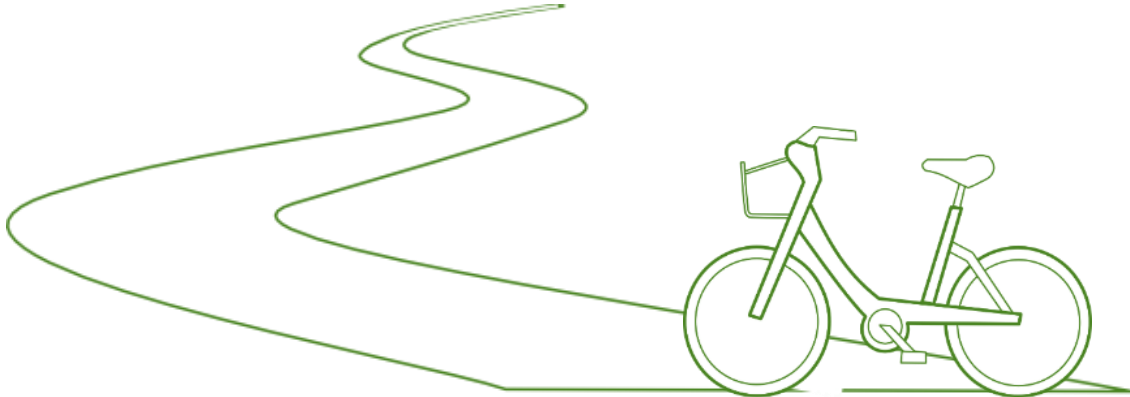




Opportunities for **Active Transportation** and **Healthy Eating**

Edina, Minnesota



Public Health Law Center

Bloomington Municipal Code provided by Municode

December 2017

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PROJECT OVERVIEW

Local policy initiatives play a pivotal role in promoting the health of a community, including supporting healthy eating and active transportation. A variety of policy options are available to create a viable transportation system that supports walking and bicycling and provide opportunities to eat healthier foods.

Purpose of this Resource

This policy brief focuses primarily on Edina’s municipal ordinances and planning documents that impact the local food system and opportunities to walk and bicycle. When appropriate, areas where state law may impact relevant activity at the local level are identified. This analysis can be read in whole or in part. Citations are included at the end of this document for further reference. The analysis divides the material into the following sections:

Food System Components

- Growing and Producing Food
- Processing Food
- Distributing Food
- Getting Food
- Making Food
- Surplus/Waste Management

Active Transportation Components

- Accessibility
- Built Environment
- Connectivity
- Modes and users
- Safety

This policy brief will discuss existing Edina ordinances and municipal plan language that may directly or indirectly impact healthy eating and walking and bicycling opportunities. Potential opportunities to improve healthy eating and walking and bicycling opportunities in Edina through the current comprehensive planning efforts and revisions to local ordinance are identified.

This resource is designed for local government policy makers, local public health advocates, and partners in efforts to increase healthy eating and active transportation in Edina. It describes a variety of policy options available to local governments to increase healthy eating and active transportation.

Research Process

The Public Health Law Center (PHLC) identified a list of relevant “search terms” in consultation with Bloomington Public Health and Edina city staff that describe activities or structures likely to impact both the elements of the food system and the active transportation system. (A list of those terms is included in Appendix C.) Researchers used the online edition of Edina’s municipal code, available publicly at:

https://library.municode.com/mn/edina/codes/code_of_ordinances. The preliminary key word searches were conducted in June 2017, so all results are current as of that date.

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

Appendices

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

- Appendix A: Reviewed Edina Plans and Policies
- Appendix B: Additional State and Regional Resources Reviewed
- Appendix C: Search Terms
- Appendix D: Chicken Ordinance Example – Bloomington
- Appendix E: Farmers’ Market Ordinance Example – Bloomington
- Appendix F: General Municipal Food System Resources
- Appendix G: Municipal Food Production Resources
- Appendix H: Minnesota Cottage Food Law
- Appendix I: Municipal Food Waste Management Resources
- Appendix J: Active Transportation Resources
- Appendix K: Sample Comprehensive Plan Language
- Appendix L: Smart Growth America Ranking Methodology

GENERAL MUNICIPAL ORDINANCE ISSUES

Most municipalities include a broad framework for understanding local ordinances to provide direction regarding how to approach activities or land uses that are not specifically defined or addressed in the ordinance. Some municipalities include a general restriction

within the zoning code indicating that if a particular land use or activity is not specifically allowed, then that land use or activity is prohibited while others do not include a general restriction, thereby allowing activities or land uses that are not specifically included in the ordinance. Each approach has strengths and weaknesses, and can support or detract from initiatives to increase healthy eating and active transportation, depending on the local context.

Including a general restriction and requiring activities or land uses to be specifically allowed provides clarity to community members and the local government regarding what activities and land uses are allowed. At the same time, municipalities that use a general restriction can inadvertently restrict or prohibit new or evolving healthy eating and active transportation activities with community initiatives that do not fit into the historical municipal ordinance definitions or land use patterns. For example, the location of local gardening efforts or farmers' markets in different zones of a city may be restricted based on zoning codes that do not reflect the current needs of a community.

Not providing a general restriction on unspecified activities or land uses can allow room for innovation and creative solutions to evolving issues facing the community. However, not providing clear language for new land uses and activities can be a deterrent if people are looking for guidance from the municipality, but only find vague language that is hard to interpret.

Edina Ordinances

The City of Edina includes a general restriction requiring uses associated with different zoning districts to be approved, as follows:

Zoning Chapter 36, Article I, [Sec. 36-9. - Interpretation.](#)

“The provisions of this chapter shall be the minimum requirements for the promotion of the public health, safety, morals and general welfare. It is not the intention of this chapter to interfere with, abrogate or annul any covenant or agreement between parties. Where this chapter imposes greater restrictions than any other applicable statute, ordinance, rule or regulation, this chapter shall control when and to the extent allowed by state law. Where any other applicable statute, ordinance, rule or regulation, including, without limitation, as to article X of this chapter, those of the Minnehaha Creek Watershed District and the Nine Mile Creek Watershed District, and the state department of natural resources, impose greater restrictions than this chapter, such other statute, ordinance, rule or regulation shall control. The section, subsection and paragraph headings are for reference only, and shall not be used to interpret, enlarge or detract from the provisions of this chapter. Any use not specifically allowed by this chapter in a district as a principal, accessory or conditional use, shall not be allowed or permitted in that district by implication, interpretation or other construction of, or meaning given to, the wording of this chapter.

(Code 1970; Code 1992, § 850.03(2))”

This type of restriction can impact healthy eating and active transportation efforts. For example, the city allows produce stands in both the Planned Unit Development District – 3 and the Planned Commercial District-1, however, [Sec. 36-618: Special Requirements](#), prohibits outdoor sales and tent sales in PCD Districts. A produce stand is an outdoor sale, typically conducted under a tent. The general restrictions outlined in Sec 36-9 make it unclear if a produce stand would be allowed since Sec. 36-618 prohibits these types of sales.

In addition, many municipal ordinances restrict a property from developing an accessory use or activity on a property before a principle use or structure is established. This type of restriction can impact the establishment of community gardens on vacant lots, especially if gardening activities are only recognized as an accessory use of property. Edina does not have any ordinances that address community gardens, which creates an opportunity moving forward for the city to consider how it wants to regulate this type of land use.

Use of Municipal Definitions

Local municipal ordinances often specifically define and approve certain activities in ways that can serve to promote healthy eating and active transportation. For example, definitions in municipal ordinances can provide direction to community members to support healthy eating and active transportation by defining the terms restaurant, community garden, complete streets, or traffic calming. At the same time, local ordinances may include terms that are not specifically defined or approved.

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

Some Edina ordinances reviewed included an activity that is either explicitly permitted or restricted, but no definition is provided for the term. For example, the City uses the term *Gallus gallus domesticus* in [Sec. 8-210. – Keeping of certain animals regulated](#), but that term is never defined. Also, there is some contradiction in regard to which districts allow

produce stands. [Section 36-613: accessory uses in PCD-1 Sub-District](#) allows produce stands as an accessory use, however, Planned Commercial Districts are addressed in [Ch. 36, Section 36-618: Special Requirements](#), which states that “(10) Outdoor sales, tent sales and trailer sales prohibited.” Produce stands tend to be outdoor and/or tent sales, but those terms are not defined, which creates some inconsistency on how they are regulated. In regard to active transportation, [Sec. 24-256. - Additional restrictions for programmed parks](#) prohibits bicycling in programmed parks, while “programmed parks” are not defined in the municipal code.

Delegated Authority - Municipal Government Oversight of Food System

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

At this time, the City of Edina has delegated authority from MDH but does not have delegated authority from MDA. Delegated authority from MDA includes the authority to license and inspect retail food handlers that are grocery or convenience stores.¹ Delegated authority from MDH generally covers a range of licensing, inspection, reporting and enforcement duties over food and beverage service establishments in the city.²

Minnesota statutes require local municipalities with delegated authority from MDA and MDH to adopt ordinance(s) consistent with the Minnesota Food Code. The local ordinance cannot be in conflict with Minnesota’s Food Code standards.

THE FOOD SYSTEM

The availability and accessibility of healthy food is shaped by activities occurring across all the stages of a community’s food system, from growing and raising produce, animals, and pollinators; to how food is processed or prepared for sale or distribution; to what food outlets are available and easy to get to; to how food surplus and food system waste is minimized or recycled. These activities are in turn influenced and shaped by local government laws and systems.³

Minnesotans seeking to improve access to healthy food across the state have developed a framework and policy agenda through the Minnesota Food Charter, discussed below, in an effort to create a consistent approach and understanding of different terms and components of the food system across the state. This memo builds off of the Minnesota Food Charter food system framework in evaluating the potential impact of Edina’s ordinances and policies in supporting a healthy and sustainable local food system.

The Minnesota Food Charter

The Minnesota Food Charter is described as:

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

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

The Food Charter is intended to guide planning, decision-making, and collaboration for agencies, organizations, policy-makers, and public and private entities across the state.”⁴

The Minnesota Food Charter provides strategies for policy, systems, and environmental changes to increase access to healthy food. The approach to the food system taken by the Minnesota Food Charter informs the analysis of Edina’s policies impacting different components of the food system. The Food Charter breaks the food system into seven parts: (1) grow, (2) process, (3) distribute, (4) get, (5) make, (6) eat, and (7) dispose.

The Center uses the broad categories of food production, processing, food accessibility/getting food, making food and food system waste management to frame each section of this memo.*

* This analysis does not include the category of “eating” as local governments do not regulate this area as directly as the other areas identified.



Grow/Produce

Growing and producing food includes the process of growing and harvesting fruits, vegetables, and other forms of produce by use of soil, hydroponic/aquaponics/aquaculture, or pasture mediums; and raising or keeping animals and insects for food production or pollination; whether for personal or commercial purposes in urban, suburban, or rural areas (e.g. backyard to large farms). This category includes protecting and providing access to resources needed to carry out this process, such as access to land and structures needed to support the production of food.

The review of Edina policies identified the following key food production areas impacted by Edina policies where there may be opportunities to enhance current municipal policies to strengthen these food production activities:

- Beekeeping
- Keeping Chickens and other Fowl
- Local Gardening
- Pollinators
- Growing Structures, and
- Season Extension Activities

Process

The function of turning fresh produce, honey, meat, fish, and other animal-related foods into forms ready for sale, including through restaurants (and other commercial settings), value-added processing that changes the physical form of the product (e.g., making berries into jam), and packaging.

Distribute

The process of transporting and delivering food to wholesale, retail, institutional, and other food access points (such as food shelves, food pantries or food banks). Includes the use of marketing strategies, such as labeling, pricing, placement, promotions, “sell-by” and similar dates, and other marketing techniques; and includes decisions about what types of food will be made available to the consumer, such as procurement decisions.

Get

Facilities, activities, practices, and systems that affect people's ability to obtain and consume healthy food through the sale, donation, or sharing of food. These activities can include those that affect:

1. The types of food access points available, including food stores of all varieties, restaurants, farmers' markets, feeding programs, food shelf/pantry or food bank locations. The accessibility of or to food access points, including density or number of outlets; accessibility by bicyclists and pedestrians; and proximity to transit routes and neighborhoods.
2. What foods are available within access points, including standards or practices that impact the nutritional quality, cultural relevance, value, attractiveness, and other factors relating to appeal and health.
3. The affordability of food, including the application of federal nutrition programs such as SNAP and WIC.⁵

Food Preparation

Baking, boiling, bottling, canning, cooking, and otherwise making food for private consumption, family gatherings, and other non-commercial purposes.

Food Surplus and Waste Management

The process of food recovery, including gleaning; this category also includes minimizing, composting, and recycling of food waste or surplus.

Minnesota State Laws Impacting the Food System

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

- Building construction standards,⁶
- Sale of personally grown, unprocessed agricultural products,⁷
- Licensing and inspection of food establishments,⁸
- Food safety standards,⁹
- Sale of products prepared in unlicensed kitchens,¹⁰ and
- Food sampling at farmers' markets and other community events.¹¹

While an in-depth discussion of state laws impacting the food system is beyond the scope of this project, this memo flags areas that may be impacted by state law when applicable.

Additional information on state laws impacting the local and regional food system can be obtained at:

- Preventing Foodborne Illness in Minnesota, Public Health Law Center (2016), <http://www.publichealthlawcenter.org/resources/preventing-foodborne-illness-minnesota>.
- Minnesota Healthy Eating and Active Living, The Public Health Law Center, <http://www.publichealthlawcenter.org/topics/healthy-eating/minnesota-healthy-eating-active-living>

Healthy Eating Policy Options for Minnesota Local Governments

For a general overview of ways in which local governments impact healthy eating in Minnesota, see:

- Healthy Eating Policy Options for Minnesota Local Governments (2017), <http://www.publichealthlawcenter.org/sites/default/files/resources/FGM-PolicyGuide-HealthyEating-2017.pdf>

HEALTHY EATING: EDINA ORDINANCES AND OPPORTUNITIES

The following discussion provides an overview of key components of the food system impacted by Edina ordinances, followed by a brief discussion of Minnesota state laws that may regulate this area, when appropriate. Specific Edina ordinances identified through this project are then identified and discussed. Opportunities for action are included, with examples provided when possible.

I. Food Production

A number of Edina ordinances impact the production of food in the city. Food production activities impacted by Edina ordinances, discussed below, include:

- Growing structures and season extenders
- Local gardening and farming activities
- Pollinators
- Beekeeping

- Farm poultry and farm animals

Growing Structures

Growing structures and season extenders such as hoop houses, greenhouses, and cold frames are used to extend the growing season in colder climates and can be effective tools to increase local food production. Edina Ordinances that impact growing structures include those addressing what use designations are given to different structures, such as accessory or primary use, as well as location, number, setback requirements, acceptable building materials, and what permits are required in different areas of the city.

Minnesota Law

In Minnesota, the State Building Code sets requirements for temporary and permanent structures to protect health, safety, welfare, comfort, and security. Permanent and temporary gardening structures, such as hoop houses and green houses, may be required to meet minimal structural requirements, including snow load requirements. Agricultural buildings on agricultural lands are exempted from certain provisions of the State Building Code.¹² In addition, state laws impacting plumbing, electrical wiring, and other structural considerations may also impact different types of growing structures.

Edina Ordinances

Zoning Requirements for Growing Structures

The search of Edina Ordinances did not find results for hoop house, high tunnel, or cold frame, however, greenhouses are an allowed accessory use in certain zoning districts. The Edina zoning requirements for greenhouses are addressed in *Chapter 36: Zoning*, indicating that greenhouses are allowed in the following residential zoning districts:

- *(R-1) Single Dwelling Unit District*
- *(R-2) Double Dwelling Unit District*

Edina does not provide a definition for greenhouse, but *Chapter 36: Zoning* provides setback requirements for accessory buildings and structures, including greenhouses.

Sec. 36-438. - Requirements for building coverage, setbacks and height.

The minimum requirements for building coverage, setbacks and height in the Single Dwelling Unit District (R-1) are as follows:

	Front Street	Side Street	Interior Side Yard	Rear Yard
5. Buildings and structures accessory to single dwelling unit buildings:				
a. Detached garages, tool sheds, greenhouses and garden houses entirely within the rear yard, including the eaves.	30**	15'	3'	3'
b. Detached garages, tool sheds, greenhouses and garden houses not entirely within the rear yard.	30**	15'	5'	5'

Greenhouse Classification

A greenhouse is considered an accessory building or structure, as indicated, above. Accessory building is defined in *Chapter 36: Zoning*.

Sec. 36-10 Definitions

Accessory building means a separate and subordinate building which is located on the same lot on which the principal building is situated, and which relates to and is incidental to the use of the principal building.

Exterior Materials of Accessory Buildings

Greenhouses and hoop houses are usually constructed of metal or wood framing covered with either glass or plastic sheeting. The search results did not find any ordinances addressing building materials or exterior finishes for greenhouses, however some ordinance address accessory structures in the R-1 district where greenhouses are allowed. It is not clear if a greenhouses totaling 1,000 square feet or more would need to have a conditional use permit, and if so, would have to conform to the ordinance that requires accessory buildings to be architecturally compatible with the principle building. These requirements for architectural compatibility are addressed in *Chapter 36: Zoning*, as follows:

Sec. 36-434. - Conditional uses.

The conditional uses permitted in the Single Dwelling Unit District (R-1) are as follows:

Accessory buildings totaling 1,000 square feet or more located on property on which a conditionally permitted use exists subject to the following conditions:

a. The accessory building must be architecturally compatible with the principal building, if the accessory building is located within 1,500 feet from the principal building.

b. The accessory building height shall be limited to 20 feet.

c. An accessory building 1,000 square feet or larger must be set back a minimum of 95 feet from all property lines. Accessory buildings less than 1,000 square feet must be set back a minimum of 50 feet from all property lines.

d. Landscaping shall be required to buffer views when the structure is visible from adjoining properties, pursuant to section 36-1457.

