

**INVER GROVE HEIGHTS
PLANNING COMMISSION AGENDA
TUESDAY, APRIL 20, 2021 - 7:00 p.m.**

NOTICE TO RESIDENTS: The Planning Commission is taking proactive steps to prevent the spread of Covid 19 by meeting remote. People wishing to testify at the public hearing should call into the meeting using the following information:

Phone number: 651-450-2471

Individuals may submit written public comments in advance of the meeting by emailing comments to Kim Fox (kfox@ighmn.gov). Comments received prior to 4:00 p.m. on Monday, April 19, 2021, will be provided to the Planning Commission before the April 20, 2021 meeting.

1. CALL TO ORDER

2. THE PLANNING COMMISSION MINUTES FOR APRIL 6, 2021 ARE NOT YET AVAILABLE AND WILL BE DISTRIBUTED AT THE NEXT MEETING

3. APPLICANT REQUESTS AND PUBLIC HEARINGS

3.01 JIM & LORA KRECH - CASE NO. 21-18S

Consider the following requests:

- a) A preliminary and final plat for a subdivision to be known as Oakbush Fifth Addition, adjusting existing lot boundaries.

Planning Commission Action _____

- b) A vacation of drainage and utility easements within Lot 4, Block 1, Oakbush Second Addition, Lot 2, Block 1, Oakbush Third Addition and Lot 1, Block 1, Oakbush Fourth Addition.

Planning Commission Action _____

- c) A variance to allow an accessory structure on a property without a principal structure.

Planning Commission Action _____

3.02 DAWN GAETKE - CASE NO. 20-33ZA

Consider a zoning code amendment to allow Market Gardens with retail sales of produce grown on site in E-2, R-1 and R-2 zoning districts.

Planning Commission Action _____

3.03 CITY OF INVER GROVE HEIGHTS - CASE NO. 21-24ZA

Consider a zoning code amendment to allow larger detached accessory buildings on residential lots 2.5-5 acres in size.

Planning Commission Action _____

4. OTHER BUSINESS

4.01 CITY OF INVER GROVE HEIGHTS - CASE NO. 21-25ZA

Discuss and receive Planning Commission input on a city code amendment to allow the harboring and keeping of goats for prescribed grazing.

Planning Commission Action _____

5. ADJOURN

This document is available upon 3 business day request in alternate formats such as Braille, large print, audio recording, etc. Please contact Kim Fox at 651.450.2545 or kfox@ighmn.gov.



PLANNING REPORT

CASE NO: 21-18S

APPLICANT: Jim and Lora Krech

PROPERTY OWNERS: Jim & Lora Krech and Mark & Bonnie Solos

REQUEST: Preliminary and Final Plat for lot boundary adjustments, Vacation of easements and Variance to allow an accessory building on a property that does not have a principal structure.

HEARING DATE: April 20, 2021

LOCATION: 2585 62nd Street and two abutting vacant properties, identified as PID No.'s 20-53577-01-020, 20-53576-01-010 and 20-53576-01-040.

COMPREHENSIVE PLAN: LDR, Low Density Residential

ZONING: R-1C, single-family residential

REVIEWING DIVISIONS: Planning
Engineering

PREPARED BY: Heather Botten
Associate Planner

BACKGROUND

The applicant has submitted a request to adjust lot boundaries of three lots from previous Oakbush plats into three new lots to be known as Oakbush Fifth Addition. There is an existing home and detached structure on the current larger lot; the other two lots are vacant. The applicant would be increasing the size of the two vacant lots to make the lots more appealing and buildable. As a result of the replat easements from existing plats would be vacated and new perimeter easements would be included with the proposed plat. A variance is also being requested for the proposed Lot 3 as the way the new lot boundary is drawn it would include the detached accessory building on a property that is currently vacant. Our code states that an accessory building is not allowed on a property without a principal structure.

SPECIFIC REQUESTS

The application consists of the following:

1. A Preliminary and Final Plat for a 3-lot single family subdivision.
2. Vacation of existing drainage and utility easements.
3. Variance to allow a detached accessory building on a lot prior to a principal structure.

EVALUATION OF THE REQUEST

The following land uses, zoning districts and comprehensive plan designations surround the subject property:

North Single family; zoned R-1C, single-family residential; guided LDR, low density residential
East Single family; zoned E-1, Estate Residential; guided LDR, low density residential
West Single family; zoned R-1C, single-family residential; guided LDR, low density residential
South Single family; zoned R-1C, single-family residential; guided LDR, low density residential

PRELIMINARY PLAT

Zoning. The property is zoned R-1C, Single Family Residential which allows for single family homes on lots no less than 12,000 square feet in area and 85 feet in lot width. All three lot meet and exceed these requirements.

Lots & Blocks. The proposed project consists of three existing parcels. The request is to adjust the lot boundaries of the three lots. All of the lots exceed the minimum lot area requirement.

Park Dedication. Park Dedication is not required as no new lots are being created with the plat.

Access/Streets. Two of the lots have access to Blaine Avenue and 62nd Street, the other lot accesses Blackberry Trail.

The existing home accesses 62nd Street, the current driveway does not comply with setback requirements. The way the plat is proposed between lots 2 and 3 the perimeter drainage and utility easements are abutting at the end of the flag lot portion of the plat. Staff is recommending that a minimum 12-foot space be required between the two easements for a driveway to be installed in the future that would comply with code requirements.

Existing Buildings. There is currently one single-family home and one detached accessory building on the largest of the three properties. The proposed plat is adjusting the lot boundary to incorporate the detached structure on one of the vacant lots.

City Code Sections 10-5-1 and 10-15-18 state in no zoning district may an accessory structure be constructed on a lot prior to the construction of the lot's principal structure. A variance for the accessory building is discussed below.

Engineering Issues. Engineering is agreeable to the boundary adjustments and has made recommendations on conditions that are included at the end of this report. The applicant shall continue to work with the City to secure final approval of the construction plans. Final site, grading, storm water management, and erosion control plans shall be approved by the City Engineer. Some of the comments are addressed as conditions of approval and some would be contained in the custom graded lot agreements.

Tree Preservation. All of the lots would be custom graded and therefore, no grading on the lots would occur before building permits are issued. The ordinance allows 30% removal before reforestation is required.

VACATION OF EASEMENTS

To obtain a clean title on the properties, the drainage and utility easements on Lot 4, Block 1, Oakbush Second Addition, Lot 2, Block 1 Oakbush Third Addition, and Lot 1, Block 1 Oakbush Fourth Addition shall be vacated as shown on the attached exhibit. The required easements will be dedicated on the new plat of Oakbush Fifth Addition. Engineering has reviewed the plans and is in support of the vacation and rededication of easements.

VARIANCE

City Code Title 10, Chapter 3. Variances, states that the City Council may grant variances when they are in harmony with the general purposes and intent of the zoning ordinance and consistent with the comprehensive plan and establishes that there are practical difficulties in complying with the official control. In order to grant the requested variances, City Code identifies criteria which are to be considered practical difficulties. The applicant's request is reviewed below against those criteria.

1. *The variance request is in harmony with the general purpose and intent of the city code and consistent with the comprehensive plan.*

Staff does not believe the variance request is consistent with, or in harmony with the zoning ordinance and comprehensive plan. The City Code, in a couple different sections, state that an accessory building shall not be constructed on a property prior to the principal building. The property is currently in conformance with the code requirements; adjusting the lot boundaries as proposed is creating the code violation.

2. *The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance.*

The request could be found contrary to the intent of the Zoning Code as the variance request creates a non-conforming lot.

One of the intents of the Zoning Code is to prohibit businesses on residential lots; this is more likely to occur allowing an accessory building on a property prior to a home being constructed. Lot 3 would consist of a detached structure roughly 1,500 square feet in size. This structure could easily turn into a business left alone on a property which would create land use conflicts. Another reason would be to prohibit the use of someone using the property for a storage lot for personal belongings, which could turn into a storage lot for family and friends as well.

3. *The plight of the landowner is due to circumstances unique to the property not created by the landowner.*

There do not appear to be any unique circumstances not created by the landowner. Staff does not believe there is a physical or property-related practical difficulty for this request. The accessory structure is currently located on the property with the home. Adjustment of the lot boundaries could be done while still maintaining the accessory building on the property with the existing home.

4. *The variance will not alter the essential character of the locality.*

The general intent of this standard is to limit the precedent that could be set if the variance is granted. Approving a lot without a principal structure opens the doors for other vacant residential lots to do the same.

5. *Economic considerations alone do not constitute an undue hardship.*
Economic considerations do not appear to be a basis or a sole basis for the request.

ALTERNATIVES

The Planning Commission has the following actions available on the following requests:

- A. Approval.** If the Planning Commission finds the application to be acceptable, the following actions should be recommended for approval:

- Approval of a **Variance** to allow an accessory building on a lot without a principal structure for Lot 3, Block 1 Oakbush Fifth Addition subject to the following conditions:
 1. The accessory structure shall not be used for commercial uses or storage related to a commercial use.
 2. No outdoor storage is allowed on the property prior to a house being constructed.
 3. The structure shall be located at least 50 feet from the side property lines.

Practical difficulty: to be stated

- Approval of the **Preliminary and Final Plat** of Oakbush Fifth Addition subdivision subject to the following conditions:
 1. The final plat and development plan shall be in substantial conformance with the plans on file with the Planning Department except as may be modified by the conditions below.
 2. The final plat shall demonstrate a 12 foot width to accommodate a driveway between the perimeter drainage and utility easements between Lot 2 and Lot 3 where they abut at the end of the flag portion of the plat.
 3. A Custom Grading Agreement shall be prepared by the City Attorney and executed by both the City and the property owner prior to issuance of a building permit for Lot 1 and Lot 3.

4. The applicant shall meet the conditions outlined in the City Engineers review letters and subsequent correspondence.
 5. Prior to the release of the plat, the Owner shall enter into an Encroachment Agreement, and other agreements related thereto with the City.
- Approval of the **Vacation of Easements** on Lot 4, Block 1, Oakbush Second Addition, Lot 2, Block 1 Oakbush Third Addition, and Lot 1, Block 1 Oakbush Fourth Addition subject to the following condition:
 1. The vacation of easements shall be in substantial conformance with the plans on file with the Planning Department dated 1-28-21.

B. Denial. If the Planning Commission does not favor the proposed variance request, it should be recommended for denial, which could be based on the following rationale:

1. Denying the variance request does not preclude the applicant from reasonable use of the property.
2. Approval of the variance could set a precedent for other accessory buildings allowed on a property prior to a principal structure.
3. The facts presented did not satisfy the criteria needed to show a practical difficulty on the lot to support granting a variance. Adjusting the lot boundaries to include the accessory building on the vacant property appears to be a convenience to the landowner and not dictated by unique circumstances of the property.

RECOMMENDATION

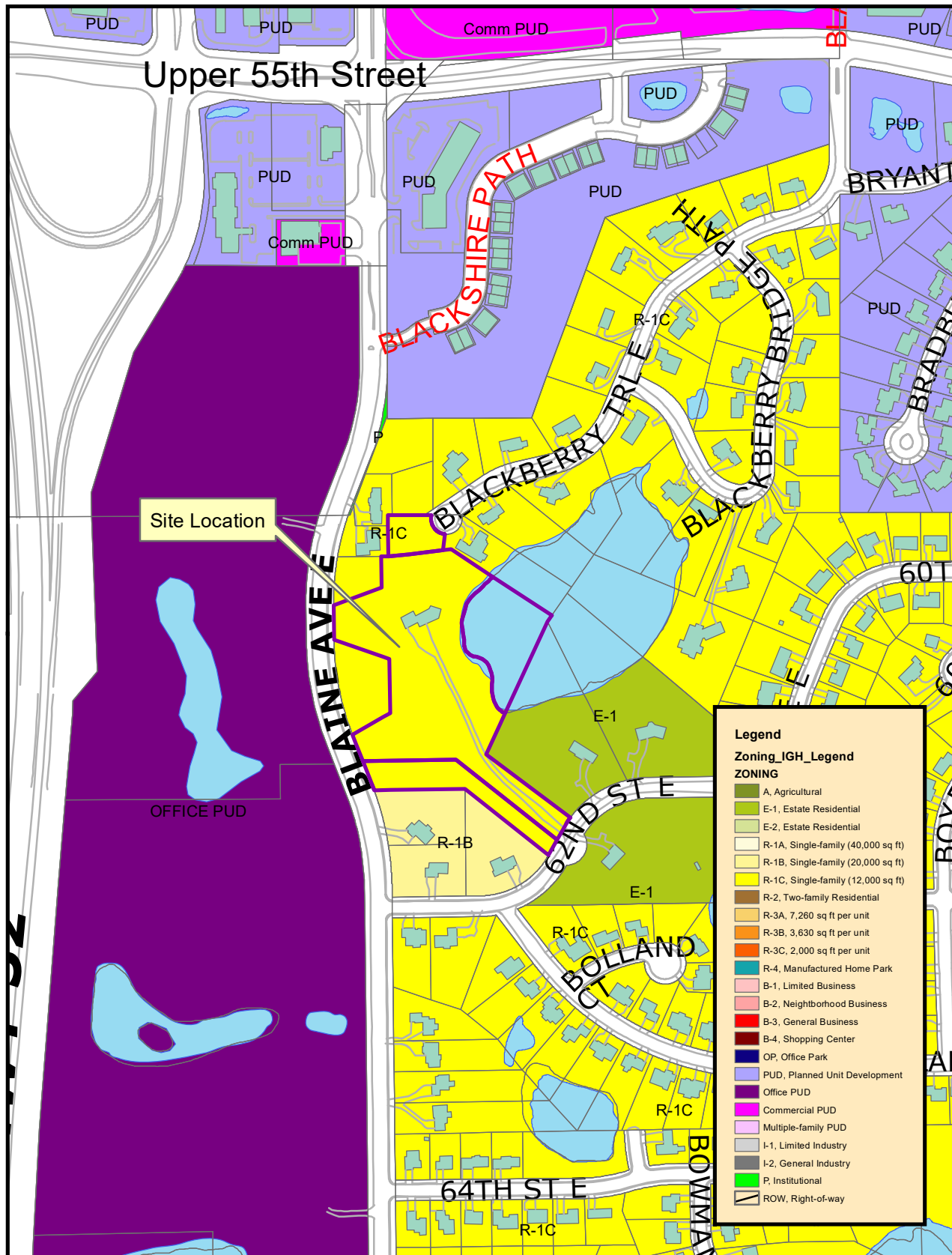
Staff does not support the request as presented. The design of the plat creates a non-conforming lot in relation to an accessory building on a property prior to a principal structure. Based on the information in the preceding report and the rationale listed in Alternative B, staff is recommending denial of the requests.

Staff would be in support of the plat and vacation of easements if the accessory building remained on Lot 2, Block 1 Oakbush Fifth Addition. This would eliminate the need for the variance.

Attachments: Exhibit A – Site/Zoning Map
Exhibit B – Narrative
Exhibit C – Preliminary Plat
Exhibit D- Final Plat
Exhibit E- Easements to be vacated
Exhibit F – Ingress and Egress easement



Case No. 21-18S



THIS DRAWING IS NEITHER A LEGALLY RECORDED MAP NOR A SURVEY AND IS NOT INTENDED TO BE USED AS ONE. THIS DRAWING IS A COMPILED OF RECORDS, INFORMATION AND DATA LOCATED IN VARIOUS CITY, COUNTY AND STATE OFFICES AND OTHER SOURCES AND IS TO BE USED FOR REFERENCE PURPOSES ONLY. THE CITY OF INVER GROVE HEIGHTS IS NOT RESPONSIBLE FOR ANY INACCURACIES HEREIN CONTAINED.

Map produced by the City of Inver Grove Heights GIS Dept.
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Exhibit A
Zoning and Location Map

Map not to scale

4/8/2018

Allan Hunting

City Planner

Re: Oakbush 5th Variance

Allan,

This is an application for a variance to the following ordinance:

10-5-1 Accessory Buildings

No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.

One of the goals of Oakbush 5th is to move the property line in order to include my existing shop, which was built in 2006, onto Lot 2. The building is not visible to my neighbors in the summer, as the closest one lives 300 feet from the shop which is 38 feet below Lot 2.

From Title 10, Chapter 3, Article 4, below find reasons for granting a variance.

1. The variance is in harmony with the general purposes and intent of the Zoning Ordinance.
2. The variance is consistent with the Comprehensive Plan.
3. The practical difficulty is wasting the time and resources of city staff, county staff, planning committee members, and city council members in asking me to re-plat 2-3 years from now.
 - i) The proposal I am presenting is to use the property in a reasonable manner not permitted by the Zoning Ordinance.
 - ii) This is a unique piece of property due to size, contours, distance from neighbors, and forestation.
 - iii) The variance will not alter the essential character of the locality.
 - iv) I think it is a misuse of \$7,000-\$10,000 to re-plat 2-3 years from now.
 - v) Finally, the variance is in keeping with the spirit and intent of the City Code and Comprehensive Plan.

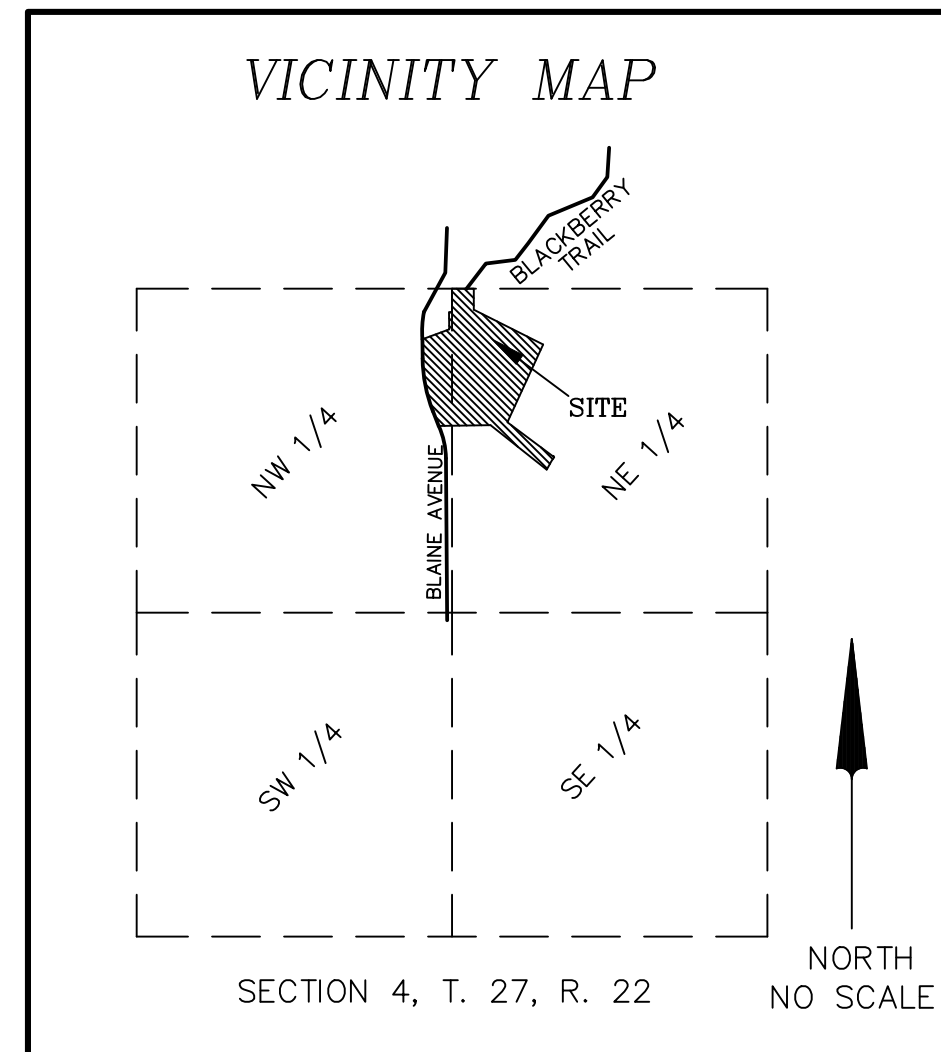
Thank you for considering this proposal,

Jim and Lora Krech



4/9/21

PRELIMINARY PLAT: OAKBUSH FIFTH ADDITION
EXISTING CONDITIONS



Legal Description

Lot 4, Block 1, OAKBUSH SECOND ADDITION, according to the record plat thereof, Dakota County, Minnesota.

