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

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

TABLE OF CONTENTS ........................................................................................................ 3

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

- Project Background ............................................................................................................ 6
- Gaps, Barriers and Opportunities .................................................................................... 8
  - General Municipal Ordinance Issues ........................................................................... 8
- Growing Food ................................................................................................................... 9
- Processing Food ............................................................................................................... 10
- Getting Food ................................................................................................................... 10
- Making Food ................................................................................................................... 12
- Disposing Food ............................................................................................................... 12
- Research Process ............................................................................................................ 13
- Use of Definitions ............................................................................................................ 13
- Appendices ........................................................................................................................ 14

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

- The Minnesota Food Charter ......................................................................................... 15
- State Laws Impacting the Food System .......................................................................... 16
- State and Local Agency Oversight of Food System ...................................................... 17
  - Minnesota State Agency Oversight of Food System .................................................. 17
  - Municipal Government Oversight of Food System .................................................... 18
- Local Government Ordinances Regulating the Food System ....................................... 18
  - Licenses ....................................................................................................................... 19
  - Permits .......................................................................................................................... 20
  - Land Use Planning & Zoning ...................................................................................... 20
  - Variances and Conditional Use Permits ..................................................................... 23
  - Regulating Structures ................................................................................................. 24

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

- Gardening ....................................................................................................................... 27
- Farming ............................................................................................................................. 28
- Keeping Animals (including Bees, Chickens, and Chicken Coops) ............................... 29
- Fences ............................................................................................................................... 30
- Arbors, Trellises, Pergolas, Planting Boxes, and Raised Beds ...................................... 31
- Greenhouses and Hoop Houses ...................................................................................... 33
- Shed ................................................................................................................................. 34

**Processing Food** ............................................................................................................ 36

**Getting Food** ................................................................................................................ 38

- Selling Products of a Farm or Garden ............................................................................. 40
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 Mendota Heights, current as of May 2015, that may directly or indirectly impact access to healthy food in Mendota Heights. While this policy brief focuses primarily on Mendota Heights’ 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,
- eating, and
- disposing of food.

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

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

This policy 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 brief 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:


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

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

General Municipal Ordinance Issues

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

Municipalities may want to assess the extent to which the general restriction against any activity that is not specifically permitted may impact activities promoting access to healthy food. In addition, many municipal ordinances restrict a property from developing an accessory use or activity on a property before a principle use or structure is established. This type of restriction can impact the establishment of community gardens on vacant lots, especially if gardening activities are only recognized as an accessory use of property.

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

Gardening

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

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

Farming

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

Keeping Animals

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

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

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

Greenhouses and Hoop Houses

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

Processing Food

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

Getting Food

Seasonal Produce/Farm Stands

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

Farmers’ Markets

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

**Restaurants**

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

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

**Mobile Food Vendors**

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

**Transient Merchants**

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

**Grocery Stores**

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

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

**Making Food**

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

**Disposing Food**

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

The Public Health Law Center identified a list of relevant “search terms” in consultation with The Open Door and Dakota County Public Health that describe activities or structures likely to impact the growing, processing, and selling of food. (A list of those terms are included in Appendix A.) Researchers used the online edition of Mendota Heights’ municipal code, available publicly at: http://www.sterlingcodifiers.com/codebook/index.php?book_id=668.

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

Use of Definitions

The growing, processing, and selling of food encompasses a wide range of farming, agricultural, and business practices that may occur within a municipality. This brief presents the applicable definitions established by the City of Mendota Heights at the beginning of each section. For example, at the beginning of the Restaurants sub-section, the definitions “Restaurant, Cafeteria”, “Restaurant, Drive-in”, “Restaurant, Traditional”, and “Restaurant, Fast Food” 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 Mendota Heights differentiates between fast food restaurants and general restaurants as follows:

★ **Restaurant, Cafeteria.** Food is selected by a customer while going through a serving line and taken to a table for consumption. ¹

★ **Restaurant, Drive-in.** Most customers purchase and consume their food while in an automobile. ²

★ **Restaurant, Traditional.** Food is served to a customer and consumed while seated at a counter or table. ³

★ **Restaurant, Fast Food.** A majority of customers order and are served their food at a counter, and then the food is taken to a table or counter where it is consumed, however, a significant number of people may take the food outside to eat in an automobile or off the premises. ⁴

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

Appendices

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

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

Before analyzing specific activities or structures, this memo briefly discusses some general information providing context regarding and impacting access to healthy food in Mendota Heights, 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 Mendota Heights’ regulation of different components of the food system. The Public Health Law Center used the Minnesota Food Charter to structure the analysis of Mendota Heights’ 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,\(^6\)
- Sale of personally grown, unprocessed agricultural products,\(^7\)
- Licensing of food establishments,\(^8\)
- Food safety standards,\(^9\)
- Sale of products prepared in unlicensed kitchens,\(^10\) and
- Food sampling at farmers’ markets and other community events.\(^11\)

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.

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>SOURCE OF FOOD</th>
<th>REGULATORY AUTHORITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>MDH</td>
<td>• Cafes</td>
<td>• Licenses and inspects food establishments(^{12})</td>
</tr>
<tr>
<td></td>
<td>• Restaurants</td>
<td>• Enforces Minnesota Food Code(^{13})</td>
</tr>
<tr>
<td></td>
<td>• Bars</td>
<td>• Provides food safety and food handling education and training(^{14})</td>
</tr>
<tr>
<td></td>
<td>• Hotels &amp; motels</td>
<td>• Investigates outbreaks(^{15})</td>
</tr>
<tr>
<td></td>
<td>• Cafeterias</td>
<td>• Tracks and monitors foodborne illness(^{16})</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Operates the Minnesota Foodborne Illness Hotline(^{17})</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Releases reports and summaries of foodborne illness outbreaks in Minnesota(^{18})</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Coordinates response to foodborne illness outbreak with other state and local</td>
</tr>
<tr>
<td></td>
<td></td>
<td>government agencies</td>
</tr>
<tr>
<td>MDA</td>
<td>• Grocery stores</td>
<td>• Licenses and inspects certain food retailers, dairies, and meat processors</td>
</tr>
<tr>
<td></td>
<td>• Bakeries</td>
<td>• Licenses and inspects food manufacturers, wholesalers, and retailers(^{19})</td>
</tr>
<tr>
<td></td>
<td>• Egg handlers</td>
<td>• Enforces Minnesota Food Laws and the Minnesota Food Code(^{20})</td>
</tr>
<tr>
<td></td>
<td>• Dairy farms</td>
<td>• Enforces state standards relating to food quality, labeling, and advertising(^{21})</td>
</tr>
<tr>
<td></td>
<td>• Delis</td>
<td>• Investigates complaints regarding questionable food products or food sales</td>
</tr>
<tr>
<td></td>
<td>• Food manufacturers</td>
<td>practices(^{22})</td>
</tr>
<tr>
<td></td>
<td>• Wholesale food dealers</td>
<td>• Cooperates in foodborne illness outbreak investigation when involving MDA-</td>
</tr>
<tr>
<td></td>
<td>• Meat &amp; poultry processors</td>
<td>regulated facilities or food that is commercially distributed in Minnesota</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Tests food products and environmental samples for the presence of pathogens</td>
</tr>
<tr>
<td></td>
<td></td>
<td>or deleterious substances</td>
</tr>
</tbody>
</table>

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 limited number of municipalities, including the authority to license food establishments and oversee food safety requirements (this authority is referred to as “delegated authority,” because the Minnesota Department of Agriculture or Minnesota Department of Health must delegate powers to the specific municipality). Municipal governments also have the authority to establish zoning and permitting requirements through their municipal code to impact different aspects of the food system.

At this time, the City of Mendota Heights 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 Mendota Heights 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.\textsuperscript{\textdagger} Minnesota state law gives statutory cities\textsuperscript{§} explicit authority to regulate a wide range of areas, including:\textsuperscript{\textcircled{26}}

- 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.”\textsuperscript{\textcenternot27} 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…”\textsuperscript{\textcircled{28}} 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.”\textsuperscript{\textcircled{29}}

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. Mendota

\textsuperscript{\textdagger} 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.

\textsuperscript{§} 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.
Mendota Heights does not require general business licensing or registration for all businesses. However, Mendota Heights has established business licensing requirements for a number of other businesses that are outside the scope of this project.\textsuperscript{30}

**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.”\textsuperscript{31} 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.

Mendota uses permits to govern a wide range of activities, as found on their website at: http://www.mendota-heights.com/index.asp?Type=B_BASIC&SEC={0695FF39-8A54-4E27-943A-EC6E01639A4F}.

**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.\textsuperscript{32} This includes the authority to prepare, adopt and amend a comprehensive municipal plan as well as the official controls to implement that plan. Mendota Heights has the authority to conduct planning and enact zoning ordinances.\textsuperscript{33}

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. Mendota’s municipal code is silent as to uses not addressed in the municipal code.
Comprehensive Planning

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

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

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

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

The Metropolitan Land Planning Act requires every local government – counties, cities, and towns – in the “metropolitan area” to develop a comprehensive plan, and to systematically review it every ten years. This “decennial review” is a multilayered process, and begins several years before the actual deadline; the next review is due in 2018. Mendota Heights 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 Mendota Heights’ comprehensive plan is outside the scope of this project. However, any effort to increase access to healthy food in Mendota Heights 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 Mendota Heights’ municipal code is essential to ensure the comprehensive plan reflects the broader needs of the community to have access to healthy, affordable food. Mendota Heights’ current comprehensive plan that is under review is available on the city’s website: http://www.mendota-heights.com/index.asp?Type=B_BASIC&SEC=%7B11B331B5-D1A2-496E-868D-4021E614AFC4%7D
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.43

Mendota Heights has established the following zoning districts:44

<table>
<thead>
<tr>
<th>“R” Residence Districts</th>
<th>“C” Commercial Districts</th>
<th>“I” Industrial Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-1 One-family residential district</td>
<td>B-1 Limited business district</td>
<td>I, Industrial district</td>
</tr>
<tr>
<td>R-1A One-family residential district</td>
<td>B-1A Business park district</td>
<td></td>
</tr>
<tr>
<td>R-1B One-family residential district</td>
<td>B-2 Neighborhood business district</td>
<td></td>
</tr>
<tr>
<td>R-1C One-family residential district</td>
<td>B-3 General business district</td>
<td></td>
</tr>
<tr>
<td>R-2 Medium density residential district</td>
<td>B-4 Shopping center district</td>
<td></td>
</tr>
<tr>
<td>R-3 High density residential district</td>
<td>LB-PUD Limited business planned unit development district</td>
<td></td>
</tr>
<tr>
<td>MR-PUD Medium density residential planned unit development district</td>
<td></td>
<td></td>
</tr>
<tr>
<td>HR-PUD High density residential planned unit development district</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MU-PUD Mixed use planned unit development district</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Variances and Conditional Use Permits

Local governments that have enacted zoning ordinances also use variances and conditional use permits as mechanisms for 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. 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. Mendota Heights provides additional clarification about variances and conditional uses as follows.

Municipal Definitions

★ **Variance.** The council may grant variances from the strict application of the provisions of this chapter and impose conditions and safeguards in the variances so granted in cases where there are practical difficulties in carrying out the strict letter of the regulations of this chapter. "Practical difficulties", as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by this chapter; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the neighborhood. Economic considerations alone do not constitute practical difficulties.

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

★ **Conditional use.** Either a public or private use which, because of its unique characteristics, cannot be properly classified as a permitted use in any particular district or districts.

Additional information: Variances

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


See also League of Minnesota Cities’ information memo Land Use Variances.

http://www.lmc.org/media/document/1/landusevariances.pdf?inline=true

Additional information: Conditional Use Permits

See League of Minnesota Cities’ information memo, Land Use Conditional Use Permits.

http://www.lmc.org/media/document/1/conditionalusepermits.pdf?inline=true
Regulating Structures

A wide range of built structures is 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 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.

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

**Municipal Definitions**

★ **Accessory use or structure.** A use or structure subordinate to and serving the principal use or structure on the same lot and customarily incidental thereto.  

★ **Use.** The purpose or activity for which the land or building thereon is designated, arranged, or intended, or for which it is occupied or maintained and shall include any manner of performance of such activity with respect to the performance standards of this chapter.

Mendota Heights’ municipal code requires a building permit for all structures in accordance with the building code. Mendota Heights does not require zoning permits for buildings?


For more information:

- City specific information may be obtained from the city’s municipal building official
- More information on Mendota Heights’ regulation of accessory buildings and structures is discussed in Appendix B, below.
GROWING FOOD

Subsections:

1. Gardening
2. Farming
3. Keeping Animals (including Bees, Chickens, and Chicken Coops)
4. Fences
5. Arbor, Trellises, Pergolas, Planting Boxes, and Raised Beds
6. 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 May 19, 2015.

★ **Market garden.** Not defined by municipal code as of May 19, 2015.

★ **Truck garden.** Not defined by municipal code as of May 19, 2015.

★ **Agriculture-Urban.** An area less than five (5) contiguous acres which is used for the purpose of growing produce including crops, fruits, trees, shrubs, plants and flowers, vegetables, and the like, provided such produce is intended solely for the use of residents on the property or sale away from the property. It shall not include the raising of animals, roadside stands for sale of products, processing or packaging operations, or similar uses. 61

★ **Landscaping.** Plantings such as trees, grass and shrubs. 62

★ **Weeds.** All grasses, annual or perennial plants and vegetation, other than trees or shrubs. This term shall not include cultivated lawns, flowers and gardens. 63

★ **Right of way.** The privilege of the immediate use of the roadway or other property. 64

★ **Conditional use.** Either a public or private use which, because of its unique characteristics, cannot be properly classified as a permitted use in any particular district or districts. 65

★ **Conditional use permit.** A permit specially and individually granted for a conditional use in any district. 66

Does the municipal code require a permit or license?

The City does not require a permit or license to operate a garden unless the use is not allowed within a district.

What are the relevant regulations?

Generally, gardening is only allowed in residential districts, see list below. However, if the use is not specifically restricted, a conditional use permit or variance may be requested for the use.
While Mendota Heights has a definition for agriculture-urban, this term is not used in the municipal code.

Gardening is permitted in the following zones:

<table>
<thead>
<tr>
<th>Zone</th>
<th>Accessory Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-1 One-Family Residential</td>
<td>Permitted Accessory Use: Gardening and other horticultural uses where no sale of products is conducted on the premises.</td>
</tr>
<tr>
<td>R-1A One-Family Residential</td>
<td>Permitted Accessory Use: Gardening and other horticultural uses where no sale of products is conducted on the premises.</td>
</tr>
<tr>
<td>R-1B One Family Residential</td>
<td>Permitted Accessory Use: Gardening and other horticultural uses where no sale of products is conducted on the premises.</td>
</tr>
<tr>
<td>R-1C One-Family Residential</td>
<td>Permitted Accessory Use: Gardening and other horticultural uses where no sale of products is conducted on the premises.</td>
</tr>
<tr>
<td>R-2 Medium Density Residential</td>
<td>Permitted Accessory Use: Gardening and other horticultural uses where no sale of products is conducted on the premises.</td>
</tr>
<tr>
<td>R-3 High Density Residential</td>
<td>Permitted Accessory Use: Gardening and other horticultural uses where no sale of products is conducted on the premises.</td>
</tr>
<tr>
<td>W Wetlands District - Overlay</td>
<td>Permitted as per underlying Zoning District - Grazing, farming, nurseries, gardening, and harvesting of crops.</td>
</tr>
<tr>
<td>R-1 One-Family Residential</td>
<td>Permitted Accessory Use: Gardening and other horticultural uses where no sale of products is conducted on the premises.</td>
</tr>
</tbody>
</table>

**Farming**

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

★ Farm. Not defined by municipal code as of May 18, 2015.

★ Agricultural, urban. An area less than five (5) contiguous acres which is used for the purpose of growing produce including crops, fruits, trees, shrubs, plants and flowers, vegetables, and the like, provided such produce is intended solely for the use of residents on the property or sale away from the property. It shall not include the raising of animals, roadside stands for sale of products, processing or packaging operations, or similar uses.⁷⁵

Does the municipal code require a permit or license?

No.

What are the relevant regulations?

Farms may be allowed under the farming operations exception.⁷⁶ To qualify under the farming operation exceptions, the farm must have been in operation prior to the dissolution of the farm residence district and it must not be a commercial animal or fur farm or a poultry farm.⁷⁷

The City allows limited sales of agricultural products grown on a premises to also be sold on the farm premises from a roadside stand.⁷⁸

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

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

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

Municipal Code Definitions

★ Farm animals. Not defined by municipal code as of May 18, 2015.
★ **Animals, Food.** Fish, fowl, cattle, swine, sheep and others typically raised for purposes of food consumption, with the exception of bees where specifically allowed by the zoning districts.\(^79\)

★ **Animals, Fur.** Animals raised for pelts.\(^80\)

★ **Chicken.** Not defined by municipal code as of May 18, 2015.

★ **Rooster.** Not defined by municipal code as of May 18, 2015.

★ **Bee.** Not defined by municipal code as of May 18, 2015.