Below is an image of a hoop house, also referred to as a high tunnel; an effective method used to extend the growing season.



Image Source: http://media.spokesman.com/photos/2015/09/13/13_garden_hoop_house.JPG.jpg

Emerging Opportunities

With increasing interest in expanding local food production, Edina could:

- Provide definitions for different types of growing structures and allowed building materials.

- Consider allowing greenhouses as an accessory to community gardens.
- Consider allowing other types of season extenders such as hoop house and cold frames.
- Assess if growing structures would be better regulated under their own ordinance rather than fall under the general classification of an accessory structure or building.

Promising Practices

Other cities have created separate ordinances specifically for structures related to food production. Below is a sample ordinance from the City of Cleveland, Ohio.

§ 337.02(a) AGRICULTURE IN RESIDENTIAL DISTRICTS

Permitted Accessory Structures. In addition to fences, as regulated in paragraph (b) of this section, a permitted agricultural use may be served by the following accessory structures: sheds, greenhouses, coops, cages, beehives, hoop houses, cold frames, barns, rain barrels, composting, farm stands as regulated in paragraph (d) of this section, and similar structures not exceeding fifteen (15) feet in height.

See Appendix G for additional municipal ordinance examples addressing greenhouses and other growing structures.

Local Gardening, Farming and Food Production Activities

Food production occurs at a range of scales from kitchen gardens to urban farms. When conducting the ordinance scan on language pertaining to gardening, farming, and community gardens, there were limited search results. For example, the key word search did not return any results for community gardens. Taking into account that uses not specifically permitted are not allowed, as stated in *Sec. 36-9. – Interpretation*, would suggest that community gardens are not allowed in any zoning district. However, Edina does have one city-run community garden, referred to as the Yorktown Community Garden.¹³

Edina Ordinances

Community Garden and General Farming

Ordinance 36-821 Permitted Uses, in *Chapter 36 - Zoning*, was the only ordinance that returned a relevant search result on the issue of farming or residential gardens, however, this was in regard to the Floodway District. This is an overlay district, but it is not clear which zoning districts are incorporated in the overlay Floodway District. The Department of Natural Resources assists local communities by providing general regulatory assistance and model floodplain ordinances, which *36-821 Permitted Uses* likely is informed by. It is possible that Edina does not have a floodplain district, but is required by State Statute to

incorporate floodplain regulations. This ordinance states that general farming is a permitted use in the floodway district if it is also a permitted use in the underlying zoning district. However, none of the zoning districts list farming or gardening as a principal, accessory or conditional use, which, according to *Sec. 36-9. - Interpretation*, would mean that those uses are not permitted.

36-821: Permitted Uses.

The following uses, subject to the standards set forth in section 36-822, are permitted uses if otherwise allowed in the underlying zoning district or any applicable overlay district:

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

...

(4) Residential lawns, gardens, parking areas, and play areas.

The Floodway District is defined in *Sec. 36-801. - Districts*

Floodway District. The Floodway District includes those areas within zones AE that have a floodway delineated as shown on the flood insurance rate map adopted in section 36-773. For lakes, wetlands and other basins within zones A and AE that do not have a floodway delineated, the Floodway District also includes those areas that are at or below the ordinary high water level as defined in Minn. Stats. § 103G.005, subd. 14.

Emerging Opportunities

Edina has the opportunity to:

- Support personal and community gardens through ordinance language, including specifically allowing community gardens as a principle use of property throughout Edina.
- Determine need for additional community garden sites on public property and ensure garden sites are available and accessible to all residents, especially renters and those without access to land.
- Allow local food production activities, such as community gardens, urban farms, market gardens or indoor aquaponics.
- Offer gardening opportunities as an amenity in mixed-use or planned unit developments.
 - Allow alternatives to zoning standards if Planned Unit Development [PUD] includes site amenities, including active transportation and food production. (See Appendix G for sample ordinance language from The City of

Promising Practices

Community Gardens

Raleigh, North Carolina allows community gardens as a Principle Use in different zoning districts. Raleigh’s Ordinances, *Chapter 6. Use Regulations, Sec. 6.1.4. Allowed Principle Use Table* shows how they regulate community gardens in different zoning districts.

“In Raleigh, community gardens are allowed as a principal use of a property in all Residential or Mixed Use zoning districts, although they may be subject to certain conditional or special use approvals.”¹⁴

Planned Unit Developments

An example of a Planned Unit Development that incentivizes healthy eating and active living amenities can be found in the *Minneapolis Planned Unit Development Ordinance § 527.120. Alternatives to zoning standards*, which states:

The city planning commission may approve alternatives to the zoning regulations applicable to the zoning district in which the planned unit development is located, as authorized in this chapter and as listed in Table 527-2, Authorized Alternatives, where the planned unit development includes site amenities. Site amenities are listed in Table 527-1, Amenities

Figure 1: Table 527-1 Amenities

5	Garden(s) or on-site food production	Permanent and viable growing space and/or facilities such as a greenhouse or a garden conservatory at a minimum of sixty (60) square feet per dwelling unit to a maximum required area of five thousand (5,000) square feet, which provide fencing, watering systems, soil, secured storage space for tools, solar access, and pedestrian access as applicable. The facility shall be designed to be architecturally compatible with the development and to minimize the visibility of mechanical equipment.
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Mixed-use and high-density residential areas present a good opportunity to devote some greenspace to gardens for the residents, including rooftop gardens.

Pollinators

In recent years, the populations of honey bees, bumble bees, and other important pollinators have been decreasing. Pollinator health is important, as pollinators support both ecological health and agricultural production. In Minnesota, pollination from honey bees for food production is valued at \$17 billion annually and pollination from other pollinators is valued at \$6 billion annually. There are two main contributors to the decrease in pollinator health that can be addressed through local government action in Minnesota:

1. Loss of pollinator habitat
2. Use of neonicotinoids and other systemic insecticides

Minnesota Policies

The Governor of Minnesota issued an Executive Order in 2016, “*Directing Steps to Reverse Pollinator Decline and Restore Pollinator Health in Minnesota.*” This Executive Order recognizes the significant risk to Minnesota’s agricultural system and economy as a result of the recent decline in pollinators around the state and directs state departments and agencies to take specific steps to protect pollinators throughout Minnesota. The Executive Order includes specific actions to limit or restrict the use of pesticides, increase pollinator habitat throughout the state, raise public awareness about pollinator issues, and promote statewide coordination on pollinator protection efforts.¹⁵

Edina Ordinances

Pollinators, with the exception of honeybees, are not mentioned specifically in Edina’s current ordinances. Beekeeping is addressed in *Chapter 8 – Animals*, which provides definitions for beekeeping terms. However, this chapter does not recognize wild bees and other insects which also contribute to pollination. Beyond beekeeping, the ordinances do not seem concerned with pollinator health. Honeybees are defined as:

Sec. 8-5. - Definitions.

Honeybee means all life stages of the common domestic honeybee, Apis mellifera species.

When looking for pollinator protection ordinances, there is encouraging language in Edina’s Ordinance, *Article VII. – Honey Beekeeping, Sec.8-312 Required Conditions*, which acknowledges the harmful effects of pesticides on honey bees:

Fruit trees and other flowering trees, which are located on an apiary site, shall not be sprayed, while in full bloom, with any substance which is injurious to honeybees.

However, there are many other insecticides and chemicals that people could use in other parts of their yard that are also harmful to honeybees and other pollinators. Additionally, since honey bees travel miles to collect pollen and nectar, and do so from more than just flowering trees, the city could consider stronger citywide restrictions on the spraying or use of harmful substances to bees by creating a comprehensive pollinator protection plan.

Other Edina ordinances, however, indirectly impact pollinators through effects on the availability of pollinator habitat or to insecticide exposure. For example, *Edina Ordinance 30 -118 – Turf Grasses and 30-119-Weeds* addresses maintenance requirements for weeds and grass:

*“...shall be regularly cut such that no individual plant shall exceed, at any time, ten inches in height or length, as measured from its base at the ground to the tip of each stalk, stem or blade”.*¹⁶

There are exceptions for *ornamental grasses and ground covers, native grasses and forbs* that are *“in a planned landscape area or restoration area.”*¹⁷ However, there is no recognition that these types of plants could be beneficial to pollinator health, and these limits could reduce the amount of pollinator friendly habitat and forage available in the city. Also, the setback requirements in *Sec 30-94 - Location of restoration areas and planned landscape areas* seem overly restrictive for a resident who wants to increase the amount of pollinator friendly landscaping in their yard. Additionally, there is no mention of pollinators in the Article on landscaping, which could include guidelines on how to make landscapes pollinator friendly.¹⁸

Sec. 30-94. - Location of restoration areas and planned landscape areas.

(a) Setback. A restoration area or a planned landscape area must provide the following minimum setbacks:

(1) Front street or side street (as measured from the traveled portion of the street): 20 feet.

(2) Side yard or rear yard: five feet; provided, however, for the exception in the required side yard or rear yard setback, as shown in subsection (b) of this section.

(b) Mitigations for reductions in side or rear yard setback. A required side yard or rear yard setback may be reduced to zero feet if:

(1) A fully opaque fence at least five feet in height is installed on the lot line adjoining the restoration area or planned landscape area;

(2) The restoration area or planned landscape area abuts:

a. A restoration area on any adjoining lot;

b. A public park or open space;

c. A vacant lot;

d. A wetland, pond, lake or stream;

e. Natural area; or

(3) The restoration area or planned landscape area is located on slopes equal to, or greater than, three feet horizontal to one foot vertical (3:1).

(c) Composition of setback area. The setback area required by subsection (a) of this section shall be composed of pavement, rock, gravel, wood chips, regularly mowed turf grasses, trees or shrubs.

(Code 1970; Code 1992, § 1050.04; Ord. No. 1031; Ord. No. 1031-A1, 1-3-1980; Ord. No. 1031-A2, 6-29-1983; Ord. No. 1031-A3, 3-28-1990; Ord. No. 1993-4, 4-5-1993)

Emerging Opportunities

At least twenty-six municipalities (including Duluth, Minneapolis, and Saint Paul), two counties (Ramsey and Washington), and two school districts have resolved to protect pollinator since 2014.¹⁹ These resolutions focus on reducing the exposure to harmful pesticides and increasing the availability of pollinator habitat and food.

Edina has not yet adopted a pollinator friendly resolution, so there is little policy support for pollinator health in the city. To do this, Edina can:

- Develop a pollinator policy to address use of pesticides on public land and support for native landscaping and plants used by pollinators.
- Reduce or eliminate the use of neonicotinoid and other systemic insecticides on public lands and their use on private land.
- Amend city law to prohibit or limit the use of systemic insecticides through landscaping guidelines or regulations.
- Increase pollinator friendly habitat.
 - Amend city law to decrease setbacks for restoration areas and planned landscape areas to increase the amount of lawn cover that can be native prairie and long grasses or other pollinator friendly plants.
 - Encourage the use of pollinator friendly plants in landscape designs.
 - Plant pollinator friendly plants in rights of way.

Beekeeping

Due to a growing concern for pollinator health, there has been a rise in people interested in keeping bees, with an estimated 120,000 backyard beekeepers in the U.S.²⁰

Edina Ordinance

Edina has [Article VII. – Honey Beekeeping](#), which addresses key elements of beekeeping in an urban environment. These ordinances include:

- [8-311 Registration](#)
- [8-312 Required Conditions](#)
- [8-313 Colony Location](#)
- [8-314 Colony Density](#).

There is some ambiguity regarding the zoning districts or types of lots where bee hives can be located since beekeeping is not specifically listed as a principal, conditional, or accessory use in any zoning district. At the same time, Edina Ordinances, *Sec.8-314 Colony Density*, indicates that every lot within the city can have at least 2 bee colonies. However, as beekeeping is not a specifically permitted activity in any zoning districts, Edina Ordinance *Zoning Chapter 36, Article I, Sec. 36-9. - Interpretation* indicating that if a use is not specifically allowed in the zoning chapter, it is prohibited, could be interpreted to restrict beekeeping activities in Edina.

Chapter 8 – Animals. Sec. 8-314 Colony Density

(a) Every lot within the city shall be limited to the following number of colonies based on the size of the lot:

(1) One-half acre or smaller = two colonies.

(2) More than one-half acre to three-quarter acre = four colonies.

(3) More than three-quarter acre to one acre = six colonies.

(4) More than one acre = eight colonies.

Emerging Opportunities

Part of good bee management is to provide adequate food and water, free of chemicals and pesticides known to be harmful to bees. City-wide land management practices that can either help or hinder the health of both wild bees and honeybees. Edina could further support its commitment to beekeeping and pollinators in the city by:

- Adopting a city wide pollinator protection policy.
- Expanding prohibition of spraying fruit trees and other flowering trees.
- Reducing or eliminating the use of neonicotinoid and other systemic insecticides on public lands.
- Educating residents to discourage use on private land.
- Encouraging use of pollinator friendly plants in landscape designs.
- Assessing need to register hives with the police department.
- Adding beekeeping as a principal, conditional or accessory use to the zoning districts where it is allowed.

Farm Poultry and Farm Animals

As urban agriculture is gaining popularity both locally and nationwide, there is growing interest in keeping farm animals and poultry in an urban environment, especially backyard chickens.²¹ Successfully allowing residents to keep animals in a residential setting is helped by providing restrictions that focus on controlling noise, smell and adequate living conditions.²²

Edina Ordinances

Edina's ordinances did not return any search results for any type of farm animal or farm poultry other than the term "*Gallus gallus domesticus*", which is used in place of chicken.

Sec. 8-212. – Keeping of certain animals prohibited, allows a person to keep up to four female *Gallus gallus domesticus*.

Sec. 8-212. – Keeping of certain animals prohibited

No person shall keep within the city:

(1) Any livestock with the exception of a maximum of four female Gallus gallus domesticus. Up to 18 immature Gallus gallus domesticus fowl may be used in educational or instructional activity, provided their use is directly related to the educational or instructional activity.

(2) Any mammal belonging to the order Carnivora except dogs, cats and ferrets. For the purposes of this subsection, the bloodline of an individual animal must comprise not less than 51 percent domestic breeds.

(3) Venomous snakes.

In regard to providing adequate shelter for chickens, the *Sec. 8-211. – Animal Enclosure* provides a very brief description of what is allowed in terms of size, location and setback.

Sec. 8-211. - Animal enclosure.

An animal enclosure, whether now existing or hereafter constructed, shall not exceed 300 square feet in area and shall be placed only in the rear yard and no closer than 20 feet to any property line.

The language in *Ordinance 8-210 Keeping of certain animals regulated* does not provide clear guidance in regard to how to properly keep chickens and could easily be misinterpreted.

Sec. 8-210. – Keeping of certain animals regulated

No person shall keep any rabbits, mice, hamsters, guinea pigs or other rodents, ferrets or any bird, excluding female Gallus gallus domesticus, on any premises used for residential purposes except in a metal cage so constructed that it may be completely and easily cleaned and that the animal or animals kept therein are completely enclosed and protected from children and animals on the outside. Such animals at all times shall be kept within the dwelling or an accessory building.

Emerging Opportunities

- Provide definitions for types of farm poultry and animals.

- Adopt more common terminology such as “chicken” or “hen”.
- Clarify shelter requirements and location for *Gallus gallus domesticus*.
- Assess if other farm animals or farm poultry, such as ducks, could be permitted.

See Appendix D for an example of a more extensive ordinance addressing keeping chickens from Bloomington.

Comprehensive Plan Recommendations

Moving forward, Edina could include a provision or recommendation in the 2018 comprehensive plan update to assess current ordinance requirements impacting keeping chickens, farm animals and farm poultry; specifically, lot size, setback and shelter requirements.

Slaughtering Chickens/End of Life

On-site slaughter and end of life options for chickens is not addressed in Edina’s City Code. It could be beneficial to provide guidance on slaughtering and offer alternatives for residents. It is common for a city to restrict on-site slaughtering. This restriction makes sense from a public health standpoint, however, end of life care is a reality when owning animals, especially in the case of poultry, where people may be raising the animal for meat in addition to eggs. Providing guidance on the type of operation that would accommodate backyard chicken owners would be a great resource. MDA refers to these types of slaughter operations as Custom Meat and Poultry Processors, which process meat as a service to the owner of the animal. The meat or poultry cannot be sold and must be consumed by the owner, the owner’s immediate family, and non-paying guests.²³ There is a live animal market in St. Paul, Long Cheng-Hmong Livestock, but it is unclear if you can bring your own animal in for slaughter.²⁴ The Minnesota Department of Agriculture provides a list of plants that slaughter and process meat and poultry. The nearest Custom Meat and Poultry Processor options are in St. Paul, South St. Paul and Inver Grove Heights.

See “Custom Exempt Meat & Poultry Processing Plants in Minnesota” for additional information about MDA-approved locations for custom meat processing, <http://www.mda.state.mn.us/licensing/inspections/meatpoultryegg/custom-meat-processing/customplants.aspx>

Sale of Eggs

Edina’s ordinances did not address the advertising or selling of eggs.