AND

Lot 2, Block 1, OAKBUSH THIRD ADDITION, according to the record plat thereof, Dakota County Minnesota.

AND

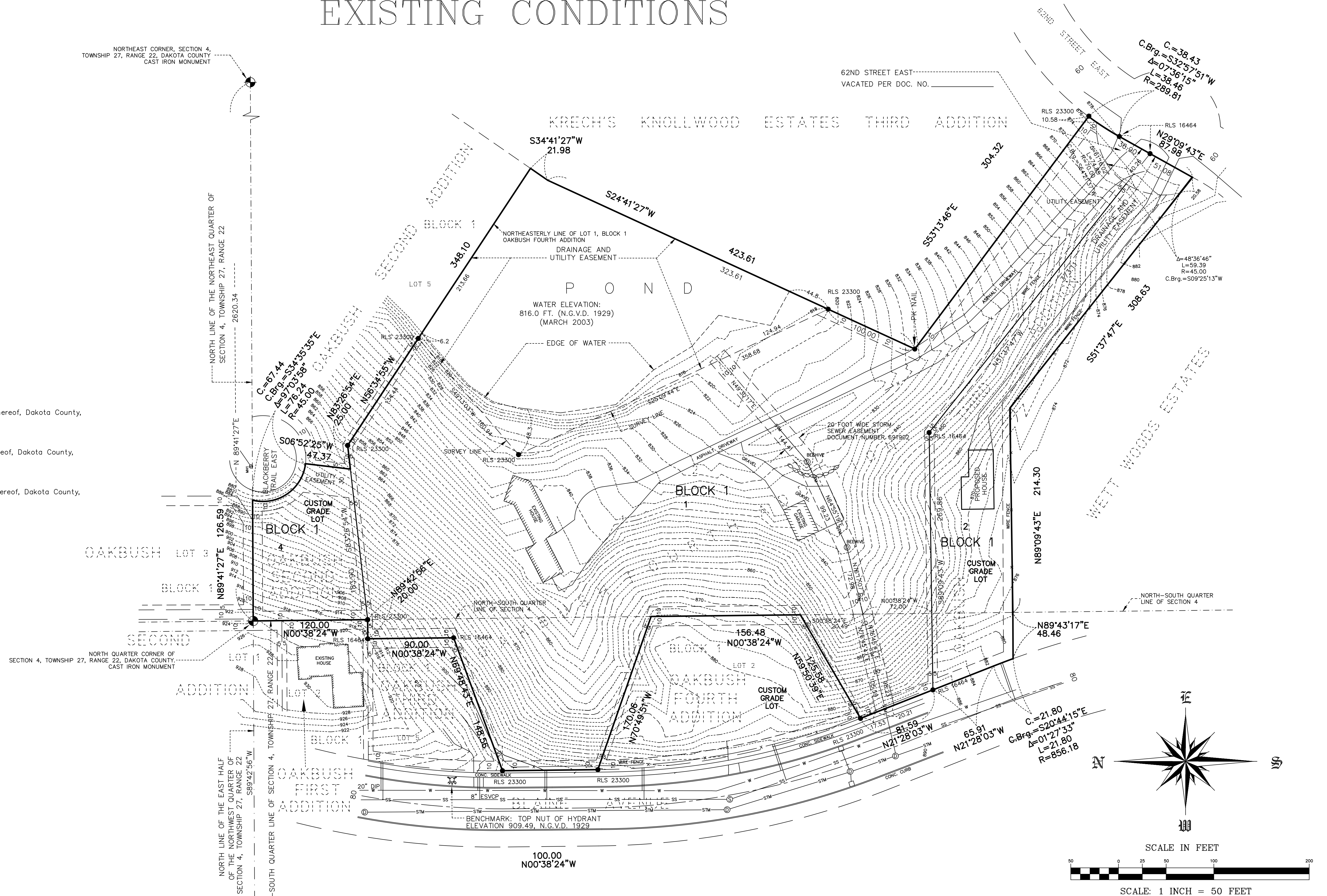
Lot 1, Block 1, OAKBUSH FOURTH ADDITION, according to the record plat thereof, Dakota County, Minnesota.

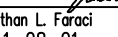
BASIS OF BEARINGS:
THE NORTHEASTERLY LINE OF LOT 1, BLOCK 1 OAKBUSH FOURTH ADDITION,
IS ASSUMED TO BEAR NORTH 56 DEGREES 34 MINUTES 55 SECONDS WEST.

LEGEND

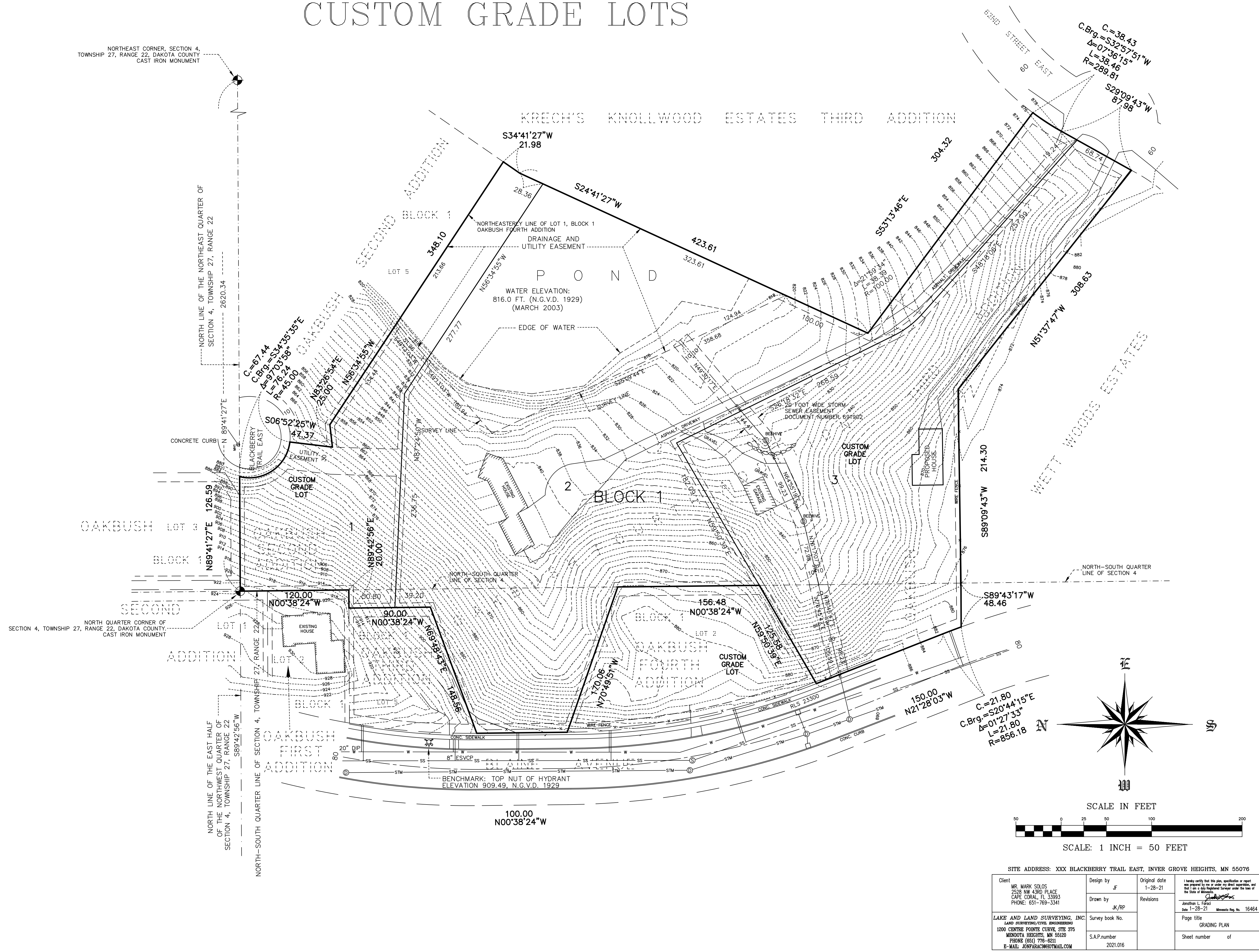
-  DENOTES 12 INCH COMMON SPIKE SET WITH WASHER STAMPED RLS 16464 OR AS NOTED.
 DENOTES IRON MONUMENT FOUND.
 ---XXXX---DENOTES EXISTING GRADE CONTOUR
 — G — DENOTES UNDERGROUND GAS LINE
 — W — DENOTES WATER MAIN OR SERVICE
 — SS — DENOTES SANITARY SEWER OR SERVICE
 — STM — DENOTES STORM SEWER
 — O — DENOTES CHAIN-LINK FENCE
 — O — DENOTES WOOD FENCE
 ① DENOTES STORM SEWER MANHOLE
 ② DENOTES SANITARY SEWER MANHOLE
 ③ DENOTES WATER MAIN MANHOLE
 CB/B DENOTES CATCH BASIN
 DENOTES GAS METER
 DENOTES ELECTRIC METER
 DENOTES UTILITY POLE
 — OHW — DENOTES OVERHEAD UTILITY WIRES
 DENOTES FIRE HYDRANT
 DENOTES CONCRETE SURFACE
 DENOTES EXISTING BLOCK OR STONE RETAINING WALL

TOTAL AREA: 331,912 SQ FT OR 7.62 ACRES
BASIS OF BEARINGS: DAKOTA COUNTY COORDINATES NAD83 (1986 ADJUSTMENT)



SITE ADDRESS: XXX BLACKBERRY TRAIL EAST, INVER GROVE HEIGHTS, MN 55076			
Client	Design by	Original date	I hereby certify that this plan, specification or report was prepared by me or under my direct supervision, and that I am a duly Registered Surveyor in the State of Minnesota.
MR. MARK SOSLO 2528 NW 43RD PLACE CAPE CORAL, FL 33993 PHONE: 651-769-3341	JF	1-28-21	
	Drawn by	Revisions	
	JK/RP		Joseph L. Rasmussen Date: 1-28-21 Minnesota Reg. No. 16464
LAKE AND LAND SURVEYING, INC. LAND SURVEYING, CIVIL, ENGINEERING 1200 CENTERS POINT DRIVE, SUITE 475 MENOMONIE HEIGHTS, MN 55120 PHONE (651) 767-8211 E-MAIL: JLR@JLRANDASSOCIATES.COM	Survey book No.		Page title
			EXISTING CONDITIONS
	S.A.P. number	Sheet number	of
	2021.016		

PRELIMINARY PLAT: OAKBUSH FIFTH ADDITION
CUSTOM GRADE LOTS



OAKBUSH FIFTH ADDITION

KNOW ALL PERSONS BY THESE PRESENTS: That Mark A. Solos and Bonnie M. Solos, husband and wife, and James H. Krech and Lora L. Krech, husband and wife, and Lora L. Krech, a single person, owners and proprietors of the following described properties situated in the County of Dakota, State of Minnesota:

Lot 4, Block 1, OAKBUSH SECOND ADDITION, according to the record plat thereof, Dakota County, Minnesota.

AND

Lot 2, Block 1, OAKBUSH THIRD ADDITION, according to the record plat thereof, Dakota County, Minnesota.

AND

Lot 1, Block 1, OAKBUSH FOURTH ADDITION, according to the record plat thereof, Dakota County, Minnesota.

Have caused the same to be surveyed and platted as OAKBUSH FIFTH ADDITION and do dedicate to the public for public use the public ways and the drainage and utility easements as created by this plat.

In witness whereof said that Mark A. Solos and Bonnie M. Solos, husband and wife, and James H. Krech and Lora L. Krech, husband and wife, have hereunto set their hands this_____ day of _____, 20____,

Mark A. Solos Bonnie M. Solos

James H. Krech Lora L. Krech

STATE OF _____

COUNTY OF _____

This instrument was acknowledged before me this_____ day of _____, 20____,

by Mark A. Solos and Bonnie M. Solos, husband and wife, and James H. Krech and Lora L. Krech, husband and wife.

Signature_____

Printed_____

Notary Public,_____County, Minnesota

My commission expires_____

I Jonathan L. Faraci do hereby certify that the plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the state of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on the plat have been, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes 505.01, Subd.3, as of the date of this certificate are shown and labeled on this plat; and that all public ways are shown and labeled on this plat.

Dated this_____ day of _____, 20____,

Jonathan L. Faraci, Licensed Land Surveyor
Minnesota License No. 16464

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this_____ day of _____, 20____,

by Jonathan L. Faraci, Licensed Land Surveyor. Minnesota License No. 16464.

Signature_____

Printed_____

Notary Public,_____County, Minnesota

My commission expires_____

CITY COUNCIL, INVER GROVE HEIGHTS, STATE OF MINNESOTA

This plat of OAKBUSH FIFTH ADDITION was approved and accepted by the City Council of the City of Inver Grove Heights, Minnesota at a regular meeting thereof held this _____ day of _____, 20____, and said plat is in compliance with the provisions of Minnesota Statutes, Section 505.03, Subd. 2.

City Council, City of Inver Grove Heights, Minnesota

By: _____, Mayor By: _____, Clerk

CITY PLANNING COMMISSION, INVER GROVE HEIGHTS, STATE OF MINNESOTA

Be it known that a meeting held on this _____ day of _____, 20____, the Planning Commission of the City of Inver Grove Heights, Minnesota, did hereby approve this plat of OAKBUSH FIFTH ADDITION.

Planning Commission, City of Inver Grove Heights, State of Minnesota

By: _____, Chair By: _____, Secretary

DAKOTA COUNTY SURVEYOR, COUNTY OF DAKOTA, STATE OF MINNESOTA

I hearby certify that in accordance with Minnesota Statutes, Section 505.021, Subd. 11, this plat has been reviewed and approved this _____ day of _____, 20____.

By: _____, Todd B. Tollefson, Dakota County Surveyor

COUNTY BOARD, COUNTY OF DAKOTA, STATE OF MINNESOTA

We do hereby certify that on the _____ day of _____, 20____, the Board of Commissioners of Dakota County, Minnesota, approved this plat of LAKEVIEW RIDGE, and said plat is in compliance with the provisions of Minnesota Statutes, Section 505.03, Subd.2. and pursuant to the Dakota County Contiguous Plat Ordinance.

By: _____ Attest: _____
Chair, Dakota County Board Dakota County Treasurer – Auditor

DEPARTMENT OF PROPERTY TAXATION AND RECORDS, COUNTY OF DAKOTA, STATE OF MINNESOTA

Pursuant to Minnesota Statutes, Section 505.021, Subd. 9, taxes payable in the year 20____, on the land hereinbefore described have been paid. Also pursuant to Minnesota Statutes, Section 272.12, there are no delinquent taxes and transfer entered this _____ day of _____, 20____.

By: _____, Amy A. Koethe, Director
Department of Property Taxation and Records

COUNTY RECORDER, COUNTY OF DAKOTA, STATE OF MINNESOTA

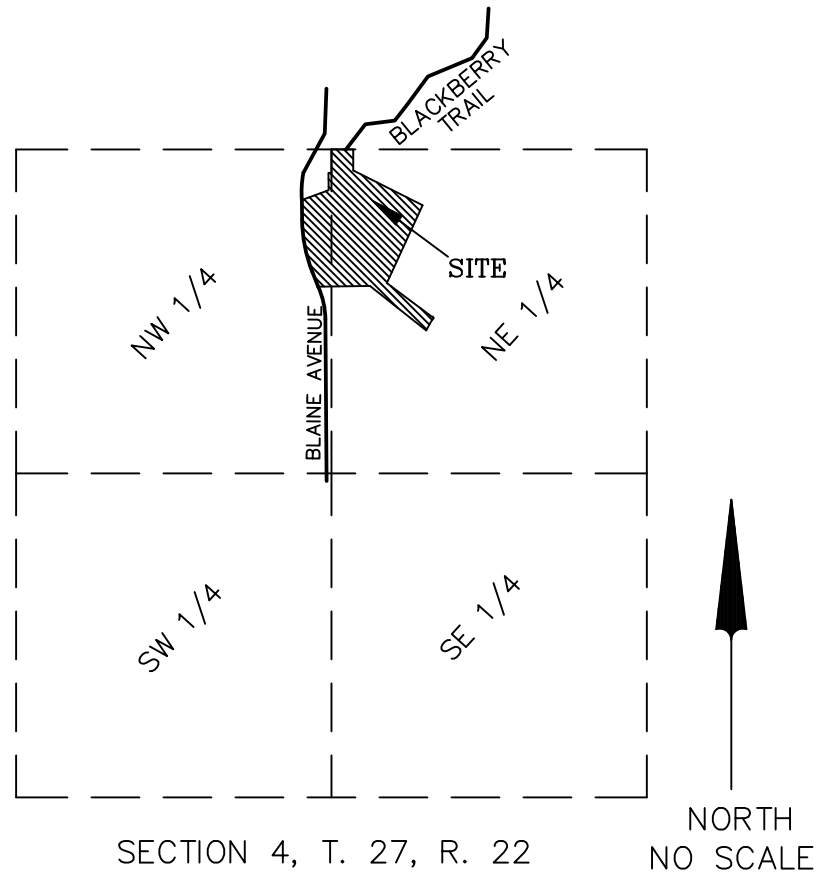
I hearby certify that this plat of OAKBUSH FIFTH ADDITION was filed in the office of the County Recorder for public record on this _____ day of _____, 20____, at _____ o'clock____M. and was duly filed in Book _____ of Plats, Page _____, as Document Number _____.

By: _____
Amy A. Koethe, Registrar of Titles

LAKE & LAND SURVEYING, INC.
1200 CENTRE POINTE CURVE, SUITE 375
SAINT PAUL, MINNESOTA 55120
PHONE: 651-776-6211

OAKBUSH FIFTH ADDITION

VICINITY MAP



NORTHEAST CORNER, SECTION 4,
TOWNSHIP 27, RANGE 22, DAKOTA COUNTY
CAST IRON MONUMENT

NORTH LINE OF THE NORTHEAST QUARTER OF
SECTION 4, TOWNSHIP 27, RANGE 22

NORTH QUARTER CORNER OF
SECTION 4, TOWNSHIP 27, RANGE 22, DAKOTA COUNTY
CAST IRON MONUMENT

BASIS OF BEARINGS:
THE ORIENTATION OF THIS BEARING SYSTEM IS BASED UPON THE
NORTHEASTERLY LINE OF LOT 1, BLOCK 1 OAKBUSH FIFTH ADDITION, IS
ASSUMED TO BEAR NORTH 56 DEGREES 34 MINUTES 55 SECONDS WEST.

