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** ............................................................................................................. 7

**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 ................................................................................................................................. 31

- Arbors, Trellises, Pergolas, Planting Boxes, and Raised Beds .......................................... 32

- Greenhouses and Hoop Houses ......................................................................................... 33

- Shed .................................................................................................................................. 34

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

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

- Selling Products of a Farm or Garden .............................................................................. 40

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

This analysis divides the material into the following sections:

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

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

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 brief 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 Rosemount’s municipal code, available publicly at: [http://www.sterlingcodifiers.com/codebook/index.php?book_id=452](http://www.sterlingcodifiers.com/codebook/index.php?book_id=452).

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 typically presents the applicable definitions established by the City of Rosemount at the beginning of each section. For example, at the beginning of the Restaurants sub-section, the definitions for “Restaurant (Convenience)” and “Restaurant (General)” are included at the very top of the section. The use of definitions ensures the reader understands how the municipality describes certain activities and structures.

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

- **Restaurant.** Not defined by municipal code as of June 16, 2015.
- **Restaurant, Fast Food.** Not defined by municipal code as of June 16, 2015.
- **Eating and Drinking Establishment.** Not defined by municipal code as of June 16, 2015.

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

Appendices

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

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

Before analyzing specific activities or structures, this memo briefly discusses some general concepts providing context regarding and impacting access to healthy food in Rosemount, 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 Rosemount’s regulation of different components of the food system. The Public Health Law Center used the Minnesota Food Charter to structure the analysis of Rosemount’s municipal code. The Food Charter breaks the food system into seven parts: (1) grow, (2) process, (3) distribute, (4) get, (5) make, (6) eat, and (7) dispose. The Center uses the broad categories of growing, processing, distributing, getting, making, and disposing to frame each section of this brief.

† This analysis does not include the category of “eating” as local governments do not regulate this area as directly as the other areas identified.
For more information:

The Minnesota Food Charter is available online at [http://mnfoodcharter.com/](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,
- Sale of personally grown, unprocessed agricultural products,
- Licensing of food establishments,
- Food safety standards,
- Sale of products prepared in unlicensed kitchens, and
- Food sampling at farmers’ markets and other community events.

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:

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

In addition, information about some recent changes to Minnesota state law not included in these resources has been provided in Appendix G, below.
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>
</table>
| MDH    | Cafes, Restaurants, Bars, Hotels & motels, Cafeterias | Licenses and inspects food establishments \(^8\)  
Enforces Minnesota Food Code \(^9\)  
Provides food safety and food handling education and training \(^10\)  
Investigates outbreaks \(^11\)  
Tracks and monitors foodborne illness \(^12\)  
Operates the Minnesota Foodborne Illness Hotline \(^13\)  
Releases reports and summaries of foodborne illness outbreaks in Minnesota \(^14\)  
Coordinates response to foodborne illness outbreak with other state and local government agencies |
| MDA    | Grocery stores, Bakeries, Egg handlers, Dairy farms, Delis, Food manufacturers, Wholesale food dealers, Meat & poultry processors | Licenses and inspects certain food retailers, dairies, and meat processors  
Enforces Minnesota Food Laws and the Minnesota Food Code \(^16\)  
Enforces state standards relating to food quality, labeling, and advertising \(^17\)  
Investigates complaints regarding questionable food products or food sales practices \(^18\)  
Cooperates in foodborne illness outbreak investigation when involving MDA-regulated facilities or food that is commercially distributed in Minnesota  
Tests food products and environmental samples for the presence of pathogens or deleterious substances  
*Please note, there are a number of areas that MDA is involved in responding to foodborne illness beyond those mentioned in this resource. Please see [http://www.mda.state.mn.us/](http://www.mda.state.mn.us/) for more information about the agency’s specific role.* |
Municipal Government Oversight of Food System

In Minnesota, there are several mechanisms through which a municipal government may be able to regulate the food system. For example, MDA and MDH have delegated some of their authority to regulate different aspects of the food system to a specific municipality, including the authority to license food establishments and 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 Rosemount 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 Rosemount 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.\(^{\dagger}\) Minnesota state law gives statutory cities\(^{\S}\) explicit authority to regulate a wide range of areas, including:

- 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.”\(^{23}\) 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…”\(^{24}\) 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.”\(^{25}\)

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

---

\(^{\dagger}\) 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.

\(^{\S}\) 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.
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.
Alternatively, local governments may be using licensing (or other regulations) to reduce access
to healthy foods such as by prohibiting the use of required parking lots for sale of products.

Rosemount does not require general business licensing or registration for all businesses.
However, Rosemount has established business licensing requirements for a number of other
businesses that are outside the scope of this project.26

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.”27 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.

Rosemount uses permits to govern a wide range of activities, as found on its website at:

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.28 This includes the authority to prepare, adopt and amend a
comprehensive municipal plan as well as the official controls to implement that plan. Rosemount
has the authority to conduct planning and enact zoning ordinances.29

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. Rosemount’s 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.30 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.31

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.”32 Townships in Dakota County may choose to prepare comprehensive plans for their jurisdictions or delegate their planning authority to the county by agreement.33

In the metropolitan development region, state law has placed most of the seven-county “metropolitan area”34 under the jurisdiction of the Metropolitan Council, a “public corporation and political subdivision of the state.”35 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.36

The Metropolitan Land Planning Act requires every local government – counties, cities, and towns37 – in the “metropolitan area” to develop a comprehensive plan, and to systematically review it every ten years.38 This “decennial review” is a multilayered process, and begins several years before the actual deadline; the next review is due in 2018. Rosemount 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 Rosemount’s comprehensive plan is outside the scope of this project. However, any effort to increase access to healthy food in Rosemount 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 Rosemount’s municipal code is essential to ensure the comprehensive plan reflects the broader needs of the community to have access to healthy, affordable food.
Rosemount’s current comprehensive plan that is under review is available on the city’s website at: http://ci.rosemount.mn.us/index.aspx?NID=185.

**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.

Rosemount has established the following zoning districts:

<table>
<thead>
<tr>
<th>Agricultural Districts</th>
<th>Residential Districts</th>
<th>Commercial Districts</th>
<th>Industrial Districts</th>
<th>Special and Environmental Protection Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>AG</td>
<td>RR Rural residential district</td>
<td>C-1 Convenience commercial district</td>
<td>LI Light industrial district</td>
<td>WM Waste management district</td>
</tr>
<tr>
<td>AG-P</td>
<td>RL Very low density single-family residential district</td>
<td>DT Downtown district</td>
<td>GI General industrial district</td>
<td>P Public and institutional district</td>
</tr>
<tr>
<td></td>
<td>R-1 Low density residential district</td>
<td>C-3 Highway service commercial district</td>
<td>HI Heavy industrial district</td>
<td>BP Business park district</td>
</tr>
<tr>
<td></td>
<td>R-1A Low density residential district</td>
<td>C-4 General commercial district</td>
<td>IP Industrial park district</td>
<td>FP Floodplain district</td>
</tr>
<tr>
<td></td>
<td>R-2 Moderate density residential district</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>R-3 Medium density residential district</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>R-4 High density residential district</td>
<td></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.\(^{41}\) 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.\(^{42}\) Rosemount provides additional clarification about variances and conditional uses as follows.

Municipal Definitions

★ **Variance.** . . . in any case where it appears by the reason of exceptional circumstances the strict enforcement of any provision of the standards would cause unnecessary hardship or that strict conformity with the standards would be unreasonable, impractical or not feasible under the circumstances in order to promote the effective and reasonable application and enforcement of the provisions of this chapter, the city may permit a variance upon such conditions as it may prescribe consistent with the general purposes of this chapter and the intent of this and all other applicable state and local regulations.\(^{43}\)

★ **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 it.\(^{44}\)

★ **Conditional use.** The purpose of conditional use permits is to allow for those uses which are not generally suitable within the zoning district, but which under some circumstances may be suitable. The applicant for a CUP shall have the burden of proof that the use is suitable and that the standards set forth in this chapter have been met.\(^{45}\)

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.

Additional information: Conditional Use Permits

See League of Minnesota Cities information memo, Land Use Conditional Use Permits.
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 taking place within their 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.

Rosemount 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.” Rosemount also 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.** A use of land or a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.  

★ **Principal use or structure.** The main use to which the premises are devoted and the principal purpose for which the premises exist.

Rosemount’s municipal code requires a building permit for all accessory structures greater than 120 square feet. Rosemount may also regulate other types of structures, see additional discussion, below. Rosemount does not require zoning permits.

See also: [http://www.ci.rosemount.mn.us/DocumentCenter/View/327](http://www.ci.rosemount.mn.us/DocumentCenter/View/327)

For more information:

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

Subsections:

1. Gardening
2. Farming
3. Keeping Animals (including Bees, Chickens, and Chicken Coops)
4. Fences
5. Arbor, Trellises, Pergolas, Planting Boxes, and Raised Beds
6. 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, gardeners 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 June 15, 2015.
- **Market garden.** Not defined by municipal code as of June 15, 2015.
- **Truck Farm/Garden.** Not defined by municipal code as of June 15, 2015.

Does the municipal code require a permit or license?

It depends. The City does not require a permit or license to operate a garden but does require a conditional use permit for community gardens in all zones where they are permitted as an accessory use, see list below.

What are the relevant regulations?

Rosemount allows gardens to be placed on right of ways.  

Gardening is permitted specifically within the agricultural district and agricultural preserve district as an agricultural use as well as in the floodplain district. Additionally, in the agricultural district and agricultural preserve district, agricultural product stands are an accessory use.

Gardening is allowed in the following zones:

<table>
<thead>
<tr>
<th>Zone</th>
<th>Accessory Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>AG Agricultural</td>
<td><strong>Accessory Uses:</strong> Community gardens, provided the site has an approved conditional use permit (CUP). Community gardens are not permitted with residential uses.</td>
</tr>
<tr>
<td>AG Agricultural Preserve</td>
<td><strong>Accessory Uses:</strong> Community gardens, provided the site has an approved conditional use permit (CUP). Community gardens are not permitted with residential uses.</td>
</tr>
<tr>
<td>RR Rural Residential</td>
<td><strong>Accessory Uses:</strong> Community gardens, provided the site has an approved conditional use permit (CUP). Community gardens are not permitted with residential uses.</td>
</tr>
<tr>
<td>District Type</td>
<td>Accessory Uses</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>-------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>R-1 Low Density Residential</td>
<td>Community gardens, provided the site has an approved conditional use permit (CUP). Community gardens are not permitted with residential uses.</td>
</tr>
<tr>
<td>R-1A Low Density Residential</td>
<td>Community gardens, provided the site has an approved conditional use permit (CUP). Community gardens are not permitted with residential uses.</td>
</tr>
<tr>
<td>R-2 Moderate Density Residential</td>
<td>Community gardens, provided the site has an approved conditional use permit (CUP). Community gardens are not permitted with residential uses.</td>
</tr>
<tr>
<td>R-3 Medium Density Residential</td>
<td>Community gardens, provided the site has an approved conditional use permit (CUP). Community gardens are not permitted with residential uses.</td>
</tr>
<tr>
<td>R-4 High Density Residential</td>
<td>Community gardens, provided the site has an approved conditional use permit (CUP). Community gardens are not permitted with residential uses.</td>
</tr>
<tr>
<td>PI Public Institutional</td>
<td>The following uses shall be permitted accessory uses: Community gardens.</td>
</tr>
<tr>
<td>FP Floodplain District</td>
<td>The following uses are permitted within the floodplain district. These uses shall not obstruct flood flows or increase flood elevations. In addition, these uses shall not involve structures, fill, obstructions, excavations or storage of materials or equipment. Residential uses such as lawns, gardens, parking areas, and play areas.</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 June 15, 2015.
★ **Farm Animal.** Cattle, horses, ponies, mules, sheep, goats, swine (including potbellied pigs and other miniature varieties), ducks, geese, turkeys, chickens, and other animals of husbandry. 73

★ **Accessory buildings.** A subordinate building or structure on the same lot with a principal or main building. 74

★ **Accessory structure.** A structure, with or without a roof and/or walls, detached from a principal building located on the same lot and customarily incidental and subordinate to the principal building. 75

★ **Accessory use.** A use of land or a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use. 76

★ **Agriculture.** The use of the land for agricultural purposes, including farming, dairying, pasturage, horticulture, storage, animal and poultry husbandry and accessory uses and buildings. The care and keeping of agricultural animals is also subject to the regulations for the care and keeping of animals within the city contained in title 7, chapter 4 of this code. 77

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

No.

**What are the relevant ordinances?**

Farming in Rosemount is allowed in the agricultural 78 and agricultural preserve 79 district within the city. Farm animals are allowed in agricultural districts and must meet certain setback requirements. 80

Agricultural product stands are allowed only in the agricultural districts as well. 81 Additionally, each farm is allowed one sign to advertise agricultural products that are raised at least in part, on that farm. 82

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

Raising chickens and beekeeping are just two types of activity that allow community members to become more involved in and engaged with the production of their food. Local governments are increasingly allowing for beekeeping and keeping small farm animals for personal use or sale of animal products, such as meat, eggs or honey, within a municipality. Amendments to zoning and animal ordinances allow residents to keep small farm animals and bees in a manner that prevents nuisances to occupants of nearby properties and prevents conditions that are unsanitary or unsafe.
Chicken coops protect chickens and other fowl from the elements and provide a space for the fowl to roam and exercise. Allowing chicken coops through city ordinances, amendments to zoning, and animal ordinances allow residents to keep poultry in a manner that prevents nuisances to occupants of nearby properties and prevents conditions that are unsanitary or unsafe.

Municipal Code Definitions

★ Farm animal. Cattle, horses, ponies, mules, sheep, goats, swine (including potbellied pigs and other miniature varieties), ducks, geese, turkeys, chickens, and other animals of husbandry. 83

★ Animal. Any nonhuman mammal, reptile, amphibian, fish, bird (including all fowl and poultry) or other member commonly accepted as a part of the animal kingdom. 84

★ Allowed animal. Those animals commonly accepted as domesticated household pets. Unless otherwise defined, such animals shall include dogs, cats, spayed or neutered ferrets, caged birds, gerbils, hamsters, guinea pigs, domesticated rabbits, fish, nonpoisonous, nonvenomous and nonconstricting reptiles or amphibians, and trained service animals that are assisting disabled persons. 85

★ Chicken. Not defined by municipal code as of June 15, 2015.

★ Domestic animals. Not defined by municipal code as of June 15, 2015.

★ Chicken coop. Not defined by municipal code as of June 16, 2015.

★ Chicken run. Not defined by municipal code as of June 16, 2015.

Does the municipal code require a permit or license?

It depends. The City does not require a permit for keeping these types of animals. However, chicken coops are regulated as an accessory building and if the size of the coop exceeds 120 square feet it will require a building permit. 86

What are the relevant regulation?

For the most part, farm animals are generally only allowed in agricultural districts and on property owned by the University of Minnesota while used for agricultural or research purposes. If farm animals are kept in agricultural districts, certain setback requirements must be met. 87 Notwithstanding these regulations, Rosemount allows up to three (3) chickens in any zone of the city for non-commercial purposes. 88 When chickens are kept for commercial purposes, they may only be kept if the zone allows for that use and so long as the chickens are kept within the principal structure. 89

Allowed chickens in Rosemount must be confined to a coop and may also be in a fenced area for short periods of time. 90
Chicken coops must meet specific setback requirements, must be elevated, and must be sized to give adequate space for freedom of movement.

While there are specific provisions governing the keeping of chickens, the municipal code does not have specific provisions for honey bees.

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 or wall, or gate erected as a dividing marker, barrier or enclosure and located along the boundary or within the required yard. All fences are subject to building permit review and approval.

★ **Decorative fence.** A fence made of high quality, long lasting and ornamental materials including finished aluminum, wrought iron, brick and the like, but not including wood, unfinished metal, vinyl, PVC, chainlink, wire, barbed wire or like materials.

★ **Fence height.** Not defined by municipal code as of June 15, 2015.

★ **Screening.** Not defined by municipal code as of June 15, 2015.

★ **Accessory structure.** A structure, with or without a roof and/or walls, detached from a principal building located on the same lot and customarily incidental and subordinate to the principal building.

Does the municipal code require a permit or license?

Yes, a building permit is required for the construction of fences. Seasonal fences may be used without a permit.

Please visit the following link for a copy of the permit application: http://www.ci.rosemount.mn.us/DocumentCenter/View/318
What are the relevant regulations?

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

- Maximum fence height is six feet,
- In residential front yards, fences shall not exceed 42 inches in height,
- Electric and barbed wire fences are permitted only in the agricultural and rural residential districts when relating to agricultural purposes.\(^98\)

Rosemount has established landscaping requirements for all new development, however, the focus is on tree preservation and replacement.\(^99\) Please see Appendix D: Landscape Plan Requirements for applicable regulations.

In addition, residential yards and open space requirements may have implication on the location of fences on residential lots.\(^100\)

Additional Resources

- [Handout](#) from the city outlining residential fence requirements, including: permit, height, and set backs.

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 June 3, 2015.
- **Pergola**. Not defined by municipal code as of June 3, 2015.
- **Trellis**. Not defined by municipal code as of June 3, 2015.
- **Planting box**. Not defined by municipal code as of June 16, 2015.
- **Raised plant bed**. Not defined by municipal code as June 16, 2015.
Does the municipal code require a permit or license?

No.

What are the relevant regulations?

The code does not address planting boxes on lots generally.

Rosemount does not require a permit for planting a garden on public right of ways.\(^{101}\)

See section on “Gardening” for applicable municipal code.

Structures must be kept in good repair.\(^{102}\)

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 June 16, 2015

★ **Hoop house.** Not defined by municipal code as of June 16, 2015.

★ **High tunnel.** Not defined by municipal code as of June 16, 2015.
Does the municipal code require a permit or license?

It depends. If the greenhouse or hoop house is larger than 120 square feet, Rosemount requires a building permit.

Please visit the following link for more information: [http://www.ci.rosemount.mn.us/DocumentCenter/View/327](http://www.ci.rosemount.mn.us/DocumentCenter/View/327).

What are the relevant regulations?

Commercial greenhouses are a permitted use in the Agricultural District, and a conditional use in the Rural Residential District. Only sales to wholesale retailers or jobbers are permitted.

The municipal code is silent concerning hoop houses.

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

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

For more information, please see the City’s website, [http://www.ci.rosemount.mn.us/DocumentCenter/View/320](http://www.ci.rosemount.mn.us/DocumentCenter/View/320), or contact building inspections at (651) 322-2024.

Additional Resources:

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

- The City of Minneapolis adopted regulations governing hoop houses and greenhouses in March 2012. The City of Minneapolis defined hoop house as “a temporary or permanent structure typically made of, but not limited to, piping or other material covered with translucent material for the purpose of growing food or ornamental crops. A hoop house is considered more temporary than a greenhouse.” 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**

★ **Building.** Any structure having a roof which may provide shelter or enclosure for persons, animals or chattel, and when said structure is divided by party walls without openings, each portion of such building so separated shall be deemed a separate building.\(^{107}\)

★ **Accessory building.** A subordinate building or structure on the same lot with a principal or main building.\(^{108}\)

★ **Building height.** The vertical distance from finished grade to the top of the highest roof beams on a flat or shed roof, the deck level on a mansard roof, and the average distance between the eaves and ridge level for gable, hip and gambrel roofs.\(^{109}\)

★ **Shed.** Not defined by municipal code as of June 16, 2015.

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

Yes. Rosemount requires a building permit for structures over 120 square feet.

Please visit the following link for more information:

The municipal code requires any building that is moved within the city to obtain a moving permit.\(^{110}\) However, sheds that do not require special traffic signage or lighting for a safe move do not require a moving permit.\(^{111}\)

Additional considerations for sheds may be the architectural, aesthetic standards, and exterior finish considerations that must be met.\(^{112}\)

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

For more information, please see the City’s website, [http://www.ci.rosemount.mn.us/DocumentCenter/View/320](http://www.ci.rosemount.mn.us/DocumentCenter/View/320), or contact building inspections at (651) 322-2024.
PROCESSING FOOD

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

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

State Law Definitions

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

Municipal Code Definitions

★ Food processor. Not defined by municipal code as of June 16, 2015.

Does the municipal code require a permit or license?

No.

What are the relevant regulations?

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

Additional Resources

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


GETTING FOOD

Subsections:

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

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

Minnesota law creates two general categories of businesses where Minnesotans purchase their food - food establishments and food and beverage service establishments.118 These categories encompass the vast majority of places involved in providing food to consumers, including retail food sales and prepared food sold to customers to be consumed onsite. Minnesota state law gives authority to regulate different types of food establishments and food and beverage service establishments to the Minnesota Departments of Health and Agriculture, depending on different characteristics established by state law. Minnesota state law and Rosemount 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.119

** 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.\(^{120}\)

**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 farmers’ markets. This section provides a focused look at a range of food establishments and food and beverage service establishments to explore how state law and Rosemount’s regulations impact different business models that can be used to increase access to healthy food.

Minnesota law requires that every person who handles food obtain a license and that “all producers, packagers, labelers, handlers, distributors and vendors of food, whether or not subject to licensing … be required to comply with the applicable rules.”\(^{121}\) 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**,  

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

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

**Selling Products of a Farm or Garden**

The Minnesota constitution and state law exempts those selling products from a farm or garden that they have grown from the requirement of obtaining a food license.\(^{122}\) 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**

- **Agricultural stand.** A booth or stall located on a farm from which farm products raised exclusively on that farm are sold to the general public.\(^{123}\)

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

The City of Rosemount does not specifically exempt a person selling or attempting to sell products of the farm or garden occupied and cultivated by that person.\(^{124}\) However, 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.\(^{125}\) Please see Appendix G for more information.

**What are the relevant regulations?**

Rosemount allows for the sale of agricultural product stands as an accessory use in the agricultural\(^ {126}\) and agricultural preserve\(^ {127}\) districts only.

**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. )¹²⁸

★ 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.¹²⁹

★ 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.¹³⁰

Municipal Code Definitions

★ Farmers’ market. Not defined by municipal code as of June 16, 2015.

★ Sales Lot. An outdoor area, not enclosed within a building that may include allowed temporary structures used for temporary display of merchandise for sale which is not the principal use of the property but is in compliance with the requirements of the zoning district in which it is located. Examples of such use include seasonal display and sale of Christmas trees, gardening or nursery products, consumer fireworks, or other similar goods.¹³¹

Does the municipal code require a permit or license?

No. However, the City may require an individual merchant to obtain a transient merchant license.¹³²

What are the relevant regulations?

The City of Rosemount regulates farmers’ markets through regulations concerning the use of sales lots by transient merchants.¹³³ Regulations include specific zoning districts, see below, and site requirements for such a market.¹³⁴ Specifically, any sales lot must have adequate off-street
parking, may not be in a residential district, and must be completely surfaced to control dust and erosion.\textsuperscript{135}

<table>
<thead>
<tr>
<th>DT Downtown District</th>
<th>Interim Uses: Transient merchant sales lots as regulated by title 3, chapter 5 of this code and the zoning ordinance . . . \textsuperscript{136}</th>
</tr>
</thead>
<tbody>
<tr>
<td>C-3 Highway Commercial District</td>
<td>Interim Uses: Transient merchant sales lots as regulated by title 3, chapter 5 of this code and the zoning ordinance . . . \textsuperscript{137}</td>
</tr>
</tbody>
</table>

See Transient Merchant Section for more detail.

**Additional Resources**

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

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


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

**Restaurant**

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

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, Rosemount does not have
delegated authority from MDH. However, Rosemount 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.\(^{138}\)

**Municipal Code Definitions**

★ **Restaurant.** Not defined by municipal code as of June 16, 2015.

★ **Restaurant, Fast Food.** Not defined by municipal code as of June 16, 2015.

★ **Eating and Drinking Establishment.** Not defined by municipal code as of June 16, 2015.

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

No, the City does not require a license for restaurants.\(^{139}\)

**What are the relevant regulations?**

Rosemount has established several sets of code provisions that apply to different food establishments by zoning district, including:

- Parking space requirements,\(^{140}\)
- Outdoor seating,\(^{141}\)
- Drive-throughs,\(^{142}\) and
- Sign requirements.\(^{143}\)

See entire chapter 8 for additional provisions that may be applicable to restaurant signs

While restaurants are not listed, eating and drinking establishments are permitted in the following zones:

<table>
<thead>
<tr>
<th>C-1 Convenience Commercial District</th>
<th>Conditional Uses: Eating and drinking establishment as part of multi-tenant or mixed use building. These establishments include such places as restaurants and cafeterias and places for the sale and consumption of soft drinks, juices, ice cream and beverages of all kinds, provided the following conditions are met: . . .(^{144})</th>
</tr>
</thead>
<tbody>
<tr>
<td>DT Downtown District</td>
<td>Permitted Uses: Eating and drinking establishments, excluding drive-through facilities.(^{145})</td>
</tr>
</tbody>
</table>
Mobile, Temporary, and Seasonal Food and Beverage Service Establishments

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

Minnesota State Legal Definitions††

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

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

(2) operated in conjunction with a permanent business licensed under this chapter or chapter 28A at the site of the permanent business by the same individual or company, and readily movable, without disassembling, for transport to another location.¹⁵⁰

†† 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.
★ **Food cart** means a food and beverage service establishment that is a nonmotorized vehicle self-propelled by the operator.\textsuperscript{151}

★ **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{152}

★ **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{153}

★ **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{154}

Municipal Code Definitions

★ **Food cart.** Not defined by municipal code as of June 16, 2015.

★ **Food stand.** Not defined by municipal code as of June 16, 2015.

★ **Mobile vendor.** Not defined by municipal code as of June 16, 2015.

★ **Food truck.** Not defined by municipal code as of June 16, 2015.

★ **Sales Lot.** An outdoor area, not enclosed within a building that may include allowed temporary structures used for temporary display of merchandise for sale which is not the principal use of the property but is in compliance with the requirements of the zoning district in which it is located. Examples of such use include seasonal display and sale of Christmas trees, gardening or nursery products, consumer fireworks, or other similar goods.\textsuperscript{155}

Does the municipal code require a permit or license?

Unclear. The City requires individual merchants to obtain a transient merchant license.\textsuperscript{156} The state may require a license to sell food from one of these structures. The Minnesota Department of Health governs the licensing of “food establishments” in Minnesota. For more information, please visit, [http://www.health.state.mn.us/divs/eh/food/license/](http://www.health.state.mn.us/divs/eh/food/license/).
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?**

Rosemount has not established regulations specific to mobile, temporary, and seasonal food establishments in the city.

See section “Transient Merchant” for additional information.

**Additional Resources**

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

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


**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,*

‡‡ 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.
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.\textsuperscript{157}

\begin{center}
\textbf{Municipal Code Definitions}
\end{center}

\begin{itemize}
\item \textbf{Peddler.} Any person or persons who goes from house to house, from place to place or from street to street, conveying or transporting goods, wares or merchandise or offering or exposing the same for sale, or making sales and delivering articles to purchasers.
\item \textbf{Transient merchant.} Any person, individual, copartnership, or corporation, either as principal or agent, who engages in, does or transacts any temporary and transient business in this state, either in one locality or in traveling from place to place in this state, selling goods, wares and merchandise; and who for the purpose of carrying on such business, hires, leases, occupies or uses a building, structure, vehicle, trailer, tent or other portable shelter, or vacant lot for the exhibition and sale of such goods, wares and merchandise. The term "transient merchant" does not include a seller or exhibitor in a firearms collector show involving two (2) or more sellers or exhibitors.
\item \textbf{Sales lot.} An outdoor area, not enclosed within a building that may include allowed temporary structures used for temporary display of merchandise for sale which is not the principal use of the property but is in compliance with the requirements of the zoning district in which it is located. Examples of such use include seasonal display and sale of Christmas trees, gardening or nursery products, consumer fireworks, or other similar goods.\textsuperscript{158}
\end{itemize}

\begin{center}
\textbf{Does the municipal code require a permit or license?}
\end{center}

Yes, the municipal code (and state law\textsuperscript{159}) makes it unlawful to conduct business as a peddler, solicitor, transient merchant, or operator of a sales lot without first obtaining a license or permit from the city.\textsuperscript{160}

\begin{center}
\textbf{What are the relevant regulations?}
\end{center}

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

\begin{itemize}
\item Sales lot site requirements; \textsuperscript{161}
\item Permissible hours of operation, 9 a.m. – 8 p.m.; \textsuperscript{162} and
\item Restriction from selling or attempting to sell in public right-of-ways. \textsuperscript{163}
\end{itemize}
Grocery Store

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

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

Minnesota State Legal Definitions

★ Food establishment

A. “Food Establishment” means an operation that:

(1) stores, prepares, packages, serves, vends, or otherwise provides food for human consumption, including a restaurant, satellite or catered feeding location, market, grocery store, convenience store, special event food stand, school, boarding establishment, vending machine and vending location, institution, and retail bakery; or

(2) relinquishes possession of food to a consumer directly or indirectly through a delivery service, including the home delivery of grocery orders or restaurant takeout orders, and a delivery service that is provided by common carriers.

Municipal Code Definitions

★ Grocery store. Not defined by municipal code as of June 16, 2015

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

No, the City does not require a license for grocery stores.\textsuperscript{166}

What are the relevant regulations?

Four zoning districts allow grocery stores. The Convenience Commercial District,\textsuperscript{167} Downtown District,\textsuperscript{168} Highway Commercial District,\textsuperscript{169} and General Commercial District all allow grocery stores.\textsuperscript{170}

Grocery stores must abide by the food safety regulations set forth by the state of Minnesota.