★ **Chicken coop.** Not defined by municipal code as of May 18, 2015.

★ **Chicken run.** Not defined by municipal code as of May 18, 2015.

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

Mendota Heights’ municipal code requires a building permit for all structures in accordance with the building code.\(^81\)

**What are the relevant regulations?**

Farm animals may be allowed under the farming operations exception.\(^82\) To qualify under this exception, the farm must have been in operation prior to the dissolution of the farm residence district, and it must not be a commercial animal or fur farm or a poultry farm.\(^83\)

Bees are allowed in the R-1 one-family residential district as a permitted accessory use on parcels of fifty acres or more.\(^84\) Mendota Heights’ municipal code does not specifically address chickens but does allow farm animals on grandfathered farming operations, as identified above.\(^85\)

While there are specific provisions governing the keeping of bees, the municipal code does not have specific provisions for chickens or chicken coops

**Fences**

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

★ **Fence.** Any partition, structure, wall or gate erected as a dividing marker, barrier, or enclosure.86

★ **Fence height.** Height: Fence height shall be measured at a point six inches (6") below the top of the supporting posts. No fence or material between posts shall be permitted to be greater in height than the highest post on either side of said fence material.87

★ **Structure.** Anything constructed or erected, the use of which requires location on the ground, or attached to something having a location on the ground. This shall include signs and fences.88

Does the municipal code require a permit or license?

Yes, a Building Permit is required for the construction of fences greater than six feet in height.89

Please visit the following link for a copy of the permit application: [http://www.mendota-heights.com/vertical/sites/%7BA0FB05B5-4CF8-4485-84AA-0C48D0BC98D7%7D/uploads/Fence_Permit(1).pdf](http://www.mendota-heights.com/vertical/sites/%7BA0FB05B5-4CF8-4485-84AA-0C48D0BC98D7%7D/uploads/Fence_Permit(1).pdf)

What are the relevant regulations?

Mendota Heights has established several municipal provisions that apply to fences in residential districts, including:

- In residential front yards, fences shall not exceed 36 inches in height.90
- Barbed wire fences may not be within three feet of any public sidewalk.91

Mendota Heights has established landscaping requirements that address nuisance fences.92

In addition, residential yards and open space requirements may have implication on the location of fences on residential lots.93

Additional resources

Handout from the city outlining residential fence requirements, including: permit, height, and setbacks (available at: [http://www.mendota-heights.com/vertical/sites/%7BA0FB05B5-4CF8-4485-84AA-0C48D0BC98D7%7D/uploads/Fence_Permit(1).pdf](http://www.mendota-heights.com/vertical/sites/%7BA0FB05B5-4CF8-4485-84AA-0C48D0BC98D7%7D/uploads/Fence_Permit(1).pdf)).

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

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

**Municipal Code Definitions**

- **Arbor.** Not defined by municipal code as of May 18, 2015.
- **Pergola.** Not defined by municipal code as of May 18, 2015.
- **Trellis.** Not defined by municipal code as of May 18, 2015.
- **Planting box.** Not defined by municipal code as of May 18, 2015.
- **Raised plant bed.** Not defined by municipal code as of May 18, 2015.

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

No.

**What are the relevant regulations?**

These types of structures may fall under “decorative landscape features” which are permitted as an accessory use in residential and business districts as follows:

<table>
<thead>
<tr>
<th>District</th>
<th>Accessory Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-1 One-Family Residential</td>
<td>Permitted Accessory Use: Decorative landscape features.(^{94})</td>
</tr>
<tr>
<td>R-1A One-Family Residential</td>
<td>Permitted Accessory Use: Decorative landscape features.(^{95})</td>
</tr>
<tr>
<td>R-1B One Family Residential</td>
<td>Permitted Accessory Use: Decorative landscape features.(^{96})</td>
</tr>
<tr>
<td>R-1C One-Family Residential</td>
<td>Permitted Accessory Use: Decorative landscape features.(^{97})</td>
</tr>
<tr>
<td>R-2 Medium Density Residential</td>
<td>Permitted Accessory Use: Decorative landscape features.(^{98})</td>
</tr>
<tr>
<td>R-3 High Density Residential</td>
<td>Permitted Accessory Use: Decorative landscape features.(^{99})</td>
</tr>
<tr>
<td>B-1 Limited Business</td>
<td>Permitted Accessory Use: Decorative landscape features.(^{100})</td>
</tr>
<tr>
<td>B-1A Business Park</td>
<td>Permitted Accessory Use: Decorative landscape features.(^{101})</td>
</tr>
<tr>
<td>B-2 Neighborhood Business</td>
<td>Permitted Accessory Use: Decorative landscape features.(^{102})</td>
</tr>
<tr>
<td>B-3 General Business</td>
<td>Permitted Accessory Use: Decorative landscape features.(^{103})</td>
</tr>
<tr>
<td>B-4 Shopping Center District</td>
<td>Permitted Accessory Use: Decorative landscape features.(^{104})</td>
</tr>
</tbody>
</table>

The code does not address planting boxes or raised beds on lots generally.

See section on “Gardening” for applicable municipal code.
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.** Not defined by municipal code as of May 18, 2015.

★ **Hoop house.** Not defined by municipal code as of May 18, 2015.

★ **High tunnel.** Not defined by municipal code as of May 18, 2015.

Does the municipal code require a permit or license?

Yes. Mendota Heights’ municipal code requires a building permit for all structures in accordance with the building code, which applies to structures over 120 square feet.\(^{105}\)

Please visit the following link for more information: [http://www.mendota-heights.com/vertical/sites/%7BA0FB05B5-4CF8-4485-84AA-0C48D0BC98D7%7D/uploads/AccessoryBuildingPermit2015.pdf](http://www.mendota-heights.com/vertical/sites/%7BA0FB05B5-4CF8-4485-84AA-0C48D0BC98D7%7D/uploads/AccessoryBuildingPermit2015.pdf)

What are the relevant regulations?

Commercial greenhouses are permitted in the B-3 General Business District.\(^{106}\)

The municipal code is silent about 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.

From the City’s website:

*The best way to find out if you need a permit is to call City Hall at (651) 452-1850 and ask to speak with the Building Official to discuss your plans. It is important to consult the Building Official before you begin construction to determine whether you need a permit. If a permit is not needed, the Building Official will answer your construction questions and may provide valuable advice.*

**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.” For more information about those regulations, visit: [http://www.minneapolismn.gov/sustainability/homegrown/WCMS1P-130152](http://www.minneapolismn.gov/sustainability/homegrown/WCMS1P-130152).

**Shed**

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

**Municipal Code Definitions**

- **Accessory Use or Structure.** A use or structure subordinate to and serving the principal use or structure on the same lot and customarily incidental thereto.

- **Shed.** Not defined by municipal code as of May 18, 2015.
**Recreation Equipment.** Play apparatus such as swing sets and slides, sandboxes, poles for nets, picnic tables, lawn chairs, barbecue stands, and similar apparatus but not including tree houses, swimming pools, playhouses exceeding twenty five (25) square feet of floor area, or sheds utilized for storage of equipment.\(^\text{110}\)

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

Yes. Mendota Heights’ municipal code requires a building permit for structures over 120 square feet.\(^\text{111}\)

Please visit the following link for more information: [http://www.mendota-heights.com/vertical/sites/%7BA0FB05B5-4CF8-4485-84AA-0C48D0BC98D7%7D/uploads/AccessoryBuildingPermit2015.pdf](http://www.mendota-heights.com/vertical/sites/%7BA0FB05B5-4CF8-4485-84AA-0C48D0BC98D7%7D/uploads/AccessoryBuildingPermit2015.pdf)

**What are the relevant regulations?**

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

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

From the City’s website:

*The best way to find out if you need a permit is to call City Hall at (651) 452-1850 and ask to speak with the Building Official to discuss your plans. It is important to consult the Building Official before you begin construction to determine whether you need a permit. If a permit is not needed, the Building Official will answer your construction questions and may provide valuable advice.*\(^\text{112}\)
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.\(^{113}\) The Minnesota Department of Agriculture has issued rules governing a wide range of food processing activities.\(^{114}\) The Minnesota Department of Agriculture generally incorporates applicable regulations from the U.S. Food and Drug Administration’s regulations into Minnesota’s legal requirements. While some local Minnesota municipalities may have limited authority over food processing facilities in their jurisdiction, local authority is limited to those powers delegated to the local government by MDA.

**State Law Definitions**

*Food processing plant.* [A] commercial operation that manufactures, packages, labels, or stores food for human consumption and does not provide food directly to a consumer. Food processing plant does not include a food establishment as defined in subpart 35.\(^{115}\)

**Municipal Code Definitions**

*Food processor.* Not defined by municipal code as of May 19, 2015.

Does the municipal code require a permit or license?

No.

What are the relevant regulations?

While Mendota Heights does not have any regulations specifically targeting food processing facilities, a food processing facility would likely fall into one of Mendota Heights’ zoning districts, such as Mendota Heights’ commercial or industrial zoning districts.\(^{116}\)

**Additional Resources**

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

- 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).

GETTING FOOD

Subsections:

1. Selling Products of a Farm or Garden
2. Farmers’ Markets
3. Restaurants
4. Mobile Food Manufacturing and Vending Vehicles
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 venues involved in providing food to consumers, including retail food sales and prepared food sold to customers to be consumed onsite. Minnesota state law gives authority to regulate different types of food establishments and food and beverage service establishments to the Minnesota Departments of Health and Agriculture, depending on different characteristics established by state law. Minnesota state law and Mendota Heights 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.\(^\text{120}\)

**Municipal Code Definitions**

**Food Establishment.** Not defined by municipal code as of October 12, 2015.

**Food and Beverage Service Establishment.** Not defined by municipal code as of October 12, 2015.

For many communities, policies at the local level can help increase access to healthy, affordable food. For example, cities can change zoning and licensing laws to make it easier to establish and operate new grocery stores and farmer’s markets. This section provides a focused look at a range of food establishments and food and beverage service establishments to explore how state law and Mendota Heights 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.”\(^\text{121}\) 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).

In addition, information about some recent changes to Minnesota state law not included in these resources has been provided in Appendix G: State Exemptions from State Food Handlers Licensing Requirements, below.
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 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 May 19, 2015.
- ★ **Roadside stand.** Not defined by municipal code as of May 19, 2015.

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

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

**What are the relevant regulations?**

The City allows limited sales of agricultural products grown on grandfathered farming operations to be sold on the premises from a roadside stand without a permit or license. The stand cannot be larger than one-story or 500 square feet of floor space. In addition, it must be setback from the street line by at least 50 feet.

---

†† Roadside stands for the sale of agricultural products are not considered within the definition of Agricultural – Urban. **AGRICULTURE-URBAN: An area less than five (5) contiguous acres which is used for the purpose of growing produce including crops, fruits, trees, shrubs, plants and flowers, vegetables, and the like, provided such produce is intended solely for the use of residents on the property or sale away from the property. It shall not include the raising of animals, roadside stands for sale of products, processing or packaging operations, or similar uses.** MENDOTA HEIGHTS, MINN., CODE, § 12-1B-2 (2014).
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.)

★ **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.

★ **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.

Municipal Code Definitions

★ **Farmers’ market.** Not defined by municipal code as of May 19, 2015.

Does the municipal code require a permit or license?

No.
What are the relevant regulations?

Farmers markets are not addressed in the municipal code. In addition transient merchants are not permitted in the City with the exception of those selling products grown, produced, cultivated or raised on any farm.130

See Transient Merchant Section for more detail.

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.

Restaurants

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, Mendota Heights does not have delegated authority from MDH. However, Mendota Heights 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. 131

Municipal Code Definitions

★ Restaurant, Cafeteria. Food is selected by a customer while going through a serving line and taken to a table for consumption. 132

★ Restaurant, Drive-in. Most customers purchase and consume their food while in an automobile. 133

★ Restaurant, Traditional. Food is served to a customer and consumed while seated at a counter or table. 134

★ Restaurant, Fast Food. A majority of customers order and are served their food at a counter, and then the food is taken to a table or counter where it is consumed, however, a significant number of people may take the food outside to eat in an automobile or off the premises. 135

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

No, the City does not require a license for restaurants or businesses generally. 136

What are the relevant regulations?

Restaurants are permitted in four zoning districts:

<table>
<thead>
<tr>
<th>B-2 Neighborhood Business District</th>
<th>Permitted uses: Bakery good sales and baking of goods for retail sales on premises, Candy, ice cream, popcorn, nuts, frozen dessert and soft drink shop, but not of the drive-in type, delicatessen and/or dairy store, restaurant, cafe, tearoom, traditional, with no drive-in or fast food facility.</th>
</tr>
</thead>
<tbody>
<tr>
<td>B-3 General Business District</td>
<td>Permitted uses: . . . B-2 neighborhood business district uses as permitted in subsections . . . 12-1F-3A, . . ., of this article, without limitation as to scale. (Bakery good sales and baking of goods for retail sales on premises, Candy, ice cream, popcorn, nuts, frozen dessert and soft drink shop, but not of the drive-in type, delicatessen and/or dairy store, restaurant, cafe, tearoom, traditional, with no drive-in or fast food facility.)</td>
</tr>
</tbody>
</table>
Mendota Heights has established several sets of code provisions that apply to different food establishments by zoning district, including:

- Conditional use permit requirements for any drive-in and fast food restaurants, and
- Off street parking requirements

Mendota Heights’ municipal code also includes some additional provisions regarding signs that may apply to restaurants. (See “Displaying Signs” discussion, below).

**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

---

‡‡ 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.
(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.\textsuperscript{143}

★ **Food cart** means a food and beverage service establishment that is a nonmotorized vehicle self-propelled by the operator.\textsuperscript{144}

★ **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.\textsuperscript{145}

★ **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.\textsuperscript{146}

★ **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.\textsuperscript{147}

**Municipal Code Definitions**

★ **Food cart.** Not defined by municipal code as of May 20, 2015.

★ **Food stand.** Not defined by municipal code as of May 20, 2015.

★ **Mobile food truck.** A motorized vehicle or pushcart that is designed and operated for the purpose of preparing and or selling food and non-alcoholic beverages to the general public within the Industrial Zoning District or as set forth in 3-3-6(D) of this Chapter.\textsuperscript{148}

★ **Transient merchant.** Any person, firm or corporation, who temporarily sets up business out of a vehicle, trailer, boxcar, tent, other portable shelter, or empty store front for the purpose of exposing or displaying for sale, selling or attempting to sell, and delivering goods, wares, products, merchandise, or other personal property and who does not remain in any one location for more than fourteen (14) consecutive days.\textsuperscript{149}

★ **Vendor.** A person who hawks, peddles, sells or offers food for sale.\textsuperscript{150}

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

Yes, mobile food vendors are required to register with the City. An annual registration is required for each property on which the vendor operates.
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?

Mendota Heights allows food trucks in the following zoning districts:

<table>
<thead>
<tr>
<th>Industrial District</th>
<th>Mobile food truck vendors may operate within the following zoning district(s): I-Industrial.¹⁵³</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other Districts</td>
<td>Special events proposed to be located in non-industrial zones of the City may use mobile food trucks upon registration with the City. Said events shall occur no more frequently than one time per year. These events must be in compliance with all criteria outlined in Sections A and B above, but changes in the hours of operation may be considered. Any permission for special event mobile food trucks may be granted by the City Administrator.¹⁵⁴</td>
</tr>
</tbody>
</table>

Mobile food truck vendors must comply with the following requirements:

- Insurance,
- Hours of operation from 9:00 am to 2:00 pm,
- Vendors must be parked on private property,
- Vendors may not advertise on-site except restricted advertising on the vehicle itself.¹⁵⁵

Additional Resources

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

Transient Merchant

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

Minnesota State Legal Definitions

★ Transient merchant. The term " transient merchant" includes any person, individual, copartnership, limited liability company, and corporation, both as principal and agent, who engage in, do, or transact any temporary and transient business in this state, either in one locality, or in traveling from place to place in this state, selling goods, wares, and merchandise; and who, for the purpose of carrying on such business, hire, lease, occupy, or use a building, structure, vacant lot, or railroad car for the exhibition and sale of such goods, wares, and merchandise. The term " transient merchant" does not include a seller or exhibitor in a firearms collector show involving two or more sellers or exhibitors.156

Municipal Code Definitions

★ Transient merchant. Any person, firm or corporation, who temporarily sets up business out of a vehicle, trailer, boxcar, tent, other portable shelter, or empty store front for the purpose of exposing or displaying for sale, selling or attempting to sell, and delivering goods, wares, products, merchandise, or other personal property and who does not remain in any one location for more than fourteen (14) consecutive days.157

Does the municipal code require a permit or license?

No, the City currently only requires a license for the following business categories: alcoholic beverages sales, tobacco sales, mobile food trucks, building contractors, single-family rental housing in the R-1 One-Family Residential Zoning District, and therapeutic massage enterprises.158

State law makes it unlawful to conduct business as a transient merchant without first obtaining a license or permit.159

What are the relevant regulations?

