilities, stockpiles and application in addition to the requirements of the zoning district in which the use is located:

<table>
<thead>
<tr>
<th>Category</th>
<th>Animal Building</th>
<th>Manure Storage/Stockpile</th>
<th>Manure Application</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public lake</td>
<td>1,000 feet</td>
<td>1,000 feet</td>
<td>1,000 feet</td>
</tr>
<tr>
<td>Public river or stream, public or private ditch</td>
<td>300 feet</td>
<td>300 feet</td>
<td>300 feet</td>
</tr>
<tr>
<td>Wells serving the public, schools or childcare centers</td>
<td>200 feet</td>
<td>200 feet</td>
<td>200 feet</td>
</tr>
<tr>
<td>Private wells</td>
<td>100 feet</td>
<td>100 feet</td>
<td>100 feet</td>
</tr>
<tr>
<td>Public street</td>
<td>300 feet</td>
<td>300 feet</td>
<td>300 feet</td>
</tr>
</tbody>
</table>
### Residence other than owned by the feedlot owner/operator

<table>
<thead>
<tr>
<th></th>
<th>100 feet</th>
<th>100 feet</th>
<th>100 feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wetland</td>
<td>75 feet</td>
<td>75 feet</td>
<td>75 feet</td>
</tr>
</tbody>
</table>

b. Within the A-P district and RA district, no new residential dwelling shall be constructed within one thousand feet (1,000') of an existing animal feedlot except dwellings constructed as a principal residence on the same parcel and under the same ownership of the owner of the animal feedlot.

c. The separation distances established between an animal feedlot and the categories of uses established by subsections D1a and D1b of this section shall be measured from the perimeter of the animal feedlot, manure storage facility or stockpile or land application to the nearest structure or boundary of the referenced category.

### Manure Storage And Handling:

a. Storage: The owner of an animal feedlot shall have an annual analysis of the water within the perimeter tile of the storage facility prepared by a certified testing laboratory and subject to approval of the city engineer.

b. Transportation: All vehicles used to transport manure on public rights of way shall be leakproof. Spreaders with end gates shall be in compliance with this provision provided that the end gate effectively restricts leakage. Any manure that does leak or spill onto the public right of way shall be removed and properly disposed of by the hauler.

c. Land Application:

(1) Manure application rates shall be based upon the requirements of a nutrient management plan approved by the Dakota County feedlot officer.

(2) Manure shall be injected or incorporated into the soil within twenty four (24) hours of application.

### Facility Closure:

1. The landowner, owner and operator of an animal feedlot shall have joint and several liability for closure or remediation of discontinued feedlot operations.

2. If an animal feedlot ceases operation, the responsible parties shall provide for the following:

   a. All manure from the animal feedlot and its storage facilities shall be removed and applied or disposed of in some other permissible manner within a period not to exceed one year.
b. The city and the Dakota County feedlot officer shall be notified within sixty (60) days that the animal feedlot has ceased operations and that the property is in compliance with this section.

F. Other Requirements: Compliance with all federal, state and local statutes, rules, codes, ordinances, requirements and standards shall be required.

G. Emergency Notification: In the event of a manure leak or spill, the owner, operator or individual responsible for the transport and application of manure shall immediately notify the Lakeville police department, Minnesota duty officer, and Dakota County feedlot officer and shall take appropriate actions in accordance with those agencies to prevent harm to public safety, health, and welfare. (Ord. 762, sec. 14, 4-5-2004)

Chicken Coops

See Appendix B: REGULATIONS GOVERNING ACCESSORY BUILDING, STRUCTURES, AND USES

Fence

Title 11 – Zoning

Section 11-15-3: GENERAL PROVISIONS: (Zoning, Nonconforming Buildings and Structures)

A. Conditional Uses/Interim Uses/Uses By Administrative Permit: Any legal nonconforming structure or use that is herein classified as a conditional use, interim use, or use by administrative permit may be continued in like fashion and activity and shall automatically be considered as having received the applicable approval. Any change to such a use, including, but not limited to, building and/or site alteration, shall however require a new permit be processed according to this title. (Ord. 867, sec. 18, 5-17-2010)

E. Definitions: For the purposes of this section, the following terms shall be defined as follows:

★ Expansion, enlargement, or intensification: Any increase in a dimension, size, area, volume, or height, any increase in the area of use, any placement of a structure or part thereof where none existed before, any addition of a site feature such as a deck, patio, fence, driveway, parking area, or swimming pool, any improvement that would allow the land to be more intensely developed, any move of operations to a new location on the property, or any increase in intensity of use based on a review of the original nature, function or purpose of the nonconforming use, the hours of operation, traffic, parking, noise, exterior storage, signs,
exterior lighting, types of operations, types of goods or services offered, odors, area of operation, number of employees, and other factors deemed relevant by the city.

Section 11-16-5: PLATTED AND UNPLATTED PROPERTY: (Zoning, General Performance Standards)

D. On a through lot, both street lines shall be front lot lines for applying the yard setback regulations of this title except in the case of a buffer yard fence or accessory building. In addition, no home on a through lot or corner lot in any residential zone shall be allowed direct access to any major collector or arterial street designated as such by the comprehensive plan, except as may be permitted by the city engineer

Section 11-16-15: TRAFFIC SIGHT VISIBILITY TRIANGLE: (Zoning, General Performance Standards)

A. Screening; Obstruction Of View: Except as may be approved by the zoning administrator, and except for a governmental agency for the purpose of screening, no wall, fence, structure, tree, shrub, vegetation or other obstruction shall be placed on or extend into a yard or right of way area so as to pose a danger to traffic by obscuring the view of approaching vehicular traffic or pedestrians from any street or driveway.

B. Visibility From Street Or Driveway: Visibility from any street or driveway shall be unobstructed above a height of three feet (3'), measured from where both street or driveway centerlines intersect within the triangle described as beginning at the intersection of the projected curb line (or edge of shoulders for rural sections) of two (2) intersecting streets or drives, thence forty five feet (45') along one curb line, thence diagonally to a point forty five feet (45') from the point of beginning along the other curb line.

C. Exceptions:

1. Trees, plantings or landscape arrangements within the area described by this section that will not create a total obstruction higher than three feet (3') shall be allowed.

Section 11-21-5: FENCES: (Zoning, Fencing/Screening/Landscaping)

Fences shall be permitted in all yards subject to the following: (Ord. 840, sec. 1, 6-2-2008)

A. Approval Required: No person except on a farm and related to agricultural uses shall hereafter construct or cause to be constructed or erected within the city any fence without first making an application for and securing approval by the zoning administrator or their designee in accordance with section11-8-5 of this title for fences not exceeding seven feet (7') in height, or a building permit for fences greater than seven feet (7') in height. (Ord. 936, 3-16-2015)

B. Locations; Boundary Line Fences:

1. Fences, including footings, shall be located entirely upon the private property for which the administrative approval or building permit has been issued.
2. The owner of the property on which a fence exists or is proposed to be constructed is responsible for verifying their property lines by:

   a. Locating their property irons; or

   b. If the property lines cannot be located:

      (1) The zoning administrator or the building official may require the owner of property upon which a fence now exists, or may require any property owner proposing to construct a fence to establish the boundary lines of the property by a survey thereof to be made by a registered land surveyor; or

      (2) The owner of property upon which a fence now exists, or the property owner on which the fence is to be constructed and the owner(s) of the adjoining properties enter into an agreement regarding the location of the fence to be recorded with the titles of the respective properties, subject to approval of an administrative permit.

3. No fences shall be placed on or extend into public rights of way or onto public property.

4. Fences in easements shall not impede the flow of water. If the city needs to utilize the easement, the fence will be removed and relocated at the expense of the property owner.

C. Construction And Maintenance:

1. Every fence shall be constructed in a substantial, workmanlike manner and of substantial material reasonably suited for the purpose for which the fence is proposed to be used. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair or danger, or constitute a nuisance, public or private. Any such fence which is, or has become dangerous to the public safety, health or welfare, is a public nuisance, and the zoning administrator shall commence proper proceedings for the abatement thereof.

2. Except as otherwise permitted, security fences, wherever allowed shall be constructed in such a manner, that no barbed ends shall be at the top.

3. Electric fences shall only be permitted in the A-P and RA districts when related to agriculture, and on farms in other districts when related to agricultural purposes, but not as boundary fences.

4. Barbed wire fences shall only be permitted on farms related to agriculture except as provided for by subsection H3 of this section.

5. That side of any fence considered to be its "face" (i.e., the finished side having no structural supports) shall face abutting property or street right of way. (Ord. 840, sec. 1, 6-2-2008)

D. Solid Walls: Structurally engineered solid walls constructed of natural stone, brick or other masonry material up to eight feet (8’) in height that are not part of buildings may be constructed only within commercial and industrial districts and the P-OS district by approval of an administrative permit. (Ord. 888, 2-21-2012)
E. Traffic Sight Visibility Triangle: On corner lots, no fence or screen shall be permitted within the area defined as the traffic sight visibility triangle by section 11-16-15 of this title.

F. Residential Fencing And Screening:

1. Open For Passage: Except as provided herein, fences shall be at least five percent (5%) open for passage of air, light, and drainage.

2. Height Outside Buildable Area: Except as provided herein, fences outside the buildable area of a lot may not exceed six feet (6’) in height. (Ord. 840, sec. 1, 6-2-2008)

3. Height Within Buildable Area: Fences not to exceed eight feet (8’) in height may be allowed within the buildable area of a rear yard provided that the fence is set back ten feet (10’) from the rear lot line and five feet (5’) from any side or unit lot line, except as otherwise allowed by this section. (Ord. 867, sec. 56, 5-17-2010)

4. Yards Abutting Public Rights Of Way: Fences located within front yards, within side yards of a corner lot, or within rear yards of a double frontage lot abutting a public right of way:
   a. The fence shall not exceed forty eight inches (48”) in height and shall be at least seventy five percent (75%) open space for the passage of air and light, except as allowed by subsection F4b of this section.
   b. A fence with a height greater than forty eight inches (48”) or less than seventy five percent (75%) open space may be constructed within a required side yard of a corner lot abutting a public right of way of a major collector or arterial street, provided that the fence shall not extend into a required front yard and shall be no closer to the front lot line than a point intersecting the front line of the principal building.
   c. A fence constructed within a required side yard of a corner lot abutting a public right of way or within the required rear yard of a double frontage lot abutting a public right of way of a major collector or arterial street shall be set back ten feet (10’) from the property line abutting a public right of way on lots of record and preliminary platted lots having legal standing established after January 1, 1994, except where additional setback is required by subsection E of this section.
   d. For interior lots, a gate constructed of the same material as the fence shall be provided in the fence to allow for maintenance of the street side boulevard. (Ord. 917, 2-18-2014)

H. Commercial, Institutional And Industrial Fencing:

1. Location:
   a. Commercial districts and institutional uses: Except in a required front yard, or rear or side yard abutting a public street, fences may be erected up to eight feet (8’) in height. Fences in
excess of eight feet (8'), may be allowed by approval of a conditional use permit, but shall not be located within a required front yard. (Ord. 867, sec. 59, 5-17-2010)

b. Industrial districts:

(1) Fences may be erected up to a maximum of eight feet (8') in height, except as may be allowed by approval of a conditional use.