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 letter, work, symbol, model, printed, projected or affixed device, poster, picture, reading matter, or other representation in the nature of an advertisement, announcement, direction or informative device including structural and component parts.
- **Sign, portable.** A sign so designed as to be movable from one location to another, and which is not permanently attached to the ground, sales display device or structure.
- **Sign, sidewalk.** A portable sign for temporary placement on a sidewalk in the public right of way, intended for a building or business located adjacent to the right of way with no front yard or a front yard that will not accommodate a permanent freestanding sign as permitted by this chapter.
★ **Sign, temporary.** A sign, banner, pennant, portable changeable copy sign, portable sign, searchlight sign, or similar device designed and/or displayed to promote brief business, professional, commodity, service or entertainment activities such as, but not limited to, grand openings, sales, or special promotions or events. 171

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

Yes, a permit is required for most signage, both temporary and permanent. 172

The 2015 sign permit application is available online, here: [http://www.ci.rosemount.mn.us/DocumentCenter/View/164](http://www.ci.rosemount.mn.us/DocumentCenter/View/164).

**What are the relevant regulations?***

The City has established numerous restrictions on signage, including:

- Signs that obstruct the sight of drivers or pedestrians;
- Restrictions on dynamic signs;
- Limits on temporary signs; and
- Regulations for sidewalk signs. 173

Restrictions may vary depending on zoning district.

**Parking**

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

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

---

*** 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.
Municipal Code Definitions

★ Parking. The standing of a vehicle, whether occupied or not, upon a street, otherwise than temporarily for the purpose of, and while actually engaged in, receiving or discharging passengers or loading or unloading merchandise, or in obedience to traffic regulations, signs or signals or an involuntary stopping of the vehicle by reason of causes beyond the control of the operator of the vehicle.\textsuperscript{174}

Does the municipal code require a license or permit?

No.

What are the relevant regulations?

Rosemount requires off street parking in compliance with the off street parking municipal code when there is new construction, and enlargement of an existing use, or a change in existing use.\textsuperscript{175}

The code sets minimum space requirements by specific use including convenience grocery stores, drive-up restaurants, and retail sales.\textsuperscript{176}

Please visit the applicable traffic\textsuperscript{177} and zoning regulations for any additional considerations.\textsuperscript{178}
**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 June 16, 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, and other factors. Please consult with MDA and/or MDH for more information.

**What are the relevant regulations?**

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

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


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

Subsections:

1. Composting
2. Recycling and Waste Disposal

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

Composting

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

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

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

- Odors
- Design requirements
- Discharge and surface water drainage runoff
- Operation requirements (i.e., staff training)
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.181

★ **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.182

★ **Composting.** (State Definition) The controlled microbial degradation of organic waste to yield a humus like product.183

★ **Operator.** (State Definition) The person or persons responsible for the operation of a facility.184

★ **Owner or facility owner.** (State Definition) The person or persons who own a facility or part of a facility.185

Municipal Code Definitions:

★ **Composting.** Controlled microbial degradation of source separated organic waste to yield a humus-like product or mulch to be used as a soil amendment.186

★ **Food waste.** Vegetable, fruit and other organic waste resulting from the handling, preparation, cooking and consumption of food, except for meat, bones, whole eggs and dairy products.187

★ **Organic waste.** Yard waste and food waste. It also includes community available compost ingredients.188

★ **Source separated.** Organic waste that is separated from mixed municipal solid waste at the source by the waste generators for composting in a container.189

★ **Yard waste.** Garden wastes, leaves, lawn cuttings, sawdust, weeds, nonwoody shrub and tree prunings and twigs no larger than one-fourth inch (1/4”) diameter.190

Does the municipal code require a permit or license?

No. Neither the City nor State191 require a permit or license for “backyard composting.”
What are the relevant regulations?

Composting is permitted in Roseville as long as it meets the standards of the composting chapter.\(^{192}\)

Requirements include bin materials,\(^{193}\) setbacks,\(^{194}\) and maintenance of composting materials.\(^{195}\)

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

- **Solid Waste.** Any nonrecyclable material produced by any residential, commercial, institutional or industrial use.\(^{196}\)

- **Recyclables.** Any material such as paper, glass, plastic, and certain metals which are routinely collected and processed for recycling.\(^{197}\)

- **Recycling.** The process of collecting and preparing recyclable materials and reusing the materials in their original form or using them in manufacturing processes that do not cause the destruction of recyclable material in a manner that precludes further use.\(^{198}\)
Does the municipal code require a permit or license?

A permit or license is only required for commercial haulers.¹⁹⁹

What are the relevant regulations?

The City requires that solid waste, recyclables, and yard waste must be disposed of cannot be accumulated for more than one week with the exception of composting.²⁰⁰
# 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.

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 11, Chapter 5 – Zoning Regulations, District Development Regulations

Section 11-5-2: SUPPLEMENTAL REGULATIONS:

A. Building Type And Construction:

1. General Provisions:

a. No galvanized or unfinished steel, galvalum or unfinished aluminum buildings (walls or roofs), except those specifically intended to have a corrosive designed finish such as Cor-ten steel shall be permitted in any zoning district, except in association with farming activities.

b. Buildings in all zoning districts shall maintain a high standard of architectural and aesthetic compatibility with surrounding properties to ensure that they will not adversely impact the property values of the abutting properties or adversely impact the community's public health, safety and general welfare.

c. Exterior building finishes shall consist of materials comparable in grade and quality to the following:

(1) Brick.

(2) Natural stone.

(3) Decorative concrete block - "rock face", "breakaway" or other types of decorative block.

(4) Cast in place concrete or precast concrete panels.

(5) Wood, provided the surfaces are finished for exterior use and wood of proven exterior durability is used, such as cedar, redwood, cypress.

(6) Curtain wall panels of steel, fiberglass and aluminum (nonstructural, nonload bearing), provided such panels are factory fabricated and finished with a durable nonfade surface and their fasteners are of a corrosion resistant design.
(7) Glass curtain wall panels.


2. Commercial Districts (C-1, DT, C-3, C-4): The permitted materials for commercial buildings are detailed in each individual commercial district and applicable sections of this title. (Ord. B-211, 1-4-2011)


4. Industrial Districts (LI, GI, And HI): The permitted materials for industrial buildings are detailed in each individual industrial district and applicable sections of this title. (Ord. B-181, 12-19-2006)

5. Single-Family Dwelling Requirements: All single-family detached dwellings shall be constructed according to the following minimum standards:

a. All dwellings shall have a minimum width of twenty four feet (24').

b. All dwellings shall have a frost free foundation as defined by the applicable building code. Split level, split entry and earth sheltered homes shall be considered to comply with this requirement.

c. Main roofs shall have a minimum pitch of three to twelve (3:12) per definition of the applicable building code.

d. Roofs shall be shingled with asphalt, wood, tiles, sod or other comparable materials as approved by the applicable building code.

e. Metal siding, with exposed panels exceeding sixteen inches (16") in width, shall not be permitted.

f. Earth sheltered homes will be permitted on the basis of site conditions, which are conducive to such housing, or in areas where changes to existing site conditions are complementary to the site and adjacent properties and the existing character of property and structures in the area. (Ord. B, 9-19-1989)

6. Accessory Buildings: Prefabricated metal storage buildings are limited to one hundred twenty (120) square feet maximum area in the R-1, R-1A, R-2, RL, RR, and AG (under 20 acres and/or for nonagricultural use west of Akron Avenue) districts.

a. Maximum aggregate total for any accessory building(s), excluding attached garage, is one thousand (1,000) square feet in R-1, R-1A, R-2, and RL districts.
b. Maximum aggregate total for any accessory building(s), excluding attached garage, is one thousand two hundred (1,200) square feet in the RR or AG (under 20 acres and/or for nonagricultural use west of Akron Avenue) districts.

(1) Exceptions: In the RR or AG (under 20 acres and/or for nonagricultural use west of Akron Avenue) districts accessory structures may exceed one thousand two hundred (1,200) square feet under the following circumstances:

(A) The maximum aggregate area for accessory structures shall not exceed fifty percent (50%) of the ground floor area of the principal building, including attached garage.

(B) Maximum lot coverage shall not exceed ten percent (10%) impervious surface. (Ord. B-46, 9-23-1994)

c. Any accessory building in the R-1, R-1A, R-2, RL, RR, or AG (under 20 acres and/or for nonagricultural use west of Akron Avenue) districts over one hundred fifty (150) square feet must be constructed of materials comparable with and complementary to the principal structure. Comparable treatment includes the following requirements:

(1) A minimum three to twelve (3:12) roof pitch.

(2) Roofs shall be shingled with asphalt, wood, or tile to match the home (principal building).

(3) Adequate number of windows shall be provided to break up the solid plane or exterior walls to simulate the character of the home (principal building).

(4) Siding which is identical or closely matches the home (principal building) shall be incorporated into the design of the accessory building.

d. Accessory buildings to be constructed in the AG (agriculture) or AG-P (agricultural preserves) districts east of Akron Avenue are limited to a maximum aggregate total of two thousand four hundred (2,400) square feet of area for properties under twenty (20) acres in size or if the building is for nonagricultural use.

e. In RR or AG districts (under 20 acres and/or for nonagricultural use west of Akron Avenue) existing accessory structures may be exempted from aforementioned comparable exterior materials and maximum aggregate total standards. This exemption applies only in the case of structures originally constructed for agricultural use, being in existence at the time of adoption hereof and qualifying as a barn under this title. This exemption does not apply to prefabricated structures and does not permit the expansion of the structure's footprint.

(1) Properties with structures (barns) qualifying for this exemption are located at the following addresses:

13345 Bonaire Path
12101 Dodd Boulevard
12391 Dodd Boulevard
3270 McAndrews Road
13429 South Robert Trail

(2) Any exterior improvements to these barns must replicate the original appearance or agricultural character of the existing structure and shall be approved by the planning commission.

(3) Exterior materials shall be limited to wood, metal, vinyl, brick or better and be comparable with the existing conditions of the barn in the areas of: a) color, b) texture or grain, c) orientation of siding (vertical or horizontal), and d) lap width. Metal siding shall be noncorrugated and have a thickness of at least nineteen millimeters (19 mm) while vinyl siding shall have a gauge of at least 0.044 inches. In addition, metal or vinyl siding shall have a manufacturer’s guarantee of at least twenty-five (25) years.

(4) Roof materials shall be noncorrugated standing seam metal, asphalt shingles, or better and shall be comparable to the original roof. Substitution of new materials will only be allowed in the case of replacing obsolescent roofing materials. (Ord. B-131, 7-15-2003)

<table>
<thead>
<tr>
<th>Districts</th>
<th>Front</th>
<th>Side</th>
<th>Rear</th>
<th>Maximum Building Height (Feet)</th>
<th>Surface Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Minimum Yards (Feet)</td>
<td>Minimum Yards (Feet)</td>
</tr>
<tr>
<td>AG</td>
<td>50</td>
<td>30</td>
<td>30</td>
<td>75</td>
<td>50'</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>5²</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>5¹</td>
</tr>
<tr>
<td>AG-P</td>
<td>50</td>
<td>30</td>
<td>30</td>
<td>75</td>
<td>50'</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>5²</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>5¹</td>
</tr>
<tr>
<td>RR</td>
<td>40</td>
<td>30³</td>
<td>30</td>
<td>35</td>
<td>40'</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>5²</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>5¹</td>
</tr>
<tr>
<td>RL</td>
<td>30</td>
<td>15</td>
<td>15/30⁴</td>
<td>18</td>
<td>30'</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>5²</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>5¹</td>
</tr>
<tr>
<td>District</td>
<td>R-1</td>
<td>R-1A</td>
<td>R-2 (2F) (3+F)</td>
<td>R-3</td>
<td>R-4</td>
</tr>
<tr>
<td>----------</td>
<td>-----</td>
<td>------</td>
<td>----------------</td>
<td>-----</td>
<td>-----</td>
</tr>
<tr>
<td>Zoning</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Use</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Floor</td>
<td>10(^3)</td>
<td>10(^3)</td>
<td>5/30(^4)</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>5/30(^4)</td>
<td>10(^3)</td>
<td>10(^3)</td>
<td>5/30(^4)</td>
<td>5/25(^4)</td>
<td>10</td>
</tr>
<tr>
<td>10</td>
<td>10(^2)</td>
<td>10(^2)</td>
<td>5(^2)</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>10(^2)</td>
<td>10(^2)</td>
<td>10(^2)</td>
<td>5(^2)</td>
<td>10</td>
<td>10</td>
</tr>
</tbody>
</table>

Notes:
- \(\)\(^5\) indicates different requirements for upper floors.
- \(\)\(^3\) indicates different requirements for basements.
- \(\)\(^4\) indicates different requirements for basements and upper floors.
- \(\)\(^6\) indicates no specific requirement.
- \(\)\(^7\) indicates different requirements for specific types of buildings.
Notes:
1. Except parking may occur within a normal driveway that crosses a required yard.
2. Driveways shall comply with yard setback requirements for surface parking.
3. See subsections C2a and C2d of this section.
4. 120 square feet or less in R-1 and R-2 districts: 5 foot setback; R-1A district: 5 foot setback; in RL district: 15 foot setback; except double frontage or corner lots: 30 foot setback. Over 120 square feet: 30 foot setback.
5. Or the required front yard as may be prescribed by subsection C4a, "Established Front Yards", of this section.
6. A 10 foot buffer yard is required adjacent to any residential district.
7. See district regulations for setback increases.

(Ord. B-211, 1-4-2011)

B. Supplementary Height Regulations:

1. Permitted Exceptions: Except as specifically provided in a business park or industrial district, the following structural appurtenances shall be permitted to a height not to exceed twenty five feet (25') in addition to the maximum height permitted for the district, provided they do not impair the solar access of buildings on adjoining properties and are not used for human occupancy or commercial enterprise:

a. Ornamentation such as church spires, belfries, bell towers, cupolas, domes, monuments and flagpoles.

b. Mechanical appurtenances such as chimneys, smokestacks, elevator and stairwell penthouses, antennas, transmission towers and other necessary structures.

c. In all districts, setbacks for all freestanding tower antennas shall be equal to the height of the antenna and its supporting structure. (Ord. B-231, 3-4-2014)

C. Supplementary Yard Regulations:

1. Permitted Yard Encroachments: No yard or required open space shall be so reduced in area or dimension so as to make any such area or dimension less than required by this title. If already less than the minimum required, a yard shall not be further reduced. The following encroachments into required yards shall be permitted:

a. Special Structural Elements: Special structural elements attached to the principal building such as chimneys, solar collectors, flues, belt courses, sills, pilasters, lintels, ornamental features, cornices, eaves and gutters provided they do not extend more than two and one-half feet (2\(\frac{1}{2}\)) into a yard.
b. Yard Lights: Yard lights in R districts not closer than five feet (5’) to the front lot line and lights in all districts for illuminating parking areas, loading areas or yards for safety and security purposes provided the direct source of light is not visible from the public right of way or adjacent residential property. (Ord. B, 9-19-1989)

c. Decorative Landscaping: Decorative landscaping, trees, shrubs and other aesthetic or sculptural elements including arbors and trellises within the front, side, street side and rear yards except within sight triangles adjacent to intersections on corner lots.

d. Accessory Appendages:

(1) Terraces, steps and stoops to the front (main) entrance of a structure may encroach into the required front, street side or side yards by not more than fifteen feet (15’). However, in no case shall they be closer than five feet (5’) to a lot line or encroach into a utility easement, whichever is more restrictive.

(2) Balconies, decks, and uncovered porches may encroach into a required yard area as follows:

(A) Front Yards: If the balcony, deck, or uncovered porch is less than two feet (2’) in height above finished grade (not including railings) measured vertically at the face of the principal structure, it may encroach into the required street front yard area fifteen feet (15’). Balconies, decks and uncovered porches higher than two feet (2’) may only encroach into required street front yards by five feet (5’). In no case shall any balcony, deck or uncovered porch be closer than five feet (5’) to a lot line or encroach into a utility easement, whichever is more restrictive.

(B) Street Side Yards: If the balcony, deck or uncovered porch is less than two feet (2’) in height above finished grade (not including railings) measured vertically at the face of the principal structure, it may encroach into the required street side yard area fifteen feet (15’). Balconies, decks and uncovered porches higher than two feet (2’) may only encroach into required street side yards by five feet (5’). In no case shall any balcony, deck or uncovered porch be closer than five feet (5’) to a lot line or encroach into a utility easement, whichever is more restrictive.

(C) Rear Yards: Fifteen feet (15’) into a required rear yard area but no closer than fifteen feet (15’) to a rear lot line or encroach into a utility easement, whichever is more restrictive.

(D) Side Yards: Five feet (5’) into a required side yard area but no closer than five feet (5’) to a lot line or encroach into a utility easement, whichever is more restrictive. (Ord. B-33, 2-11-1994)

(3) Covered deck or porches may encroach into the required front yard setback as follows:

Single-family homes built prior to January 1, 1980, may have an open single-story porch that encroaches into the required front yard a distance not exceeding ten feet (10’), provided they maintain a minimum front yard setback of twenty feet (20’). The ten feet (10’) shall include the roofline, support columns, and steps. The porch area may have a railing, but not a solid wall, that conforms to the Minnesota state building code standards but shall not exceed 3.5 feet in
height. The porch area shall not be enclosed nor screened with mesh, glass, or other similar material but may have dividers, spindles or lattice no higher than 3.5 feet from the base of the porch with no more than fifty percent (50%) opacity. (Ord. B-146, 11-26-2004)

e. Fences And Walls: Fences and walls not exceeding six feet (6’) in height, are permitted in any district in the side or rear yards, but shall not exceed forty two inches (42”) in front yards, provided that no structure shall interfere with sight distances for vehicles approaching intersections. Fences not exceeding eight feet (8’) in height are permitted in all commercial districts except along property lines adjacent to residential districts.

(1) Easements: All fences located in recorded easements are the sole risk of the property owner; and the cost of any removal, relocation, or placement of said structures caused by any activity permitted in said easements is the sole responsibility of the property owner.

(2) Materials And Construction: Every fence shall be constructed in a workmanlike manner of substantial materials widely accepted in the fencing industry and reasonably suited for the purpose for which the fence is intended. No plywood boards, canvas, plastic sheeting, metal sheeting or similar materials shall be used for any fence construction. Link fences shall be constructed in a manner that no barbed ends shall be at the top. Barbed wire and electric boundary fences not exceeding six feet (6’) in height shall only be permitted in the AG, AG-P, and RR districts when related to agricultural or permitted uses relative to animal husbandry.

(3) Temporary Or Seasonal Fences: Temporary or seasonal fences (such as snow fences, erosion control fences, fences to protect newly seeded areas and the like) are allowed without a permit provided: a) no such fence may be left in place for more than six (6) months without written city approval; b) any such fence must be removed within fifteen (15) days of the city providing written notice to the landowner that the city has determined the fence no longer serves its originally intended, temporary or seasonal purpose.

(4) Maintenance: All fences shall be maintained in accordance with section 9-4-7, "Public Nuisance Defined", of this code and all other applicable sections of this code. (Ord. B-198, 2-3-2009)

f. Picnic Shelters, Gazebos, Recreation Equipment, Etc.: Picnic shelters, gazebos, pool houses, stairs, fire escapes and recreation equipment may be placed only in side or rear yard areas and shall conform to the requirements of subsection A6, "Accessory Buildings", of this section.

Exception: Recreational equipment such as basketball backstops, hockey nets, skateboard ramps (less than 36 inches in overall height), bicycle ramps (less than 36 inches in overall height), and other small recreational play equipment associated with residential use may be used and stored in the driveway area of a residence. No recreational play equipment may be stored, or installed in the right of way, any easement, public or private street, cul-de-sac, alley, path or sidewalk. Larger recreational equipment such as swimming pools, trampolines, or sport courts are not exempted. (Ord. B-129, 6-3-2003)
g. Satellite Dishes: Satellite dishes in R districts shall not be closer than ten feet (10') from a side or rear lot line and shall not be placed in front or street front yards. (Ord. B-33, 10-19-1993)

Exception: Satellite dish antennas less than one meter (39.7") in diameter are exempted from this requirement. (Ord. B-129, 6-3-2003)

h. Security Fences: Security fences not exceeding eight feet (8') in height are permitted in the GI general industrial and WM waste management districts but shall be a conditional use in the PI public/institutional. Said security fences are subject to the applicable standards listed below and throughout this title: (Ord. B-159, 10-18-2005; amd. Ord. B-174, 10-17-2006)

(1) The conditional use standards in section 11-10-7 of this title.

(2) Barbed wire may be permitted on top of a security fence where the applicant demonstrates the barbed wire is necessary for greater security and will not be harmful to the health, safety, or welfare of the community.

(3) The barbed wire portion of the fence may not have more than three (3) strands, the lowest of which shall be at least six feet (6') from finished grade.

(4) No portion of the barbed wire shall project over the public right of way or any adjacent public or private property.

(5) No security fence (with or without barbed wire) shall be constructed without issuance of the applicable city permit. (Ord. B-159, 10-18-2005)

2. Required Side And Rear Yard Enlargement:

a. Corner Lots: Where a side yard abuts a street which is adjacent to the front yard of one or more residential lots on the same block, such side yards shall meet the front yard setback requirement of the district. The same yard dimension determined for such a side yard shall apply to structures in the rear yard.

b. Through Lots: Through lots shall provide the required front yard on both streets.

c. Commercial, Industrial And Public Buildings: For commercial, industrial and public buildings exceeding thirty five feet (35') in height and located on a lot adjoining an R district, any such building shall be set back from the interior side or rear lot line abutting said R district a minimum of one additional foot for each foot of building height in excess of thirty five feet (35'). Where there is an intervening alley, one-half (\( \frac{1}{2} \)) the alley right of way may be subtracted from this computation.

d. Yards Abutting Dissimilar Districts: Rear or side yards for dissimilar abutting districts shall meet the requirements of the more restrictive of the two (2) districts.
3. Side Yards; Permitted Reduction: No side yard shall be required between attached housing units.

4. Front Yards; Permitted Reduction And Required Expansion:

a. Established Front Yards: Where forty percent (40%) or more of the lots on any block are developed with buildings, the average front yard for the block shall be computed.

(1) Established R District Front Yards: Where the average is less than the required front yard, the average or twenty feet (20’), whichever is greater, shall be the required front yard. Where the average is greater than the required front yard, the average shall be the required front yard.

(2) Established C District Front Yards: The average front yard shall be the required front yard. (Ord. B, 9-19-1989)

5. Visibility At Intersections: A minimum sight triangle shall be established on each corner lot at every street intersection through which motorists shall have reasonable unobstructed view. The minimum sight triangle shall be defined as a triangle located at the corner of intersecting streets. The adjacent sides shall be located along the street right of way line (and adjacent property lines) of the intersecting streets and shall be twenty five feet (25’) in length. The third side shall be a straight line joining the end points of the adjacent sides. The city shall have the authority to order the removal of vision obstructions located within the minimum sight triangle. (Ord. B-21, 6-16-1992)

6. Scope: The following supplementary yard regulations shall apply to all subdivisions except lots platted or developments granted preliminary plat approval prior to the adoption date hereof.

a. Residential principal structures shall be set back a minimum of thirty feet (30’) from any easement boundary on a lot or a parcel of land that abuts or is traversed by an easement intended for or containing high voltage transmission lines.

b. Residential lot dimensional standards and principal structure setbacks shall be increased on the side adjacent to freeways, arterial and collector streets, and railroad rights of way or easements. Driveways, surface parking and accessory structures shall have increased setbacks adjacent to freeways and arterial highways. The following standards shall be in addition to existing setback criteria and dimensional standards to provide space for earthen berms, buffer yards or planting strips:

<table>
<thead>
<tr>
<th>Side Adjacent To</th>
<th>Principal Structures And Increased Dimensional Standards</th>
<th>Accessory Structures, Driveways And Surface Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Road Type</td>
<td>Width</td>
<td>Curb Cut</td>
</tr>
<tr>
<td>-----------------------------------</td>
<td>-------</td>
<td>----------</td>
</tr>
<tr>
<td>Collector street</td>
<td>10 ft</td>
<td>n/a</td>
</tr>
<tr>
<td>Minor arterial highway</td>
<td>20 ft</td>
<td>10 ft</td>
</tr>
<tr>
<td>Principal arterial (freeways)</td>
<td>30 ft</td>
<td>20 ft</td>
</tr>
<tr>
<td>Railroads</td>
<td>30 ft</td>
<td>n/a</td>
</tr>
</tbody>
</table>

Note:
1. As designated by the transportation element of the comprehensive guide plan.

c. No accessory or principal structure shall be constructed within any easement. (Ord. B-58, 3-6-1996)

d. In commercial, business park, industrial, multi-family residential and single-family developments, site plans or plats, no driveway from private property serving a commercial, business park, industrial, multi-family residential or single-family attached residential use entering a public or private street shall be less than twenty four feet (24') nor more than thirty six feet (36') in width (not including medians). One-way driveways shall be no less than twelve feet (12') wide. Single-family detached residential driveways are subject to the following requirements when connecting to and within the street right of way:

(1) Maximum Width: They shall not exceed twenty two feet (22') in width (curb cut radii excluded).

(2) Encroachment: Curb cut radii shall not encroach upon the boulevard of abutting properties.

(3) Number Of Curb Cuts: Only one curb cut shall be permitted from a street, provided:

(A) The required driveway setback shall be a minimum of five feet (5') from interior lot lines, and the greater of the applicable front yard setback or the required sight triangle from the street side yard property line on corner lots. In the event that a lot of record does not have sufficient width to meet the applicable driveway standards, the width and placement of the required driveway shall be subject to the approval of the city engineer.

(B) The proposed curb cut is in compliance with subsection 11-6-1G1 of this title.

(C) All district setback regulations for surface parking and impervious surface limitations are met. (Ord. B-158, 9-20-2005)
Section 11-4-19: FP FLOODPLAIN DISTRICT:

b. Standards For Accessory Structures:

(1) Structures shall not be designed for human habitation.

(2) Structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of floodwaters:

(A) Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow, and

(B) So far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.

(C) Accessory structures shall be elevated on fill or structurally dry floodproofed in accordance with the FP-1 or FP-2 floodproofing classifications in the state building code. As an alternative, an accessory structure may be floodproofed to the FP-3 or FP-4 floodproofing classification in the state building code provided the accessory structure constitutes a minimal investment, does not exceed five hundred (500) square feet in size, and for a detached garage, the detached garage must be used solely for parking of vehicles and limited storage. All floodproofed accessory structures must meet the following additional standards, as appropriate:

(i) The structure must be adequately anchored to prevent flotation, collapse, or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls;

(ii) Any mechanical and utility equipment in a structure must be elevated to or above the regulatory flood protection elevation or properly floodproofed; and

(iii) To allow for the equalization of hydrostatic pressure, there must be a minimum of two (2) "automatic" openings in the outside walls of the structure having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. There must be openings on at least two (2) sides of the structure and the bottom of all openings must be no higher than one foot (1') above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy the requirement for automatic openings.

F. Administration And Enforcement:

1. Permit Required: All permits issued by the city in conformity with the provisions of this title shall be secured prior to the erection, addition, modification, rehabilitation (including normal maintenance and repair), or alteration of any building, structure, or portion thereof; prior to the use or change of use of a building, structure, or land; prior to the construction of a dam, fence, or on site septic system; prior to the change or extension of a nonconforming use; prior to the repair of a structure that has been damaged by flood, fire, tornado, or any other source; and prior to the placement of fill, excavation of materials, or the storage of materials or equipment within the floodplain.
For more information:

Handout by the city outlining requirements for Accessory Buildings.
APPENDIX C: REGULATIONS GOVERNING THE EXTERIOR OF STRUCTURES AND BUILDINGS

The City of Rosemount has not established specific regulations governing the completion of exterior work that is authorized by a building permit. The City has established regulations concerning permissible materials.

Municipal Code of Ordinances:

Title 11, Chapter 5 – Zoning Regulations, District Development Regulations

Section 11-5-2: SUPPLEMENTARY REGULATIONS:

A. Building Type And Construction:

1. General Provisions:

a. No galvanized or unfinished steel, galvalum or unfinished aluminum buildings (walls or roofs), except those specifically intended to have a corrosive designed finish such as Cor-ten steel shall be permitted in any zoning district, except in association with farming activities.

b. Buildings in all zoning districts shall maintain a high standard of architectural and aesthetic compatibility with surrounding properties to ensure that they will not adversely impact the property values of the abutting properties or adversely impact the community's public health, safety and general welfare.

c. Exterior building finishes shall consist of materials comparable in grade and quality to the following:

(1) Brick.

(2) Natural stone.

(3) Decorative concrete block - "rock face", "breakaway" or other types of decorative block.

(4) Cast in place concrete or precast concrete panels.

(5) Wood, provided the surfaces are finished for exterior use and wood of proven exterior durability is used, such as cedar, redwood, cypress.

(6) Curtain wall panels of steel, fiberglass and aluminum (nonstructural, nonload bearing), provided such panels are factory fabricated and finished with a durable nonfade surface and their fasteners are of a corrosion resistant design.

(7) Glass curtain wall panels.