Transient merchants are not permitted in the City with the exception of those selling products grown, produced, cultivated or raised on any farm.160
**Grocery Store**

Grocery stores must comply with the Minnesota state food safety requirements established in Minnesota law and other legal requirements governing food establishments and food and beverage service establishments if the grocery store serves prepared food.\(^{161}\) 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.

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.”

**Minnesota State Legal Definitions\(^8\)**

★ **Food establishment\(^{162}\)**

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 May 21, 2015.

\(^8\) 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.
**Retail Establishment.** Any place of business where tobacco, tobacco products, tobacco related devices, or nicotine or lobelia delivery devices are available for sale to the general public. The phrase shall include, but not be limited to, grocery stores, convenience stores, restaurants, and drugstores. [Tobacco Sales Definitions] 163

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

No. 164

**What are the relevant regulations?**

Four zoning districts allow grocery stores.

<table>
<thead>
<tr>
<th>District</th>
<th>Permitted uses: Bakery good sales and baking of goods for retail sales on premises, delicatessen and/or dairy store, grocery or convenience store.</th>
</tr>
</thead>
<tbody>
<tr>
<td>B-2 Neighborhood Business District</td>
<td></td>
</tr>
<tr>
<td>B-3 General Business District</td>
<td></td>
</tr>
<tr>
<td>B-4 Shopping Center District</td>
<td></td>
</tr>
<tr>
<td>Industrial District</td>
<td>Conditional Use: Bakery good sales and baking of goods for retail sales on premises, delicatessen and/or dairy store, grocery or convenience store located in a retail sales and service complex.</td>
</tr>
</tbody>
</table>

In addition, the City has general off street parking requirements, including minimum number of spaces that apply to businesses such as grocery stores, restaurants, and retail sales. 169

**Additional Resources**

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

Displaying Signs

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

Municipal Code Definitions

★ **Sign.** Any written announcement, declaration, demonstration, display, illustration, insignia or illumination used to advertise or promote the interest of any person when the same is placed out of doors or displayed in view of the general public and shall include every detached sign or billboard and every sign attached to or forming a component part of a building, marquee, canopy, awning, street clock, pole, parked vehicle or other object, whether stationary or movable. However, a "sign" shall not include any display of traffic directional signs, street name signs or other signs which have been authorized and erected by a government body.\(^\text{170}\)

★ **Sign, advertising (billboard).** A sign which directs attention to a business, commodity, service, or entertainment not exclusively related to the premises where such sign is located or to which it is affixed.\(^\text{171}\)

★ **Sign, Business.** A sign which directs attention to a business or profession conducted or to a commodity, service, or entertainment sold or offered on the premises on which such sign is located or to which it is affixed.\(^\text{172}\)

★ **Sign, cross area of.** The area within the frame shall be used to calculate the square feet; except, that the width of the frame exceeding twelve inches (12") shall constitute advertising space, or should such letters or graphics be mounted directly on a wall or fascia or in any such way as to be without a frame, the dimensions for calculating the square footage shall be the area extended six inches (6") beyond the periphery formed around such letters or graphics bounded by straight lines connecting the outermost points thereof, and each surface utilized to display a message or to attract attention shall be measured as a separate sign.\(^\text{173}\)

★ **Sign, temporary.** A sign allowed for a period of ninety (90) days or less.\(^\text{174}\)

Does the municipal code require a license or permit?

Yes, a building permit is required for signs.\(^\text{175}\)

The 2015 sign permit application is available online, here: [http://www.mendota-heights.com/vertical/sites/%7BA0FB05B5-4CF8-4485-84AA-0C48D0BC98D7%7D/uploads/Sign_Permit%281%29.pdf](http://www.mendota-heights.com/vertical/sites/%7BA0FB05B5-4CF8-4485-84AA-0C48D0BC98D7%7D/uploads/Sign_Permit%281%29.pdf).
What are the relevant regulations?***

Signs are permitted as an accessory use in all zoning districts.176

The City has established numerous restrictions on signage, including:

- Signs are not permitted in right of ways without a conditional use permit;
- Restrictions on illuminated and animated signs;
- Limits on temporary signs; and
- Setbacks for signs in residential zones.177

Restrictions vary depending on zoning district.178

Parking

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

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

Municipal Code Definitions

- **Parking space.** A surfaced and maintained area (9 by 20 feet) for the storage of one standard automobile.179

Does the municipal code require a license or permit?

No.

*** 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.
What are the relevant regulations?

Mendota Heights has specific parking requirements for drive-through and fast food restaurants.\textsuperscript{180}

In addition, the City has general off street parking requirements, including minimum number of spaces that apply to businesses such as grocery stores, restaurants, and retail sales.\textsuperscript{181}
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 by municipal code as of May 20, 2015.

Does the municipal code require a permit or a license?

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

What are the relevant regulations?

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

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

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


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. 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 comports waste for its individual business or industrial activities or consolidates compost from other businesses or facilities. Laws governing composting activities, at both the state and municipal level, generally depend on the type of composting activity – whether the composting is for an individual household or a larger facility.

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

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

- Odors
- Design requirements
- Discharge and surface water drainage runoff
- Operation requirements (i.e., staff training)
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, apartment building, or a single commercial office, a member of which is the owner, occupant, or lessee of the property. 184

★ **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. 185

★ **Composting.** (State Definition) The controlled microbial degradation of organic waste to yield a humus like product. 186

★ **Operator.** (State Definition) The person or persons responsible for the operation of a facility. 187

★ **Owner or facility owner.** (State Definition) The person or persons who own a facility or part of a facility. 188

Municipal Code Definitions:

★ **Composting.** Not defined by municipal code as of May 20, 2015.

★ **Kitchen waste.** Not defined by municipal code as of May 20, 2015.

★ **Other Refuse.** Includes all organic material resulting from the manufacture, preparation, or serving of food or food products, and spoiled, decayed or waste foods from any source, nonrecyclable bottles, cans, glassware, paper or paper products, crockery, ashes, rags and discarded clothing, tree or lawn clippings, leaves, weeds, and other waste products, except human waste or waste resulting from building construction or demolition. 189

★ **Yard waste.** Leaves and grass clippings or other materials as may be defined by council resolution. 190

Does the municipal code require a permit or license?

No.

What are the relevant regulations?

Yard waste that is privately composted is exempt from licensing requirements for municipal solid waste collection. 191
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.** All putrescible waste matter or material of every kind, including animal offal and carcasses of dead animals but excluding human excreta, sewage and other water carried wastes. 192

- **Other refuse.** Includes all organic material resulting from the manufacture, preparation, or serving of food or food products, and spoiled, decayed or waste foods from any source, nonrecyclable bottles, cans, glassware, paper or paper products, crockery, ashes, rags and discarded clothing, tree or lawn clippings, leaves, weeds, and other waste products, except human waste or waste resulting from building construction or demolition. 193

- **Municipal Solid Waste.** Garbage, other refuse, and other solid waste from residential, commercial, industrial, and community activities which is generated and collected in aggregate, but excluding auto hulks or construction debris, mining waste, sludges, household hazardous waste, tree and agricultural wastes, tires, lead acid batteries, used oil, yard waste, and other materials collected, processed and disposed of as separate waste streams. 194
★ Recyclables or recyclable materials. Aluminum and steel beverage cans, plastic beverage bottles, scrap metal, tin cans, glass bottles and jars, newsprint, mixed paper and cardboard.  

★ Targeted recyclables. Metal beverage containers, glass, newsprint, or other materials as may be defined by council resolution.  

★ Yard waste. Leaves and grass clippings or other materials as may be defined by council resolution.  

★ Residential units. Any single building consisting of one through four (4) dwelling units with individual kitchen facilities for each.  

★ Multiple residential dwelling. Any building used for residential purposes consisting of more than four (4) dwelling units with individual kitchen facilities for each.  

★ Commercial establishment. Any premises where a commercial or industrial enterprise of any kind is carried on, and shall include restaurants, clubs, churches, and schools where food is prepared or served.  

Does the municipal code require a permit or license?

A permit or license is not required to dispose of garbage or to recycle as long as the individual is doing so for his or her own residential or business property.  

What are the relevant regulations?

The City requires that solid waste, recyclables, and yard waste must be disposed of cannot be unreasonably accumulated.
APPENDICES
## APPENDIX A: SEARCH TERMS

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

Those interested in constructing an accessory building or structure should be aware that the City has established some height and set back requirements.\(^{203}\) In addition, the city limits the total number of square feet of accessory building space a property may have.\(^{204}\)

**Municipal Code of Ordinances:**

Those interested in constructing an accessory building or structure should be aware that the City has established some height and set back requirements.

**Title 12–Zoning**

<table>
<thead>
<tr>
<th>Zone</th>
<th>Permitted Accessory Use</th>
<th>Conditional Accessory Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-1 One-Family Residential</td>
<td>Yes, See 12-1D-3(C)(2)</td>
<td></td>
</tr>
<tr>
<td>R-1A One-Family Residential</td>
<td>Yes, See 12-1D-3(C)(2)</td>
<td></td>
</tr>
<tr>
<td>R-1B One Family Residential</td>
<td>Yes, See 12-1D-3(C)(2)</td>
<td></td>
</tr>
<tr>
<td>R-1C One-Family Residential</td>
<td>Yes, See 12-1D-3(C)(2)</td>
<td></td>
</tr>
<tr>
<td>R-2 Medium Density Residential</td>
<td>Yes, See 12-1D-3(C)(2)</td>
<td></td>
</tr>
<tr>
<td>R-3 High Density Residential</td>
<td>Yes, See 12-1D-3(C)(2)</td>
<td></td>
</tr>
<tr>
<td>B-1 Limited Business</td>
<td></td>
<td>Yes, See 12-1F-1(B)</td>
</tr>
<tr>
<td>B-1A Business Park</td>
<td></td>
<td>Yes, See 12-1F-2(B)</td>
</tr>
<tr>
<td>B-2 Neighborhood Business</td>
<td></td>
<td>Yes, See 12-1F-3(B)</td>
</tr>
<tr>
<td>B-3 General Business</td>
<td></td>
<td>Yes, See 12-1F-4(B)</td>
</tr>
<tr>
<td>B-4 Shopping Center District</td>
<td></td>
<td>Yes, See 12-1F-4(F)</td>
</tr>
<tr>
<td>I Industrial</td>
<td></td>
<td>Yes, See 12-1G-2</td>
</tr>
<tr>
<td>FW Floodway District</td>
<td></td>
<td>Yes, See 12-7-4(B)</td>
</tr>
<tr>
<td>FF Flood Fringe District - Overlay</td>
<td>Permitted as per underlying Zoning District</td>
<td>Permitted as per underlying Zoning District</td>
</tr>
</tbody>
</table>

Section 12-1D-3: ACCESSORY STRUCTURES:

**A. Definitions:**

**ACCESSORY USE OR STRUCTURE:** A use or structure subordinate to and serving the
principal use or structure on the same lot and customarily incidental thereto.

GARAGE, PRIVATE: A detached accessory building or portion of the principal building, including a carport, which is used primarily for storing passenger vehicles, trailers or one truck of a rated capacity not in excess of one and one-half (1½) tons.

GARAGE, PUBLIC: A building or portion of a building used for the storage of vehicles for remuneration or gratis.

B. Accessory Structures In All Zoning Districts:

1. Setbacks:

   a. Front Yard Setbacks:

      (1) No detached garage, or other accessory building, shall be located nearer the front lot line than the principal building on that lot.

      (2) No accessory structure shall be located within any front yard.

   b. Side And Rear Yard Setbacks:

      (1) Accessory structure one hundred forty four (144) square feet or less: Five feet (5’).

      (2) Accessory structure exceeding one hundred forty four (144) square feet: Ten feet (10’).

   c. Setback From Principal Building: No accessory structure shall be erected, altered, or moved within five feet (5’) of the principal building. See figure 1D-3.1 of this section.

   FIGURE 1D-3.1: ACCESSORY BUILDING SETBACK REQUIREMENTS

   [ILLUSTRATION]

2. Height:

   a. All districts: No accessory building shall exceed the height of the principal building.

   b. Residential districts: No accessory building shall exceed fifteen feet (15’) in height.

3. Time For Construction: No accessory building or structure, including parking area, shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.

4. Use Restrictions: No cellar, basement, tent, tent trailer or accessory building shall at any time be used as an occupied dwelling primarily for human habitation.
5. Subdivision: In the event that any property upon which an accessory structure or structures have been erected shall later be subdivided, then the number and size of accessory structures on the subdivided property shall conform to the requirements of this chapter, and those which do not conform shall be relocated, removed or reconstructed so that they do conform.

C. Accessory Structures In All Residential Districts:

1. Private garages in all residential districts: (Ord. 429, 8-3-2010)

   a. Number: One detached private garage, as an accessory building, and one attached private garage shall be allowed on residential property, subject to the size allowances identified in this section.

   b. Size: Size, as measured by the building footprint:

      (1) Attached Private Garage:

         (A) Up to one thousand two hundred (1,200) square feet is permitted.

         (B) More than one thousand two hundred (1,200) up to one thousand five hundred (1,500) square feet is allowed via a conditional use permit.

      (2) Single-Family Residential Parcels: Single-family residential parcels that do not have an attached garage may be allowed one detached garage up to seven hundred fifty (750) square feet as a permitted structure, or up to one thousand (1,000) square feet upon approval of a conditional use permit.

      (3) Detached Private Garage: One detached private garage may be allowed on residential property as a second garage by permitted use, or by conditional use permit, according to the following table:

<table>
<thead>
<tr>
<th>Lot Size</th>
<th>Permitted</th>
<th>Conditional Use Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.75 acre or less</td>
<td>Not allowed</td>
<td>Not allowed</td>
</tr>
<tr>
<td>&gt;0.75 acre - 1.5 acres</td>
<td>750 sq. ft.</td>
<td>1,000 sq. ft.</td>
</tr>
<tr>
<td>&gt;1.5 acres - 2.5 acres</td>
<td>1,000 sq. ft.</td>
<td>1,200 sq. ft.</td>
</tr>
<tr>
<td>&gt;2.5 acres</td>
<td>1,500 sq. ft.</td>
<td>1,800 sq. ft.</td>
</tr>
</tbody>
</table>
c. Standards For Private Garages In All Residential Districts:

(1) Floor Of A Garage: In all R districts, the floor of a garage shall be at least one and one-half feet (1 1/2') above the street grade at the curb unless a deviation is granted by the public works director upon determination that a lower elevation is appropriate. (Ord. 429, 8-3-2010)

(2) Garage Doors: No more than thirty six (36) linear feet of garage door per structure, measured horizontally, may be installed to provide access to any private garage or other accessory building space on a single- or two-family residential property. More than thirty six (36) linear feet of garage door may be provided by conditional use permit when such additional garage door exposure is not visible from a public street or from surrounding residential property. (Ord. 454, 1-7-2014)

(3) Height: No garage doors over nine feet (9') in height shall be permitted.

(4) Use: No use of the garage shall be permitted other than private residential noncommercial use. (Ord. 429, 8-3-2010)

(5) Detached Private Garages: Detached private garages must be architecturally compatible with the principal structure, including exterior design, materials and colors. (Ord. 454, 1-7-2014)

2. Accessory structures (other than detached, private garages) in all residential districts:

a. Number And Size:

(1) Accessory buildings (other than detached, private garages) shall not exceed one thousand (1,000) square feet.

(2) Property is four (4) acres or less*: One accessory structure with the area not to exceed one hundred forty four (144) square feet.

(3) Property is more than four (4) acres*: Total area cannot exceed four hundred twenty five (425) square feet, provided:

(A) No single structure shall exceed two hundred twenty five (225) square feet.

(B) No more than three (3) accessory structures may be erected.

*In computing the area of the property on which an accessory structure is to be located, any part which is a lake or a wetland, as defined in any city ordinance or by state or federal law, any part
which is subject to an easement for a street, alley or private roadway, and any part which is in the critical area and below the "bluff line", as defined in chapter 3, "Critical Area Overlay District", of this title shall be excluded.

b. Through Lots: All accessory buildings greater than one hundred forty four (144) square feet on through lots located in R districts shall require a conditional use permit.

D. Accessory Structures In Single-Family Residential Districts (R-1, R-1A, R-1B, And R-1C):

One private, single-level garage with a minimum floor area of four hundred forty (440) square feet and a maximum area of one thousand two hundred (1,200) square feet shall be required to be built concurrent with the principal structure. (Ord. 429, 8-3-2010)

Section 12-1D-4: YARDS AND OPEN SPACES:

A. Minimum Yards And Open Spaces: No yard or other open space shall be reduced in area or dimension so as to make such yard or other open space less than the minimum required by this chapter, and if the existing yard or other open space as existing is less than the minimum required, it shall not be further reduced.

B. Satisfying Requirements For Other Buildings Prohibited: No required yard or other open space allocated to a building or dwelling group shall be used to satisfy yard, other open spaces, or minimum lot area requirements for any other building.