For more information on state requirements around the sale of eggs, see:

- Sale of Locally Home or Farm Raised Poultry, MDA, <http://www.mda.state.mn.us/licensing/inspections/~media/Files/food/foodsafety/poultrysales.ashx>

2. Processing Food

Edina's Ordinances regulate several aspects of processing food, including:

- Licensed kitchens,
- Odor, and
- Home businesses and cottage foods

Licensed Kitchens²

In general, food prepared for sale must be prepared in a kitchen that has been inspected and licensed by MDH as a food and beverage service establishment or MDA as a food handler – or by a local department of health with delegated authority from MDH and MDA. “Food handlers” and “food and beverage service establishments” are both categorized as “food establishments” under Minnesota’s Food Code. (Licensed kitchens are often referred to as “commercial kitchens”, however, “commercial kitchen” is not legally defined.) Edina has delegated authority from MDH to inspect and license food and beverage food establishments but does not have delegated authority from MDA to inspect and license retail food handlers that are grocery or convenience stores.

Minnesota Law

Minnesota law governs different types of kitchens that are used to prepare food and beverages for human consumption.²⁵ Kitchens used to prepare food for sale are regulated as food handlers or food and beverage service establishments, depending on how the food is distributed and used by a customer. The classification for licensing of a kitchen is generally distinguished by whether or not the food is processed or prepared for distribution or retail (as in a food processing plant or grocery store) and food prepared for consumption on site (as in a restaurant or coffee shop). These distinctions are enumerated in Minnesota law and determine which regulatory agency (MDA or MDH) regulates the kitchen. Regardless of the classification, a kitchen used for processing and preparing food for sale must be licensed and follow food safety standards established by Minnesota’s Food Code,²⁶ with the exception of food that falls under the category of a “cottage food”, discussed below.

² Note: This project searched Edina Ordinances for the term “commercial kitchen” as specified in the project search terms (See Appendix C for a list of all search terms). There were no relevant search results for commercial kitchens.

Edina Ordinances

Edina's Ordinances address licensed kitchens, which are regulated differently based on the type of food prepared. This is primarily done by requiring different licensing fees for different types of food establishments based on food safety criteria broken into different risk categories, which can be seen in [Sec. 2-724. – Schedule A, fees and charges](#). The following types of food establishments require a license:

Sec. 20-289. - Required.

(a) No person shall operate a food establishment or operate any of the following types of enterprises within the city without first obtaining a license of the applicable type described in this section, pursuant to this division:

- (1) Low risk food establishment.*
- (2) Medium risk food establishment.*
- (3) High risk food establishment.*
- (4) Special event food stand.*
- (5) Seasonal permanent food stand.*
- (6) Food vending machine.*
- (7) Seasonal temporary food stand.*
- (8) Pushcart food establishment.*
- (9) Mobile food unit.*

Edina does not provide definitions for these different types of food establishments, but they do have different licensing fee requirements for different risk categories:

Sec. 2-724. – Schedule A, fees and charges

Food establishment	\$635.00	High risk food
	\$390.00	Medium risk food
	\$120.00	Low risk food
	\$160.00	Base fee
	\$155.00	Seasonal temporary food stand
	\$155.00	Seasonal permanent food stand
	\$210.00	Mobile food unit
	\$145.00	Food vehicle
	\$160.00	Additional facility
	\$200.00	Pushcart
	\$120.00	Special event food stand
	\$15.00	Food vending machine

In addition, Edina’s Ordinances specify what indoor construction materials are approved for use in a food establishment and create requirements impacting temporary food establishments, retail portable structures, special event food stands or seasonal food stands, as indicated below.

Sec. 20-323. – Amendments

B. Minnesota Rules § 4626.1325, Surface characteristics; indoor areas.

"Item A. Except as specified in Item B, materials for indoor floor, wall and ceiling surfaces under conditions of normal use shall be:

(1) Smooth, durable and easily cleanable for areas where food establishment operations are conducted;

(2) Closely woven and easily cleanable carpet, where carpeting is permitted;
and

(3) Nonabsorbent and constructed of material which resists the wear and abuse to which they are subjected such as quarry tile, ceramic tile, or terrazzo, for food preparation areas, wait station, kitchen, bar, walk-in refrigeration, warewashing, toilet, and interior garbage and refuse storage areas; areas subject to flushing or spray cleaning methods; and other areas subject to moisture. Antislip flooring may not be used beneath fixed equipment."

"Item B. In a temporary food establishment, retail portable structure, special event food stand or seasonal food stand:

(1) If graded to drain, a floor may be concrete, machine-laid asphalt or dirt or gravel if it is covered with mats, removable platforms, duckboards or other suitable materials approved by the regulatory authority that are effectively treated to control dust and mud; and

(2) Food activities shall cease in adverse weather unless walls and ceilings are constructed of a material that protects the interior from the weather and windblown dust and debris."

Odor

Food preparation activities can often create odors that impact neighboring residential areas and businesses. Some municipalities have ordinances that address potential odor as a nuisance in residential areas. Edina's ordinances that address odor fall primarily in *Chapter 36. – Zoning*. Edina's ordinances that address odor do not fall under residential zoning districts, but rather *Article VIII. – Districts and District Regulations, Division 9. –Planned Industrial District (PID)* and *Article XII. Supplementary District Regulations, Division 2. – General Requirements Applicable to all Districts Except as Otherwise Stated*. While Edina's ordinances regulating odor are not limited to potential odor from food preparation activities, food preparation can often create odors that can be an issue.

Edina Ordinances

The following Edina Ordinances regulate activities generating excessive odor.

Chapter 36. – Zoning, Division 9. – Planned Industrial District (PID)

Sec. 36-644. - Special requirements.

In addition to the general requirements described in article XII, division 2 of this chapter, the following special requirements shall apply:

*(5) Restrictions, controls and design standards. Uses which, because of the nature of their operation, are accompanied by an excess of noise, vibration, dust, dirt, smoke, **odor**, noxious gases, glare or wastes shall not be permitted.*

These residual features shall be considered as "excessive" when they either exceed or deviate from the limitations set forth in the following performance specifications:

*e. **Odor.** The use shall not, at any time, cause the discharge of toxic, noxious or odorous matter beyond the confines of the principal building in such concentrations as to be detrimental to or endanger the public health, welfare, comfort or safety.*

Article XII. Supplementary District Regulations, Division 2. – General Requirements Applicable to all Districts Except as Otherwise Stated.

Sec. 36-1275. - Breweries, taprooms, wineries, distilleries, cocktail rooms and brewpubs.

(a) Shall comply with all regulations within chapter 4 of the Edina City Code regarding alcoholic beverages.

*(b) Shall comply with all performance standards related to section 36-644(5), noise, vibration, dust, dirt, smoke, **odor**, glare, and liquid waste.*

Home Occupation and Cottage Foods

Small-scale home businesses focused on preparing Cottage Foods can support small-scale local food entrepreneurs seeking to establish a food business. “Cottage foods” is a term used for specific types of foods that can legally be prepared outside of a licensed kitchen, often in a person’s home, and sold to the public. Cottage food vendors are often local food entrepreneurs that sell their product at farmers’ markets or other small-scale local retail settings. The preparation of cottage foods is often considered a home occupation or home business under local ordinances.

Minnesota Law

Minnesota’s Cottage Food Law allows individuals without a license to sell some prepared foods directly to consumers even if those foods have not been prepared in a licensed kitchen. This law creates a framework governing the sale of food that meets requirements to be considered “*not potentially hazardous food.*” Minnesota’s Cottage Food Law includes detailed specifications that must be followed for an individual to sell Cottage Foods, including requirements impacting:²⁷

- Limitation on Sales,
- Registration, and
- Training,

Minnesota's Cottage Food law specifically allows local governments to regulate certain aspects of cottage foods, beyond the state's cottage food law, as follows:

Local ordinances, Minn. Stat. §28A.152, Subd. 6.

This section does not preempt the application of any business licensing requirement or, public health, or zoning ordinance of a political subdivision.

(See Appendix H for full text of Minnesota's Cottage Food Law and the definition of "not potentially hazardous food").

Edina Policies

Cottage Foods as Home Occupation

Edina's ordinances returned no search results for "cottage food", but do have an ordinance that addresses home occupations. Cottage Food regulations typically fall under a home occupation ordinance. Edina has a very definitive list of what types of activities the city allows as a permitted customary home occupation, and there are none that are related to food. Additionally, commercial food preparation or catering is specifically not permitted.

Sec. 36-1254 – customary home occupations as an accessory use.

(a) Customary home occupations which are permitted as an accessory use by this chapter shall comply with the following conditions:

- (1) Only the residents of the dwelling unit shall be employed on the lot or within the dwelling unit.*
- (2) No exterior structural modifications shall be made to change the residential character and appearance of the lot or any buildings or structures on the lot.*
- (3) No loading, unloading, outdoor storage of equipment or materials, or other outdoor activities, except parking of automobiles shall occur.*
- (4) No signs of any kind shall be used to identify the use.*
- (5) All parking demands generated by the use shall be accommodated within the accessory garage and the normal driveway area and shall not at any one time occupy more than two parking spaces in parking areas required for multiple residential buildings.*
- (6) No more than ten automobile trips weekly by individuals other than the residents of the dwelling unit shall be generated to the dwelling unit as a result of the use.*
- (7) No sale of products or merchandise shall occur on the lot or within any structures or buildings on the lot....*

(b) Permitted customary home occupations include the following and similar occupations if, and only during such times as, they comply with all of the conditions of subsection (a) of this section:

(1) Dressmakers, tailors and seamstresses.

(2) In single dwelling unit and double dwelling unit buildings only, music and dance teachers providing instruction to not more than five individuals at a time.

(3) Artists, sculptors and authors.

(4) Insurance agents, brokers, architects and similar professionals who typically conduct client meetings outside of the dwelling unit.

(5) Ministers, rabbis and priests.

(6) Photographers, providing service to one customer at a time.

(7) Salespersons, provided that no stock in trade is maintained on the lot or in the building or structure on the lot.

(8) In single dwelling unit and double dwelling unit buildings only, rental of rooms for residential occupancy to not more than two persons per dwelling unit in addition to the permanent residents of the dwelling unit.

(c) The uses set forth in this subsection have a tendency to increase in size or intensity beyond the conditions imposed by this section for home occupations and thereby adversely affect residential properties. Therefore, the following shall specifically not be permitted as customary home occupations:....

(9) Commercial food preparation or catering

....

(11) Landscaping and lawn maintenance service where landscaping materials and equipment are stored or parked on the premises.

(d) Permitted customary home occupations by residents who are physically unable to be employed full time outside their residence may be allowed as a temporary conditional use, with variances from the conditions of subsection (a) of this section pursuant to the provisions of article V of this chapter.

(Code 1970; Code 1992, § 850.07(4))

Emerging Opportunities

While Edina’s ordinances specifically prohibit commercial food preparation or catering as a home business, cottage food preparation does not necessarily fall under these categories. Accordingly, it appears that Edina’s ordinances are silent in regard to whether or not cottage food activities are permitted as a home business.

At the same time, Edina does have a farmers’ market, which could potentially be a setting that could be used for Edina residents to sell their cottage foods. However, as Edina’s ordinances are currently written, residents are not permitted to engage in Cottage Food preparation as a home occupation. As a result, Edina residents are at a disadvantage to residents in neighboring municipalities where Cottage Food preparation is allowed as a home business. Edina may want to consider creating opportunities for its residents to prepare Cottage Foods as a home occupation so that they can compete with other Cottage Food vendors in the area. Often, there are cottage food vendors at farmers’ markets selling things like jams, pickles, or baked goods that they make at their home. When looking at Edina’s list of products offered at their farmers’ market, there are products that could be cottage food items.

Products

Approximately three dozen vendors setup along the walkways outside of Hughes Pavilion. Although products vary weekly, you can expect to find items such as:

- Apples
- Beans
- Beef
- Breads
- Cheeses
- Confections
- Eggs
- Fruit
- Honey
- Jams
- Jerky
- Lamb
- Melons
- Pears
- Peppers
- Pork
- Potatoes
- Poultry
- Salsas
- Strawberries
- Sweet Corn

Source: <https://www.edinamn.gov/683/Farmers-Market>

Moving forward, Edina could:

- Consider permitting cottage food as a *customary home occupation as an accessory use*.
- Evaluate need and create opportunities for licensed kitchens in Edina to support local food entrepreneurs.

Promising Practices

Cottage food is a popular home business for farmers' markets. Below is an example from Bloomington's city code that allows cottage food vendors at their farmers' market as well as defines cottage food vendor.

§14.607 Requirement for all Farmers Markets

(1) Primarily farmers. At least 60% of farmers' market vendors must be farmers. The other vendors, up to 40%, are limited to the following types:

- (A) Retail food vendors;*
- (B) Food service vendors;*
- (C) Handicraft vendors;*
- (D) Cottage food vendors;*
- (E) Plant vendors; and*
- (F) Vendors of services.*

Article IX. Farmers Markets defines a cottage food vendor as follows:

COTTAGE FOOD VENDOR. *A market vendor who sells home prepared foods prepared by the market vendor who has control over the means and methods of production, assumes principal financial and liability risk for the production enterprise and who is not regularly engaged in the business of manufacturing; and sells food pursuant to M.S. § 28A.152 or as recognized by Minnesota law, and registered by Minnesota Statute.*

Additionally, Bloomington's ordinances recognize Cottage Food Operations as a Type II home business in § 21.302.13 Home Businesses. Subsection (b) *Review and Approval* states that a conditional use permit is required for Type II home businesses. Type II home businesses are defined as:

(a) Purpose. To accommodate residents who desire to start a home business while ensuring that said businesses:

- (1) Are imperceptible from normal residential activity and do not adversely impact the character of the surrounding residential area;*
- (2) Are secondary and incidental to the residential use of the dwelling unit; and*
- (3) Do not adversely affect the health, safety or welfare of other persons residing in the area.*

(b) Review and approval.

(1) A conditional use permit is required for Type II home businesses. See § [21.501.04](#) for conditional use permit requirements.

(c) Types of home businesses.

(1) Type I. Type I home businesses are of a type that the City Council has historically found do not adversely affect the health, safety or welfare of other persons residing in the area. Examples of Type I home businesses are listed below. This list is intended to be illustrative not exhaustive.

.....

(2) Type II. Type II home businesses are businesses of a type that the City Council has historically found to have the potential to adversely affect the health, safety or welfare of other persons residing in the area. Examples of Type II home businesses are listed below. This list is intended to be illustrative not exhaustive.

(A) Music, dance, or fitness schools;

(B) Repair shops not expressly prohibited by the city code;

(C) Cottage food operations, subject to the requirements in M.S. § 28A.152, as it may be amended from time to time;

(D) Photography studios and similar uses; or

(E) A Type I home business reclassified as a Type II home business by virtue of a conditional use permit approved by the City Council.

3. Food Accessibility/Getting Food

This element of the food system presents one of the biggest opportunities for making a difference in increasing people's access to healthy food. There are many different types of zoning districts in Edina, which support different types of activities impacting how and where community members can access food. The types of food retail that were identified in the ordinance scan include grocery stores, farmers' markets, transient merchants, mobile food vendors, produce stands, and restaurants.

Minnesota Law

Minnesota law governs different types of food establishments that are used to distribute, process, sell and prepare food and beverages for human consumption.²⁸ Food establishments are generally categorized at the state level as food handlers or food and beverage service establishments, depending on how the food is distributed and used by a customer. The classification for licensing of a food establishment is generally distinguished by whether or not the food is distributed, processed or prepared for retail (as in a food

processing plant or grocery store) and food prepared for consumption on site (as in a restaurant or coffee shop). These distinctions are enumerated in Minnesota law and determine which regulatory agency (MDA or MDH) regulates the food establishment. Regardless of the classification, a food establishment must be licensed and follow food safety standards established by Minnesota's Food Code,²⁹ with the exception of food that falls under the category of a "cottage food", discussed earlier.

Edina Ordinances

Edina's ordinances do not include a definition for 'food establishment' and follow the definitions for food establishment under Minnesota Rules and Statutes..

Produce Stands

Agricultural and produce stands provide an alternative opportunity for healthy, unprocessed food retail beyond an organized farmers' market or grocery store. These types of stands allow a retail space for small sellers and producers to market healthy food in convenient locations with greater flexibility than found with farmers' markets and other more established retail settings. Access to agricultural stands can also fill in gaps in healthy food access for residents who may not have easy access to a farmers' market or other retail setting.

Minnesota Law

Selling Products of a Farm or Garden

Minnesota's Constitution exempts those selling the products they have grown from a farm or garden from the requirement of obtaining a food license.³⁰ This exemption includes those growing food on land that is rented or leased, so long as the individual selling the food has control over the production on the land.³¹ This exemption does not extend to the sale of processed food or other products created from the garden or farm from licensing requirements.

At the same time, local governments can regulate other components of the sale of farm or garden products, such as accessory structures or stands used to sell or display farm or garden products and parking requirements for areas where these products are sold. Local governments can eliminate other regulatory and administrative barriers so that these food sellers can become more accessible to local residents.

Edina Ordinances

Edina allows the sale of locally grown produce at produce stands, which are another form of food retail that does not reach the scale of a typical farmers' market. *Chapter 36. – Zoning*, provides a definition for *Produce Stands*:

Sec. 36-10. - Definitions.

Produce stand means a temporary seasonal structure or area, at which products such as vegetables, fruit, herbs, cut flowers and plants are sold.

Produce stands are allowed in the following districts. (Note: the RMD district is where Fairview Southdale is located):

Sec. 36-488. - Planned Unit Development District-1 (PUD-1), Phoenix Plaza at 6996 France Avenue and 3901 70th Street.

(d) Accessory uses.

(1) Off-street parking facilities.

(2) Produce stands, pursuant to permit issued by the city manager.

Sec. 36-490 Planned Unit Development District-3 (PUD-3), Aurora on France

Accessory uses. The following are the accessory uses allowed in the Regional Medical District (RMD):

(1) Off-street parking facilities.