2. Commercial Districts (C-1, DT, C-3, C-4): The permitted materials for commercial buildings are detailed in each individual commercial district and applicable sections of this title. (Ord. B-211, 1-4-2011)


4. Industrial Districts (LI, GI, And HI): The permitted materials for industrial buildings are detailed in each individual industrial district and applicable sections of this title. (Ord. B-181, 12-19-2006)

5. Single-Family Dwelling Requirements: All single-family detached dwellings shall be constructed according to the following minimum standards:

   a. All dwellings shall have a minimum width of twenty four feet (24').

   b. All dwellings shall have a frost free foundation as defined by the applicable building code. Split level, split entry and earth sheltered homes shall be considered to comply with this requirement.

   c. Main roofs shall have a minimum pitch of three to twelve (3:12) per definition of the applicable building code.

   d. Roofs shall be shingled with asphalt, wood, tiles, sod or other comparable materials as approved by the applicable building code.

   e. Metal siding, with exposed panels exceeding sixteen inches (16") in width, shall not be permitted.

   f. Earth sheltered homes will be permitted on the basis of site conditions, which are conducive to such housing, or in areas where changes to existing site conditions are complementary to the site and adjacent properties and the existing character of property and structures in the area. (Ord. B, 9-19-1989)

6. Accessory Buildings: Prefabricated metal storage buildings are limited to one hundred twenty (120) square feet maximum area in the R-1, R-1A, R-2, RL, RR, and AG (under 20 acres and/or for nonagricultural use west of Akron Avenue) districts.

   a. Maximum aggregate total for any accessory building(s), excluding attached garage, is one thousand (1,000) square feet in R-1, R-1A, R-2, and RL districts.

   b. Maximum aggregate total for any accessory building(s), excluding attached garage, is one thousand two hundred (1,200) square feet in the RR or AG (under 20 acres and/or for nonagricultural use west of Akron Avenue) districts.
(1) Exceptions: In the RR or AG (under 20 acres and/or for nonagricultural use west of Akron Avenue) districts accessory structures may exceed one thousand two hundred (1,200) square feet under the following circumstances:

(A) The maximum aggregate area for accessory structures shall not exceed fifty percent (50%) of the ground floor area of the principal building, including attached garage.

(B) Maximum lot coverage shall not exceed ten percent (10%) impervious surface. (Ord. B-46, 9-23-1994)

c. Any accessory building in the R-1, R-1A, R-2, RL, RR, or AG (under 20 acres and/or for nonagricultural use west of Akron Avenue) districts over one hundred fifty (150) square feet must be constructed of materials comparable with and complementary to the principal structure. Comparable treatment includes the following requirements:

(1) A minimum three to twelve (3:12) roof pitch.

(2) Roofs shall be shingled with asphalt, wood, or tile to match the home (principal building).

(3) Adequate number of windows shall be provided to break up the solid plane or exterior walls to simulate the character of the home (principal building).

(4) Siding which is identical or closely matches the home (principal building) shall be incorporated into the design of the accessory building.

d. Accessory buildings to be constructed in the AG (agriculture) or AG-P (agricultural preserves) districts east of Akron Avenue are limited to a maximum aggregate total of two thousand four hundred (2,400) square feet of area for properties under twenty (20) acres in size or if the building is for nonagricultural use.

e. In RR or AG districts (under 20 acres and/or for nonagricultural use west of Akron Avenue) existing accessory structures may be exempted from aforementioned comparable exterior materials and maximum aggregate total standards. This exemption applies only in the case of structures originally constructed for agricultural use, being in existence at the time of adoption hereof and qualifying as a barn under this title. This exemption does not apply to prefabricated structures and does not permit the expansion of the structure's footprint.

(1) Properties with structures (barns) qualifying for this exemption are located at the following addresses:

13345 Bonaire Path

12101 Dodd Boulevard

12391 Dodd Boulevard
3270 McAndrews Road
13429 South Robert Trail

(2) Any exterior improvements to these barns must replicate the original appearance or agricultural character of the existing structure and shall be approved by the planning commission.

(3) Exterior materials shall be limited to wood, metal, vinyl, brick or better and be comparable with the existing conditions of the barn in the areas of: a) color, b) texture or grain, c) orientation of siding (vertical or horizontal), and d) lap width. Metal siding shall be noncorrugated and have a thickness of at least nineteen millimeters (19 mm) while vinyl siding shall have a gauge of at least 0.044 inches. In addition, metal or vinyl siding shall have a manufacturer’s guarantee of at least twenty five (25) years.

(4) Roof materials shall be noncorrugated standing seam metal, asphalt shingles, or better and shall be comparable to the original roof. Substitution of new materials will only be allowed in the case of replacing obsolescent roofing materials. (Ord. B-131, 7-15-2003)

<table>
<thead>
<tr>
<th>Districts</th>
<th>Accessory Buildings</th>
<th>Maximum Building Height (Feet)</th>
<th>Surface Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Minimum Yards (Feet)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Front</td>
<td>Side</td>
<td>Rear</td>
</tr>
<tr>
<td>AG</td>
<td>50</td>
<td>30</td>
<td>30</td>
</tr>
<tr>
<td>AG-P</td>
<td>50</td>
<td>30</td>
<td>30</td>
</tr>
<tr>
<td>RR</td>
<td>40</td>
<td>30³</td>
<td>30</td>
</tr>
<tr>
<td>RL</td>
<td>30</td>
<td>15</td>
<td>15/30⁴</td>
</tr>
<tr>
<td>R-1</td>
<td>30⁵</td>
<td>10³</td>
<td>5/30⁴</td>
</tr>
<tr>
<td>District</td>
<td>Minimum Frontages</td>
<td>Minimum Side Yard</td>
<td>Minimum Rear Yard</td>
</tr>
<tr>
<td>----------</td>
<td>-------------------</td>
<td>-------------------</td>
<td>-------------------</td>
</tr>
<tr>
<td>R-1A</td>
<td>30'</td>
<td>5'</td>
<td>5'</td>
</tr>
<tr>
<td>R-2 (2F)</td>
<td>30'</td>
<td>10'</td>
<td>5/30'</td>
</tr>
<tr>
<td>R-3</td>
<td>30'</td>
<td>10'</td>
<td>10'</td>
</tr>
<tr>
<td>R-4</td>
<td>50'</td>
<td>10'</td>
<td>10'</td>
</tr>
<tr>
<td>C-1</td>
<td>18'</td>
<td>20'</td>
<td>10'</td>
</tr>
<tr>
<td>DT</td>
<td>18'</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>C-3</td>
<td>25'</td>
<td>20'</td>
<td>10'</td>
</tr>
<tr>
<td>C-4</td>
<td>25'</td>
<td>20'</td>
<td>10'</td>
</tr>
<tr>
<td>BP</td>
<td>40'</td>
<td>20'</td>
<td>10'</td>
</tr>
<tr>
<td>LI</td>
<td>40'</td>
<td>20'</td>
<td>10'</td>
</tr>
<tr>
<td>GI</td>
<td>75'</td>
<td>40'</td>
<td>25'</td>
</tr>
<tr>
<td>HI</td>
<td>See district regulations</td>
<td>75'</td>
<td>75'</td>
</tr>
<tr>
<td>WM</td>
<td>75'</td>
<td>40'</td>
<td>25'</td>
</tr>
<tr>
<td>P</td>
<td>Same as for principal buildings</td>
<td>40'</td>
<td>20'</td>
</tr>
<tr>
<td>FP</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
</tr>
</tbody>
</table>

Notes:
1. Except parking may occur within a normal driveway that crosses a required yard.
2. Driveways shall comply with yard setback requirements for surface parking.
3. See subsections C2a and C2d of this section.
4. 120 square feet or less in R-1 and R-2 districts: 5 foot setback; R-1A district: 5 foot setback; in RL district: 15 foot setback; except double frontage or corner lots: 30 foot setback. Over 120 square feet: 30 foot setback.
5. Or the required front yard as may be prescribed by subsection C4a, "Established Front Yards", of this section.
6. A 10 foot buffer yard is required adjacent to any residential district.
7. See district regulations for setback increases.

(Ord. B-211, 1-4-2011)

B. Supplementary Height Regulations:

1. Permitted Exceptions: Except as specifically provided in a business park or industrial district, the following structural appurtenances shall be permitted to a height not to exceed twenty five feet (25') in addition to the maximum height permitted for the district, provided they do not impair the solar access of buildings on adjoining properties and are not used for human occupancy or commercial enterprise:

a. Ornamentation such as church spires, belfries, bell towers, cupolas, domes, monuments and flagpoles.

b. Mechanical appurtenances such as chimneys, smokestacks, elevator and stairwell penthouses, antennas, transmission towers and other necessary structures.

c. In all districts, setbacks for all freestanding tower antennas shall be equal to the height of the antenna and its supporting structure. (Ord. B-231, 3-4-2014)

C. Supplementary Yard Regulations:

1. Permitted Yard Encroachments: No yard or required open space shall be so reduced in area or dimension so as to make any such area or dimension less than required by this title. If already less than the minimum required, a yard shall not be further reduced. The following encroachments into required yards shall be permitted:

a. Special Structural Elements: Special structural elements attached to the principal building such as chimneys, solar collectors, flues, belt courses, sills, pilasters, lintels, ornamental features, cornices, eaves and gutters provided they do not extend more than two and one-half feet (21/2') into a yard.

b. Yard Lights: Yard lights in R districts not closer than five feet (5') to the front lot line and lights in all districts for illuminating parking areas, loading areas or yards for safety and
security purposes provided the direct source of light is not visible from the public right of way or adjacent residential property. (Ord. B, 9-19-1989)

c. Decorative Landscaping: Decorative landscaping, trees, shrubs and other aesthetic or sculptural elements including arbors and trellises within the front, side, street side and rear yards except within sight triangles adjacent to intersections on corner lots.

d. Accessory Appendages:

(1) Terraces, steps and stoops to the front (main) entrance of a structure may encroach into the required front, street side or side yards by not more than fifteen feet (15'). However, in no case shall they be closer than five feet (5') to a lot line or encroach into a utility easement, whichever is more restrictive.

(2) Balconies, decks, and uncovered porches may encroach into a required yard area as follows:

(A) Front Yards: If the balcony, deck, or uncovered porch is less than two feet (2') in height above finished grade (not including railings) measured vertically at the face of the principal structure, it may encroach into the required street front yard area fifteen feet (15'). Balconies, decks and uncovered porches higher than two feet (2') may only encroach into required street front yards by five feet (5'). In no case shall any balcony, deck or uncovered porch be closer than five feet (5') to a lot line or encroach into a utility easement, whichever is more restrictive.

(B) Street Side Yards: If the balcony, deck or uncovered porch is less than two feet (2') in height above finished grade (not including railings) measured vertically at the face of the principal structure, it may encroach into the required street side yard area fifteen feet (15'). Balconies, decks and uncovered porches higher than two feet (2') may only encroach into required street side yards by five feet (5'). In no case shall any balcony, deck or uncovered porch be closer than five feet (5') to a lot line or encroach into a utility easement, whichever is more restrictive.

(C) Rear Yards: Fifteen feet (15') into a required rear yard area but no closer than fifteen feet (15') to a rear lot line or encroach into a utility easement, whichever is more restrictive.

(D) Side Yards: Five feet (5') into a required side yard area but no closer than five feet (5') to a lot line or encroach into a utility easement, whichever is more restrictive. (Ord. B-33, 2-11-1994)

(3) Covered deck or porches may encroach into the required front yard setback as follows:

Single-family homes built prior to January 1, 1980, may have an open single-story porch that encroaches into the required front yard a distance not exceeding ten feet (10'), provided they maintain a minimum front yard setback of twenty feet (20'). The ten feet (10') shall include the roofline, support columns, and steps. The porch area may have a railing, but not a solid wall, that conforms to the Minnesota state building code standards but shall not exceed 3.5 feet in height. The porch area shall not be enclosed nor screened with mesh, glass, or other similar
material but may have dividers, spindles or lattice no higher than 3.5 feet from the base of the porch with no more than fifty percent (50%) opacity. (Ord. B-146, 11-26-2004)

e. Fences And Walls: Fences and walls not exceeding six feet (6') in height, are permitted in any district in the side or rear yards, but shall not exceed forty two inches (42") in front yards or forty eight inches (48") in street side yards of corner lots that abut another front yard, provided that no structure shall interfere with sight distances for vehicles approaching intersections. Fences not exceeding eight feet (8') in height are permitted in all commercial districts except along property lines adjacent to residential districts.

(1) Easements: All fences located in recorded easements are the sole risk of the property owner; and the cost of any removal, relocation, or placement of said structures caused by any activity permitted in said easements is the sole responsibility of the property owner.

(2) Materials And Construction: Every fence shall be constructed in a workmanlike manner of substantial materials widely accepted in the fencing industry and reasonably suited for the purpose for which the fence is intended. No plywood boards, canvas, plastic sheeting, metal sheeting or similar materials shall be used for any fence construction. Link fences shall be constructed in a manner that no barbed ends shall be at the top. The side of any fence considered to be its "face" (i.e., the finished side having no structural supports) shall face the abutting property or street right of way. Barbed wire and electric boundary fences not exceeding six feet (6') in height shall only be permitted in the AG, AG-P, and RR districts when related to agricultural or permitted uses relative to animal husbandry.

(3) Temporary Or Seasonal Fences: Temporary or seasonal fences (such as snow fences, erosion control fences, fences to protect newly seeded areas and the like) are allowed without a permit provided: a) no such fence may be left in place for more than six (6) months without written city approval; b) any such fence must be removed within fifteen (15) days of the city providing written notice to the landowner that the city has determined the fence no longer serves its originally intended, temporary or seasonal purpose.

(4) Maintenance: All fences shall be maintained in accordance with section 9-4-7, "Public Nuisance Defined", of this code and all other applicable sections of this code. (Ord. B-245, 6-16-2015)

f. Picnic Shelters, Gazebos, Recreation Equipment, Etc.: Picnic shelters, gazebos, pool houses, stairs, fire escapes and recreation equipment may be placed only in side or rear yard areas and shall conform to the requirements of subsection A6, "Accessory Buildings", of this section.

Exception: Recreational equipment such as basketball backstops, hockey nets, skateboard ramps (less than 36 inches in overall height), bicycle ramps (less than 36 inches in overall height), and other small recreational play equipment associated with residential use may be used and stored in the driveway area of a residence. No recreational play equipment may be stored, or installed in the right of way, any easement, public or private street, cul-de-sac, alley, path or sidewalk. Larger recreational equipment such as swimming pools, trampolines, or sport courts are not exempted. (Ord. B-129, 6-3-2003)
g. Satellite Dishes: Satellite dishes in R districts shall not be closer than ten feet (10') from a side or rear lot line and shall not be placed in front or street front yards. (Ord. B-33, 10-19-1993)

Exception: Satellite dish antennas less than one meter (39.7”) in diameter are exempted from this requirement. (Ord. B-129, 6-3-2003)

h. Security Fences: Security fences not exceeding eight feet (8’) in height are permitted in the GI general industrial and WM waste management districts but shall be a conditional use in the PI public/institutional. Said security fences are subject to the applicable standards listed below and throughout this title: (Ord. B-159, 10-18-2005; amd. Ord. B-174, 10-17-2006)

1. The conditional use standards in section 11-10-7 of this title.

2. Barbed wire may be permitted on top of a security fence where the applicant demonstrates the barbed wire is necessary for greater security and will not be harmful to the health, safety, or welfare of the community.

3. The barbed wire portion of the fence may not have more than three (3) strands, the lowest of which shall be at least six feet (6’) from finished grade.

4. No portion of the barbed wire shall project over the public right of way or any adjacent public or private property.

5. No security fence (with or without barbed wire) shall be constructed without issuance of the applicable city permit. (Ord. B-159, 10-18-2005)

2. Required Side And Rear Yard Enlargement:

a. Corner Lots: Where a side yard abuts a street which is adjacent to the front yard of one or more residential lots on the same block, such side yards shall meet the front yard setback requirement of the district. The same yard dimension determined for such a side yard shall apply to structures in the rear yard.

b. Through Lots: Through lots shall provide the required front yard on both streets.

c. Commercial, Industrial And Public Buildings: For commercial, industrial and public buildings exceeding thirty five feet (35’) in height and located on a lot adjoining an R district, any such building shall be set back from the interior side or rear lot line abutting said R district a minimum of one additional foot for each foot of building height in excess of thirty five feet (35’). Where there is an intervening alley, one-half (½) the alley right of way may be subtracted from this computation.

d. Yards Abutting Dissimilar Districts: Rear or side yards for dissimilar abutting districts shall meet the requirements of the more restrictive of the two (2) districts.
3. Side Yards; Permitted Reduction: No side yard shall be required between attached housing units.

4. Front Yards; Permitted Reduction And Required Expansion:

a. Established Front Yards: Where forty percent (40%) or more of the lots on any block are developed with buildings, the average front yard for the block shall be computed.

   (1) Established R District Front Yards: Where the average is less than the required front yard, the average or twenty feet (20’), whichever is greater, shall be the required front yard. Where the average is greater than the required front yard, the average shall be the required front yard.

   (2) Established C District Front Yards: The average front yard shall be the required front yard. (Ord. B, 9-19-1989)

5. Visibility At Intersections: A minimum sight triangle shall be established on each corner lot at every street intersection through which motorists shall have reasonable unobstructed view. The minimum sight triangle shall be defined as a triangle located at the corner of intersecting streets. The adjacent sides shall be located along the street right of way line (and adjacent property lines) of the intersecting streets and shall be twenty five feet (25’) in length. The third side shall be a straight line joining the end points of the adjacent sides. The city shall have the authority to order the removal of vision obstructions located within the minimum sight triangle. (Ord. B-21, 6-16-1992)

6. Scope: The following supplementary yard regulations shall apply to all subdivisions except lots platted or developments granted preliminary plat approval prior to the adoption date hereof.

   a. Residential principal structures shall be set back a minimum of thirty feet (30’) from any easement boundary on a lot or a parcel of land that abuts or is traversed by an easement intended for or containing high voltage transmission lines.

   b. Residential lot dimensional standards and principal structure setbacks shall be increased on the side adjacent to freeways, arterial and collector streets, and railroad rights of way or easements. Driveways, surface parking and accessory structures shall have increased setbacks adjacent to freeways and arterial highways. The following standards shall be in addition to existing setback criteria and dimensional standards to provide space for earthen berms, buffer yards or planting strips:

<table>
<thead>
<tr>
<th>Side Adjacent To</th>
<th>Principal Structures And Increased Dimensional Standards</th>
<th>Accessory Structures, Driveways And Surface Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type</td>
<td>Width</td>
<td>Easement</td>
</tr>
<tr>
<td>----------------------------------</td>
<td>--------</td>
<td>----------</td>
</tr>
<tr>
<td>Collector street$^1$</td>
<td>10 feet</td>
<td>n/a</td>
</tr>
<tr>
<td>Minor arterial highway$^1$</td>
<td>20 feet</td>
<td>10 feet</td>
</tr>
<tr>
<td>Principal arterial (freeways)$^1$</td>
<td>30 feet</td>
<td>20 feet</td>
</tr>
<tr>
<td>Railroads</td>
<td>30 feet</td>
<td>n/a</td>
</tr>
</tbody>
</table>

Note:
1. As designated by the transportation element of the comprehensive guide plan.

c. No accessory or principal structure shall be constructed within any easement. (Ord. B-58, 3-6-1996)

d. In commercial, business park, industrial, multi-family residential and single-family developments, site plans or plats, no driveway from private property serving a commercial, business park, industrial, multi-family residential or single-family attached residential use entering a public or private street shall be less than twenty four feet (24’) nor more than thirty six feet (36’) in width (not including medians). One-way driveways shall be no less than twelve feet (12’) wide. Single-family detached residential driveways are subject to the following requirements when connecting to and within the street right of way:

(1) Maximum Width: They shall not exceed twenty two feet (22’) in width (curb cut radii excluded).

(2) Encroachment: Curb cut radii shall not encroach upon the boulevard of abutting properties.

(3) Number Of Curb Cuts: Only one curb cut shall be permitted from a street, provided:

(A) The required driveway setback shall be a minimum of five feet (5’) from interior lot lines, and the greater of the applicable front yard setback or the required sight triangle from the street side yard property line on corner lots. In the event that a lot of record does not have sufficient width to meet the applicable driveway standards, the width and placement of the required driveway shall be subject to the approval of the city engineer.

(B) The proposed curb cut is in compliance with subsection 11-6-1G1 of this title.

(C) All district setback regulations for surface parking and impervious surface limitations are met. (Ord. B-158, 9-20-2005)
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. The landscape plan requirements specifically apply to: any new development or new building construction, and any existing principle building to be expanded beyond its existing footprint, where an approved landscape plan is not on file with the city.

Municipal Code of Ordinances:

Title 11, Chapter 6 – Zoning Regulations, Landscape Requirements

Section 11-6-3: LANDSCAPING REQUIREMENTS:
Detailed landscaping plans shall be required in all development proposals requiring site plan review. Landscaping plans shall be prepared consistent with the general site plan requirements in section 11-10-3 of this title.

A. Landscaping Plan Content:

1. Planting schedule containing:
   a. Symbols.
   b. Quantities.
   c. Common and botanical names.
   d. Sizes of material at planting and mature material sizes.
   e. Root specifications (bare root, B and B, potted, etc.).
   f. Dates or seasons to plant material.
   g. Special planting instructions.

2. Identify existing trees and shrubbery by common name and size, which of these will remain in the final site design and how they will be protected during construction.

3. Include typical sections or details of fences, tie walls, planter boxes, picnic areas, berms and the like.

4. Include typical sections of landscape islands and planter beds with identification of material used.

5. Include details of planting beds and foundation plantings.
6. Delineate square footage of both sodding and seeding areas.


B. Minimum Number Of Plantings:

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Overstory Trees</th>
<th>Foundation Plantings</th>
</tr>
</thead>
<tbody>
<tr>
<td>AG</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>AG-P</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>RR</td>
<td>1 tree per unit/frontage$^1$</td>
<td>None</td>
</tr>
<tr>
<td>RL</td>
<td>1 tree per unit/frontage$^1$</td>
<td>None</td>
</tr>
<tr>
<td>R-1</td>
<td>1 tree per unit/frontage$^1$</td>
<td>None</td>
</tr>
<tr>
<td>R-1A</td>
<td>1 tree per unit/frontage$^1$</td>
<td>None</td>
</tr>
<tr>
<td>R-2</td>
<td>1 tree per unit/frontage$^2$</td>
<td>None</td>
</tr>
<tr>
<td>R-3</td>
<td>1 tree per open space unit exposure$^3$</td>
<td>See note 4</td>
</tr>
<tr>
<td>R-4</td>
<td>8 trees minimum plus 1 tree per unit$^5$</td>
<td>See note 4</td>
</tr>
<tr>
<td>R-4</td>
<td>8 trees minimum plus 1 tree per 2 units$^6$</td>
<td>See note 4</td>
</tr>
<tr>
<td>All Cs</td>
<td>8 trees or 1 per 3,000 square feet land area$^7$</td>
<td>See note 4</td>
</tr>
<tr>
<td>BP</td>
<td>8 trees or 1 per 3,000 square feet land area$^7$</td>
<td>See note 4</td>
</tr>
<tr>
<td>PB</td>
<td>8 trees or 1 per 3,000 square feet land area$^7$</td>
<td>See note 4</td>
</tr>
<tr>
<td>LI</td>
<td>8 trees or 1 per 3,000 square feet land area$^7$</td>
<td>See note 4</td>
</tr>
<tr>
<td>GI</td>
<td>8 trees or 1 per 1,000 square feet land area$^7$</td>
<td>See note 4</td>
</tr>
<tr>
<td>HI</td>
<td>8 trees or 1 per 3,000 square feet land area$^7$</td>
<td>See note 4</td>
</tr>
<tr>
<td>IP</td>
<td>8 trees or 1 per 3,000 square feet land area$^7$</td>
<td>See note 4</td>
</tr>
</tbody>
</table>

Notes:
1. Trees shall be deciduous, planted at the boulevard of each tree exposure.

2. 2-family dwellings: Trees shall be deciduous, planted at the boulevard of each street exposure.

3. Other attached dwellings: Trees shall be deciduous; spacing must include trees at the boulevard at 50 foot intervals.

4. 1 foundation planting per 10 linear feet of building (principal or accessory) perimeter.

5. 1- to 3-story building: Spacing must include trees at the boulevard at 50 foot intervals.

6. Over 3-story building: Spacing must include trees at the boulevard at 50foot intervals.

7. Whichever is greater: Spacing must include trees at the boulevard at 50 foot minimum intervals.

(Ord. B-190, 7-17-2007)

C. Minimum Planting Standards:

1. Overstory Trees; Minimum Planting Size:
   
a. Deciduous trees: 2.0-2.5 inches as measured six inches (6") aboveground.

   b. Coniferous trees: Six feet (6') in height.

2. Foundation Plantings; Minimum Planting Size: Coniferous and deciduous shrubs shall be planted a minimum of one-third (1/3) the mature spread and height of typical growth habits.

3. Planting Materials: All planting materials used in site developments shall be indigenous to the appropriate hardiness zone and physical characteristics of the site.

4. Boulevard Trees: All boulevard trees proposed to satisfy the minimum requirements shall be long lived hardwood species and guaranteed for no less than one full growing season from completion of site planting.

5. Percentage Of Deciduous Trees: In meeting the overstory tree requirements at least seventy five percent (75%) of the total stock shall be deciduous trees. All boulevard trees shall be of shade or flowering tree types.

6. Shade Trees: When entire streets or blocks are proposed for development, shade tree species must be diversified so as each side of a city block would contain at least three (3) different varieties of tree genera with at least two (2) different species (if same genus used more than once).
7. **Materials In Healthy Condition:** All planting materials shall be disease free and able to survive in assigned locations in a healthy condition with the benefit of only minor maintenance.

8. **Standards:** All stock to be planted (shade and flowering trees, deciduous shrubs, coniferous evergreens, broad leaf evergreens, roses, vines and ground covers and fruit trees) must follow the standards set forth by the "American Standards For Nursery Stock" as adopted by the American Association of Nurserymen.

9. **Grade:** Final grades in all developments shall not exceed a three to one (3:1) ratio unless plans for retaining walls, terraces or similar controls have been approved by the city.

10. **Screening:** Where natural materials such as trees or hedges are approved in lieu of required screening by means of walls or fences, the density and species of such plantings shall be such to achieve ninety percent (90%) opacity year round. Conifers used for screening must meet overstory planting requirements.

11. **Credit For Existing Trees:** Credit for the retention of existing trees which are of acceptable species, size and location may be given to satisfy the minimum number of requirements set forth in this chapter. (Ord. B, 9-19-1989)

12. **Exception:** The required plantings may be waived by the city council upon issuance of an interim use permit (IUP) for temporary buildings in the general industrial district. (Ord. B-144, 11-19-2004)

D. **Special Planting Conditions:** Planting materials within landscape designs shall be compatible with planned site use. As a result, trees and shrubs (except low creeping shrubs) shall not be planted:

1. Under existing or planned utility lines when the mature height and spread of the planting may conflict with utility lines.

2. Over existing or planned utility lines so that upon plant maturity the root system conflicts with the utility lines.

3. So that upon mature height and width of plant growth its form conflicts with local vehicular or pedestrian traffic.

4. So that upon mature height and width of the plant its growth habits would conflict with any public service or safety device such as stop signs, traffic lights, streetlights, etc.

5. Any closer than fifteen feet (15’) from any fireplug.

6. Any closer than thirty feet (30’) from any intersection, measured back from curb line. (Ord. B, 9-19-1989)

E. **Tree Preservation:**

---

Page 87 of 172
Rosemount, Minnesota
1. Findings And Purpose Statement: The city council finds it is in the best interest of the city to protect, preserve, and enhance the natural environment of the community and to encourage a resourceful and prudent approach to the development and alteration of wooded areas. In the interest of achieving these objectives, the city has established the comprehensive tree preservation regulations herein to promote the furtherance of the following:

a. Protection and preservation of the environment and natural beauty of the city;

b. Assurance of orderly development within wooded areas to minimize tree and habitat loss;

c. Evaluation of the impacts to trees and wooded areas resulting from development;

d. Establishment of minimal standards for tree preservation and the mitigation of environmental impacts resulting from tree removal;

e. Provision of incentives for creative land use and environmentally compatible site design which preserves trees and minimizes tree removal and clear cutting during development; and

f. Enforcement of tree preservation standards to promote and protect the public health, safety and welfare of the community.

2. Definitions: For purposes of this subsection E, the following definitions shall apply:

CANOPY OF TREE: The horizontal extension of a tree's branches and foliage in all directions from its trunk and upper layer of green crown.

CONIFEROUS TREE: A woody plant bearing seeds and cones oftentimes, but not always, retaining foliage throughout the year.

CONSTRUCTION AREA: Any area in which movement of earth, alteration in topography, soil compaction, disruption of vegetation, change in soil chemistry, or any other change in the natural character of the land occurs as a result of site preparation, grading, building construction or any other construction activity.

DECIDUOUS TREE: A woody plant which has a defined crown, and which loses leaves annually.

DEVELOPER: Any person or entity who undertakes to improve a parcel of land, by platting for the purposes of establishing two (2) or more dwelling units, or grading which requires a grading permit.

DIAMETER OF CONIFEROUS TREE: Every two feet (2') in height of a coniferous tree is equivalent to one caliper inch of diameter.

DIAMETER OF DECIDUOUS TREE: The length of a straight line measured in caliper inches through the trunk of a tree at four and one-half feet (4.5') above the ground.
DRIP LINE OR ROOT ZONE OF A TREE: An imaginary vertical line which extends from the outermost branches of a canopy to the ground.

FORESTER: A person holding at least a Bachelor’s Degree in Forestry from an accredited four (4) year college of forestry or any official appointed by the city.

HARDWOOD DECIDUOUS TREE: Includes ironwood, catalpa, oak, maple (hard), walnut, ash, hickory, birch, black cherry, hackberry, locust and basswood.

HEALTHY TREE: Average or better condition and vigor for area as may be determined by the forester.

HERITAGE TREE: A healthy hardwood deciduous tree measuring equal to or greater than twenty seven inches (27") in diameter or a healthy coniferous evergreen tree greater than fifty feet (50’) in height.

LANDSCAPE ARCHITECT: A person licensed by the state of Minnesota as a landscape architect.

NEW DEVELOPMENT: A piece of property that is being platted for the purpose of establishing urban residential use with two (2) or more dwelling units or is being improved by grading which requires a grading permit. This definition does not apply to agricultural lot splits or to public street/utility projects.