(2) Fences extending across front yards and side yards abutting a public right of way shall be at least seventy five percent (75%) open space for the passage of air and light except as allowed by subsection H1b(3) of this section.

(3) Within the I-1 and I-2 districts, a privacy fence or solid wall may encroach into a required side yard of a corner lot or rear yard of a double frontage lot abutting a public right of way for those streets not classified as major collector or arterial by the transportation plan, except for Hamburg Avenue, by administrative permit provided that:

(A) The solid wall or privacy fence shall be set back fifteen feet (15') from the public right of way except where additional setback is required by subsection E of this section.

(B) The solid wall or privacy fence shall be constructed of a nonwood maintenance free material such as vinyl, stone, brick, split face block, textured or architectural concrete panels, synthetic or composite products, or similar materials as approved by the zoning administrator.

(C) The location of gates across driveways accessing the site shall be set back a sufficient distance so as not to cause congestion in the public street.

(D) The area on the street side of the solid wall or privacy fences shall be landscaped in accordance with subsection 11-21-9A1 of this chapter, except that the width of the landscape area shall be a minimum of fifteen feet (15'). (Ord. 888, 2-21-2012)

2. Chainlink Fences: Except for fences accessory to essential services, chainlink fences within commercial districts shall be coated with integral color vinyl and shall not include vinyl, plastic or metal slats within the fence.

3. Barbed Wire Fences: Fences with barbed wire security arms shall be allowed only within the I-2 district as follows:

a. The fence, measured without the security arm, shall be erected to a minimum of six feet (6') in height.

b. The security arm shall be angled in such a manner that it extends only over the property of the permit holder and does not endanger the public.

c. Such security arms shall be prohibited within a required front yard, or rear or side yard abutting a public street or when located along a property line abutting a residential use. (Ord. 867, sec. 59, 5-17-2010)
I. Special Purpose Fences: Fences for special purposes and fences differing in construction, height or setback that are not constructed within a required front yard may be permitted in any district as an interim use permit subject to chapter 5 of this title. (Ord. 840, sec. 1, 6-2-2008)

Section 11-57-5: PERMITTED ACCESSORY USES: (Zoning, RST-2, Medium-Density Residential District)

D. Fences as regulated by chapter 21 of this title. For detached townhome unit lots of record or preliminary platted prior to April 5, 2004, fences may be erected on an individual unit lot subject to the following standards:

1. The unit lot has a minimum width of sixty feet (60') and minimum area of seven thousand five hundred (7,500) square feet.

2. The fence shall only be constructed of steel or coated steel chainlink, plastic, vinyl or other maintenance free material approved by the zoning administrator.

3. No fence may exceed a height of six feet (6').

4. If the fence, or a combination of the fence and other structures, fully encloses any portion of the unit lot, a gate shall be provided such that the yard is accessible within the area of the unit lot, but outside any access internal to the principal building, for maintenance access.

5. The fence shall comply with the provisions of section 11-21-5 of this title.

Section 11-86-11: USES BY ADMINISTRATIVE PERMIT: (Zoning, I-1, Light Industrial Zoning)

In addition to other uses specifically identified elsewhere in this title, and subject to applicable provisions of this section, performance standards established by this chapter, and processing requirements of chapter 8 of this title, the following are uses allowed in an I-1 district by administrative permit:

G. Construction of solid wall or privacyfence within a required front yard or required side yard of a corner lot abutting a public right of way as provided for in subsection 11-21-5H1b of this title. (Ord. 888, 2-21-2012)

Section 11-87-11: USES BY ADMINISTRATIVE PERMIT: (Zoning, I-2, General Industrial Zoning)

In addition to other uses specifically identified elsewhere in this title, and subject to applicable provisions of this section, performance standards established by this chapter, and processing requirements of chapter 8 of this title, the following are uses allowed in an I-2 district by administrative permit as may be issued by the zoning administrator:

G. Construction of solid wall or privacyfence within a required front yard or required side yard of a corner lot abutting a public right of way as provided for in subsection 11-21-5H1b of this title. (Ord. 888, 2-21-2012)
Section 11-101-23: ADMINISTRATION: (Zoning, FP Floodplain Overlay District)

A. Permit Requirements: A permit issued by the zoning administrator in conformity with the provisions of this chapter shall be secured prior to the erection, addition, modification, rehabilitation (including normal maintenance and repair), or alteration of any building, 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 storage of materials or equipment within the floodplain.

Arbors, Trellises, and Pergolas

Title 11 – Zoning

Section 11-17-11: YARDS: (Zoning, General Yard, Lot Area and Building Regulations)

Except as provided below, no lot, yard or other open space shall be reduced in area or dimension so as to make such lot, yard or open space less than the minimum required by this title, and if the existing yard or other open space is less than the minimum required, it shall not be further reduced. No required open space provided around any building or structure shall be included as part of any open space required for another structure.

A. Exceptions: The following shall not be considered as encroachments on yard setback requirements: (Ord. 674, sec. 1, 7-17-2000)

3. Recreational and laundry drying equipment, arbors and trellises, gazebos, and air conditioning or heating equipment shall be allowed only in a rear or side yard, provided they are at a distance of five feet (5') from any lot line. No encroachment shall be permitted in existing or required drainage and/or utility easements. (Ord. 674, sec. 1, 7-17-2000)

Greenhouse

Chapter 11 – Zoning

Section 11-46-5: PERMITTED USES: (Zoning, A-P, Agricultural Preserve District)

In addition to other uses specifically identified elsewhere in this title, the following uses are permitted in an A-P district:

A. Farms, agriculture, nurseries, wholesale nurseries, greenhouses, and tree farms, not including animal feedlots regulated by section 11-35-5of this title.
Section 11-47-3: PERMITTED USES: (Zoning, RA, Rural/Agricultural District)

In addition to other uses specifically identified elsewhere in this title, the following are permitted uses in an RA district:

A. Farms, agriculture, nurseries, wholesale nurseries, greenhouses, and tree farms, not including animal feedlots regulated by section 11-35-5 of this title.

Section 11-48-5: PERMITTED USES: (Zoning, RAO, Rural/Agricultural Overlay District)

In addition to other uses specifically identified elsewhere in this title, the following are permitted uses in an RAO district:

A. Farms, agriculture, nurseries, wholesale nurseries, greenhouses, and tree farms, not including animal feedlots regulated by section 11-35-5 of this title.

Temporary Structures

Chapter 11 – Zoning

Section 11-28-3: PROCEDURE: (Zoning, Temporary Structures)

The erection of a temporary structure shall require an administrative permit, as may be issued by the zoning administrator, except as otherwise provided by this title. (Ord. 674, sec. 1, 7-17-2000)

Section 11-28-5: SPECIAL REQUIREMENTS: (Zoning, Temporary Structures)

A. Structures: Temporary structures governed by this chapter shall be allowed in all zoning districts.

B. Site Plan Required: No administrative permit shall be issued for a temporary structure unless a site plan pursuant to chapter 9 of this title has also been approved if applicable, or unless a building permit has been issued for a new structure, addition or remodeling of an existing structure on the property.

C. Termination Of Permit: The administrative permit shall terminate nine (9) months from its date of issuance, or within thirty (30) days after a certificate of occupancy has been issued by the building official for the permanent structure, whichever occurs first, unless a different time schedule is approved as part of the permit. The permit may be extended for an additional ninety (90) days by the zoning administrator.

D. Setback: Temporary structures may be placed in a required building setback area, provided that no such structure may be placed within thirty feet (30’) of a public right of way or obstruct visibility at any street intersection or driveway access.

E. State Building Code: All applicable requirements of the state building code shall be met.
F. Water And Sewer: Provisions for water and sewer servicing the temporary structures shall be subject to the review and approval of the building official.

G. Security Measures: Security measures such as lighting shall be implemented subject to the review and approval of the zoning administrator.

H. Parking: Subject to the provisions of chapter 19 of this title.

I. Signage: Subject to the provisions of chapter 23 of this title. (Ord. 674, sec. 1, 7-17-2000)

Shed

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

Food Establishments

Chapter 11 – Zoning

Section 11-19-13: NUMBER OF SPACES REQUIRED: (Zoning, Off Street Parking Requirements)

<table>
<thead>
<tr>
<th>All restaurant uses</th>
<th>5 spaces per 1,000 square feet of floor area.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Restaurant, drive-in or convenience food</td>
<td>1 space per 15 square feet of gross floor area designated for patron queuing, but not less than 15 spaces plus 1 space per 40 square feet of dining area and 1 space for each 80 square feet of kitchen area.</td>
</tr>
<tr>
<td>Restaurants, clubs, lodges, brewpubs, taprooms, tasting rooms</td>
<td>1 space per 40 square feet of dining area and 1 space for each 80 square feet of kitchen area.</td>
</tr>
</tbody>
</table>

Section 11-19-17: JOINT FACILITIES: (Zoning, Off Street Parking Requirements)

The city council may, after receiving a report and recommendations from the planning commission, approve as applicable a conditional use permit for long term permanent joint parking facilities as regulated under the provisions of chapter 4 of this title, or an interim use permit for short term temporary joint parking facilities as regulated under the provisions of chapter 5 of this title, for one or more businesses to provide the required off street parking facilities by joint use of one or more sites where the total number of spaces provided are less
than the sum of the total required for each business should they provide them separately. When considering a request for such a permit, the planning commission shall not recommend that such permit be granted nor the council approve such a permit except when the following conditions are found to exist:

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

B. Up to fifty percent (50%) of the off street parking facilities required for any use specified under subsection D of this section as primary daytime uses may be supplied by the parking facilities provided by the following nighttime or Sunday uses: auditoriums incidental to a public or parochial school, religious buildings, bowling alleys, banquet halls, theaters, bars, apartments, restaurants, or health clubs

... 

Section 11-23-19: DISTRICT REGULATIONS: (Zoning, Signs)

G. Within the freeway corridor district, defined on the zoning map, the following additional regulations shall apply to all C and I district properties:

1. Total Sign Area And Number:

a. Freestanding Sign:

(3) Height:

(A) The maximum height of the sign shall not exceed thirty feet (30'), except that the height of the sign for single occupancy buildings with a gross floor area of one hundred thousand (100,000) square feet or larger shall not exceed fifty feet (50').

(B) For convenience food, hotel, motor fuel and restaurant uses developed on properties with an elevation below that of the centerline of I-35, measured at the closest distance between the sign location and centerline of I-35, the height of a freestanding sign may increase to be not more than thirty feet (30') above the centerline elevation of I-35 with a total height not to exceed seventy feet (70'). (Ord. 867, sec. 75, 5-17-2010)

Section 11-74-11: USES BY ADMINISTRATIVE PERMIT: (Zoning, C-1, Neighborhood Commercial District)

C. Outdoor seating areas accessory to a restaurant use:

1. The tables, chairs and other furniture of the seating area shall only be outdoors when the business is open to the public.
2. The seating area shall be located on the business property. Outdoor seating areas may be located upon public sidewalks directly abutting the business property subject to the following provisions:

   a. A minimum five foot (5’) pedestrian walkway shall be maintained upon the public sidewalk so as not to obstruct pedestrian traffic.

   b. The outdoor seating area shall be set back a minimum of five feet (5’) from the back of curb of a public street or private drive aisle.

   c. The owner of the business property with an outdoor seating area located upon public sidewalks shall provide a certificate of general liability insurance with minimum coverage of three hundred thousand dollars ($300,000.00) naming the city as an additional insured.