(2) Produce stands, pursuant to permit issued by the city manager.

Section 36-613: accessory uses in PCD-1 Sub-District

The following are the accessory uses in the PCD-1 sub-district:

.....

(5) Produce stands pursuant to a permit issued by the manager.

Sec. 36-663. - Accessory uses.

The following are the accessory uses permitted in the Regional Medical District (RMD):

(5) Produce stands pursuant to a permit issued by the city manager. The produce stands may only occur one day per week, and only operate during the months of June through October.

However, Sec. 36-618: Special Requirements, prohibits outdoor sales and tent sales in PCD Districts. This conflicts with allowing a produce stand in the PCD – 1 sub-district. A produce stand is typically an outdoor sale, often conducted under a tent. The general restrictions outlined in Sec. 36-9. – Interpretation make it unclear if a produce stand would be allowed since Sec. 36-618 prohibits these types of sales.

Sec. 36-618. - Special requirements.

In addition to the general requirements described in article XII, division 2 of this chapter, the following special requirements shall apply:

(10) Outdoor sales, tent sales and trailer sales prohibited. Except for the dispensing of motor fuels and the use of drive-through facilities permitted by this chapter, all sales of products and merchandise, and dispensing of services, shall be conducted from within the confines of a permanent building totally enclosed by four walls and a roof. The sale of products and merchandise, and the dispensing of services, from a motor vehicle, trailer, tent or other temporary structure or shelter, or outside of a permanent building as described in this subsection, is prohibited.

Apart from the ordinance addressing Produce Stands, there is limited language that addresses the sale of produce grown in a community or personal garden. Edina ordinances indicate that the sale of locally produced agricultural products are allowed at produce stands, but it does not specify if a person can sell what they grow at a personal or community garden at a produce stand. However, *Sec. 12-154. – Exempt Activities*, from *Article V. Peddlers and Solicitors* under *Chapter 12 – Business*, exempt persons from registering or getting a permit if they are selling farm or garden produce from land that they cultivated.

Sec. 12-154. - Exempt activities.

*The provisions of sections 12-152 and 12-153 **do not apply to persons selling personal property at wholesale to dealers of such articles, nor to newspersons, nor to the act of merchants or their employees in delivering goods to established customers in the regular course of business, nor to the sale of farm or garden produce where the land was occupied and cultivated by the person producing same, nor to the sale of goods or admissions to events by K—12 students where the proceeds of such sales benefit a program or activity in which the student is involved, nor to the employees of bakery, dairy or grocery delivery services who make an uninvited initiatory visit in an effort to establish a regular route service for future delivery of perishables. All persons described in this section shall comply with the provisions of sections 12-156 and 12-157 even if they are exempt from the requirements of sections 12-152 and 12-153.***

Emerging Opportunities

- Consider adopting ordinances that would be less restrictive of outdoor sales of farm produce.
- Provide guidelines as to whether a person can set up an agricultural stand at either a home or community garden and sell the produce that they grew.

- Clarify how zoning restrictions impact location of produce stands and if produce stands are impacted by licensing fees.

Farmers' Markets

Farmers' markets provide opportunities for residents to access seasonal and locally grown produce as well as a gathering space for community. Farmers' markets create important environments to support local, small-scale producers, while also educating residents about where their food comes from and allowing them to sample new healthier foods.

Minnesota Law

Food Sampling at Farmers' Markets

Minnesota law allows vendors at farmers' markets to provide food samples so long as specific legal requirements are followed.³²

28A.151 FARMERS' MARKET OR COMMUNITY EVENT; FOOD PRODUCT SAMPLING AND DEMONSTRATION.

Subdivision 1. Definitions.

(a) For purposes of this section, the following terms have the meanings given them.

(b) "Farmers' market" means an association of three or more persons who assemble at a defined location that is open to the public for the purpose of selling directly to the consumer the products of a farm or garden occupied and cultivated by the person selling the product.

(c) "Food product sampling" means distributing to individuals at a farmers' market or community event, for promotional or educational purposes, small portions of a food item that include as a main ingredient a product sold by the vendor at the farmers' market or community event. For purposes of this subdivision, "small portion" means a portion that is no more than three ounces of food or beverage.

(d) "Food product demonstration" means cooking or preparing food products to distribute to individuals at a farmers' market or community event for promotional or educational purposes.

Subd. 2. Food sampling and demonstration.

The licensing provisions of sections 28A.01 to 28A.16 shall not apply to persons engaged in food product sampling or food product demonstrations.

Subd. 3. Food required to be provided at no cost.

Food provided through food product sampling or food product demonstrations must be provided at no cost to the individual.

Subd. 4. Regulatory authority oversight.

Any person conducting food product sampling or food product demonstrations shall provide to the regulatory authority upon request the following information related to the food product sampling or food product demonstration conducted by the person:

(1) the source of the food used in the sampling or demonstration and whether or not the food was produced at the person's farm or garden;

(2) the type and volume of food to be served, held, prepared, packaged, or otherwise provided for human consumption;

(3) the equipment used to serve, hold, prepare, package, or otherwise provide food for human consumption;

(4) the time period and location of the food product sampling or food product demonstration;

(5) the availability of facilities for hand washing by persons conducting the food product sampling or food product demonstrations;

(6) information on facilities available for ware washing of multiuse utensils and equipment;

(7) the available source of water; and

(8) methods of liquid and solid waste disposal.

Subd. 5. Food safety and equipment standards.

Any person conducting food product sampling or food product demonstrations shall meet the same food safety and equipment standards that are required of a special event food stand in Minnesota Rules, parts 4626.1855, items B to O, Q, and R; and 4626.0330.

Subd. 6. Definition exception.

The definition of farmers' market in subdivision 1, paragraph (b), does not prohibit a farmers' market association from establishing a definition of farmers' market that applies to its membership that is more restrictive than the definition in subdivision 1, paragraph (b).

Edina Ordinances

When conducting this research on language pertaining to Farmers' Markets, it appears that Edina permits farmers' markets on city-owned property.

Sec. 24-259 Special permits for pushcarts, sidewalk cafes and farmers' market

(a) Requirements. Notwithstanding the requirements of this article, certain pushcarts and sidewalk cafes are permitted on sidewalks and farmers' markets are permitted on city-owned property subject to the requirements of this section.

However, *Division 3. – Farmers Markets* seems to only permit farmers' markets specifically in Centennial Lakes Park.

Sec. 24-345. - Permit required.

Farmers markets may be located in Centennial Lakes Park subject to a permit issued by the park director pursuant to this subdivision. Applications for a farmers market permit shall be made on forms supplied by the city clerk and shall include a plan drawn to scale which illustrates the exact location of the proposed farmers market. The application shall be accompanied by the fee set forth in 2-724. If the application is denied, the application fee less \$100.00 shall be returned to the applicant.

Emerging Opportunities

The success and expansion of farmers markets can be supported with ordinances. For example, a recent change to Bloomington's ordinances in June 2017 provides additional support to farmers' markets through *Article IX* to Farmers' Markets in *Chapter 14: Licenses and Fees*. This Article indicates that farmers' markets are a permitted use in most *Residential Zoning Districts*, all *Neighborhood and Freeway Commercial Zoning Districts*, and all *Specialized Zoning Districts*. *Article IX: Farmers Markets* can be found in Appendix E.

- Consider promoting and expanding farmers' markets and allowing them in other parks or public spaces.
- If additional farmers' market locations are allowed, evaluate if prohibition on outdoor sales and tent sales in the Planned Commercial District are a barrier to the establishment of new farmers' markets.
- Consider accepting payment methods such as EBT cards, FMNP coupons or WIC vouchers.
- Assess if the locations of the current markets are accessible to residents with fixed- or low-incomes and limited mobility.

Grocery Stores

Edina Ordinances

The key word search for grocery did not return many search results, and the results pertaining to grocery stores were limited to the zoning chapter. As Edina is currently zoned, grocery stores are not allowed in primarily residentially zoned districts. This affects the development pattern, location, frequency and accessibility of grocery stores. Food and grocery stores are allowed as a principal use in the following Districts:

- [Sec. 36-608. - Principal uses in PCD-1 sub-district.](#)
- [Sec. 36-609. - Principal uses in PCD-2 sub-district.](#)
- [Sec. 36-610. - Principal uses in PCD-3 sub-district.](#)
 - [Sec. 36-491. - Planned Unit Development District-4 \(PUD-4\), 71 France Avenue.](#)
 - [Sec. 36-493. - Planned Unit Development District-6 \(PUD-6\), 6725 York Avenue.](#)
 - [Sec. 36-502. - Planned Unit Development District-9 \(PUD-9\)—Gateway Pointe.](#)

However, grocery delivery services are addressed in *Chapter 12. – Business, Article V. Peddlers and Solicitors*. When the Community Food Assessment for the Cities of Bloomington, Edina, and Richfield was published in December of 2013, almost a quarter of Edina’s population was 65 years or older.³³ This type of grocery service could be important to promote, especially with an increase in the senior population. Edina’s Ordinances support some food distribution activities by exempting them from permit and registration requirements, indicated below:

[Sec. 12-154. - Exempt activities.](#)

*The provisions of sections 12-152 and 12-153 [ie. permit and registration requirements for peddlers and solicitors] do not apply to persons selling personal property at wholesale to dealers of such articles, nor to newspersons, nor to the act of merchants or their employees in **delivering goods to established customers in the regular course of business**, nor to the sale of farm or garden produce where the land was occupied and cultivated by the person producing same, nor to the sale of goods or admissions to events by K—12 students where the proceeds of such sales benefit a program or activity in which the student is involved, nor to the employees of bakery, **dairy or grocery delivery services who make an uninvited initiatory visit in an effort to establish a regular route service for future delivery of perishables**. All persons described in this section shall comply with the provisions of sections 12-156 and 12-157 even if they are exempt from the requirements of sections 12-152 and 12-153.*

[Emerging Opportunities](#)

Edina may be able to increase access to healthy food retail by:

- Assessing if grocery stores are located in areas that are easily accessible, especially for people without a car or have other types of mobility issues.

- Considering development of an overlay district that would allow for more even distribution throughout the residential areas of Edina.
- Adopting a healthy corner store initiative to increase access to healthy food at small grocery and convenience stores. (See Appendix F for additional information)
- Allowing small grocery stores and ethnic markets in additional zoning districts to provide residents with more equitably distributed healthy food retail options.

Restaurants

Similar to the zoning requirements for Grocery Stores, restaurants are not allowed in primarily residentially zoned districts in Edina. This affects the development pattern, location, frequency and accessibility of restaurants. Allowing restaurants to be a principal use in high intensity mixed use residential, commercial and other mixed-use zoned areas rather than as a provisional or conditional use, could encourage increased access to healthy food, depending on the type of restaurant.

It is worth noting that many municipalities provide classifications for restaurants that differentiate between certain types of restaurants, such as full-service or fast food/drive-through. Making distinctions between different types of restaurants allows a municipality to better regulate the location and density of different types of restaurants.

Edina Ordinances

As stated above, restaurants are not allowed in primarily residentially zoned districts, however they are allowed as an accessory use in Planned Residential Districts PRD-4, PRD-5 and PSR-4 under Division 5. – Planned Residence District (PRD, PSR), which include *senior citizen dwelling units, rest homes, convalescent homes and nursing homes.*

Sec. 36-523. - Accessory uses.

The accessory uses in the Planned Resident Districts (PRD) are as follows:

(1) PRD-1. All accessory uses allowed in the R-1 district.

(2) All other subdistricts. All accessory uses allowed in the R-2 district.

(3) PRD-4, PRD-5 and PSR-4. Shops, restaurants and other services primarily intended for the use and convenience of residents of the principal use, provided that such accessory uses are accessible only from the interior of the principal building, are located only on the ground floor of the principal building, and have no signs or displays visible from the outside of the principal building. Not more than ten percent of the gross floor area of a principal building shall be devoted to these accessory uses.

The types of residences that are allowed as a principle use in PRD-4, PRD-5 and PSR-4 districts are:

Sec. 36-522. - Principal uses.

The principal uses in the Planned Resident Districts (PRD, PSR) are as follows:

- (1) PRD-1. Single dwelling unit buildings, double dwelling unit buildings and residential townhouses.
- (2) PRD-2. Residential buildings containing six or fewer dwelling units.
- (3) PRD-3 and PRD-4. All residential buildings, also day care facilities licensed by the state.
- (4) **PRD-4. Rest homes, convalescent homes and nursing homes.**
- (5) PSR-3 and PSR-4. Buildings containing four or more dwelling units, all but one of which are senior citizen dwelling units.

Restaurants are also allowed as a principal or accessory use in the following Districts:

- Sec. 36-495. - Planned Unit Development District-8 (PUD-8)—7700 France.
- Sec. 36-523. - Accessory uses in PRD-4, PRD-5, PDR-4
- Sec. 36-608. - Principal uses in PCD-1 sub-district.
- Sec. 36-613. - Accessory uses in PCD-1 sub-district.
- Sec. 36-609. - Principal uses in PCD-2 sub-district.
 - Sec. 36-610. - Principal uses in PCD-3 sub-district.
 - Sec. 36-615. - Accessory uses in PCD-3 sub-district.
 - Sec. 36-491. - Planned Unit Development District-4 (PUD-4), 71 France Avenue.
 - Sec. 36-493. - Planned Unit Development District-6 (PUD-6), 6725 York Avenue.
 - Sec. 36-502. - Planned Unit Development District-9 (PUD-9)—Gateway Pointe.
- Sec. 36-502. - Planned Unit Development District-9 (PUD-9)—Gateway Pointe
- Sec. 36-614. - Accessory uses in PCD-2 sub-district.
 - Sec. 36-504. - Planned Unit Development District-11 (PUD-11)—The Avenue on France.

Many of the districts that allow restaurants as a principal or accessory use are in the same districts that allow grocery stores. The additional zoning districts that allow restaurants, such as the Planned Residential Districts, are in the same geographical areas of the city.

The term “restaurant” is used and defined in different chapters of Edina Ordinances. However, even if the term “restaurant” is defined in a specific chapter, it is not always used, as discussed below.

Restaurant is defined in *Chapter 4: Alcoholic Beverages* as follows:

Sec. 4-2. - Definitions.

Restaurant means a business licensed by the city under the control of a single proprietor or manager having a full service kitchen when, in consideration of payment, meals are regularly served at tables to the general public and which employs an adequate staff to provide the usual and suitable service to its guests. Such establishment shall have facilities for seating not less than 30 guests at one time. Not more than 15 percent of the total seating capacity shall be located at a bar or service counter. This limitation does not apply to a bar or service counter that is also integral to the preparation of food. The kitchen shall be open at all times the facility is open to the public, except that the kitchen may close no earlier than one hour prior to closing.

A rooftop restaurant is defined in *Chapter 10: Buildings and Building Regulations*, under *Article XVII. – Land Disturbing Activities*.

Sec. 10-675. - Definitions.

Rooftop restaurant means a restaurant or any portion of a restaurant open to customers on the roof covering any part of a building or restaurant.

Edina’s Ordinances, Article XII – Supplementary District Regulations, Division 2 – General Requirements Applicable to All Districts Except as Otherwise Stated, Sec. 36-1274, goes on to indicate that rooftop restaurants are not allowed in any zoning district as follows:

Sec. 36-1274. - Sidewalks, trails and bicycle facilities.

(c) Rooftop restaurants shall be prohibited in all zoning districts.

In addition, *Chapter 36: Zoning* provides a definition for other types of establishments where food can be served.

Sec. 36-10. - Definitions.

Brewpub means a brewery that operates a restaurant, as defined in [chapter 4](#) of the City [Code], on the same premises as the brewery, whose malt liquor production per calendar year shall be limited by Minnesota State Statute.

Drive-in means a principal or accessory use which sells or serves products or merchandise to customers waiting in vehicles who then consume or use the product or merchandise within the vehicle while on the lot occupied by the principal or accessory use.

Drive-through facility means an accessory use which provides goods or services to customers waiting in vehicles who then leave the lot to consume or utilize any goods which may have been received. Employees of the principal use shall not leave the confines of the principal or accessory building to dispense said goods or services.

While the use of the term ‘restaurant’ appears in multiple chapters, Edina does not regulate restaurants as a separate type of food establishment. Rather, Edina regulates food establishments under *Article V. – Food Establishments*, based on a food safety risk assessment that is broader than a specific type of food establishment, such as a grocery store or restaurant. The city code does not provide definitions for these different types of food establishments, but does have different licensing fee requirements, identified earlier in the Licensed Kitchen Section of this report. Preventing food-borne illness is a general objective of *Article V. – Food Establishments, Sec. 20-269. – Objectives*. Significantly, the classifications of food establishments used by Edina are for the purpose of preventing food borne illnesses, not for assessing whether or not the food would be considered “healthy”.

Sec. 20-289. - Required.

(a) No person shall operate a food establishment or operate any of the following types of enterprises within the city without first obtaining a license of the applicable type described in this section, pursuant to this division:

(1) Low risk food establishment.

(2) Medium risk food establishment.

(3) High risk food establishment.

(4) Special event food stand.

(5) Seasonal permanent food stand.

(6) Food vending machine.

(7) Seasonal temporary food stand.

(8) Pushcart food establishment.

(9) Mobile food unit.

Emerging Opportunities

- Clarify how Edina uses Restaurant and Food Establishment
- Assess opportunities to include health impact of different types of food establishments as part of regulatory framework.
- Use zoning to influence location of healthier restaurants.

4. Food System Waste Management

A significant amount of waste is generated throughout the food system, including both food products and food packaging that is placed in landfills. Nationwide, an estimated 30-40% of food is wasted or thrown away.³⁴ In Minnesota, food waste makes up 17.8% of the total

waste stream by weight.³⁵ This waste can be repurposed, reduced, diverted from landfills and recycled, or used for other useful purposes, such as through composting and use as fertilizer.