NURSERYMAN: A person licensed by the state of Minnesota as a nurseryman.

PROPERTY OWNER: The owner of a buildable property who is constructing or expanding a dwelling or a business on that property.

SIGNIFICANT TREE: A healthy deciduous hardwood tree measuring a minimum of six (6) caliper inches in diameter, a healthy softwood deciduous tree measuring a minimum of twelve (12) caliper inches, or a healthy coniferous tree measuring a minimum of twelve feet (12’) in height.

SOFTWOOD DECIDUOUS TREE: Includes cottonwood, poplars/aspen, box elder, willow, silver maple and elm.

3. Application: The provisions of this subsection E shall apply to all subdivision, grading permits or construction, except for preliminary plats approved by the city prior to the adoption hereof.

4. Process:

a. For Developers: Unless otherwise determined by the city council, the following process for preserving trees shall be required from the developer:
(1) Prepare a tree preservation plan which shall be incorporated on the grading plan.

(2) Implement the tree preservation plan prior to and during site development.

(3) Submit a performance of financial guarantee for compliance with the approved tree preservation plan.

(4) Comply with the city's tree replacement procedure.

The tree preservation plan shall be submitted with preliminary plat plans or as part of the application for a grading permit. The tree preservation plan must be certified by a forester, landscape architect, or nurseryman retained by the developer.

The plat and grading plans will not be approved by the city without an approved tree preservation plan. In the case of grading permit applications, the tree preservation plan will be approved by city staff. This decision may be appealed directly to the city council.

b. For Home And Business Owners: The following process for preserving trees shall be required from the home and business owner if trees are being removed during grading or construction:

(1) Identify the significant trees and heritage trees on the property.

(2) Identify the significant trees and/or heritage trees removed due to grading or construction.

(3) Identify the protection measures used to protect the preserved trees during grading or construction.

(4) Comply with the city's tree replacement procedure.

The tree preservation plan shall be submitted with the grading permit or building permit application. The tree preservation plan may be prepared by the applicant of the grading permit or the building permit. The tree preservation plan will be approved by city staff. This decision may be appealed directly to the board of appeal and adjustments.

5. Tree Preservation Plan: The developer shall be responsible for implementing the tree preservation plan prior to and during site grading and plan development. The tree preservation plan will be reviewed by city staff to assess the best overall design for the project taking into account significant trees and ways to enhance the efforts of the developer to mitigate corresponding damage. The developer is encouraged to meet with staff prior to submission of the preliminary plat application or prior to application for the grading permit, whichever is sooner, to determine the placement of buildings, parking, driveways, streets, storage and other physical features which result in the fewest significant trees being destroyed or damaged. The tree preservation plan shall include the following items:

a. The name(s) and address(es) of property owners and developers.
b. Delineation of the buildings, structures, or impervious surfaces situated thereon or contemplated to be built thereon.

c. Delineation of all areas to be graded and limits of land disturbance.

d. Size, species, and location of all significant trees located within the area to be platted or the parcel of record.

e. Identification of all significant trees on all individual lots. (The developer shall be required to submit a list of all lot and block numbers identifying those lots.)

f. Measures to protect significant trees.

g. Identification of all significant trees proposed to be removed within the construction area, including the contouring of all areas to be clear cut.

h. Size, species, and location of all replacement trees to be planted on the property in accordance with the tree replacement schedule.

i. Signature of the person preparing the plan and statement which includes acknowledgment of the fact the trees to be used as replacements are appropriate species with respect to survival of the replacement trees.

6. Mandatory Protection: Measures to protect significant trees shall include:

a. Installation of snow fencing, silt fence, or polyethylene laminate safety netting placed at the drip line of significant trees to be preserved.

b. Identification of any oak trees requiring pruning between April 15 and July 1; any oak trees so pruned shall be required to have any cut areas sealed with an appropriate tree wound sealant.

7. Discretionary Protection: Measures to preserve or protect significant trees, which may be required by the city, include, but are not limited to:

a. Installation of retaining walls or tree wells to preserve trees by eliminating the filling or cutting of soil within drip zones.

b. Placement of utilities in common trenches outside of the drip line of significant trees, or use of tunneled installation.

c. Prevention of change in soil chemistry due to concrete washout and leakage or spillage of toxic materials, such as fuels or paints.

d. Use of tree root aeration, fertilization, and/or irrigation systems.
e. Transplanting of significant trees into a protected area for later moving into permanent sites within the construction area.

f. Safety pruning.

8. Significant Tree Removal:

a. Heritage Trees: Heritage trees are unique trees to Rosemount due to their size and age. All possible measures will be taken to preserve these trees. Heritage trees removal may occur only when there is not a practical alternative, such as the alignment of a collector or arterial street or the installation of a trunk utility corridor. There is a zero percent (0%) removal threshold on heritage trees, meaning every caliper inch of heritage tree removed will require replacement in accordance with the standards of subsection E10 of this section.

b. Significant Tree Removal For Developments: Although the applicant must retain the maximum amount of woodland possible, the city recognizes that a certain amount of significant trees and tree cover removal is an inevitable consequence of the urban development process. Therefore, twenty five percent (25%) of the existing caliper inches of trees can be removed during development without obligation of replacement. Any removal beyond twenty five percent (25%) will require replacement as described in subsection E10 of this section.

c. Significant Tree Removal For Home And Business Owners: The majority of tree removal occurs during the grading and installation of infrastructure during subdivision. The city recognizes that additional tree removal may occur after subdivision to construct new houses or business, or the expansion of existing homes or business, but to a lesser degree than the original subdivision. Therefore, ten percent (10%) of the existing caliper inches of trees can be removed during home or business construction without obligation of replacement. Any removal beyond ten percent (10%) will require replacement as described in subsection E10 of this section.

d. Trees Exempt From Replacement: The following types of trees do not need to be included as part of the tally of tree removals:

(1) Dead, diseased, or dying trees; or

(2) Trees that are transplanted from the site to another appropriate area within the city; or

(3) Trees that were planted as part of a commercial business such as a tree farm or nursery.

9. Financial Guarantee: Refer to subsection G of this section.

10. Tree Replacement Formula: Replacement of removed or disturbed trees in excess of the percentage allowed by this subsection shall be according to the following guidelines:

a. For development which exceeds the percentage of allowable removal of significant trees, all significant trees shall be replaced at the ratio of one-half (0.5) caliper inch per one caliper inch removed.
b. For each heritage tree removed by the developer, all heritage trees shall be replaced at the ratio of one caliper inch per one caliper inch removed.

11. Size, Types And Diversification Of Replacement Trees: Replacement trees shall be of a similar species to those that are removed, but also shall be a minimum of twenty five percent (25%) conifers and twenty five percent (25%) deciduous hardwoods. Required heritage tree replacement must be of the same species as the heritage tree removed. Replacement trees must be no less than the following sizes:

a. Deciduous trees shall be no less than two and one-half (2.5) caliper inches; and

b. Coniferous trees shall be no less than six feet (6’) high.

12. Acceptable Tree Replacement Species: The following list of trees are acceptable for tree replacement species. The city may, at its discretion, approve additional species if circumstances such as soil conditions, hydrology, topography, or recent tree diseases warrant.

- Ash
- Black cherry
- Cedar
- Fir
- Hickory
- Linden
- Maple (except silver maples)
- Oak
- Pine
- Spruce
- Walnut

13. Other Replacement Tree Requirements: Choice of replacement trees species and location of the trees should also be contingent on the following information:

a. Soil Composition: Comparisons should be made between soil conditions and the ecology of the proposed species to make sure they are compatible.

b. Spatial Requirements: The potential height and crown spread of the proposed replacement trees should be known. Usually, half of the adult tree crown diameter is the amount of distance a tree should be planted from any aboveground objects.

c. Diseases And Insect Problems: Appropriate replacement choices shall also consider insect and disease problems that may be common with particular species in the part of the state in which the city of Rosemount is located.

14. Fee In Lieu Of Tree Replacement Or Replacement Trees Planted In Public Areas: The city recognizes that there may be instances where the total amount of tree replacement required cannot occur on site or that there are some land uses (such as refining) that are not compatible
with trees. In those instances, the city may, at its option, accept a fee in lieu of tree placement or allow the planting of replacement trees in public areas. Tree replacement is encouraged to happen on site as much as possible and fee in lieu of tree replacement should be used only when replacement cannot occur on site. The fee in lieu of tree replacement will be determined annually by the city council through the city fee schedule.

F. Parking Lot Landscaping: The need for internal parking lot landscaping will be subject to planning commission site review. When such landscaping is required, it will be to lessen the monotony, heat and wind associated with large parking lots. When the internal planting islands are required, the island boundaries must be constructed with concrete or of nondegradable material. The interior depth and total area of the island must allow the root zone of all planted materials to develop to their natural growth potential.

G. Landscaping Performance Security: The city may, at its option, withhold occupancy certification or require cash, a letter of credit or a bond satisfactory to the city in the amount of one hundred ten percent (110%) of the value of the landscaping, securing the full performance of landscaping requirements. The amount of the security shall be determined by the contract value of the required improvements and may be held by the city for one full year from the date improvements were completed. (Ord. B-190, 7-17-2007)
Zoning is a tool that allows cities to divide its boundaries into zoning districts, each of which have certain restrictions and/or characteristics. Rosemount 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 Rosemount.

Rosemount has over 20 zoning districts. Rosemount’s municipal code holds that if there are other laws, code provisions, resolutions, or regulations that are more restrictive than the zoning regulations set forth, that the most restrictive rules shall prevail. Additionally, the municipal code outlines its procedure process, specifically allotting for public participation.

For more information, please visit Rosemount’s zoning and planning website, http://www.ci.rosemount.mn.us/index.aspx?nid=183

**Municipal Code of Ordinances:**

**Title 11 – Zoning Regulations**

Section 11-1-2: PURPOSE:

*It is the purpose of this title to protect and promote public health, safety and general welfare, which may be met through the following objectives:*

A. **To assist in the implementation of the city of Rosemount comprehensive guide plan upon which this title is based.**

B. **To promote the orderly development and compatibility of residential, commercial, industrial, agricultural, recreational and public uses.**

C. **To promote the orderly transition of rural to urban uses.**

D. **To prevent the premature extension of city utilities and services.**

E. **To prevent overcrowding of the land and structures.**

F. **To prevent congestion in public rights of way.**

G. **To protect natural resources in the city and promote reforestation and the replacement of other replenishable resources.**

H. **To promote agricultural preservation.**

I. **To promote a safe, effective pedestrian and vehicular circulation system.** (Ord. B, 9-19-1989) Where the conditions imposed by any provision of this Title are either more or less restrictive than comparable conditions imposed by other ordinance, rule or regulation of the City, the ordinance, rule or regulation which imposes the more restrictive condition, standard or requirement shall prevail.205
Section 11-3-1: ESTABLISHMENT OF DISTRICTS:
For the purpose of this title, the city of Rosemount, Minnesota, is hereby divided into the following zoning districts:

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>AG</td>
<td>Agricultural district</td>
</tr>
<tr>
<td>AG-P</td>
<td>Agricultural preserve district</td>
</tr>
<tr>
<td>RR</td>
<td>Rural residential district</td>
</tr>
<tr>
<td>RL</td>
<td>Very low density single-family residential district</td>
</tr>
<tr>
<td>R-1</td>
<td>Low density residential district</td>
</tr>
<tr>
<td>R-1A</td>
<td>Low density residential district</td>
</tr>
<tr>
<td>R-2</td>
<td>Moderate density residential district</td>
</tr>
<tr>
<td>R-3</td>
<td>Medium density residential district</td>
</tr>
<tr>
<td>R-4</td>
<td>High density residential district</td>
</tr>
<tr>
<td>C-1</td>
<td>Convenience commercial district</td>
</tr>
<tr>
<td>DT</td>
<td>Downtown district</td>
</tr>
<tr>
<td>C-3</td>
<td>Highway service commercial district</td>
</tr>
<tr>
<td>C-4</td>
<td>General commercial district</td>
</tr>
<tr>
<td>BP</td>
<td>Business park district</td>
</tr>
<tr>
<td>LI</td>
<td>Light industrial district</td>
</tr>
<tr>
<td>Code</td>
<td>Description</td>
</tr>
<tr>
<td>------</td>
<td>----------------------------------</td>
</tr>
<tr>
<td>GI</td>
<td>General industrial district</td>
</tr>
<tr>
<td>HI</td>
<td>Heavy industrial district</td>
</tr>
<tr>
<td>WM</td>
<td>Waste management district</td>
</tr>
<tr>
<td>P</td>
<td>Public and institutional district</td>
</tr>
<tr>
<td>FP</td>
<td>Floodplain district</td>
</tr>
<tr>
<td>IP</td>
<td>Industrial park district</td>
</tr>
</tbody>
</table>

APPENDIX F: MUNICIPAL CODE PROVISIONS

Gardening

Title 3, Chapter 5 – Streets and Public Property, Licensing of Peddlers, Right of Way Management

Section 4-2-5: REGISTRATION AND RIGHT OF WAY MANAGEMENT:

A. Registration: Each person who occupies or uses, or seeks to occupy or use, the right of way or place any equipment or facilities in or on the right of way, including persons with installation and maintenance responsibilities by lease, sublease or assignment, must register with the city. Registration will consist of providing application information and paying a registration fee.

B. Registration Prior To Work: No person may construct, install, repair, remove, relocate, or perform any other work on, or use any facilities or any part thereof, in any right of way without first being registered with the city.

C. Exceptions: Nothing herein shall be construed to repeal or amend the provisions of a city ordinance permitting persons to plant or maintain boulevard plantings or gardens in the area of the right of way between their property and the street curb. Persons planting or maintaining boulevard plantings or gardens shall not be deemed to use or occupy the right of way, and shall not be required to obtain any permits or satisfy any other requirements for planting or maintaining such boulevard plantings or gardens under this chapter. However, nothing herein relieves a person from complying with the provisions of the Minnesota statutes, chapter 216D, Gopher One Call law or other provisions of this code. (Ord. XI.30, 12-4-2007, eff. 1-1-2008)

Title 11, Chapter 1 – Zoning Regulations, Purpose and Interpretation

Section 11-1-4: Definitions:

AGRICULTURAL STAND: A booth or stall located on a farm from which farm products raised exclusively on that farm are sold to the general public.

AGRICULTURE: The use of the land for agricultural purposes, including farming, dairying, pasturage, horticulture, storage, animal and poultry husbandry and accessory uses and buildings. The care and keeping of agricultural animals is also subject to the regulations for the care and keeping of animals within the city contained in title 7, chapter 4 of this code.

BARN: The largest accessory building on a property, constructed before 1940, for the exclusive storage of agricultural products and/or farm animals and larger than one thousand two hundred (1,200) square feet, with a gabled or gambrel roof.

Title 11, Chapter 4 – Zoning Regulations, District Use Regulations

Section 11-4-1: AG SGRICULTURAL DISTRICT:
A. Purpose And Intent: This district is primarily established to encourage the long term continuation of agricultural and related uses in the city in areas which are both suitable for agriculture and are not planned for urban development. (Ord. B, 9-19-1989)

B. Permitted Uses:

Agriculture, including accessory and related uses.

Commercial livestock, furbearing animals, and fowl; dairy farming; and commercial horse stables provided:

1. The site shall not be less than twenty (20) acres in size;

2. All structures shall be located a minimum of seventy five feet (75’) from all residential property lines.

Single-family detached dwellings, subject to section 11-2-15 of this title. (Ord. B-220, 4-17-2012)

C. Accessory Uses:

Agricultural product stands.

Community gardens, provided the site has an approved conditional use permit (CUP). Community gardens are not permitted with residential uses.²⁰⁷

Section 11-4-2: AG AGRICULTURAL PRESERVE DISTRICT:

A. Purpose And Intent: This district is expressly established to allow landowners to comply with the requirements of the metropolitan area agricultural preserves act, Minnesota statutes, chapter 473H. (Ord. B-96, 12-2-1997)

B. Permitted Uses:

Agriculture, including accessory and related uses.

Commercial livestock, furbearing animals, and fowl; dairy farming; and commercial horse stables provided:

1. The site shall not be less than twenty (20) acres in size;

2. All structures shall be located a minimum of seventy five feet (75’) from all residential property lines.

3. Subject to the regulations regarding the care and keeping of horses within the city in title 7, chapter 4 of this code.

C. Accessory Uses:

Agricultural product stands.
Community gardens, provided the site has an approved conditional use permit (CUP). Community gardens are not permitted with residential uses.

11. 11-4-3: RR RURAL RESIDENTIAL DISTRICT: (Zoning Regulations, District Use Regulations)

A. Purpose And Intent: It is the purpose of this district to provide for a large lot rural residential lifestyle which is separate from and not in conflict with commercial agricultural activities. Within these districts, public sewer and water systems are not available and on site systems shall meet the city's minimum requirements. (Ord. B, 9-19-1989)

C. Accessory Uses:

Community gardens, provided the site has an approved conditional use permit (CUP). Community gardens are not permitted with residential uses.208

Title 11: Zoning Regulations

<table>
<thead>
<tr>
<th>Zone</th>
<th>Accessory Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>AG Agricultural</td>
<td>Accessory Uses: Community gardens, provided the site has an approved conditional use permit (CUP). Community gardens are not permitted with residential uses.209</td>
</tr>
<tr>
<td>AG Agricultural Preserve</td>
<td>Accessory Uses: Community gardens, provided the site has an approved conditional use permit (CUP). Community gardens are not permitted with residential uses.210</td>
</tr>
<tr>
<td>RR Rural Residential</td>
<td>Accessory Uses: Community gardens, provided the site has an approved conditional use permit (CUP). Community gardens are not permitted with residential uses.211</td>
</tr>
<tr>
<td>R-1 Low Density Residential District</td>
<td>Accessory Uses: Community gardens, provided the site has an approved conditional use permit (CUP). Community gardens are not permitted with residential uses.212</td>
</tr>
<tr>
<td>R-1A Low Density Residential District</td>
<td>Accessory Uses: Community gardens, provided the site has an approved conditional use permit (CUP). Community gardens are not permitted with residential uses.213</td>
</tr>
<tr>
<td>R-2 Moderate Density Residential District</td>
<td>Accessory Uses: Community gardens, provided the site has an approved conditional use permit (CUP). Community gardens are not permitted with residential uses.214</td>
</tr>
</tbody>
</table>
### R-3 Medium Density Residential District

**Accessory Uses:** Community gardens, provided the site has an approved conditional use permit (CUP). Community gardens are not permitted with residential uses.\(^{215}\)

### R-4 High Density Residential District

**Accessory Uses:** Community gardens, provided the site has an approved conditional use permit (CUP). Community gardens are not permitted with residential uses.\(^{216}\)

### PI Public Institutional District

**Accessory Uses:** The following uses shall be permitted accessory uses: Community gardens.\(^{217}\)

### FP Floodplain District

**Uses Permitted By Right:** The following uses are permitted within the floodplain district. These uses shall not obstruct flood flows or increase flood elevations. In addition, these uses shall not involve structures, fill, obstructions, excavations or storage of materials or equipment.

Agricultural uses such as general farming, pasture grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting.

Residential uses such as lawns, gardens, parking areas, and play areas.\(^{218}\)

---

**Farming**

**Title 7, Chapter 4 – Police Regulations, Animal Control**

Section 7-4B-8: DISPOSAL OF ANIMAL FECES:

C. Any stable, barn or yard area in which horses, cattle or any farm animals are kept shall be kept clean. Manure shall be removed with sufficient frequency to avoid nuisance from odors, breeding of insects, public nuisance, or a public health nuisance, and in no case less than weekly.\(^{219}\)

Section 7-4B-9: KEEPING OF ANIMALS:

A. *Farm Animals:* Farm animals are permitted on all property zoned by the city as agricultural and on property owned by the University Of Minnesota while used for agricultural or research purposes. Farm animals may not be confined in a pen, feedlot or building within one hundred feet (100') of any residential dwelling not owned or leased by the farmer except as otherwise allowed in this chapter.\(^{220}\)

**Title 11, Chapter 4 – Zoning Regulations, District Use Regulations**
Section 11-4-1: AG AGRICULTURAL DISTRICT:

A. Purpose And Intent: This district is primarily established to encourage the long term continuation of agricultural and related uses in the city in areas which are both suitable for agriculture and are not planned for urban development. (Ord. B, 9-19-1989)

B. Permitted Uses:

Agriculture, including accessory and related uses.

Commercial greenhouses and landscape nurseries.

Commercial livestock, furbearing animals, and fowl; dairy farming; and commercial horse stables provided:

1. The site shall not be less than twenty (20) acres in size;

2. All structures shall be located a minimum of seventy five feet (75’) from all residential property lines.

Essential service facilities.

Keeping of horses, provided:

1. All structures shall be located a minimum of seventy five feet (75’) from all residential property lines.

2. Subject to the regulations regarding the care and keeping of horses within the city contained in title 7, chapter 4 of this code.

Single-family detached dwellings, subject to section 11-2-15 of this title. (Ord. B-220, 4-17-2012)

C. Accessory Uses:

Agricultural product stands.

Community gardens, provided the site has an approved conditional use permit (CUP). Community gardens are not permitted with residential uses.

Gazebos and screened porches.

Home occupations, subject to section 11-2-16 of this title.

Private detached garages.

Private outdoor recreation, customarily associated with a residence. Swimming pools shall be subject to section 5-3-1 of this code.

Recreation vehicle storage, subject to section 8-2-5 of this code.

Roof mounted or ground mounted solar energy systems, subject to section 11-2-12 of this title.
Roomers, a maximum of two (2) per dwelling unit.

Signs as regulated by chapter 8 of this title. (Ord. B-220, 4-17-2012; amd. Ord. B-231, 3-4-2014)

D. Conditional Uses:

AM radio antennas and supporting towers and related accessory structures. This use may be permitted only on properties situated in that part of the city north and east of State Trunk Highway 55.

Cement or concrete production provided the site has an approved mineral extraction permit in compliance with section 11-10-4, "Small Scale Mineral Extraction", of this title.

Commercial outdoor recreation.

Golf courses, including accessory and related uses.

Kennels, provided:

1. The site shall not be less than twenty (20) acres in size.
2. All structures shall be located a minimum of seventy five feet (75') from all residential property lines.
3. Subject to the regulations regarding the care and keeping of animals within the city contained in title 7, chapter 4 of this code.

Public parks owned and operated by a governmental unit, including recreational facilities and structures consistent with the public area.


E. Interim Uses:

Community solar gardens or solar farms on properties outside the metropolitan urban service area (MUSA), subject to section 11-2-12 of this title.

Large scale mineral extraction ancillary uses as defined in section 11-10-4-1 of this title.

Large scale mineral extraction and related accessory uses within the large scale mineral extraction overlay district described in section 11-10-4-1 of this title.

Small scale mineral extraction and related accessory uses within the small scale mineral extraction overlay district described in section 11-10-4 of this title. (Ord. B-223, 5-15-2012; amd. Ord. B-231, 3-4-2014)

F. Minimum Lot Requirements And Setbacks: (See also subsection 11-5-2C, "Supplementary Yard Regulations", of this title.)

1. Minimum lot area: 2.5 acres.
2. Minimum lot width: Three hundred feet (300').

3. Minimum front yard setback:
   a. Principal structure: Fifty feet (50').
   b. Accessory structure: Fifty feet (50').
   c. Surface parking, excluding driveways: Fifty feet (50').

4. Minimum side yard setback:
   a. Principal structure: Thirty feet (30').
   b. Accessory structure: Thirty feet (30').
   c. Surface parking, including driveways: Five feet (5').

5. Minimum rear yard setback:
   a. Principal structure: Thirty feet (30').
   b. Accessory structure: Thirty feet (30').
   c. Surface parking, excluding driveways: Five feet (5').


7. Maximum building height:
   a. Principal structure: Fifty feet (50').
   b. Accessory structure: Seventy five feet (75'). (Ord. B-96, 12-2-1997)

Section 11-4-2: AG-P AGRICULTURAL PRESERVE DISTRICT:

A. Purpose And Intent: This district is expressly established to allow landowners to comply with the requirements of the metropolitan area agricultural preserves act, Minnesota statutes, chapter 473H. (Ord. B-96, 12-2-1997)

B. Permitted Uses:

Agriculture, including accessory and related uses.

Commercial livestock, furbearing animals, and fowl; dairy farming; and commercial horse stables provided:

1. The site shall not be less than twenty (20) acres in size;

2. All structures shall be located a minimum of seventy five feet (75’) from all residential property lines.
3. Subject to the regulations regarding the care and keeping of horses within the city in title 7, chapter 4 of this code.

Essential service facilities.

Keeping of horses, provided:

1. All structures shall be located a minimum of seventy five feet (75’) from all residential property lines.

2. The maximum number of horses shall not exceed one per two (2) acres. Subject to the regulations regarding the care and keeping of horses within the city in title 7, chapter 4 of this code.

Single-family detached dwellings, subject to section 11-2-15 of this title.

C. Accessory Uses:

Agricultural product stands.

Community gardens, provided the site has an approved conditional use permit (CUP). Community gardens are not permitted with residential uses.

Gazebos and screened porches.

Home occupations, subject to section 11-2-16 of this title.

Private detached garages.

Private outdoor recreation, customarily associated with a residence. Swimming pools shall be subject to section 5-3-1 of this code.

Recreation vehicle storage, subject to section 8-2-5 of this code.

Roomers, a maximum of two (2) per dwelling unit.

Satellite dishes and solar collectors, subject to section 11-2-12 of this title.

Signs as regulated by chapter 8 of this title.

D. Conditional Uses:

Public parks, owned and operated by a governmental unit, including recreational facilities and structures consistent with the public area.

Transmission facilities greater than one-fourth (1/4) mile in length. (Ord. B-220, 4-17-2012)

E. Uses Permitted By PUD:

None.

F. Minimum Lot Requirements And Setbacks: (See also subsection 11-5-2C, "Supplementary Yard Regulations", of this title.)
1. Minimum lot area: Forty (40) acres.
2. Minimum lot width: Three hundred feet (300').
3. Minimum front yard setback:
   a. Principal structure: Fifty feet (50').
   b. Accessory structure: Fifty feet (50').
   c. Surface parking, excluding driveways: Fifty feet (50').
4. Minimum side yard setback:
   a. Principal structure: Thirty feet (30').
   b. Accessory structure: Thirty feet (30').
   c. Surface parking, excluding driveways: Five feet (5').
5. Minimum rear yard setback:
   a. Principal structure: Thirty feet (30').
   b. Accessory structure: Thirty feet (30').
   c. Surface parking, excluding driveways: Five feet (5').
7. Maximum building height:
   a. Principal structure: Fifty feet (50').
   b. Accessory structure: Seventy five feet (75'). (Ord. B-96, 12-2-1997)

**Title 11, Chapter 7 – Zoning Regulations, Special Overlay District**

Section 11-7-4: MISSISSIPPI RIVER CORRIDOR CRITICAL AREA OVERLAY DISTRICT:

E. Permitted Uses In Urban Diversified And Rural Open Space Districts:

3. Agricultural Uses: All agricultural uses except new feedlots may be permitted in both districts.\(^{223}\)

**Title 11, Chapter 8 – Zoning Regulations, Signs**

Section 11-8-6: DISTRICT REGULATIONS:

A. Signs Allowed By Permit In Agricultural Districts:
1. One sign per farm identifying the name of said farm not exceeding twenty four (24) square feet.

2. One sign per farm advertising agricultural products raised in part on the premises not exceeding thirty two (32) square feet. (Ord. B-212, 2-15-2011)

Farm Animals

Title 7, Chapter 4 – Police Regulations, Animal Control

Section 7-4A-1: DEFINITIONS:

Allowed Animals: Those animals commonly accepted as domesticated household pets. Unless otherwise defined, such animals shall include dogs, cats, spayed or neutered ferrets, caged birds, gerbils, hamsters, guinea pigs, domesticated rabbits, fish, nonpoisonous, nonvenomous and nonconstricting reptiles or amphibians, and trained service animals that are assisting disabled persons.

Section 7-4B-9: KEEPING OF ANIMALS:

The keeping of animals is regulated in the following manner:

A. Farm Animals: Farm animals are permitted on all property zoned by the city as agricultural and on property owned by the University Of Minnesota while used for agricultural or research purposes. Farm animals may not be confined in a pen, feedlot or building within one hundred feet (100’) of any residential dwelling not owned or leased by the farmer except as otherwise allowed in this chapter.

B. Allowed Animals: Allowed animals, and pigeons and fowl, may be kept in any zoning districts in accordance with all applicable ordinances and laws concerning care, maintenance, registration, and restraint. In commercial districts, allowed animals, including pigeons and fowl, must be kept within the principal structure.

Section 7-4B-11: MAINTENANCE OF FOWL AND BIRDS:

A. Fowl Not To Be At Large: No person owning or keeping chickens, ducks, geese, pigeons or other fowl or birds may permit the same to run at large or enter upon the premises of another without permission, nor may any such fowl or birds be kept, raised or permitted to go on any street, park, lake or public ponding area.

B. Limitation On Number: No more than three (3) fowl or birds and no more than twenty five (25) pigeons may be kept on any residential property in the city.

C. Injury Or Annoyance To Others: No fowl or birds may be kept in a manner as to cause injury or annoyance to persons on other property in the vicinity by reason of noise, odor or filth.
D. Impounding Of Fowl Or Birds: A fowl or bird at large in violation of this section may be impounded by the city, and after being impounded for five (5) business days or more without being reclaimed by the owner, may be humanely euthanized or sold. A person reclaiming any impounded fowl or bird shall pay the cost of impounding and keeping the same.

E. Feeding Within Loft Or Coop: Pigeons and fowl shall be fed within the confines of the loft or coop on the premises on which the pigeons or fowl are housed.