C. Allowed Encroachments: The following shall not be considered to be encroachments on yard and setback requirements:

1. All yards:

   a. Belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves and the like, provided they do not extend more than one and one-half feet (1 1/2') into a yard.

   b. Yard lights and nameplate signs for one- and two-family dwellings in the R-1, R-1A and R-2 districts may be located to within five feet (5') of the front lot line.

   c. Uncovered and/or open terraces, steps, porches or decks, accessibility ramps, stoops or similar structures, which do not extend above the height of the ground floor level of the principal building and do not extend closer than two feet (2') from any lot line.

   d. Accessory structures; except, that no accessory structure shall be closer than five feet (5') from any side or rear lot line, or within any front yard; except, that where an accessory structure exceeds one hundred forty four (144) square feet, it shall not be closer than ten feet (10'). See figure 1D-4.1 of this section.

   **FIGURE 1D-4.1: ACCESSORY BUILDING SETBACK REQUIREMENTS**

   [ILLUSTRATION]
e. Lights for illuminating parking areas and loading areas for yards for safety and security purposes.

2. Front yard:

a. Covered and/or enclosed entryways (porches, decks, stoops, or similar structures) that extend into the front yard setback shall require the approval of a conditional use permit, subject to compliance with the following conditions:

(1) Such structure may not extend into the front or side yard more than five feet (5').

(2) Such structure shall be limited in size to fifty (50) square feet.

(3) Such structure may not extend above the height of the ground floor level of the principal building.

3. Side or rear yards only: Bays or building extensions are not to exceed a depth of two feet (2') nor to contain an area of more than twenty (20) square feet and walls are not to exceed a height of six feet (6') above grade, and off street parking as specified in section 12-1D-16 of this article.

4. Rear yard only: Balconies, breezeways, detached outdoor picnic shelters and recreational equipment, except as regulated hereinafter.

D. Front Yard Requirements:

1. Each lot shall have a front yard of not less than thirty feet (30') in depth facing any street or road.

2. Whenever buildings have been built on one side of the street between two (2) intersections, no building shall hereafter be erected to extend closer toward the street than the average of the required district setback and average setback of the adjoining principal structures. See figure 1D-4.2 of this section.

FIGURE 1D-4.2: FRONT YARD SETBACK REQUIREMENTS

3. In the case of a building to be erected or extended on a corner lot, the minimum front yard depth shall be increased by an amount not less than one-half \( \left( \frac{1}{2} \right) \) the depth in excess of thirty feet (30') of the front yard of the nearest building. See figure 1D-4.3 of this section.

FIGURE 1D-4.3: FRONT YARD SETBACK REQUIREMENTS - CORNER LOT

4. Subsections D2 and D3 of this section shall not be applied so as to require a front yard in excess of one-third \( \left( \frac{1}{3} \right) \) of the average depth of the lot. (Ord. 429, 8-3-2010)
Section 12-1D-5: TRAFFIC VISIBILITY:

No fences, structures, manmade berms, or plantings shall be permitted to exceed thirty six inches (36") in height above the center grade of the intersection within any front or side yard area on a corner lot which may interfere with the visibility across the corner. (Ord. 429, 8-3-2010)
APPENDIX C: REGULATIONS GOVERNING THE EXTERIOR OF STRUCTURES AND BUILDINGS

The City of Mendota Heights has not established specific regulations governing the completion of exterior work that is authorized by a building permit. The City has established property maintenance requirements that may affect accessory buildings and structures.

Finally, the City has established regulations concerning permissible materials for business and industrial districts.

Municipal Code of Ordinances:

Title 12, Chapter 5 – Zoning, Residential Property Maintenance

Section 12-5-3: BUILDING AND STRUCTURE APPEARANCE AND MAINTENANCE REQUIREMENTS:

A. Any building or structure, including an accessory structure, is a public nuisance if its exterior does not comply with the following requirements:

1. All exterior property shall be maintained in a clean, safe, and sanitary condition. The occupant shall keep that part of the exterior property, which such occupant occupies, or controls in a clean and sanitary condition.

2. All dwellings, garages and other residential accessory buildings shall have complete siding. No part of any exterior surface shall have significant deterioration including, but not limited to, holes, breaks, gaps, or loose or rotting siding. All exterior surfaces of the structure including, but not limited to, doors, door and window frames, cornices, porches and trim, shall be maintained in a good and safe condition. Exterior wood surfaces on the structures, other than decay resistant woods, stucco or other materials that do not normally require protection from the elements shall be protected from the elements and decay by staining, painting or other protective covering or treatment or other appropriate method acceptable to the city. (Ord. 401, 7-19-2005)

Title 12, Chapter 8 – Zoning, Commercial/Industrial Property Maintenance

Section 12-8-3: BUILDING AND STRUCTURE APPEARANCE AND SAFETY REQUIREMENTS:

A. Building Material Condition: Any building or structure, including retaining walls, is a public nuisance if its exterior does not comply with the following requirements:

1. All exterior property shall be maintained in a clean, safe, and sanitary condition.

2. No part of any exterior building surface shall have significant deterioration including, but not limited to, holes, breaks, gaps, or loose or rotting materials. All exterior surfaces of the structure
including, but not limited to, doors, door and window frames, cornices, porches and trim, shall be maintained in a good and safe condition. Exterior wood surfaces on the structures, other than decay resistant woods, stucco or other materials that do not normally require protection from the elements shall be protected from the elements and decay by staining, painting or other protective covering or treatment or other appropriate method acceptable to the city. With regard to broken windows, repair shall require replacement of all broken glass.

B. Premises Identification: All buildings shall have address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be arabic numerals. Numbers shall be a minimum of four inches (4") in height or larger as necessary to ensure visibility.

C. Architectural Elements: All architectural elements including, but not limited to, cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition. (Ord. 444, 11-20-2012)

Section 12-8-4: MAINTENANCE REQUIREMENTS FOR VACANT BUILDINGS:

A. Maintenance:

1. Any vacant building or structure in the city that is found by an authorized employee or agent of the city to be dangerous to public safety or health by reason of the following is hereby declared to be a public nuisance and a hazardous structure or condition:

a. Damaged by fire, storm or vandalism;

b. Defective chimneys or stovepipes;

c. Dilapidated condition or decay; or

d. Any other defect endangering the public safety or health.

2. Any vacant structure which is damaged, decayed, dilapidated, unsanitary, unsafe, vermin or rodent infested, presents environmental health risks or which lacks provisions for safe illumination, ventilation, or sanitary facilities to the extent that the defects create a hazard to the health, safety, or welfare of the public, may be declared unfit for human habitation or unsafe to the public by the city.

3. Whenever any vacant building has been declared unfit for human habitation or unsafe to the public, the city may proceed to declare the building a hazardous building or hazardous property and may seek to correct or remove the hazardous condition as authorized by Minnesota law.
B. Security Measures: Vacant buildings violating the terms of subsection A of this section shall be secured in accordance with Minnesota state statutes 463.251 and applicable building code requirements.

1. Windows and doors shall be covered to prevent entry within a frame, and with covering materials that are designed to complement or match those of the existing building.

2. Any part of the building, such as walls or roof, which is damaged in such a way as to allow possible entry, shall be repaired with materials that match the materials used for that part elsewhere on the building, and in a manner which masks the visible impression of vacancy. (Ord. 444, 11-20-2012)

Title 11, Chapter 1D – Zoning, General Zoning Requirement

Section 12-1D-13-2: ADDITIONAL REQUIREMENTS FOR ALL B AND I DISTRICTS:

A. Building Permits:

1. Where building permit applications for work on existing structures located in the B and I zoning districts are applied for, the code enforcement officer shall issue building permits upon compliance with local codes and ordinances. (Ord. 453, 6-4-2013)

B. Corner Lots: On a corner lot, each side abutting a public street shall be treated as a front yard.

C. Building Design And Construction: In addition to meeting the other requirements of this chapter and the requirements of the city building code as to structures, all buildings or structures in these districts shall meet the following standards:

1. Exterior Surfaces, Including Roofs: Buildings shall be finished on all sides with permanent finished materials of a quality consistent with the standards set in the district in which it is located. Exterior wall surfaces shall be any one or more of the following:

   a. Face brick or natural stone.

   (1) Professionally designed precast concrete units, if the surfaces have been integrally treated with an applied decorative material or texture, or

   (2) Decorative block, if incorporated in a building design which is compatible with other development throughout the district.

   b. Factory fabricated and finished metal framed modular panel construction, if the panel materials are any of those listed in subsection C1a of this section, glass, prefinished metal (other than unpainted galvanized iron) or plastic used in accordance with the building code requirements.
c. No building exterior shall be constructed of sheet aluminum, asbestos, iron, steel, or corrugated aluminum, unless specifically approved by city council.

2. Subsequent Additions And Other Structures: Subsequent additions and other buildings or structures constructed after the erection of the original building or structure shall be constructed of materials comparable in quality and appearance to those used in the original construction and shall be designed in a manner conforming with the original architectural design and general appearance.

3. Accessory Structures; Walls: Garages, accessory structures, screen walls, and exposed areas of retaining walls shall be of a similar type, quality and appearance as the principal structure.

4. Compatibility With Other Structures: All structures shall be compatible with other structures in the area.

5. Off Street Parking And Loading: Design and maintenance of off street parking and loading areas shall be in accordance with section 12-1D-16 of this article.

6. Storage Of Materials:

a. All trash and trash handling equipment shall be stored within the principal structure or within an attached structure accessible from within the principal structure.

b. There shall be no outdoor storage of either materials or products, except through the issuance of a conditional use permit and where expressly allowed in the underlying zoning district.

7. Screening Of Mechanical Utilities: Whenever possible, rooftop mechanical units shall be of low profile variety. All ground level and rooftop mechanical utilities, other than low profile rooftop units, shall be completely screened with one or more of the materials used in the construction of the principal structure. Where practicable, rooftop screening shall be accomplished through the use of parapet walls.

8. Screening Of Vehicle Lights: The light from automobile headlights and other sources shall be screened whenever it may be directed onto adjacent residential windows.
APPENDIX D: LANDSCAPE PLAN REQUIREMENTS

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

Municipal Code of Ordinances:

Title 11, Chapter 1D – Zoning, General Zoning Requirement

Section 12-1D-13-2: ADDITIONAL REQUIREMENTS FOR ALL B AND I DISTRICTS:

D. Landscaping Requirements:

1. Landscape Plan Required; Contents: Landscape plans prepared by a registered landscape architect shall be submitted as part of the application for building permit or site plan approval. Landscape plans shall be drawn to a scale of not less than one inch equals fifty feet (1” = 50’) and shall include the following information:

a. Boundary lines of the property with accurate dimensions.

b. Locations of existing and proposed buildings, parking lots, roads and other improvements.

c. Location, approximate size and common name of existing trees and shrubs.

d. Planting schedule containing symbols, quantities, common and botanical names, size of plant materials and root condition.

e. Planting details illustrating proposed locations of all new plant material.

f. Details of restoration of disturbed area including areas to be sodded or seeded.

g. Locations and details of other landscape features including berms, fences and planter boxes and all other landscaped features.

h. Location and details of irrigation systems; and details and cross sections of all required screening.

2. Minimum Area And Plant Material Required:

a. At least twenty five percent (25%) of the land area shall be landscaped with grass, approved ground cover, shrubbery and trees.

b. At least five percent (5%) of the land area within a parking area shall be landscaped.

c. The following minimum sizes shall be required at the time of planting:
Overstory deciduous trees | 2½ inches in diameter
Ornamental trees | 1½ inches in diameter
Coniferous trees | 6 feet tall
Major shrub plantings | 5 gallons

\[d. \text{ A reasonable attempt shall be made to preserve as many existing trees as is practicable and to incorporate them into the site plan.}\]

\[e. \text{ All new overstory trees shall be balled and burlapped or moved from the growing site by tree spade.}\]

\[f. \text{ All site areas not covered by buildings, sidewalks, parking lots, driveways, patios or similar hard surface materials shall be sodded, except those areas to be preserved in a natural state; provided, however, that areas reserved for future building expansions may be seeded.}\]

\[g. \text{ Not more than fifty percent (50%) of the required number of trees shall be composed of one species. No required tree shall be any of the following:}\]

\[(1) \text{ A species of the genus Ulmus (except those elms bred to be immune to Dutch elm disease).}\]

\[(2) \text{ Box elder.}\]

\[(3) \text{ A species of the genus Populus (poplar).}\]

\[(4) \text{ Female ginkgo.}\]

\[(5) \text{ Amur maple.}\]

\[(6) \text{ Norway maple.}\]

\[(7) \text{ Russian olive.}\]

\[(8) \text{ Ash.}\]

\[(9) \text{ Buckthorn.}\]

\[(10) \text{ Black locust.}\]
h. In order to provide for adequate maintenance of landscaped areas, an underground sprinkler system shall be provided as part of each new development except additions to existing structures which do not at least equal the floor area of the existing structure. A sprinkler system shall be provided for all landscaped areas except areas to be preserved in the natural state.

3. Maintenance Of Landscaping: The owner, tenant and their respective agents shall be jointly and severally responsible for the maintenance of all landscaping in a condition presenting a healthy, neat and orderly appearance and free from refuse and debris. Plants and ground cover which are required by an approved site or landscape plan and which have died shall be replaced as soon as seasonal or weather conditions allow.

4. Bond Requirements:

a. When screening, landscaping or similar improvements to property are required by this chapter, a performance bond shall be supplied by the owner in an amount equal to at least one and one-half \(1\frac{1}{2}\) times the value of such screening, landscaping, or other improvements. The bond, with security satisfactory to the city, shall be conditioned upon reimbursement of all expenses incurred by the city for engineering, legal or other fees in connection with making or completing such improvements. The bond shall be provided prior to the issuance of any building permit and shall be valid for a period of time equal to one full growing season after the date of installation of the landscaping. The city may accept a letter of credit, cash escrow or equivalent in lieu of a bond in an amount and under such conditions as the city may determine to be appropriate. In the event construction of the project is not completed within the time prescribed by the city council, the city may, at its option, complete the work required at the expense of the owner and the surety.

b. The city may allow an extended period of time for completion of all landscaping if the delay is due to conditions which are reasonably beyond the control of the developer. Extensions, which may not exceed nine (9) months, may be granted due to seasonal or weather conditions. When an extension is granted, the city shall require such additional security as it deems appropriate.

E. Screening And Buffering:

1. Screening Or Buffering Required:

a. Principal buildings and structures and any building or structure accessory thereto shall be buffered from lots used for any residential purpose.

b. Off street parking facilities containing six (6) or more spaces shall be buffered from streets located within fifty feet (50'), and from lots which are used for any residential purpose.

c. Outside storage which is allowed by other provisions of this chapter shall be screened from all public views.

d. External loading and service areas must be completely screened from the ground level view from contiguous properties and adjacent streets, except at access points.
2. Types Of Screening Or Buffering; Opacity: Required screening or buffering may be achieved with fences, walls, earth berms, hedges or other landscape materials. The screen shall provide a minimum opacity of ninety percent (90%) during all seasons.

3. Architecture: All walls and fences shall be architecturally harmonious with the principal building.

4. Slope Of Berms: Earth berms shall not exceed a slope of three to one (3:1). (Ord. 429, 8-3-2010).
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. Mendota Heights 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 Mendota Heights.