**Food Carts, Mobile Food Units, and Food Stands**

**Title 11 – Zoning**

Section 11-46-7: PERMITTED ACCESSORY USES: (Zoning, A-P, Agricultural Preserve District)

J. Roadside stand for sale of in season agricultural products planted and completely grown on the premises.

Section 11-47-5: PERMITTED ACCESSORY USES: (Zoning, RA, Rural/Agricultural District)

K. Roadside stand for sale of in season agricultural products planted and completely grown on the premises.

Section 11-48-7: PERMITTED ACCESSORY USES: (Zoning, RAO, Rural/Agricultural Overlay District)

K. Roadside stand for sale of in season agricultural products planted and completely grown on the premises.

**Transient Merchant**

**Title 3, Chapter 13 – Business and License Regulations, Peddlers, Solicitors, Transient Merchants**

Section 3-13-2: LICENSING OF PEDDLERS AND TRANSIENT MERCHANTS:
A. County License Required: No person shall conduct business as a peddler or transient merchant within the city limits without first having obtained any license required by the county pursuant to Minnesota statutes chapter 329, as amended.

B. City License Required: Except as otherwise provided for by this chapter, no person shall conduct business as either a peddler or a transient merchant without first having obtained a license from the city. Within seven (7) days after the expiration of a license the license must be returned to the police department. (Ord. 724, sec. 1, 1-6-2003)

C. City License Application: Application for a license to conduct business as a peddler or transient merchant shall be made at least fourteen (14) regular business days before the applicant desires to begin conducting business within city limits. Application for a license shall be made on a form provided by the police department. All applications shall be signed by the applicant. Any fraud, misrepresentation, or false statement on the application shall constitute a violation of this chapter. All applications shall include the following information: (Ord. 748, sec. 1, 12-1-2003)

1. Applicant's full legal name, and any other names used or known by in the past;
2. All other names under which the applicant conducts business or to which applicant officially answers;
3. A physical description of the applicant (hair color, eye color, height, weight, distinguishing marks and features, etc.);
4. Full address of applicant's permanent residence;
5. Telephone number of applicant's permanent residence;
6. Full legal name of any and all business operation(s) owned, managed, or operated by applicant, or for which the applicant is an employee or agent;
7. Full address of applicant's regular place of business (if any);
8. Any and all business related telephone number(s) of the applicant;
9. The type of business for which the applicant is applying for a license;
10. The dates during which the applicant intends to conduct business and the number of days he or she will be conducting business in the city;
11. Any and all address(es) and telephone number(s) where the applicant can be reached while conducting business within the city, including the location where a transient merchant intends to set up business; (Ord. 724, sec. 1, 1-6-2003)
12. A statement as to: a) whether the applicant has been convicted of any felony within the last ten (10) years; b) whether the applicant has been convicted of any crime of violence as defined by Minnesota statutes section 624.712, as amended, or any violent crime as defined in Minnesota statutes section 609.1095, as amended; c) whether the applicant has been convicted of a gross
misdemeanor or misdemeanor, other than traffic offenses, within the last ten (10) years; (Ord. 771, sec. 1, 10-4-2004)

13. A list of the five (5) most recent locations where the applicant has conducted business as a peddler or transient merchant;

14. Proof of any required county license;

15. Written permission of the property owner or the property owner's agent for any property to be used by a transient merchant;

16. A general description of the items to be sold or services to be provided;

17. All additional information deemed necessary by the city council;

18. A list of all individuals to be covered by a group license;

19. Source of items sold and the item's location at the time of licensing and time of sale;

20. License plate and registration information for any vehicle to be used in conjunction with the licensed business and a description of the vehicle;

21. Applicant's driver's license number or other acceptable form of identification;

22. Recent passport style photograph of applicant;

23. Applicant's social security number.

D. License Fees: All applications for a license under this chapter shall be accompanied by the fee established in the city's fee schedule as adopted from time to time by resolution of the city council.

E. Procedure: An application shall be determined to be complete only if all required information is provided. If the police department determines that an application is incomplete, it shall inform the applicant of the information required to be provided prior to issuance of a license. The chief of police or the chief's designee shall review the application and order any investigation, including background checks, necessary to verify the information provided with the application. The chief of police or the chief's designee shall either approve or deny the license within seven (7) regular business days. If the application is approved the license shall be issued. If the application is rejected, the applicant shall be notified in writing of the decision, the reason for the denial, and the applicant's right to appeal the denial by requesting, within twenty (20) days of the date of the denial, a public hearing to be heard by the city council within twenty (20) days of the date of the request. The final decision of the city council following the public hearing shall be appealable by petitioning the Minnesota court of appeals for a writ of certiorari.

F. Duration: A license granted under this chapter shall be valid for up to ninety (90) days in a calendar year. (Ord. 724, sec. 1, 1-6-2003)

Section 3-13-3: LICENSE EXEMPTIONS:
The licensing requirements of this chapter shall not apply to:

A. Any person selling or attempting to sell, or to take or attempt to take orders for, any product grown, produced, cultivated, or raised on any farm or garden. Such person must comply with the city's zoning ordinance and other applicable ordinances;

B. Persons exercising that person's state or federal constitutional rights, except if that person's exercise of constitutional rights is merely incidental to a commercial activity;

C. Persons selling personal property at wholesale to retailers;

D. Daily newspaper sales; or

E. Merchants or their employees delivering goods in the regular course of business.

F. The sale of plants, flowers, or Christmas trees by a nonprofit group. (Ord. 724, sec. 1, 1-6-2003)

Section 3-13-4: INELIGIBILITY FOR LICENSE:

The following shall be grounds for denying a license or registration under this chapter:

A. The failure of the applicant to obtain and show proof of having obtained any required county license;

B. The failure of the applicant to truthfully provide any of the information requested by the city as a part of the application, or the failure to sign the application, or the failure to pay the required fee at the time of application; (Ord. 724, sec. 1, 1-6-2003)

C. The conviction of the applicant for a felony offense within the past ten (10) years from the date of application. The conviction of the applicant for a crime of violence as defined by Minnesota statutes section 624.712, as amended, or violent crime as defined by Minnesota statutes section 609.1095, as amended. The conviction of the applicant for a gross misdemeanor or misdemeanor offense within the past ten (10) years from the date of application which adversely reflects on the person's ability to conduct the business for which the license is being sought in an honest and legal manner that will not adversely affect the health, safety, and welfare of the residents of the city. Such violations shall include, but not be limited to: burglary, theft, larceny, swindling, fraud, unlawful business practices, any crime involving dishonesty and any form of actual or threatened physical harm against another person; (Ord. 771, sec. 2, 10-4-2004)
D. The revocation within the past five (5) years of any license issued to the applicant for the purpose of conducting business as a peddler, solicitor, or transient merchant; or

E. The failure of the applicant to return a prior license or registration to the police department within seven (7) days after its expiration. (Ord. 724, sec. 1, 1-6-2003)

Section 3-13-8: TRANSIENT MERCHANTS PROHIBITED; EXCEPTIONS:

Transient merchants are specifically prohibited within the city except in the following circumstances:

A. Transient merchants operating within a building;
B. The sale of plants, flowers or Christmas trees;

C. Persons selling farm or garden products; and (Ord. 724, sec. 1, 1-6-2003)
D. Persons selling legal fireworks. (Ord. 804, sec. 1, 5-15-2006)

This chapter does not apply to persons selling personal property at wholesale to retailers, to daily newspaper sales, to merchants or their employees delivering goods in the regular course of business, or to a person selling or peddling the products of a farm or garden. Transient merchants that are not prohibited must comply with the city's zoning ordinance and any other applicable ordinances. (Ord. 724, sec. 1, 1-6-2003)

Section 3-13-9: EXCLUSION BY PLACARD:

No peddler, solicitor, or transient merchant, unless invited to do so by the property owner or tenant, shall enter the property of another for the purpose of conducting business as a peddler, solicitor, or transient merchant when the property is marked with a sign or placard at least three and three-fourths inches (33/4") long and three and three-fourths inches (33/4") wide with print of at least 48-point in size stating "No Peddlers, Solicitors, or Transient Merchants", or "Peddlers, Solicitors, and Transient Merchants Prohibited", or other comparable statement. No person other than the property owner or tenant shall remove, deface, or otherwise tamper with any sign or placard under this chapter. (Ord. 724, sec. 1, 1-6-2003)

Section 3-13-10: PROHIBITED ACTIVITIES:

No peddler, solicitor, or transient merchant shall conduct business in any of the following manners:

A. Obstructing the free flow of either vehicular or pedestrian traffic on any street, alley, sidewalk, or other public right of way.
B. Conducting business in such a way as to create a threat to the health, safety, or welfare of any individual or the general public.

C. Entering upon any residential premises for the purpose of carrying on the licensee's or registrant's trade or business between the hours of eight o'clock (8:00) P.M. and nine o'clock (9:00) A.M. of the following day, unless such person has been expressly invited to do so by the owner or occupant thereof.

D. Failing to provide proof of license or registration and identification when requested or using the license or registration of another person.

E. Failing to wear or display the certificate of registration or licensure provided by the city on the licensed or registered individual's outermost clothing or to return the certificate to the police department in accordance with the requirements of this chapter.

F. Making any false or misleading statements about the product or service being sold, including untrue statements of endorsement. No peddler, solicitor, or transient merchant shall claim to have the endorsement of the city solely based on the city having issued a license or certificate of registration to that person.

G. Remaining on the property of another when requested to leave, or to otherwise conduct business in a manner a reasonable person would find obscene, threatening, intimidating, or abusive.

H. Entering upon any premises or attempting to enter in or upon any premises wherein a sign or placard bearing the notice "peddlers or solicitors prohibited" or language similar thereto, is located.

I. Selling or soliciting sales by transient merchants from public property or right of way or from private property unless they own the property or have written permission from the owner. (Ord. 724, sec. 1, 1-6-2003)

Section 3-13-11: IDENTIFICATION:

All solicitors, peddlers and transient merchants must wear some type of identification conspicuously showing their name and the organization for which they are soliciting or peddling, must carry their city and/or county issued license or registration certificate when conducting the business or activity required to be licensed or registered under this chapter, and must wear or display on their outermost clothing the certificate of registration or licensure provided by the city.