F. Confinement: Pigeons and fowl must be confined to the loft or coop except for short periods of exercise during which time they may be permitted to exercise in the fenced enclosure area, or in the case of pigeons, to fly outside the loft. (Ord. 2011-09, 8-1-2011)227

Chicken Coops

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

Title 7, Chapter 4 – Police Regulations, Animal Control

Section 7-4B-12: PREMISES REQUIREMENTS:

B. Lofts And Coops:

1. Lofts and coops must be cleaned and kept in a sanitary manner free of objectionable odors and wastes as often as necessary to prevent contamination of the animal(s) contained therein, and any other animals or humans who may come in contact with them, but in no case less than weekly.

2. Grains and food stored for the use of pigeons or fowl shall be kept in rodentproof containers.

3. The loft or coop shall be elevated a minimum of twelve inches (12") and a maximum of twenty four inches (24") above grade to ensure circulation beneath the loft or coop.

4. The loft or coop shall:
   a. Be a maximum height of six feet (6');
   b. Be screened from view by fencing or evergreen plantings with a minimum height of four feet (4'), unless the structure meets the standards for accessory structures in the zoning code; and
   c. Be set back a minimum of fifty feet (50') from any adjoining principal structure, and a minimum of ten feet (10') from the property line.

C. Housing Facilities: All facilities for housing animals shall:

1. Be constructed of material appropriate for the animal involved;

2. Contain and restrain the animal they are designed or built to contain without causing injury to, or depriving the animal of necessary environmental elements;
3. Be maintained in good repair;

4. Be controlled as to temperature, ventilation, lighting, and humidity as necessary to provide conditions compatible with the health and comfort of the animal(s);

5. Be of sufficient size to allow each animal to make normal postural and social adjustments with adequate freedom of movement. Inadequate space may be indicated by evidence of malnutrition, poor condition, debility, stress or abnormal behavior patterns;

6. Conform with the front, side and rear yard setback standards for buildings in the zoning district where the structure is to be located;

7. Be cleaned as often as necessary to prevent contamination of animals, and any humans who may come in contact with them and to reduce objectionable odors, but in no case less than weekly; and

8. Be cleaned in a manner utilizing proper protocols, methods, equipment and materials recommended to minimize disease hazards or transmission as required by particular species of animal.

9. On through lots be permitted on the side adjacent to the rear of the principal structure and shall meet the required front yard setback; and

10. On corner lots be prohibited in a side yard that is adjacent to a street or roadway.

D. Enclosures: Enclosures confining domestic animals to an area of less than half of a rear yard area must comply with the property line setback standards for accessory structures. (Ord. 2011-09, 8-1-2011)\(^{228}\)

Fence

**Title 11: Zoning Regulations**

<table>
<thead>
<tr>
<th>Zone</th>
<th>Accessory Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>C-1 Convenience Commercial District</td>
<td>Fences as regulated by this title.(^{229})</td>
</tr>
<tr>
<td>DT Downtown District</td>
<td>Fences as regulated by this title.(^{230})</td>
</tr>
<tr>
<td>PI Public Institutional District</td>
<td>Fences as regulated by this title.(^{231})</td>
</tr>
<tr>
<td>FP Floodplain District</td>
<td>Fences as regulated by this title.(^{232})</td>
</tr>
</tbody>
</table>

**Title 11, Chapter 5 – Zoning Regulations, District Use Regulations**

Ordinance No. B-245, Effective June 16, 2015:

Page 109 of 172

Rosemount, Minnesota
e. Fences and Walls: Fences and walls not exceeding six feet (6') in height, are permitted in any
district in the side or rear yards, but shall not exceed forty two inches (42") in front yards or
forty eight inches (48") in street side yards of corner lots that abut another front yard, provided
that no structure shall interfere with sight distances for vehicles approaching intersections.
Fences not exceeding eight feet (8’) in height are permitted in all commercial districts except
along property lines adjacent to residential districts.

(1) Easements: All fences located in recorded easements are the sole risk of the property owner;
and the cost of any removal, relocation, or placement of said structures caused by any activity
permitted in said easements is the sole responsibility of the property owner.

(2) Materials and Construction: Every fence shall be constructed in a workmanlike manner of
substantial materials widely accepted in the fencing industry and reasonably suited for the
purpose for which the fence is intended. No plywood boards, canvas, plastic sheeting, metal
sheeting or similar materials shall be used for any fence construction. Link fences shall be
constructed in a manner that no barbed ends shall be at the top. The side of any fence considered
to be its “face” (i.e., the finished side having no structural supports) shall face the abutting
property or street right of way. Barbed wire and electric boundary fences not exceeding six feet
(6’) in height shall only be permitted in the AG, AG-P, and RR districts when related to
agricultural or permitted uses relative to animal husbandry.

(3) Temporary Or Seasonal Fences: Temporary or seasonal fences (such as snow fences, erosion
control fences, fences to protect newly seeded areas and the like) are allowed without a permit
provided: a) no such fence may be left in place for more than six (6) months without written city
approval; b) any such fence must be removed within fifteen (15) days of the city providing
written notice to the landowner that the city has determined the fence no longer serves its
originally intended, temporary or seasonal purpose.

(4) Maintenance: All fences shall be maintained in accordance with section 9-4-7, "Public
Nuisance Defined", of this code and all other applicable sections of this code. (Ord. B-198, 2-3-
2009)

Title 9, Chapter 7 – Building Regulations, Building and Property Maintenance

Section 9-4-7: PUBLIC NUISANCE DEFINED

Whoever by an act or failure to perform a legal duty intentionally does any of the following is
guilty of violating this Chapter:

A. Maintains or permits an unfavorable building or structure appearance or level of
maintenance:

1. Adverse Impact: Buildings, structures, fences and retaining walls which have been so poorly
maintained that their physical condition and appearance detract from the surrounding
neighborhood are declared to be public nuisances because they: a) decrease adjoining
landowners' and occupants' enjoyment of their property and neighborhood; and b) may
adversely affect property values and neighborhood patterns.
2. Standards:
   
a. Any building, structure, fence or retaining wall is a public nuisance if it does not comply with the following requirements:

   (1) No part of any exterior surface shall have deterioration, holes, breaks, gaps, loose or rotting boards or timber.

   (2) Every exterior surface which has had a surface finish such as paint applied shall be maintained to avoid noticeable deterioration of the finish. No wall or other exterior surface shall have peeling, cracked, chipped, or otherwise deteriorated surface finish on more than twenty percent (20%) of:

   (A) Any one wall or other flat surface;

B. Maintains or permits buildings or structures which endanger public safety, health or property within the City:

   1. Any building, structure, fence or retaining wall in the City which is found by the City Building Inspectors or Fire Marshall, or their designee, to be dangerous to public safety, health or property by reason of:

      a. Damage by fire;

      c. Dilapidated condition or decay;

      h. Any other defect endangering the public safety, health, or other property;

   are hereby declared to be a public nuisance.\textsuperscript{234}

Title 10, Chapter 1– Water Resource Management, Surface Water Management

Section 10-1-12: EROSION AND SEDIMENT CONTROL:

A. Applicability:

3. Every applicant for a building permit, subdivision approval, or a grading permit to allow land disturbing activities must adhere to erosion control measure standards and specifications in strict conformance with the provisions of this chapter and the specifications and be consistent with national pollution discharge elimination permit (NPDES) or as approved by the city engineer or designated representative.

B. Exemptions: The provisions of this chapter do not apply to:

3. Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles;\textsuperscript{235}

Additional resources

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

Title 4, Chapter 2 – Streets and Public Property, Right of Way Management

Section 4-2-5: REGISTRATION AND RIGHT OF WAY OCCUPANCY:

A. Registration: Each person who occupies or uses, or seeks to occupy or use, the right of way or place any equipment or facilities in or on the right of way, including persons with installation and maintenance responsibilities by lease, sublease or assignment, must register with the city. Registration will consist of providing application information and paying a registration fee.

B. Registration Prior To Work: No person may construct, install, repair, remove, relocate, or perform any other work on, or use any facilities or any part thereof, in any right of way without first being registered with the city.

C. Exceptions: Nothing herein shall be construed to repeal or amend the provisions of a city ordinance permitting persons to plant or maintain boulevard plantings or gardens in the area of the right of way between their property and the street curb. Persons planting or maintaining boulevard plantings or gardens shall not be deemed to use or occupy the right of way, and shall not be required to obtain any permits or satisfy any other requirements for planting or maintaining such boulevard plantings or gardens under this chapter. However, nothing herein relieves a person from complying with the provisions of the Minnesota statutes, chapter 216D, Gopher One Call law or other provisions of this code. (Ord. XI.30, 12-4-2007, eff. 1-1-2008)

Arbors, Trellises, and Pergolas

Title 11, Chapter 5 – Zoning Regulations, District Development Regulations

Section 11-5-2: SUPPLEMENTARY REGULATIONS:

C. Supplementary Yard Regulations:

1. Permitted Yard Encroachments: No yard or required open space shall be so reduced in area or dimension so as to make any such area or dimension less than required by this title. If already less than the minimum required, a yard shall not be further reduced. The following encroachments into required yards shall be permitted:

   c. Decorative Landscaping: Decorative landscaping, trees, shrubs and other aesthetic or sculptural elements including arbors and trellises within the front, side, street side and rear yards except within sight triangles adjacent to intersections on corner lots.
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.

**Title 9, Chapter 5 – Building Regulations, Moved Building and Structures**

Section 9-5-3 – ADMINISTRATION AND APPLICATION:

A. Permit Required: Any person desiring to move a building or structure into, within or out of the city must apply for a moving permit with the city building inspections division and pay the appropriate moving permit fee as adopted by the city council. (Ord. XVIII.10, 9-2-1997; amd. Ord. XVIII.12, 2-5-2002)

Exception: Garages, sheds and utility buildings limited to one story in height and which will require no special traffic signage or lighting for safe road transfer, in accordance with Minnesota statutes, chapter 169.238

**Title 11, Chapter 2 – Zoning Regulations, General Provisions**

Section 11-2-19: MANUFACTURED HOME PARK REQUIREMENTS:

E. Minimum Lot Requirements And Setbacks:

8. Accessory Structures: One freestanding accessory structure or storage shed per manufactured home may be permitted in addition to above mentioned carports or garages. All accessory structures shall conform to applicable building codes. Said structures shall be limited to one hundred twenty (120) square feet in size.239
Grocery Store

Title 11, Chapter 4: Zoning Regulations, District Use Regulations

<table>
<thead>
<tr>
<th>C-1 Convenience Commercial District</th>
<th>Permitted Uses: Retail sales no larger than fifteen thousand (15,000) square feet, including . . . groceries . . . or the like. 240</th>
</tr>
</thead>
<tbody>
<tr>
<td>DT Downtown District</td>
<td>Permitted Uses: Retail sales, including . . . groceries . . . or other retail establishments of a community nature . . . 241</td>
</tr>
<tr>
<td>C-3 Highway Commercial District</td>
<td>Permitted Uses: Retail sales, including . . . groceries . . . or the like. All retail sales shall be conducted in a closed building. 242</td>
</tr>
<tr>
<td>C-4 General Commercial District</td>
<td>Permitted Uses: Retail sales, including . . . groceries . . . or the like. 243</td>
</tr>
</tbody>
</table>

Title 11, Chapter 6 – Zoning Regulations, Off Street Parking, Loading and Landscape

Section 11-6-1: OFF STREET PARKING REQUIREMENTS

H. Off Street Parking Required: The minimum number of off street parking spaces required shall be as follows:

| Convenience grocery stores | 7 per 1,000 square feet GFA |

Farmers Markets

Title 11, Chapter 4: Zoning Regulations, District Use Regulations

<table>
<thead>
<tr>
<th>DT Downtown District</th>
<th>Interim Uses: Transient merchant sales lots as regulated by title 3, chapter 5 of this code and the zoning ordinance . . . 245</th>
</tr>
</thead>
<tbody>
<tr>
<td>C-3 Highway Commercial District</td>
<td>Interim Uses: Transient merchant sales lots as regulated by title 3, chapter 5 of this code and the zoning ordinance . . . 246</td>
</tr>
</tbody>
</table>
Title 11, Chapter 4 – Zoning Regulations, District Use Regulations

Section 11-4-11: DT DOWNTOWN DISTRICT:

E. Interim Uses: The following uses shall be permitted interim uses:

Transient merchant sales lots as regulated by title 3, chapter 5 of this code and the zoning ordinance, provided that:

1. The owner and/or operator of the outdoor sales lot shall have written permission of the property owner of the property on which the sale or event is located and shall have said written permission available for inspection if requested.

2. No portion of the sales lot or any advertising for the event shall take place within any public right of way or intersection sight triangle. A minimum ten foot (10’) setback, or the minimum parking setback for the applicable zoning district if it provides for a greater setback, shall be maintained from all property lines and no portion of the use shall take place within one hundred feet (100’) of any property line of any residential use or residentially zoned property.

3. Any signage for the outdoor sales lot or event shall comply with the temporary signage requirements contained in chapter 8 of this title.

4. Any temporary structure, including tents and membrane structures, associated with the outdoor sales lot or event shall comply with all applicable building codes and permit requirements.

5. Hours of operation shall be subject to the requirements of title 3, chapter 5 of this code.

6. Adequate off street parking, with a surface in compliance with subsection 8-2-2J of this code, shall be provided for both the principal and interim use ensuring that no obstruction or interference occurs with existing traffic patterns.

7. No parking related to the outside sales lot or event shall be permitted on adjacent parcels without the prior written consent of the adjacent parcel owner. Said written permission shall be available for inspection if requested.

8. A detailed site plan showing the outdoor sales lot area and dimensions, access and egress to the site, all structures, setbacks, signage, parking, and any other information requested to approve the outdoor sales lot shall be submitted for approval with application materials required for an interim use permit and an outdoor sales lot in title 3, chapter 5 of this code.

9. Outdoor sales lots for consumer fireworks sales shall meet the specialized requirements laid out in Minnesota statute, section 624.20, title 6, chapter 4 of this code, and all other applicable zoning, city code, fire code, county ordinance, or state statutes.
10. The period during which the permitted use may continue will be specified by the city council, but in no case will be longer than sixty (60) days.\textsuperscript{247}

Section 11-4-13: C-3 HIGHWAY COMMERCIAL DISTRICT:

E. Interim Uses:

Transient merchant sales lots as regulated by title 3, chapter 5 of this code and the zoning ordinance, provided that:

1. The owner and/or operator of the outdoor sales lot or event shall have written permission of the property owner of the property on which the sale or event is located and shall have said written permission available for inspection if requested.

2. No portion of the sales lot or any advertising for the event shall take place within any public right of way or intersection sight triangle. A minimum ten foot (10') setback, or the minimum parking setback for the applicable zoning district if it provides for a greater setback, shall be maintained from all property lines and no portion of the use shall take place within one hundred feet (100') of any property line of any residential use or residentially zoned property.

3. Any signage for the outdoor sale lot or event shall comply with the temporary signage requirements contained in chapter 8 of this title.

4. Any temporary structure, including tents and membrane structures, associated with the outdoor sales lot or event shall comply with all applicable building codes and permit requirements.

5. Hours of operation shall be subject to the requirements of title 3, chapter 5 of this code.

6. Adequate off street parking, with a surface in compliance with subsection 8-2-21 of this code, shall be provided for both the principal and interim use ensuring that no obstruction or interference occurs with existing traffic patterns.

7. No parking related to the outside sales lot or event shall be permitted on adjacent parcels without the prior written consent of the adjacent parcel owner. Said written permission shall be available for inspection if requested.

8. A detailed site plan showing the outdoor sales lot area and dimensions, access and egress to the site, all structures, setbacks, signage, parking, and any other information requested to approve the outdoor sales lot shall be submitted for approval with application materials required for an interim use permit and an outdoor sales lot in title 3, chapter 5 of this code.

9. Outdoor sales lot for consumer fireworks sales shall meet the specialized requirements laid out in Minnesota statute, section 624.20, title 6, chapter 4 of this code, and all other applicable zoning, city code, fire code, county ordinance, or state statutes.

10. The period during which the permitted use may continue will be specified by the city council, but in no case will be longer than one hundred twenty (120) days.\textsuperscript{248}
Food Establishments

Title 11, Chapter 4: Zoning Regulations, District Use Regulations:

<table>
<thead>
<tr>
<th>C-1 Convenience Commercial District</th>
<th>Conditional Uses: Eating and drinking establishment as part of multi-tenant or mixed use building. These establishments include such places as restaurants and cafeterias and places for the sale and consumption of soft drinks, juices, ice cream and beverages of all kinds, provided the following conditions are met: . . .</th>
</tr>
</thead>
<tbody>
<tr>
<td>DT Downtown District</td>
<td>Permitted Uses: Eating and drinking establishments, excluding drive-through facilities.</td>
</tr>
<tr>
<td>C-3 Highway Commercial District</td>
<td>Permitted Uses: Eating and drinking establishments without drive-through facilities.</td>
</tr>
<tr>
<td>C-4 General Commercial District</td>
<td>Permitted Uses: Eating and drinking establishments without drive-through facilities.</td>
</tr>
<tr>
<td>BP Business Park District</td>
<td>Conditional Uses: Eating and drinking establishments, without drive-through facilities.</td>
</tr>
</tbody>
</table>

Title 11, Chapter 14: Zoning Regulations, District Use Regulations

Section 11-4-10: C-1 CONVENIENCE COMMERCIAL DISTRICT:

D. Conditional Uses: The following uses are conditional uses in the C-1 district, and are subject to the conditional use permit provisions outlined in this title:

Eating and drinking establishment as part of multi-tenant or mixed use building. These establishments include such places as restaurants and cafeterias and places for the sale and consumption of soft drinks, juices, ice cream and beverages of all kinds, provided the following conditions are met:

1. The gross floor area of the restaurant shall not exceed three thousand (3,000) square feet.
2. Drive-up window service or exterior loudspeakers shall not be permitted.

Outdoor seating or dining, subject to the following:

1. The site and enclosure(s) shall be designed to limit the effects of outdoor seating or dining areas on contiguous properties and/or public rights of way.
2. The seating area shall be located on private property along the front, side or rear of the principal building but shall not be located within a required setback or on the side abutting any residential use or district.

3. The seating area shall not interfere with circulation in any required parking, loading, maneuvering or pedestrian area. A minimum four foot (4’) passageway shall be maintained along the private sidewalk for pedestrians.

4. The seating area shall be located in a controlled or cordoned area acceptable to the city with at least one opening to an acceptable pedestrianwalk.

5. When a liquor license is granted, an uninterrupted enclosure is required and the enclosure shall only have access through the principal building.

6. The seating area shall not be permitted within two hundred feet (200’) of any residential use or district as measured at the property line and shall be separated from residential use or district by the principal structure or other method of screening acceptable to the city. The minimum distance from a residential use or district may be reduced should the city determine the applicant has added sufficient elements to reduce the impact of this use.

7. No public address system shall be audible from a noncommercial or nonindustrial use or district.254

Section 11-4-11: DT DOWNTOWN DISTRICT

B. Permitted Uses: The following uses are permitted uses in the DT district:

Eating and drinking establishments, excluding drive-through facilities.255

C. Accessory Uses: The following uses shall be permitted accessory uses:

Outdoor seating areas, accessory to permitted or conditional uses.256

Section 11-4-13: C-3 HIGHWAY COMMERCIAL DISTRICT:

B. Permitted Uses: The following uses are permitted uses in the C-3 district:

Eating and drinking establishments without drive-through facilities257

C. Accessory Uses: The following uses shall be permitted accessory uses:

Outdoor seating or dining areas for ten (10) or fewer seats, accessory to permitted or conditional uses, subject to:

1. The site shall be designed to limit the effects of outdoor seating or dining areas on contiguous properties and/or public rights of way.
2. The outdoor seating or dining area shall be located on private property along the front, side or rear of the principal building but shall not be located within a required setback or on a side that abuts any residential use or district.

3. The outdoor seating or dining area shall not interfere with circulation in any required parking, loading, maneuvering or pedestrian area. A minimum four foot (4') passageway shall be maintained along the private sidewalk for pedestrians.

4. Patrons shall not be served food or beverages outside, except that employees may refill beverage containers in the seating area. At no time shall the seating area be used for the consumption of alcoholic beverages.

5. The outdoor seating or dining area shall be equipped with refuse containers. The business owner shall ensure that the area is properly maintained and litter free.

6. No public address system shall be audible from a noncommercial or nonindustrial use or district.²⁵⁸

Section 11-4-14: C-4 GENERAL COMMERCIAL DISTRICT:

B. Permitted Uses: The following uses are permitted uses in the C-4 district:

   Eating and drinking establishments without drive-through facilities²⁵⁹

C. Accessory Uses: The following uses shall be permitted accessory uses:

Outdoor seating or dining areas for ten (10) or fewer seats, accessory to permitted or conditional uses, subject to:

1. The site shall be designed to limit the effects of this outdoor seating or dining areas on adjacent properties.

2. The outdoor seating or dining area shall be located on private property along the front, side or rear of the principal building, but shall not be located within a required setback or on a side abutting any residential use or district.

3. The outdoor seating or dining area shall not interfere with circulation in any required parking, loading, maneuvering or pedestrian area. A minimum four foot (4') passageway shall be maintained along the private sidewalk for pedestrians.

4. Patrons shall not be served food or beverages outside, except that employees may refill beverage containers in the seating area. At no time shall the seating area be used for the consumption of alcoholic beverages.

5. The outdoor seating or dining area shall be equipped with refuse containers. The business owner shall ensure that the area is properly maintained and litter free.

²⁵⁸
²⁵⁹
6. No public address system shall be audible from a noncommercial or nonindustrial use or district.

D. Conditional Uses: The following uses are conditional uses in the C-4 district, and are subject to the conditional use permit provisions outlined in this title:

Drive-through facilities for restaurants, banks, and other similar uses.

1. The site and building(s) shall be designed to limit the effects of the drive-through on adjacent properties and public rights of way. No use with a drive-through window shall be located abutting any residential use or district.

2. Drive-through facilities shall have a minimum six (6) stacking spaces per drive-through window. Fast food uses operating more than one window per individual drive aisle shall meet the stacking requirements for a single drive-through facility. Each space shall be a minimum of nine feet (9') wide by eighteen feet (18') long.

3. The principal building shall be the primary source for screening the drive-through facility and stacking and exiting areas from adjacent properties and/or rights of way. Landscaping and berming shall be a secondary source for screening drive-through, stacking or exiting areas. Should landscaping and berming be found ineffective by the city, the city may approve screening walls and/or decorative fencing as an alternative. Screening walls shall be constructed of the same materials as the principal building and shall not extend more than twenty five feet (25') without a change in architecture to reduce their mass and appearance. Stacking areas shall have a minimum ninety percent (90%) opacity screen to a height of six feet (6') while exiting areas shall have a minimum fifty percent (50%) opacity screen to a height of at least four feet (4').

4. Stacking lanes, order board intercom, and service window shall be designed and located to minimize noises, emissions, and headlight glare upon adjacent properties and public rights of way.

5. Stacking lanes shall not interfere with circulation through any required parking, loading, maneuvering or pedestrian area.

6. No public address system shall be audible from a noncommercial or nonindustrial use or district.

7. In addition to the freestanding sign allowed by the sign ordinance, fast food uses may display menu signs related to drive-through facilities, provided that:

   a. Not more than one menu sign per defined drive-through aisle is allowed.

   b. Individual menu signs shall be single sided with an area not to exceed thirty two (32) square feet including both menu information and sign cabinet.
c. The height of the menu sign(s) shall not exceed eight feet (8') including its base or pole measured from grade to the top of the structure.

d. The menu sign(s) shall not encroach into any parking setback and shall be located directly adjacent to the drive-through aisle and oriented in such a manner that the sign provides information to the drive-through patrons only and does not provide supplemental advertising to pass-by traffic and does not impair visibility or obstruct circulation.

Outdoor seating or dining areas for eleven (11) or more seats.

1. The site and enclosure(s) shall be designed to limit the effects of outdoor seating or dining areas on contiguous properties and/or public rights of way.

2. The seating area shall be located on private property along the front, side or rear of the principal building but shall not be located within a required setback or on the side abutting any residential use or district.

3. The seating area shall not interfere with circulation in any required parking, loading, maneuvering or pedestrian area. A minimum four foot (4’) passageway shall be maintained along the private sidewalk for pedestrians.

4. The seating area shall be located in a controlled or cordoned area acceptable to the city with at least one opening to an acceptable pedestrian walk.

5. When a liquor license is granted, an uninterrupted enclosure is required and the enclosure shall only have access through the principal building.

6. The seating area shall not be permitted within two hundred feet (200’) of any residential use or district as measured at the property line and shall be separated from residential use or district by the principal structure or other method of screening acceptable to the city. The minimum distance from a residential use or district may be reduced should the city determine the applicant has added sufficient elements to reduce the impact of this use.

7. No public address system shall be audible from a noncommercial or nonindustrial use or district.260

Section 11-4-15: BP BUSINESS PARK DISTRICT:

D. Conditional Uses: The following uses are conditional uses in the BP business park district and are subject to the conditional use permit provisions outlined in this title:

   Eating and drinking establishments, without drive-thru facilities.261
Food Carts, Mobile Food Units, and Food Stands

**Title 11, Chapter 4: Zoning Regulations, District Use Regulations:**

<table>
<thead>
<tr>
<th>District</th>
<th>Accessory Uses: Agricultural product stands.</th>
</tr>
</thead>
<tbody>
<tr>
<td>AG Agricultural District</td>
<td></td>
</tr>
<tr>
<td>AG-P Agricultural Preserve District</td>
<td></td>
</tr>
</tbody>
</table>

**Transient Merchant**

**Title 3, Chapter 5 – Business Regulations, Licensing of Peddlers; Solicitors; Transient Merchants**

Section 3-5-3: LICENSE REQUIRED:

*It is unlawful for any peddler, solicitor, transient merchant or operator of any temporary sales lot to engage in any such business within the city without first having obtained a license or permit from the city clerk and any license or permit required by Dakota County or the state of Minnesota in compliance with the provisions of this chapter, the zoning ordinance, county ordinances or state statutes except those specifically excluded by section 3-5-4 of this chapter.*

A. The license is nontransferable to either another person or another location.

B. The applicant must be at least eighteen (18) years of age.

C. The premises are subject to inspection by city employees during normal business hours or by emergency personnel as necessary. (Ord. XVI.55, 6-7-2005)

Section 3-5-9: USE OF STREETS AND SITE REQUIREMENTS:

A. Use Of Streets: *No peddler or solicitor shall have any exclusive rights to any location in the public streets, nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where such operation might impede or inconvenience the public use of such streets. For the purpose of this chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced.*

B. Site Requirements:
1. Sales lots:

a. Adequate off street parking, with a surface in compliance with subsection 8-2-2I of this code, shall be provided for both the principal and interim use ensuring that no obstruction or interference occurs with existing traffic patterns.

b. Lighting shall be provided as is necessary for security, safety and traffic circulation.

c. The sales lot must be set back a minimum of ten feet (10') from the property line; or, the parking setback required by the particular zoning district within which the sales lot is to be located, whichever provides the greater setback. No portion of the site shall be located within one hundred feet (100') of any developed residential property.

d. Licenses for sales lots on residentially zoned property are not permitted.

e. Signage, exclusive of the posting of the required license, shall require and comply with temporary sign permit requirements.

f. The application shall include a detailed site plan of the premises and the area proposed for the lot including temporary shelter structures if any. On site structures must conform to all applicable codes and ordinances.

g. Proof of adequate liability insurance issued by a company licensed to do business in the state of Minnesota showing that the insurance will be in effect for the entire time the licensee’s business will be conducted in the city, and providing for prior notification to the city of Rosemount should the insurance be cancelled, shall be provided to the city.

h. The site shall be kept in a neat and orderly manner and the display of items shall not cover more than ten percent (10%) of the total lot area of the principal use or approved PUD so as to not interfere with pedestrian safety, vehicular movement, emergency access and existing business activities.

i. The sales lot site shall be completely surfaced with concrete, blacktop, or brick pavers to control dust and erosion. The surface shall be properly maintained to prevent deterioration.

(Ord. XVI.55, 6-7-2005)

Section 3-20-11: PROHIBITED PRACTICES:

No person under the provisions of this chapter shall:

A. Sell or solicit before the hours of nine o'clock (9:00) A.M. or after eight o'clock (8:00) P.M., unless a previous appointment has been made.
B. Enter or conduct business upon any premises where a sign or plaque is conspicuously posted stating in effect that no peddlers or solicitors are allowed. Such signs shall have letters a minimum of one-half inch (1/2") high.

C. Occupy for the purpose of advertising and/or conducting business any area within a sight triangle, at any road intersection.

D. Occupy as a transient merchant, solicitor or peddler, any public right of way for the purpose of advertising and/or conducting business.

E. Occupy as a transient merchant, solicitor or peddler public property for the purpose of advertising and/or conducting business unless approved by the city council.

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

Upon violation of these prohibited practices the city may immediately suspend the license until a hearing can be held. (Ord. XVI.55, 6-7-2005)

---

Parking

**Title 8, Chapter 2 – Traffic and Motor Vehicles, Driving and Parking Regulations**

Section 8-2-2: OFF STREET PARKING REQUIREMENTS:

A. Parking Designated By Council: The city council is authorized to designate parking and restrict the length of time parking shall be permitted at any place within the city. In establishing or changing parking zones or parking restrictions, the council shall pass a resolution at a meeting adequately describing and defining said parking zones or parking restrictions. The chief of police is authorized to erect signs prohibiting or limiting parking at locations he deems appropriate.