Minnesota municipalities have two key opportunities to reduce food system waste: increasing organics recycling (composting) and reducing food packaging waste.

Minnesota Law

Reduction in Solid Waste Going into Landfills

Minnesota state law recognizes the importance of reducing solid waste going into landfills and has established a statewide goal of recycling 75% of total solid waste, by weight, by 2030.

Minn. Stat. §115A.551 RECYCLING

*Subd. 2a. **County recycling goals.** (a) By December 31, 2030, each county will have as a goal to recycle the following amounts:*

(1) for a county outside of the metropolitan area, 35 percent by weight of total solid waste generation; and

(2) for a metropolitan county, 75 percent by weight of total solid waste generation.

Hennepin County plans to meet this goal and to reduce the amount of waste going into landfills to just 25% of its solid waste stream.³⁶ Hennepin County Environment and Energy recommends that the county require all cities to offer residents the opportunity to recycle organics.³⁷

Organic Waste

Hennepin County's 75% recycling goal is broken down into 15% organics recycling and 60% other recycling. As of 2016, however, only 10% of the waste stream by weight in Hennepin County goes into organics recycling, and between 2010 and 2016, there was little progress made to increase this amount.³⁸ Food waste which could otherwise be composted and reused as fertilizer is being thrown into landfills.

Organics recycling at the municipal level can be complicated, as different services may be available to different settings, including:

- Households
 - Backyard composting: Some municipalities, including Edina, allow for backyard composting, though some products, such as meat, bones, fat, oil,

dairy products, and non-plant kitchen wastes cannot be composted in this manner.

- Curbside organics pickup - Other municipalities offer curbside pickups for food waste.
 - Organics drop-off locations: There are drop-off locations for food wastes in Hennepin County, though the only public facility open to the whole county is in Brooklyn Park.
- Multi-family buildings
 - Businesses
 - City property and other public buildings
 - Nonprofits and community service organizations.

Edina Ordinances

Edina's Energy and Environment Commission, under Chapter 2. –Administration, lists the duties of the commission. Solid waste, waste reduction, and educating the public are mentioned in *Sec. 2-138. – Duties*, which could be beneficial for moving towards a citywide organics recycling program.

Sec. 2-138. - Duties.

The commission shall:

(1) Examine and recommend best practices for energy conservation for the city's citizens and businesses, including a "green" building code, use of Energy Star appliances, and other energy reduction targets.

(2) Examine and recommend changes in city government purchasing and operations to conserve energy.

(3) Evaluate and monitor the provision of a residential recycling program.

(4) Evaluate and monitor the provision of a privately provided solid waste program, as well as a reduction in municipal solid waste produced by city residents and businesses.

(5) Evaluate and encourage improvements in air and water quality.

(6) Promote the establishment of targets for the reduction of greenhouse gas emissions produced by the city's buildings, equipment and operations.

(7) Educate the public about energy issues, reduction, conservation, reuse, recycling and environmental protection.

(8) Examine and promote renewable energy options for transportation, heating, and cooling, and other energy uses.

Refuse Collection, waste hauling services and composting regulations are covered in two chapters: *Chapter 12. – Business, Article IV. – Refuse Collection* and *Chapter 20. – Health and Environment, Article III. – Solid Waste*. The City does not provide a refuse service, but rather requires residents to contract with a licensed refuse hauler.³⁹ This is further explained in [Sec. 12-103. - Haulers to be licensed](#), which falls under *Article IV. – Refuse Collection of Chapter 12. - Business*. That same article provides an ordinance which suggests that the licensed haulers are able to collect compostable materials.

[Sec. 12-113. - Collection of compostable materials.](#)

Haulers shall collect from residential customers and segregate from other refuse all grass clippings and leaves which have been separated from other refuse and placed in bags designed for compostable materials. Haulers shall report to the sanitarian the amount, by weight, of the leaves and grass clippings delivered to compost disposal sites approved by the county for the four-month periods ending April 30, August 31 and December 31. The reports shall be submitted within 15 days following the end of each four-month period. Licensed haulers shall provide to customers, upon a customer's request, a yard waste container with close-fitting top for grass clippings, leaves and source separated compostable materials (SSCM). The containers shall be constructed of non-combustible materials, including the cover. The containers shall be at least 30 gallons in size, and provided to customers at a charge, if any, determined by the licensed hauler.

While this ordinance is meant to collect yard waste, which does not encompass all of the materials that an Organics Recycling service would collect, it does mention collecting *source separated compostable materials (SSCM)*. *Chapter 20: Health and Environment, Article III: Solid Waste, Division 1. –Generally*, provides definitions for both compostable materials and source separate compostable materials. There is a contradiction in that there are items listed that are not considered “compostable materials” but are considered “source separated compostable materials”, specifically human and pet excreta. However, many of the items not allowed in home composting are accepted in larger municipal organics recycling operations such as meat scraps, bones and dairy products.

[Section 20-105. - Definitions](#)

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Compostable materials.

(1) The term "compostable materials" means leaves, grass clippings, garden plants, wood ashes, fresh fruit, vegetable scraps, coffee grounds and commercially available compost ingredients.

(2) The term "compostable materials" does not include meat scraps, bones, grease, oil, eggs, dairy products, branches, human or pet excreta, plastics or other materials which may adversely affect public health.

****Source separated compostable materials (SSCM) means mixed municipal solid waste that:*

(1) Is separated at the source by waste generators for the purpose of preparing it for use as compost;

(2) Is collected separately from other mixed municipal solid wastes;

(3) Is comprised of food wastes, fish and animal waste, plant materials, diapers, sanitary products and paper that is not recyclable because the commissioner of the Minnesota Pollution Control Agency (MPCA) has determined that no other person is willing to accept the paper for recycling; and

(4) Is delivered to a facility to undergo controlled microbial degradation to yield a humus-like product meeting the Minnesota Pollution Control Agency's (MPCA) class I or class II, or equivalent, compost standards and where process residues do not exceed 15 percent by weight of the total material delivered to the facility.

Composting on residential lots is covered in *Chapter 20: Health and Environment, Article III: Solid Waste, Division 2. – Collection and Disposal, Section 20-130. – Composting*. This is an important part of the food system in that it keeps these materials out of the municipal waste stream and can be turned into fertilizer. This specific ordinance refers to residential lots, but it is not clear if it includes multifamily lots. Generally, people in apartment buildings don't have the option to compost. Also, the language that is used for the maximum size of a compost is hard to interpret. A maximum of 30 square feet in area with a height of 4 feet would be a bin that is 5' x 6' x 4', which is 120 cubic feet. Typical dimensions of a compost pile are 5' x 5' x 5', which is 125 cubic feet.⁴⁰ This is not a large discrepancy in overall size, but the language used could be clearer. Here again, the question of a citywide organics recycling program applies. Especially for establishments like restaurants, cafeterias and grocery stores who throw out a lot of food waste.

Section 20-130. - Composting

Notwithstanding other provisions of this article, compostable materials may be stored on a residential lot subject to the following requirements:

(1) Containers. Compostable materials shall be placed within a container of durable material, including, but not limited to, wire fencing, rot resistant wood, concrete block or brick, or a commercially manufactured container designed for composting. Containers shall be maintained in sound condition and shall be capable of securing all compostable material.

(2) Location of containers. Compost containers shall not be located within the front yard, as defined in chapter 36, and shall not be located within five feet of a side or rear lot line. Compost containers shall not be located within 20 feet of a principal use building other than the principal use building owned by the owner of the compost container.

(3) Maximum size. A compost container shall not exceed 30 square feet in area on lots with a lot area less than 9,000 square feet and shall not exceed 50 square feet in area on lots with a lot area of 9,000 square feet or more. The height of the container and the compostable material stored in the container shall not exceed four feet.

(4) Maintenance. Compost containers and compostable materials shall be maintained so as not to create odors, rodent harborage or a fire hazard.

(5) Abatement of nuisance. Compost containers or compostable materials which are not in compliance with this section are declared to be a nuisance which shall be abated as provided in section 20-129.

Some municipalities allow residents to self-haul their refuse, including organic waste. However, *Sec. 12-103. – Haulers to be licensed*, seems to prohibit residents from such activity. It appears that there are not options for Edina residents who wish to recycle other food waste or who wish to recycle their food waste without composting it on their own property.

Sec. 12-103. - Haulers to be licensed.

No person shall engage in hauling, conveying or collecting refuse, as defined in article III of chapter 20, or recyclables, as defined in article IV of chapter 20 unless that person holds a valid license issued under this article. No license shall be issued to haul, convey or collect refuse or recyclables in any district established pursuant to section 20-98 or 20-99, except an exclusive license shall be applied for and issued pursuant to this article to the person authorized by the city to haul, convey or collect refuse or recyclables in a district so established.

The definition for refuse includes organic and compostable materials.

Section 20-105. - Definitions

Refuse means all solid waste products which are composed wholly or partly of such materials as garbage, sweepings, cleanings, trash, rubbish, litter, industrial solid wastes or domestic solid wastes, including organic wastes or residues of animals, meat, fruit, vegetables, grains or fish; animal excreta or carcasses of animals; rubbish, including wood, leaves, vegetation, tree trimmings, dead trees and shrubs, branches, sawdust, shavings, grass, paper products, straw, rags, clothing and all other combustibles; waste matter

composed of soil, clay, sand, earth, gravel, fill, stones, bricks, plaster, glass, glassware, crockery, ashes, cinders, shells, metal and other non-combustibles; waste debris resulting from the construction, demolition, repair or alteration of structures or buildings; accumulated waste materials composed of cans, containers, tires, junk, vehicle parts or other substances which may become a nuisance.

Emerging Opportunities

A few barriers currently prevent Edina from recycling more organics.

Community Garden Sites

Community gardens may be negatively impacted by the current ordinances. If community gardens are located outside of residential zones, then composting on site would not be permitted. Further, restrictions on the size and location restrictions of composting containers may limit the amount of composting occurring at community gardens.

Limited Organics Drop Off Sites

While Hennepin County offers a drop-off site for organics composting, it is located in Brooklyn Park, located on the opposite side of Minneapolis from Edina. Two private facilities, the Mulch Store in Rosemount and the Shakopee Mdewakanton Sioux Community, are located closer to Edina but charge for dropping off organics.⁴¹ Curbside pickup for organics is not currently available in Edina.⁴² Regardless, residents do not appear to be allowed to haul their own organics.

Waste and Recycling Services

Surrounding municipalities, such as Bloomington, operate an organized waste and recycling pickup service, which is coordinated through the city. This approach may provide some opportunities for a more coordinated city-wide organics recycling effort. In Bloomington's case, the actual waste and recycling pickups are done by seven different companies, residents pay their bills directly to the city and have the same services available, regardless of the hauler. This makes it easier to integrate organics recycling service into the contracts than if residents each chose their hauler privately.

Providing city-wide organics recycling through these haulers would require the expansion of the services offered to residents. Other cities in the metro area set good examples of how to do this. Minneapolis, for example, both offers curbside pickup for organics and is home to seven drop-off sites which will take organics. Even smaller communities, such as St. Louis Park, offer curbside organics recycling to all residents alongside a city-run waste hauling service, while others like Edina offer this service through specific licensed waste haulers. Providing a citywide organics recycling program may be easier to coordinate with

a city-run waste hauling service, as opposed to the current system of contracting with multiple licensed waste haulers, however, it is possible. According to Hennepin County, Edina is included in a list of cities in which curbside organics recycling services are available through specific haulers. However, there is a growing list of cities that have made curbside organics recycling available to all residents, which is important for providing equitable services to all residents.⁴³ A city-run waste hauling service can still contract out to licensed waste haulers, but the main difference is that the garbage collection services are better coordinated and residents make payments to the City for garbage and Recycling services.

Possible opportunities for Edina to address these barriers and increase organics recycling include:

- Involve Edina's Energy and Environment Commission in developing comprehensive plan language to address expanded waste reduction strategies and organics recycling.
- Include strategy for Edina to meet the 2030 state and county goals for waste reduction in 2018 comprehensive plan update, including opportunities to expand organics recycling for city services and facilities; single and multi-family residential buildings; and commercial and business locations.
- Coordinate with Hennepin County to provide incentives/technical assistance to local businesses for organics recycling.
- Revise the maximum size of compost containers to comply with cubic feet rather than square feet.
- Assess if current size limitations and location inhibit effective composting at community gardens.
- Ensure single and multi-family homes, institutions, businesses, and government facilities are able to recycle organics.
- Provide citywide organics recycling and assess feasibility of a city-operated solid waste collection, similar to Hopkins, St. Louis Park and Minneapolis.
- Ensure that waste haulers licensed by Edina provide organics collection to residential and business customers.
- Include organics collection in Edina's contracts for municipal waste management services.
- Promote educational opportunities for Edina's residents, businesses, schools, and non-profits on how to separate organics from trash for pickup.

- Work with Hennepin County and neighboring municipalities to establish additional drop-off locations for organics accessible to Edina residents.

Promising Practices

Edina can look to its neighbors for examples of alternative waste hauling strategies. For instance, Bloomington, on October 3rd, 2016, implemented organized garbage and recycling services, joining more than 72 percent of cities nationwide that offer organized waste hauling. The benefits of this approach to waste management include:

- Reduces the number of garbage trucks on collection day.
- Mitigates air and noise pollution.
- Minimizes wear and tear on roadways, and
- Save households money, in most cases.⁴⁴

Bloomington was able to work with seven licensed haulers, but coordinated their services through the City. More information can be found in this fact sheet link: [City of Bloomington, MN Garbage and Recycling Information](#). Another helpful resource can be found in this link to [Bloomington's Draft Plan Goals, January 2014](#), which shows the goals that lead to the implementation process.

To Go Containers, Plastic Bags and Other Food Packaging Waste

Food packaging makes up a considerable amount of food system waste, and has become a concern for some municipalities. In Minnesota, Minneapolis has worked to address this issue through several initiatives, and other municipalities are actively working on efforts to reduce food packaging waste. Minneapolis developed an Environmentally Acceptable Packaging Ordinance⁴⁵ (also known as “Green to Go”). This ordinance requires “food and beverages prepared for immediate consumption and to-go must be placed in environmentally acceptable packaging.” Allowed packaging includes compostable and recyclable materials.

Minneapolis also has restrictions on non-compostable carryout bags, including both paper and plastic bags. Non-recyclable paper bags are prohibited, and there is a 5 cent charge for each bag. Recently, a ban on plastic bags was included in Minneapolis’s ordinances, but was blocked by the Minnesota legislature. A follow up on this initiative, which would have required a charge for plastic bags, has also yet to be implemented, as the vote has been delayed.

Minnesota Law

Minn. Stat. § 471.9998 MERCHANT BAGS.

Subd. 1. Merchant option.

All merchants, itinerant vendors, and peddlers doing business in this state shall have the option to provide customers a paper, plastic, or reusable bag for the packaging of any item or good purchased, provided such purchase is of a size and manner commensurate with the use of paper, plastic, or reusable bags.

Subd. 2. Prohibition; bag ban.

Notwithstanding any other provision of law, no political subdivision shall impose any ban upon the use of paper, plastic, or reusable bags for packaging of any item or good purchased from a merchant, itinerant vendor, or peddler.

Edina Ordinances

Edina currently does not restrict or regulate food containers or carryout bags.

Emerging Opportunities

- Evaluate opportunities to regulate take-out containers from food establishments and require these containers to be compostable or recyclable.⁴⁶
- Explore possibility of imposing fee on single-use bags or incentivizing use of reusable bags.
- Find municipal food waste management resources in Appendix I.

Promising Practices

Minneapolis adopted the [Green to Go: Environmentally Acceptable Packaging Ordinance](#) in 2017. This ordinance requires food and beverages prepared for immediate consumption and to-go use reusable, recyclable, or compostable packaging. This type of packaging makes up a significant portion of the waste in Minneapolis.

THE ACTIVE TRANSPORTATION SYSTEM

Active transportation includes a range of different modes of travel, such as bicycles, traveling by foot, wheelchairs, and other types of non-motorized vehicles, and users. This project focuses on the most common forms of non-motorized transportation by pedestrians (including individuals using assistive devices such as wheelchairs) and bicyclists. This document aims to identify barriers and opportunities for pedestrians and bicyclists in the following areas:

- **Accessibility**: The ease and convenience of travel for people of varying ages, abilities, health, and mode choice.
- **Built Environment**: The physical land use and transportation facilities and elements that either used by or impact the pedestrian and bicycle experience. These elements and facilities include streets, sidewalks, trails, buildings, signage, lighting, driveways and alleys, vegetation, destinations, curb cuts, and other land use.
- **Connectivity**: Pedestrian- and bicycle accessible links between destinations and gaps in the active transportation system used by bicyclists and pedestrians to safely and efficiently move between different destinations, including workplaces, recreation, healthcare, food retail, educational institutions, and other key destinations.
- **Modes and Users**: A mode of transportation is the way in which an individual moves through the transportation system – such as by foot, on a bicycle, or in a motorized vehicle. A user is the individual who uses a mode of transportation – such as a bicyclist, driver, or pedestrian.
- **Safety**: The ability of pedestrians and bicyclists to travel and visit local destinations without fear of risk or harm. Safety considerations include speed limits, traffic calming, lighting, maintenance of sidewalks and other facilities, vegetation, and education.

When considering the impact that different local policies have on each of these elements, it is also important to consider the extent to which local ordinances may have unintended impacts on different populations of the community and affect the ability of different populations or members of the community to equitably participate in bicycling and walking activities in Edina.