The certificate of registration or licensure issued by the city is the property of the police department and must be returned to the police department within seven (7) days after the expiration date of the registration or license. Failure to do so may result in prosecution and will result in the denial of any future license or registration application for twelve (12) months. (Ord. 724, sec. 1, 1-6-2003)
Parking

Chapter 6 – Motor Vehicles and Traffic

Section 6-1-1-3: PARKING: (Motor Vehicles and Traffic, Traffic Regulations)

A. No owner of a motor vehicle, trailer, boat, snowmobile, or seasonal vehicle shall leave, park, or permit the same to stand on any city street or alley for more than forty eight (48) hours. (Ord. 452, sec. 1, 10-7-1991)

B. No owner of a motor vehicle, trailer, boat, snowmobile, or seasonal vehicle shall leave, park, or permit the same to stand on a street or alley between the hours of two o'clock (2:00) A.M. and six o’clock (6:00) A.M. between November 1 and April 1 of the following year, or at any other time when the national weather service forecast accumulation is two (2) or more inches of snow until the street or alley has been plowed. Residences without an established driveway, to include new construction, are exempt from winter parking restrictions. (Ord. 682, sec. 1, 12-18-2000, eff. 10-1-2001)

C. No owner of a motor vehicle designed or used for off-road racing, off-road use, or demolition derby may park or repair such motor vehicle in a driveway or other location where the vehicle would be in view from adjacent properties or public ways for more than twelve (12) consecutive hours unless it is screened from view with a fence and/or landscaping approved by the city building official.

D. No owner of a motor vehicle, trailer, boat, snowmobile, or seasonal vehicle shall leave, park, or permit the same to block access to a driveway or block access to a mailbox. (Ord. 452, sec. 1, 10-7-1991)

Chapter 11 – Zoning

Section 11-4-7: GENERAL PERFORMANCE STANDARDS: (Zoning, Conditionals Use permits; Administration)

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

A. The use and the site in question shall be served by a street of sufficient capacity to accommodate the type and volume of traffic which would be generated and adequate right of way shall be provided.

B. The site design for access and parking shall minimize internal as well as external traffic conflicts and shall be in compliance with chapter 19 of this title.

C. If applicable, a pedestrian circulation system shall be clearly defined and appropriate provisions made to protect such areas from encroachment by parked or moving vehicles.
D. Adequate off street parking and off street loading shall be provided in compliance with chapters 19 and 20 of this title.

E. Loading areas and drive-up facilities shall be positioned so as to minimize internal site access problems and maneuvering conflicts, to avoid visual or noise impacts on any "adjacent" residential use or district, and provided in compliance with chapter 20 of this title.

F. Whenever a nonresidential use "is adjacent to" a residential use or district, a buffer area with screening and landscaping shall be provided in compliance with chapter 21 of this title.

G. General site screening and landscaping shall be provided in compliance with chapter 21 of this title.

H. All exterior lighting shall be so directed so as not to cast glare toward or onto the public right of way or neighboring residential uses or districts, and shall be in compliance with section 11-16-17 of this title.

I. Potential exterior noise generated by the use shall be identified and mitigation measures as may be necessary shall be imposed to ensure compliance with section 11-16-25 of this title.

J. The site drainage system shall be subject to the review and approval of the city engineer.

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

L. Provisions shall be made for daily litter control, an interior location for recycling, and trash handling and storage or an outdoor, enclosed receptacle area shall be provided in compliance with section 11-18-11 of this title.

M. All signs and informational or visual communication devices shall be in compliance with chapter 23 of this title.

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

O. Any applicable business licenses mandated by this code are approved and obtained.

P. The hours of operation may be restricted when there is judged to be an incompatibility with a residential use or district.

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

R. All additional conditions pertaining to a specific site are subject to change when the council, upon investigation in relation to a formal request, finds that the general welfare and public betterment can be served as well or better by modifying or expanding the conditions set forth herein. (Ord. 674, sec. 1, 7-17-2000)
Section 11-8-3: ADMINISTRATIVE PERMITS: (Zoning, Administrative Permits and Approvals; Administration)

A. Procedure:

1. Application for an administrative permit shall be filed by the property owner or designated agent with the zoning administrator on forms to be provided by the city.

2. The application shall be accompanied by a fee as established by city council resolution. Applications for amending administrative permits shall be accompanied by a fee as established by city council resolution. (Ord. 674, sec. 1, 7-17-2000)

3. The zoning administrator shall review the application and related materials and shall determine whether the proposal is in compliance with all applicable evaluation criteria, codes, ordinances, and applicable performance standards set forth in this title. In cases where the application is judged to be incomplete, the zoning administrator or their designee shall notify the applicant, in writing, of what information must be provided for the application to be deemed complete within fifteen (15) business days of the date of submission. (Ord. 867, sec. 12, 5-17-2010)

4. The zoning administrator's review shall be based upon the following factors:

   a. Compliance with and effect upon the comprehensive plan and public facilities plans.
   
   b. The establishment, maintenance or operation of the use, event or activity will not be detrimental to or endanger the public health, safety, or welfare.
   
   c. The establishment of the use, event or activity will not conflict with existing uses and will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
   
   d. Adequate public facilities and services are available or can be reasonably provided to accommodate the use, event or activity which is proposed.
   
   e. The use, event or activity shall, in all other respects, conform to the applicable regulations of the district in which it is located and to the performance standards as outlined in section 11-4-7 of this title and all other applicable provisions of this title.

5. The zoning administrator shall make a determination on approval or denial of the administrative permit within sixty (60) days from the date of submission of a complete application.

6. A written permit shall be issued to the applicant when a determination of compliance has been made. Specific conditions to assure compliance with applicable evaluation criteria, codes, ordinances, and the standards of this title shall be attached to the permit.

7. Determination of noncompliance with applicable codes, ordinances, and the standards in this section shall be communicated to the applicant in writing and the application for the permit shall be considered denied.
8. Unresolved disputes as to administrative application of the requirements of this section shall be subject to appeal as defined by chapter 7 of this title.

B. Information Requirement: The information required for all administrative permit applications shall include: (Ord. 674, sec. 1, 7-17-2000)

1. A concise statement describing the proposed use, event or activity, including the purpose, type of merchandise involved, dates and times of operation, number of employees involved, provisions for on site security, provisions for trash containment, provisions for on site parking, and other pertinent information required by the zoning administrator to fully evaluate the application. (Ord. 867, sec. 13, 5-17-2010)

2. A copy of the approved site plan for the property or an "as built" survey which accurately represents existing conditions on the site, including entrances and exits, bona fide parking and driving areas, and which accurately indicates any proposed temporary structures, including tents, stands, and signs.

3. An accurate floor plan, when in the judgment of the zoning administrator, such a plan is necessary to properly evaluate the location of the event and the effectiveness of available entrances and exits.

4. Certification of current sales tax number as issued by the state, if applicable.

5. Information identified in section 11-9-13 of this title, as may be applicable.

C. Performance Standards: All structures, uses, events or activities allowed by administrative permit shall conform to the applicable standards outlined in the zoning district in which such structure, use, event or activity is proposed, as well as the applicable standards in section 11-4-7 of this title.

D. Administration And Enforcement:

1. The zoning administrator shall keep a record of applications and administrative permits.

2. A copy of all administrative permits issued shall be forwarded to appropriate staff as determined by the zoning administrator.

3. Enforcement of the provisions of this section shall be in accordance with chapter 10 of this title. Violation of an issued permit or of the provisions of this chapter also shall be grounds for denial of future permit applications.

E. Certification Of Taxes Paid: Prior to approving an application for an administrative permit, the applicant shall provide certification to the city that there are no delinquent property taxes, special assessments, interest, or city utility fees due upon the parcel of land to which the administrative permit application relates. (Ord. 674, sec. 1, 7-17-2000)

Section 11-19-1: PURPOSE: (Zoning, Off Street Parking Requirements)

The regulation of off street parking spaces in this title is to alleviate or prevent congestion of the public rights of way and to promote the safety and general welfare of the public, by establishing
Lakeville, Minnesota

minimum requirements for off street parking of motor vehicles in accordance with the intensity of utilization of various parcels of land or structures. (Ord. 674, sec. 1, 7-17-2000)

Section 11-19-3: APPLICATION OF OFF STREET PARKING REGULATIONS: (Zoning, Off Street Parking Requirements)

The regulations and requirements set forth herein shall apply to all off street parking facilities in all of the zoning districts of the city. (Ord. 674, sec. 1, 7-17-2000)

Section 11-19-5: SITE PLAN DRAWING NECESSARY: (Zoning, Off Street Parking Requirements)

All applications for a building permit or a certificate of occupancy in all zoning districts shall be accompanied by a site plan, as specified in chapter 9 of this title, indicating the location of off street parking and loading spaces in compliance with the requirements set forth in this chapter. (Ord. 867, sec. 46, 5-17-2010)

Section 11-19-7: GENERAL PROVISIONS: (Zoning, Off Street Parking Requirements)

F. Restrictions On Parking:

1. Required accessory off street parking spaces in any district shall not be utilized for open storage, sale or rental of goods, storage of inoperable vehicles, and/or storage of snow. All site plans required by this title shall illustrate the size and location of snow storage space on the property in question. (Ord. 674, sec. 1, 7-17-2000)

2. On and off street parking facilities accessory to a residential use shall be utilized solely for the parking of licensed and operable vehicles not to exceed twenty two feet (22') in length and eight feet (8') in height, except as may be otherwise allowed by this title or the following provisions:

a. Parking and/or storage of recreational vehicles and equipment shall be in accordance with section 11-22-5 of this title. (Ord. 867, sec. 47, 5-17-2010)

3. Under no circumstances shall required parking facilities accessory to residential structures be used for the storage of commercial vehicles or equipment or for the parking of automobiles belonging to the employees, owners, tenants, or customers of business or manufacturing establishments.

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

Section 11-19-9: MAINTENANCE: (Zoning, Off Street Parking Requirements)

It shall be the joint and several responsibility of the lessee and owner of the principal use, uses or building to maintain in a neat and adequate manner, the parking space, accessways, striping, landscaping, and required fences/screening. (Ord. 674, sec. 1, 7-17-2000)

Section 11-19-11: LOCATION: (Zoning, Off Street Parking Requirements)
All accessory off street parking facilities required by this chapter shall be located and restricted as follows:

A. Lot And Ownership: Required off street parking shall be on the same lot under the same ownership as the principal use being served, except under the provisions of sections 11-19-17 and 11-19-19 of this chapter. (Ord. 674, sec. 1, 7-17-2000)

B. Direct Access: Except for single-family, two-family, and townhouse dwellings, head in parking, directly off of and adjacent to a public street, with each stall having its own direct access to the public street, shall be prohibited. (Ord. 730, sec. 18, 3-17-2003; amd. Ord. 866, sec. 3, 5-17-2010)

C. Off Street Parking: There shall be no required off street parking within fifteen feet (15’) of any public or private street surface. (Ord. 730, sec. 19, 3-17-2003)

D. Boulevard: The boulevard portion of the street right of way shall not be used for parking nor parking calculation.

E. Setback Area: Required accessory off street parking shall not be provided in required front yards or in required side yards adjacent to a public right of way in the case of a corner lot in the A-P, RA, RS-1, RS-2, RS-3, RS-4, RS-CBD, RST-1, and RST-2 districts. (Ord. 674, sec. 1, 7-17-2000)

F. Prohibited In Yard: In the case of single-family, two-family, and townhouse dwellings parking shall be prohibited in any portion of the front, side, or rear yard except on designated driveways leading directly into a garage or one open, surfaced space located on the side of a driveway, away from the principal use. Said extra space shall be surfaced with paver bricks, concrete or bituminous material. (Ord. 674, sec. 1, 7-17-2000; amd. Ord. 866, sec. 3, 5-17-2010)