B. Parking Generally: No owner of a vehicle shall leave, park or permit the same to stand on any city street or alley for more than twenty four (24) hours. (Ord. XII.11, 11-3-1987)

C. Seasonal Parking Restrictions: No person shall park a vehicle or permit it to stand upon any public street, highway or alley during the following times:

1. At any time after a snowfall, wind or other weather condition has resulted in an accumulation of snow of two inches (2") or more in depth on the public street, highway or alley until the street, or highway or alley is plowed curb to curb.

2. Between the hours of two o'clock (2:00) A.M. and six o'clock (6:00) A.M. between November 1 and April 1 of each calendar year. (Ord. XII.18, 10-2-2001)
D. Parking Near Fires: No person except fire department members shall park a car within three hundred feet (300') of a fire.  

E. Violating Parking Signs: No person shall park a vehicle in such a manner or location as to disobey or violate a parking sign which was posted by the city. The registered owner of a vehicle shall be deemed responsible for the parking of a vehicle under this subsection, along with the person who actually parks the vehicle.  

F. Storing Or Parking Junked Vehicle Prohibited: It is unlawful for any person to park, store or leave any junked vehicle, whether attended or not, upon any public or private property within the city, or for any person, as an owner or occupant having control of private property within the city to permit the parking, storing or leaving of any junked vehicle upon such private property, unless such junked vehicle is within an enclosed building or structure lawfully situated upon private property or is so parked, stored or left upon private property lawfully zoned and operated as a junkyard. (Ord. XII.11, 11-3-1987)  

G. Unauthorized Parking Of Vehicles: Unauthorized parking of vehicles or display of vehicles for sale shall not be permitted on public property or publicly zoned property. Vehicles offered for sale shall comply with the following:  

1. The vehicles sold in residential areas shall be personal property of the occupant or owner of the premises.  

2. Vehicles for sale shall be parked on an approved parking surface. (Ord. XII.17, 2-20-2001)  

H. Outdoor Parking Or Storage Of Vehicles In Residential Districts: The following standards apply to the outdoor parking or storage of vehicles in all residential districts:  

1. General: The parking or storage of vehicles in any residential zoning district shall comply with all applicable performance standards for the zoning district in which they are located as well as the off street parking regulations in title 11, chapter 6, "Off Street Parking, Loading And Landscaping", of this code.  

2. Number: The maximum number of vehicles parked or stored outdoors on any rural residential zoned property (RR) shall not exceed ten (10) vehicles per dwelling unit and any residential property zoned R-1, R-1A, R-2, R-3 or R-4 shall not exceed six (6) vehicles per dwelling unit. These vehicles must be owned by and for the primary use of the owner or occupant of the dwelling unit. Junk vehicles parked or stored outdoors are prohibited by subsection F of this section. (Ord. B-197, 10-7-2008)  

I. Residential Streets: No commercial vehicles, trailer or equipment shall be parked or stored in a rural residential or residential district except when loading, unloading, or rendering a service, unless parked in a fully enclosed, authorized structure. No utility trailer, boat trailer, or other recreational trailers are permitted to be parked on a public street in a rural residential or residential district between the hours of two o'clock (2:00) A.M. and six o'clock (6:00) A.M. (Ord. XII.17, 2-20-2001; amd. Ord. B-197, 10-7-2008)
J. Parking Surface:

1. All parking in RL, R-1, R-1A, R-2, R-3, C-1, DT, C-3, C-4, GI, PUD and BP districts in areas served by sanitary sewer or where a planned unit development agreement requires approved surfaces must be on one of the following surfaces: (Ord. XII.20, 7-20-2004; amd. Ord. B-174, 10-17-2006; Ord. B-197, 10-7-2008; Ord. B-211, 1-4-2011)
   a. Concrete;
   b. Bituminous; or
   c. Brick pavers.

2. In addition to the parking surfaces in subsections J1a through J1c of this section, recreation vehicles may be parked on a decorative rock surface meeting the following requirements:
   a. The decorative rock material is minimum class V(5), and is a minimum depth of four inches (4") with a commercial grade weed preventative mesh underlayment;
   b. Edging must be installed to prevent the rock from spreading from the designated parking area;
   c. The parking area must be at least equal in size to the recreation vehicle being stored; and
   d. The decorative rock and the required weed preventative mesh underlayment must be continuously maintained to prevent weed growth and deterioration.

3. All properties with existing rock (class 5) parking surfaces not in compliance with the requirements of subsections J1 and J2 of this section must be brought into compliance within one year of the effective date hereof. (Ord. XII.20, 7-20-2004; amd. Ord. B-197, 10-7-2008)

K. Public Nuisance Declared: The presence of a junked vehicle upon private or public property within the city, except as permitted by the provisions of subsection F of this section, or the violation of any of the provisions of this chapter, is hereby declared to be a hazard to the public health and safety and a public nuisance which may be abated by the city as such. (Ord. XII.11, 11-3-1987; amd. Ord. B-197, 10-7-2008)

L. In All Commercial Districts: No commercial trucks, truck-tractor, or semitrailer combinations are allowed to be parked and/or stored longer than forty eight (48) hours in any commercial district, unless parked in designated loading areas. (Ord. XII.17, 2-20-2001; amd. Ord. B-197, 10-7-2008)

Section 11-6-1: OFF STREET PARKING REQUIREMENTS:

A. Purpose And Intent: It is the intent of these regulations that off street parking be provided and maintained by each property owner for the use of occupants, employees and patrons. These regulations are further intended to promote the safe and efficient storage, circulation and channelization of motor vehicles on site to avoid undue congestion of the public streets.
B. Compliance Required: In all districts except where exempt by subsection K of this section, off street parking shall be provided as follows:

1. New Construction: Full off street parking compliance is required for all newly erected buildings.

2. Enlargement: Whenever a use or building requiring off street parking is increased in floor area or when interior building modifications or structural alterations result in an increase in effective capacity for any use, additional parking shall be provided in proper ratio to the increase in floor area or capacity.

3. Change In Use: Whenever a building or use or part thereof is changed in usage, such that the new use requires more parking than the old, the extent to which the use is changed shall be required to comply fully with the provisions of this title.

4. Parking Lot Construction And Expansion: All new parking lots and improvements and extensions to existing lots shall comply fully with the requirements of this title.

C. Permits And Improvement Guarantees Required:

1. Permits: Building permits shall be required for parking lot construction in all districts except for one- and two-family residences.

2. Improvement Guarantees: For any parking improvement for which a building permit is required, a performance bond, letter of credit or other financial guarantee, as approved by the city attorney, in the amount of one hundred twenty five percent (125%) of the estimated construction cost shall be submitted prior to issuance of a building permit and retained until said parking improvement is completed and acceptable to the city. Where plant materials are used in lieu of a masonry screen wall, this portion of the financial guarantee shall remain in effect for a period of not less than one year after planting to ensure plant material life. (Ord. B, 9-19-1989)

D. Limitations On Use:

1. No commercial repair work or service of any kind, or sale or display thereof, or the storage of new or used vehicles which are not for the use of the occupant, employees and patrons shall be conducted in such parking area.

2. Off street parking once designated as required off street parking shall not be changed to any other use until equal facilities as required by this code are provided elsewhere.

3. Off street parking existing at the date of adoption hereof in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or use.

4. Except while loading, unloading, or rendering a service in a designated loading area, no commercial trucks, truck-tractor, or semitrailer combinations shall be parked and/or stored
longer than twenty four (24) hours. Semitrailers may not be used for outdoor sales, storage or display. (Ord. B-164, 11-15-2005)

E. Joint Use Of Parking Areas: Two (2) or more buildings or uses may collectively provide off street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the individual uses computed separately. In the case of the joint use of off street parking spaces where operating hours do not overlap, the board of appeals and adjustments may grant an exception to allow the total parking required to be reduced below the sum total of the individual uses provided a copy of an agreement between joint users is filed with the application.

F. Location: All off street parking required by this chapter shall be located on the same lot as the use of the property intended to be served. Said off street parking shall be located in the same district as the use it is intended to serve. In the R districts, all required parking shall be located on the lot it is intended to serve. (Ord. B, 9-19-1989)

G. Backing Into A Street:

1. One-family and two-family dwellings having a driveway on a street listed in this subsection G, shall be provided with, and shall maintain, a driveway that has a paved turnout or turnaround area that is so designed and located as to allow the safe and convenient turning of vehicles on the lot of the dwelling so that cars may avoid backing into such streets. No certificate of occupancy will be issued for any such dwelling until such driveway is completed. The requirement of this subsection applies to dwellings that have not been issued a certificate of occupancy before the effective date hereof. This requirement applies to lots having a driveway on any of the following streets:

Akron Avenue
Auburn Avenue
Bacardi Avenue
Bloomfield Path
Chippendale Avenue
Connemara Trail
County Road 38
County Road 42
County Road 46
County Road 73
Diamond Path
Emery Avenue
Evermoor Parkway
Fahey Avenue
Fischer Avenue
McAndrews Road
Pine Bend Trail
Rich Valley Boulevard
Shannon Parkway
H. Off Street Parking Required: The minimum number of off street parking spaces required shall be as follows:

<table>
<thead>
<tr>
<th>Residential uses:</th>
<th>Minimum Parking Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory apartments</td>
<td>1 per unit</td>
</tr>
<tr>
<td>Boarding and rooming houses</td>
<td>2 per 3 persons</td>
</tr>
<tr>
<td>Daycare centers, nursery and Montessori schools</td>
<td>1 per 20 individuals plus 1 per teacher and employee</td>
</tr>
<tr>
<td>Group and foster homes</td>
<td>1 per 6 individuals plus 1 per employee</td>
</tr>
<tr>
<td>Mobile homes (in mobile home parks)</td>
<td>2 per dwelling unit</td>
</tr>
<tr>
<td>Multiple dwellings</td>
<td>2 per dwelling unit</td>
</tr>
<tr>
<td>One- and two-family units</td>
<td>2 per dwelling unit</td>
</tr>
<tr>
<td>Senior citizens housing</td>
<td>0.5 per dwelling unit</td>
</tr>
<tr>
<td>Public and quasi-public uses:</td>
<td></td>
</tr>
<tr>
<td>Churches</td>
<td>1 per 3 seats in largest assembly room</td>
</tr>
<tr>
<td>Clubs and lodges, social and fraternal</td>
<td>2 persons, based upon occupancy rating</td>
</tr>
<tr>
<td><strong>Elementary and junior high schools</strong></td>
<td>1 per classroom plus 1 per 20 students</td>
</tr>
<tr>
<td><strong>Golf and country clubs</strong></td>
<td>6 per hole</td>
</tr>
<tr>
<td><strong>Government offices</strong></td>
<td>1 per 200 square feet GFA</td>
</tr>
<tr>
<td><strong>Hospitals and extended care facilities</strong></td>
<td>1 per bed plus 1 per employee</td>
</tr>
<tr>
<td><strong>Museums, libraries and art galleries</strong></td>
<td>1 per 500 square feet GFA</td>
</tr>
<tr>
<td><strong>Nursing homes</strong></td>
<td>1 per employee</td>
</tr>
<tr>
<td><strong>Post high schools</strong></td>
<td>1 per teacher and employee plus 1 per 5 students</td>
</tr>
<tr>
<td><strong>Senior high schools</strong></td>
<td>1 per classroom plus 1 per 20 students</td>
</tr>
<tr>
<td><strong>Stadiums, arenas, auditoriums accessory to a school</strong></td>
<td>1 per 6 seats</td>
</tr>
<tr>
<td><strong>Stadiums, arenas, theaters and auditoriums</strong></td>
<td>1 per 3 seats plus 1 per employee</td>
</tr>
</tbody>
</table>

**Business uses:**

| **Accessory car washes** | 2 |
| **Animal clinics** | 1 per 400 square feet GFA |
| **Assembly halls** | 1 per 3 seats |

**Athletic and weight reduction facilities:**
- **Racquetball/tennis**
- **All other**

| 6 per court |
| 1 per 200 square feet GFA |

**Auto repair and sales, repair shops and wholesale establishments**

| 3 per 1,000 square feet GFA plus 1 per employee |

**Banks**

| 1 per 400 square feet |

**Beauty and barber shops**

<p>| 3 per operator and employee |</p>
<table>
<thead>
<tr>
<th>Category</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bowling alleys</td>
<td>5 per lane</td>
</tr>
<tr>
<td>Business and general office</td>
<td>5 per 1,000 square feet GFA</td>
</tr>
<tr>
<td>Car washes (principal use)</td>
<td>1 per employee</td>
</tr>
<tr>
<td>Convenience grocery stores</td>
<td>7 per 1,000 square feet GFA</td>
</tr>
<tr>
<td>Drive-up restaurants</td>
<td>1 per 3 seats</td>
</tr>
<tr>
<td>Funeral homes and mortuaries</td>
<td>1 per 3 seats in largest parlor or chapel</td>
</tr>
<tr>
<td>Gasoline stations</td>
<td>1 per employee</td>
</tr>
<tr>
<td>Home furnishing stores</td>
<td>1 per 300 square feet GFA plus 1 per employee</td>
</tr>
<tr>
<td>Hotels and motels</td>
<td>1 per guestroom plus 1 per employee</td>
</tr>
<tr>
<td>Medical, dental offices and clinics</td>
<td>5 per doctor plus 1 per employee</td>
</tr>
<tr>
<td>Movie theaters</td>
<td>1 per 4 seats</td>
</tr>
<tr>
<td>Musical instrument sales, floral, jewelry and shoe stores</td>
<td>1 per 300 square feet GFA</td>
</tr>
<tr>
<td>Outdoor recreation</td>
<td>3 patron capacity</td>
</tr>
<tr>
<td>Pool halls, roller and ice rinks, exhibition halls</td>
<td>2 persons based on occupancy rating</td>
</tr>
<tr>
<td>Restaurants, cafes, bars</td>
<td>1 per 3 seats</td>
</tr>
<tr>
<td>Retail sales and services, except as specified herein</td>
<td>6 per 1,000 square feet GFA</td>
</tr>
<tr>
<td>Shopping centers</td>
<td>5 per 1,000 square feet GFA</td>
</tr>
<tr>
<td>Industrial uses:</td>
<td></td>
</tr>
<tr>
<td>Custom manufacturing</td>
<td>1 per 300 square feet retail space plus 1 per employee</td>
</tr>
<tr>
<td>Activity</td>
<td>Minimum Space Requirement</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>----------------------------</td>
</tr>
<tr>
<td>Manufacturing, printing, publishing, processing, packaging, assembly</td>
<td>1 per 300 square feet GFA</td>
</tr>
<tr>
<td>Office</td>
<td>1 per 200 square feet GFA</td>
</tr>
<tr>
<td>Testing and research</td>
<td>1 per 500 square feet GFA</td>
</tr>
<tr>
<td>Warehousing</td>
<td>1 per 2,000 square feet GFA</td>
</tr>
</tbody>
</table>

Notes:

1. Employee = maximum number of employees on largest shift.

2. GFA = gross floor area.

3. Uses with multiple functions may be required to provide parking in accordance with more than one minimum standard.


I. Drive-Through Facilities For Restaurants, Banks And Other Similar Uses:

1. Circulation: No stacking space shall encroach into any drive aisle necessary for the circulation of vehicles on the lot.

2. Setbacks Required: All stacking shall comply with the setbacks required for parking spaces.

3. Size Of Stacking Spaces: The minimum size of stacking spaces shall be nine feet by eighteen feet (9' x 18').

4. Conformance To Standards: All drive-through facilities for restaurants, banks, and other similar uses shall conform to the standards listed above, the applicable conditional use permit standards outlined in sections 11-4-13, "C-3 Highway Commercial District", and 11-4-14, "C-4 General Commercial District", of this title as well as the applicable sections of this title. (Ord. B-164, 11-15-2005)

J. Fractional Spaces: When determining the number of required parking spaces results in a fractional space, any fraction up to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall be rounded to require one additional space.

K. Off Street Parking Exceptions:

1. Compact Cars: Up to fifteen percent (15%) of the parking required for a given use may be designed specifically for compact cars, provided:
a. Signage is erected at appropriate locations indicating "For Compacts Only".

b. Compact stalls are located in one continuous area and signage is erected at the parking lot entry showing directions to compact only parking.

c. The minimum design and construction standards apply.

2. Proof Of Parking Required: Establishments shall be capable of providing the number of on site parking spaces required by this chapter at any time said parking is needed. However, all such required parking need not be constructed initially if it is demonstrated by the owner to be in excess of the real parking demand. Future parking sufficient in quantity to meet the ordinance requirement shall be shown on the official site plan for which a building permit request is made and said parking shall be constructed at the discretion of the city if it proves to be needed later. (Ord. B-139, 5-18-2004)

3. Central Business District: Uses constructed in the DT downtown district shall be exempt from this section except that all such parking provided shall comply with the parking design standards in subsection L of this section. (Ord. B-211, 1-4-2011)

L. Off Street Parking Design And Construction Standards:

<table>
<thead>
<tr>
<th>Parking Angle (Degrees)</th>
<th>0°</th>
<th>30°</th>
<th>45°</th>
<th>60°</th>
<th>75°</th>
<th>90°</th>
</tr>
</thead>
<tbody>
<tr>
<td>Full size cars¹:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maneuvering lane width</td>
<td>12'</td>
<td>12'</td>
<td>14'</td>
<td>18'</td>
<td>21'</td>
<td>24'</td>
</tr>
<tr>
<td>Parking space width</td>
<td>8'</td>
<td>8.5'</td>
<td>8.5'</td>
<td>8.5'</td>
<td>8.5'</td>
<td>8.5'</td>
</tr>
<tr>
<td>Parking space length</td>
<td>22'</td>
<td>18'</td>
<td>18'</td>
<td>18'</td>
<td>18'</td>
<td>19'</td>
</tr>
<tr>
<td>Bay dimension (1 tier)</td>
<td>20'</td>
<td>29'</td>
<td>41'</td>
<td>38'</td>
<td>41'</td>
<td>43'</td>
</tr>
<tr>
<td>Bay dimension (2 tiers)</td>
<td>28'</td>
<td>46'</td>
<td>61'</td>
<td>58'</td>
<td>61'</td>
<td>62'</td>
</tr>
<tr>
<td>Compact cars:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maneuvering lane width</td>
<td>12'</td>
<td>12'</td>
<td>12'</td>
<td>16'</td>
<td>19'</td>
<td>22'</td>
</tr>
<tr>
<td>Parking space width</td>
<td>7.5'</td>
<td>8'</td>
<td>8'</td>
<td>8'</td>
<td>8'</td>
<td>8'</td>
</tr>
<tr>
<td>Parking space length</td>
<td>20'</td>
<td>16'</td>
<td>16'</td>
<td>16'</td>
<td>16'</td>
<td>17'</td>
</tr>
<tr>
<td>Bay dimension (1 tier)</td>
<td>19.5'</td>
<td>27'</td>
<td>29'</td>
<td>34'</td>
<td>37'</td>
<td>39'</td>
</tr>
<tr>
<td>Bay dimension (2 tiers)</td>
<td>27'</td>
<td>42'</td>
<td>46'</td>
<td>52'</td>
<td>55'</td>
<td>56'</td>
</tr>
</tbody>
</table>
**Note:**
1. Handicapped parking shall be provided as required by applicable building code.

1. **Bumper Overhang:** The minimum parking space length may be decreased by up to two feet (2') for spaces which allow the bumper of the auto to project beyond the terminus of the parking space without obstructing other parking spaces or vehicle circulation.

2. **Maneuvering Lanes:** All maneuvering lanes shall permit only one-way traffic movements with the exception of the ninety degree (90°) pattern where two-way traffic may be permitted. Each parking space shall have direct unimpeded access to a maneuvering lane and dead end maneuvering lanes shall only be permitted with the ninety degree (90°) pattern which is designed to accommodate two-way traffic.

3. **Surfacing:** All parking lots and drives other than for a single-family residence without public sewer shall be paved with a concrete or bituminous surface in accordance with standards as established by the city. All parking spaces shall be striped with suitable paint in accordance with approved plans except for single-family residences.

4. **Curb And Gutter And/Or Barriers:** All lots shall have curb and gutter or other suitable parking bumpers or barriers to channelize the flow of traffic and clearly define parking spaces in the interest of efficient lot utilization and conflict minimization.

5. **Drainage:** All parking lots shall have a drainage system which is approved by the city.

6. **Screening:** When a required off street parking lot for six (6) or more cars is located adjacent to an R district, landscaping and berming to meet ninety percent (90%) opacity year round must be provided along the R district property line. In certain situations, the city may consider, but not necessarily approve, installation of a fence or screen wall not more than six feet (6') in height but not within the required front yard. (Ord. B-139, 5-18-2004)

7. **Lighting:** Lighting shall be so arranged to deflect the light away from R districts and public streets.

8. **Maintenance:** It shall be the joint responsibility of the operator and owner of any principal use to maintain, in a neat and aesthetic manner, the parking space, accessway, landscaping and required fences and walls. (Ord. B, 9-19-1989)

9. **Exception:** The off street parking and design and construction standards may be waived by the city upon issuance of an interim use permit (IUP) for temporary buildings in the general industrial district. (Ord. B-144, 11-5-2004)

**M. Driveways On Certain Corner Lots:** Driveways for one- and two-family dwellings on corner lots having one side on a street named in this subsection and one side on a street having a lower volume of traffic shall be constructed and maintained to the street with the lower volume of traffic and no closer than sixty three feet (63’) from the corner of the lot nearest the intersection of the two (2) streets. This requirement shall apply to such corner lots having one frontage on
any of the following streets:

Akron Avenue
Auburn Avenue
Bacardi Avenue
Bloomfield Path
Chippendale Avenue
Connemara Trail
County Road 38
County Road 42
County Road 46
County Road 73
Diamond Path
Emery Avenue
Evermoor Parkway
Fahey Avenue
Fischer Avenue
McAndrews Road
Pine Bend Trail
Rich Valley Boulevard
Shannon Parkway
South Robert Trail
STH 3
STH 52
STH 55
126th Street W
130th Street W
140th Street W
145th Street W
160th Street W

(Ord. B-112, 3-6-2001) 268

Signage

Title 4, Chapter 3 – Streets and Public Property, Parks, Regulations

Section 4-3-15: POSTERS AND ADVERTISEMENTS:

A. No person shall post, glue, tack or otherwise affix any sign, placard, advertisement or other inscription whatsoever to public property within any city park.
B. No person shall distribute or disseminate leaflets, pamphlets or other written or printed material, or use loudspeakers or other amplifying systems, in any city park without a permit from the parks and recreation department. (Ord. XVI.27, 2-1-1994)

Title 11, Chapter 8 – Zoning Regulations, Signs

Section 11-8-3: ADMINISTRATION AND ENFORCEMENT:

A. Permit Required: Except as noted in subsection B of this section, no sign shall be erected, altered, improved, reconstructed, maintained or moved in the city without first securing a permit from the city:

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

2. Application for an administrative permit shall be filed by the property owner or designated agent with the community development department's designee on forms provided by the city.

3. Application for a permit shall include sufficient information regarding the number, location, size, illumination and other physical characteristics of the sign(s) to fully and clearly review the proposed construction and placement. Specifically, all applications shall contain the following information, unless waived by the city:

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

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

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

   d. Type and size of sign (e.g., wall sign, pylon sign).

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

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

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

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

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

   j. A detailed description of any electronic or electrical components that are proposed to be added to the sign.
k. Other information to demonstrate compliance with this and all other ordinances of the city.

4. The applications shall be accompanied by a fee as established by city council resolution.

5. The community development department designee shall notify the applicant, in writing, of an incomplete application within fifteen (15) days of the date of submission.

6. The community development department designee shall review the application and related materials and shall determine whether the proposal is in compliance with all applicable evaluation criteria, codes, ordinances, and applicable performance standards set forth in this title within sixty (60) days of submission of a complete application in accordance with Minnesota statutes, section 15.99.

B. Permit Not Required: The following signs shall not require a permit and are allowed in addition to those signs allowed by sections 11-8-4 and 11-8-6 of this chapter. These exemptions, however, shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with the provisions of this chapter or any other law or ordinance regulating the same.

1. Painted Or Printed Signs: The changing of the display surface on a painted or printed sign only. This exemption, however, shall apply only to poster replacement and/or on site changes involving sign painting elsewhere than directly on a building.

2. Address Signs: New and existing buildings shall have building 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") high with a minimum stroke width of one-half inch (1/2`). These numbers shall be affixed to the principal structure, except in nonsewered areas where address numbers shall be affixed to mailboxes or a separate structure plainly legible and visible from the street or road fronting the access to the property.

3. Garage Sale Signs: Garage sales are subject to the standards contained in section 11-2-13, "Garage Sales", of this title. Garage sales operating in conformance with these standards may have temporary signs subject to the following standards:

   a. Permission To Place: Such signs are permitted on private property only and may be placed only upon approval of the property owner.

   b. Duration: These signs are prohibited, except from four thirty o'clock (4:30) P.M. Thursdays to eight o'clock (8:00) A.M. on Mondays.

   c. Size And Height: These signs are limited to four (4) square feet in size and three feet (3") in height.

   d. Distance: These signs shall not be placed farther than six (6) blocks or a 1.5 mile radius, whichever is greater, from the garage sales.
e. Setback: These signs shall be set back at least five feet (5’) from the street surface and shall not be located within the twenty five foot (25’) sight triangle of an intersection.

f. Number And Spacing: These signs are limited to two (2) signs per garage sale per intersection. These signs shall not be located closer than one block from another sign containing information about the same garage sale except that these signs may be located on the opposite corners of the same intersection.

g. Conformance With Other Standards: These signs shall conform to all other applicable zoning and building code standards. (Ord. B-200, 6-2-2009)

4. Sidewalk Signs: Sidewalk signs in the DT downtown district, subject to the following standards: (Ord. B-211, 1-4-2011)

a. Signs shall be limited to two feet (2’) in width and three and one-half feet (3.5’) in height, including support members.

b. No sign shall have more than two (2) faces.

c. Signs shall not limit the normal pedestrian use of the sidewalk, and a minimum passable contiguous space of three feet (3’) shall be maintained at all times.

d. One sign is permitted for each building adjacent to the public right of way, unless multiple businesses within one building allow separate business signs to be spaced no closer than thirty feet (30’) from another sidewalk sign.

e. A business or building with two (2) right of way frontages may display a sidewalk sign on either frontage.

f. All signs must be removed from the sidewalk at the end of each business day.

g. No sidewalk sign shall be lighted by attached external or individual internal lights.

5. Noncommercial Opinion, Speech Sign: In addition to all other signs permitted under this chapter, noncommercial speech signs are allowed, subject to the following:

a. Elections: All noncommercial signs of any size posted in any number from August 1 in a state general election year until ten (10) days following general election, and thirteen (13) weeks prior to any special election until ten (10) days following the special election.

b. Residential Districts: Each lot located in a residential district may contain one noncommercial opinion sign, subject to the following:

(1) Permission To Place: Such signs are permitted on private property only and may be placed only upon approval of the property owner.

(2) Size And Height: Such signs may not exceed six (6) square feet in area or four feet (4’) in height.
(3) Setbacks: Such signs shall be set back at least ten feet (10') from any property line and shall not be located within the twenty five foot (25') sight triangle of an intersection.

(4) Illumination: Such signs shall not be illuminated.

(5) Conformance With Other Standards: These signs shall conform to all other applicable zoning and building code standards.

c. Nonresidential Districts: The owner of any sign which is otherwise allowed by this sign ordinance in a nonresidential district may substitute noncommercial copy in lieu of any other commercial or noncommercial copy. This substitution of copy may be made without any additional approval or permitting.


7. For Sale Or Lease Signs: For sale or lease signs, subject to the following:

a. In the agriculture districts each property shall be allowed one sign per frontage on a public street limited to thirty two (32) square feet and six feet (6') in height.

b. In all residential districts each property shall be allowed one sign per site. Sites with multiple frontages along a public right of way will be allowed one additional sign per right of way frontage provided that the frontage faces another commercial or industrial use or a collector, minor arterial or principal arterial road as identified in the comprehensive plan. Each sign is limited to eight (8) square feet and eight feet (8') in height.

c. Institutional uses or residential subdivisions having five (5) or more lots are allowed one sign per frontage on a public street of the subdivision. Each sign is limited to thirty two (32) square feet and six feet (6') in height. These signs shall be removed once ninety percent (90%) of the lots are sold. These signs shall be located on private property and shall not be located within any sight triangle. Such signs, if illuminated, shall use only indirect light with the light source fully diffused and aimed toward the ground.

d. In all other zoning districts each property shall be allowed one sign per frontage on a public street limited to thirty two (32) square feet in area or six feet (6') in height.

e. Off premises temporary for sale and lease signs, subject to the following:

(1) Permission To Place: Such signs are permitted on private property only and may be placed only upon approval of the property owner.

(2) Duration: These signs are prohibited, except from four thirty o’clock (4:30) P.M. Thursdays to eight o’clock (8:00) A.M. on Mondays.

(3) Size And Height: These signs are limited to four (4) square feet in size and three feet (3’) in height.

(4) Distance: These signs shall not be placed farther than six (6) blocks or a 1.5 mile radius, whichever is greater, from the real estate listing.
(5) Setback: These signs shall be set back at least five feet (5') from the street surface and shall not be located within the twenty five foot (25') sight triangle of an intersection.

(6) Number And Spacing: These signs are limited to two (2) signs per real estate listing per intersection. These signs shall not be located closer than one block from another sign containing information about the same real estate listing except that these signs may be located on the opposite corners of the same intersection.

(7) Conformance With Other Standards: These signs shall conform to all other applicable zoning and building code standards.

C. Nonconforming Signs And Uses:

1. Nonconforming Signs: A nonconforming sign lawfully existing upon the effective date of this chapter shall be regulated in accordance with chapter 11 of this title.

2. Nonconforming Uses: When the principal use of land is legally nonconforming under chapter 11 of this title, all existing or proposed signs in conjunction with that land use shall be considered conforming if they are in compliance with the sign provisions for the most restrictive zoning district in which the principal use is allowed.