While the scope and implications of the elements of the active transportation system often overlap with each other, each one is used as a lens to view the active transportation system in a distinct way. By examining the transportation system through each of these

perspectives, we can better understand the experiences, choices, and concerns of everyone who uses the active transportation system.

Municipalities can impact each of these aspects of the active transportation system through various policies, plans, and internal practices. As discussed below, Edina's policies impact the active transportation system in the following primary ways:

1. Active Transportation Policies and Plans
2. Land Use and Local Zoning Designations
3. Bicycle Policies
4. Traffic Calming
5. Municipal Recognition Programs

Minnesota State Laws Impacting Active Transportation

A number of Minnesota state laws impact active transportation and how bicyclists and pedestrians move throughout the state and the authority municipal governments have to regulate certain areas. Areas impacted by state law include, but are not limited to:

- Signage
- Funding Transportation Facilities
- Speed Limits
- Pedestrian and Bicyclist Rights and Responsibilities
- Accessibility Standards for Individuals with Disabilities
- Design, Construction, and Maintenance

While an in-depth discussion of state laws impacting the active transportation system is beyond the scope of this project, this memo flags areas that may be impacted by state law when applicable. Additional information on state laws impacting walking and bicycling in Edina can be obtained at:

- A Review of Federal and Minnesota Laws on Pedestrian, Bicycle, and Non-Motorized Transportation, Public Health Law Center (2013),
<http://www.publichealthlawcenter.org/sites/default/files/MN%20Bike%20Ped%20Law%20Review%20MnDOT%202013.pdf>
- Active Transportation in Minnesota: Resources Dedicated to Pedestrian, Bicycle, and Non-Motorized Transportation, Public Health Law Center,
<http://www.publichealthlawcenter.org/resources/active-transportation-minnesota-resources-dedicated-pedestrian-bicycle-and-non-motorized-t>

Minnesota Local Governments Walking and Bicycling Policy Options

While state law governs a wide range of transportation issues impacting bicyclists and pedestrians, local Minnesota governments also have a wide range of local policy options available to support increased walking and bicycling in their communities. A review of some of these options for Minnesota local governments is available at:

- Promoting an Active Minnesota: Local Policy Options to Support Walking and Bicycling in Minnesota, Public Health Law Center (2017), <http://www.publichealthlawcenter.org/sites/default/files/resources/FGM-PolicyGuide-ActiveLiving-2017.pdf>.

ACTIVE TRANSPORTATION: EDINA POLICIES AND OPPORTUNITIES

I. Active Transportation Policies and Plans

Many suburban municipalities, like Edina, initially developed without a comprehensive requirement to prioritize or require sidewalks throughout the city. As a result, suburbs interested in developing an integrated multi-modal transportation network for all types of users are now faced with the challenge of building and retrofitting streets to accommodate pedestrians and bicyclists. Edina's experience in planning and implementing its citywide alternative transportation network reflects this situation.

Fortunately, multiple organizations support city efforts to develop more complete and accessible transportation systems. At the national level, Smart Growth America and the National Complete Streets Coalition evaluated and ranked all available municipal complete streets policies in their 2017 report.⁴⁷ At the state level, MnDOT's Minnesota Walks plan provides goals, guidelines, and strategies for local governments as well as regional and state entities.⁴⁸ Finally, the Hennepin County Pedestrian Plan provides specific performance measures for pedestrian safety, which may serve as a helpful model for municipal plans.

Edina Policies and Plans

Living Streets Policy and Plan

Edina's Living Streets Policy lays the groundwork for fulfilling the city's Living Streets vision by including specific implementation steps, performance measures, and benchmarks. Examples of these components are provided below.

Implementation Steps

- *"Inventory building and zoning codes to bring these into agreement with Living Streets principles...."*
- *"Update City ordinances, engineering standards, policies and guidelines...."*

Performance Measures

- *"Number of crashes or transportation-related injuries"*
- *"Envision ratings from the Institute for Sustainable Infrastructure."*

Benchmarks

- *"Every... neighborhood is a comfortable place for walking and bicycling;"*
- *"Every child can walk or bike to school or a park safely;"⁴⁹*

By adopting the Living Streets Policy, Edina has made a formal commitment to implement each of these policy measures. However, the Living Streets Policy does not specify who is accountable for ensuring that all implementation steps and performance measures are completed as prescribed.

Edina's Living Streets Plan expands upon the Living Streets Policy by establishing a vision, design standards, and guidelines for project implementation.

"LIVING STREETS IMPLEMENTATION

The City of Edina will develop Living Streets in the regular course of business of maintaining, expanding or redeveloping the road network and will be guided by the Vision and Principles established above. Implementation will happen predominantly through the neighborhood street reconstruction program, but also through specific stand-alone stormwater utility, pedestrian, bicycle or safety projects.

Project prioritization is not specifically part of the Living Streets Plan. Prioritization of projects takes place in the City's Capital Improvement Program and Budget and is determined by the City Council with guidance from the Living Streets Vision and Principles.

The City will actively promote and apply the Living Streets Policy and Plan by:

- *Applying the Living Streets Policy and Plan to all street projects, including those involving operations, maintenance, new construction, reconstruction, retrofits, repaving, rehabilitation or changes in the allocation of pavement space on an existing roadway. This also includes privately built roads, sidewalks, paths and trails.*
- *Drawing on all sources of transportation funding and actively pursuing grants, cost-sharing opportunities and other new or special funding sources as applicable.*
- *Through all City departments supporting the vision and principles outlined in this Plan in their work.*
- *By acting as an advocate for Living Streets principles when a local transportation or land use decision is under the jurisdiction of another agency.*
- *Projects that implement Living Streets will be guided by pedestrian and cyclist network plans and roadway classifications and will consider the physical, social, ecologic, regulatory and economic context in a given project area.”⁵⁰*

While project prioritization is primarily determined by Edina’s Capital Improvement Program and Budget, the Living Streets Plan provides contexts to consider when planning and designing Living Streets projects, such as connectivity, schools and parks, neighborhood demographics including age and ability, natural resources, and safety.⁵¹

Comprehensive Bicycle Transportation Plan

Edina’s Comprehensive Bicycle Transportation plan provides an excellent framework for future bike and pedestrian-oriented development in Edina, and establishes a guiding vision to gradually transform Edina into a “progressive bicycle-friendly community where citizens can easily integrate cycling into their daily lives”. The plan also explores Edina’s urban form and development patterns, provides a range of recommendations for bicycle facility improvements, policies, implementation steps, and benchmarks for evaluation.⁵²

Our review of the Comprehensive Bicycle Transportation Plan found that the following components may provide opportunities to further improve access to walking and biking in Edina.

Land Use and Urban Form

The Bicycle Transportation Plan summarizes the existing urban form of Edina, and notes that the city’s land use and infrastructure are more oriented to automobiles than bicycles or pedestrians.⁵³ Future land use plans can address this issue and enable residents to

choose cycling and walking in their daily lives by encouraging more dense, mixed-use development, and human-scale, pedestrian-friendly design.

Accessibility for Children and Seniors

This section also notes the importance of providing safe and convenient bicycle routes for the nearly 50% of Edina residents who are either younger than 18 or older than 65.⁵⁴ Many of Edina's residents in these age groups are unable to drive, highlighting the importance of making Edina a community where anyone can easily access all of their daily destinations without a car.

Bicycle Facility Maintenance

The plan recommends establishing a "Bicycle Facility Maintenance Request Program" to collect user-initiated maintenance requests.

"A Bicycle Facility Maintenance Request Program could help extend the reach of the city in protecting its infrastructure and providing cyclists with an inviting and safe bicycling environment. This program would respond to requests for small-scale, low-cost improvements, such as sweeping, repairing surface problems, and replacing unsafe gratings."⁵⁵

This approach would likely improve Edina's ability to address maintenance issues when and where users report them, but it also has the potential to create inequitable outcomes. Residents have varying comfort levels about submitting formal complaints and talking with city staff, as well as varying expectations as to whether city staff will respond to their complaints. As a result, the number of complaints in an area may not correlate with the actual level of need for maintenance. In order to avoid potentially underserving some communities, any maintenance request system should be supplemented with a regularly scheduled assessment of maintenance needs throughout Edina's entire bike/pedestrian network.

Benchmarks and Goals

The plan establishes benchmarks for successful implementation within one, two, and three-year timelines. Infrastructure benchmarks include removing hazards, increasing safety and convenience, and developing bicycle facilities.⁵⁶ The plan also sets a ridership benchmark of 10% yearly growth in cyclists at each counted location, informed by bicycle/pedestrian counts led by Transit for Livable Communities.⁵⁷

Bicycle Parking Facilities

The plan describes the need for bike parking facilities at various destinations in Edina, where they are not currently required by the bicycle parking ordinance.

- Commercial Areas

“Bicycle parking is not provided at the 70th Street and Cahill Road commercial area.... No bicycle parking facilities are provided at 50th and Vernon Avenue.”⁵⁸

“Southdale Mall has six bicycle racks that could accommodate 64 bicycle.... By comparison, Southdale provides 6,725 parking spaces for automobiles – bicycle parking is less than 1% of all vehicle parking provided”⁵⁹

- Public Schools

“...adequate bicycle parking facilities are not provided at Edina public schools. Several schools (including the City's High School) have no bicycle racks at all, while others provide an insufficient number of bicycle parking spaces and include substandard bike parking racks.”⁶⁰

Sidewalk and Trail Construction Requirement

Edina requires new developments and significant redevelopments to provide sidewalks and trails where shown in the city’s sidewalk and trail plan, and in any locations where the council finds that the sidewalk or trail would enhance public access to existing or planned sidewalks/trails, transit, or other public facilities. The wording of this requirement gives the council and the planning department substantial influence over sidewalk and trail construction. As a result, either entity could use this ordinance either to maintain a complete network for pedestrians and cyclists, or to hinder that network’s development, depending on how they choose to wield that influence.

“Ch. 36 - Zoning

Sec. 36-1274. - Sidewalks, trails, and bicycle facilities.

.... (1) It is the policy of the city to require the construction of sidewalks and trails wherever feasible so as to encourage pedestrian and bicycle connectivity throughout the city. Therefore, developments shall provide sidewalks and trails which adjoin the applicant's property:

a. In locations shown on the city's sidewalk and trail plan; and

b. In other locations where the council finds that the provision of such sidewalks and trails enhance public access to mass transit facilities or connections to other existing or planned sidewalks, trails or public facilities....”⁶¹

Funding Structure for Sidewalk Construction/Maintenance

Edina has established a dedicated Pedestrian and Cyclist Safety (PACS) Fund to fund pedestrian and bicycle improvements. Revenue for this fund is generated by a utility

franchise fee levied on Xcel and Centerpoint Energy (currently \$1.45 per month per residential customer, with higher fees for commercial customers), and is used exclusively for improvements to and maintenance of Edina's non-motorized transportation network (sidewalks, trails, bikeways, pedestrian crossings, and related signage and pavement markings).^{62, 63}

Edina's practice of not levying assessments for sidewalks benefits residents by avoiding the inequities that can result from property-value-based funding structures. Assessments can impose substantial financial costs on homeowners, making them an unpopular political choice for council members. In addition, lower-value properties are frequently assessed at a higher proportion of their market value than higher-value properties, placing a disproportionate burden on lower-income residents.⁶⁴

However, street reconstruction projects can also improve the pedestrian environment by modifying traffic lanes or other elements used exclusively by motorists (such as lane conversion, roundabouts, boulevards, or other elements designed to reduce traffic speed). In cases where street reconstruction is ineligible for PACS funding and Edina chooses to levy assessments, those projects may still impose unintended costs on property owners and local communities.

Emerging Opportunities

Edina has established a comprehensive framework for achieving its Living Streets vision, and now has the opportunity to continue refining and improving its policies, plans, and processes.

Living Streets Policy and Plan

Edina has a number of opportunities to ensure that the implementation steps and performance measures prescribed in the Living Streets Policy are carried out to their full extent:

- Designate specific departments or staff members accountable for implementation, performance measurement, and progress toward benchmarks.
- Establish guidelines as needed for relevant data reporting from departments outside of Planning, such as Engineering or Police.

Sidewalk and Trail Construction

Given that Edina's municipal code requires sidewalk/trail construction as prescribed by the city's sidewalk and trail plan and by the city council, the City now has the opportunity to:

- Evaluate the performance of this policy.

- Monitor trends or changes in sidewalk and trail construction over time.
- The results of this evaluation can be used to identify any opportunities to improve the policy.

Funding Structure for Sidewalk Construction/Maintenance

Under Edina’s current policy, PACS fund revenue is used exclusively for specific improvements to and maintenance of the non-motorized transportation network. Edina now has the opportunity to:

- Evaluate the performance of the PACS fund and identify any types of facilities or improvements which improve pedestrian and cyclist safety but are not currently eligible for PACS funding.
- Assess feasibility of using PACS funds for traffic calming installations, street trees, benches, or other facilities that improve the safety or quality of nearby non-motorized transportation infrastructure (if they do not currently qualify as “direct improvements”).
- Evaluate any cases in which property owners would be assessed for any necessary street reconstruction costs not covered by the PACS fund. This evaluation should consider any unintended impacts on socio-economic equity resulting from property assessment and the prioritization process for street improvements.

Comprehensive Plan Update

The 2018 update to the Comprehensive Plan presents the opportunity to improve the effectiveness and accessibility of Edina’s active transportation investments through coordinated planning of land use and active transportation. For example:

- Increasing residential density near an active transportation facility improves its cost-effectiveness by enabling more residents to access that facility.
- Zoning for mixed land use helps local residents reach a wider variety of destinations by foot or bike, thus making them more likely to choose active transportation options.
- Support the City’s Living Streets Vision within the Comprehensive Plan by encouraging spaces where all residents can easily make walking and biking a part of their daily lives.
- Guide land use and transportation sections according to the visions and recommendations established in the Comprehensive Bicycle Transportation Plan and Living Streets Plan.

Comprehensive Bicycle Transportation Plan

- Evaluate how implementation measures up to the benchmarks and goals identified in the plan.
- Designate specific departments or staff members accountable for continued progress toward plan benchmarks and goals.
- Assess where maintenance activities for bike/pedestrian infrastructure are occurring over time, and identify any underserved areas or communities.
- Evaluate extent to which any areas have received more or less maintenance than others, relative to their level of need and any underserved areas.

2. Land Use and Local Zoning Designations

Edina's Living Streets Policy and Plan provide a comprehensive framework for expanding the city's active transportation network and prioritizing pedestrian and cyclist needs in addition to those of motorists. However, residents' travel choices depend on more than infrastructure alone. For residents to walk or bike on a regular basis, their daily destinations must be close by and easily accessible by foot and bike, with a safe and unobstructed path from doorway to doorway.

This issue primarily impacts two components of the active transportation system: connectivity and the built environment. Land use and zoning determine the type of built environment through which pedestrians and cyclists travel, as well as the distance between destinations, and the number of destinations that can be reached in a reasonable amount of time. Land use patterns often make the difference between a walkable neighborhood and a neighborhood where every trip requires a car.

Edina Policies and Ordinances

Mixed Use Zoning Districts

Mixed use development promotes active transportation by allowing a wider variety of commercial destinations in close proximity to residents' homes. In Edina, mixed use development is permitted in Mixed Development Districts (MDD) and Planned Residence Districts (PRD, PSR).

Mixed Development District (MDD)

All MDD districts allow some degree of mixed use by permitting offices; financial institutions; public parks, recreational, and civic institutions; and residential buildings with 10 or more dwelling units as principal uses. In addition, the MDD-6 district permits retail stores, restaurants, and schools as principal uses.

“Sec. 36-549. - Principal uses.

- (a) MDD-3, MDD-4 and MDD-5. The principal uses permitted in the MDD-3, MDD-4 and MDD-5 subdistricts are as follows:*
- (1) Buildings containing not fewer than ten dwelling units or senior citizen dwelling units.*
 - (2) Publicly owned or operated civic or cultural institutions.*
 - (3) Publicly owned park and recreational facilities.*
 - (4) Offices, including business and professional offices, medical and dental offices, post offices, travel agencies and travel bureaus.*
 - (5) Financial institutions excluding pawn shops.*
 - (6) Publicly owned parking facilities.*
 - (7) Day care.*
 - (8) Suites hotels.*
- (b) MDD-6. The principal uses permitted in the MDD-6 subdistrict are as follows:*
- (1) All principal uses in the MDD-3, MDD-4 and MDD-5 subdistricts.*
 - (2) All principal uses in the PCD-1 and PCD-2 subdistricts, except:*
 - a. Animal hospitals and kennels.*
 - b. Automotive accessory shops.*
 - c. Clubs and lodge halls.*
 - d. Exterminating offices.*
 - e. Undertaking and funeral home establishments.*
 - (3) Health and athletic clubs.*
 - (4) Department stores or shopping centers exceeding 40,000 square feet.”⁶⁵*

The MDD district also includes regulations to ensure that the residential components of mixed use developments are constructed in a timely manner.

“Sec. 36-555. - Special requirements.

- (1) Proposed development schedule.... No more than 50 percent of the permitted gross floor area of nonresidential uses on the tract shall be constructed until a building permit has been issued for, and construction begun on, at least 25% of the permitted dwelling units.”⁶⁶*

The MDD-6 district also allows for a mix of land uses in the same building by conditionally permitting commercial uses within residential buildings.

“Sec. 36-551. - Conditional uses.

(c) MDD-3, MDD-4 and MDD-5. The conditional uses permitted in the MDD-3, MDD-4 and MDD-5 subdistricts are as follows:

(1) Privately owned recreational facilities other than those permitted in section 36-550(1).

(2) Drive-through facilities.