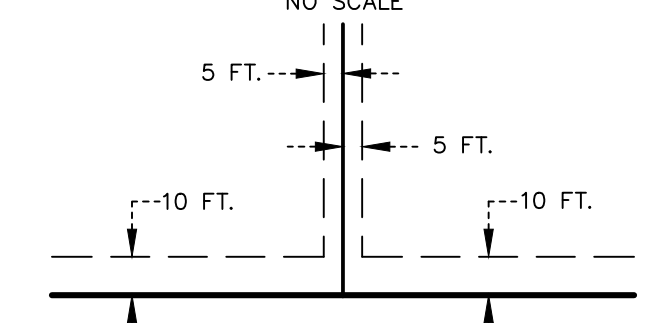
LEGEND

- ⊕ DENOTES DAKOTA COUNTY SECTION MONUMENT FOUND, SIZE AND TYPE AS NOTED
- DENOTES 14 INCH X 5/8 INCH REBAR MONUMENT SET AND CAPPED RLS 16464.
- DENOTES IRON MONUMENT FOUND, SIZE, TYPE, AND RLS AS NOTED
- △— DENOTES RESTRICTED ACCESS TO BLAINE AVENUE AS PER CITY OF INVER GROVE HEIGHTS DOC. NO. 2620907

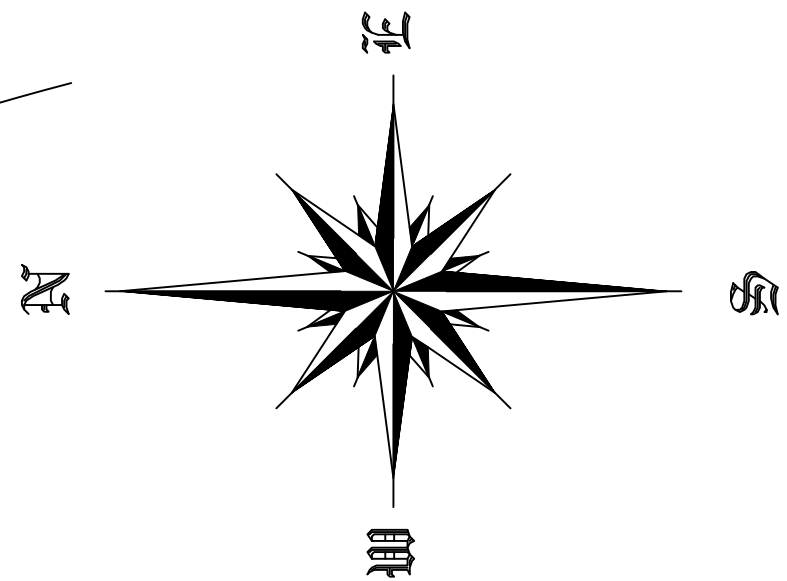
NORTH LINE OF THE EAST HALF OF
THE NORTHWEST QUARTER OF
SECTION 4, TOWNSHIP 27, RANGE 22

LAKE & LAND SURVEYING, INC.
1200 CENTRE POINTE CURVE, SUITE 375
SAINT PAUL, MINNESOTA 55120
PHONE: 651-776-6211

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:
NO SCALE

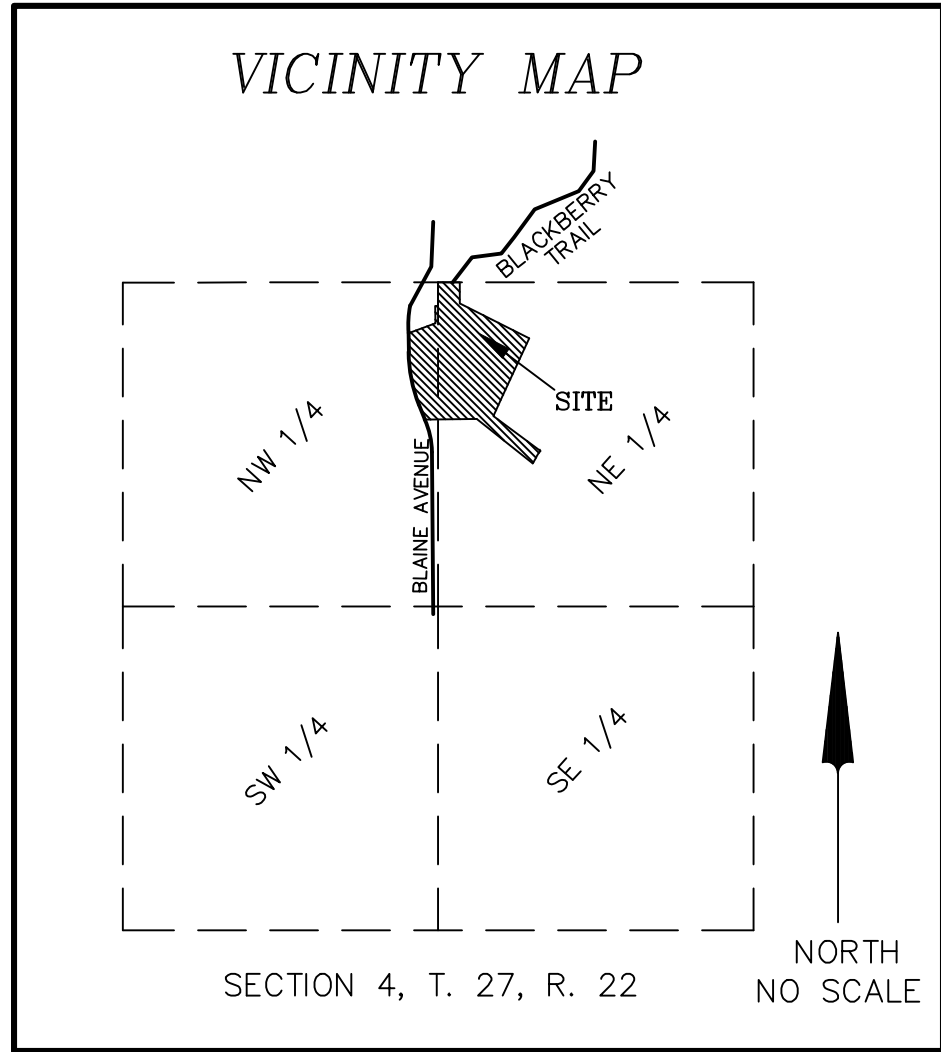


BEING 5 FEET IN WIDTH ADJOINING SIDE LOT LINES, AND
BEING 10 FEET IN WIDTH ADJOINING PUBLIC WAYS UNLESS
OTHERWISE SHOWN ON PLAT.



SCALE: 1 INCH = 50 FEET

EASEMENT VACATION



Vacate all drainage and utility easements as dedicated on the following lots:

Lot 4, Block 1, OAKBUSH SECOND ADDITION, according to the record plat thereof, Dakota County, Minnesota.

AND

Lot 2, Block 1, OAKBUSH THIRD ADDITION, according to the record plat thereof, Dakota County, Minnesota.

AND

Lot 1, Block 1, OAKBUSH FOURTH ADDITION, according to the record plat thereof, Dakota County, Minnesota.

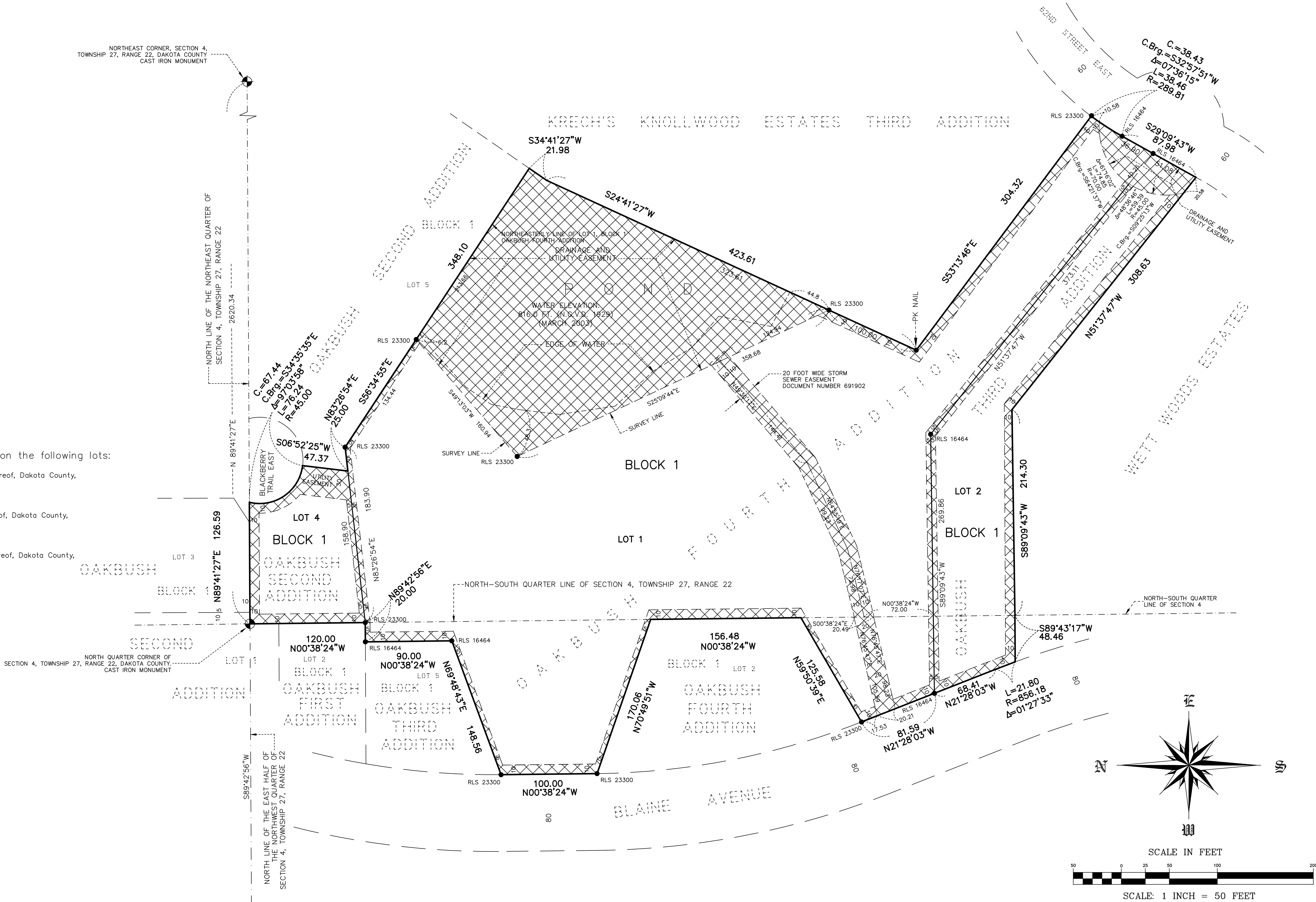
BASIS OF BEARINGS:
THE NORTHEASTERLY LINE OF LOT 1, BLOCK 1 OAKBUSH FOURTH ADDITION,
IS ASSUMED TO BEAR NORTH 56 DEGREES 34 MINUTES 55 SECONDS WEST.

LEGEND

- ⬮ DENOTES DAKOTA COUNTY SECTION MONUMENT FOUND, TYPE AS NOTED
- DENOTES 14 INCH X 5/8 INCH REBAR MONUMENT SET AND CAPPED RLS 16464.
- DENOTES IRON MONUMENT FOUND, SIZE, TYPE, AND RLS AS NOTED

TOTAL AREA: 331,912 SQ FT OR 7.62 ACRES

BASIS OF BEARINGS: DAKOTA COUNTY COORDINATES NAD83 (1986 ADJUSTMENT)



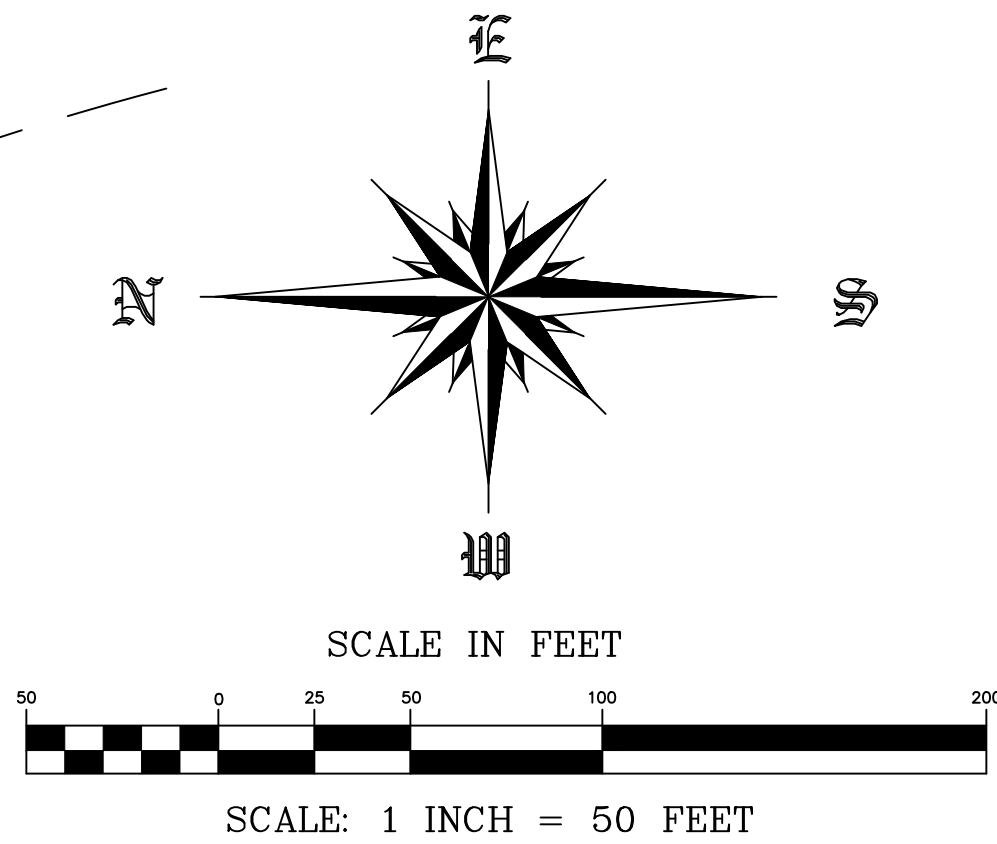
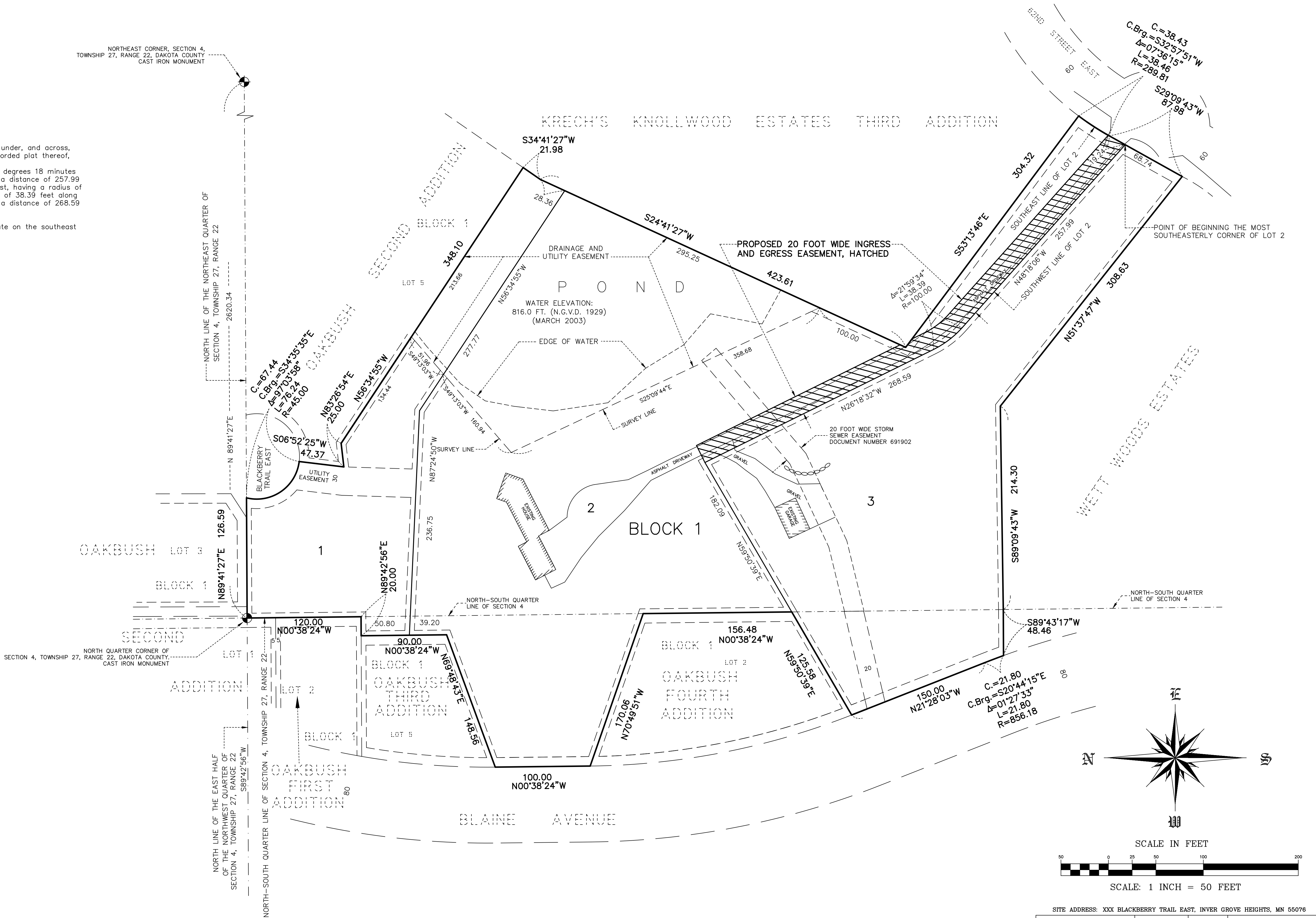
SITE ADDRESS: XXXX BLACKBERRY TRAIL EAST, INVER GROVE HEIGHTS, MN 55076			
Client MR. MARK SOLOS 2528 NW 43RD PLACE CAPE CORAL, FL 33903 PHONE: 651-769-3341	Design by JF	Original date 1-28-21	I hereby certify that this plan, specification or report was prepared by me or under my direct supervision, and that I am a duly Registered Surveyor under the laws of the State of Minnesota. Jonathan L. Forcel Date: 1-28-21 Minnesota Reg. No. 16464
	Drawn by JK/RP	Revisions	
LAKE AND LAND SURVEYING, INC. LAKE SUPERIOR CITY, MINNESOTA 1200 CENTRE POINTS CURVE, STE 375 MENDOTA HEIGHTS, MN 55120 PHONE (651) 776-8211 E-MAIL: JONFASACH@HOTMAIL.COM	Survey book No.		Page title EASEMENT VACATION
	S.A.P. number 2021.016		Sheet number 1 of 1

PROPOSED INGRESS AND EGRESS EASEMENT

PROPOSED INGRESS AND EGRESS EASEMENT

A 20 foot wide permanent easement for ingress and egress purposes over, under, and across, that part of Lot 2, Block 1, OAKBUSH FIFTH ADDITION, according to the recorded plat thereof, Dakota County, Minnesota, lying northeasterly of the following described line: Beginning at the most southeasterly corner of said Lot 2; thence North 48 degrees 18 minutes 06 seconds West, assumed bearing, along the southwest line of said Lot 2 a distance of 257.99 feet; thence northwesterly along a tangential curve, concave to the northeast, having a radius of 100 feet, a central angle of 21 degrees 59 minutes 34 seconds, a distance of 38.39 feet along said southwest line; thence North 26 degrees 18 minutes 32 seconds West a distance of 268.59 feet along said southwest line and said line there terminating.

The side line of said easement shall be prolonged and shortened to terminate on the southeast line of said Lot 2.



SITE ADDRESS: XXX BLACKBERRY TRAIL EAST, INVER GROVE HEIGHTS, MN 55076			
Client MR. MARK SOLOS 2528 NW 43RD PLACE CAPE CORAL, FL 33983 PHONE: 651-769-3341	Design by JF	Original date 1-28-21	I hereby certify that this plan, specification or report was prepared by me or under my direct supervision, and that I am a duly Registered Surveyor under the laws of the State of Minnesota. Jonathan L. Farrel Date 1-28-21 Minnesota Reg. No. 16464
	Drawn by JK/RP	Revisions	
LARK AND LAND SURVEYING, INC. LAND SURVEYING, CIVIL, AND ARCHITECTURE 1200 CENTRE POINTS CURVE, STE 375 MENDOTA HEIGHTS, MN 55120 PHONE (651) 776-8211 E-MAIL: JONFARAC@HOTMAIL.COM	Survey book No.		Page title INGRESS AND EGRESS EASEMENT
	S.A.P. number 2021.016		Sheet number of



PLANNING REPORT

CASE NO.: 20-33ZA

APPLICANT: Dawn Gaetke

PROPERTY OWNER: NA

REQUEST: Ordinance Amendment to allow Market Gardens

LOCATION: N/A

HEARING DATE: April 20, 2021

COMPREHENSIVE PLAN: N/A

ZONING: N/A

REVIEWING DIVISIONS: Planning

PREPARED BY: Allan Hunting
City Planner

BACKGROUND

The City has received an application to amend the zoning ordinance to allow for "Market Gardens" in residential zoning districts. Market Gardens are farming type activities on residential properties where there are gardens to grow food for more than just the owner of the property.

Over the last 8 years, the City has adopted two other ordinances that follow the urban farming trend. In 2012, Council approved an ordinance that allows community gardens and in 2013, chickens were allowed in urban single family residential districts.

The Planning Commission held a public hearing on November 17, 2020 to review the ordinance amendment. After discussion, the Planning Commission wanted some additional information from the applicant and requested a public survey be conducted to determine the resident's appetite for this use.

EVALUATION OF THE REQUEST

The applicant has provided a significant amount of additional background information on the topics Planning Commission inquired about. A summary of other city ordinances was prepared and also provides info on state regulations on food safety and health regulations.

Staff also posted on the city website a resident survey to get their opinions on allowing market gardens and allowing retail sales. The summary the responses is attached. Responses seem to support allowing market gardens with retail sales.