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

For more information, please visit Mendota Heights’ planning website, [http://www.mendota-heights.com/index.asp?Type=B_BASIC&SEC=%7B11B331B5-D1A2-496E-868D-4021E614AFC4%7D](http://www.mendota-heights.com/index.asp?Type=B_BASIC&SEC=%7B11B331B5-D1A2-496E-868D-4021E614AFC4%7D)

**Municipal Code of Ordinances:**

**Title 11 – Zoning Regulations**

Section 12-1C-1: DISTRICTS ESTABLISHED:

*For the purposes of this chapter, the city is hereby divided into the following use districts and groups of use districts. All references in this chapter to R, B and I districts shall refer to the use district groups as set forth herein, and reference to specific use districts shall be by reference to the individual districts also listed herein as R-1, R-1A and so forth.*

<table>
<thead>
<tr>
<th><strong>R Residence Districts</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>R-1</strong></td>
</tr>
<tr>
<td><strong>R-1A</strong></td>
</tr>
<tr>
<td><strong>R-1B</strong></td>
</tr>
<tr>
<td><strong>R-1C</strong></td>
</tr>
<tr>
<td><strong>R-2</strong></td>
</tr>
<tr>
<td>Code</td>
</tr>
<tr>
<td>--------</td>
</tr>
<tr>
<td>R-3</td>
</tr>
<tr>
<td>MR-PUD</td>
</tr>
<tr>
<td>HR-PUD</td>
</tr>
</tbody>
</table>

**MU Mixed Use Districts**

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>MU-PUD</td>
<td>Mixed use planned unit development district</td>
</tr>
</tbody>
</table>

**B Business Districts**

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>B-1</td>
<td>Limited business district</td>
</tr>
<tr>
<td>B-1A</td>
<td>Business park district</td>
</tr>
<tr>
<td>B-2</td>
<td>Neighborhood business district</td>
</tr>
<tr>
<td>B-3</td>
<td>General business district</td>
</tr>
<tr>
<td>B-4</td>
<td>Shopping center district</td>
</tr>
<tr>
<td>LB-PUD</td>
<td>Limited business planned unit development district</td>
</tr>
<tr>
<td>I Industrial Districts</td>
<td></td>
</tr>
<tr>
<td>------------------------</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Industrial district*

*(Ord. 429, 8-3-2010)*
APPENDIX F: MUNICIPAL CODE PROVISIONS

Gardening

Title 12 – Zoning

<table>
<thead>
<tr>
<th>Zone</th>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-1 One-Family Residential</td>
<td>Permitted Accessory Use: Gardening and other horticultural uses where no sale of products is conducted on the premises. ²⁰⁶</td>
</tr>
<tr>
<td>R-1A One-Family Residential</td>
<td>Permitted Accessory Use: Gardening and other horticultural uses where no sale of products is conducted on the premises. ²⁰⁷</td>
</tr>
<tr>
<td>R-1B One Family Residential</td>
<td>Permitted Accessory Use: Gardening and other horticultural uses where no sale of products is conducted on the premises. ²⁰⁸</td>
</tr>
<tr>
<td>R-1C One-Family Residential</td>
<td>Permitted Accessory Use: Gardening and other horticultural uses where no sale of products is conducted on the premises. ²⁰⁹</td>
</tr>
<tr>
<td>R-2 Medium Density Residential</td>
<td>Permitted Accessory Use: Gardening and other horticultural uses where no sale of products is conducted on the premises. ²¹⁰</td>
</tr>
<tr>
<td>R-3 High Density Residential</td>
<td>Permitted Accessory Use: Gardening and other horticultural uses where no sale of products is conducted on the premises. ²¹¹</td>
</tr>
<tr>
<td>W Wetlands District - Overlay</td>
<td>Permitted as per underlying Zoning District - Grazing, farming, nurseries, gardening, and harvesting of crops. ²¹²</td>
</tr>
</tbody>
</table>

Farming

Title 12, Chapter 1D – Zoning, General Zoning Provisions

Section 12-1D-8: FARMING OPERATIONS:

All farms currently in existence will be permitted to continue operation after the abolition of the farm residence district within the city, subject to the following conditions:

A. Agriculture Permitted: Exceptions: Agriculture, excepting commercial animal farms, fur farms, kennels and poultry farms, but including truck gardening and other horticultural uses, and horses for use of the occupants of the premises, is a permitted use in the district in which an existing operation or private stable is located; provided, that any new private stable or
other new building in which farm animals are kept shall be a distance of one hundred feet (100’) or more from any other lot in an R district.213

Farm Animals

Title 12, Chapter 1D – Zoning, R Residential Districts

Section 12-1D-8: FARMING OPERATIONS:

All farms currently in existence will be permitted to continue operation after the abolition of the farm residence district within the city, subject to the following conditions:

A. Agriculture Permitted; Exceptions: Agriculture, excepting commercial animal farms, fur farms, kennels and poultry farms, but including truck gardening and other horticultural uses, and horses for use of the occupants of the premises, is a permitted use in the district in which an existing operation or private stable is located; provided, that any new private stable or other new building in which farm animals are kept shall be a distance of one hundred feet (100’) or more from any other lot in an R district.214

Title 12, Chapter 1E – Zoning, General Zoning Provisions

Section 12-1E-3: R-1 ONE-FAMILY RESIDENTIAL DISTRICT:

C. Permitted Accessory Uses: Within the R-1 one-family residential district, the following uses shall be permitted accessory uses:

Keeping of bees on parcels of fifty (50) acres or more in area, provided any accessory structures conform to the city’s requirement for accessory buildings, no more than ten (10) hives may be maintained, and all buildings, hives, apiaries, or other areas for colonies of bees are located no closer than one hundred feet (100’) from any property line.

Chicken Coops

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

Fence

Title 12, Chapter 1D – Zoning, General Zoning Regulations;
Section 12-1D-6: Fences

A. Fences In All Districts:

1. Permit And Compliance Required:

   a. Application; Compliance: An application for a fence permit, accompanied by a scaled site plan and application fee as set by resolution of the city council shall be submitted and approved prior to installation of any fence six feet (6') or less in height. Compliance with the provisions of the building code, Minnesota statutes section 16B.59 et seq., and other sections of this chapter shall be required for fences in excess of six feet (6').

   b. Exception: Temporary fences installed to surround a hockey or skating rink shall not require a fence permit during the winter season. Fences shall be four feet (4') or less in height, and shall be removed no later than March 31 of each year.

2. Location:

   a. All fences shall be located entirely upon the private property of the persons, firms or corporations constructing or causing the construction of such fence unless the owner of the property adjoining agrees in writing that such fence may be erected on the division line of the respective properties.

   b. No fence shall be installed in a location which would prevent a fire hydrant from being immediately discernible or in any manner deter or hinder the fire department from gaining immediate access thereto.

3. Construction And Repair:

   a. Construction And Maintenance Generally:

      (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.

      (2) 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. The requirement for maintenance shall be an ongoing obligation of the fence owner, and shall include painting or similar treatment to resist weathering, repair and/or replacement of materials, and any other activity necessary to ensure that the fence continues to look as attractive as at the time of its construction.

      (3) Any fence which is in violation of this title, or has become dangerous to the public safety, health or welfare, is a public nuisance and the code enforcement officer shall commence proper proceedings for the abatement thereof.

   b. Construction Of Fences: All fences, except those constructed on an industrially zoned property abutting a residentially zoned property, shall be constructed in such a manner that no less than thirty percent (30%) of the plane between the ground and the top of the fence is open. Fences on industrially zoned property abutting residentially zoned property shall be erected along the property line and are allowed to be one hundred percent (100%) opaque and six feet (6') in height.

4. Face Side: That side of the fence considered to be the face (the side opposite the post) shall face abutting property or the street or other public right of way.

5. Height: Fence height shall be measured at a point six inches (6") below the top of the supporting posts. No fence or material between posts shall be permitted to be greater in height than the highest post on either side of said fence material.
B. Fences In Residential Districts: (See figure 1D-6.1 of this section.)

1. Height And Location:

   a. Front Yard: Fences may be installed to a height not exceeding thirty six inches (36") extending across front yards or along that portion of the side lot line equal to the required front yard setback.

   b. Interior Lot Line: Fences up to and including six feet (6') in height may be erected on interior lot lines behind the front yard setback line and on rear lot lines.

   c. Rear Yard: Should the rear lot line be common with the side lot line of an abutting lot, that portion of the rear lot line equal to the required front yard setback of the abutting lot may be fenced to a height of not more than thirty six inches (36").

   d. Gates: Where a gate is proposed to obstruct access to a driveway in a yard abutting a street or other public right of way, such gate shall require the approval of a conditional use permit, subject to compliance with the following conditions:

      (1) The applicant shall show that the gate is needed to mitigate an unsafe condition related to visibility of the driveway and gate area from the principal building, intersection of the driveway with the public street, or other unsafe condition as approved by the city.

      (2) All plans and specifications for the proposed gate shall be reviewed, and approved, by the police and fire departments prior to installation.

      (3) No gate shall be closer than twenty five feet (25') from the paved edge of the street.

      (4) Gates shall not exceed sixty inches (60") in height.

      (5) The gate shall be able to be opened in the event of a power failure.

      (6) All gates must be equipped with an override to any latch or electronic closure to ensure access by police and fire personnel at all times. The override mechanism must be properly functioning and shall not be disabled by the property owner.

      (7) Gates shall be considered fences for the purposes of this subsection B, requiring a building permit, and subject to all other applicable fence regulations, including, but not limited to, building materials.

      (8) Any gate which does not meet the standards set forth in this subsection B1d, or which is determined by the police or fire department or a code enforcement officer to not be properly functioning or properly maintained, shall be immediately repaired or removed upon notice to the property owner. For purposes of this subsection B1d, the police or fire department or code enforcement officer may determine that a gate is not being properly maintained if the gate is rusted or deteriorated or if the condition of the gate poses a threat to health, safety or welfare in any manner.

2. Chainlink Fences:

   a. Height: Chainlink fences used for the enclosure of tennis courts shall not exceed ten feet (10') in height and shall not be located within the required front yard.

   b. Barb Restrictions: Chainlink fences shall be constructed in such a manner that no barbed ends shall be at the top.

FIGURE 1D-6.1: RESIDENTIAL FENCE REQUIREMENTS
C. Fences In Business And Industrial Districts:

1. Height: Fences may be located on a lot line to a height of six feet (6').

2. Conditional Use Permit Required For Certain Fences: Fences over six feet (6') in height and with a security arm for barbed wire shall require a conditional use permit. (Ord. 429, 8-3-2010)

D. Permitted Encroachments Onto Public Ways: Notwithstanding the other requirements of subsection A or B of this section to the contrary, fences greater than thirty six inches (36") in height but no greater than six feet (6') in height and no less than thirty percent (30%) open may be allowed to encroach into rear yards of corner and through lots or side yards of corner lots through administrative approval by the engineering department when said yard abuts a public street; provided, however, that in no event shall such fence be allowed to be constructed on a public easement for street, utility, or drainage purposes. (Ord. 467, 11-5-2014)

Section 12-1D-5: TRAFFIC VISIBILITY:

No fences, structures, manmade berms, or plantings shall be permitted to exceed thirty six inches (36") in height above the center grade of the intersection within any front or side yard area on a corner lot which may interfere with the visibility across the corner. (Ord. 429, 8-3-2010)

Additional resources

Handout from the city outlining residential fence requirements, including: permit, height, and setbacks.

Planting Boxes

Title 4, Chapter 1 – Public Health and Safety, Nuisances

Section 4-1-4: NUISANCES AFFECTING PEACE AND SAFETY:

C. Obstructing Public Ways: All trees, hedges, billboards or other obstructions which prevent persons from having a clear view of traffic approaching an intersection from across streets in sufficient time to bring a motor vehicle driven at a reasonable speed to a full stop before the intersection is reached.

Title 8, Chapter 2 – Public Ways and Property, Obstructions and Encroachments

Section 8-2-1: OBSTRUCTION OR ENCROACHMENT PROHIBITED:

Except as provided in section 8-2-3 of this chapter, no person shall obstruct, encroach upon, encumber or otherwise interfere with any public grounds, or streets, or easements held by the city for street or utility purposes, by putting thereon any curbing, paving, fences, buildings, markers, posts, rocks, stones, or other structures, or depositing thereon snow, debris, or any
other matter. The prohibition herein stated shall apply as to any easement to the entire width or extent thereof, and not just to the portion which may from time to time be in public use for travel or other purposes. (1981 Code 702 § 1)

Title 12, Chapter 1D – Zoning, General Zoning Regulations:

Section 12-1D-5: TRAFFIC VISIBILITY:

No fences, structures, manmade berms, or plantings shall be permitted to exceed thirty six inches (36") in height above the center grade of the intersection within any front or side yard area on a corner lot which may interfere with the visibility across the corner. (Ord. 429, 8-3-2010)

Arbors, Trellises, and Pergolas

See Planting Boxes

See also Appendix B: Regulations Governing Accessory Buildings and Structures for potential considerations.

Greenhouse

See Appendix B: Regulations Governing Accessory Buildings and Structures for potential considerations.

Hoop House

See Appendix B: Regulations Governing Accessory Buildings and Structures for potential considerations.

Shed

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

Grocery Store

Title 12 - Zoning
**B-2 Neighborhood Business District**
Permitted uses: Bakery good sales and baking of goods for retail sales on premises, delicatessen and/or dairy store, grocery or convenience store.  

**B-3 General Business District**
Permitted uses: Bakery good sales and baking of goods for retail sales on premises, delicatessen and/or dairy store, grocery or convenience store.

**B-4 Shopping Center District**
Permitted uses: Bakery good sales and baking of goods for retail sales on premises, delicatessen and/or dairy store, grocery or convenience store.

**Industrial District**
Conditional Use: Bakery good sales and baking of goods for retail sales on premises, delicatessen and/or dairy store, grocery or convenience store located in a retail sales and service complex

**Farmers Markets**

No municipal provisions on point to this topic.

**Food Establishments**

**Title 12, Chapter 1D: Zoning Regulations, General Zoning Provisions**

Section 12-1D-13-4: DRIVE-IN AND FAST FOOD RESTAURANTS:

Conditional Use Permit Required: All fast food and drive-in restaurants shall require the issuance of a conditional use permit as per section 12-1L-6 of this chapter. Upon issuance, said permit shall be in force on a temporary basis for a period not to exceed fifteen (15) months from the date of issuance. If, during this fifteen (15) month period, construction is not completed, the conditional use permit shall be void.

**B. Site Requirements:**

1. **Lot Area:** Minimum lot area shall be one acre.

2. **Parking And Driveways:**
   
a. Parking and driveway areas shall be at least fifteen feet (15’) from any exterior property line.

   b. There shall be required one parking space for each employee per shift in addition to at least one parking space for each fifteen (15) square feet of gross floor area in the building as per subsection 12-1D-16F of this article, entry reading "drive-in and fast food restaurant".

3. **Landscaping And Lighting:** A landscaping and lighting plan shall be submitted for approval.
4. Screening And Fencing: Where the drive-in or fast food restaurant abuts an R district, a landscaping screen or fence not over six feet (6') nor less than five feet (5') in height shall be constructed along the property line abutting the R district. A fence shall not be required within the front yard.

5. Signs:

a. Signs shall be permitted as regulated by the zoning district.

b. Banners, pennants and other similar promotional devices shall not be permitted.

6. Exterior Materials Of Structures: All structures shall be finished on all exterior walls with the same material. (Ord. 429, 8-3-2010)

Section 12-1D-16: OFF STREET PARKING AND LOADING:

F. Number Of Required Off Street Parking Spaces: The number of required off street parking spaces shall be as follows:

Drive-in and fast food restaurant 1 space for each employee per shift in addition to at least 1 space for each 15 square feet of gross floor area in the building, as per subsection 12-1D-13-4B2b of this article

Restaurant, cafe, bar, tavern, nightclub 1 space for each employee per shift and 1 space for each 3 seats in the facility

Food Carts, Mobile Food Units, and Food Stands

Ordinance 475 - PEDDLERS, SOLICITORS, TRANSIENT MERCHANTS, AND FOOD TRUCKS, Effective Date April 7, 2015

CITY OF MENDOTA HEIGHTS
DAKOTA COUNTY, MINNESOTA
ORDINANCE NO. 475

AN ORDINANCE AMENDING SECTION 3-3 OF THE CITY CODE OF THE CITY OF MENDOTA HEIGHTS, MINNESOTA, DAKOTA COUNTY, CONCERNING PEDDLERS, SOLICITORS, TRANSIENT MERCHANTS, AND FOOD TRUCKS
The City Council of the City of Mendota Heights, Minnesota, does hereby ordain:

Section 1.

Title 3, Chapter 3 is hereby repealed and replaced.

Section 2.

3-3-1: DEFINITIONS:

Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PERSON: Any natural individual, group, organization, corporation, partnership, or similar association.

PEDDLER: Any person, whether a resident of the City of Mendota Heights or not, who goes from house-to-house, door-to-door, business-to-business, street-to-street, or any other type of place-to-place movement, for the purpose of offering for sale, displaying for 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. For purpose of this chapter, the term “Peddler” shall have the same common meaning as the term “Hawker.”

SOLICITOR: Any person, whether a resident of the City of Mendota Heights or not who goes from house-to-house, door-to-door, business-to-business, street-to-street, or any other type of place-to-place movement, for the purpose of obtaining or attempting to obtain orders for goods, wares, products, merchandise, other personal property, or services of which he or she may be carrying or transporting samples, or that may be described in a catalog or by other means, and for which delivery or performance shall occur at a later time. The absence of samples or catalogs shall not remove a person from the scope of this provision if the actual purpose of the person’s activity is to obtain or attempt to obtain orders as discussed above. For purposes of this ordinance, the term “Solicitor” shall have the same meaning as the term “Canvasser.”
purpose of this ordinance, the term “Door-to-Door Advocate” shall also fall under the term “Solicitor.”

TRANSIENT MERCHANT: Any person, firm or corporation, who temporarily sets up business out of a vehicle, trailer, boxcar, tent, other portable shelter, or empty store front for the purpose of exposing or displaying for sale, selling or attempting to sell, and delivering goods, wares, products, merchandise, or other personal property and who does not remain in any one location for more than fourteen (14) consecutive days.

NON-COMMERCIAL DOOR-TO-DOOR ADVOCATE: Any person who goes door-to-door for the primary purpose of disseminating religious, political, social, or other ideological beliefs. For purposes of this Ordinance, the term door-to-door advocate shall fall under the term solicitor and include door-to-door canvassing and pamphleting intended for non-commercial purposes.

PROFESSIONAL FUNDRAISER: Any person, including a corporation or other entity, who, for compensation, performs any solicitations or other services for a religious, political, social, or other charitable organization.

MOBILE FOOD TRUCK: A motorized vehicle or pushcart that is designed and operated for the purpose of preparing and or selling food and non-alcoholic beverages to the general public within the Industrial Zoning District or as set forth in 3-3-6(D) of this Chapter.

VENDOR: A person who hawks, peddles, sells or offers food for sale.

Section 3.