(3) All principal uses allowed in the PCD-1 and PCD-2 subdistricts, except:

a. Animal hospitals and kennels.

b. Automotive accessory stores.

c. Clubs and lodge halls. d. Exterminating offices.

d. Undertaking and funeral home establishments.

(d) MDD-6. The conditional uses permitted in the MDD-6 subdistrict are as follows: commercial uses in residential buildings.”⁶⁷

Planned Residence District (PRD, PSR)

The PRD-4, PRD-5, and PSR-4 districts permit mixed use in the form of shops, restaurants, and other commercial services as an accessory to residential development (subject to certain requirements and conditions).

“The accessory uses in the Planned Resident Districts (PRD) are as follows:

(1) PRD-1. All accessory uses allowed in the R-1 district.

(2) All other subdistricts. All accessory uses allowed in the R-2 district.

(3) PRD-4, PRD-5 and PSR-4. Shops, restaurants and other services primarily intended for the use and convenience of residents of the principal use, provided that such accessory uses are accessible only from the interior of the principal building, are located only on the ground floor of the principal building, and have no signs or displays visible from the outside of the principal building. Not more than ten percent of the gross floor area of a principal building shall be devoted to these accessory uses.”⁶⁸

Residential Density Zoning

Increasing residential density in an area makes investments in active transportation and transit more cost effective by increasing the number of residents benefitted per dollar spent. Metro Transit and the Metropolitan Council also use this cost-effectiveness ratio as a

key factor for determining where to make transit improvements and award federal grants.⁶⁹

The majority of land in Edina falls under the Single Dwelling Unit District (R-1), which exclusively permits single-dwelling units, public parks/playgrounds/athletic facilities, and golf courses as principal uses.⁷⁰ In addition to the Mixed Development District (MDD) discussed above, higher residential densities are permitted in Double Dwelling Unit Districts (R-2) and Planned Residence Districts (PRD, PSR).

Double Dwelling Unit District (R-2)

The R-2 district exclusively permits buildings containing two dwelling units (duplexes) as a principal use. As a result, constructing a duplex within a single-dwelling-unit neighborhood in Edina requires the site to be rezoned.

“Sec. 36-462. - Principal uses.

The principal uses permitted in the Double Dwelling Unit District (R-2) are buildings containing two dwelling units.”⁷¹

Planned Residence District (PRD, PSR)

The PRD and PSR districts permit a wider range of residential densities, including single-dwelling-unit homes, duplexes, small apartment buildings, nursing homes, and senior housing.

“Sec. 36-522. - Principal uses.

The principal uses in the Planned Resident Districts (PRD, PSR) are as follows:

- (1) PRD-1. Single dwelling unit buildings, double dwelling unit buildings and residential townhouses.*
- (2) PRD-2. Residential buildings containing six or fewer dwelling units.*
- (3) PRD-3 and PRD-4. All residential buildings, also day care facilities licensed by the state.*
- (4) PRD-4. Rest homes, convalescent homes and nursing homes.*
- (5) PSR-3 and PSR-4. Buildings containing four or more dwelling units, all but one of which are senior citizen dwelling units.”⁷²*

Residential Parking Requirements

All single-dwelling-unit homes, duplexes, and townhomes in Edina are required to include a two-car garage. This requirement may have the unintended effect of discouraging active transportation, as anyone interested in buying a home in Edina must pay for a two-car garage whether they own two cars or not. Since families who use active transportation

regularly are more likely to own one or zero cars, they are less likely to buy a home in Edina. Conversely, home-owning families in Edina are more likely to own two cars, and thus less likely to take full advantage of Edina’s high-quality and growing bike and pedestrian network.

“Sec. 36-1311. - Minimum number required.

(a) Single dwelling units, double dwelling units and residential townhouses. Two fully enclosed spaces per dwelling unit.”⁷³

Drive Through Facilities

Drive-through facilities can interfere with bicycle and pedestrian circulation and create safety hazards when their entry and exit driveways intersect with sidewalks and bike lanes. In Edina, drive-through facilities are currently permitted in the Planned Office District (POD) and Planned Commercial District 1 (PCD-1). However, drive-through facilities in the POD district are limited to financial institutions, and those in the PCD-1 district are limited to restaurants selling only “coffee, nonalcoholic beverages, pastries and doughnuts from the drive-through window.”⁷⁴

“Sec. 36-575. - Principal uses.

The following are the principal uses permitted in the Planned Office District:

(2) Financial institutions, including drive-through facilities, but excluding pawn shops.”⁷⁵

Drive-through facilities are conditionally permitted in and Mixed Development Districts 3, 4, and 5.

“Sec. 36-551. - Conditional uses.

(a) MDD-3, MDD-4 and MDD-5. The conditional uses permitted in the MDD-3, MDD-4 and MDD-5 subdistricts are as follows:

(2) Drive-through facilities.”⁷⁶

Emerging Opportunities

Edina’s current comprehensive planning efforts provide an opportunity to further guide bicycle and pedestrian-friendly development throughout the city. This guidance would build upon the foundation of the Living Streets Policy and Plan by incorporating elements in the Comprehensive Plan which coordinate land use strategies with Living Streets infrastructure improvements. Coordinating land use with active transportation planning can encourage more residents to use the city’s bike and pedestrian improvements by encouraging more dwellings and commercial destinations in close proximity to existing or planned bike and pedestrian facilities.

Potential zoning provisions that would support and encourage active transportation include:

- Rezoning for medium or high density mixed use.
- Conditionally permitting duplexes and accessory dwelling units in R-1 residential districts.
- Exploring options for permitting accessory dwelling units.
- Implementing a Pedestrian Oriented Overlay District, with design standards to improve bike and pedestrian accessibility. Example design standards include street-fronting entrances, pedestrian walkways, and rear/indoor/underground parking. An example of the Pedestrian Oriented Overlay District can be found in the Minneapolis City Code.⁷⁷
- Reducing or eliminating minimum parking requirements where appropriate to avoid an oversupply of off-street parking and encourage more efficient use of space. Requiring more parking spaces than necessary discourages active transportation by increasing the distance between buildings and incentivizing visitors to drive rather than walk or bike.
- Providing incentives for office developments that provide changing space and showers for bicycle commuters.
- Assess benefits of a code amendment allowing residential uses in some commercial zoning districts (similar to Bloomington’s §21.302.02 Residential Uses in Commercial Zoning Districts).

In addition, Edina could investigate additional barriers and opportunities for both active transportation and healthy food access by evaluating the impact of existing drive-through facilities and their zoning regulations on both the bike/pedestrian environment and the food options available to nearby residents.

3. Bicycle Policies

Municipalities use a variety of targeted policies and plans to influence the use of bicycles and other wheel-based modes of active transportation. These policies guide the construction and maintenance of bicycle lanes, trails, and end-of-trip facilities such as bike parking, and protect the safety of cyclists and pedestrians by regulating where and how residents are permitted to bike.

Edina Policies and Ordinances

Bicycle Parking

Bicycle parking facilities are a much-needed amenity for residents considering biking as an alternative to driving. As noted in the Hennepin County 2040 Bicycle Transportation Plan:

“Bicycle parking encourages people to ride to their destination knowing that they will have a safe and convenient place to lock their bike. Providing adequate prominent bicycle parking at businesses, schools, libraries, and other destinations sends a message that bicycling is an accepted and encouraged transportation option.”⁷⁸

Edina’s municipal code designates bike parking requirements for large nonresidential developments in *Sidewalks, trails, and bicycle facilities* - §36-1274.

“Nonresidential developments having an off-street automobile parking requirement of 20 or more spaces must provide off-street bicycle parking spaces where bicycles may be parked and secured from theft by their owners. The minimum number of bicycle parking spaces required shall be five percent of the automobile parking space requirement. The design and placement of bicycle parking spaces and bicycle racks used to secure bicycles shall be subject to the approval of the city engineer. Whenever possible, bicycle parking spaces shall be located within 50 feet of a public entrance to a principal building.”⁷⁹

Edina’s 2007 Comprehensive Bicycle Transportation Plan notes the locations of existing bike parking facilities, as inventoried by city staff and the Bike Edina Task Force. Listed locations include shopping destinations, elementary/middle/high schools, parks, and public recreation centers.

“At Shopping and Retail Destinations

- *Southdale Mall has six bicycle racks that could accommodate 64 bicycles.... By comparison, Southdale provides 6,725 parking spaces for automobiles– bicycle parking is less than 1% of all vehicle parking provided.*
- *A total of 12 ‘inverted U’ bike parking racks are provided at 50th and France, potentially accommodating a total of 24 bicycles.*
- *No bicycle parking facilities are provided at 70th Street and Cahill Road.*
- *No bicycle parking facilities are provided at 50th and Vernon Avenue.”⁸⁰*

The Plan also recommends substantially expanding the minimum bicycle parking requirements. The provided table, “Recommended provision of bicycle parking spaces” designates comprehensive bike parking requirements by land use type for multi-family residential, commercial, industrial, institutional, and recreational uses.⁸¹

Bicycles in Programmed Parks

According to Edina’s municipal code, cycling and skating are prohibited in programmed parks unless part of a programmed or scheduled activity. However, since programmed parks are not defined in the code, this ordinance may give the impression that biking is

prohibited in all public parks in Edina. We were informed by a planning commission member that programmed parks refers to the sections of parks reserved for athletic fields, however this information was not apparent in any ordinance or plan language that we identified.

Ch. 24 – Streets, Sidewalks and Other Public Places

Sec. 24-256. - Additional restrictions for programmed parks.

“In addition to the requirements of sections 24-254 and 24-255, no person in a programmed park shall:

(12) Operate skateboards, roller skates, in-line roller skates or blades, bicycles, scooters or similar vehicles or devices, unless part of a programmed or scheduled activity.”⁸²

Designation of Bicycle Lanes

Edina’s municipal code designates bicycle lanes along 13 specific street segments. This approach differs from those of Bloomington and Richfield, as those municipalities do not designate the location of bicycle lanes in their ordinances.

“Sec. 26-280. - Designation of bicycle lanes.

Pursuant to Minn. Stats. § 160.263, the city designates as bicycle lanes those portions of the following streets which are separated from the portion of the roadway used for motor vehicle traffic by physical barrier, striping, marking or other similar device:

(1) Blake Road from Vernon Avenue to Fox Meadow Lane.

....

(13) Olinger Boulevard from Vernon Avenue to Tracy Avenue.”⁸³

The Comprehensive Bicycle Transportation Plan provides recommendations for short, medium, and long-term bicycle facility treatments along 12 streets in the “Overview of recommended street configurations” section.⁸⁴ As of September 2017, all 12 of the streets identified in this section have received one or more of the recommended treatments.⁸⁵

Emerging Opportunities

Bicycle Parking

With regard to bike parking, Edina has the opportunity to amend the current bike parking ordinance and potentially expand its scope beyond large-scale non-residential establishments. The recommendations from the Comprehensive Bicycle Transportation Plan provide an instructive example of minimum bike parking requirements. While the

uncertainty of having a safe place to park a bike at any given destination can make cycling an infeasible option for many residents, this model would make bike parking substantially more common and convenient by providing minimum requirements for all land use types.⁸⁶ Additional opportunities include:

- Amend ordinance to require bike parking at multi-family residential developments.
- Assess bike parking availability near destinations where it isn't currently required by ordinance, such as schools and small businesses.
- Expand bike parking requirements as recommended in the Edina Comprehensive Bicycle Transportation Plan:
 - Tailor parking requirements by land use type.
 - Specify requirements for both short-term and long-term (overnight) parking.

Bicycles in Programmed Parks

Edina has the opportunity to avoid any confusion about where residents are allowed to bike by amending this ordinance to define programmed parks, and to clarify that biking is generally allowed in public parks but prohibited on the park's athletic fields.

Designation of Bicycle Lanes

Given that the utility, limitations, and outcomes of any given policy are largely shaped by its parent document, it may be beneficial for city staff to take following actions to strengthen Edina's bicycle lane designation ordinance:

- Assess advantages or disadvantages of designating bicycle lanes within the municipal code.
- Evaluate impact of this ordinance structure on available infrastructure and transportation choices.

4. Traffic Calming and Streetlight Maintenance

Suburban and urban neighborhoods of all types often experience challenges in areas where traffic speeds are too high for the surrounding context. Residential areas and near senior facilities and schools can be especially dangerous to pedestrians, bicyclists, and those using assistive devices. Municipal governments have two primary tools available to address these challenges: Either redesign the street segment (which often requires waiting a number of years for scheduled maintenance), or install less costly traffic calming devices such as speed tables, bulb-outs, or traffic circles.

Street lighting represents another important component of pedestrian and cyclist safety. Consistent and adequate lighting is essential to prevent collisions between cars and

pedestrians or cyclists at night, as well as to ensure that residents can clearly see their surroundings and feel safe from crime or other harm.

Edina Policies

Traffic Calming

Edina currently evaluates traffic conditions, identifies areas in need of traffic calming, and includes traffic calming elements as part of the city's regularly scheduled street reconstruction. However, we were unable to find specific policies or prioritization approaches in the course of our review.

Streetlight Maintenance

According to our discussions with city staff, Xcel Energy performs regularly scheduled maintenance for most if not all streetlights in Edina. The Planning Commission has also heard complaints from residents that some areas in the city are not sufficiently well lit for pedestrians to feel safe walking at night.

Emerging Opportunities

Reducing or Mitigating Cost of Traffic Calming Assessment

Given that the Pedestrian and Cyclist Safety Fund is dedicated to specific improvements to the non-motorized transportation network, we were unable to determine whether traffic calming would be eligible for this funding stream. For example, there may be some cases in which a traffic calming measure directly improves the safety of adjacent sidewalks, trails, or bike lanes, but may or may not be considered a "specific improvement to the non-motorized transportation network" under the current policy. In these cases, Edina has the opportunity to:

- Allow PACS funding for traffic calming improvements.
- Assess feasibility of funding through PACS or other sources in cases where an assessment would impose financial hardship on the benefitting residents.

In cases where property owners are assessed for the cost of a traffic calming installation, Edina may have other opportunities to reduce or mitigate those costs for residents with limited financial means. For example:

- Defer, waive, or reduce assessment costs or other associated fees for seniors or others with demonstrated hardship or financial need.
- Investigate grant funding as a way to mitigate resident costs, particularly in cases where the project coincides with MnDOT's Safe Routes to School program, the

Metropolitan Council's Regional Bicycle Transportation Network, or State Health Improvement Partnership goals.

Reducing Traffic Speeds

While Minnesota state law sets the speed limit for urban local streets at 30mph, Edina may have the opportunity to reduce traffic speeds through other means:

- City Council may by resolution reduce the speed limit to 25mph for residential streets less than one-half mile in total length, and for streets with a marked bicycle lane.⁸⁷
- Incorporate street design elements such as narrower lane widths, roadside landscaping, and curb extensions.⁸⁸

5. Municipal Recognition Programs

Various nonprofit and governmental organizations offer recognition programs to municipalities as a way to incentivize progress and recognize achievements in specific subject areas such as bicycle/pedestrian-friendly design, aging in place, or environmental sustainability. These programs typically review applications submitted by municipal staff. A scoring system or set of criteria is then used to evaluate relevant policies and practices, and provide feedback to the applicant in the form of an award or ranking, along with information on how the city could improve in the subject area.

Recognition programs provide external incentives for improvement, accessible metrics for measuring and evaluating progress, and guidance from subject matter experts, which can ultimately help cities create more effective policies and improved resident outcomes.

For example, the *Bicycle Friendly Communities* program offered by the *League of American Bicyclists* incentivizes cities to improve their bicycle infrastructure and policies by awarding Platinum/Gold/Silver/Bronze and honorable mention designations, encouraging constructive competition between cities. These awards also act as a metric for tracking improvement over time and demonstrating progress to residents. Finally, the report card includes key steps to the next award level, suggesting individual steps that the city can take to work toward a more bicycle-friendly environment.⁸⁹

Current Participation in Edina

Bicycle Friendly Communities

The Bicycle Friendly Communities program provides a detailed report card including an evaluation based on building blocks for bike-friendly communities and key outcomes. Edina received a Bronze award in Fall of 2014. The report card notes that Edina has bike

lanes on 77% of its arterial streets (higher than the average of 45% for Silver-awarded cities), and rates its Public Education Outreach as “very good” (higher than the average rating of “good” for Silver-awarded cities). However, the report card also shows that Edina’s daily bicycle ridership is relatively low, at 1% compared to 3.5% for the average silver-awarded city. Recommended “Key Steps to Silver” include increasing the amount of bike parking facilities, expanding efforts to evaluate bike crash statistics, and producing a specific plan to reduce crash frequency.⁹⁰

Minnesota GreenStep Cities

This program administered by the Minnesota Pollution Control Agency provides a step-by-step framework that participating cities can follow to improve their environmental sustainability. Edina was recognized for completing step 3 of 5 in June of 2012. Advancement to step 4 requires the city to report a minimum number of annual metrics to the GreenStep program, with the aim of measuring the results of Edina’s completed GreenStep actions.⁹¹

Many of Edina’s completed GreenStep actions double as best practices for increasing access to active transportation:

1. *“Adopt a complete streets policy that also addresses street trees and stormwater.”*

Edina completed this step by adopting the Living Streets Policy and Plan.

2. *“Identify, prioritize and remedy complete streets gaps and lack of connectivity within your road network.”*

Edina began counting bikes and pedestrian traffic in 2012, and has dedicated revenue from the Pedestrian and Cyclist Safety Fund to non-motorized transportation network improvements.