The applicant has also prepared a revised ordinance based on the Planning Commission discussion and additional meetings I have had with Dawn. There are still some issues I have concerns about and they are identified in red writing on the draft ordinance.

The ordinance is currently drafted to require a permit be issued for a market garden. A public process would only occur if the garden area was large in size.

One topic that is not raised in the ordinance is that of a minimum lot size for this use to occur. Should there be a minimum lot size? Could there be negative effects if a number of smaller lots in the same immediate area were to have gardens with sales occurring on many weekends? The City has put a limit on the number of garage sales allowed each year for this very reason. The intent is to have these quasi-retail type occurrences limited so the property does not become a retail location but should be conducting a retail business in a retail district paying the same commercial taxes as other commercial operations.

ALTERNATIVES

The Planning Commission has the following actions available on the proposed project:

- A. Approval:** If the proposed request is found to be acceptable, approval of the applicable following actions should be taken:
 - Approval of the Ordinance Amendment to allow Market Gardens.
- B. Denial:** Should the proposed request, or portions thereof, not be found to be acceptable, the appropriate requests described above should be denied. The basis for denial must be stated in any such motion.

RECOMMENDATION

The survey results from that posted on the city website indicate a positive acceptance of allowing market gardens and retail sales on site.

The applicant has provided additional background information the Planning Commission requested.

A draft ordinance has been prepared by the applicant and reviewed by staff. In general, staff would support the ordinance with the changes suggested. Of concern to staff is the overall aspect of allowing retail sales for an operation that functions like a home occupation. This is contrary to current code.

Attachments:

Proposed Ordinance Amendment
Matrix Summary of other City Ordinances
Background Information Provided by the Applicant
Community Survey Results

Market Gardening Ordinance Amendment Details

To allow for market gardening the city zoning ordinance 10-15-33 needs to be changed to allow market gardening in residential areas. This is the fourth draft of the proposed changes. This fourth draft has the benefit of market garden survey results.

The report [Inver Grove Heights Food Systems Policy Analysis](#) authored by the William Mitchell College of Law Public Health Law Center in 2015 provided the foundation for analysis.

[Homegrown Minneapolis](#), which was instrumental in solidifying urban agriculture policy in Minneapolis, was another invaluable resource. St. Paul has also embraced urban agriculture and their [web resources](#) were consulted prior to drafting these amendments. Maplewood adopted a market gardening ordinance in 2018. See Maplewood Ordinance [18-610 through 18-612](#). A methodical search of all other high-population metro area cities' ordinances uncovered no other cities that provided for market gardening. High population was determined to mean 10,000 or more residents.

Only the most relevant portion of the ordinance to be amended is reproduced. Additions are bolded.

Respectfully submitted,

Dawn Gaetke, March 9, 2021

Text in red are staff comments on the proposed ordinance.

10-15-33: COMMUNITY GARDENS, **MARKET GARDENS**, AND PERSONAL GARDENS:

Where permitted, community gardens shall be subject to the following conditions:

A. Community Gardens Permitted: Community gardens are permitted in all zoning districts.

...

O. Community Garden Signage: One nonilluminated community garden identification sign may be displayed provided:

1. The sign shall not exceed ten (10) square feet in area or ten feet (10') in height and the sign shall be set back a minimum of ten feet (10') from property lines;

2. Current contact information for the community garden should be posted on the sign including the property owner and community garden manager contact name(s), address(es), and telephone number(s).

A market garden is a growing space where food or ornamental crops to be sold or donated are grown on the ground. A market garden is distinguished from a personal garden by the intent to sell or donate its produce. A market garden is distinguished from a farm by its smaller scale and lack of mechanization. A market garden is distinguished from a community garden by its exclusionary control.

Where permitted, market gardens shall be subject to the following provisions:

A. Market Gardens Permitted: Market gardens are a permitted in E-2, R-1, and R-2 districts. *Should add "with an approved permit".*

B. Use: Market gardens with a planting area of less than [insert size] may be the principal or accessory use on a parcel. Market gardens with a planting size greater than [insert size] require a conditional use permit.

If this provision is needed, I would suggest using the Minneapolis code as a model. Using a break point of 10,000 square feet seems to be a reasonable break between being an accessory use to being more of a quasi-commercial use. If a garden is to be large, requiring a conditional use permit would require neighbor notification and public hearing to make sure any negative effects would be addressed.

C. Retail Sales Allowed:

A market garden is somewhat like a home occupation. All home occupations are not allowed retail sales on site. Staff raises the concern of blurring the line between residential and commercial zoning and if on-site retail sales should be allowed.

On-site sales are allowed under the following conditions:

- 1) the only product sold is the market garden produce grown on the property;**
- 2) sales are limited to a sales season of 75 consecutive days per calendar year;**

Concerned with the long period allowed. Only one other city allows for this length of time consecutively. Should there be a limit on the number of actual sales per calendar year?

- 3) sales shall take place only between the hours of 7 a.m. and 7 p.m.;**
- 4) Identification signs are limited to one sign no larger than six square feet displayed only during the sales season;**
- 5) the market gardener has completed the necessary application process.**
- 6) Sales cannot take place on the public sidewalk or boulevard.**

D. Application: An application for permission to market garden shall be made to the city clerk on the form prescribed by the city. The applicant must pay a \$20 application fee. The applicant must provide all the information required on the form, including, but not limited to:

- 1. The name and address of the owner(s);**
- 2. The address of the real property where the produce is grown and sold;**
- 3. The expected produce to be sold.**
- 4. A soil test showing that lead levels are less than one hundred parts per million (100 ppm). If lead is 100 ppm or higher, the applicant must detail a plan to use raised beds with soil barriers and clean, imported soil.**

Application for permit seems important to provide a record of locations in case there are violations to the regulations.

E. Compost Bins: Compost bins are permitted as regulated by section 8-6-6 of this code.

F. Setback: The market garden shall be set back a minimum of five feet (5') from all property lines in order to provide a vegetated buffer of grass or other plants to minimize the transfer of sediment and to delineate the edges of the market garden.

G. Structures: Market garden accessory structures such as greenhouses and hoop houses are allowed. A building permit is required for any structure over ~~120~~ 200 square feet.

About 10 years ago, Council changed the ordinance to prohibit plastic covered hoop structures in residential areas so these greenhouses or similar were not allowed. Change was made due to a specific situation that occurred on a residential lot. Since Council made this specific change, I would not support allowing greenhouses or hoop structures for Market Gardens. Growing would have to occur in an open field or in an accessory structure that met all code requirements.

H. Equipment: Market garden equipment shall be limited to that which is commonly used for household gardening. Any tools, equipment, and material shall be stored and concealed within an enclosed, secured structure.

I. Animals: The keeping of bees, chickens, or other farm animals is subject to regulations as detailed elsewhere in this code.

J. Noise: Market gardens must abide by the noise regulations as detailed elsewhere in this code.

K. Negative Impacts Prohibited: The market garden site shall be designed and maintained to prevent negative impacts to adjacent properties from gardening activities including, but not limited to, irrigation, fertilizer, soils, stormwater, cultivated areas, and garden debris.

L. Maintenance: Market gardens shall be maintained in a neat and orderly manner. Trash, weeds, dirt piles and debris of any sort shall not be allowed to accumulate on the market garden site. When a market garden is discontinued the property shall be restored with native plantings, grass, or other allowed ground cover and accessory structures removed.

M. Nuisance: Improperly maintained market gardens are subject to nuisance abatement procedures as detailed elsewhere in this code.

Personal gardens are not subject to the above conditions imposed on community **or market** gardens. Personal gardens may be the principal or accessory use on a parcel. (Ord. 1253, 5-29-2012)

Comparison of Local Residential Zone Market Gardening Ordinances

Compiled by Dawn Gaetke-March 2021

	Maplewood	St. Paul	Minneapolis	Proposed IGH
Definition	cultivated spaces typically gardened and managed by one or more persons, either on undeveloped lots or on leased lands for private consumption or retail sale	agricultural use with an area of less than one acre	establishment where food or ornamental crops are grown on the ground, on a rooftop or inside a building, to be sold or donated	A market garden is a growing space where food or ornamental crops to be sold or donated are grown on the ground. A market garden is distinguished from a personal garden by the intent to sell or donate its produce. A market garden is distinguished from a farm by its smaller scale and lack of mechanization. A market garden is distinguished from a community garden by its exclusionary control.
Type of use	Allowed (permitted)if under one acre, conditional over one acre	Allowed (permitted)if under one acre, conditional over one acre	Permitted if <10,000 sq ft, Conditional if > 10,000 sq ft.	Permitted or accessory in zones E-2, R-1, and R-2
Retail sales	allowed	allowed	allowed	allowed
Limit on sales	Limited only to products grown on site. No more than 30 calendar days a year. Hours 7 a.m. to 7 p.m. Sales cannot take place on the public sidewalk or boulevard.	Limited to products grown on site. Limited to no more than 3 sales in any calendar year. Sales allowed only between 7 a.m. and 7 p.m. Sales cannot take place on the public sidewalk or boulevard.	Limited to products of the garden occupied by same producer within city. Duration no more than 75 days in a calendar year. Sales hours limited to 7:00 a.m. to sunset	Limited to products grown onsite. Sales season limited to 75 consecutive days of calendar year. Sales between hours of 7 a.m. and 7 p.m. Sales cannot take place on the public sidewalk or boulevard.
Hours of operations	Sales must happen between 7 a.m. and 7 p.m.	Sales limited to 7 a.m. to 7 p.m.	Shipping and delivery limited to 7 a.m. to 7 p.m. Sales 7:00 a.m. to sunset	Sales 7:00 a.m. to 7:00 p.m.
Neighbor notification	Not required (ordinance is silent on this issue)	Not required (ordinance silent on this issue)	Not required (ordinance is silent on this issue)	Not required
License, permit, or registration	Not required (ordinance is silent on this issue)	Application that includes approval of site plan with contact info. Fee of \$32. The application itself reproduces the nuisance and exterior property maintenance ordinances so applicants are put on notice of those rules.	Not required (ordinance is silent on this issue)	Application to city. \$20 fee. Lead test results or detailed plan to use raised beds required.
Health and safety standards	Lead level soil test or raised bed required <i>[interesting that a soil test is required when no application process is specified]</i>	Lead level soil test or raised bed required	Silent on this issue	Lead level soil test or raised bed
Setbacks or other placement limitations	Five-foot setback to all property lines	Silent on this issue	Gardens shall not be located in a required interior side yard.	Five-foot setback all around

	Maplewood	St. Paul	Minneapolis	Proposed IGH
Accessory structures such as greenhouses and hoop houses	Allowed if under 200 sq ft, building permit required for >200 sq ft	Building permits required for structures >200 square feet. Temporary structures, not exceeding one hundred eighty (180) days per year, such as hoop houses, cold frames permitted.	Elsewhere in code greenhouses and hoop structures are allowed as an accessory use.	Greenhouses and hoop structures allowed. Building permit required if over 200 sq ft. There has been concern about hoop structures in IGH in the past.
Maintenance	Subject to minimum property maintenance standards defined elsewhere in ordinances	The use shall be subject to the Minimum Property Maintenance Standards	Silent on this issue	shall be maintained in a neat and orderly manner. Trash, weeds, dirt piles and debris of any sort shall not be allowed to accumulate on the market garden site. When a market garden is discontinued the property shall be restored with native plantings, grass, or other allowed ground cover and accessory structures removed.
Noise	Must abide by noise regulations as outlined in city ordinances	Subject to Noise Regulations of the city of St. Paul	Silent on this issue	Must abide by noise regulations as detailed elsewhere in code
Operational Performance Standards	conducted in a manner that controls odor, dust, erosion, lighting, and noise and is in compliance with city standards so as not to create a nuisance.	conducted in a manner that controls odor, dust, erosion, lighting, and noise and is in compliance with city standards so as not to create a nuisance. This requirement may be enforced through the provisions in Chapter 45 for nuisance abatement.	Outdoor growing associated with a market garden shall be exempt from the enclosed building requirements of the zoning ordinance. Also, overhead lighting prohibited.	Negative Impacts Prohibited: The market garden site shall be designed and maintained to prevent negative impacts to adjacent properties from gardening activities including, but not limited to, irrigation, fertilizer, soils, stormwater, cultivated areas, and garden debris. Improperly maintained market gardens are subject to nuisance abatement procedures as detailed elsewhere in this code.
Equipment	tools, equipment, and material shall be stored and concealed within an enclosed, secure structure	Limited to that which is commonly used for household gardening. Any tools, equipment, and material shall be stored and concealed within an enclosed, secured structure.	Mechanized equipment similar in scale to that designed for household use shall be permitted. Use of larger mechanized farm equipment is generally prohibited. Also, equipment or supplies needed for garden operations shall be enclosed or otherwise screened from the street and any adjacent residential uses.	equipment shall be limited to that which is commonly used for household gardening. Any tools, equipment, and material shall be stored and concealed within an enclosed, secured structure.

	Maplewood	St. Paul	Minneapolis	Proposed IGH
Discontinued use	Requires grass and ground cover to control erosion, dust, and mud and all structures removed	property shall be restored with grass or planted ground cover to control erosion, dust, and mud. All structures accessory to the agriculture use shall be removed. This requirement may be enforced through the provisions in Chapter 45 for nuisance abatement.	Silent as to this issue	When a market garden is discontinued the property shall be restored with native plantings, grass, or other allowed ground cover and accessory structures removed
Parking	Silent as to this issue	Silent as to this issue.	No more than two (2) vehicles shall be parked on-site, excluding those parked within an enclosed structure	Silent as to this issue
Animals	Silent as to this issue	Keeping of bees permitted with bee permit	Keeping of animals is prohibited	The keeping of bees, chickens, or other farm animals is subject to regulations as detailed elsewhere in this code.
Signs	Silent as to this issue	One identification sign is permitted, not to exceed six (6) square feet	One (1) sign may be displayed during the growing season (Apr-Oct) but must be removed from the premises or stored inside a structure at other times of the year.	Identification signs are limited to one sign no larger than six square feet displayed only during the sales season
Compost	Silent as to this issue	Allowed. Composting requirements set out elsewhere in code	Silent as to this issue	Compost bins are permitted as regulated by section 8-6-6 of this code
Size	Community and market gardens over one acre in size allowed under a conditional use permit specified elsewhere in code. The market garden ordinance addresses “community and market gardens under one acre in size.” Does that mean the garden itself or the lot? Wording might be unclear.	In residential, traditional neighborhood, and business districts, an agriculture use having an area greater than one (1) acre requires a conditional use permit.	Planting areas > 10,000 sq ft require a conditional use permit. Planting areas < 10,000 sq ft are a permitted use.	Commission’s recommendation on size is being requested.

Maplewood Ordinance

DIVISION 9. - COMMUNITY AND MARKET GARDENS

Sec. 18-610. - Definitions.

Community and market gardens are cultivated spaces typically gardened and managed by one or more persons, either on undeveloped lots or on leased lands for private consumption or retail sale.
(Ord. No. 982, § 1, 6-11-2018)

Sec. 18-611. - Community and market gardens under one acre in size.

(a) Allowed in any zoning district with the following standards:

- (1) Maintain a five-foot setback to all property lines.
- (2) On-site sales shall be limited only to products grown on the site with the following requirements:
 - a. Sales shall be limited to no more than 30 calendar days a year.
 - b. Sales shall only take place between the hours of 7a.m. — 7p.m.
 - c. Sales shall not take place on the public sidewalk or boulevard.
- (3) Soil tests showing that lead levels are less than one hundred parts per million (100 ppm), or raised planting beds with soil barriers and clean, imported soil will be required.
- (4) Community or market *garden* accessory structures are allowed including greenhouses and hoop houses. A building permit is required for structures larger than 200 square feet in area.
- (5) Subject to minimum property maintenance standards as outlined in city ordinances.
- (6) Abide by noise regulations as outlined in city ordinances.
- (7) Be conducted in a manner that controls odor, dust, erosion, lighting, and noise and is in compliance with city standards so as not to create a nuisance.
- (8) Any tools, equipment, and material shall be stored and concealed within an enclosed, secure structure.

(b) When a community or market garden has been discontinued:

- (1) The property shall be restored with native plantings; or at a minimum grass and ground cover to control erosion, dust, and mud.
- (2) All structures accessory to the community or market garden shall be removed.

(Ord. No. 982, § 1, 6-11-2018)

Sec. 18-612. - Community or market gardens over one acre in size.

Allowed with a conditional use permit pursuant to section 44-1092.

(Ord. No. 982, § 1, 6-11-2018)

St. Paul Pertinent Ordinance

Overview

Sec. 65.771

The principal use of land for production of food or horticultural crops to be harvested, sold, or donated. To establish an Agricultural use on vacant property, you must submit an Urban Agriculture Application. There is a \$32 filing fee for all applications. All applicants are required to provide a soil test with their application. Applicants can have soil lead tests done for \$17 through the University of Minnesota. Visit this link for more information on how to submit soil samples.

Submit the application and required supporting documents to:

Department of Safety & Inspections - Zoning Section

375 Jackson Street, Suite 220

Saint Paul, MN 55101

Or via email: DSI-ZoningReview@stpaul.gov

Standards and Conditions for all Agricultural Uses

- (a) Approval of a site plan showing the location of all growing plots, sheds, structures, and fencing, with contact information for the site manager. A soil lead test showing that lead levels are less than one hundred (100) parts per million shall be submitted to the zoning administrator with the site plan or raised planting beds with soil barriers and clean, imported soil will be required. Building permit required for structures 200 square feet or larger and all fences
- (b) In residential, traditional neighborhood, and business districts, an agriculture use having an area greater than one (1) acre requires a conditional use permit.
- (c) The use shall be subject to the Minimum Property Maintenance Standards (Chapter 34) and Noise Regulations (Chapter 293) of the City of Saint Paul.
- (d) Keeping of any animals other than bees is prohibited. The keeping of bees requires a Keeping of Animal Permit.
- (e) The use shall be conducted in a manner that controls odor, dust, erosion, lighting, and noise and is in compliance with city standards so as not to create a nuisance. This requirement may be enforced through the provisions in Chapter 45 for nuisance abatement.
- (f) Any tools, equipment, and material shall be stored and concealed within an enclosed, secured structure.
- (g) When an agriculture use has been discontinued, the property shall be restored with grass or planted ground cover to control erosion, dust, and mud. All structures accessory to the agriculture use shall be removed. This requirement may be enforced through the provisions in Chapter 45 for nuisance abatement.

Standards and conditions in residential and traditional neighborhood districts for an agriculture use with an area of less than one (1) acre:

- On-site sales shall be limited only to products grown on the site. Sales shall be limited to no more than three (3) sales in any calendar year and may take place only between the hours of 7:00 AM and 7:00 PM.
- Sales shall be held on property occupied either by seller’s dwelling unit or on property owned, rented, leased, or otherwise lawfully occupied by a charitable, institutional, or political organization.
- Sales shall not take place on the public sidewalk or boulevard.
- Gardening equipment shall be limited to that which is commonly used for household gardening.
- Accessory buildings shall not exceed an area greater than ten (10) percent of the parcel or one thousand (1000) square feet, whichever is greater.
- Temporary structures, not exceeding one hundred eighty (180) days per year, such as hoop houses, cold frames, and similar structures located above gardening plots and being used to extend the growing season are permitted.
- A building permit is required for any temporary structure covering an area greater than two hundred (200) square feet.
- One identification sign is permitted, not to exceed six (6) square feet.

Other St. Paul Applicable Code Requirements

Composting

Sec. 345.08 Residential Composting

Composting (the controlled microbial degradation of organic waste to yield a humus like product) by residents on their own property is permitted provided the following regulations are complied with:

- **Container:** Composting shall be conducted within an enclosed container(s) not to exceed a total of one hundred (100) cubic feet in volume for city lots less than ten thousand (10,000 square feet) and one hundred fifty (150) cubic feet for lots greater than ten thousand (10,000) square feet, and five (5) feet high. The container(s) shall be of durable material such as wood, block or sturdy metal fencing material.
- **Container location:** The compost container(s) shall be located at least five (5) feet from lot lines and be placed no closer than twenty (20) feet to any habitable building, other than the resident’s own home, nor less than two (2) feet away from the alley if any alley exists.
- **Materials allowed:** Only organic yard materials, including grass clippings, leaves, faded flowers, weeds, sawdust, wood ash and plant trimmings, lake plants, straw; kitchen scraps such as fruit and vegetable peels and trimming, and other raw, non-greasy food wastes; and commercially available compost materials, may be placed in the compost container(s).
- **Materials not allowed:** None of the following materials shall be placed in the compost container(s): meat, bones, fat, oils, dairy products and other greasy kitchen wastes, whole branches or logs, plastics, synthetic fibers, human or pet wastes or heavily diseased plants.
- **Odors:** Compost shall be properly managed to minimize odor generation and promote effective decomposition of the material.