3-3-2: EXCEPTIONS TO DEFINITIONS:
For the purpose of this chapter, the terms Peddler, Solicitor and Transient Merchant shall not apply to:
A. Non-commercial Door-to-Door Advocates. Nothing within this ordinance shall be interpreted to prohibit or restrict Non-Commercial Door-to-Door Advocates.

B. Any person who makes initial contacts with other people for the purpose of establishing or trying to establish a regular customer delivery route for the delivery of perishable food and dairy products, such as baked goods or milk.

C. Any person making deliveries of perishable food and dairy products to the customers on his or her established delivery route.

D. Any person making deliveries of newspapers, newsletters, or other similar publications on an established customer delivery route, when attempting to establish a regular delivery route, or when publications are delivered to the community at large.

E. Any person conducting the type of sale commonly known as garage sales, rummage sales, or estate sales.

F. Any person participating in an organized, multi-person bazaar or flea market.

G. Any person conducting an auction as a properly licensed auctioneer.

H. Any officer of the court conducting a court-ordered sale.

Exemption from these definitions shall not, for the scope of this chapter, excuse any person from complying with any other applicable statutory provision or requirement provided by another city ordinance.

Section 4.

3-3-3: PROHIBITION OF PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS:
A. Prohibition of Peddlers, Solicitors and Transient Merchants. The practice of going in and upon private residences in the City of Mendota Heights, by Peddlers, Solicitors and Transient
Merchants, not having been requested or invited to do so by the owner or owners of said private residences for the purpose of sale, displaying for 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 or that may be described in a catalog or by other means, and for which delivery or performance shall occur at a later time, is hereby declared to be a nuisance and punishable as a misdemeanor.

B. Authority of Law Enforcement to Enforce this Ordinance. Law Enforcement for the City of Mendota Heights are hereby required and directed to suppress the activities of Peddlers, Solicitors and Transient Merchants and to cite any such nuisance as is described in Section 3-3-3(A).

Section 5.

3-3-4: EXCEPTIONS TO PROHIBITION OF PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS:

For the purpose of this chapter, persons engaging in the following activities shall be exempt from the prohibitory activities in Section 3:

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.

B. Any person going from house-to-house, door-to-door, business-to-business, street-to-street, or any other type of place-to-place movement for the primary purpose of exercising that person’s state or federal constitutional rights such as freedom of speech, freedom of the press, freedom of religion, and the like. This exemption will not apply if the person’s exercise of constitutional rights is merely incidental to what would properly be considered a commercial activity.

C. Any person going from house-to-house, door-to-door, business-to-business, street-to-street, or any other type of place-to-place movement for the primary purpose of fundraising for a school
or religious function or activity or related service organization for example the Girl Scouts of America, or Boy Scouts of America.

D. Any utility provider licensed or franchised through the City of Mendota Heights attempting to increase their customer base by attempting to sell to or inform residents or businesses of utility services and/or promotions.

Section 6.

3-3-5: PROHIBITED ACTIVITIES FOR NON-COMMERCIAL DOOR-TO-DOOR ADVOCATES AND PROFESSIONAL FUNDRAISERS:

Non-Commercial Door-to-Door Advocates excluded under 3-3-2 of this chapter shall be prohibited from conducting business in any of the following manner:

A. Calling attention to his or her business or the items to be sold by means of blowing any horn or whistle, ringing any bell, crying out, or by any other noise, so as to be unreasonably audible within an enclosed structure.

B. Obstructing the free flow of traffic, either vehicular or pedestrian, on any street, sidewalk, alleyway, or other public right-of-way.

C. Conducting business in a way as to create a threat to the health, safety, and welfare of any specific individual or the general public.

D. Conducting business before 9:00 a.m. or after one-half hour before sunset.

E. Alleging false or misleading statements including untrue statements of endorsement.

F. Remaining on the property of another when requested to leave.
G. Otherwise operating their business in any matter that a reasonable person would find obscene, threatening, intimidating or abusive.

Section 7.

3-3-6: MOBILE FOOD TRUCKS

For purpose of this Chapter, the intent is to regulate how mobile food truck vendors sell food and or non-alcoholic beverages to the general public within the Industrial Zoning District.

A. Registration Required. Annual registration shall be required for each separate property on which the mobile food truck vendor operates.

1. It shall be unlawful for any mobile food truck vendor to sell, or offer for sale, any food or beverage without first registering with the City Clerk, or his/her designee.
2. Not later than thirty (30) days after filing of a completed application, the applicant shall be notified of acceptance or denial of registration.
3. The application shall be accompanied by proof of insurance and approval of any and all health department requirements whether from Dakota County or the State of Minnesota.
4. Mobile food truck vendors shall carry $1,000,000 of combined single limit Bodily Injury and Property Damage Auto liability, $1,000,000 of General Liability coverage including Products and Completed Operations. A certificate of insurance shall be provided to the city prior to the issuance of a permit.

B. Operations requirements. Mobile food truck vendors shall operate under the following conditions:

1. Hours of operation are limited to between 9:00 AM and 2:00 PM.
2. All required licenses must be valid.
3. Vendors shall be parked on private property with the property owner’s permission and shall not be parked within any public street, right-of-way or sidewalk unless said street has been closed for a special event, as approved by the City Council.

4. Vendors shall be responsible for the proper disposal of waste and trash associated with the operation. City trash receptacles are not to be used for this purpose. Vendors shall remove all waste and trash from their location at the end of each day or as needed to maintain the health and safety of the public. The vendor shall keep all areas within ten (10) feet of the truck clean of grease, trash, paper, cups or cans associated with their operation. No liquid waste or grease is to be disposed into tree pits, storm sewer drains or onto sidewalks, streets or other public space. Under no circumstances shall grease be released into or disposed of into the City’s sanitary sewer system.

5. There shall be no audio amplifier or similar device to attract the attention of the public.

6. No tables, chairs or other structures, except those to hold/display condiments, shall be allowed outside of the food truck within public right-of-way, designated off-street parking spaces, fire lanes, or driveways. This shall not preclude any existing structures that are on the property.

7. Advertising consisting of business name, logo, and items available for sale may be displayed on the food truck. No other form of on-site advertising shall be permitted.

8. The mobile food truck owner or his/her designee shall be present at all times except in an emergency.

C. Location. Mobile food truck vendors may operate within the following zoning district(s): I-Industrial.

D. Special Events. Special events proposed to be located in non-industrial zones of the City may use mobile food trucks upon registration with the City. Said events shall occur no more frequently than one time per year. These events must be in compliance with all criteria outlined in Sections A and B above, but changes in the hours of operation may be considered. Any permission for special event mobile food trucks may be granted by the City Administrator.

Section 8.
This Ordinance shall be in effect from and after the date of its passage and publication.

Adopted and ordained into an Ordinance this seventh day of April, 2015.219

Transient Merchant

Title 3, Chapter 3 – Business and License Regulations, Peddlers, Solicitors; Transient Merchants, and Food Trucks

Section 3-3-3: PROHIBITION OF PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS:

A. Prohibition Of Peddlers, Solicitors And Transient Merchants: The practice of going in and upon private residences in the city of Mendota Heights, by peddlers, solicitors and transient merchants, not having been requested or invited to do so by the owner or owners of said private residences for the purpose of 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 or that may be described in a catalog or by other means, and for which delivery or performance shall occur at a later time, is hereby declared to be a nuisance and punishable as a misdemeanor.

B. Authority Of Law Enforcement To Enforce This Chapter: Law enforcement for the city of Mendota Heights are hereby required and directed to suppress the activities of peddlers, solicitors and transient merchants and to cite any such nuisance as is described in subsection A of this section. (Ord. 475, 4-7-2015)

Section 3-3-4: EXCEPTIONS TO PROHIBITION OF PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS:

For the purpose of this chapter, persons engaging in the following activities shall be exempt from the prohibitory activities in section 3-3-3 of this chapter:

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.

Parking

Title 6, Chapter 2 –Motor Vehicles and Traffic, Parking Regulations

Section 6-2-1: PARKING PROHIBITED IN CERTAIN PLACES:
No person shall stop, stand or park a motor vehicle, except when necessary to avoid conflict with
other traffic or in compliance with the directions of a police officer or traffic control device, in any of the following places:

A. On or blocking a sidewalk, bikeway or pedestrianway or blocking a driveway, bikeway or pedestrianway entrance.

B. In front of a public or private driveway.

C. Within an intersection.

D. Within ten feet (10') of a fire hydrant, fire department sprinkler connection or fire department standpipe connection.

E. On a crosswalk.

F. Within twenty feet (20') of a crosswalk at an intersection.

G. Within thirty feet (30') upon the approach to any flashing beacon, stop sign, or traffic control signal located at the side of a street, roadway or highway; between a safety zone and the adjacent curb or within thirty feet (30') of points on the curb immediately opposite the ends of a safety zone unless a different length is indicated by signs or markings.

H. Within fifty feet (50') of the nearest rail of a railroad crossing.

I. Within twenty feet (20') of the driveway entrance to any fire station and on the side street opposite the entrance to any fire station within seventy five feet (75') of said entrance when properly signposted.

J. Alongside or opposite any street, roadway or highway excavation or obstruction when such stopping, standing, or parking would obstruct traffic.

K. On the street, roadway or highway side of any vehicle stopped or parked at the edge or curb of a street.

L. Upon any bridge or other elevated structure upon a street, roadway or highway or within a highway tunnel, except as otherwise provided by ordinance.

M. At any place where official signs prohibit parking. (Ord. 219, 11-5-1985)

Title 12, Chapter 1D –Zoning, General Zoning Provisions

Section 12-1D-16: OFF STREET PARKING AND LOADING:

A. Purpose: Regulation of off street parking and loading spaces in this chapter is to alleviate or prevent congestion of the public right of way and to promote the safety and general welfare of the public by establishing minimum requirements for off street parking, and loading and
unloading from motor vehicles in accordance with the utilization of various parcels of land and structures.

B. Application Of Provisions: The regulations and requirements set forth in this section shall apply to the required and nonrequired off street parking facilities in all use districts.

C. Site Plan Required: All applications for an occupancy permit in all districts shall be accompanied by a site plan, drawn to scale and dimensioned, indicating the location of off street parking and loading spaces as per this chapter.

D. General Provisions:

1. Definition: The term "floor area", for the purpose of calculating the number of off street parking spaces required, shall be the net usable floor area of the various floors devoted to retail sales, services, office space, processing and fabrication, exclusive of hallways, utility space, and storage areas other than warehousing.

2. Reduction Of Existing Off Street Parking And Loading Spaces: Off street parking spaces and loading spaces existing upon the effective date of this chapter shall not be reduced in number unless said number exceeds the requirements set forth herein for a similar new use.

3. Benches In Places Of Public Assembly: In stadiums, churches and other places of public assembly in which patrons or spectators occupy benches, pews or other similar seating facilities, each twenty two inches (22") of such seating facility shall be counted as one seat for the purpose of determining required parking.

4. Size Of Spaces: Each parking space shall be not less than nine feet (9') wide and twenty feet (20') in length exclusive of access drives of twenty four feet (24') in width, and such space shall be served adequately by access driveway.

5. Use Of Parking Facilities:

a. Off street parking facilities accessory to a residential use shall be utilized solely for the parking of passenger automobiles; except, that for each dwelling unit, one truck not in excess of three thousand (3,000) pounds’ rated capacity may be parked by the occupant within a structure.

b. Under no circumstances shall parking facilities accessory to residential structures be used for open area storage of commercial vehicles.

c. No "semitrailer", "truck tractor", or a combination thereof, or any "custom service vehicle” as defined in section 6-1-2 of this code, or any truck in excess of nine thousand (9,000) pounds’ gross vehicle weight may be parked within an R district except for the purpose of loading or unloading the same if such vehicle is in the process of making a delivery.

d. Required off street parking space in all districts shall not be utilized for open storage of goods or for the storage of vehicles which are inoperable, for lease, rent or sale.
6. Location:

a. Residential Districts: Required off street parking in the R districts shall be on the same lot as the principal building.

b. Setbacks In All Districts: Required off street parking in all districts shall meet the following setback requirements:

(1) Within all R districts, all vehicles normally owned or kept by the occupants on the premises must have a garage stall or parking space on the lot in a location other than a required yard; except, that parking may be located in a rear yard to within five feet (5’) of an interior side lot line and rear lot line.

(2) All driveways constructed to serve single-family dwellings on corner lots shall be set back a minimum of thirty feet (30’) from the property lines adjacent to the street corner.

c. Business And Industrial Districts: (See figure 1D-16.1 of this section.)

(1) In all B and I districts, except B-4 districts, when such district is located across the street from an R-1 district, parking spaces shall not be located within the front yard.

(2) In all B and I districts when such district is located across the street from an R district or when such district abuts an R district, parking spaces shall be located at least twenty feet (20’) from said lot lines.

FIGURE 1D-16.1: BUSINESS AND INDUSTRIAL DISTRICTS OFF STREET PARKING
(Across Or Abutting An R District)

(3) In all B and I districts where such district is not across the street from an R district or abutting an R district, the parking spaces shall be located at least twenty feet (20’) from a front lot line and ten feet (10’) from a side and rear lot line. For the purpose of applying this section, all lot lines abutting a public street shall be considered a front lot line. See figure 1D-16.2 of this section.

FIGURE 1D-16.2: BUSINESS AND INDUSTRIAL DISTRICTS OFF STREET PARKING
(Not Across Or Abutting An R District)

(4) Within the B and I districts, off street parking spaces shall not be less than twenty feet (20’) from a street right of way line.

7. Driveway Access Required: All off street parking spaces shall have access from a driveway and not directly off a public street.
8. Joint Parking Facilities: Off street parking facilities for a combination of one or more uses may be provided collectively in any district except the R-1, R-1A and R-2 districts, provided the total number of spaces provided shall equal the sum of the separate requirements for each use.

9. Off Site Parking Facilities: When required accessory off street parking facilities are provided elsewhere than on the lot on which the principal use served is located, written authority for using such property for off street parking shall be filed with the city so as to maintain the required number of off street parking spaces during the existence of said principal use. No such parking facilities shall be located more than one hundred feet (100') from the premises at its closest point.

**E. Design And Maintenance Of Off Street Parking Areas:**

1. Access, Width And Location: Parking areas shall be designed so as to provide an adequate means of access to a public alley or street. Said driveway access shall not be more than twenty five feet (25') in width at the property line in residential districts and no more than thirty feet (30') in width at the property line in all other districts, and shall be so located as to cause the least interference with traffic movement.

2. Calculating Space: When determining the number of required off street parking spaces results in a fraction, each fraction of one-half (1/2) or more shall constitute another space.

3. Signs: Signs located in any parking area necessary for orderly operation of traffic movement shall not be included as a part of the permitted advertising space.

4. Surfacing: Subject to the provisions of subsections 12-1E.1B3 and B4 of this chapter, all of the area intended to be utilized for parking space and driveways shall be surfaced with a hard, all weather, durable material and shall be subject to the approval of the city council except for parking areas of less than three (3) vehicles.

5. Lighting: The lighting shall be accomplished in such a manner as to have no direct source of light visible from the public right of way or adjacent land in an R district.

6. Curbing, Bumper Guards And Landscaping: All open off street parking areas designed to have head in parking along the interior property line shall provide a bumper curb or guard of normal bumper height to ensure that no part of any car will project beyond the required setbacks as established in this chapter. When such area is for six (6) spaces or more and not located to the rear of a building, a curb or fence not over three feet (3') in height shall be created at the required parking setback line, and grass or planting shall occupy the space between the property line and said curb or fence.

7. Parking Space Abutting An R District: When a required off street parking space for six (6) or more vehicles is located abutting an R district, a fence as determined by the city council to be of adequate design, not over six feet (6') in height nor less than three and one-half feet (3 1/2') shall be erected along the required parking setback line, except such fence shall not be located within the required front yard. Said fence shall be not less than seventy five percent (75%) opaque.
8. Maintenance Of Off Street Parking Areas: The operator of the principal use, uses or structures shall maintain in a neat and adequate manner the parking space, accessways, landscaping and required curbs and fences.