Section 11-19-13: NUMBER OF SPACES REQUIRED: (Zoning, Off Street Parking Requirements)

The following minimum number of off street parking spaces shall be provided and maintained by ownership, easement and/or lease for and during the life of the respective uses hereinafter set forth:

<table>
<thead>
<tr>
<th>Use</th>
<th>Number Of Required Stalls</th>
</tr>
</thead>
<tbody>
<tr>
<td>All restaurant uses</td>
<td>5 spaces per 1,000 square feet of floor area.</td>
</tr>
<tr>
<td>Catering business/commercial kitchen</td>
<td>1 stall per 200 square feet or 1 stall for each employee on the maximum shift, whichever is greater; plus 1 stall for each business vehicle parked on site.</td>
</tr>
<tr>
<td><strong>Restaurant, drive-in or convenience food</strong></td>
<td>1 space per 15 square feet of gross floor area designated for patron queuing, but not less than 15 spaces plus 1 space per 40 square feet of dining area and 1 space for each 80 square feet of kitchen area.</td>
</tr>
<tr>
<td><strong>Restaurants, clubs, lodges, brewpubs, taprooms, tasting rooms</strong></td>
<td>1 space per 40 square feet of dining area and 1 space for each 80 square feet of kitchen area.</td>
</tr>
<tr>
<td><strong>Retail commercial uses (other)</strong></td>
<td>1 space per 200 square feet.</td>
</tr>
<tr>
<td><strong>Retail sales and service with 50 percent or more gross floor area as storage/warehouse or industry</strong></td>
<td>8 spaces or 1 space for each 200 square feet of public sales/service area, plus 1 space for each 500 square feet of storage area.</td>
</tr>
</tbody>
</table>

Section 11-19-15: OFF STREET BICYCLE PARKING: (Zoning, Off Street Parking Requirements)

Provisions shall be made for the off street parking of bicycles in all multiple-family and nonresidential developments and uses. Plans for such facilities shall be reviewed and evaluated on an individual project or use basis as part of site plan review provisions of chapter 9 of this title.

Section 11-19-19: OFF SITE PARKING: (Zoning, Off Street Parking Requirements)

A. Any off site parking which is used to meet the requirements of this chapter may, as applicable, be allowed by a conditional use permit for long term off site parking facilities as regulated under the provisions of chapter 4 of this title, or an interim use permit for short term temporary off site parking facilities as regulated under the provisions of chapter 5 of this title, and shall be subject to the conditions listed below.

B. Off site parking shall be developed and maintained in compliance with all requirements and standards of this chapter.

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

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

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

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

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

H. Compliance with off street parking requirements provided through leased off street parking may be approved by the city council, subject to the following additional conditions:

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

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

3. The lease agreement shall incorporate any other provisions, as recommended by the city attorney that are deemed necessary to ensure compliance with the intent of this title. (Ord. 674, sec. 1, 7-17-2000)

Section 11-19-21: C-CBD DISTRICT PARKING: (Zoning, Off Street Parking Requirements)

A. C-CBD Zoning District: Within the C-CBD zoning district, on street parking stalls directly abutting a parcel may be counted in satisfaction of the number of spaces required pursuant to section 11-19-13 of this chapter.

Section 11-37-5: MOTOR VEHICLE FUEL SALES INCLUDING CONVENIENCE GROCERY AND/OR PREPARED FOOD, NOT INCLUDING TRUCK STOPS OR AUTOMOBILE REPAIR: (Zoning, Motor Vehicle Fuel Facilities)

A. Conditional Use: Motor vehicle fuel sales including convenience grocery and/or prepared food shall be allowed in the C-1, C-2, C-3, and C-CBD districts subject to approval of a conditional use permit.

B. Area And Location Specified: The proximate area and location of space devoted to merchandise sales shall be specified in the application and in the conditional use permit.

C. Off Street Loading: The off street loading space(s) and building access for delivery of goods shall be separate from customer parking and entrances and shall not cause conflicts with customer vehicles and pedestrian movements.

D. Prepared Food:

1. Convenience/deli food is of the takeout type only and that no provision for seating, consumption on the premises, or drive-through facilities is provided. Furthermore, that the
enclosed area devoted to such activity, use and merchandise shall not exceed fifteen percent (15%) of the gross floor area.

2. The storage, preparation and serving of food items are subject to approval based upon the applicable state and county regulations.

E. Additional Regulations: The use shall be further regulated as provided for by section 11-37-3 of this chapter. (Ord. 674, sec. 1, 7-17-2000)

Signage

Chapter 3 – Business and License Regulations

Section 3-22-3: LICENSE REQUIRED: (Business and License Regulations, Dynamic Display Sign)

Display or operation of a dynamic display sign within the city of Lakeville shall require approval of a valid license issued by the city pursuant to this chapter. (Ord. 897, 12-3-2012)

Chapter 6 – Motor Vehicles and Traffic

Section 6-1-9: LOADING ZONES: (Motor Vehicles and Traffic, Traffic Regulations)

The City Council may by resolution designate loading zones on property as may be necessary in order that commercial vehicles may safely load and unload vehicles. When a loading zone has been designated, it shall be marked by a sign bearing the words "LOADING ZONE, NO PARKING". Thereafter, no person shall park a vehicle at such location unless in the process of loading or unloading. Violators shall be guilty of a petty misdemeanor and are subject to towing. (Ord. 431, sec. 1, 2-19-91)

Chapter 8 – Fire Prevention and Protection

Section 8-3-1: FIRE LANES ESTABLISHED: (Fire Preventions and Protection, Fire Preventions Regulations)

The Fire Chief or Police Chief may order the establishment of fire lanes on public or private property as may be necessary in order that the travel of fire equipment may not be interfered with, and that access to fire hydrants or buildings may not be blocked. When a fire lane has been ordered to be established, it shall be marked by a sign bearing the words "No Parking-Fire Lane" or the international symbol for no parking "(P/)". When the fire lane is on public property or a public right of way, the signs shall be erected by the City, and when on private property, shall be erected by the owner at the owner's expense within thirty (30) days after such owner has been notified of the order. Thereafter no person shall park a vehicle or otherwise occupy or obstruct the fire lane. Violators will be tagged and/or towed at the owner's expense. (Ord. 240, 4-2-84)

Chapter 11 – Zoning
Section 11-23-1: FINDINGS, PURPOSE AND EFFECT: (Zoning, Signs)

A. Findings: The city finds:

1. Exterior signs have a substantial impact on the character and quality of the environment.

2. Signs provide an important medium through which individuals may convey a variety of messages.

3. Signs can create traffic hazards and aesthetic concerns, thereby threatening the public health, safety and welfare.

4. The city's zoning regulations have, since as early as 1970, included the regulation of signs in an effort to provide adequate means of expression and to promote the economic viability of the business community, while protecting the city and its citizens from a proliferation of signs of a type, size, location and character that would adversely impact upon the aesthetics of the community and threaten the health, safety and welfare of the community. The regulation of the physical characteristics of signs within the city has had a positive impact on traffic safety and the appearance of the community.

B. Purpose And Intent: It is not the purpose or intent of this sign ordinance to regulate the message displayed on any sign; nor is it the purpose or intent of this chapter to regulate any building design or any display not defined as a sign, or any sign which cannot be viewed from outside a building. The purpose and intent of this chapter is to:

1. Regulate the number, location, size, type, illumination and other physical characteristics of signs within the city in order to promote the public health, safety and welfare.

2. Maintain, enhance and improve the aesthetic environment of the city by preventing visual clutter that is harmful to the appearance of the community.

3. Improve the visual appearance of the city while providing for effective means of communication, consistent with constitutional guarantees and the city's goals of public safety and aesthetics.

4. Provide for fair and consistent enforcement of the sign regulations set forth herein under the zoning authority of the city.

C. Effect: A sign may be erected, mounted, displayed or maintained in the city if it is in conformance with the provisions of this chapter. The effect of this chapter, as more specifically set forth herein, is to:

1. Allow a wide variety of sign types in commercial zones, and a more limited variety of signs in other zones, subject to the standards set forth in this sign ordinance.
2. Allow certain small, unobtrusive signs incidental to the principal use of a site in all zones when in compliance with the requirements of this sign ordinance.

3. Prohibit signs whose location, size, type, illumination or other physical characteristics negatively affect the environment and where the communication can be accomplished by means having a lesser impact on the environment and the public health, safety and welfare.

4. Provide for the administration and enforcement of the provisions of this sign ordinance. (Ord. 816, sec. 4, 2-5-2007)

Section 11-23-5: PERMIT REQUIRED: (Zoning, Signs)

No sign shall be erected or existing sign structure expanded without first securing a permit from the city, except when changing only the face of the sign without altering the area, height or location of the sign.

A. The content of the message or speech displayed on the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit.

B. Application for a sign permit shall be filed by the property owner or designated agent with the zoning administrator on forms to be provided by the city.

C. The zoning administrator shall process and review the application and related materials and shall determine whether the proposal is in compliance with all applicable evaluation criteria, codes, ordinances, and applicable performance standards set forth in this title within sixty (60) days of submission of a complete application. (Ord. 867, sec. 63, 5-17-2010)

D. The application shall be accompanied by a fee as established by city council resolution. Applications for amending sign permits shall be accompanied by a fee as established by ordinance. (Ord. 816, sec. 4, 2-5-2007; amd. Ord. 867, sec. 63, 5-17-2010)

E. The zoning administrator shall notify the applicant, in writing, of an incomplete application within fifteen (15) days of the date of submission. (Ord. 816, sec. 4, 2-5-2007)

F. Application for a permit shall contain the following information unless waived by the city:

1. Names and addresses of the applicant, owners of the sign and lot.

2. The address at which any signs are to be erected.

3. The lot, block and addition at which the signs are to be erected and the street on which they are to front.

4. Type and size of sign (e.g., wall sign, pylon sign).
5. A site plan to scale showing the location of lot lines, building structures, parking areas, existing and proposed signs and any other physical features.

6. Plans, location and specifications and method of construction and attachment to the buildings or placement method on the ground.

7. Copy of stress sheets and calculations showing that the structure is designed for dead load and wind pressure in any direction in the amount required by this and all other laws and ordinances of the city.

8. Written consent of the owner or lessee of any site on which the sign is to be erected.

9. Any electrical permit required and issued for the sign.

10. A detailed description of any electronic or electrical components that are proposed to be added to the sign.

11. Other information to demonstrate compliance with this and all other ordinances of the city. (Ord. 816, sec. 4, 2-5-2007; amd. Ord. 867, sec. 63, 5-17-2010)

Section 11-23-7: PERMIT NOT REQUIRED: (Zoning, Signs)

The following signs shall not require a permit and are allowed in addition to those signs allowed by sections 11-23-15 and 11-23-19 of this chapter. These exemptions, however, shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with the provisions of this chapter or any other law or ordinance regulating the same.