Other Applicable Code Requirements

Sec. 34.08. Exterior property areas.

- All exterior property areas shall be maintained free from any accumulation of garbage, mixed municipal solid waste, animal feces or refuse.
- Ground cover. Every residential premises shall be maintained in a condition to control erosion, dust and mud by suitable landscaping with grass, trees, shrubs or other planted ground cover, or by suitable paving or by other means as shall be approved by the enforcement officer.

- In residential zoning districts, impervious surfaces, excluding the principal building, accessory structures, patios and swimming pools shall not exceed one thousand five hundred (1,500) square feet unless site or terrain conditions make this impractical. For the purposes of this section, an impervious surface includes driveways, sidewalks and surface parking areas.
- Insect and rodent infestations. It shall be the responsibility of the owner to control and/or eliminate any infestation of insects, rodents or other pests in all exterior areas and accessory structures on the premises.

Sec. 45.03. Nuisance.

- Grass and weeds. Grass which has grown upon any property to a height of eight (8) or more inches or weeds.
- Insects, rodents and pest harborage. Conditions which are conducive to the presence, harborage or breeding of insects, rodents or other pests.
- Bees or pigeons kept with written permission from and maintained in accordance with the regulations of the division of public health are exempt from the provisions of this chapter. Rank plant growth.
- Overgrown, uncontrolled vegetation, shrubs, trees, vines that are conducive to the accumulation of refuse, debris or the harborage of vermin.

Minneapolis Market Gardening Ordinance

Market Gardens

The following section contains zoning information related to market gardens.

City Definition

Market garden. An establishment where food or ornamental crops are grown on the ground, on a rooftop or inside a building, to be sold or donated.

Where can market gardens operate?

Type of Market Garden	Permitted Use	Conditional Use	Prohibited Use
Planting area ≤ 10,000 square feet	Residential: R1, R1A, R2, R2B, R3, R4, R5, R6 Office Residence: OR1, OR2, OR3 Commercial: C1, C2, C3A, C3S, C4 Downtown: B4, B4S, B4C, B4N		Industrial: I1, I2, I3
Planting area > 10,000 square feet	Office Residence: OR2, OR3 Commercial: C1, C2, C3A, C3S, C4 Downtown: B4, B4S, B4C, B4N	Residential: R1, R1A, R2, R2B, R3, R4, R5, R6 Office Residence: OR1	Industrial: I1, I2, I3

Development Standards for Market Gardens

- In the Residence and OR1 districts:
 - Mechanized equipment similar in scale to that designed for household use shall be permitted. Use of larger mechanized farm equipment is generally prohibited; provided, however, that during the initial preparation of the land heavy equipment may be used to prepare the land between 7:00 a.m. and 7:00 p.m.
 - Accessory retail sales are subject to the development standards for farmstands specified in Chapter 537, Accessory Uses and Structures.
 - No more than two (2) vehicles shall be parked on-site, excluding those parked within an enclosed structure.
 - Shipment and delivery of products or supplies shall be limited to between 7:00 a.m. and 7:00 p.m. and shall regularly occur only in single rear axle straight trucks or smaller vehicles normally used to serve residential neighborhoods.
 - Overhead lighting shall be prohibited.
- In the C3A and downtown zoning districts market gardens shall be limited to rooftops or indoor operations unless accessory to a principal use located on the same zoning lot.
- Any equipment or supplies needed for garden operations shall be enclosed or otherwise screened from the street and any adjacent residential uses.
- The use shall not be located in a required interior side yard.
- Keeping of animals is prohibited.
- Outdoor growing associated with a market garden shall be exempt from the enclosed building requirements of the zoning ordinance.

Other relevant Minneapolis Ordinances

* 535.40. - Enclosed building requirement.

(a) *In general.* All production, processing, storage, sales, display or other business activity shall be conducted within a completely enclosed building, except as otherwise provided in this zoning ordinance.

536.20 Specific development standards.

Nursery or greenhouse. In the residence districts, nurseries and greenhouses shall be subject to the following:

- (1) Only plant materials grown on the premises shall be sold on the premises.
- (2) The retail sales area shall not exceed twenty (20) percent of the gross floor area of the use, including inside loading areas, mechanical and work areas and inside growing areas.
- (3) The use shall be screened from residential uses, as provided in Chapter 530, Site Plan Review.

537.110 Allowed accessory uses and structures

Hoop houses or other structures used solely to extend the growing season for food or ornamental crops. Hoop houses or other structures used solely to extend the growing season for food or ornamental crops shall be allowed as an accessory use subject to the applicable district regulations and subject to the following: . . .

Farmstand. Farmstands shall be allowed accessory to a community garden, market garden or urban farm, subject to the following:

- (1) The farmstand shall only sell products of the farm or garden occupied and cultivated by the same producer within the City of Minneapolis.
- (2) The farmstand shall not exceed a duration of seventy-five (75) days in one (1) calendar year.
- (3) Sales shall be limited to between 7:00 a.m. and sunset.
- (4) Farmstands must be removed from the premises or stored inside a structure when not in operation.
- (5) Only one (1) farmstand is permitted per zoning lot.
- (6) One (1) sign may be displayed during the growing season but must be removed from the premises or stored inside a structure at other times of the year. The growing season is considered to be the months of April through October.

Market Gardening Follow-Ups

Compiled by Dawn Gaetke March, 2021

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Introduction

The Planning Commission met on November 17, 2020 to discuss zoning amendment request 20-33ZA, a request to allow market gardening in residential areas. During that meeting certain Commissioners requested more information. This document, authored by the petitioner, Dawn Gaetke, seeks to answer outstanding questions and provide the additional information. Please see the Refresher section below to recall the exact text of the amendment. The recorded discussion may be [viewed here](#).

Market gardening in other suburbs and cities

Commissioners Kramer and Maggi requested details of how other suburbs or cities handle market gardening regulations.

A methodical search of the ordinances of all metro area cities revealed only one other high-population suburb that expressly defines market gardening activities-Maplewood. Maplewood is in Ramsey County. *(High population was defined as a population greater than 10,000. Maplewood’s population is 41,738.)* While many other Dakota County suburbs allowed chicken or beekeeping, none has of yet allowed commercial sales of produce from residential zones.

We do have the models of St. Paul, Minneapolis, and Maplewood to follow.

An element-by-element comparison of their codes is provided separately.

A few other suburbs are worth mentioning here, though no other suburb expressly defines and allows market gardening the way Maplewood does.

Shoreview, Ramsey County- Section 205.020(D) defines Residential Districts as “(1) Residential Estate District (RE), (2) Detached Residential District (R1), (3) Attached Residential District (R2), (4) Multiple Dwelling Residential District (R3), (5) Mobile Home Residential District (R4)”. Later in the code, Section

205.080 (B)(9) states "Within each of the Residential Districts, the following activities are permitted: the sale of produce with the consent of the property owner". That very simple statement stands alone with no definition of market gardening or parameters around the sales. It could be argued that market gardening is allowed in Shoreview.

North St. Paul, Ramsey County- Zoning code in section 154 defines community garden as "Any parcel of land, utilizing either individual or shared lots on private or public land. The land may produce fruit, vegetables, and/or ornamentals." The code section is silent as to sales. Per Table 3, Retail sales of a Seasonal Business are allowed as interim uses in all residential districts, but seasonal business is not defined within the zoning code. Perhaps one could argue that market gardening sales are allowed, but it is not expressly authorized in the code.

White Bear Township, Ramsey County-Section 6-4 of Zoning chapter allows agriculture in suburban residential but not medium residential zones. Agriculture is defined in 7-12 including 7-12.6 as "Agricultural operations may include accessory uses necessary to treat, store, or PRODUCE RETAIL FARM MARKET PRODUCTS provided, however, that such accessory uses shall be clearly incidental and secondary to the agricultural operation". Perhaps one could argue that market gardening is allowed on larger lots in a very select residential zone, but this does not contemplate the more liberal usage Inver Grove Heights is contemplating.

Blaine, Anoka County- Section 17.42.020 permitted uses in the planned residential district are garden and plant nurseries, raising of crops and livestock, agriculture including animal husbandry, horticulture, viticulture, floriculture, silviculture, and beekeeping. The code is silent as to retail sales of the goods resulting from these activities. Perhaps one could argue Blaine allows market gardening because retail sales are an assumed part of agriculture. Again, the activity is not called out as such in their code.

Coon Rapids, Anoka County-one could perhaps piece together a justification of allowing market gardening. Section 5-1505 states "persons selling or peddling products of the farm or garden occupied and cultivated by themselves shall not be required to obtain a license". Section 11.304.2 provides that home occupation requires (f) Nothing is discernible to surrounding properties indicating that a home occupation is being conducted except for a sign as permitted by Section 11-1203, a garden, or one motor vehicle whose nature or signage indicates it is used in the business. There is no outdoor storage or display of equipment, merchandise or materials used in the home occupation. Section 11.601.8 states that home-based retail sales are allowed at a max of 6 separate and distinct sales events in a year.

Anoka, Anoka County-Section 78.213 "Raising of crops, including community gardens, is permitted on vacant parcels within the city with certain performance conditions". *This certainly sounds like urban agriculture/market gardening, except that the code is silent as to sales from the vacant lot.* Section 78-237(8) does allow food preparation for sale, when registered with the department of agriculture under the cottage food exemption in M.S.A. § 28A.152.

Plymouth, Hennepin County-Section 21344.09 "Interim Uses for RSF-1 Single family (minimum lot area 18,500 sq. feet) Subd. 1. Agriculture, nurseries, greenhouses for growing only, landscape gardening and tree farms, including sales of only those products grown on the premises". Residential zones with smaller minimum lot areas are not allowed interim agricultural uses. Perhaps one could argue that market gardening is allowed on larger lots in a very select residential zone, but this does not contemplate the more liberal usage Inver Grove Heights is contemplating.

Garage Sale Frequency Ordinance

Commissioner Kramer raised the question of garage sale frequency during the discussion.

Pursuant to City Ordinance 5-9-4, a dwelling unit may have up to 4 garage sale events per calendar year plus participate in city sanctioned garage sale events. Garage sales shall be conducted so as not to obstruct or interfere with pedestrian or vehicular traffic.

How other cities handle the commercial sales aspect of market gardens

Commissioner Maggi requested an enumeration other cities' regulation of sales.

Please see comparison chart.

Relevant health and food safety regulations

Commissioner Robertson and others requested this information around licensing and state guidelines.

The Minnesota Food Code requires all food sold or served to the public must be from an "approved source." Produce growers are an approved source for fresh, raw fruits and vegetables without the need for additional inspection or licensing. Food facilities are allowed to buy directly from the grower. In fact, there's a growing trend for food facilities to buy directly from farmers and farmers' markets and for food shelves to receive donated products directly from the farm.

Growers are an approved source when selling their own whole produce including produce with "limited processing" defined as sorting, trimming (includes husking corn) and washing. (Minnesota Statutes 28A.15 and MN Constitution Article 13, Section 7).

Source: "A Guide to Regulations for Local Food Entrepreneurs", Minnesota Institute for Sustainable Agriculture, 2015

Pickle Bill a/k/a the Cottage Food Law

Commissioner Weber and others expressed interest in learning more about the Pickle Bill.

The Cottage Food Law is not directly applicable to the market gardening amendment being considered. The market gardening amendment being considered does not anticipate that residents will be selling canned or baked goods from their residences directly. The amendment being considered anticipates sales of fresh produce only.

However, it is worthwhile to be familiar with the Cottage Food Law because the law demonstrates the state's pro-local-producer stance. State law allows individual citizens to sell non-potentially hazardous foods (baked, canned, or pickled) without a license. The sellers must register with the Minnesota Department of Agriculture, pay a \$50 fee, take an online training course, label the foods with seller's name, address, and disclaimer of non-inspection, and deliver the food directly to the ultimate consumer. Sales can occur from a private home, farmer's market, community event, or the internet. Sales must be kept below \$18,000 per year.

[Cottage Food Law Guidance | Minnesota Department of Agriculture \(state.mn.us\)](https://www.state.mn.us/ag/cottagefoodlaw/)

Other state support

The Minnesota Food Charter, which is a statewide program that seeks to bring access to healthy, safe, and affordable food to everyone in the state, encourages the changing of local zoning laws to increase local access to fresh produce.

[Minnesota Food Charter](#)

The infographic is titled 'STRATEGIES' and is divided into two main sections: 'PLACES AND OPTIONS' and 'CLIMATE AND ENVIRONMENT'. The 'PLACES AND OPTIONS' section contains 12 strategies, with the 10th strategy, 'Change zoning policies to encourage more small-scale food production in communities', highlighted with a red border. The 'CLIMATE AND ENVIRONMENT' section contains 2 strategies.

STRATEGIES

PLACES AND OPTIONS

- Provide support (such as tax breaks or incentives) to stores, restaurants, and other places that serve and sell food to limit the number of unhealthy options and improve the availability of affordable, healthy foods, including foods familiar to people of many ethnicities.
- Develop policies and incentives that encourage food retailers (such as corner and convenience stores), restaurants, concessions, and vending machines, to offer a greater number of healthy options and reduce the number of less healthy options.
- Establish policies and incentives that limit the availability of unhealthy foods and increase the availability of healthy foods served in schools, childcare centers, group homes, and hospitals.
- Serve a larger and wider variety of healthy items, and substantially reduce or eliminate unhealthy options at institutions.
- Create healthy food guidelines and establish contracts based on these guidelines that determine what types of food vendors and foodservices provide at institutions, organizations, and events that serve the public.
- Manufacture a wider variety of healthy products sold by food industry, including those that use crops raised on nearby family farms.
- Enact staple foods ordinances at state, county, or municipal levels to ensure corner stores and other small markets stock a greater variety and amount of healthy foods.
- Offer native communities more nutritious, culturally familiar foods as part of USDA commodity program.
- Increase the amount of healthy foods, decrease the amount of unhealthy foods, and provide a greater variety of healthy foods that are culturally familiar to customers distributed by food banks and food shelves.
- Increase resources available to hunger relief programs for obtaining and storing healthy foods, including food grown by nearby farmers and foods familiar to customers' cultures.
- Permit hunger relief programs to choose to accept or redistribute food supplied by food banks, in order to meet healthy food guidelines established by food shelves.
- Educate employers and mothers about state and federal statutes that support break time for nursing and expressing breast milk in the workplace.
- Launch and sustain employer-supported, high quality lactation support programs for employees.
- Provide nursing mothers with clean, accessible, safe, comfortable, private spaces to breastfeed their children or pump breast milk.
- Sell foods raised and harvested by tribal members (including traditional foods) and foods grown at nearby family farms at farmers' markets located in or near tribal communities.
- Offer affordably priced native products, such as wild rice, bison, and other traditional foods, at tribally owned facilities that sell and serve food, including casinos, meals programs, and stores.
- Strengthen community food assets, including community gardens, seed banks, community kitchens, and community-supported agriculture farms.
- Provide a wider variety of food sources in communities with few options for healthy food, such as farmers' markets, mobile markets, or community-supported agriculture delivery sites.
- Change zoning policies to encourage more small-scale food production in communities.**
- Distribute unused crops grown by Minnesota farmers for processing into other products or sell surplus produce to buyers through programs that target both institutions and individuals.

CLIMATE AND ENVIRONMENT

- Increase support for research to understand the source, transmission, prevention, and treatment of tickborne diseases, and their effect on people who hunt, fish, forage, garden, and gather wild food.
- Increase capacity of farmers to use season extension, season moderation, and food crop preservation technologies (such as high tunnels or community root cellars) to grow, preserve, and store healthy food, including financial and informational resources.

MINNESOTA FOOD CHARTER | p13

Creative approaches that overcome traffic and home occupation obstacles

Commissioners Challeen and Niemojja expressed a desire to think creatively around the idea of market gardens in Inver Grove Heights. Below are two creative approaches.

Since the market gardening survey indicated strong support for market gardening within the city, perhaps creative approaches are not required. These approaches were documented before the survey results were tabulated.

1) Allow market garden sales only on Wednesdays

This idea would help foster a sense of community identity. Eventually most residents would know that in Inver Grove Heights, Sundays are Farmer's Market days and Wednesdays are Market Garden days. The increased interactions between neighborhood sellers and buyers would create and enhance relationships between community members. This approach would also minimize worries about increased traffic and help set market gardens apart from home occupations.

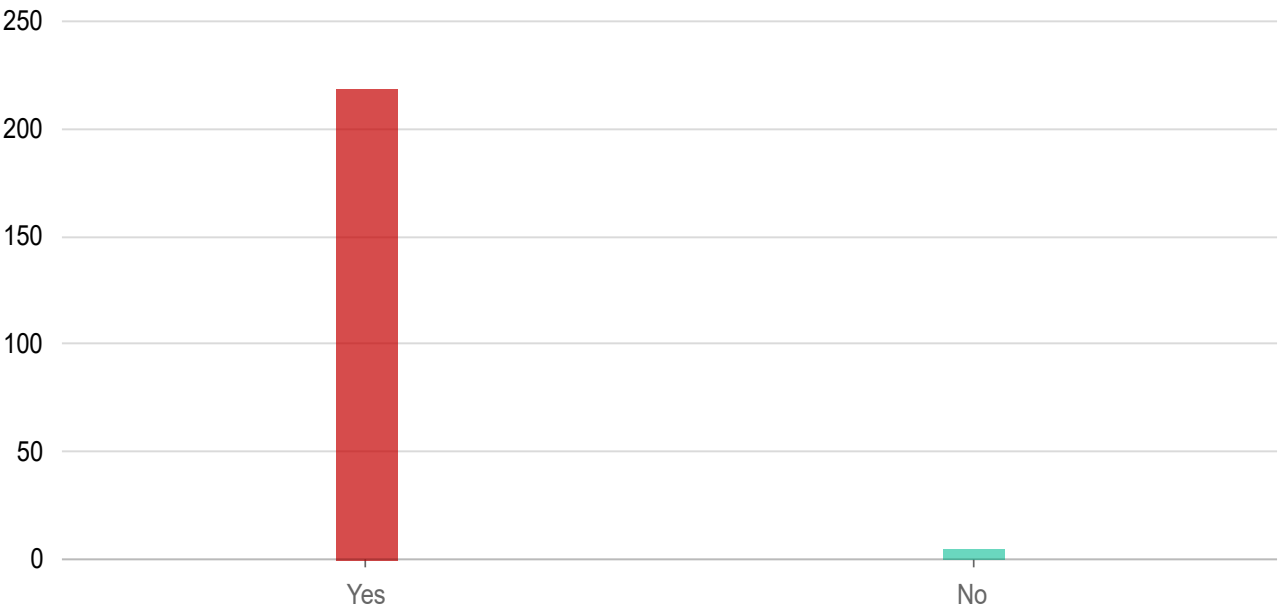
2) Introduce market gardening as part of a city-wide program to increase public health

This idea is fairly involved. The idea is to increase citizen health by increasing fresh produce intake and physical activity. Citizens would earn reward points for walking or biking to market gardens, community gardens, the farmer's market, or various city park destinations. The rewards could then be redeemed for discounts on park and rec fees. The emphasis on walking to the market garden sellers would, hopefully, decrease traffic. Connecting the market gardens to a health initiative should distinguish market gardens from other home occupations.

As part of either of these suggestions, the city could require that sellers purchase a regulation "Market Garden Here" lawn sign from the city. This could help allay any concerns about sign aesthetics.