F. Number Of Required Off Street Parking Spaces: The number of required off street parking spaces shall be as follows:

<table>
<thead>
<tr>
<th>Type Of Use</th>
<th>Parking Space Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>All residential dwellings</td>
<td>At least 2 spaces per dwelling unit</td>
</tr>
<tr>
<td>Auto repair - major, bus terminal, taxi terminal, boat and marine sales, bottling company, shop for trade employing 6 people or less, garden supply store, building material sales</td>
<td>At least 8 spaces, plus 1 additional space for each 800 square feet of floor area over 1,000 square feet</td>
</tr>
<tr>
<td>Boarding house, fraternity house, sorority house</td>
<td>At least 2 spaces for each 3 persons for whom accommodations for sleeping are provided</td>
</tr>
<tr>
<td>Bowling alley</td>
<td>At least 5 spaces for each alley</td>
</tr>
<tr>
<td>Church, auditorium, undertaking establishment</td>
<td>At least 1 space for each 3½ seats based on the design capacity of the main assembly hall</td>
</tr>
<tr>
<td>Community center, post office, YMCA, YWCA, physical culture studio, pool hall, library, private club, lodge, museum</td>
<td>10 spaces, plus 1 space for each 300 square feet of floor area in excess of 2,000 square feet of floor area in the principal structure</td>
</tr>
<tr>
<td>Daycare center</td>
<td>4 spaces, plus 1 space for each 500 square feet in excess of 1,000 square feet of floor space in the principal structure</td>
</tr>
<tr>
<td>Drive-in and fast food restaurant</td>
<td>1 space for each employee per shift in addition to at least 1 space for each 15 square feet of gross floor</td>
</tr>
<tr>
<td>Activity</td>
<td>Space Requirement</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Furniture store, appliance store, warehouse - under 15,000 square feet of floor area; auto sales, and studio</td>
<td>At least 1 space for each 500 square feet in excess of the 500 square feet of floor area in the principal structure</td>
</tr>
<tr>
<td>Golf course, country club, tennis club, public swimming pool</td>
<td>20 spaces, plus 1 space for each 300 square feet in excess of 1,000 square feet of floor space in the principal structure</td>
</tr>
<tr>
<td>Hospital</td>
<td>At least 1 space for each 1 hospital bed</td>
</tr>
<tr>
<td>Manufacturing, fabricating or processing of a product or material</td>
<td>At least 4 spaces, plus 1 additional space for each 800 square feet of building; 1 additional space shall be provided for each 2,500 square feet or fraction thereof of land devoted to outside storage</td>
</tr>
<tr>
<td>Motel, motor hotel, motor court, or hotel</td>
<td>At least 1 space for each guestroom provided in the design of the building</td>
</tr>
<tr>
<td>Motor fuel station and motor fuel station convenience store</td>
<td>A minimum of 4 outside spaces, plus 3 additional outside spaces for each enclosed service stall; 1 additional outside space for each 150 square feet of floor space devoted to retail sales in a motor fuel station convenience store. In the case of rental of trailers, trucks and other vehicles, 1 space shall be provided for each rental unit</td>
</tr>
<tr>
<td>Office building and professional office having less than 6,000 square feet of floor area</td>
<td>3 spaces, plus 1 additional space for each 500 square feet of floor area</td>
</tr>
<tr>
<td>Office building and professional office having 6,000 square feet or</td>
<td>At least 1 space for each 200 square feet of net usable floor area</td>
</tr>
<tr>
<td>Use Category</td>
<td>Parking Requirement</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>more of floor area, bank, savings institution</td>
<td></td>
</tr>
<tr>
<td>Restaurant, cafe, bar, tavern, nightclub</td>
<td>1 space for each employee per shift and 1 space for each 3 seats in the facility</td>
</tr>
<tr>
<td>Retail sales and service establishment</td>
<td>At least 7 spaces for each 1,000 square feet of gross floor area and 1 space for each 200 square feet of gross floor area</td>
</tr>
<tr>
<td>School, high school</td>
<td>At least 1 space for each 7 students, based on design capacity, plus 1 space for each 3 classrooms</td>
</tr>
<tr>
<td>School, trade school and college</td>
<td>At least 1 space for each classroom, plus 1 space for each 2 students, based on design capacity, plus parking for other uses including offices as required</td>
</tr>
<tr>
<td>Skating rink, dance hall, public auction house, golf driving range, miniature golf, trampoline center and similar uses</td>
<td>At least 15 spaces, plus 1 additional space for each 300 square feet of floor area over 2,000 square feet</td>
</tr>
<tr>
<td>Theater, athletic field</td>
<td>At least 1 space for each 3 seats of design capacity</td>
</tr>
<tr>
<td>Warehouse, storage handling of bulk goods</td>
<td>At least 1 space for each 2,000 square feet of floor area</td>
</tr>
<tr>
<td>Uses not specifically noted</td>
<td>As determined by the city council following review by the planning commission</td>
</tr>
</tbody>
</table>

G. Off Street Loading And Unloading:

1. Definition: "Loading berth" shall mean an unobstructed area provided and maintained for the temporary parking of trucks and other motor vehicles for the purpose of loading and unloading goods, wares, materials and merchandise.

2. Location:
a. All loading berths shall be off street and shall be located on the same lot as the building or use to be served.

b. A loading berth shall not be located less than fifty feet (50') from the intersection of two (2) street rights of way nor less than one hundred feet (100') from the intersection of street rights of way of major thoroughfares nor less than fifty feet (50') from a residential district unless within a building.

c. Loading berths shall not occupy the required front yard space.

3. Size: Unless otherwise specified, the first berth required shall be not less than twelve feet (12') in width and fifty feet (50') in length. Additional berths shall be not less than twelve feet (12') in width and twenty five feet (25') in length; all loading berths shall maintain a height of fourteen feet (14') or more.

4. Access: Each loading berth shall be located with appropriate means of access to a public street or alley in a manner which will least interfere with traffic.

5. Surfacing: All loading berths and accessways shall be improved with an asphaltic or cement concrete.

6. Screening: External loading and service areas must be completely screened from the ground level view from contiguous residential or commercial properties and adjacent streets, except at access points. Minimum screening requirements shall be as set forth in subsection 12-1D-13-2E of this article.

7. Accessory Use Prohibited: Any area allocated as a required loading berth or access drive so as to comply with the terms of this chapter shall not be used for the storage of goods, inoperable vehicles, nor be included as a part of the area necessary to meet the off street parking area.

8. Number Of Required Loading Berths:

<table>
<thead>
<tr>
<th>Type Of Use</th>
<th>Loading Berth Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Auditorium, convention hall, public building, hospital, school, hotel, sports arena</td>
<td>At least 1 berth 25 feet in length for each building having 1,000 to 10,000 square feet of floor area; for those buildings having 10,001 square feet of floor space to 100,000 square feet of floor area or fraction thereof, 1 additional berth 50 feet in length</td>
</tr>
<tr>
<td>Manufacturing, fabrication, processing and warehousing</td>
<td>At least 1 berth 25 feet in length for each building having 3,000 square feet or fraction thereof, plus 1 berth 50 feet in length for each 25,000 square feet of floor area up to</td>
</tr>
</tbody>
</table>
100,000 square feet, plus 1 berth for each 50,000 square feet of floor area over the first 100,000 square feet of floor area. The operator of the business shall have the option to declare the length of the berth required for buildings above 100,000 square feet of floor area; except, that ½ or more of the total number of berths required shall be 50 feet in length

<table>
<thead>
<tr>
<th>Retail sales and service store, office</th>
<th>At least 1 berth 25 feet in length for each building having 6,000 square feet of floor area or more, plus 1 additional berth 50 feet in length for each 25,000 square feet of floor area up to 100,000 square feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nonresidential uses having 5,000 square feet of floor space or more and not included as part of the above 3 listed uses</td>
<td>4,000 to 20,000 square feet of floor area, 1 berth; for each additional 10,000 square feet of floor area or fraction thereof above 2,500 square feet, 1 additional berth</td>
</tr>
</tbody>
</table>

(Ord. 429, 8-3-2010)

**Signage**

**Title 4, Chapter 1 – Public Health and Safety, Nuisances**

Section 4-1-4: NUISANCES AFFECTING PEACE AND SAFETY:

**E. Objects Overhanging Public Ways:**

3. Signs: All hanging signs, awnings and other similar structures over the streets or sidewalks, so situated as to endanger public safety.

**Title 12, Chapter 8 – Zoning, General Zoning Provisions**

Section 12-1D-15: SIGNS:

Signs are a permitted accessory use in all use districts subject to the following regulations:

A. Interpretation: A sign is a structure or a part of a structure for the purpose of applying yard and height regulations.

B. Permit Requirements:
1. Permit Required: Except as herein exempted, no person, firm or corporation shall install, erect, relocate, modify, alter, or change the color on any sign in the city without first obtaining a permit.

2. Application And Fees: Application for permits shall be made in writing upon printed forms furnished by the city, and shall be accompanied by a complete description of the sign, its proposed location, the manner of construction and materials used in the sign, a sketch of the sign and such other information as the code enforcement department deems necessary. Fees shall be established by resolution of the city council. In addition to any other remedies available to the city, a triple fee shall be charged if a sign is erected without first obtaining a permit for such sign.

3. Exemptions: No permit shall be required for the following signs; provided, however, that all signs herein exempted from the permit requirements shall conform with all other requirements of this chapter:
   a. Signs erected by a governmental unit.
   b. Signs which are entirely within a building and not visible from outside such building.
   c. Address, nameplate and/or identification signs having an area of two (2) square feet or less.
   d. Garage sale, rummage sale and other similar signs in conjunction with the sale of household goods and materials from private residences.
   e. Real estate signs as regulated in subsection C of this section.
   f. Election signs as regulated in subsection G of this section.
   g. Holiday displays are not considered signs for the purposes of this section.

C. Real Estate Signs:
   1. For purposes of selling or leasing property, a sign not in excess of fifteen (15) square feet per surface may be placed within the front yard of such property to be sold or leased.

   2. For the purpose of selling or promoting a residential project of six (6) or more dwelling units, a commercial area of three (3) acres or more or an industrial area of ten (10) acres or more, one sign not to exceed one hundred (100) square feet of advertising surface may be erected upon the project site. Such sign shall not remain after ninety percent (90%) of the project is developed.

D. Temporary Signs: There shall be no more than one temporary (3 months or less) sign on any lot. The total area of such sign shall not exceed twenty five (25) square feet.

E. Prohibited Signs: Unless a sign is specifically permitted under this chapter, the sign is prohibited. By way of example and not by way of limitation, the following signs are specifically prohibited:
1. Signs within the public right of way or easement; except, that the city council may grant a conditional use permit to locate signs and decorations on or within city right of way for a specified time not to exceed sixty (60) days.

2. Illuminated flashing signs within the R, B-1 or B-2 district.

3. In all districts, illuminated signs or devices giving off an intermittent, steady or rotating beam consisting of a collection or concentration of rays or lights greater than two (2) square feet in area.

4. Any sign that, by reason of position, shape or color would interfere in any way with the proper functioning or purpose of a traffic sign or signal.

5. Signs painted directly on the outside wall of buildings.

6. Signs painted on fences, rocks, or similar structures or features in any district.

7. Paper and similar signs attached directly to a building wall by an adhesive or similar means.

8. Feather flag signs.

9. Animated signs, lighter than air inflatable devices, string lights, striplighting outlining structures, and signs attached or mounted on a vehicle parked primarily for use as a sign.

10. Roof signs.

F. Nonconforming Signs: Signs existing on the effective date of this chapter which do not conform to the regulations set forth in this chapter or any previous ordinance are nonconforming uses.

G. Election Signs:

1. Election signs are permitted on private property in any district, provided such signs are removed within ten (10) days following the state general election or within ten (10) days following the election the sign relates to in a year during which no state general election is held.

2. No election sign shall be permitted in any R district forty six (46) days before the state primary in a state general election year, or more than one month preceding the election the sign relates to in a year during which no state general election is held.

3. No election sign shall be permitted on election day within one hundred feet (100’) of a building in which a polling place is situated or anywhere on public property on which a polling place is situated. This restriction does not apply to adjacent private property.

H. Signs In R Districts: Within the R districts, the following signs are permitted:

1. One nameplate sign for each dwelling, and such sign shall not exceed two (2) square feet in area per surface, and no sign shall be so constructed as to have more than two (2) surfaces.
2. One nameplate sign for each dwelling group of six (6) or more units, and such sign shall not exceed six (6) square feet in area per surface, and no sign shall be so constructed as to have more than two (2) surfaces.

3. One nameplate sign for each permitted use or use by conditional use permit other than residential, and such sign shall not exceed twelve (12) square feet in area per surface.

   a. By conditional use permit, a nonresidential use in a residential zoning district which is allowed either as a permitted or conditional use may qualify for a second nameplate sign, provided that each of the following requirements are met:

      (1) The parcel on which such a sign is proposed may be no less than forty (40) acres in size.
      (2) The parcel on which such a sign is to be located must have frontage on at least two (2) public roadways.
      (3) No more than one sign may be allowed to be oriented toward any one public roadway.
      (4) The sign shall not exceed one hundred (100) square feet in area per surface.
      (5) The sign shall not exceed nine feet (9') in height from the average natural grade at the base of the sign.
      (6) The sign may be illuminated, provided the direct source of light is not visible from the public right of way or adjacent residential district.
      (7) The sign may not be constructed as an internally lit cabinet.
      (8) The sign shall be constructed in a monument style fashion, including a base of natural stone, brick or other masonry material.
      (9) The sign area shall be landscaped with materials subject to a plan submitted with the CUP application and approved by the city council.
      (10) Lighting shall be limited from dusk to twelve o'clock (12:00) midnight.

4. By conditional use permit, a use in a residential zoning district which is allowed either as a permitted or conditional use may qualify for a wall sign in addition to a nameplate sign, provided that each of the following requirements are met:

   a. The parcel on which such a sign is proposed may be no less than five (5) acres in size.
   b. The sign shall not exceed one hundred (100) square feet in area.
   c. The sign may be illuminated, provided the direct source of light is not visible from the public right of way or adjacent residential district.

5. Symbols, statues, sculptures and integrated architectural features on nonresidential buildings may be illuminated by floodlights, provided the direct source of light is not visible from the public right of way or adjacent residential district.
6. Any sign over one square foot shall be set back at least ten feet (10') from any property line. No sign shall exceed ten feet (10') in height above the average grade level. Signs may be illuminated, but such lighting shall be diffused or indirect and the direct source of light is not visible beyond any lot line. (Ord. 453, 6-4-2013)

7. By conditional use permit, an institutional use in the R-1 or R-1A zoning district which is allowed either as a permitted or conditional use may install one freestanding electronic display sign, provided that each of the following requirements are met:

a. The parcel, or campus containing contiguous parcels, on which the sign is proposed must be no less than two (2) acres in size.

b. The sign shall not exceed one hundred (100) square feet in area per surface.

c. The sign shall not exceed nine feet (9’) in height from the average natural grade at the base of the sign.

d. The total area per surface for an electronic display is not to exceed fifty percent (50%) of the sign’s total area. Only one contiguous electronic display area is allowed per surface.

e. The sign shall be set back at least ten feet (10’) from any external property boundary line and shall not be located closer than fifty feet (50’) to any surrounding residential property boundary line, unless a less intrusive sign placement can be accomplished as approved by the city council.

f. The electronic display message shall not change more than once every one hour, except for emergency safety messages. Time, date, or temperature is considered one electronic display when displayed alone, however it may be included as a component of any other electronic display but cannot change more than once every three (3) seconds.

g. The hours of operation shall be limited to six o’clock (6:00) A.M. to ten o’clock (10:00) P.M.

h. The electronic display message shall be limited to static letters and numbers. No portion of a message may contain animation, video or audio, scroll, flash, twirl, fade, or change color.

i. The electronic display area shall be a black background and messages shall not contain more than one font color.

j. The electronic display message shall be a minimum of four inches (4”) in height or larger as necessary to ensure readability.

k. Messages shall be limited to advertisement of products, events, persons, institutions, activities, businesses, services or subjects which are located on the premises only or which give public service information.

l. Malfunctioning signs shall be shut off immediately by the owner. Additionally, the sign owner shall immediately stop the display if notified by the city that the sign is noncompliant.
m. The sign shall be constructed in monument style fashion, including a base of natural stone, brick or other masonry material of at least twenty four inches (24") in height from the average natural grade.

n. The sign shall be landscaped with materials subject to a plan as submitted with the application approved by the city council.

o. The sign shall be equipped with a sensor that detects the ambient light level and adjusts the brightness of the sign accordingly. Brightness shall not exceed 0.3 foot-candle above ambient light as measured using a brightness meter from a preset distance depending on the sign size, as indicated in the table below:

<table>
<thead>
<tr>
<th>Sign Area (Square Feet)</th>
<th>Measurement Distance (Feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>32</td>
</tr>
<tr>
<td>15</td>
<td>39</td>
</tr>
<tr>
<td>20</td>
<td>45</td>
</tr>
<tr>
<td>25</td>
<td>50</td>
</tr>
<tr>
<td>30</td>
<td>55</td>
</tr>
<tr>
<td>35</td>
<td>59</td>
</tr>
<tr>
<td>40</td>
<td>63</td>
</tr>
<tr>
<td>45</td>
<td>67</td>
</tr>
<tr>
<td>50</td>
<td>71</td>
</tr>
<tr>
<td>55</td>
<td>74</td>
</tr>
<tr>
<td>60</td>
<td>77</td>
</tr>
<tr>
<td>65</td>
<td>81</td>
</tr>
<tr>
<td>70</td>
<td>84</td>
</tr>
<tr>
<td>75</td>
<td>87</td>
</tr>
<tr>
<td>80</td>
<td>89</td>
</tr>
<tr>
<td>85</td>
<td>92</td>
</tr>
<tr>
<td>90</td>
<td>95</td>
</tr>
</tbody>
</table>
8. By additional conditional use permit, an institutional use in the R-1 or R-1A zoning districts which is allowed either as a permitted or conditional use may qualify for one additional freestanding electronic display sign, provided that the requirements of subsection H7 of this section are met and each of the following additional requirements:

a. The parcel, or campus containing contiguous parcels, on which the sign is proposed must be no less than twenty (20) acres in size.

b. The sign shall not exceed fifty (50) square feet in area per surface and the electronic display area shall not exceed fifty percent (50%) of the sign's total area.

c. The sign shall be set back at least three hundred feet (300') from any external property boundary line.

d. Landscaping shall be installed to provide screening of the sign from any surrounding residential uses. (Ord. 460, 4-15-2014)

I. Signs In B And I Districts:

1. Nameplates And Business Signs: Nameplate signs and business signs are permitted subject to the following regulations:

a. B-1 And B-1A Districts: Within the B-1 and B-1A districts, the aggregate square footage of sign space per lot shall not exceed the sum of one square foot per front foot of building plus one square foot for each front foot of lot not occupied by a building. No individual sign shall exceed fifty (50) square feet in a B-1 area.

b. B-2, B-3, B-4 And I Districts:

(1) Within the B-2, B-3, B-4 and I districts, the aggregate square footage of such space per lot shall not exceed the sum of two (2) square feet per front foot of building, plus one square foot for each front foot of lot not occupied by such building which fronts on a public right of way fifty feet (50') or more in width. The least width of a lot for purposes of this chapter shall be the front. No individual sign surface shall exceed one hundred (100) square feet in area, nor shall two (2) or more signs be so arranged and integrated as to cause an advertising surface over one hundred (100) square feet.