A. The changing of the display surface on a painted or printed sign only. This exemption, however, shall apply only to poster replacement and/or on site changes involving sign painting elsewhere than directly on a building. (Ord. 816, sec. 4, 2-5-2007)

B. Not more than two (2) signs two (2) square feet or less in size. (Ord. 867, sec. 64, 5-17-2010)

C. One sign per property in residential districts not to exceed nine (9) square feet. (Ord. 816, sec. 4, 2-5-2007)

D. All noncommercial signs of any size posted in any number from forty six (46) days before the state primary in a state general election year until ten (10) days following the general election, and thirteen (13) weeks prior to any special election until ten (10) days following the special election. (Ord. 867, sec. 65, 5-17-2010)

E. Official signs.
F. One sign shall be allowed per street frontage when a building is offered for sale or lease, provided that: (Ord. 816, sec. 4, 2-5-2007)

1. Within the R (residential) districts, no sign shall exceed twelve (12) square feet in area and six feet (6') in height for single-family, two-family, and townhouse units; or thirty two (32) square feet in area or eight feet (8') in height for multi-family or institutional uses. (Ord. 816, sec. 4, 2-5-2007; amd. Ord. 866, sec. 3, 5-17-2010)

2. Within all other zoning districts and in those cases where a parcel of land exceeds ten (10) acres, regardless of its zoning, no sign shall exceed sixty four (64) square feet in area or ten feet (10') in height. (Ord. 816, sec. 4, 2-5-2007)

G. Sandwich board signs are allowed within commercial zoning districts, provided that:

1. Not more than one sign is allowed per principal building except that one sign is allowed per tenant within a principal building having two (2) or more tenants each with an exclusive exterior entrance.

2. The sign shall only be displayed when the business is open to the public.

3. The sign shall be placed only on the business property and shall not encroach into any principal building setback, except within the C-CBD district where the sign may be located upon public sidewalks directly abutting the business property or within required principal building setbacks, and not placed on any vehicle.

4. The signs shall be located so as to maintain a minimum five foot (5') pedestrian walkway and so as not to obstruct vehicular traffic.

5. The sign shall be set back a minimum of two feet (2') from the back of curb of a public street or private drive aisle.

6. The sign shall conform to the following maximum dimensions:

   a. Height: Four feet (4').

   b. Width: Three feet (3').

7. For signs within the C-CBD district to be located upon the sidewalk or boulevard portion of a public right of way, issuance of a sign permit in accordance with section 11-23-5 of this chapter shall be required annually.

   a. In addition to the provisions of subsection 11-23-5F of this chapter, the owner of the sign shall provide a certificate of general liability insurance with minimum coverage of three hundred thousand dollars ($300,000.00) naming the city as an additional insured for the sign to be located upon the public right of way within the C-CBD district. (Ord. 827, sec. 2, 7-16-2007)
H. Window signs not exceeding twenty five percent (25%) of the total area of the window in which they are displayed. (Ord. 936, 3-16-2015)

Section 11-23-15: GENERAL REGULATIONS: (Zoning, Signs)

A. Accessory Structures: Except as provided for by subsection W of this section, all signs must be accessory structures.

B. Standards Adopted: The design and construction standards as set forth in chapter 4 of the 1997 edition of the uniform sign code as may be amended, are hereby adopted.

C. Electrical Signs: The installation of electrical signs shall be subject to the state's electrical code. Electrical service to such signs shall be underground.

D. Approval: No sign shall be attached or be allowed to hang from any building until all necessary wall and roof attachments have been approved by the zoning administrator.

E. Trees; Interference: No signs, guys, stays or attachments shall be erected, placed or maintained on trees nor interfere with any electric light, power, telephone or telegraph wires or the supports thereof. (Ord. 867, sec. 66, 5-17-2010)

F. Illuminated Signs:

1. Illuminated signs shall be shielded to prevent lights from being directed at oncoming traffic in such brilliance that it impairs the vision of the driver and may not interfere with or obscure traffic signs or signals. Lighting may not illuminate any adjacent properties, buildings, or streets.

2. No sign incorporating LED lighting may be illuminated in any way so as to exceed a maximum intensity of five thousand (5,000) nits during daylight hours or five hundred (500) nits from sunset to sunrise measured at the sign face at maximum brightness.

3. Signs using fluorescent, neon or incandescent light sources shall not exceed twelve (12) watts per square foot of sign surface area.

4. All signs incorporating LED lighting installed after December 3, 2012, shall be equipped with a mechanism that automatically adjusts the brightness to ambient lighting conditions to conform to the requirements of this subsection.

5. The owner of any LED illuminated sign shall provide certification as to compliance with subsections F2 and F3 of this section to the city upon request by the zoning administrator. (Ord. 897, 12-3-2012)

G. Temporary Signs: The use of banners, pennants and similar devices for commercial, industrial and institutional uses shall be subject to the following provisions:
1. Temporary signs shall require a permit valid for no more than sixty (60) days during any calendar year.

2. The maximum area of a temporary sign shall be fifty (50) square feet per sign face, except within the freeway corridor district where the maximum area of a temporary sign shall be one hundred (100) square feet per sign face.

3. Not more than one temporary sign shall be displayed upon a property at any one time. (Ord. 936, 3-16-2015)

H. Placement: No sign or sign structure shall be erected or maintained that prevents free ingress or egress from any door, window or fire escape. No sign or sign structure shall be attached to a standpipe or fire escape.

I. Structure: A freestanding sign or sign structure constructed so that the faces are not back to back, shall not have an angle separating the faces exceeding twenty degrees (20°) unless the total area of both sides added together does not exceed the maximum allowable sign area for that district.

J. Address Sign: Except for farm buildings, at least one address sign identifying the correct property number as assigned by Dakota County shall be required on each principal building in all districts. The number shall be at least three inches (3") in height. (Ord. 867, sec. 66, 5-17-2010)

K. Exterior Mounted Signs: All exterior mounted signs shall be constructed of high quality materials, durable and resistant to fading, cracking, chipping, peeling or other forms of extreme wear and except within the C-CBD district shall not be applied with paint directly onto the exterior surface of the building. (Ord. 897, 12-3-2012)

L. Square Footage Calculation: The area within the frame of a sign shall be used to calculate the square footage except that the width of a frame exceeding twelve inches (12") shall constitute sign face, and if such letters or graphics be mounted directly on a wall or fascia or in such way as to be without a frame the dimensions for calculating the square footage shall be the area extending six inches (6") beyond the periphery formed around such letters or graphics in a plane figure bounded by straight lines connecting the outermost points thereof. Each surface utilized to display a message or to attract attention shall be measured as a separate sign and shall be calculated in the overall square footage. Symbols, flags, pictures, wording, figures or other forms of graphics painted on or attached to windows, walls, awnings, freestanding structures, suspended by balloons, or kites or on persons, animals, or vehicles are considered a sign and are included in calculating the overall square footage. (Ord. 867, sec. 66, 5-17-2010)

M. Height:

1. Freestanding signs:
a. The height of the sign shall be measured from the ground at the base to the highest-most part of the structure.

b. On commercial and industrial properties with an elevation below that of the centerline of the adjacent street, measured at the closest distance between the sign location and centerline of the street, the height of a freestanding sign may increase to be not more than the allowed height of a freestanding sign within the applicable district above the centerline elevation of the street with a total height not to exceed more than ten feet (10’) above the maximum height of the applicable district. (Ord. 897, 12-3-2012)

2. Wall, canopy or marquee signs: The top of a sign, including its structure, if any, shall be no higher than the roof of the building to which such sign may be attached.

N. Landscaping: The area around freestanding signs shall be landscaped with plantings and maintained in such a manner to accent and enhance the sign while remaining sensitive to the natural features of the site.

O. Motor Fuel Facilities: Signs for motor fuel facilities shall be regulated by the sign provisions for the zoning district in which the facility is located, except that:

1. The construction of any freestanding sign shall be as follows:

   a. The sign shall be self-supported vertically by a solid base extending horizontally for a minimum of the entire width of the sign face. Total height of the monument sign including the base shall not exceed fifteen feet (15’).

   b. The sign base and supporting material shall be equal to at least forty percent (40%) of the total allowable sign square footage, and shall not be counted toward the sign area. The base shall be attached to the ground for its entire horizontal width of the sign. The base shall be stone, brick, or decorative masonry consistent with the exterior material of the principal building and shall not contain any sign copy.

   c. Within a freestanding sign, an area not to exceed twenty four (24) square feet shall be allowed for continuous display (no flashing, scrolling or other animation) of electronic or nonelectronic changeable copy identifying current fuel prices in accordance with Minnesota state statutes section 239.751.

2. Signage may be allowed on a detached canopy in lieu of wall signage on the principal structure, provided that:

   a. The individual canopy sign does not exceed more than twenty percent (20%) of the canopy facade facing a public right of way.

   b. The canopy fascia shall not be illuminated, except for allowed canopy signage.
P. Window Signs: Window signs shall not exceed twenty five percent (25%) of the total area of the window in which they are displayed.

Q. Adjoining Properties: Separate commercial and industrial uses on adjoining properties with a common lot line may each locate a sign on one freestanding structure subject to approval by the zoning administrator, provided that:

1. The area of each of the individual business signs shall be consistent with the applicable district provisions in section 11-23-19 of this chapter.

2. The height of the freestanding sign shall be consistent with the applicable district provisions in section 11-23-19 of this chapter.

3. The maximum number of signs displayed on a single structure is two (2) signs.

4. No additional freestanding signs shall be displayed on the individual properties.

5. An agreement addressing construction, maintenance, and repair responsibilities and trespass rights is established and filed with the Dakota County recorder against the titles of the two (2) properties involved in the collocated freestanding sign. Amendment or cancellation of the agreement shall be allowed only upon written approval by the zoning administrator.

R. Multiple Occupancy Commercial And Industrial Buildings: When a single principal building is devoted to two (2) or more commercial or industrial principal uses, signs shall be allowed subject to review and approval of the zoning administrator based upon the following requirements:

1. The maximum individual sign sizes for multiple occupancy buildings and individual businesses that may display a sign shall not exceed the maximum provisions in the same zoning district in section 11-23-19 of this chapter. (Ord. 867, sec. 66, 5-17-2010)

2. Multiple occupancy buildings may display a freestanding sign that complies with the applicable zoning district provisions in section 11-23-19 of this chapter.

3. Individual tenants of a multiple occupancy building within a commercial or industrial zoning district may display separate wall, canopy, or marquee signs subject to the following requirements: (Ord. 888, 2-21-2012)

   a. Within the O-R, C-1, C-2, C-3, C-CBD, and O-P districts:

      (1) The number of individual wall, canopy, or marquee signs shall be limited to one facade per tenant space except additional sign(s) may be displayed on a second facade for the tenant of a corner suite or a suite that extends through the building thus having two (2) exterior walls.

      (2) The tenant’s business shall have an exclusive exterior entrance.
(3) The sign(s) shall be located only on the exterior wall of the tenant space to which the sign permit is issued, but is(are) not required to face a public street.

(4) Each sign and the total area of all signs on a single facade for an individual tenant shall be limited to the maximum wall sign size permitted in the applicable zoning district provisions in section 11-23-19 of this chapter.

b. Within the I-1, I-2 and I-CBD districts:

(1) The number of individual wall, canopy, or marquee signs shall be limited to one facade per tenant space except that additional sign(s) may be displayed on a second facade for the tenant of a corner suite or a suite that extends through the building thus having two (2) exterior walls.