Produce/Goods Home Sales

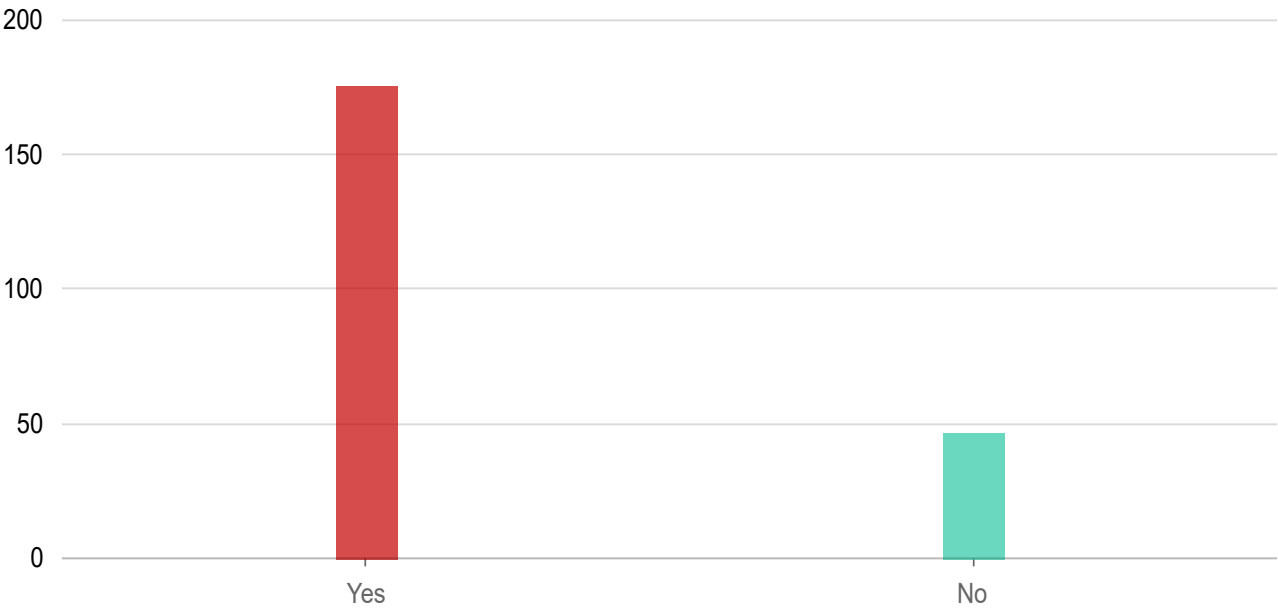
Are you a resident of IGH?



Answers	Count	Percentage
Yes	219	97.77%
No	5	2.23%

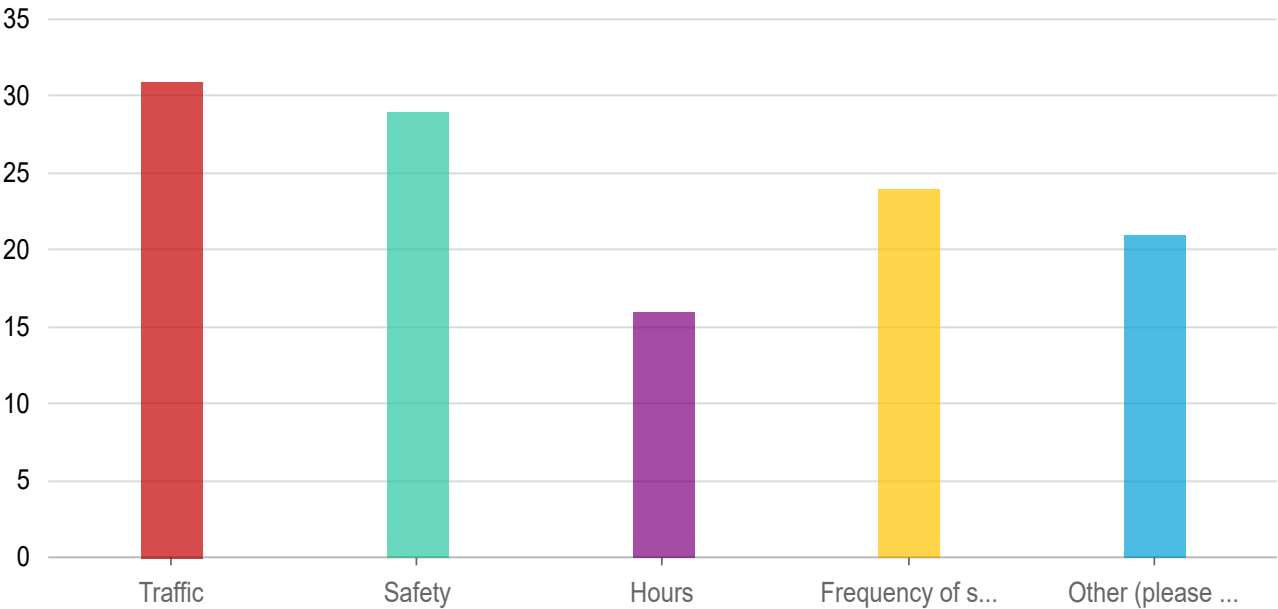
Answered: 224 Skipped: 0

Should property owners be able to sell the produce they grow themselves out of their home or garage?



Answered: 223 Skipped: 1

If no, what are your concerns?



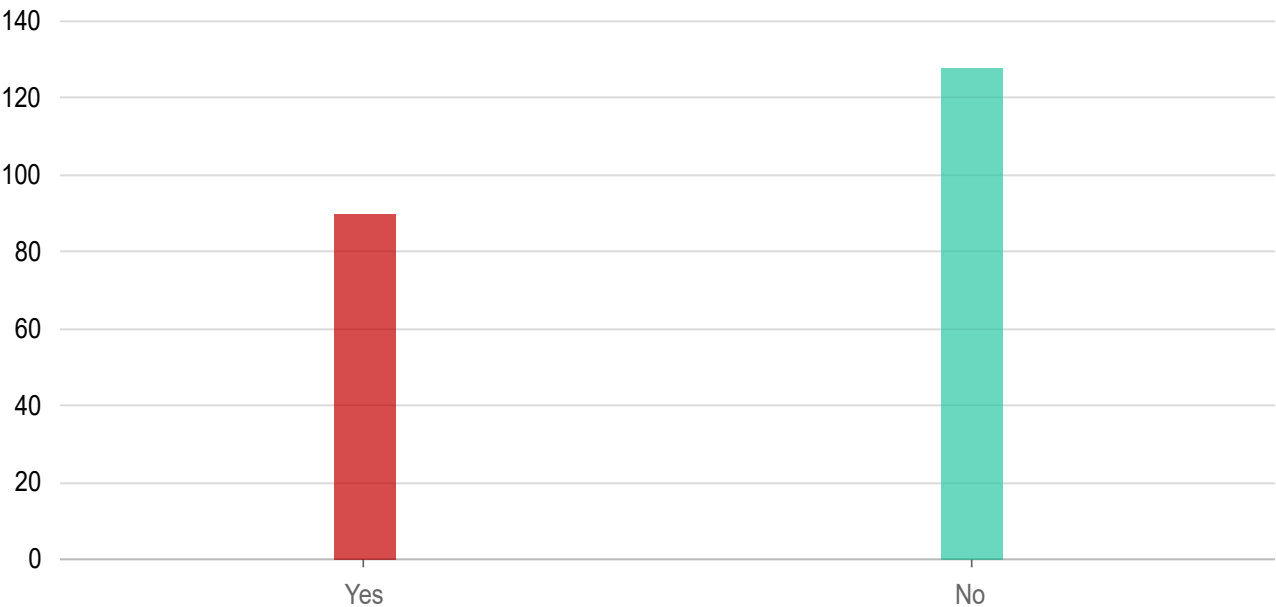
2/17/2021

Produce/Goods Home Sales

Traffic	31	13.84%
Safety	29	12.95%
Hours	16	7.14%
Frequency of sales	24	10.71%
Other (please specify)	21	9.38%

Answered: 46 Skipped: 178

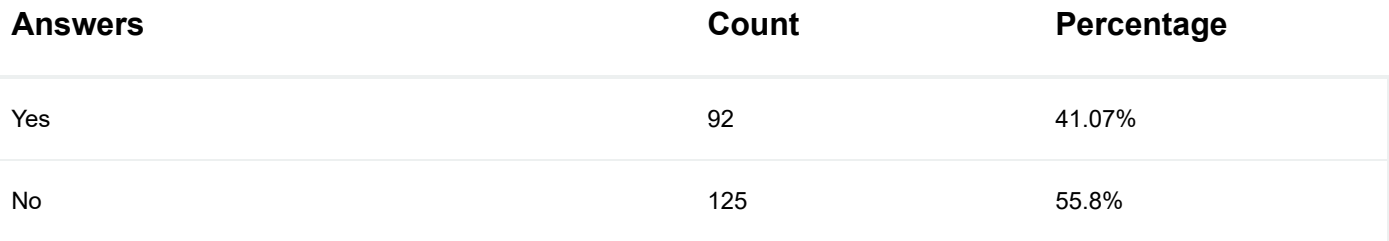
Should the city require a license for a market garden, including selling crops?



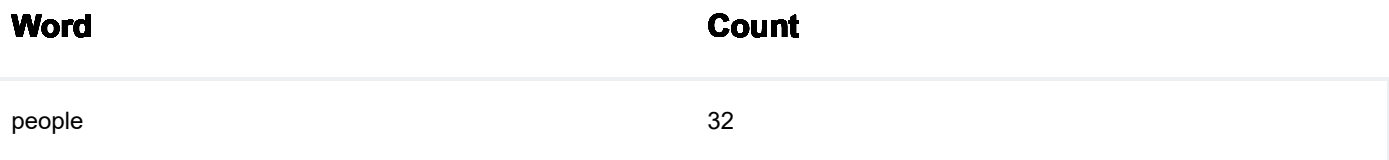
Answers	Count	Percentage
Yes	90	40.18%
No	128	57.14%

Answered: 218 Skipped: 6

Should there be neighbor notification so that residents can provide comments at a City Council meetin...



Please leave additional comments:



market	28
sell	25
Food	20
produce	17
neighbors	15
Small	15
great	13
farmers	12
selling	11
gardens	11
community	11
Make	10
city	10
fresh	9
license	8
love	8
home	8
garden	8
local	8
extra	8
Allowing	8
It's	8
grown	7

licensing	7
give	7
grow	7
Sales	7
allowed	7
good	7
growing	6
impact	6
IGH	6
idea	6
safety	6
farmer's	5
nice	5
&	5
change	5
support	5
business	5
produce.	5
garage	5
fee	5
free	5
huge	5
long	5

traffic	5
Residents	5
community.	5
it.	5
house	4
neighbors.	4
healthy	4
markets	4
issue	4
Gardeners	4
items	4
person	4
excess	4
live	4
don't	4
vegetables	4
day	4
Residential	4
homes	4
parking	4
front	4
public	4
Cost	4

LOT	4
backyard	4
buy	4
stop	4
no.	4
garden.	4
veggies	3
required	3
sellers	3
current	3
policy	3
eggs	3
prepared	3
plant	3
money	3
issues.	3
goods	3
Cottage	3
rules	3
Farms	3
benefit	3
corn	3
income	3

regulations	3
minimal	3
entire	3
yard	3
set	3
crops	3
yards	3
Property	3
guidelines	3
deal	3
home.	3
neighbor	3
encourage	3
growers	3
Side	3
resident	3
time	3
road	3
location	3
table	3
BIG	3
tent	3
garage.	3

fine	3
stand	3
idea!	3
additional	3
areas	3
street	3
organic	3
regulated	3
3	2
500	2
work	2
COVID	2
thing	2
walk	2
running	2
Cub	2
buying	2
provide	2
mention	2
coming	2
crafters	2
including	2
foods	2

grows	2
caused	2
unnecessary	2
crop	2
young	2
family	2
Move	2
existing	2
law	2
permit	2
canned	2
include	2
vegetable	2
larger	2
lots	2
children	2
summer	2
expense	2
restrictions	2
business.	2
businesses	2
smaller	2
this.	2

simply	2
vegetables.	2
fruit	2
amount	2
leave	2
access	2
input.	2
surrounding	2
week	2
vendors	2
million	2
order	2
prevent	2
streets	2
customers	2
comments	2
providing	2
questions	2
agree	2
specific	2
hours	2
room	2
lic.	2

week.	2
sells	2
friendly	2
depends	2
size	2
south	2
sale.	2
silly	2
times	2
this!	2
charge	2
fill	2
follow	2
concerned	2
neighborhood	2
increase	2
gardens.	2
daughter	2
year	2
property.	2
option	2
families	2
ability	2

won't	2
pandemic	2
chemicals	2
put	2
Neighborhoods	2
share	2
building	2
days	2
zucchini	2
random	2
tomatoes.	2
wonderful	2
vendors.	2
issue.	2
sounds	2
limit	2
limited	2
"no	2
require	2
notification	2
driveway	2
gardening	2
years	2

gardener	2
issues	2
utilize	2
bad	2
idea.	2
open	2
purpose	2
folks	2
city.	2
knew	2
environment	2
nominal	2
dangerous	2
insecticides	2
requires	2
2	1
200	1
price	1
stores	1
community!	1
couple	1
dinner	1
Aldi	1

United	1
States.	1
notification:	1
inappropriate	1
situation	1
opportunity	1
educate	1
courtesy	1
issue?	1
citizens	1
eat	1
summer.	1
available.	1
regular	1
customer.	1
from?	1
eggs.	1
that?	1
included.	1
masks	1
etc?	1
too.	1
egg	1

rolls	1
tortillas....	1
added	1
category/	1
enhanced	1
level.	1
dispose	1
wish.	1
accidentally	1
to.	1
regulation.	1
Adding	1
bureaucratic	1
mess.	1
happens.	1
criminals	1
bumper	1
tomatoes	1
them?	1
raise	1
times.	1
try!	1
expect	1

owner	1
made	1
clarify	1
permit.	1
advised.	1
homegrown	1
goodness!	1
homes.	1
survey	1
presumes	1
approved.	1
contamination?	1
collects	1
taxes?	1
nuisance?	1
poultry	1
meat?	1
Premises	1
liability?	1
apply	1
properties	1
acre.	1
hobby	1

acre	1
stands	1
Rich	1
Valley	1
II.	1
regulated.	1
contribute	1
curtail	1
interests.	1
worth	1
purchase	1
from.	1
fasted	1
segment	1
doesn't	1
Reward	1
bridge	1
financial	1
gaps	1
ahead	1
passion	1
gardening.	1
favor	1

of.	1
then.	1
MN	1
towns.	1
ours?	1
moldy	1
flies.	1
Target	1
walmart	1
all.	1
rely	1
Eagan	1
Grove	1
closed.	1
vegetables!!	1
Monday.	1
carry	1
dollar	1
liability	1
sell.	1
bringing	1
truckload	1
sweet	1

week?	1
ears	1
plant.	1
corn.	1
amendment	1
suited	1
small-scale	1
commerce	1
narrow	1
private	1
sides.	1
tend	1
ignore	1
(observed	1
sales)	1
purchasing	1
inside	1
makes	1
sence.	1
sale	1
displayed	1
driveway.	1
mandatory.	1

thinks	1
digging	1
acceptable.	1
chemical	1
worry	1
this?	1
forum.	1
ASSUMING	1
moot	1
point.	1
space	1
foot	1
traffic.	1
anyway.	1
afraid	1
talk	1
10-15	1
yrs.	1
step	1
again.	1
comments.	1
helpful.	1
residential!!	1

volume!	1
stuff	1
impact.	1
main	1
area	1
plants	1
high	1
volume	1
neighborhood.	1
cultivation	1
question	1
license-	1
answer	1
form	1
out.	1
appreciated.	1
Permission	1
adjacent	1
owners	1
required.	1
lucky	1
St	1
Paul	1

businesses.	1
held	1
similar	1
farmers.	1
logical	1
progression	1
exception	1
standing	1
is.	1
fan.	1
following.	1
noise	1
quality	1
food.	1
weekend.	1
easier	1
notifications	1
\$10	1
fee.	1
fear	1
backyards	1
"eyesores"	1
rampant	1

vegetation	1
extensive	1
fertilizers	1
pesticides	1
boundaries.	1
garden;	1
on-site	1
sizes	1
calendar	1
scope	1
(April	1
November?).	1
management	1
topography	1
watering	1
water	1
run-off	1
nearby	1
yards?	1
wanted	1
law.	1
start	1
answers	1

depending	1
seasonal	1
round	1
Products	1
sound	1
enhance	1
health	1
nurture	1
entrepreneurs.	1
potentially	1
entrepreneurs	1
disadvantaged	1
trying.	1
it!!	1
Let's	1
local!!	1
live.	1
please.	1
ensures	1
processes.	1
post	1
list	1
active	1

sellers/locations	1
website.	1
forward	1
options.	1
happen	1
ordinances.	1
Buisness	1
home.....	1
hmmmm	1
ANYONE??	1
working	1
garden??	1
local!	1
excited	1
consideration	1
IGH!!	1
economy	1
government	1
encouraging	1
production	1
alternate	1
ways	1
gain	1

income.	1
pop	1
veggies.	1
Sunday	1
micro-market	1
develop	1
governmental	1
oversight.	1
important	1
facing?	1
devastated	1
biz	1
destroyed	1
jobs	1
permanently.	1
focusing	1
creating	1
permits/	1
fees	1
buckle	1
dining	1
focus	1
delivering	1

essentials	1
government:	1
police	1
fire	1
sewer	1
water.	1
Stay	1
rest.	1
hard	1
sources	1
country	1
world.	1
decide	1
add	1
proved	1
exemptions	1
18.	1
kids	1
save	1
college.	1
correctly	1
manicured	1
lawn.	1

grasses	1
kill	1
weeds.	1
flower	1
eliminate	1
chemicals.	1
helps	1
pollinators.	1
market.	1
home/garage.	1
gesture.	1
turn	1
block	1
combine	1
corner	1
contributing	1
rotate	1
shifts	1
"check-out"	1
fantastic	1
resilient	1
hearing	1
approval	1

...	1
operation	1
means	1
restrict	1
number	1
operations.	1
monster	1
some.	1
continue	1
doorsteps	1
unsuspecting	1
millions	1
things	1
into.	1
mutant	1
zucchini	1
landing	1
inspecting	1
homeowners.	1
monsters.	1
I'm	1
market?	1
needed	1

shop	1
these!	1
understand	1
tax	1
code	1
vote	1
repeat	1
individual	1
line	1
town	1
feel.	1
breed	1
type	1
spirit	1
strive	1
for.	1
self-sufficient.	1
plan	1
selling.	1
managed	1
disruption	1
area.	1
#	1

year"	1
x\$	1
year."	1
luck	1
figuring	1
(maybe	1
exceeds	1
limits.	1
Doubt	1
large	1
disruptive	1
situations.)	1
part	1
someone's	1
concern	1
likewise	1
walking	1
earn	1
connecting	1
possibility.	1
purpose.	1
ago	1
long-standing	1

vegetable-sales	1
Highway	1
55th	1
street.	1
there.	1
visited	1
regularly.	1
great!	1
struggling	1
financially	1
terrific	1
opportunity.	1
tended	1
maintained	1
care	1
pollinators	1
environment.	1
trial	1
run	1
works.	1
strangers	1
house.	1
shade	1

homeowners	1
respectful	1
shouldn't	1
season	1
neighbors'	1
productively	1
feel	1
culturally	1
enrich	1
appreciable	1
nuisance	1
significant	1
activity	1
warrant	1
requirements.	1
personally	1
opens	1
worms	1
with.	1
rural	1
"farm"	1
profit.	1
ALSO-the	1

strict	1
now!	1
assure	1
aren't	1
unsafe	1
products?	1
parking.	1
busy	1
70th	1
fellow	1
Wisconsin	1
dense	1
housing	1
prefer	1
equal	1
hope	1
un-manned	1
honor-pay	1
model.	1
details.	1
collect	1
track	1
case	1

complaints	1
establish	1
kind	1
confirm	1
yes.	1
abundance	1
wasting	1
disposing	1
drive	1
appeals	1
me.	1
bonus	1
community!!	1
	1
requiring	1
costs	1
guess	1
totally	1
not.	1
sprayed	1
blow	1
trust	1
upset	1

surface	1
abuse	1
compete	1
w/farmers	1
and/or	1
legitimate	1
away-----	1
sufficiency	1
involved.	1
happen.	1
needed.	1
agricultural	1
product	1
included	1
chickens	1
firewood	1
etc.	1
scarcity	1
reasonable	1
help.	1
do.	1
close	1
destination	1

win	1
big!	1
lawns!	1
priceless	1
locally	1
benefits	1
Gardener.	1
insecurity	1
expected	1
establishing	1
disruptions	1
occur	1
system.	1
red	1
tape	1
involvement	1
Freedom	1
forms.	1
back	1
dawn	1
civilization.	1
easy.	1
accessible	1

anyone.	1
ever.	1
Remember	1
empty	1
shelves	1
2020?	1
impossible	1
get;	1
gap	1
crops.	1
connections	1
choices	1
locally.	1
Opening	1
fully	1
it!!!	1
enterprise	1
voting	1
power	1
process	1
accompanying	1
education	1
safe	1

practices	1
appropriate.	1
hands	1
people.	1
Farm	1
sourcing	1
trend.	1
recognize	1
embrace	1
license.	1
rid	1
surplus	1
waste.	1
unregulated.	1
challenging	1
industries.	1
uncontrolled	1
risk	1
health.	1
encouraged	1
shut	1
trusted	1
dozen	1

box	1
site	1
buyer	1
conditions	1
originated.	1
NO!!	1
Inver	1
Grove!	1
plots	1
small.	1
Sq	1
Ft	1
profitable!!	1
of:	1
seeds	1
fertilizer	1
cut	1
profits.	1
Damage	1
rabbits	1
deer	1
birds	1
theft	1

reduce	1
saleable	1
crop!	1
leftover	1
wind	1
waste	1
storm	1
sewer.	1
intent	1
winds	1
unsightly	1
weed	1
patch.	1
break	1
code...	1
yards.	1
beneficial	1
licenses	1
livelihood	1
neighborhoods.	1
sold	1
park	1
facility.	1

sort	1
door	1
Variance	1
feet	1
Lines	1
voted	1
on.	1
single	1
"Market	1
Garden"	1
monitored	1
buyers	1
find	1
driving	1
item	1
purchase!	1
playing.	1
society	1
ideas	1
devices	1
products.	1
variant	1
socialism.	1

Answered: 101 Skipped: 123



PLANNING REPORT

CASE NO.: 21-24ZA

APPLICANT: City of Inver Grove Heights – accessory structures

REQUEST: A zoning code amendment to Accessory Structure sections in the city code

HEARING DATE: April 20, 2021

REVIEWING DIVISIONS: Planning

PREPARED BY: Heather Botten
Associate Planner

BACKGROUND

Over the last few months, the Commission has seen a couple different variances relating to accessory structures. At the April 5, 2021 City Council worksession, Council directed staff to move forward with a possible ordinance amendment relating to the maximum size of accessory structures allowed on lots 2.5 – 5 acres in size that are zoned A or E-1.