D. Enforcement And Penalties:

1. Administration: This chapter shall be administered and enforced by the community development department designee. The community development department designee may institute in the name of the city appropriate actions or proceedings against a violator.

2. Inspection: All signs for which a permit is required shall be subject to inspection by the community development department designee.

3. Removal At Owner’s Expense: The city reserves the right to require the removal at the owner’s expense of any sign when the requirements of this section are not completely followed and adhered to, or if a sign is not properly maintained or falls into a state of disrepair. The city shall not have any obligation or liability to replace any sign when removed by the city.

4. Misdemeanor: Any person who violates, disobeys, omits, neglects or refuses to comply with, or resists the enforcement of any of the provisions of this chapter shall, upon conviction thereof, be fined or penalized not more than the maximum levels established by the state for misdemeanor offenses.

E. Consent Required: No person may place a sign in any location within the city without the consent of the property owner upon which the sign is to be located. (Ord. B-200, 6-2-2009)

Section 11-8-4: GENERAL REGULATIONS:

A. Changeable Copy Signs: One changeable copy sign (but not including electronic changeable copy signs) shall be allowed per site provided that the area of the sign not exceed fifty percent
(50%) of the allowable sign area or fifty (50) square feet, whichever is less, for a freestanding or wall sign.

B. Classification: All signs shall be an accessory use or structure.

C. Construction And Placement:

1. Except in the DT downtown district and as otherwise regulated herein, all freestanding signs shall be set back at least ten feet (10') from any property line. No sign, except official signs, may be located within the public right of way, a corner sight triangle or any easement.

2. No sign shall be erected in or overhang upon a public right of way or otherwise interfere with safe pedestrian or vehicular movement, except official signs.

3. No sign shall contain colors, shapes, intermittent lighting or words such as "stop", "warning", "caution", etc., which may be confused with traffic signing or controls unless such signs are intended or approved for such use.

4. Electrical signs shall be installed according to state electrical codes and shall require underground wiring.

5. No sign or sign structure shall be permitted to interfere with the safe access to doors, windows or fire escapes. No sign or sign structure shall be attached to a standpipe or fire escape.

6. No sign shall contain intermittent, flashing or other type of lighting which changes in intensity or color when artificially illuminated.

7. No exterior sign shall pivot, move, rotate or display any moving parts.

8. No sign shall be painted directly on the exterior surface of any building.

9. Signs which advertise a business, activity, product or service not located exclusively on the premises are prohibited except as regulated herein.

10. No sign may contain more than two (2) sides.

11. No sign shall be attached or be allowed to hang from any building until all necessary wall and roof attachments have been approved by the community development department designee.

12. No signs, guys, stays or attachments shall be erected, placed or maintained on trees nor interfere with any electric light, power, telephone or telegraph wires or the supports thereof.

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

14. No permanent freestanding or building mounted sign shall be supported by guywires.

15. The planning commission and/or city council may recognize separate sign plans for a project, site, or multi-building PUD which will supersede this chapter. The sign plans which
have been approved by the city will have the effect of a sign ordinance for the specific project, site or multi-building PUD.

16. Audio speakers or any form of pyrotechnics are prohibited in association with any sign.

17. No sign shall be erected, placed or located upon private property without the permission of the property owner. This includes obtaining permission of the adjacent property owner for any sign placed in the public right of way.

D. Sign Maintenance And Repair: All signs shall be maintained in a safe, presentable and good structural condition at all times, including the replacement of defective parts, cleaning and other items required for maintenance of the sign. Vegetation around, in front of, behind, and underneath the base of ground signs for a distance of ten feet (10') shall be neatly trimmed and free of weeds, and no rubbish or debris that would constitute a fire or health hazard shall be permitted under or near the sign. (Ord. B-212, 2-15-2011)

E. Dynamic Signs: Dynamic signs are allowed subject to the following standards:

1. District Limitations: Dynamic signs may be located on properties within the C-3 highway commercial (excluding the downtown study area as designated in the development framework for downtown Rosemount), C-4 general commercial, and PI public and institutional districts that also have frontage along an arterial road as designated in the comprehensive plan. Dynamic signs may also be located on public and institutional uses within a residential zone, provided the site has an approved conditional use permit (CUP) and complies with all other sign standards. (Ord. B-221, 4-17-2012)

2. Location: The sign must be located on the site of the use identified or advertised by the sign.

3. Orientation: When located within one hundred fifty feet (150') of a residential use or zone, dynamic signs must be oriented so that no portion of the sign face is visible from the residential use or zoning district.

4. Type Of Sign: Dynamic signs are limited to ground signs only.

5. Text Size And Legibility: The following minimum text sizes shall apply to all dynamic signs. If a sign is located on a corner with streets that have differing speed limits, the minimum text size shall be based on the standard for the higher speed limit to ensure maximum legibility.

MINIMUM TEXT SIZES FOR DYNAMIC SIGNS

<table>
<thead>
<tr>
<th>Speed Limit Of Adjacent Road (Miles Per Hour)</th>
<th>Minimum Text Size (Inches)</th>
</tr>
</thead>
<tbody>
<tr>
<td>25 to 34</td>
<td>7</td>
</tr>
<tr>
<td>35 to 44</td>
<td>9</td>
</tr>
<tr>
<td>45 to 54</td>
<td>12</td>
</tr>
<tr>
<td>55 or more</td>
<td>15</td>
</tr>
</tbody>
</table>
6. Mode: Dynamic signs shall only be allowed to operate in a static mode. Animation, motion or video displays are prohibited. Any change from one static display to another must be instantaneous and shall not include any distracting effects, such as dissolving, spinning or fading. The images and messages displayed must be complete in themselves, without continuation in content to the next image or message or to any other sign.

7. Size And Number Of Dynamic Display: The dynamic portion of any sign shall not exceed thirty five percent (35%) of the total allowable area of the sign. The remaining sixty five percent (65%) of the allowable sign area cannot have dynamic capabilities even if it is not used. Each site can have only one dynamic sign and that sign can have only one dynamic display.

8. Minimum Display Time: The minimum display time shall be five (5) minutes. One exception to this standard would be for time, date and temperature signs which the federal court has acknowledged as a justifiable exception to limitations on variable message signs. The time, date and temperature information may change no faster than once every three (3) seconds, provided that the display of this information remains for at least five (5) minutes before changing to another display.

9. Brightness: Dynamic signs shall not exceed a maximum illumination of five thousand (5,000) nits during daylight hours and a maximum illumination of five hundred (500) nits between dusk to dawn as measured from the sign's face at maximum brightness. All dynamic sign applications shall include certification from the sign's manufacturer that the sign has been preset to conform to the luminance levels noted above and these settings are protected from end users' manipulation by password protected software.

10. Color: Dynamic signs may use multiple colors within the display but the use of color shall not create distraction or a hazard to the public health, safety or welfare. No portion of the display may change in color or color intensity in any manner. Each line of text in any direction shall be uniform in color.

11. Operation: All dynamic signs shall be equipped with a means to immediately discontinue the display if it malfunctions. The owner of a dynamic sign must immediately cease operation of their sign when notified by the city that it fails to comply with the standards of this chapter. The dynamic sign shall remain inoperable until such time that the owner demonstrates to the city that the device is in satisfactory working condition and conforms to the standards of this chapter. Appeals of the city's direction regarding the operation of a dynamic sign shall follow the appeals process outlined in chapter 12, "Board Of Appeals And Adjustments", of this title.

12. Application To Existing Signs: The dynamic sign standards shall apply to all existing and future dynamic signs, unless otherwise determined by the city that an existing sign qualifies as a nonconforming use under state statute or this code. Any existing dynamic sign that cannot meet the minimum text size as required by the speed limit must use the largest size possible for one line of copy to fit in the available display space.
F. Flags: Flags displayed in commercial and industrial districts shall not exceed in surface area the maximum permitted for freestanding signs, provided further that the display of more than three (3) flags shall be debited against the total freestanding signage area permitted.

G. Landscaping: Subject to the standards of the individual zoning district in which the sign is placed, the area around freestanding signs shall be landscaped with plantings and maintained in such a manner to accent and enhance the sign while remaining sensitive to the natural features of the site.

H. On Premises Temporary Signs: Applications for on premises temporary sign permits shall follow the administration and enforcement requirements detailed in subsection 11-8-3A of this chapter, subject to the following:

1. Number And Duration Of Permit: Each property may have only one temporary sign permit at any given time. Permits for temporary signs may be issued a maximum of six (6) times per year for a maximum of fourteen (14) days per permit. Businesses only open to customers on an intermittent basis may assign the fourteen (14) day permit to the days they are actually open to customers. Permits for searchlight signs may be issued a maximum of three (3) times per year for a maximum of three (3) days per permit.

2. Location And Exceptions: Temporary signs are allowed in any commercial, business park, industrial, or public and institutional district except that portable changeable copy signs are prohibited in the DT downtown district. Sidewalk signs shall comply with the specific standards detailed in subsection 11-8-3B4 of this chapter.

3. Size And Placement: Temporary signs shall not exceed thirty two (32) square feet in area or the maximum height of a permanent freestanding ground sign in the given district. Temporary signs shall be set back a minimum of ten feet (10') from any property line and shall not encroach upon any right of way, easement, or sight triangle. No temporary sign may be placed in such a way as to cover any door, window or fire escape and shall not interfere with circulation in any required parking, loading, maneuvering or pedestrian area.

4. Conformance With Other Standards: Temporary signs shall conform to all other applicable zoning and building code standards.

I. Directional Signs: Directional signs shall be permitted in any commercial, business park, industrial or public and institutional zoning district. Individual on site directional signs shall not exceed two (2) square feet nor three feet (3') in height. The maximum number of directional signs per site shall not exceed one per curb cut. Additional directional signs may be allowed internal to the site for the purpose of directing vehicular or pedestrian traffic in a safe and convenient manner. (Ord. B-212, 2-15-2011)

Section 11-8-6: DISTRICT REGULATIONS:
The following signs are allowed by specific zoning district subject to the site and building standards of the applicable district:

A. Signs Allowed By Permit In Agricultural Districts:

1. One sign per farm identifying the name of said farm not exceeding twenty four (24) square feet.

2. One sign per farm advertising agricultural products raised in part on the premises not exceeding thirty two (32) square feet. (Ord. B-212, 2-15-2011)

B. Signs Allowed By Permit In Residential Districts:

1. Residential subdivisions having five (5) or more lots are allowed up to two (2) decorative freestanding monument signs per principal entrance to the subdivision. Each sign is limited to thirty two (32) square feet and six feet (6') in height. These signs shall be located on private property and shall not be located within any sight triangle. Such signs, if illuminated, shall use only indirect light with the light source fully diffused and aimed toward the ground.

2. Apartment or condominium buildings are allowed one freestanding monument sign per site. Sites with multiple frontages along a public right of way will be allowed one additional sign per right of way frontage provided that the frontage faces a nonresidential use or a collector or arterial road as identified in the comprehensive plan. Each sign is limited to thirty two (32) square feet and six feet (6') in height. These signs shall have a base made of decorative materials compatible with the exterior materials of the principal structure on site. At a minimum, the base width dimension shall be larger than fifty percent (50%) of the greatest width of the sign. Such signs, if illuminated, shall use only indirect light with the light source fully diffused and aimed toward the ground. These signs shall be located on private property and shall not be located within any sight triangle.

3. For sale or lease signs subject to the standards in subsection 11-8-3B7 of this chapter.

4. Public and institutional uses may have signs subject to the standards in subsection F of this section. (Ord. B-221, 4-17-2012)

C. Signs Allowed By Permit In Commercial And BP Districts: Signs should be architecturally compatible with the style, composition, materials, colors and details of the building which it identifies while differing from signs on surrounding sites and providing a unique identity.

1. C-1 convenience commercial and DT downtown as follows:

a. Wall Signs:

(1) Permanent wall signs shall not exceed fifteen percent (15%) of the total area of the wall on which the signs are affixed. Wall signage may be affixed to windows but shall not exceed thirty percent (30%) of the window on which it is placed and is counted toward the overall fifteen percent (15%) maximum wall signage. Signage placed on a wall facing a parking area and abutting a residential use shall not exceed ten percent (10%) of the total area of the wall on
which it is placed and shall not be illuminated past nine o'clock (9:00) P.M. nor before six
o'clock (6:00) A.M.

(2) All permanent wall signs shall be individual channel letters mounted flush with the building
or on a raceway. Channel letters shall have a minimum depth of at least three inches (3”). Box
or panel signs are prohibited.

(3) Wall signs may be located on any side of a commercial building that faces another
commercial or industrial use, a collector, minor arterial or principal arterial road as identified
in the comprehensive plan or a parking area.

(4) Wall signs constructed on structures with more than one sign shall be designed according to
an approved sign concept plan in which all signs have complementary designs, similar shapes
and sign areas. Consideration may be made by PUD to permit variation in size and design of
signs for major tenants or anchor businesses in larger complexes.

(5) In the DT downtown district only, properties may have a sign that projects from the side of
the building in addition to the maximum fifteen percent (15%) wall sign standard. This sign may
not exceed twelve (12) square feet in size or three feet (3’) in width. The maximum distance
between sign and building face is one foot (1’); however, at no time shall any projecting sign
encroach the public right of way. No portion of a projecting sign may extend beyond the second
floor of the building. No less than seven and one-half feet (7.5’) of clearance shall be provided
between the sidewalk elevation and the lowest point of the projecting sign. Signs cannot block or
diminish design details, windows or cornices of the building upon which they are placed.

b. Freestanding Signs:

(1) One permanent freestanding sign per site. Sites with multiple frontages along a public right
of way will be allowed one additional sign per right of way frontage provided that the frontage
faces another commercial or industrial use or a collector, minor arterial or principal arterial
road as identified in the comprehensive plan. Each sign is limited to forty (40) square feet and
ten feet (10’) in height. Such signs, if illuminated, shall use only indirect light with the light
source fully diffused and aimed toward the ground.

(2) All permanent freestanding signs shall have a base made of decorative materials compatible
with the exterior materials of the principal structure on site. At a minimum, the base width
dimension shall be larger than fifty percent (50%) of the greatest width of the sign.

c. Changeable Copy Signs: Changeable copy signs subject to the standards in subsection 11-8-
4A of this chapter.

d. On Premises Temporary Signs: On premises temporary signs subject to the standards in
subsection 11-8-4H of this chapter.

e. For Sale Or Lease Signs: For sale or lease signs subject to the standards in subsection 11-8-
3B7 of this chapter.
f. Gasoline Signs (DT Downtown District Only): An area not to exceed sixteen (16) square feet within a freestanding sign shall be allowed for continuous display (no flashing, scrolling or other animation) of electronic or nonelectronic changeable copy identifying current fuel prices in accordance with Minnesota state statutes section 239.751.

2. C-3 highway commercial and C-4 general commercial as follows:

a. Wall Signs:

   (1) Permanent wall signs shall not exceed twenty percent (20%) of the total area of the wall on which the signs are affixed. Wall signage may be affixed to windows but shall not exceed thirty percent (30%) of the window on which it is placed and is counted toward the overall twenty percent (20%) maximum wall signage.

   (2) All permanent wall signs shall be individual channel letters mounted flush with the building or on a raceway. Channel letters shall have a minimum depth of at least three inches (3”). Box or panel signs are prohibited.

   (3) Wall signs may be located on any side of a commercial building that faces another commercial or industrial use or a collector, minor arterial or principal arterial road as identified in the comprehensive plan.

   (4) Wall signs constructed on structures with more than one sign shall be designed according to an approved sign concept plan in which all signs have complementary designs, similar shapes and sign areas. Consideration may be made by PUD to permit variation in size and design of signs for major tenants or anchor businesses in larger complexes.

b. Freestanding Signs:

   (1) Sites With Multiple Frontages: One permanent freestanding sign per site. Sites with multiple frontages along a public right of way will be allowed one additional sign per right of way frontage provided that the frontage faces another commercial or industrial use or a collector, minor arterial or principal arterial road as identified in the comprehensive plan. Each sign is limited to one hundred (100) square feet and twenty feet (20’) in height. Such signs, if illuminated, shall use only indirect light with the light source fully diffused and aimed toward the ground.

   (2) Permanent Freestanding Signs: All permanent freestanding signs shall have a base made of decorative materials compatible with the exterior materials of the principal structure on site. At a minimum, the base width dimension shall be larger than fifty percent (50%) of the greatest width of the sign.

   (3) Common Freestanding Sign Bonus: The city may approve up to a twenty five percent (25%) size bonus for adjoining properties with a common lot line that construct a common freestanding ground sign. No property shall be part of more than one common freestanding sign bonus and the sign bonus is limited to one twenty five percent (25%) increase regardless of the number of participating properties. Properties eligible to participate in the common freestanding sign
bonus must directly adjoin the site on which the common freestanding sign is constructed. The sign shall conform to all applicable performance standards for the zoning district in which it is located, except that the size of the sign may be up to one hundred twenty five percent (125%) of the maximum permanent freestanding ground sign size standard. The bonus sign area shall not increase the sign height. Should the sign include a dynamic sign, the dynamic portion of the sign shall not exceed thirty five (35) square feet, regardless of the total area of the sign. All parties to the common freestanding sign shall enter into an agreement addressing construction, maintenance and repair responsibilities and trespass rights. This agreement shall be filed with the Dakota County recorder against the title of all properties involved. Amendment or cancellation of the agreement shall be allowed only upon written approval by the community development director or their designee.

c. Subdivision Signs: For the purposes of creating identity in planned subdivisions, in addition to other freestanding signs allowed by this chapter, one freestanding subdivision identification sign shall be allowed limited to one hundred (100) square feet and ten feet (10’) in height. Subdivision identification signs shall only be permitted on property within the subdivision being identified which is situated on a principal or minor arterial road as identified in the city of Rosemount comprehensive guide plan. Furthermore, subdivision identification signs shall not be situated closer than one hundred feet (100’) to any other permitted freestanding sign.

d. Changeable Copy Signs: Changeable copy signs subject to the standards in subsection 11-8-4A of this chapter.

e. On Premises Temporary Signs: On premises temporary signs subject to the standards in subsection 11-8-4H of this chapter.

f. For Sale Or Lease Signs: For sale or lease signs subject to the standards in subsection 11-8-3B7 of this chapter.

g. Dynamic Signs: Dynamic signs subject to the standards in subsection 11-8-4E of this chapter.

h. Marquee Signs: Movie theaters are allowed chasing and running lights on marquees subject to the requirements for wall signs in commercial districts and the following standards:

(1) Running and chasing lights are only allowed in the C-4 general commercial and DT downtown districts;

(2) Signs with running and chasing lights are not permitted on walls that are within two hundred fifty feet (250’) of residential districts or uses from which the sign is visible, and the lights shall not exceed an illumination intensity of 0.5 lumens at the property line;

(3) No signs with running and chasing lights are allowed in a front yard setback;

(4) Signs with running and chasing lights shall be a minimum of twelve feet (12’) above the adjacent grade elevation and street grade elevation;

(5) The power of illumination of running and chasing lights shall be limited to fifteen (15) watts per bulb;
(6) Running and chasing lights shall not be located near intersections nor within the sight triangle adjacent to an intersection;

(7) Only permanent wall signs shall be allowed running and chasing lights; and

(8) Hours of illumination shall be limited to between the hours of eleven thirty o’clock (11:30) A.M. and eleven o’clock (11:00) P.M.

i. Gasoline Signs (C-3 District Only): An area not to exceed sixteen (16) square feet within a freestanding sign shall be allowed for continuous display (no flashing, scrolling or other animation) of electronic or nonelectronic changeable copy identifying current fuel prices in accordance with Minnesota state statutes section 239.751.

3. BP business park as follows:

a. Wall Signs:

(1) Permanent wall signs shall not exceed twenty percent (20%) of the total area of the wall on which the signs are affixed.

(2) All permanent wall signs shall be individual channel letters mounted flush with the building or on a raceway. Channel letters shall have a minimum depth of at least three inches (3”). Box or panel signs are prohibited.

(3) Wall signs may be located on any side of a building that faces another commercial or industrial use or a collector, minor arterial or principal arterial road as identified in the comprehensive plan.

(4) Wall signs constructed on structures with more than one sign shall be designed according to an approved sign concept plan in which all signs have complementary designs, similar shapes and sign areas. Consideration may be made by PUD to permit variation in size and design of signs for major tenants or anchor businesses in larger complexes.

b. Freestanding Signs:

(1) One permanent freestanding sign per site. Sites with multiple frontages along a public right of way will be allowed one additional sign per right of way frontage provided that the frontage faces another commercial or industrial use or a collector, minor arterial or principal arterial road as identified in the comprehensive plan. Each sign is limited to one hundred (100) square feet and ten feet (10’) in height. Such signs, if illuminated, shall use only indirect light with the light source fully diffused and aimed toward the ground.

(2) All permanent freestanding signs shall have a base made of decorative materials compatible with the exterior materials of the principal structure on site. At a minimum, the base width dimension shall be larger than fifty percent (50%) of the greatest width of the sign.

c. Subdivisions Signs: For the purposes of creating identity in planned subdivisions, in addition to other freestanding signs allowed by this chapter, one freestanding subdivision identification sign shall be allowed limited to one hundred (100) square feet and ten feet (10’) in height.
Subdivision identification signs shall only be permitted on property within the subdivision being identified which is situated on a principal or minor arterial as identified in the city of Rosemount comprehensive guide plan. Furthermore, subdivision identification signs shall not be situated closer than one hundred feet (100') to any other permitted freestanding sign.

d. Temporary Signs: Temporary signs subject to the standards in subsection 11-8-4H of this chapter.

e. For Sale Or Lease Signs: For sale or lease signs subject to the standards in subsection 11-8-3B7 of this chapter.

D. Signs Allowed By Permit In The Industrial Districts (LI Light Industrial, GI General Industrial, And HI Heavy Industrial):

1. Wall Signs:

a. Permanent wall signs shall not exceed twenty percent (20%) of the total area of the wall on which the signs are affixed.

b. All permanent wall signs shall be individual channel letters mounted flush with the building or on a raceway. Channel letters shall have a minimum depth of at least three inches (3”). Box or panel signs are prohibited.

c. Wall signs may be located on any side of a commercial building that faces another commercial or industrial use or a collector, minor arterial or principal arterial road as identified in the comprehensive plan.

d. Wall signs constructed on structures with more than one sign shall be designed according to an approved sign concept plan in which all signs have complementary designs, similar shapes and sign areas. Consideration may be made by PUD to permit variation in size and design of signs for major tenants or anchor businesses in larger complexes.

2. Freestanding Signs:

a. One permanent freestanding sign per site. Sites with multiple frontages along a public right of way will be allowed one additional sign per right of way frontage provided that the frontage faces another commercial or industrial use or a collector, minor arterial or principal arterial road as identified in the comprehensive plan. Each sign is limited to one hundred (100) square feet and ten feet (10') in height. Such signs, if illuminated, shall use only indirect light with the light source fully diffused and aimed toward the ground.

b. All permanent freestanding signs shall have a base made of decorative materials compatible with the exterior materials of the principal structure on site. At a minimum, the base width dimension shall be larger than fifty percent (50%) of the greatest width of the sign.

3. Subdivision Signs: For the purposes of creating identity in planned subdivisions, in addition to other freestanding signs allowed by this chapter, one freestanding subdivision identification sign shall be allowed limited to one hundred (100) square feet and ten feet (10’) in height.
identification signs shall only be permitted on property within the subdivision being identified which is situated on a principal or minor arterial as identified in the city of Rosemount comprehensive guide plan. Furthermore, subdivision identification signs shall not be situated closer than one hundred feet (100’) to any other permitted freestanding sign.

4. Temporary Signs: Temporary signs subject to the standards in subsection 11-8-4H of this chapter.

5. For Sale Or Lease Signs: For sale or lease signs subject to the standards in subsection 11-8-3B7 of this chapter.

E. Signs Allowed By Permit In The FW District:
1. Navigational signs including barge ship identification and directional signs.
2. Park identification and interpretation signs.

F. Signs Allowed By Permit In The Public And Institutional District:
1. Wall Signs:
   a. Permanent wall signs shall not exceed fifteen percent (15%) of the total area of the wall on which the signs are affixed. Wall signage may be affixed to windows but shall not exceed thirty percent (30%) of the window on which it is placed and is counted toward the overall fifteen percent (15%) maximum wall signage.
   b. All permanent wall signs shall be individual channel letters mounted flush with the building or on a raceway. Channel letters shall have a minimum depth of at least three inches (3”). Box or panel signs are prohibited.
   c. Wall signs may be located on any side of a commercial building that faces another commercial or industrial use, a collector, minor arterial or principal arterial road as identified in the comprehensive plan or a parking area.
   d. Wall signs constructed on structures with more than one sign shall be designed according to an approved sign concept plan in which all signs have complementary designs, similar shapes and sign areas. Consideration may be made by PUD to permit variation in size and design of signs for major tenants or anchor businesses in larger complexes.
2. Freestanding Signs:
   a. One freestanding monument sign per site. Sites with multiple frontages along a public right of way will be allowed one additional sign per right of way frontage provided that the frontage faces another commercial or industrial use or collector or arterial road as identified in the comprehensive plan. Each sign is limited to thirty two (32) square feet and six feet (6’) in height. These signs shall be located on private property and shall not be located within any sight triangle.
b. All permanent freestanding signs shall have a base made of decorative materials compatible with the exterior materials of the principal structure on site. At a minimum, the base width dimension shall be larger than fifty percent (50%) of the greatest width of the sign.

3. Changeable Copy Signs: Changeable copy signs subject to the standards in subsection 11-8-4A of this chapter.

4. On Premises Temporary Signs: On premises temporary signs subject to the standards in subsection 11-8-4H of this chapter.

5. For Sale Or Lease Signs: For sale or lease signs subject to the standards in subsection 11-8-3B7 of this chapter. (Ord. B-212, 2-15-2011)

Title 11, Chapter 2– Zoning Regulations, General Provisions

Section 11-2-16: HOME OCCUPATIONS:

★Home occupation. A gainful occupation conducted in a residential building which is clearly secondary and incidental to the principal residential use of said building and generates no appreciable increase in traffic at any time over that customarily associated with a residential use. This occupation shall be carried on only by the dwelling’s occupants. There shall be no stock in trade stored on the premises or over the counter retail sales.

A. Home occupations shall be conducted solely by persons residing in the residence.

D. No sign, display or device identifying the occupation shall be used.

Title 11, Chapter 4– Zoning Regulations, District Use Regulations

Section 11-4-10: C-1 CONVENIENCE COMMERCIAL DISTRICT:

C. Accessory Uses: The following uses shall be permitted accessory uses:

Signs as regulated by this title. (Ord. B-208, 12-21-2010; amd. Ord. B-231, 3-4-2014)

Section 11-4-11: DT DOWNTOWN DISTRICT:

C. Accessory Uses: The following uses shall be permitted accessory uses:

Signs, as regulated by this title. (Ord. B-211, 1-4-2011; amd. Ord. B-231, 3-4-2014)
Section 11-4-13: C-3 HIGHWAY COMMERCIAL DISTRICT:

E. Interim Uses:

Transient merchant sales lots as regulated by title 3, chapter 5 of this code and the zoning ordinance, provided that:

1. The owner and/or operator of the outdoor sales lot or event shall have written permission of the property owner of the property on which the sale or event is located and shall have said written permission available for inspection if requested.

2. No portion of the sales lot or any advertising for the event shall take place within any public right of way or intersection sight triangle. A minimum ten foot (10’) setback, or the minimum parking setback for the applicable zoning district if it provides for a greater setback, shall be maintained from all property lines and no portion of the use shall take place within one hundred feet (100’) of any property line of any residential use or residentially zoned property.

3. Any signage for the outdoor sale lot or event shall comply with the temporary signage requirements contained in chapter 8 of this title.

G. Site And Building Standards: To prevent urban blight and ensure quality long lasting construction compatible with both adjoining properties and throughout the district, all sites and buildings shall comply with the following standards, as well as applicable sections of this title:

7. In addition to the freestanding sign allowed by the sign ordinance, fast food uses may display menu signs related to drive-through facilities, provided that:

a. Not more than one menu sign per defined drive-through aisle is allowed.

b. Individual menu signs shall be single sided with an area not to exceed thirty two (32) square feet including both menu information and sign cabinet.

c. The height of the menu sign(s) shall not exceed eight feet (8’) including its base or pole measured from grade to the top of the structure.

d. The menu sign(s) shall not encroach into any parking setback and shall be located directly adjacent to the drive-through aisle and oriented in such a manner that the sign provides information to the drive-through patrons only and does not provide supplemental advertising to pass-by traffic and does not impair visibility or obstruct circulation.