(2) Where a B-4 district includes a theater, additional sign surface area may be permitted for the exclusive use of the theater. The total aggregate surface area permitted for theaters including any pylon, marquee or other signage shall not exceed two hundred (200) square feet.
2. Pylon Or Freestanding Sign: The erection of one pylon type sign for any single lot in the B-2, B-3, B-4 and I districts is permitted under the following provisions:

a. A pylon or freestanding sign shall not be higher than twenty five feet (25') above the average grade level at the base of the sign.

b. No part of the pylon or freestanding sign shall be less than ten feet (10') from lot lines nor less than five feet (5') from any driveway or parking area.

c. No part or projection from a pylon or freestanding sign shall be less than fourteen feet (14') vertical distance above the grade level at the base of the sign.

d. The gross area of any surface of a pylon or freestanding sign shall not exceed one hundred (100) square feet.

3. Electronic Displays At Motor Fuel Stations: Electronic displays, including light emitting diodes (LED), or similar technologies may be permitted at motor fuel stations under the following conditions:

a. The characters in an electronic display must be a uniform color.

b. Any electronic display is limited to a maximum of four (4) characters.

c. The total area for an electronic display is not to exceed six (6) square feet in area.

d. The text of the sign may not change more than three (3) times in a day (24 hours).

e. The electronic display shall be allowed only during the hours of operation approved in the conditional use permit for the motor fuel station.

f. Any existing motor fuel station seeking a permit for electronic display of fuel prices shall submit a request to amend their conditional use permit.

4. Comprehensive Sign Plan: A comprehensive sign plan shall be provided for industrial developments. Such plan, which shall include the location, size, height, lighting and orientation of all signs shall be submitted to the planning commission for preliminary plan approval regulations. Provided such a comprehensive plan is presented, exceptions to the sign performance standards of this chapter may be permitted if sign areas and densities for the plan as a whole are in conformity with the intent of this chapter and if such exception results in an improved relationship between the various parts of the plan. (Ord. 453, 6-4-2013)

Title 12, Chapter 8 – Zoning, Commercial/Industrial Property Maintenance

Section 12-8-6: SIGNS AND LIGHTING:

A. Signage: All signs shall be maintained in a safe, presentable and good structural condition at all times. Maintenance shall include painting, repainting, cleaning, replacement or repair of defective parts, replacement of missing letters and other necessary acts. Any sign which the city finds is in a dangerous or defective condition shall be removed or repaired by the owner of the sign or the owner of the premises on which the sign is located.
B. Exterior Lighting: All light fixtures shall be maintained in good repair. Lights for illuminating parking areas, loading areas or yards for safety and security purposes shall be maintained in such a manner that the maximum illumination levels established within the city's zoning regulations are not exceeded. (Ord. 444, 11-20-2012)

Composting

Title 4, Chapter 2 – Public Health and Safety, Garbage and Refuse

Section 4-2-3: LICENSING REQUIREMENTS:

A. Licenses Required; Exemptions:

2. Exemption From Licenses: The license requirements of this subsection shall not apply to persons who haul recyclables, yard waste, or mixed municipal solid waste from their own residences or business properties; provided, that they are disposed of in an environmentally sound manner by meeting the following conditions:

   f. Yard waste is privately composted, or is only dumped or unloaded at a composting facility authorized by Dakota County, or through a licensed hauler.

See Garbage Disposal & Recycling

Garbage Disposal & Recycling

Title 4, Chapter 2 – Public Health and Safety, Nuisances

Section 4-1-2: Nuisances Affecting Health:

D. Offensive Garbage Receptacles: Garbage receptacles which emit foul or disagreeable odors, can be overturned by dogs, are not rodent free or flytight or are so maintained as to constitute a health hazard.220

Title 4, Chapter 2 – Public Health and Safety, Garbage and Refuse

Section 4-2-4: Collection and Disposal Regulations:

A. Required Collection Of Garbage And Other Refuse; Exemptions:

   1. Every household and commercial/industrial establishment in the city must be under a contract for the collection of garbage and other refuse with a licensed garbage hauler. A household in a multiple residential dwelling is considered to be under a garbage collection contract if the owner, association or management entity has a contract with a licensed garbage hauler. (Ord. 264, 2-21-1989; amd. 2003 Code)
2. A household or commercial/industrial establishment may be exempt from the requirement to be under a garbage and other refuse contract if the household or commercial/industrial establishment hauls garbage or other refuse from its own residence or business property and complies with the standards set forth in subsection 4-2-3A2 of this chapter. (Ord. 284, 5-19-1992)

D. Disposal Of Garbage And Refuse: It is unlawful for any person to deposit garbage or other refuse from any source in any place other than a licensed sanitary landfill or county approved facility. (Ord. 264, 2-21-1989)

Section 4-2-5: RECYCLING REQUIREMENTS:

A. Collecting Recyclable Materials Required: All licensed haulers shall make curbside recycling collection available at a minimum of once a week to all residential unit customer accounts, unless a hauler is providing a "one sort" service, in which case the hauler may make collection available to customers every other week. At a minimum, such service shall include all "targeted recyclables" as defined herein. Such recycling pick up service shall be considered a part of residential rubbish hauling service generally, and no additional fee or charge may be made for such curbside recycling pick up. (Ord. 389, 1-20-2004)

B. Minimum Targeted Recyclables: Minimum targeted recyclables to be collected are: newsprint, beverage cans, glass bottles and jars. Additional items may be added or defined as the council deems necessary or as county requirements change. (Ord. 264, 2-21-1989)

Title 12, Chapter 5 – Zoning, Residential Property Maintenance

Section 12-5-8: RUBBISH AND GARBAGE:

A. Accumulation Of Rubbish And Garbage: All exterior property, and the interior of every structure, shall be free from any unreasonable accumulation of rubbish and garbage causing a nuisance.

Title 12, Chapter 8 – Zoning, Commercial/Industrial Property Maintenance

Section 12-8-7: RUBBISH, GARBAGE AND TRASH:

A. Accumulation And/Or Storage Of Rubbish And Garbage: All exterior property areas shall be free from any unreasonable accumulation of rubbish and garbage.
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.”221 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 Mendota Heights 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.222

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.225

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

1 MENDOTA HEIGHTS, MINN., CODE, § 12-1B-2(2014).
2 MENDOTA HEIGHTS, MINN., CODE, § 12-1B-2(2014).
3 MENDOTA HEIGHTS, MINN., CODE, § 12-1B-2(2014).
4 MENDOTA HEIGHTS, MINN., CODE, § 12-1B-2(2014).
6 MINN. STAT. §§ 326B.101, 326B.41.
7 MINN. CONST., art. 13, § 7.
8 MINN. STAT. §§ 157.16, 28A.04; MINN. R. CH. 4626.
9 MINN. RULES CH. 4626.
12 MINN. STAT. § 28A.04.
13 MINN. RULES 4626.
15 MINN. RULES 4626.0017; MINN. STAT. § 144.05.
16 MINN. RULES 4626.0017; MINN. STAT. § 144.05.
19 MINN. RULES 4626.1785.
20 MINN. STAT. §§ 31.101; 31.11.
21 MINN. RULES 4626.1785.
22 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., http://www.mda.state.mn.us/en/food/safety/foodcomplaint.aspx (providing an example of the different types of food products that MDA regulates) (last visited Aug. 3, 2015).
23 See generally, MINN. STAT. CH. 410 (home rule charter cities) and MINN. STAT. CH. 412 (statutory cities).
25 MINN. STAT. § 462.352, subd. 15 (2014); see also MINN. STAT. § 394.22, subd. 6 (2014); MINN. STAT. § 473.582, subd. 9 (2014).
26 MINN. STAT. § 412.221 (2015).
27 MINN. STAT. § 412.221 Subd. 32 (2015).
30 MENDOTA HEIGHTS, MINN., CODE, Title 3 (2014).
31 Black’s Law Dictionary (2nd ed.) (“Permit”).
32 MINN. STAT. Ch. 462.
33 MINN. STAT. § 462.351.
34 MINN. STAT. § 462.351 et seq. (2014).
35 MINN. STAT. § 462.351 (2014).
36 MINN. STAT. § 473.851 (2014).
37 MINN. STAT. § 473.861 (2014).
38 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”).
39 MINN. STAT. § 473.123, subd. 1 (2014).
40 See MINN. STAT. § 473.851 (2014) (legislative findings and purpose).
41 MINN. STAT. § 473.852, subd. 7 (2014).
42 MINN. STAT. § 473.864, subd. 2 (2014).

MENDOTA HEIGHTS, MINN., CODE § 12-1C-1 (2014).
MINN. STAT. § 462.357, subd. 6 (2015)
MENDOTA HEIGHTS, MINN., CODE, § 12-1L-5(A) (2014).
MENDOTA HEIGHTS, MINN., ORD. 479 § 2 (adopted July 7, 2015).
MENDOTA HEIGHTS, MINN., CODE, § 12-1B-2 (2014).
MINN. STAT. § 326B.101 (“Policy and purpose”).
MINN. STAT. § 326B, et seq; Minn. Rules Ch. 1303.
MINN. STAT. § 326B.121, MINN. RULES 1300.0030 Subp. 2; MINN. RULES 1300.0120 Subp. 4
MINN. RULES 1300.0120, subpart 4.

MINNESOTA BUILDING CODE, § 326B.101 (“Policy and purpose”).
MENDOTA HEIGHTS, MINN., CODE, § 12-1B-2 (2014).
MENDOTA HEIGHTS, MINN., CODE, § 12-1B-2 (2014).
MENDOTA HEIGHTS, MINN., CODE, § 12-1B-2 (2014).
MENDOTA HEIGHTS, MINN., CODE, § 12-1B-2 (2014).
MENDOTA HEIGHTS, MINN., CODE, § 1-3-2 (2014).
MENDOTA HEIGHTS, MINN., CODE, § 12-1B-2 (2014).
MENDOTA HEIGHTS, MINN., CODE, § 12-1B-2 (2014).
MENDOTA HEIGHTS, MINN., CODE, § 12-1E-3(C) (2014).
MENDOTA HEIGHTS, MINN., CODE, § 12-1E-4(C) (2014).
MENDOTA HEIGHTS, MINN., CODE, § 12-1E-5(C) (2014).
MENDOTA HEIGHTS, MINN., CODE, § 12-1E-6(C) (2014).
MENDOTA HEIGHTS, MINN., CODE, § 12-1E-7(C) (2014).
MENDOTA HEIGHTS, MINN., CODE, § 12-1E-8(C) (2014).
MENDOTA HEIGHTS, MINN., CODE, § 12-1E-3(C) (2014).
MENDOTA HEIGHTS, MINN., CODE, § 12-1B-2 (2014).
MENDOTA HEIGHTS, MINN., CODE, § 12-1D-8 (B) (2014).
MENDOTA HEIGHTS, MINN., CODE, § 12-1B-2 (2014).
MENDOTA HEIGHTS, MINN., CODE, § 12-1E-3(C) (2014).
MENDOTA HEIGHTS, MINN., CODE, § 12-1B-(2) (2014).
MENDOTA HEIGHTS, MINN., CODE, § 12-1D-6(B)(a) (2014).
MENDOTA HEIGHTS, MINN., CODE, § 12-8-5(B) (2014).
MENDOTA HEIGHTS, MINN., CODE, § 12-1E-3(C) (2014).
Section 157.15, Subdivision 5; 157.15, Subdivision 9.

§ 157.15, Subdivision 12.

§ 28A.151.

§ 28A.201.10 (last visited May 15, 2015).

§ 520.160.

§ 9-1-4(A) (2014).

§ 12-IF-1(C) (2014).

§ 12-IF-2(C) (2014).

§ 12-IF-3(C) (2014).

§ 12-IF-4(C) (2014).

§ 12-IF-5(C) (2014).

§ 9-1-4(A) (2014).


§ 12-1B-2 (2014).

§ 12-1B-2 (2014).

§ 9-1-4(A) (2014).


League of Minnesota Cities, Information memo: Zoning Guides for Cities (2015),


MINN. RULES 1520 – 1555; 4625.

MINN. RULES 4626.0020 1-201.10, Subp. 36.

MENDOTA HEIGHTS, MINN., CODE § 12-1C-1 (2014).

League of Minnesota Cities, Information memo: Zoning Guides for Cities (2015),


MINN. STAT. § 157.15, Subd. 5; MINN. RULES 4626.0020 1-201.10, Subp. 35A.

MINN. RULES 4626.0020 1-201.10, Subp. 35A.

MINN. STAT. § 157.15, Subd. 5.

MINN. STAT. § 28A.02.

MINN. CONSTIT., art. 13, § 7.

MINN. CONSTIT., art. 13, § 7.

MENDOTA HEIGHTS, MINN., CODE, § 12-1D-8(B) (2014).

MENDOTA HEIGHTS, MINN., CODE, § 12-1D-8(B) (2014).

MENDOTA HEIGHTS, MINN., CODE, § 12-1D-8(B) (2014).

MINN. STAT. § 28A.151.

MINN. STAT. § 28A.151.

MINN. STAT. § 28A.151.

MENDOTA HEIGHTS, MINN., CODE, § 3-3-4(A) (2014).

MINN. STAT. §157.15, Subd. 12

MENDOTA HEIGHTS, MINN., CODE, § 12-1B-2(2014).

MENDOTA HEIGHTS, MINN., CODE, § 12-1B-2(2014).

MENDOTA HEIGHTS, MINN., CODE, § 12-1B-2(2014).

MENDOTA HEIGHTS, MINN., CODE, § 12-1B-2(2014).

MENDOTA HEIGHTS, MINN., CODE, Title 3 (2014).

MENDOTA HEIGHTS, MINN., CODE, § 12-1F-3(A) (2014).

MENDOTA HEIGHTS, MINN., CODE, § 12-1F-4(A) (2014).

MENDOTA HEIGHTS, MINN., CODE, § 12-1F-5(F) (2014).


MENDOTA HEIGHTS, MINN., CODE, § 12-1D-16 (2014).

MINN. STAT. §157.15, Subd. 9.

MINN. STAT. §157.15, Subd. 6.

MINN. STAT. §157.15, Subd. 12a.
Menda Heights, Minnesota
202 MENDOTA HEIGHTS, MINN., CODE, §§ 12-5-8, 12-8-7 (2014).
203 MENDOTA HEIGHTS, MINN., CODE, § 12-1D-3 (2014).
204 MENDOTA HEIGHTS, MINN., CODE, § 12-1D-3 (2014).
205 MENDOTA HEIGHTS, MINN., CODE, § 12-5-3 (2014).
206 MENDOTA HEIGHTS, MINN., CODE, § 12-1E-3(C) (2014).
207 MENDOTA HEIGHTS, MINN., CODE, § 12-1E-4(C) (2014).
208 MENDOTA HEIGHTS, MINN., CODE, § 12-1E-5(C) (2014).
209 MENDOTA HEIGHTS, MINN., CODE, § 12-1E-6(C) (2014).
210 MENDOTA HEIGHTS, MINN., CODE, § 12-1E-7(C) (2014).
211 MENDOTA HEIGHTS, MINN., CODE, § 12-1E-8(C) (2014).
215 MENDOTA HEIGHTS, MINN., CODE, § 12-1F-3(A) (2014).
216 MENDOTA HEIGHTS, MINN., CODE, § 12-1F-4(A) (2014).
219 MENDOTA HEIGHTS, MINN., ORD. 475 (adopted April 7, 2015).
220 MENDOTA HEIGHTS, MINN., CODE, § 4-1-2(D) (2014).
221 MINN. STAT. §28A.02 (2015).
222 “Egg Sales,” Minnesota Institute of Sustainable Agriculture, http://www.misa.umn.edu/FarmFoodResources/LocalFood/EggSales/.