Currently, accessory structure requirements are addressed in section 10-15-18, Accessory Structures and in the bulk standard sections of the residential zoning districts. In short, the zoning codes has the following requirements for the maximum size of detached accessory structures:

- Lots zoned E-2, R-1, and R-2 are allowed one detached structure up to 1,000 gross square feet.
- Lots zoned A and E-1 are allowed the following:
 - Lots less than 2.5 acres are allowed one detached structure up to 1,000 gross square feet.
 - Lots 2.5 acres or greater, but less than 5 acres are allowed one detached structure up to 1,600 gross square feet.
 - Lots greater than 5 acres in size would be allowed two detached accessory buildings up to 2,400 gross square feet.

EVALUATION OF THE REQUEST

By suggestion of the Planning Commission and by Council direction it has been suggested that lots in the 2.5 – 5 acre range be allowed a larger than 1,600 square foot structure if they are closer to the 5 acre lot sizing. One way to do this would be by a ratio system rather than a range system. The maximum detached accessory structure size allowed in the city is 2,400 gross square feet, this is for a lot zoned A or E-1 and is 5 acres or greater in size. If we take the 2,400 square foot max and divide by 5 acres that equals 480 square feet an acre.

$$2,400 \text{ max size} / 5 \text{ acres} = 480 \text{ square feet an acre}$$

Using this rational to determine the maximum size allowed for a detached accessory structure, if someone had a 4.1 acre lot, they would be allowed an accessory structure up to 1,968 square feet in size (4.1 x 480). This ratio system would benefit lot owners that had a lot 3.3 – 5 acres in size. Lots less than 3.3 acres in size would benefit more from the existing ordinance (3.3 x 480 = 1,584 square feet).

PROPOSED ORDINANCE LANGUAGE

10-15-18 ACCESSORY STRUCTURES

C. On lots of 2.5 acres or more, but less than ~~five (5) 3.3~~ acres in size, which are located in an A or E-1 zoning district, detached accessory structures to single-family residential uses shall not exceed a gross floor area of one thousand six hundred (1,600) square feet. On lots 3.3 acres in size up to five (5) acres in size, which are located in an A or E-1 zoning district, detached accessory structures to single-family residential uses shall determine a maximum size by taking the lot size and multiplying by 480 square feet. The gross floor area figure may exclude any usable attic space or loft space. The total number of all detached accessory structures on lots of 2.5 acres or more, but less than five (5) acres in size in the A or E-1 zoning district, shall be limited to one.

*The bulk standard sections in the zoning code would also be amended accordingly.

ALTERNATIVES

The Planning Commission has the following actions available for the proposed request:

- A. Approval.** If the Planning Commission finds the proposed amendment language to be acceptable, the Commission could recommend approval of the ordinance change or amend the proposed language.
- B. Denial.** If the Planning Commission does not find it necessary to modify the existing language, the Commission could recommend denial of the proposed ordinance amendment.

RECOMMENDATION

Staff supports an ordinance change.

Attachments: Section 10-15-18 Accessory Structures

10-15-18: ACCESSORY STRUCTURES:

A. Each detached accessory structure to single-family residential uses in all E-2, R-1 and R-2 zoning districts shall not exceed a total maximum gross floor area of one thousand (1,000) square feet. The gross floor area figure may exclude any usable attic space or loft space. The total number of all detached accessory structures on lots in the E-2, R-1 and R-2 zoning districts shall be limited to one. (Ord. 1209, 4-26-2010)

B. On lots of five (5) acres or more in size, which are located in an A or E-1 zoning district, detached accessory structures to single-family residential uses shall not exceed a gross floor area of two thousand four hundred (2,400) square feet. The gross floor area figure may exclude any usable attic space or loft space. The total number of all detached accessory structures on lots of five (5) acres or more in size in the A or E-1 zoning district shall be limited to two (2).

C. On lots of 2.5 acres or more, but less than five (5) acres in size, which are located in an A or E-1 zoning district, detached accessory structures to single-family residential uses shall not exceed a gross floor area of one thousand six hundred (1,600) square feet. The gross floor area figure may exclude any usable attic space or loft space. The total number of all detached accessory structures on lots of 2.5 acres or more, but less than five (5) acres in size in the A or E-1 zoning district, shall be limited to one.

D. On lots of less than 2.5 acres in size, which are located in an A or E-1 zoning district, detached accessory structures to single-family residential uses shall not exceed a gross floor area of one thousand (1,000) square feet. The gross floor area figure may exclude any usable attic space or loft space. The total number of all detached accessory structures on lots of less than 2.5 acres in size in the A or E-1 zoning district shall be limited to one.

E. In all residential zoning districts (R, E and A) there shall be a minimum space of six feet (6') between the principal and accessory structure unless attached, and a minimum space of six feet (6') between all other accessory structures.

F. Detached accessory structures in the A and E-1 zoning districts that exceed a gross floor area of one thousand (1,000) square feet must maintain a fifty foot (50') minimum setback from all property lines.

G. In no zoning district may an accessory structure be constructed on a lot prior to the construction of the lot's principal structure.

H. Exceptions to the requirements contained in this section relating to accessory structures are as follows:

1. Accessory structures to single-family residential uses in all A, E and R zoning districts with gross floor areas of one hundred twenty (120) square feet or less;

2. Accessory structures to principal agricultural uses (i.e., farms, ranches, stables, greenhouses, nurseries, and uses deemed similar by the city council) in the A and E-1 zoning districts. (Ord. 1181, 9-8-2008)

**Staff Report**

TITLE: Discussion on Ordinance Amending Inver Grove Heights City Code, Title 5, Chapter 4 Animal Control, Adding Section 5-4-X Related to the Harboring and Keeping of Goats for Prescribed Grazing by Permit

Meeting Date:	April 20, 2021
Contact:	Ally Sutherland, 651-604-8511
Prepared by:	Ally Sutherland
Reviewed by:	Allan Hunting

PURPOSE/ACTION REQUESTED

Inform Planning Commission of goat grazing technique for invasive species control and present draft ordinance allowing temporary use of a limited number of goats for invasive and noxious vegetation control by permit. Staff seeks comments and a recommendation from Planning Commission on the following parameters: minimum lot size, neighbor notification process and electric fencing.

BACKGROUND

On February 1, 2021, City Council directed staff to research and develop a proposed draft ordinance. Staff has researched ordinance language and has provided a draft ordinance with recommended parameters for 5-4-X: Harboring and Keeping of Goats for Prescribed Grazing by Permit.

In recent years staff have received occasional residential inquiries regarding the use of goats for buckthorn management. Prescribed grazing with goats is a popular tool being used nationally to manage buckthorn and other invasive and noxious vegetation. Common and glossy buckthorn is an invasive species that poses land management challenges in areas of Inver Grove Heights such as yards, parks, and natural spaces. An invasive species is an organism that establishes in an area it is not native to, which can cause great economic and environmental harm due to having no natural method of control. Buckthorn infestations form dense growth in these areas that outcompete and destroy native vegetation such as tree and shrub species and therefore habitat for native insects, birds and mammals. Because growth of invasive species is uninhibited, it is up to the humans to manually manage the spread of the invasive species.

Benefits of using goats to control invasive vegetation include they typically are more time and cost effective than conventional removal methods, they reduce use of pesticides, and they easily address areas of challenging geography such as steep slopes. However, it is also known that annual treatment of invasive species such as buckthorn is required to limit establishment of new seedlings, which may include annual use of goats, herbicide, and mechanical treatment.

CURRENT CITY CODE

Goats are currently defined as farm animals by zoning code. Per 10-5-7A2, goats are allowed only in Agricultural and E-1 zoning districts.

ORDINANCE RESEARCH

Government agencies such as Dakota County and cities such as Minneapolis, St. Paul, Burnsville, Lakeville, Minnetonka and more have utilized goats for buckthorn management on public land. Other cities such as Eagan, Burnsville, Mahtomedi, Cottage Grove, Bloomington and Maplewood have developed ordinances that allow the temporary keeping of goats for prescriptive grazing by permit. Staff have researched optional ordinance parameters by comparing other municipal ordinances, contacting goat rental companies, DNR, League of Minnesota Cities and other land management advisory organizations. A matrix comparing ordinance parameters is attached.

RECOMMENDATION

Staff believes there would be value to homeowners and the city in providing an ordinance that allows the temporary use of goats for invasive species control by permit. Staff has included recommended parameters in the attached draft ordinance. Staff seeks comments and a recommendation from Planning Commission on the following parameters:

- Minimum lot size
- Neighbor notification process
- Electric fencing

This is an amendment to City Code Title 5 and not the Zoning Code, therefore the Planning Commission will not be reviewing the Ordinance again through a public hearing process. Staff will incorporate the Planning Commission's recommendation received at the April 20, 2021 Planning Commission meeting into the draft ordinance for it to be reviewed by the City Council during the first reading of the ordinance amendment. Draft ordinance is still pending city attorney's office review.

ATTACHMENTS

Draft Ordinance
Matrix of Ordinance Parameters

CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY, MINNESOTA

ORDINANCE NO. _____

AN ORDINANCE AMENDING INVER GROVE HEIGHTS CITY CODE, TITLE 5, CHAPTER 4
RELATED TO ANIMAL CONTROL

THE CITY COUNCIL OF THE CITY OF INVER GROVE HEIGHTS ORDAINS AS
FOLLOWS:

Section One. Amendment. Section 5-4-1 of the Inver Grove Heights City Code is hereby amended to include the following definitions:

"Goat" means an animal in the subspecies of *Capra aegagrus hircus*.

"Grazing" means goats eating vegetation.

"Prescribed Grazing" means the temporary use of goats as a landscape management technique to control the growth of invasive and noxious vegetation at a specific location and for a defined length of time. For the purpose of this definition, goats used for prescribed grazing are not considered pets or farm animals.

"Prescribed Grazing Permit" means a permit issued that allows prescribed grazing within City limits

Section Two. Amendment. Section 5-4-X of the Inver Grove Heights City Code is hereby amended to include the following language:

5-4-X: HARBORING AND KEEPING OF GOATS FOR PRESCRIBED GRAZING BY PERMIT

1. *Purpose.* The purpose of this this Section is to establish conditions under which the temporary and periodic use of a limited number of goats for invasive and noxious vegetation control is permitted and to establish the requirements for doing so in order to protect the environment and the health, safety, and welfare of the general population.
2. *Prescribed Goat Grazing Permit Required.* Except in E-1 and A Zoning Districts, no goat may be kept, maintained or harbored on property in any other zoning district unless a goat grazing permit is approved and issued. A permit may be granted only for:
 - a. A parcel or lot of record that is 0.5 acres or more in size; or
 - b. A prescribed grazing area located on more than one parcel or lot provided the grazing areas on each parcel/lot are contiguous and an aggregate of 0.5 acres or more in size.
3. *Application for Permit.* The applicant must submit the following information for the request to be considered.
 - a. An applicant shall complete an application form provided by the City and filed with the City Clerk. The applicant shall also pay the application fee for

the permit which shall be established by the City fee schedule. Permit fees shall not be prorated or refundable.

- b. A detailed site plan of the premises on which prescribed grazing is sought to occur, including the location and the dimensions of the proposed grazing area, a list of the vegetation existing on the site and sought to be controlled by the prescribed grazing.
 - c. The full name and address of the following persons:
 - (a) The applicant; and
 - (b) The owner(s) of the premises on which prescribed goat grazing is sought to occur and for which the permit would apply;
 - d. The street address of the premises on which prescribed grazing is sought to occur and for which the permit would apply.
 - e. The number of goats to be kept on the premises under the permit, not to exceed one (1) goat per every one-tenth (0.10) acre of the prescribed grazing area.
 - f. A list of person(s) managing and monitoring the goats, including their full name, address, and 24-hour contact information accompanied by evidence of liability insurance as required by this Section.
 - g. The type of fencing to be used for the required enclosure.
 - h. Date the temporary fence will be installed.
 - i. Date the goats will arrive on the premises for which the permit would apply.
 - j. The latest date the goats will be removed from the premises for which the permit would apply.
 - k. A statement certifying whether the property's homeowners' association rules, if any, prohibit the keeping of goats on the property for which the permit is sought.
 - l. The signature of the owner(s) of the premises where the prescribed grazing will occur.
 - m. Any other and further information as the City deems necessary.
4. *Granting or Denying Issuance of Permit.* The City Clerk may grant a permit under this Section provided the application filed demonstrates compliance with the requirements of this section. The City Clerk shall deny a permit hereunder for any of the following reasons:
- a. The application is incomplete or contains false, fraudulent or deceptive statements.
 - b. The applicant does not or has not complied with one or more of the provisions of this Section.
 - c. The premises for which the permit is sought, including, but not limited to, the proposed grazing area, is not in compliance with any provisions of this subdivision, other City Code provisions or state laws relating to zoning, health, fire, building or safety.
 - d. The applicant or owner of the premises where the prescribed grazing is to occur has been previously convicted of a violation under this Section within the past two (2) years.
 - e. The owner of the goats has violated any provision hereunder, or on more than two prior occasions, the owner's goats have been found running at large.

5. *Duration of permit.* The duration of a permit under this section shall be as follows:
 - a. Prescribed grazing shall not be permitted for more than thirty (30) consecutive days. No more than two (2) prescribed grazing permits may be issued within one (1) calendar year for the same property. There shall be a minimum of thirty (30) days between the expiration of the first permit issued and the second permit issued in a twelve (12) month period.
6. *Conditions of Permit.* The keeping of goats is permitted pursuant to a permit granted under this Section, subject to the following conditions:
 - a. *Transferability of permit.* A permit issued hereunder shall be nontransferable and shall be solely for the property listed on the permit.
 - b. *Liability insurance.* The owner of the goat(s) to be utilized under the permit shall have and maintain insurance coverage for claims arising from prescribed grazing in the amount of \$1,000,000 per occurrence and \$2,000,000 general aggregate and shall provide to the City proof of the required insurance coverage prior to issuance of the permit. The City shall have no liability for any damages that may be caused by goats kept on a property pursuant to a prescribed grazing permit. The permit holder shall be responsible for any damage caused by goats used for prescribed grazing purposes.
 - c. *Monitoring:* Goat owner must have staff available to respond to any emergency complaints or concerns at all times of day or night. Applicant will furnish an emergency contact number when applying for permit.
 - d. *Right of Entry for Inspection.* The premises for which a permit is issued shall, at all reasonable times, be open to inspection by the city staff determine compliance with the permit, other City Code provisions and state laws relating to zoning, health, fire, building or safety.
 - e. *Number of goats permitted.* No more than two (2) goats per every one-tenth (0.10) acre of the prescribed grazing area shall be on the premises at one time under the permit.
 - f. *Proper enclosures.* The prescribed grazing area shall be fully and securely enclosed with proper enclosures, and fully maintained for the duration of the prescribed grazing permit, as required and provided herein. Fencing must be designed to prevent escape by goats and to protect the goats from the intrusion of other predatory animals. All sides of the enclosure(s) shall be of sufficient height and the bottom of the enclosures shall be constructed or secured in a manner as to prevent the goats from escaping over or under the enclosure(s). The prescribed grazing activity shall be fully and properly enclosed at all times. It is unlawful and a violation of the permit for any goat to be allowed to run at large during the duration of this permit. An enclosure shall meet the following requirements:
 - (a) Permanent enclosures. Fences and structures constructed to enclose prescribed grazing goats, but intended to remain at the expiration of the prescribed grazing activity, shall comply with the regulations for the zoning district in which the prescribed grazing is located and shall be permitted separately from the prescribed grazing activity.

(b) Temporary enclosures.

1. Temporary fencing and structures for the sole purpose of enclosing prescribed grazing goats shall be allowed for the duration of the prescribed grazing. All temporary fencing or structures shall be removed within seven (7) days of the removal of the goats from the premises as required under the permit.
2. Temporary fences must be no more than seven (7) feet tall.
3. Temporary fences shall not be located in the regular front yard as defined in section XXX.
4. Temporary fences may be electric or electrified as specified in the approved prescribed grazing permit. Where electric fences are used, a double fence system with a non-electric outer fence, maintained a minimum of three (3) feet from the electric fence, is required to serve as a safety barrier to reduce the possibility of the public coming in contact with the electric fence. If an existing natural barrier or permanent structure exist as to prevent contact with or serve as a barrier to the electric fence, then the second outer fence may not be required for the applicable segment of fencing.
5. The outer fence may be allowed up to the property line of the premises on which the permit applies, and shall not be located within any public or private right-of-way.

g. *Signage*: The permit holder shall install and maintain signs on the premises for the duration of the permit as follows:

- (a) Signs required for duration of permit.
- (b) A sign shall be located on each side of the enclosed area and visible to the public.
- (c) The signs must contain emergency contact information of the owner of the goat(s).
- (d) The signs shall be setback a minimum of ten (10) feet from property line if freestanding, or placed on the enclosure fence.
- (e) All signs shall be removed when goats are removed from the premises.
- (f) Any electric or electrified fence in association with prescribed grazing must have a warning sign posted on every boundary of the enclosure at least every fifty (50) feet along each side of the fence. The warning sign shall clearly identify the electric fence. No single sign shall exceed four (4) square feet in area. Each sign shall be clearly visible on the approach to the fence and be posted on or within one (1) foot of the electric or electrified fence.

h. *Shelter*: No temporary shelters allowed.

i. *Herd Specifics*: Only females, neutered male goats or unneutered male goats less than six months old that accompany female goats are allowed.

j. *Odor and Cleanliness*: The property must be maintained in a clean, sanitary condition so as to be free from offensive odors, fly breeding, dust, and general nuisance conditions. A plan to dispose of goat manure in a safe and adequate manner with removal of waste within 24 hours.