14. Signs shall conform to the performance standards outlined in this title as well as the standards listed below:

a. Pennants, balloons, streamers, pinwheels or other attention attracting devices are prohibited.

b. No freestanding light poles shall be uses as temporary sign supports, as flagpoles or to connect flags, streamers, or pennants.

c. No graphics shall be painted on the building or windows.
d. Open hoods of vehicles, windshields, car windows, trunks, roofs or the like shall not be used for individual letters or other signage.

e. No vehicle or trailer shall be parked in such a manner as to advertise the site location, or to promote or advertise a sale or event.276

Section 11-4-14: C-4 GENERAL COMMERCIAL DISTRICT:

7. In addition to the freestanding sign allowed by the sign ordinance, fast food uses may display menu signs related to drive-through facilities, provided that:

a. Not more than one menu sign per defined drive-through aisle is allowed.

b. Individual menu signs shall be single sided with an area not to exceed thirty two (32) square feet including both menu information and sign cabinet.

c. The height of the menu sign(s) shall not exceed eight feet (8') including its base or pole measured from grade to the top of the structure.

d. The menu sign(s) shall not encroach into any parking setback and shall be located directly adjacent to the drive-through aisle and oriented in such a manner that the sign provides information to the drive-through patrons only and does not provide supplemental advertising to pass-by traffic and does not impair visibility or obstruct circulation.277

Section 11-4-15: BP BUSINESS PARK DISTRICT:

G. Site And Building Standards: To prevent urban blight and ensure quality long lasting
construction compatible with both adjacent properties and those throughout the district, all sites
and buildings shall comply with the following standards, as well as applicable sections of this
title:

9. Signage: Only wall and freestanding ground monument signs shall be permitted in the district
in accordance with the city of Rosemount's sign regulations and these additional standards as
follows:

a. Freestanding Ground Monument Signs: A freestanding ground monument sign shall be
designed with a base structure of the same exterior decorative materials as the principal
structure on the site; and that extends from the sign copy area fully to the ground, except for
architectural relief treatments. All freestanding ground monument signs, if illuminated, shall use
only indirect light with the light source fully diffused. These signs shall be appropriately
landscaped and subject to the same requirements for all landscaping on the property.

b. Wall Signs: Wall signs shall consist of permanent high quality materials with finished edges.
No wood signs shall be permitted. Where more than one wall sign is requested per building
frontage (i.e., a multi-tenant center), a uniform sign criteria shall be prescribed by the building
Section 11-4-15-1: LI LIGHT INDUSTRIAL DISTRICT:

G. Site And Building Standards: To prevent urban blight and ensure quality long lasting construction compatible with both adjacent properties and those throughout the district, all sites and buildings shall comply with the following standards, as well as applicable sections of this title:

9. Signage: Only wall and freestanding ground monument signs shall be permitted in the district in accordance with the city of Rosemount's sign regulations and these additional standards as follows:

a. Freestanding Ground Monument Signs: A freestanding ground monument sign shall be designed with a base structure of the same exterior decorative materials as the principal structure on the site; and that extends from the sign copy area fully to the ground, except for architectural relief treatments. All freestanding ground monument signs, if illuminated, shall use only indirect light with the light source fully diffused. These signs shall be appropriately landscaped and subject to the same requirements for all landscaping on the property.

b. Wall Signs: Wall signs shall consist of permanent high quality materials with finished edges. No wood signs shall be permitted. Where more than one wall sign is requested per building frontage (i.e., a multi-tenant center), a uniform sign criteria shall be prescribed by the building owner, subject to review and approval by the city. The sign criteria shall, among other things, describe the uniform type of sign to be allowed, limitations of placement on the building, the method of fastening, and the procedure for tenant sign approval.

Section 11-4-16: GI GENERAL INDUSTRIAL DISTRICT:

G. Site And Building Standards: To prevent urban blight and ensure quality long lasting construction compatible with both adjacent properties and those throughout the district, all sites and buildings shall comply with the following standards, as well as applicable sections of this title:

9. Signage: Only wall and freestanding ground monument signs shall be permitted in the district in accordance with the city of Rosemount's sign regulations and these additional standards as follows:

a. Freestanding Ground Monument Signs: A freestanding ground monument sign shall be designed with a base structure of the same exterior decorative materials as the principal structure on the site; and that extends from the sign copy area fully to the ground, except for architectural relief treatments. All freestanding ground monument signs, if illuminated, shall be
only indirect with the light source fully diffused. These signs shall be appropriately landscaped and subject to the same requirements for all landscaping on the property.

b. Wall Signs: Wall signs shall consist of permanent high quality materials with finished edges. No wood signs shall be permitted. Where more than one wall sign is requested per building frontage (i.e., a multi-tenant center), a uniform sign criteria shall be prescribed by the building owner, subject to review and approval by the city council. The sign criteria shall, among other things, describe the uniform type of sign to be allowed, limitations of placement on the building, the method of fastening, and the procedure for tenant sign approval.280

Composting

Title 5, Chapter 1 – Health and Sanitation, Solid Waste

Section 5-1-3: CONTAINER REQUIREMENTS:

A. Use Required, Description:

1. Tightly Closed Containers: All solid waste and recyclables accumulating between the times of collection shall be placed in tightly closed containers specifically designed for such purpose.

a. Exceptions:

(1) The recyclable container provided through the city may be used to store and place recyclables at the curb for collection.

(2) All composting must occur in a container constructed of wood, wire mesh, concrete block, or a combination thereof, or in a commercially available compost bin designated for composting organic waste.

(3) Yard waste may be composted or placed in bags designed for such purpose.

2. Placement; Enclosure: All waste containers shall be kept in an enclosure that meets the requirements of subsection A3 of this section, until the day of scheduled pick up.

a. Placement: Waste containers may be placed at the curb for collection the evening before the scheduled day of collection and must be removed from the curb area and stored as required on the evening of the day of collection.

b. Exception: This section shall not apply to waste containers set out by the city for public use. Nor does it apply to the placement of composting containers on residential properties.

3. Enclosure Criteria: Enclosures shall meet the following criteria:

a. Screening: All residential structures with more than two (2) units, and all commercial, industrial, and institutional uses shall provide a screened enclosure for required waste containers for solid waste, recyclables, and yard waste. Such enclosures shall completely
conceal stored waste containers from all sides and be designed in such a manner as to contain any spillage from the containers.

b. Single And Double Residential Dwellings: Single and double residential dwellings shall store waste containers inside of a garage, or in a side or rear yard behind the front line of the house until they are placed for collection as provided in this chapter.

c. Materials:

(1) In all new construction, enclosure materials shall be similar to the principal building.

(2) Existing properties may use such materials as wooden fencing, or chainlink with eighty five percent (85%) opacity inserts, but such materials must be maintained to provide a good appearance.

(3) All enclosures shall be constructed in a substantially sound manner of materials that reduce normal deterioration from weathering. The enclosure’s construction shall support snow load and wind load as required by the state building code, and all materials shall be properly anchored. Further, all enclosures shall be constructed and maintained in a safe, orderly condition.

(4) Any enclosure which is defaced, deteriorated, improperly maintained or otherwise altered from its original permitted condition shall be repaired or replaced upon written notice by the city.

d. Size: Enclosures shall provide sufficient space for required waste containers for solid waste, recyclables, yard waste, and any other waste container that is intrinsic to the operation of a business on the premises. In no case shall the enclosure exceed six hundred (600) square feet in area.

e. Location:

(1) Enclosures shall be located behind the front building line of the principal building (as extended to the side lot lines).

(2) Enclosures may be integrated into a building if approved by the building official.

(3) Enclosures shall be set back ten feet (10’) from the lot line of any abutting residential property.

f. Landscaping: Enclosures shall be landscaped in accordance with city regulations.

g. Flooring: Enclosures shall have flooring constructed of concrete or bituminous material.

h. Access: Enclosures shall provide access that will facilitate efficient storage and removal of waste materials in all seasons.

i. Exceptions:

(1) This section shall not apply to the construction, size, or location of composting containers on residential properties which are covered in chapter 4 of this title.
(2) Waste containers, or pens, on construction sites need not be screened and may be placed on construction sites without an enclosure. However:

(A) The container or pen must be set back five feet (5') from any abutting finished residential or commercial property lot line.

(B) Waste containers and pens on construction sites may not be placed in violation of the twenty five foot (25') sight triangle at intersections.

(3) Developers, builders, or contractors on site are responsible for maintaining the waste container or enclosure at a construction site to prevent trash, refuse, and debris generated by the building project from spilling, blowing, or in any way escaping from the containers or pens required to contain it. (Ord. XVI.59, 12-2-2008)281

Section 5-1-5: COLLECTOR REQUIREMENTS:

F. Yard Waste Disposal: All yard waste shall be disposed of at compost facilities designated or approved by Dakota County or composted on the property in compliance with chapter 4 of this title.282

Title 5, Chapter 4 – Health and Sanitation, Composting

Section 5-4-3: LOCATION:

A. The compost container must be in the rear yard at least ten feet (10') from all property lines and no closer than twenty feet (20') to any residential dwellings, except the dwelling on the property at which the compost container is located.

B. No compost container may be placed within twenty five feet (25') of any body of water or area designated as flood plain or shoreland. No compost container may be placed within wetland buffer areas as defined in the most recent version of the Rosemount comprehensive wetland management plan.

C. Composting containers shall be located and designed so that seepage from the compost will not run off into public or private streets, storm sewers, drainage ditches, water retention basins, streams or lakes. (Ord. XIV.20, 2-20-2001)283

Section 5-4-5: COMPOSTING CONTAINER

All composting must occur in a container constructed of wood, wire mesh, concrete block, or a combination thereof, or in a commercially available compost bin designated for composting organic waste. (Ord. XIV.20, 2-20-2001)284

Section 5-4-6: COMPOSTING CONTAINER SIZE:
A. Composting containers shall not exceed one hundred fifty (150) cubic feet in volume for those lots of ten thousand five hundred (10,500) square feet or less.

B. For those lots of more than ten thousand five hundred (10,500) square feet, composting containers shall not exceed two hundred fifty (250) cubic feet in volume.

C. The maximum height of the composting container shall be five feet (5'). (Ord. XIV.20, 2-20-2001)\textsuperscript{285}

Section 5-4-7: MAINTENANCE:

The compost shall be periodically turned and watered to incorporate air and properly mix wet and dry material and to promote a rapid degradation of the composting material. (Ord. XIV.20, 2-20-2001)\textsuperscript{286}

Section 5-4-8: NUISANCE:

A compost container must not be established or maintained in such a manner as to create an odor or other nuisance and any composting shall be suspended or terminated if at any time the city determines a nuisance exists or that conditions exist constituting a fire hazard or health hazard, or if there is a threat to surface or ground water from runoff or leaching. (Ord. XIV.20, 2-20-2001)\textsuperscript{287}

See Garbage Disposal & Recycling

**Garbage Disposal & Recycling**

**Title 5, Chapter 1 – Health and Sanitation, Solid Waste**

Section 5-1-2: DISPOSAL REQUIRED:

*It shall be unlawful for any resident, tenant, property owner, or business owner to fail to dispose of solid waste, recyclables, and yard waste in a sanitary manner at least once each week.*

A. Exceptions:

1. Single Sort Recycling: Single sort recyclable containers, with securely closing lids, shall be allowed biweekly collection
2. Composting: Every property owner, occupant, or tenant of any premises who comports shall do so in an environmentally sound manner, and shall meet the standards set forth in chapter 4 of this title. (Ord. XVI.59, 12-2-2008)
APPENDIX G: STATE EXEMPTIONS FROM STATE FOOD HANDLERS LICENSING REQUIREMENTS

Minnesota state law requires that “every person who handles food… obtain a license” further indicating that “all producers, packagers, labelers, handlers, distributors and vendors of food, whether or not subject to licensing, shall be required to comply with the applicable rules.” Specifically, any person that engages in the business of manufacturing, processing, selling, handling, or storing of food must obtain a license. At the same time, a few exceptions to this licensing requirement exist discussed, below. Please note, this is not meant to be an exhaustive list and state law includes additional exemptions.

Minnesota Constitution

Exception: The Sale of Farm and Garden Products

The Minnesota Constitution exempts “growers” from obtaining a license to sell their farm and garden products. The Minnesota Constitution indicates that “Any person may sell or peddle the products of the farm or garden occupied and cultivated by him without obtaining a license therefor.” Therefore, the City of Rosemount cannot require a grower to apply for a food license if that person falls under this constitutional provision.

This provision means:

- A farmer can sell his/her crops without a food license.
- A gardener or other grower can sell his/her produce without a food license.
- A farmer or individual can sell eggs directly from his/her farm or home to an individual customer with no licensing, registration, or inspection.

This Constitutional provision has been interpreted in the following ways:

- Provision of state constitution allowing any person to sell or peddle products of farm or garden occupied and cultivated by him without obtaining license therefor does not exempt a farmer from health and safety regulations that prohibit the sale of uninspected meat. (State v. Hartmann, 2005, 700 N.W.2d 449).
- The sale of “related products” are not exempt from a peddling license. (Farmer who grows broom corn from which he makes brooms and sells them to merchants and at private houses was required to have a peddler's license to sell the brooms, and is not exempt therefrom by Constitution. (Op.A tty.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.293

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

2 MINN. STAT. §§ 326B.101, 326B.41.
3 MINN. CONST., art. 13, § 7.
4 MINN. STAT. §§ 157.16, 28A.04; MINN. R. CH. 4626.
5 MINN. RULES CH. 4626.
7 MINN. STAT. § 28A.151 (2014).
8 MINN. STAT. § 28A.04.
9 MINN. RULES 4626.
11 MINN. RULES 4626.0017; MINN. STAT. § 144.05.
12 MINN. RULES 4626.0017; MINN STAT. § 144.05.
15 MINN. RULES. 4626.1785.
16 MINN. STAT. §§ 31.101; 31.11.
17 MINN. RULES 4626.1785.
19 See generally, MINN. STAT. CH. 410 (home rule charter cities) and MINN. STAT. CH. 412 (statutory cities).
21 MINN. STAT. § 462.352, subd. 15 (2014); see also MINN. STAT. § 394.22, subd. 6 (2014); MINN. STAT. § 473.582, subd. 9 (2014).
22 MINN. STAT. § 412.221 (2015).
23 MINN. STAT. § 412.221 Subd. 32 (2015).
26 ROSEMOUNT, MINN., CODE, Title 3 (2014).
27 Black’s Law Dictionary (2nd ed.) (“Permit”).
28 MINN. STAT. CH. 462.
29 MINN. STAT. § 462.351.
30 MINN. STAT. § 462.351 et seq. (2014).
31 MINN. STAT. § 462.351 (2014).
32 MINN. STAT. § 473.851 (2014).
33 MINN. STAT. § 473.861 (2014).
34 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”).
35 MINN. STAT. § 473.123, subd. 1 (2014).
36 See MINN. STAT. § 473.851 (2014).
37 MINN. STAT. § 473.852, subd. 7 (2014).
38 MINN. STAT. § 473.864, subd. 2 (2014).
40 ROSEMOUNT, MINN., CODE § 10-3-1 (2014).
41 MINN. STAT. § 462.357, subd. 6 (2015)
42 MINN. STAT. § 462.3595 (2015).
43 ROSEMOUNT, MINN., CODE, § 9-6-9 (2014).
45 ROSEMOUNT, MINN., CODE, § 11-10-7 (2014).
46 MINN. STAT. § 326B.101.
47 MINN. STAT. § 326B, et seq; MINN. RULES CH. 1303.
48 MINN. STAT. § 326B.121, MINN. RULES 1300.0030 Subp. 2; MINN. RULES 1300.0120 Subp. 4
49 MINN. RULES 1300.0120, subpart 4.
50 Memorandum from Scott McLennan, Minn. Dept. of Labor & Industry, to Division code staff (Sept. 24, 2013), http://www.dli.mn.gov/ccld/OpinionStaffAgriculture.asp.
51 Memorandum from Scott McLennan, Minn. Dept. of Labor & Industry, to Division code staff (Sept. 24, 2013), http://www.dli.mn.gov/ccld/OpinionStaffAgriculture.asp.
52 ROSEMOUNT, MINN., CODE, § 9-1-1 (2014).
53 MINNESOTA BUILDING CODE, § 326B.101 (“Policy and purpose”).
54 ROSEMOUNT, MINN., CODE, § 11-1-4 (2014).
57 ROSEMOUNT, MINN., CODE, § 4-2-5(C) (2014).
58 ROSEMOUNT, MINN., CODE, § 11-4-1 (2014).
59 ROSEMOUNT, MINN., CODE, § 11-4-2 (2014).
60 ROSEMOUNT, MINN., CODE, § 11-4-19(E) (2014).
61 ROSEMOUNT, MINN., CODE, § 11-4-1 (2014).
63 ROSEMOUNT, MINN., CODE, § 11-4-2(C) (2014).
64 ROSEMOUNT, MINN., CODE, § 11-4-3(C) (2014).
65 ROSEMOUNT, MINN., CODE, § 11-4-5(C) (2014).
66 ROSEMOUNT, MINN., CODE, § 11-4-6(C) (2014).
67 ROSEMOUNT, MINN., CODE, § 11-4-7(C) (2014).
68 ROSEMOUNT, MINN., CODE, § 11-4-8(C) (2014).
69 ROSEMOUNT, MINN., CODE, § 11-4-9(C) (2014).
70 ROSEMOUNT, MINN., CODE, § 11-4-18(C) (2014).
71 ROSEMOUNT, MINN., CODE, § 11-4-19(E) (2014).
73 ROSEMOUNT, MINN., CODE, § 7-1-1-4 (2014).
74 ROSEMOUNT, MINN., CODE, § 7-1-1-4 (2014).
75 ROSEMOUNT, MINN., CODE, § 7-1-1-4 (2014).
77 ROSEMOUNT, MINN., CODE, § 11-1-4 (2014).
79 ROSEMOUNT, MINN., CODE, § 11-4-2 (2014).
80 ROSEMOUNT, MINN., CODE, § 11-4-2 (2014).
81 ROSEMOUNT, MINN., CODE, § 7-4B-9(A) & 11-4-2B (2014).
82 ROSEMOUNT, MINN., CODE, § 7-4B-9 (2014).
84 ROSEMOUNT, MINN., CODE, § 7-4A-1 (2014).
87 ROSEMOUNT, MINN., CODE, § 7-4B-9(A) (2014).
88 ROSEMOUNT, MINN., CODE, § 7-4B-9 (2014).
89 ROSEMOUNT, MINN., CODE, § 7-4B-9 (2014).
90 ROSEMOUNT, MINN., CODE, § 7-4B-11(F) (2014).
91 ROSEMOUNT, MINN., CODE, § 7-4B-12(B)(4)(c) (2014).
92 ROSEMOUNT, MINN., CODE, § 7-4B-12(B)(3) (2014).
93 ROSEMOUNT, MINN., CODE, § 7-4B-12(C)(5) (2014).
100 ROSEMOUNT, MINN., CODE, § 11-2-6 (2014).
101 ROSEMOUNT, MINN., CODE, § 4-2-5(C) (2014).
102 ROSEMOUNT, MINN., CODE, § 9-4-7 (2014).
103 ROSEMOUNT, MINN., CODE, § 11-4-1(B) (2014).
104 ROSEMOUNT, MINN., CODE, § 11-4-3(D) (2014).
106 MINNEAPOLIS, MINN., CODE, Title 20 § 520.160.
110 ROSEMOUNT, MINN., CODE, § 9-5-3(A) (2014).
111 ROSEMOUNT, MINN., CODE, § 9-5-3(A) (2014).
113 MINN. STAT. § 28A04 (2015).
114 MINN. RULES 1520 – 1555; MINN. R. 4625.
115 MINN. RULES 4626.0020 1-201.10, subp. 36.
116 ROSEMOUNT, MINN., CODE § 10-3-1 (2014).
117 League of Minnesota Cities, Information memo: Zoning Guides for Cities (2015),
118 MINN. STAT. § 157.15, Subd. 5; MINN. RULES 4626.0020 1-201.10, Subp. 35A.
119 MINN. RULES 4626.0020 1-201.10, Subp. 35A.
120 MINN. RULES 4626.0020 1-201.10, Subp. 35A.
121 MINN. STAT. § 157.15, Subd. 5.
122 MINN. STAT. § 28A.02.
123 MINN. CONST., art. 13, § 7
125 ROSEMOUNT, MINN., CODE, § 3-5-4 (2014).
126 ROSEMOUNT, MINN., CODE, § 3-5-4 (2014).
127 ROSEMOUNT, MINN., CODE, § 11-4-1(C) (2014).
128 ROSEMOUNT, MINN., CODE, § 11-4-2(C) (2014).
129 MINN. STAT. § 28A.151.
130 MINN. STAT. § 28A.151.
131 MINN. STAT. § 28A.151.
132 ROSEMOUNT, MINN., CODE, § 3-5-2 (2014).
133 ROSEMOUNT, MINN., CODE, § 3-5-3 (2014).
134 ROSEMOUNT, MINN., CODE, § 3-5-3 (2014).
135 ROSEMOUNT, MINN., CODE, § 3-5-9 (2014).
136 ROSEMOUNT, MINN., CODE, § 11-4-11(E) (2014).
137 ROSEMOUNT, MINN., CODE, § 11-4-13(E) (2014).
138 MINN. STAT. §157.15, Subd. 12
139 ROSEMOUNT, MINN., CODE, Title 3 (2014).
140 ROSEMOUNT, MINN., CODE, § 11-6-1 (2014).
141 ROSEMOUNT, MINN., CODE, § 11-4-10 (D); 11-4-1 (D); 11-4-11 (C); 11-4-13 (C); 11-4-14 (C); 11-4-15 (B); 11-4-15-1 (B) (2014).
142 ROSEMOUNT, MINN., CODE, § 11-6-1 (I) (2014).
143 ROSEMOUNT, MINN., CODE, § 11-8-4 & 11-8-6 (2014).
144 ROSEMOUNT, MINN., CODE, § 11-4-10(D) (2014).
145 Rosemount, Minn., Code, § 11-4-11(B) (2014).
146 Rosemount, Minn., Code, § 11-4-13(B) (2014).
147 Rosemount, Minn., Code, § 11-4-14(B) (2014).
149 Rosemount, Minn., Code, § 11-4-10(D) (2014).
150 Minn. Stat. §157.15, Subd. 9.
155 Rosemount, Minn., Code, § 3-5-2 (2014).
156 Rosemount, Minn., Code, § 3-5-3 (2014).
157 Minn. Stat. § 329.099.
158 Rosemount, Minn., Code, § 3-5-2 (2014).
159 Minn. Stat. ch. 329.
160 Rosemount, Minn., Code, § 3-5-3 (2014).
161 Rosemount, Minn., Code, § 3-5-9(B) (2014).
162 Rosemount, Minn., Code, § 3-5-11(A) (2014).
163 Rosemount, Minn., Code, § 3-5-11(D) (2014).
165 Minn. Rules 4626.0020 1-201.10, Subp. 35.
166 Rosemount, Minn., Code, Title 3 (2014).
167 Rosemount, Minn., Code, § 11-4-10(B) (2014).
168 Rosemount, Minn., Code, § 11-4-11(B) (2014).
169 Rosemount, Minn., Code, § 11-4-13(B) (2014).
170 Rosemount, Minn., Code, § 11-4-14(B) (2014).
172 Rosemount, Minn., Code, § 11-8-3(A) (2014).
175 Rosemount, Minn., Code, § 11-6-1 (2014).
176 Rosemount, Minn., Code, § 11-6-1(H) (2014).
178 Rosemount, Minn., Code, § 11-6-1 (2014).
179 Minn. Rules 7035.2836.
180 Minn. Rules 7035.2836.
181 Minn. Rules 7035.0300 DEFINITIONS. Subp. 7.
182 Minn. Rules 7035.0300 DEFINITIONS. Subp. 19.
183 Minn. Rules 7035.0300 DEFINITIONS. Subp. 20.
184 Minn. Rules 7035.0300 DEFINITIONS. Subp. 73.
185 Minn. Rules 7035.0300 DEFINITIONS. Subp. 74.
186 Rosemount, Minn., Code, § 5-4-2 (2014).
187 Rosemount, Minn., Code, § 5-4-2 (2014).
188 Rosemount, Minn., Code, § 5-4-2 (2014).
189 Rosemount, Minn., Code, § 5-4-2 (2014).
190 Rosemount, Minn., Code, § 5-4-2 (2014).
192 Rosemount, Minn., Code, § 5-4-1 (2014).
193 Roseville, Minn., Code, § 5-4-5 (2014).
194 Roseville, Minn., Code, § 5-4-3 (2014).
195 Roseville, Minn., Code, § 5-4-7 (2014).
196 Rosemount, Minn., Code, § 5-1-1 (2014).
197 Rosemount, Minn., Code, § 5-1-1 (2014).
ROSEMOUNT, MINN., CODE, § 5-1-5(A) (2014).
ROSEMOUNT, MINN., CODE, § 11-3-1 (2014).
ROSEMOUNT, MINN., CODE, § 11-4-1 (2014).
ROSEMOUNT, MINN., CODE, § 11-4-2 (2014).
ROSEMOUNT, MINN., CODE, § 11-4-2(2) (2014).
ROSEMOUNT, MINN., CODE, § 11-4-3(2) (2014).
ROSEMOUNT, MINN., CODE, § 11-4-5(2) (2014).
ROSEMOUNT, MINN., CODE, § 11-4-6(2) (2014).
ROSEMOUNT, MINN., CODE, § 11-4-7(2) (2014).
ROSEMOUNT, MINN., CODE, § 11-4-8(2) (2014).
ROSEMOUNT, MINN., CODE, § 11-4-9(2) (2014).
ROSEMOUNT, MINN., CODE, § 11-4-18(2) (2014).
ROSEMOUNT, MINN., CODE, § 11-4-19(E) (2014).
ROSEMOUNT, MINN., CODE, § 7-4B-8(2) (2014).
ROSEMOUNT, MINN., CODE, § 7-4B-9(A) (2014).
ROSEMOUNT, MINN., CODE, § 11-4-1 (2014).
ROSEMOUNT, MINN., CODE, § 11-4-2 (2014).
ROSEMOUNT, MINN., CODE, § 11-8-6(A) (2014).
ROSEMOUNT, MINN., CODE, § 7-4B-9 (2014).
ROSEMOUNT, MINN., CODE, § 7-4B-12(B) et al (2014).
ROSEMOUNT, MINN., CODE, § 11-4-10(C) (2014).
ROSEMOUNT, MINN., CODE, § 11-4-11(C) (2014).
ROSEMOUNT, MINN., CODE, § 11-4-18(C) (2014).
ROSEMOUNT, MINN., CODE, § 11-4-19(C) (2014).
ROSEMOUNT, MINN., CODE, § 9-4-7 (2014).
ROSEMOUNT, MINN., CODE, § 11-1-12 (2014).
ROSEMOUNT, MINN., CODE, § 9-5-3 (2014).
ROSEMOUNT, MINN., CODE, § 11-2-10 (2014).
ROSEMOUNT, MINN., CODE, § 11-4-10(B) (2014).
ROSEMOUNT, MINN., CODE, § 11-4-11(B) (2014).
ROSEMOUNT, MINN., CODE, § 11-4-13(B) (2014).
ROSEMOUNT, MINN., CODE, § 11-4-14(B) (2014).
ROSEMOUNT, MINN., CODE, § 11-6-1(H) (2014).
ROSEMOUNT, MINN., CODE, § 11-4-11(E) (2014).
ROSEMOUNT, MINN., CODE, § 11-4-13(E) (2014).
ROSEMOUNT, MINN., CODE, § 11-4-11(E) (2014).
ROSEMOUNT, MINN., CODE, § 11-4-13(E) (2014).
ROSEMOUNT, MINN., CODE, § 11-4-10(D) (2014).
ROSEMOUNT, MINN., CODE, § 11-4-11(B) (2014).
ROSEMOUNT, MINN., CODE, § 11-4-13(B) (2014).
ROSEMOUNT, MINN., CODE, § 11-4-14(B) (2014).
ROSEMOUNT, MINN., CODE, § 11-4-15(D) (2014).
254 ROSEMOUNT, MINN., CODE, § 11-4-10(D) (2014).
255 ROSEMOUNT, MINN., CODE, § 11-4-11(B) (2014).
256 ROSEMOUNT, MINN., CODE, § 11-4-11(C) (2014).
257 ROSEMOUNT, MINN., CODE, § 11-4-13(B) (2014).
258 ROSEMOUNT, MINN., CODE, § 11-4-13(C) (2014).
259 ROSEMOUNT, MINN., CODE, § 11-4-14(B) (2014).
260 ROSEMOUNT, MINN., CODE, § 11-4-14(C) (2014).
261 ROSEMOUNT, MINN., CODE, § 11-4-15(D) (2014).
262 ROSEMOUNT, MINN., CODE, § 11-4-11(C) (2014).
263 ROSEMOUNT, MINN., CODE, § 11-4-2(C) (2014).
264 ROSEMOUNT, MINN., CODE, § 3-5-3 (2014).
265 ROSEMOUNT, MINN., CODE, § 3-5-9 (2014).
266 ROSEMOUNT, MINN., CODE, § 3-5-11 (2014).
268 ROSEMOUNT, MINN., CODE, § 11-6-1 (2014).
269 ROSEMOUNT, MINN., CODE, § 4-3-15 (2014).
270 ROSEMOUNT, MINN., CODE, § 11-8-3 (2014).
272 ROSEMOUNT, MINN., CODE, § 11-8-6 (2014).
274 ROSEMOUNT, MINN., CODE, § 11-4-10(C) (2014).
275 ROSEMOUNT, MINN., CODE, § 11-4-11(C) (2014).
276 ROSEMOUNT, MINN., CODE, § 11-4-13(E & G) (2014).
277 ROSEMOUNT, MINN., CODE, § 11-4-14(D)(7) (2014).
280 ROSEMOUNT, MINN., CODE, § 11-4-16(G)(9) (2014).
281 ROSEMOUNT, MINN., CODE, § 5-1-3 (2014).
282 ROSEMOUNT, MINN., CODE, § 5-1-5 (2014).
283 ROSEMOUNT, MINN., CODE, § 5-4-3 (2014).
284 ROSEMOUNT, MINN., CODE, § 5-4-5 (2014).
285 ROSEMOUNT, MINN., CODE, § 5-4-6 (2014).
286 ROSEMOUNT, MINN., CODE, § 5-4-7 (2014).
287 ROSEMOUNT, MINN., CODE, § 5-4-8 (2014).
289 MINN. STAT. §28A.02 (2015).
290 “Egg Sales,” Minnesota Institute of Sustainable Agriculture, http://www.misa.umn.edu/FarmFoodResources/LocalFood/EggSales/.
293 MINN. STAT. § 28A.151 (2014).