(2) The sign(s) shall be located only on the exterior wall of the tenant space to which the sign permit is issued, but is(are) not required to face a public street.

(3) Each sign or the total area of all signs on a single facade for an individual tenant shall be limited to the maximum wall sign size permitted in the applicable zoning district provisions in section 11-23-19 of this chapter. (Ord. 936, 3-16-2015)

c. A comprehensive sign plan is submitted that includes all of the following information:

(1) A site plan to scale showing the location of lot lines, buildings, structures, parking areas, existing and proposed signs, and any other physical features of the area included within the proposed comprehensive sign plan.

(2) Scale elevations of buildings showing the location of existing or proposed wall, canopy, or marquee signs.

(3) To scale plans for all existing and proposed signs of any type included within the comprehensive sign plan indicating area, dimensions, height, materials, colors, and any means of illumination. (Ord. 888, 2-21-2012)

S. Maximum Area Of Signage: On individual properties within commercial and industrial zoning districts in cases where no freestanding signs are utilized and where principal structures have a front yard setback in excess of that which is required under the applicable zoning district regulations, the maximum area allowed for individual wall, canopy or marquee signs may be increased by one percent (1%) for every five feet (5') of additional setback beyond the zoning district front yard setback requirement. This increase shall be limited to a maximum area of one hundred twenty five percent (125%) and shall be applied only to signs located on the side of the building facing the yard for which the calculation was made. (Ord. 867, sec. 66, 5-17-2010)

T. Changeable Copy Signs:
1. For commercial and industrial uses, one 40-square foot changeable copy sign (but not including electronic changeable copy or electronic graphic display signs) shall be allowed per site provided that the changeable copy area of the sign is integrated into the allowed freestanding sign for the respective zoning district.

2. Within the C-2 and C-3 districts, one electronic changeable copy or electronic graphic display sign may be allowed provided that:

a. Operation: The operation of the electronic sign shall require issuance of a license pursuant to section 3-22-3 of this code.

b. Location:

(1) The sign shall be displayed only in a yard abutting an arterial, minor expander, minor connector or minor reliever street, collector or local commercial street as defined by the comprehensive plan.

(2) The sign shall be set back a minimum of fifty feet (50') from any side or rear lot line abutting a residential district.

c. Sign Structure:

(1) The electronic changeable copy or graphic display shall be incorporated as part of the freestanding sign allowed by subsection 11-23-19E of this chapter.

(2) The sign including the electronic changeable copy or graphic display element shall be a monument sign constructed as follows:

(A) The electronic changeable copy or graphic display element shall not exceed forty (40) square feet and shall be integral and contiguous to the overall sign display.

(B) The sign shall be self-supported vertically by a solid base extending horizontally for a minimum of the entire width of the sign face.

(C) The total height of the sign structure including the base shall not exceed fifteen feet (15').

(D) The sign base and supporting material constructed of stone, brick, or decorative masonry shall be equal to at least forty percent (40%) of the total allowable sign area, but shall not be counted toward the sign area and shall not contain any sign copy. (Ord. 897, 12-3-2012)

U. Time And Temperature Sign: Within commercial and industrial zoning districts, an area not to exceed sixteen (16) square feet within a freestanding or wall sign shall be allowed for display of an electronic time and temperature sign subject to the sign provisions for the zoning district in which the sign is located.

V. Projecting Signs: Projecting signs may be allowed in commercial districts provided that:
1. There is a minimum of eight feet (8') of clearance under the base of the sign to the ground below.

2. The sign does not project more than five feet (5') beyond the wall to which it is mounted, may not project over any vehicular drive aisle or traveled portion of a public or private street and except in the C-CBD district may not project over a public right of way.

3. The area of the projecting sign shall not exceed twenty four (24) square feet.

W. Billboards: Existing billboards erected prior to January 1, 1980, are an allowed use subject to the following requirements:

1. The sign is defined as a principal use of the property upon which a billboard is located. No approval shall be granted for a second principal use upon a property when one of the principal uses is a billboard allowed by this section.

2. The area of the sign shall not exceed four hundred (400) square feet.

3. The structure shall not exceed forty feet (40') in height.

X. Subdivisions:

1. Permanent Signs: One sign shall be allowed for a subdivision having not less than three (3) lots or principal buildings at its entrance from a major collector or arterial street defined by the Lakeville transportation plan provided that:

   a. The area of the face of each sign shall not exceed one hundred (100) square feet.

   b. Freestanding signs shall be limited to a maximum height of:

      (1) Ten feet (10') for residential uses.

      (2) Twenty feet (20') for commercial, industrial and institutional uses.

   c. The sign(s) shall be located to accommodate said sign and related landscaping to meet all setback requirements. If the sign(s) is to be located on outlots, the outlots shall be designated on the preliminary plat and detailed plans for the area identification signs shall be submitted with the final plat.

   d. The area around the sign shall be landscaped in such a manner to accent and enhance the sign while remaining sensitive to the natural features of the site. Detailed site and landscape plans shall be included with each sign permit application and shall be subject to review and approval of the zoning administrator.

   e. The design and construction of the sign shall be done with the highest quality materials and workmanship to keep maintenance and upkeep costs to a minimum and to minimize the
potential for vandalism. The signs are to be aesthetically pleasing when designed and constructed. The sign shall be compatible with nearby structures in the area. Detailed construction plans and a materials list shall be included with each sign permit application and shall be subject to the review and approval of the zoning administrator. (Ord. 867, sec. 66, 5-17-2010)

f. The sign may be illuminated but only an external light source shall be allowed within residential districts. (Ord. 897, 12-3-2012)

2. Temporary Signs: A comprehensive signage plan for additional temporary signs shall be allowed upon approval of a final plat for a subdivision having not less than three (3) lots or approval of site and building plans for one lot by the zoning administrator provided that:

a. One sign shall be allowed per project or subdivision or one sign for each frontage to a collector or arterial street, whichever is greater.

(1) The area of the sign face shall not exceed sixty four (64) square feet.

(2) Freestanding signs shall be limited to a maximum height of eight feet (8').

b. Model homes as provided for by chapter 27 of this title shall be allowed the following signs:

(1) One freestanding sign with a sign face not to exceed thirty two (32) square feet or a maximum height of eight feet (8').

(2) Not more than three (3) flags with a maximum area of sixteen (16) square feet per face per flag and maximum height of twenty four feet (24') shall be allowed upon lots within the subdivision.

c. Unless extended by the zoning administrator, the temporary signs and flags allowed by this section shall only be displayed for a period not to exceed three (3) years from the date a permit is issued for the sign or flag or until building permits have been issued for one hundred percent (100%) of the lots within a final plat or subsequent phases of the same preliminary plat of a subdivision. (Ord. 867, sec. 66, 5-17-2010)

Section 11-23-17: PROHIBITED SIGNS: (Zoning, Signs)

The following signs are prohibited:

A. Any sign, signal, marking or device which purports to be or is an imitation of or resembles any official traffic control device or railroad sign or signal, or emergency vehicle signs, or which attempts to direct the movement of traffic or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal.

B. All signs over six hundred (600) square feet in area, except within the P-OS district. (Ord. 827, sec. 4, 7-16-2007)
C. All off premises signs except as allowed by subsection 11-23-15W of this chapter. (Ord. 867, sec. 67, 5-17-2010)

D. Balloon signs. (Ord. 827, sec. 4, 7-16-2007)

E. Changeable copy signs, electronic except as allowed by subsections 11-23-15O1c and 11-23-19H1d of this chapter. (Ord. 867, sec. 68, 5-17-2010)

F. Content classified as "obscene" as defined by Minnesota statutes section 617.241. (Ord. 827, sec. 4, 7-16-2007)

G. Dynamic display signs, except as may be allowed by this title and this code. (Ord. 903, 3-4-2013)

H. Electronic graphic display signs except as allowed by subsections 11-23-15T2 and 11-23-19H1d of this chapter. (Ord. 897, 12-3-2012)

I. Flashing signs.

J. Multivision signs.

K. Portable signs.

L. Roof signs.

M. Rotating signs.

N. Shimmering signs. (Ord. 827, sec. 4, 7-16-2007)

O. Signs painted, attached or in any other manner affixed to trees or similar natural surfaces, or attached to utility poles, bridges, towers, or similar public structures, or public fences. (Ord. 936, 3-16-2015)

P. Video display signs. (Ord. 827, sec. 4, 7-16-2007)

Q. Only those signs installed at the direction of the Minnesota department of transportation, Dakota County or the city of Lakeville shall be located within public rights of way. (Ord. 867, sec. 69, 5-17-2010)

Section 11-23-21: SETBACKS: (Zoning, Signs)

Except as otherwise required by this chapter, all freestanding signs shall be set back fifteen feet (15') from any property line abutting a public right of way and five feet (5') from any side or rear property line. (Ord. 867, sec. 77, 5-17-2010)
Composting

Chapter 4 – Health and Sanitation

Section 4-2-3: DISPOSAL REQUIREMENTS: (Health and Sanitation, Mixed Municipal Solid Waste and Recyclables)

C. Yard Waste Disposal: It shall be unlawful for any person to dispose of yard waste in mixed municipal solid waste, in a disposal facility or in a resource recovery facility except for the purposes of composting or co-composting.

Chapter 11 – Zoning

Section 11-18-7: SINGLE-FAMILY ATTACHED AND DETACHED ACCESSORY USES: (Zoning, Accessory Buildings, Structures, Uses and Equipment)

G. Compost Structures And Firewood Piles: Compost structures and firewood piles shall be considered accessory uses, shall be limited to rear yards and shall be set back ten feet (10') from all property lines, but shall not be subject to limitations applicable to the number of allowed accessory structures or individual area and total area allowed for accessory structures by this section. (Ord. 867, sec. 40, 5-17-2010)

See Garbage Disposal & Recycling

Garbage Disposal & Recycling

Chapter 3 – Business and Licensing Regulations

Section 3-8-6: COLLECTION REGULATIONS: (Business and License Regulations, Mixed Municipal Solid Waste and Recyclables Collectors)

E. Collecting Recyclable Material Required: It shall be the duty of each licensed mixed municipal solid waste collector to haul away, on the same day as mixed municipal solid waste service, to such places as designated in their license application the targeted recyclable materials from residences with individual curbside mixed municipal solid waste containers within the area in which they are authorized to collect mixed municipal solid waste or recyclable material. Each licensed mixed municipal solid waste or recyclable material collector shall do the same from residences who occupy multiple-family (apartment) dwellings. Nothing herein shall be construed to prevent a collector from offering residences recyclable collection or other recyclable materials.

F. Recyclable Material Report: It shall be the duty of each licensed mixed municipal solid waste or recyclable material collector and nonprofit organization collecting recyclable material to
provide the city with a quarterly report on quantity and type of all material recycled within the city. A legible copy of the weight slips obtained from each recyclable material purchaser shall accompany each quarterly report as documentation that the material was recycled. Failure to certify accurate volumes may be cause for revocation of license.