- k. *Noise*: It shall be unlawful for any person to keep or harbor a goat which habitually bleats. Habitual bleating is defined as bleating for repeated intervals of at least five (5) minutes with less than one (1) minute of interruption. The bleating must also be audible off of the owner's or caretaker's premises.
 - l. *Natural resources protection*. Prescribed grazing shall not adversely affect significant natural resources. Prescribed grazing activities shall comply with the following:
 - (a) Prescribed grazing activities shall comply with the best management practices established by the Minnesota Department of Agriculture, the Minnesota Department of Natural Resources, Dakota County Soil and Water Conservation District, and all other pertinent agencies.
 - (b) Prescribed grazing activities shall not impair water quality as defined by the Federal Clean Water Act.
 - (c) Threatened or endangered plant species shall not be negatively impacted by prescribed grazing activities.
 - (d) Prescribed grazing must comply with shoreland and wetland regulations set forth elsewhere in the City Code
 - m. *Conservation easements*. If the proposed prescribed grazing area is within a conservation easement, all requirements of the conservation easement must be met. If the terms of the conservation easements do not allow prescribed grazing, then the permit will be denied.
7. *Feeding and care of goats*. All supplemental feed for the goats shall be securely stored in water-tight and vermin-proof containers. All goats on the premises shall have daily access to fresh drinking water (not from nearby lakes, ponds, etc.). All goats used under the permit shall receive proper veterinary treatment and regular deworming. In the event that a prescribed grazing goat becomes ill, hurt, or perishes, the permit holder and the owner of the goat is responsible for immediate on-site care or removal of the goat from the property.
8. *Violation and Penalties*. If a violation of the terms of this Section or the prescribed goat grazing permit is found, the City shall give written notice thereof to the permit holder. If the violation is not remedied within ten (10) days of the date of the notice, a misdemeanor citation may be issued and/or the prescribed goat grazing permit may be revoked following notice and a hearing before the City Council. The City Clerk may summarily revoke a permit if a permit holder's goat(s) have been found running at large on two (2) or more occurrences within the term of the permit.

Parameter Matrix - Haboring and Keeping of Goats for Prescribed Grazing By Permit
4/20/2021

	Burnsville	Eagan	Hastings	Cottage Grove	Maplewood	Faribault	Mahtomedi	Bloomington
Goat Webpage	https://burnsvillemn.gov/1956/Goat-Grazing	https://www.cityofeagan.com/goats	N/A	https://www.cottagegrovemn.gov/271/Vegetation-Management#:~:text=The%20City%20of%20Cottage%20Grove,issuance%20of%20such%20a%20permit	https://maplewoodmn.gov/1818/Urban-Agriculture	N/A	N/A	N/A
Ordinance	https://codebook.amlegal.com/codes/burnsvillemn/latest/burnsville_mn/0-0-0-3142	https://library.municode.com/mn/eagan/codes/code_of_ordinances?nodeId=CICO_CH10PUPRCROF_S10.12ANFOEETRTRHO	https://www.hastingsmn.gov/home/showpublisheddocument?id=9301	https://mn-cottagegrove.civicplus.com/DocumentCenter/View/540/Ordinance-Number-1014-PDF	https://maplewoodmn.gov/DocumentCenter/View/20636/980-ORD---Goat-Sheep-PDF?bidid=	https://library.municode.com/mn/faribault/codes/code_of_ordinances?nodeId=COOR-APXBUNDERE-CHGERE_ART3PRNAFE_S6-165PRGRNOINVE-PDF?bidid=	https://www.ci.mahtomedi.mn.us/DocumentCenter/View/1174/2020-02-Ordinance-Amending-City-Code-To-Permit-Goat-Grazing-9302020-PDF?bidid=	https://codebook.amlegal.com/codes/bloomington/latest/bloomington_mn/0-0-0-97242
City Code Section	Title 6 (police regulations) > 6-2-21. EXCEPTIONS.	Chapter 10 (public protection, crimes and offenses) > Sec. 10.12. - Animals and food— Keeping, transporting, treatment, housing.	City charter) City Ordinances, Title VII. (General Regulations) > Chapter 91 Animals	Title 5 Police Regulation > 5.4.14 (TEMPORARY KEEPING OF GOATS FOR VEGETATION MANAGEMENT.)	Chapter 10 (Animals) - Article X Goats and Sheep	Appendix B - Unified Development Regulations, Chapter 6 (General Regulations) Sec. 6-165. Prescribed grazing of noxious and invasive vegetation.	Chapter 3 (Animals) - 3.13 3.13 HARBORING AND KEEPING OF GOATS FOR PRESCRIBED GRAZING BY PERMIT.	Chapter 14 (licenses & permits)
Policy	https://burnsvillemn.gov/DocumentCenter/View/19748/Prescribed-Grazing-For-Land-Management-Policy?bidid=	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Permit Application	Contractor Permit - No URL. Saved copy available	https://www.cityofeagan.com/images/City Clerk/Licenses/Prescriptive%20Grazing%20Permit%20Application.pdf	Not online - need to request	https://mn-cottagegrove.civicplus.com/DocumentCenter/View/539/Temporary-Keeping-of-Goats-for-Vegetation-Management-Application-PDF	https://maplewoodmn.gov/DocumentCenter/View/23340/GoatSheep-Permit-PDF?bidid=	N/A	https://www.ci.mahtomedi.mn.us/DocumentCenter/View/1187/2021-Goat-Grazing-License-Application-Form-PDF?bidid=	https://www.bloomingtonmn.gov/sites/default/files/Commercial%20Animal%20Establishment%20License%20App.pdf
Title	Use of Prescribed Grazing for Land Management	Prescriptive Grazing Regulations: Harboring and keeping of goats—For prescribed grazing by permit.	Temporary Keeping of Goats For Control of Invasive Species and Other Weed Control Purposes	Temporary Keeping of Goats for Vegetation Management	An Ordinance Allowing the Temporary Keeping of Goats and Sheep	Prescribed grazing of noxious and invasive vegetation.	Harboring and keeping of goats for prescribed grazing by permit	Health and Welfare Regulations
Purpose/Allowed Use	Grazing of controlling significant invasive, noxious or unwanted vegetation.	Prescribed grazing shall mean the use of goats as a landscape management technique to control the growth of undesirable vegetation, including noxious weeds and invasive plant or trees at a specific location for a defined length of time.	temporary and periodic use of limited number of goats for invasive species and other weed control	permit the temporary keeping of goats brought in for the purpose of vegetation management where vegetation, which may include non native, invasive or noxious species cannot be otherwise reasonably removed using conventional methods.	to permit the keeping and maintenance of goats and sheep brought in temporarily for the purpose of vegetation management. This section amends the Maplewood Zoning Code to allow the temporary keeping of goats and sheep in the Small-Lot Single-Dwelling & Rural Conservation Dwelling zoning district.	specified period and for the express purpose of controlling invasive and/or noxious vegetation.	temporary and periodic use of a limited number of goats for invasive species and other weed control is permitted and to establish the requirements for doing so in order to protect the health, safety, and welfare of the general population. only allowed where vegetation, which may include non-native, invasive or noxious species, cannot otherwise be reasonably removed using conventional mechanical methods, such as buckthorn.	Is allowed only where vegetation, which may include non-native, invasive or noxious species, cannot otherwise be reasonably removed using conventional mechanical methods. Must be managed under a written plan indicating the pre-grazing plant species inventory, the targeted species for control and frequency of monitoring for evaluating management goals.
Fee		\$0 Initial license: \$50. Renewal: \$25	\$50 (grazing permit)	\$50/year (grazing permit)	\$75 (grazing permit)	\$25 (General Zoning Compliance Certificate)	\$50	\$193 annual, \$96 Temp
Lot Size	parcel, lot or contiguous area of 0.5 acres or greater	parcel, lot or contiguous area of 0.5 acres or greater	At least 1.5 acres	Not specified	Not specified	No minimum	parcel, lot or contiguous area of 0.5 acres or greater	Is not allowed on sites less than one acre in size.
Zoning Districts	Not specified	Not specified	A – Agriculture, I -1 Industrial Park, and PI – Public Institution Zoning Districts only	allowed in all zoning districts and is not subject to the regulations in Zoning Ordinance	allowed in all zoning districts for vegetation management with a permit	Prescribed grazing shall be limited to properties that are primarily used for public, semi-public, or institutional uses, such as parks, trails, public or private schools & other lots at the discretion of the city planner if contiguous with allowed properties	Not specified	Not specified
Approval process (application, site plan review, and proof of licensed contractor)	Annual permit required for the contractor.	Property owner applies for the permit. Detailed site plan required	Property owner applies for the permit. Detailed site plan required. Initial inspection by city required.	Property owner applies for the permit. Detailed site plan required.	The Officer shall grant a permit for the temporary keeping of goats or sheep after the property owner has obtained the written consent of at least 60 percent of the property owners of privately or publicly owned real estate that are located adjacent (i.e., sharing property lines) on the outer boundaries of the premises for which the permit is being requested, or in the alternative, proof that the applicant's property lines are one hundred fifty (150) feet or more from any house or business.	Permit required. No information specified.	Property owner applies for the permit. Detailed site plan required. Initial City staff inspection required	Requires an annual or temporary commercial animal license.
Number of goats/herd size	Max of 2 goats per every 1/10 acres of enclosed grazing area	Max of 2 goats per every 1/10 acres of enclosed grazing area	The number of goats allowed per permit shall be determined based on the size of the area where goats will be kept.	Up to four goats on parcels that are 10,000 square feet in area or less, with one additional goat per every 1,000 square feet of lot area over 10,000 square feet.	Up to four (4) goats or sheep on parcels that are ten thousand (10,000) square feet in area or less, with one (1) additional goat or sheep per every one thousand (1,000) square feet of lot area over ten thousand (10,000) square feet, to a maximum of seventy-five (75) goats or sheep per parcel.	Not specified	Max of 2 goats per every 1/10 acres of enclosed grazing area	Herd size must not exceed one goat per every one-tenth acre of the designated enclosure area.

Parameter Matrix - Haboring and Keeping of Goats for Prescribed Grazing By Permit
4/20/2021

	Burnsville	Eagan	Hastings	Cottage Grove	Maplewood	Faribault	Mahtomedi	Bloomington
Duration of Permit	Max of 2 times per year Max of 30 days per event with 30 days inbetween events.	under 2 acres: max 30 days. 2 times per year. Min 60 days between events. 2 acres or more: at the discretion of city staff. Permits not granted Dec - March	up to 30 days. Two permits per year.	Up to 30 consecutive days or 60 days in any 12-month period	No property owner or person shall store on a property goats or sheep for more than sixty (60) days in any twelve (12) month period	under 2 acres: max 30 days. 2 times per year. Min 60 days between events. 2 acres or more: at the discretion of city staff	under 2 acres: max 30 days. 2 times per year. Min 60 days between events. 2 acres or more: at the discretion of city staff	Is allowed for no more than 30 consecutive days per location on a site. A minimum of 30 days must pass before goats may graze the same location. Is not allowed December through March.
Goat breed/Herd specifics	Females, neutered males or unneutered males less than 6 months allowed	unneutered males over 6 months prohibited	Not specified	Must include in application. Only females allowed	Must include in application. Only females allowed	Neutering: Male goats used for prescribed grazing must be neutered. Male goats less than six (6)months of age that accompany an adult female goat shall be exempt from the neuteringrequirement.	Females, neutered males or unneutered males less than 6 months allowed	Must utilize only neutered male goats, unneutered male goats less than six months of age that accompany female goats, and female goats.
Liability insurance (& on city property)	Contractor must have proof of Natural Resources Department public liability insurance, covering all operations for the sum of at least \$2,000,000 against liability for bodily injuries to one person from the accident, \$2,000,000 for the injury of two or more persons, and for at least \$2,000,000 against liability for damage or destruction of property.	Contractor must have proof of insurance coverage for claims arising from prescribed grazing activity in the amount of \$1,000,000.00 per occurrence and \$2,000,000.00 general aggregate and shall provide to the city proof of coverage prior to the issuance of the permit.	The City shall have no liability for any damage that may be caused by goats kept on a property pursuant to this section. Property owners and permittees under this section shall be jointly and severally liable	List of person(s) managing and monitoring the goats has proof of liability insurance in the amount of at least \$1,000,000 per occurrence.	Not specified	Proof of effective insurance policy or a copy thereof providing liability insurancecovering claims arising out of the prescribed grazing activity. No \$ specified.	The owner of the goat(s) to be utilized under the permit shall have and maintain insurance coverage for claims arising from prescribed grazing in the amount of \$1,000,000 per occurrence and \$2,000,000 general aggregate and shall provide to the City proof of the required insurance coverage prior to issuance of the permit. The City shall have no liability for any damages that may be caused by goats kept on a property pursuant to a prescribed grazing permit. The permit holder shall be responsible for any damage caused by goats used for prescribed grazing purposes.	Permit app: Attach a certificate of liability insurance of at least \$1,000,000 per occurrence for bodily injury
Natural Resource Protection	Comply with DNR, Federal Clean Water Act, Threatened Species, etc.	Comply with DNR, Federal Clean Water Act, Threatened Species, etc. City Code regulations	Not specified	Not specified	Grazing must follow the wetland ordinance.	Comply with DNR, Federal Clean Water Act, Threatened Species, etc.	Comply with DNR, Federal Clean Water Act, Threatened Species, etc. City Code regulations	Comply with DNR, Federal Clean Water Act, Threatened Species, etc.
Daily monitoring/ Enforcement	Not specified	Site open to inspection at all times. The permit holder under this subdivision must occupy the premises for which the permit is issued at all times that the permit is in effect and goats are present on the premises.	Site open to inspection at all times	Site open to inspection at all times	Site open to inspection at all times	Supervision: The prescribed gazing service must list on its grazing permit application contactinformation for the party responsible for promptly addressing issues associated with prescribedgrazing on the specified property. The responsible party shall be available to be contacted at allhours of the day and all days of the week.	Site open to inspection at all times. provide 24-hour contact telephone number of the person who owns the goats to be used for the prescribed grazing;	Not specified
Nuisance Control (odor, noise, etc)	Not specified	Not specified	The property must be maintained in a clean, sanitary condition so as to be free from offensive odors, fly breeding, dust, and general nuisance conditions. A plan to dispose of goat manure in a safe and adequate manner with removal of waste within 24 hours. Habitual Bleating. It shall unlawful for any person to keep or harbor a goat which habitually bleats. Habitual bleating is defined as bleating for repeated intervals of at least 5 minutes with less than 1 minute of interruption. The bleating must also be audible off of the owner's or caretaker's premises.	Goats shall not be kept in such a manner as to constitute a nuisance to the occupants of adjacent property.	All sites on which goats or sheep are kept or maintained shall be kept clean from filth, garbage, and any substances which attract rodents. The site shall be cleaned frequently enough to control odor. Manure shall not be allowed to accumulate in a way that causes an unsanitary condition or causes odors detectible on another property.	See goat care	clean from filth, garbage and any substances which attract rodents. The premises shall be cleaned frequently to control the odor. Manure shall not be allowed to accumulate in a way that causes an unsanitary condition or causes odors detectible on another property. Goats shall not be kept in such a manner as to constitute a nuisance to the occupants of adjacent property. prohibits harboring of a goat which habitually bleats. Habitual bleating is defined as bleating for repeated intervals of at least five (5) minutes with less than one (1) minute of interruption. The bleating must also be audible off of the premises for which the permit is issued.	Goats used for prescribed grazing must have animal wastes regularly removed from shelters if shelters are provided.

Parameter Matrix - Haboring and Keeping of Goats for Prescribed Grazing By Permit
4/20/2021

	Burnsville	Eagan	Hastings	Cottage Grove	Maplewood	Faribault	Mahtomedi	Bloomington
Enclosure area/Fencing Requirements	Fencing required. No front yard fencing. Comply with existing fence and screening codes. Energized fencing allowed. If energized fence is within 30 feet of other property, double fencing required.	Fencing required. No front yard fencing. Comply with existing fence and screening codes. Temporarily removed in 5 days of end date. Energized fencing allowed and double fencing is required.	The goats must be contained by an adequate containment fence at all times. If an electric fence is used it must display a warning that the fence is electric.	Fencing required. Temporary removed in 7 days of end date. Energized fence must have warning signs.	Fencing required.	Fencing required. No front yard fencing. Permanent must comply with existing fence and screening codes. Energize fencing allowed and double fencing may be required per city planner.	Fencing required. Comply with existing fence and screening codes. Temporarily removed in 5 days of end date. Energize fencing allowed and double fencing is required.	Goats used for prescribed grazing are required to be fenced using permanent or temporary fencing and may be provided a shelter from the weather within their fenced enclosure. Fencing is required and must be designed to prevent escape by goats and access by other animals. Temporary enclosure fencing must be removed within seven calendar days after the expiration of the license duration or the goats are removed, whichever occurs first.
Distance from property lines	See fencing.	Not specified	Goat containment fences shall be set back a minimum of 100 feet from any residence.	The goats may be moved to a separate holding pen at night, which shall be located at least 150 feet from all residential buildings.	The goats and sheep may be moved to a separate holding pen at night, which shall be located the maximum distance practicable from residences.	Not specified	The goat containment fences shall be set back a minimum of 30 feet from any residence other than the property owner's residence.	See shelter
Notification process	Apply 15 days in advance of work. Notify City within 10 days of work. Notify city the day of work.	Not specified	Not specified	Notice given to property owners within 150 feet of the grazing area. If, within 10 days of such notice, there are objections by 75% of the property owners in the notice area, then the permit must be approved by the Council.	See approval process	Not specified		Not specified
Signage	If visible to the public, notification sign required with emergency contact. Size specified.	Signs required for duration of permit	Not specified	Warning signs on electric fence	Not specified	Notification sign and warning sign for energized fence	Notification sign and warning sign for energized fence	11) Signs must not exceed four square feet in size and must be placed in conspicuous locations near the fenced enclosure, but not in any right-of-way areas. (12) Signs must warn the public to not enter the grazing enclosure and to not pet or feed the goats.
Goat Care/Animal Welfare	Not specified	Specifies feeding and care of goats	Not specified	Not specified	Not specified	Health: Prescribed grazing animals must receive proper veterinary treatment and regular deworming. In the event that a prescribed grazing animal becomes ill, hurt, or perishes, the owner of the prescribed grazing animal(s) must provide immediate on-site care or remove the animal(s) from the property promptly if immediate on-site care cannot be provided.	goats on the premises shall have daily access to fresh drinking water (not from nearby lakes, ponds, etc.). All goats used under the permit shall receive proper veterinary treatment and regular deworming. In the event that a goat becomes ill, hurt, or perishes, the permit holder and the owner of the goat is responsible for immediate on-site care or removal of the goat from the premises.	Supplemental feed held onsite must be securely stored to prevent becoming an attractant for vermin and other pests. Goats must be provided access to drinking water daily. The source of the water cannot be rivers, streams, lakes or ponds.
Shelters	Shelters, if provided, must follow all City structure and setback requirements.	Not specified	Not specified	Not specified	Not specified	Not specified	Not specified	Shelters, if provided, must: (A) Not be located in a front yard area, (B) Be less than 200 square feet, (C) Be less than seven feet in height, (D) Be set back a minimum of 100 feet from any lot used residentially and 150 feet from any dwelling on a neighboring lot, (E) Be designed for the use and built in a workmanship manner using approved materials, and (F) Be removed within seven calendar days of the expiration of the license duration or the goats are removed from the property, whichever occurs first.

Parameter Matrix - Haboring and Keeping of Goats for Prescribed Grazing By Permit
4/20/2021

	Burnsville	Eagan	Hastings	Cottage Grove	Maplewood	Faribault	Mahtomedi	Bloomington
Violations	If policy requirements or other City ordinances are not followed, contractor permits can be revoked by City staff.	The permit holder under this subdivision must occupy the premises for which the permit is issued at all times that the permit is in effect and goats are present on the premises.	Every person who violates a section or division of this chapter by performing an act thereby prohibited or declared unlawful, or by failing to do an act hereby required, or when the person fails to act when the failure is thereby prohibited or declared unlawful, shall upon conviction be punished as for a misdemeanor.	A violation of any provision of this ordinance or a condition of the permit shall be grounds for revocation of the permit by the city clerk.	(1) Any person violating this ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be punished in accordance with Section 1-15. (2) If any person is found guilty by a court for violation of this ordinance, their permit to temporarily keep goats or sheep shall be deemed automatically revoked and no new permit may be issued for a period of one (1) year. (3) Any person violating any conditions of this permit shall reimburse the city for all costs borne by the city to enforce the conditions of the permit including but not limited to the pickup and impounding of goats and sheep.	Not specified	If a violation of the terms of this Section or the prescribed goat grazing permit is found, the City shall give written notice thereof to the permit holder. If the violation is not remedied within ten (10) days of the date of the notice, a misdemeanor citation may be issued and/or the prescribed goat grazing permit may be revoked following notice and a hearing before the City Council. The City Clerk may summarily revoke a permit if a permit holder's Goat(s) have been found running at large on two (2) or more occurrences within the term of the permit.	