J. Minimum Service: Residential mixed municipal solid waste and recyclable material collector rates shall include a minimum of three (3) levels of regular service, priced on the basis of volume with a rate structure designed to encourage reduction, reusage, and recycling. The rate structure shall increase with the volume of the waste collected. Residential mixed municipal solid waste and recyclable material collectors are prohibited from imposing a greater charge on residents who recycle than on residents who do not recycle. (Ord. 686, sec. 1, 6-18-2001)

Chapter 4 – Health and Sanitation

Section 4-1-5: WASTE: (Health and Sanitation, Nuisance)

A. Any accumulation of refuse on any premises not stored in containers which comply with this Code, or any accumulation of refuse on any premises which has remained thereon for more than one week is hereby declared to be a nuisance and may be abated by order of the City Health Officer, as provided by Minnesota Statutes section 145A.04, subdivision 8, as may be amended, and the cost of abatement may be assessed on the property where the nuisance was found, as provided by law.

B. All waste generated shall be disposed in a manner consistent with all Minnesota Pollution Control Agency rules.

C. Any accumulation of waste generated on any premises not stored in containers which comply with Chapter 2 of this Title and Minnesota Pollution Control Agency rules, or any accumulation of mixed Municipal solid waste generated on any premises which has remained thereon for more than one week, or any accumulation of infectious, nuclear, pathological, or hazardous waste which is not stored and disposed in a manner consistent with the Minnesota Pollution Control Agency rules is a nuisance and may be abated and the cost of abatement may be assessed against the property where the nuisance is found.

D. The accumulation, storage, processing, and disposal of waste on any premises, which is not generated on that premises, is prohibited, except as specifically provided in the Lakeville Zoning Ordinance². (Ord. 675, sec. 1, 7-17-2000)

4-2-2: REQUIRED COLLECTION OF MIXED MUNICIPAL SOLID WASTE AND RECYCLABLE MATERIAL:

Every household and commercial/industrial establishment must be under a contract for at least weekly collection of mixed municipal solid waste with a licensed hauler. Every household must be under contract for at least biweekly collection of recyclable material. A household in a multi-
Section 4-2-4: MULTIPLE (APARTMENT) DWELLING RECYCLING: (Health and Sanitation, Mixed Municipal Solid Waste and Recyclables)

Occupants of a residential or multiple (apartment) dwelling complex managed by an association or other management entity shall have the same opportunity to recycle as do occupants of other residential dwellings. It is unlawful for any residential or multiple dwelling association or management entity to negotiate, execute or maintain a contract for mixed municipal solid waste collection unless it includes, as a part of the contract or as a part of a separate contract, a minimum of weekly collection of targeted recyclable material. Owners, associations or other management entities shall provide recycling receptacles in all waste receptacle areas to provide a convenient recycling collection program. (Ord. 493, sec. 1, 3-15-1993)

Chapter 11 – Zoning

Section 11-18-11: WASTE AND RECYCLING RECEPTACLES AND ENCLOSURES: (Zoning, Accessory Buildings, Structures and Uses)

A. Storage: Except as provided for by this section, all waste and recycling receptacles shall be stored within the principal structure or within an accessory enclosure.

B. Enclosures: All waste and recycling receptacles not contained within principal structures shall be enclosed in conformance with the following:

1. Exterior Walls: Exterior wall treatment shall be of similar color and materials. Exterior walls shall be minimum of six feet (6’) in height or one foot (1’) taller than the dumpster being enclosed and include a maintenance free front gate for access.

2. Location: The enclosure shall be located in the side or rear yard and be set back a minimum of ten feet (10’) from the property line and shall not be located within any drainage and utility easement or required buffer yard.

3. Accessibility: The enclosure must be accessible to waste and recycling collection vehicles. (Ord. 867, sec. 45, 5-17-2010)

4. Screening: The trash/recycling receptacles for multiple-family residential, commercial, industrial and institutional uses shall be fully screened from view of adjacent properties and the public right of way. (Ord. 888, 2-21-2012)

5. Approval: The design and construction of the trash enclosure shall be subject to the approval of the zoning administrator.

6. Landscaping: Landscaping shall be provided surrounding trash enclosures to screen the structure from view of the public right of way and residential properties; see chapter 21 of this title for detailed requirements.
C. Recycling Space: Recycling space shall be provided as required by the Minnesota state building code. 

D. Maintenance; Security: All enclosures and receptacles shall be kept in a good state of repair and waste receptacles shall include secure lids or covers to properly contain the waste and all gates and doorways into the enclosure shall be kept closed between garbage pick ups.

E. Exceptions:

1. For detached single-family dwellings, waste and recycling receptacles not contained within principal structures shall be exempt from conformance with subsection B of this section, but shall comply with the following:

   a. Receptacles shall be located in side or rear yards, but not the side of a corner lot or rear yard of a double frontage lot abutting a public right of way. (Ord. 867, sec. 45, 5-17-2010)

   b. Receptacles shall be set back a minimum of five feet (5’) from all property lines. (Ord. 888, 2-21-2012)

2. Publicly accessible individual receptacles not larger than sixty (60) gallons located on commercial, industrial, institutional or public properties for convenient disposal of trash items shall be exempt from the enclosure requirements of subsection B of this section.

3. In the I-CBD, I-1, and I-2 districts, recycling receptacles do not have to be enclosed in accordance with subsection B of this section, but shall be located in the side yard, except in the case of a corner lot, or rear yard, fully screened from view, shall comply with accessory building setback requirements and shall not contain any putrescible material. (Ord. 867, sec. 45, 5-17-2010)

Section 11-75-13: DESIGN AND PERFORMANCE STANDARDS: (Zoning, O-P, Office Park District)

G. Waste And Recycling Receptacles: All waste and recycling receptacles shall be stored within the principal structure or within an accessory enclosure area, totally screened from eye level view. Screening shall be at least six feet (6’) in height and provide a minimum opacity of eighty percent (80%). All enclosures and receptacles shall be kept in a good state of repair and waste receptacles shall include secure lids or covers to properly contain the waste. All waste and recycling receptacles not contained within principal structures shall be enclosed in conformance with the following:

1. Exterior wall treatment shall be similar and/or complement the principal building.

2. The enclosure shall be located in the rear or side yard and comply with setback requirements.

3. The enclosure must be accessible to waste and recycling collection vehicles.
**APPENDIX G: STATE 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.” 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 Lakesville 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.

**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.220

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.
15 Reporting Suspected Foodborne Illness, MINN. DEP’T OF HEALTH,
16 Disease Control Newsletter, MINN. DEP’T OF HEALTH,
17 MINN. RULES 4626.1785.
18 MINN. STAT. §§ 31.101; 31.11.
19 MINN. RULES 4626.1785.
20 See generally Food, Dairy, Meat & Eggs, MINN. DEP’T OF AGRIC.,
http://www.mda.state.mn.us/licensing/inspections.aspx (last visited May 19, 2015);
See also, Food & Feed Quality Complaint Form, MINN. DEP’T OF AGRIC.,
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).
27 Handbook for Minnesota Cities, Chapter 11 City Licensing, LEAGUE OF MINNESOTA CITIES (Nov. 15, 2014),
28 LAKEVILLE, MINN., CODE, Title 3 (2015).
29 Black’s Law Dictionary (2nd ed.).
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).
League of Minnesota Cities, Information memo: Zoning Guides for Cities (2015),
43 MINN. STAT. § 462.357, subd. 6.(2015)
44 MINN. STAT. § 462.3595 (2015).
50 MINN. STAT. § 326B.101.
51 MINN. STAT. § 326B, et seq; Minn. Rules Ch. 1303.
52 MINN. STAT. § 326B.121, MINN. RULES 1300.0030 Subp. 2; 1300.0120 Subp. 4
53 MINN. RULES 1300.0120, subpart 4.
54 Memorandum from Scott McLennan, Minn. Dept. of Labor & Industry, to Division code staff (Sept. 24, 2013),
55 Memorandum from Scott McLennan, Minn. Dept. of Labor & Industry, to Division code staff (Sept. 24, 2013),
57 MINNESOTA BUILDING CODE, § 326B.101.
68 LAKEVILLE, MINN., CODE, § 7-5-12-3(A) (2015).
70 LAKEVILLE, MINN., CODE, § 7-3-7(A) (2015).
71 LAKEVILLE, MINN., CODE, § 7-3-7(A) (2015).
73 LAKEVILLE, MINN., CODE, § 3-13-3(A) (2015).
92 LAKEVILLE, MINN., CODE, § 11-17-7 (2015).
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97 Lakeville, Minn., Code, § 11-18-7(B) (2015).
100 Lakeville, Minn., Code, § 11-35-3(C) (2015).
112 Lakeville, Minn., Code, § 11-18-7(B) (2015).
117 Minneapolis, Minn., Code § 20-520.160.
119 Lakeville, Minn., Code, § 11-18-7(B) (2015).
120 Lakeville, Minn., Code, § 11-18-7(B) (2015).
125 Minn. Rules 1520 – 1555; Minn. R. 4625.
126 Minn. Rules 4626.0020 1-201.10, subp. 36.
128 League of Minnesota Cities, Information memo: Zoning Guides for Cities (2015),
129 Minn. Stat. § 157.15, Subd. 5; Minn. R. 4626.0020 1-201.10, Subp. 35A.
130 Minn. Rules. 4626.0020 1-201.10, Subp. 35A.
131 Minn. Stat. § 157.15, Subd. 5.
132 Minn. Stat. § 28A.02.
133 Minn. Const., art. 13, § 7
139 Minn. Stat. § 28A.151.
140 Minn. Stat. § 28A.151.
142 Minn. Stat. §157.15, Subd. 12
146 Lakeville, Minn., Code, Title 3 (2015).
161 Minn. Stat. § 329.099.
164 Minn. Stat. ch. 329.
166 Lakeville, Minn., Code, § 3-13-3 (2015).
170 Minn. Rules 4626.0020 1-201.10, Subp. 35.
171 Lakeville, Minn., Code, Title 3 (2015).
177 Lakeville, Minn., Code, § 11-23-7(G) (2015).
182 Lakeville, Minn., Code, §§ 11-4-7(B), 11-4-8(B) (2015).
185 Minn. Rules 7035.2836.
186 Minn. Rules 7035.2836.
187 Minn. Rules 7035.0300, Subp. 7.
188 Minn. Rules 7035.0300, Subp. 19.
189 Minn. Rules 7035.0300, Subp. 20.
190 Minn. Rules 7035.0300, Subp. 73.
191 Minn. Rules 7035.0300, Subp. 74.
192 Lakeville, Minn., Code, §. 4-2-1 (2015).
193 Lakeville, Minn., Code, §. 4-2-3(C) (2015).
197 Lakeville, Minn., Code, §. 4-2-1 (2015).
199 Lakeville, Minn., Code, §. 3-8-2 (2015).
201 Lakeville, Minn., Code, §. 4-1-5(A) (2015).
202 Lakeville, Minn., Code, §. 3-8-6(E) (2015).
207 Lakeville, Minn., Code, §. 4-1-4-2 (2015).
208 Lakeville, Minn., Code, §. 7-5-12-3 (2015).
217 “Egg Sales,” Minnesota Institute of Sustainable Agriculture, http://www.misa.umn.edu/FarmFoodResources/LocalFood/EggSales/.