3. *“Increase walking, biking and transit use by one or more of the following means:*
 - a. *Produce/distribute route maps, signage or a web site.*
 - b. *Document increased bike facilities, such as racks, bike stations or showers.*
 - c. *Add bus infrastructure, such as signage, benches, shelters, park and ride lots, and real-time arrival data-streaming.*
 - d. *Increase the number of employers promoting multiple commuting options, including offering qualified transportation fringe benefits instead of only a tax-free parking fringe benefit.*
 - e. *Be recognized as a Walk Friendly or Bicycle Friendly Community.”*

Edina was recognized as a Bicycle Friendly Community in 2014, and the Bike Edina Task Force leads community bike rides and annual Bike to Work training and events.

Emerging Opportunities

Opportunities for Edina to promote active transportation through recognition programs include:

- Continue to participate in Minnesota GreenStep Cities and complete the remaining two of five steps (report requested metrics to MPCA and demonstrate improvement over time).⁹²
- Participate in the Walk Friendly Communities program, administered by the University of North Carolina Highway Safety Research Center.⁹³
- Join the Network of Age Friendly Cities, administered by AARP.⁹⁴
- Contact Smart Growth America to request that Edina’s Living Streets Policy be included in their annual nationwide evaluation of Complete Streets Policies.⁹⁵

Walk Friendly Communities

The University of North Carolina Highway Safety Research Center administers this program and awards bronze/silver/gold/platinum designations to communities that show “...a commitment to improving and sustaining walkability and pedestrian safety through comprehensive programs, plans, and policies”.⁹⁶

Network of Age Friendly Cities

The Network provides a step-by-step framework, timeline, and information resources to help cities assess community needs, compose an action plan, implement the plan, evaluate performance, and connect with other network members. This program is administered by AARP as the US affiliate of the World Health Organization’s Age-Friendly Cities and Communities program. Membership is not an endorsement as a currently age-friendly place, but instead is an official commitment to actively making the city a great place for people of all ages.⁹⁷

APPENDICES

APPENDIX A: REVIEWED EDINA PLANS AND POLICIES

1. Edina Code of Ordinances (Municode - Reviewed June 2017)
2. Edina Comprehensive Plan (2008)
3. Comprehensive Bicycle Transportation Plan (2008)
4. Active Routes to School Comprehensive Plan (2014)
5. Pedestrian and Cyclist Safety Fund (2012)
6. Bicycle Friendly Communities Report Card (2014)
7. Living Streets Policy (2014)
8. Living Streets Plan (2015)

APPENDIX B: ADDITIONAL STATE AND REGIONAL RESOURCES REVIEWED

HEALTHY EATING

- Community Food Assessment for the Cities of Bloomington, Edina and Richfield
- The Minnesota Food Charter - <http://mnfoodcharter.com/>
- Food Access Planning Guide - <http://mnfoodcharter.com/planningguide/>
- MN Department of Revenue Restaurant and Bars Sales Tax Fact Sheet (2017)

WALKING AND BICYCLING

- Minnesota Walks (2016) - <http://www.dot.state.mn.us/peds/plan/pdf/minnesota-walks-2016.pdf>
- Hennepin County Complete Streets Policy (2009)
- Metropolitan Council Regional Bicycle System Study (2014)
- Metropolitan Council 2015 System Statement for City of Edina
- Minnesota Complete Streets Coalition Local Government Toolkit - <http://www.mncompletestreets.org/s/MnCSLocalGovtToolkit.pdf>

APPENDIX C: SEARCH TERMS

Note: terms listed with a * reflect terms that were not included in the original search term list or additional terms provided by city staff. These terms were identified as relevant based through the research process.

HEALTHY EATING SEARCH TERMS

- Accessory Structure
- Agriculture
- Arbor
- Bees
- Beekeeping
- Chicken
- Chicken Coop
- Chicken Keeping
- (Commercial) Kitchen
- Community Garden
- Compost
- Farm
- Farm Animal
- Farmer's market
- Farm Stand
- Fence
- Food Establishment
- Food Service
- Food Truck
- Front Yard
- Gallus Gallus Domesticus
- Greenhouse
- Grocery store
- Honey
- Honey Beekeeping
- Hoop House
- Livestock
- Horticulture
- Market Garden
- Mobile Market
- Outdoor Sales and Display
- Poultry
- Raised Plant Bed
- Restaurant

ACTIVE TRANSPORTATION SEARCH TERMS

- Accessibility
- Alternative Transportation
- Bicycle
- Bike
- By Foot
- Circulation
- Complete Streets
- Crosswalk
- Drive Through
- Multi-modal
- Nonmotorized
- Parking
- Path
- Pedestrian
- Road Markings
- Sidewalk
- Signs
- Signage
- Speed Limit
- Traffic Flow
- Traffic Signal
- Trail
- Transit
- Walkway

APPENDIX D: CHICKEN ORDINANCE EXAMPLE – BLOOMINGTON

§ 12.115 CHICKENS.

(a) Limitation on the number of chickens. No person shall keep on any single-family or two-family residential property more than four total hen chickens. This is in addition to the maximum of four domestic animals or pets.

(b) Three or more dwelling unit properties. Chickens are not allowed on properties with three or more dwelling units.

(c) No roosters. No person shall keep roosters, or adult male chickens, on any property within the city.

(d) No cockfighting. Cockfighting is specifically prohibited within the city.

(e) No slaughtering. The slaughter of chickens is prohibited on residentially used or zoned properties.

(f) Ownership occupancy. The owner of the chickens shall live in the dwelling on the property.

(g) No breeding. The raising of chickens for breeding purposes is prohibited on residentially used or zoned properties.

(h) No chickens in dwellings or garages. Chickens over the age of four weeks shall not be kept inside of a dwelling or garage.

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

(1) Applicable building and zoning requirements of Chapters 15, 19 and 21;

(2) Setback for shelters and enclosures for chickens is a minimum of 50 feet from any lot used residentially or platted for future residential use;

(3) The shelter shall be situated closer to the chicken owner's dwelling than to any of the neighboring dwellings;

(4) Shelter and enclosure must not be located in the front yard and must not be located closer to a property line along a street than the principal structure is from the same street unless setback at least 50 feet from the property line adjacent to the street;

(5) Screening from abutting residentially used properties and streets in the form of a solid privacy fence of at least four feet in height constructed according to the fence standards of § 21.301.08 shall be provided for the shelter and enclosure;

(6) A shelter shall not exceed 120 square feet in size and shall not exceed six feet in height;

(7) An enclosure or fenced area for chickens shall not exceed 20 square feet per bird and shall not exceed six feet in height and shall have protected overhead netting to prevent attracting predators and other animals running at large;

(8) An enclosure or fenced area may be constructed with wood and/or woven wire materials that allow chickens to contact the ground; and

(9) Constructed in a workmanship-like manner to deter rodents and predators.

(j) Prevention of nuisance conditions. Owners shall care for chickens in a humane manner and shall prevent nuisance conditions by ensuring the follow conditions are met.

(1) The shelter and enclosure are maintained in good repair, and in a clean and sanitary manner free of vermin and objectionable odors.

(2) Feces and discarded feed is regularly collected and stored in a leak-proof container with a tight-fitting cover to prevent nuisance odors and the attraction of vermin until it can be disposed properly.

(3) Chicken feed shall be stored in leak-proof containers with a tight-fitting cover to prevent attracting vermin.

(4) Feces, discarded feed and dead birds shall not be composted.

(5) Chickens shall be secured inside of a shelter from sunset to sunrise each day to prevent nuisance noise and attracting predators.

(6) Chickens shall remain in either the shelter or enclosure at all times and shall not run at large.

(7) The shelter shall be winterized to protect the chickens in cold weather.

(k) Sale of farm poultry or eggs. Owners cannot advertise the sale of chickens or eggs and must comply with all requirements and performance standards for home businesses in § 21.302.13 and all State Department of Agriculture requirements for the sale of eggs.

(Ord. 2010-28, passed 11-1-2010; Ord. 2015-18, passed 6-22-2015; Ord. 2015-33, passed 11-16-2015)

APPENDIX E: FARMERS' MARKET ORDINANCE EXAMPLE – BLOOMINGTON

§ 14.600 PURPOSE.

The purpose of [Article IX](#) is to establish standards for the regulation of [farmers markets](#) in the city to protect the health, safety, and general welfare of the public.

(Ord. [2017-17](#), passed 6-5-2017)

§ 14.601 DEFINITIONS.

When used in this chapter, the following words, terms and phrases shall have the following meanings, unless the context clearly indicates otherwise.

COTTAGE FOOD VENDOR. A market vendor who sells [home prepared foods](#) prepared by the market vendor who has control over the means and methods of production, assumes principal financial and liability risk for the production enterprise and who is not regularly engaged in the business of manufacturing; and sells food pursuant to M.S. § 28A.152 or as recognized by Minnesota law, and registered by Minnesota Statute.

FARMER. A [person](#) who sells directly to the consumer products of the farm or garden cultivated or raised by the [person](#) selling the product on land they own or occupy.

FARMERS MARKET. An association of two or more market vendors who assemble at a defined location primarily for the purpose of selling directly to the consumer the products of a farm or garden occupied and cultivated or raised by the [person](#) selling the product.

FOOD SERVICE VENDOR. A market vendor who sells foods prepared for immediate consumption at the market and who is licensed according to Minnesota law or city ordinance.

HANDICRAFTS. Non-food products that are substantially made or crafted by hand, where any materials used for crafting a product must be significantly altered or enhanced by the [handicraft](#) producer and handcrafted components must functionally and/or aesthetically dominate any non-handcrafted (commercial) components.

HANDICRAFT VENDOR. A market vendor who produces [handicrafts](#), who has control over the means and methods of production and who assumes the principal financial and liability risk for the production enterprise.

HOME PREPARED FOOD. Products made through the transformation of raw ingredients into a finished food product prepared in the home including, but not limited to, jams, jellies, pickles, baked goods and confections.

PERSON. One or more natural persons; a partnership, including a limited partnership; a corporation, including a foreign, domestic or nonprofit corporation; a trust; a political subdivision of the state; or any other organization.

PLANT VENDOR. A market vendor who resells live plants, cut flowers, or non-food plant products purchased from retail stores, wholesalers or agricultural producers, or sells such plants or plant products grown and harvested on land that is not owned or leased by the vendor.

PRIVATE FARMERS MARKET. A [farmers market](#) that is not open to the general public.

RETAIL FOOD VENDOR. A market vendor who sells food purchased from retail stores, wholesalers or agricultural producers, or sells foods for off-site consumption, excluding [cottage food vendors](#), provided that the vendor is licensed according to Minnesota law or city ordinance.

SECONDHAND GOODS. As defined in § [14.422](#) of this code.

VENDOR OF SERVICES. A market vendor who provides a service intended for immediate consumption including, but not limited to, chair massage and face painting.

(Ord. [2017-17](#), passed 6-5-2017)

§ 14.602 PERMIT REQUIRED AND REGISTRATION.

A [farmers market](#) must not be conducted until a permit is obtained unless exempted under this [Article IX](#). Any [person](#) organizing a [farmers market](#) for which a permit is not required by this [Article IX](#) must register the [farmers market](#) with the issuing authority at no charge.

(Ord. [2017-17](#), passed 6-5-2017)

§ 14.603 PERMIT APPLICATION.

(a) *Filing.* A [person](#) seeking a permit required by [Article IX](#) must file a signed and completed application with the issuing authority on the forms provided. Applications must be filed at least 60 days prior to the [farmers market](#).

The issuing authority may waive the minimum filing period for good cause shown if, after due consideration of the date, time, place and nature of the [farmers market](#), the anticipated number of participants, and the city services required in connection with the [farmers market](#), it is determined that the waiver will not adversely impact the public health, safety or welfare.

(b) *Contents.* The application for a permit under this [Article IX](#) must include the following information:

- (1) The name, address, electronic mail address, and telephone number of the applicant;
- (2) The names, addresses, electronic mail addresses, and telephone numbers of the owner of the land upon which the [farmers market](#) is to be conducted and the name of the [person](#) within that organization responsible for the [farmers market](#) ;

- (3) A letter of authorization from the property owner, if different from the applicant;
- (4) The names, addresses, electronic mail addresses, and telephone numbers of the [persons](#) who will act as the market manager(s) responsible for the [farmers market](#) ;
- (5) The date and hours when the [farmers market](#) will start and terminate, including set-up and teardown times;
- (6) A description of the planned activities, including the approximate number of vendors, the type and number of vehicles involved and the approximate number of customers and guests reasonably anticipated;
- (7) A scaled site plan depicting the location of the [farmers market](#) that includes loading or unloading areas, vendor stand locations, parking areas, gathering and seating areas, tents, stages, platforms, temporary structures, tables, booths, first-aid or relief stations, dumpsters, fencing, portable toilets, signs or banners and a parking, pedestrian circulation and traffic plan;
- (8) A description of any sound amplification equipment and its positioning, and other mechanical or electronic equipment to be used in connection with the [farmers market](#) and the names, addresses and telephone numbers of any sound technicians for the [farmers market](#) ;
- (9) A description of any public facilities or equipment to be utilized;
- (10) A description of the applicant's plan to clean up and restore the site;
- (11) *Vendor information.* For each market vendor the following information must be supplied:
 - (A) Business or farm name;
 - (B) Name of the primary seller;
 - (C) Mailing address;
 - (D) Description of goods to be sold;
 - (E) Vendor type (i.e. [farmer](#), [cottage food vendor](#), [retail food vendor](#), [food service vendor](#), [handicraft vendor](#), [plant vendor](#), [vendor of service](#), etc.);
 - (F) A description of how vendors will comply with M.S. § 28A.151 if vendors intend to provide samples or food demonstrations; and
 - (G) Applications for required city licenses related to vendor type; and
- (12) Such other information as the issuing authority requires in order to make a fair determination as to whether or not a permit should be issued.

(Ord. [2017-17](#), passed 6-5-2017)

§ 14.604 FEES.

(a) *Permit fees.* Permit fees for [farmers markets](#) are listed in § [14.03](#) of this code, and the permit fee must be submitted with the application. Additional permits and fees may be required if the [farmers market](#) includes public facility rental, tents, [retail food vendors](#), [food service vendors](#), or other attributes subject to separate regulation.

(b) *Contractual police overtime deposit.* A fee for contractual police overtime must be paid at the time the application is submitted if the Chief of Police determines, based upon the market's size, date, time of day, location, concentration of [persons](#), vehicles, equipment, that additional police services, over and above that which can be provided by regularly scheduled on-duty police personnel, is necessary to protect the public health, safety and welfare. The fee for contractual police overtime shall be based upon the established contractual overtime rates for the patrol and supervisory officers available, which include regular salary, plus regular fringe benefits. In making this determination, the Chief of Police may not reference or consider the content of the expressive activity or views expressed or anticipated to be expressed at any public assembly at the [farmers market](#) or the response it may provoke.

(c) *Other city staff overtime deposit.* A fee for estimated city staff overtime must be paid at the time the application is submitted if the issuing authority determines, based upon the farmers market's size, date, time of day, location, concentration of [persons](#), vehicles, or equipment that additional city staffing is necessary to protect the public health, safety and welfare. The fee for city staff overtime shall be based upon the actual overtime rates for the city staff available to serve the [farmers market](#), which shall include regular salary, plus regular fringe benefits. In making this determination, the issuing authority may not reference or consider the content of the expressive activity or views expressed or anticipated to be expressed at any public assembly at the [farmers market](#) or the response it may provoke.

(Ord. [2017-17](#), passed 6-5-2017)

§ 14.605 EXEMPTIONS.

(a) *City Council findings on exemptions.* The City Council exempts [private farmers markets](#) that comply with the requirements for [farmers markets](#) outlined in § [14.607](#) and comply with the following additional standards from submitting a permit application and paying a permit fee:

- (1) The [farmers market](#) must be substantially conducted outdoors;
- (2) No signs are allowed except for one sign at each vendor stand consistent with § [19.105\(c\)\(23\)F](#);
- (3) The [farmers market](#) is not allowed to have more than three vendors;

(4) All vendors must be a [farmer](#); and

(5) No advertisement of the [farmers market](#) is allowed outside of invited attendees.

(b) *Responsibilities of exempt [farmers market](#) sponsors.* Those [persons](#) exempt from a permit fee and application in subsection (a) above are nonetheless subject to all applicable state laws and city code provisions, including without limitation regulations relating to: parks, open space and recreational areas (§§ [5.20](#) through [5.22.01](#)); noise (§§ [10.29](#) through [10.32](#)); sound trucks (§§ [10.33](#) through [10.36](#)); trespass (§§ [12.07](#) through [12.12](#)); public nuisance (§§ [12.02](#) through [12.06](#)); juvenile curfew (§§ [12.27](#) through [12.33](#)); vandalism (§ [12.34](#)); transient merchant (§§ [14.180](#) through [14.192](#)); tents (§ [19.63.06](#)); and signs (§ [19.106](#)) and may be required to pay the cost of any law enforcement services over and above the level of city services available with regular on-duty staffing that are directly attributable to their [farmers market](#). The city's cost of repair, clean-up or replacement of city property, public grounds or facilities damaged as a direct result of the [farmers market](#) shall also be recoverable from the exempt [farmers market](#) sponsor, as well as any city liability to third parties resulting from the exempt person's [farmers market](#).

(Ord. [2017-17](#), passed 6-5-2017)

§ 14.606 PERMIT APPLICATION AND VERIFICATION.

(a) *Application consideration.* An application for a permit pursuant to this [Article IX](#) must be submitted to the issuing authority, which will verify the information on the application form. The issuing authority is empowered to conduct any and all investigations to verify the information on the application. The issuing authority may include in its approval such conditions as may be necessary to ensure adequate parking and traffic circulation, to minimize impacts on adjacent property, to ensure compliance with all applicable laws and to otherwise protect the health, safety and welfare of the community. A permit may not be granted unless the issuing authority finds that:

(1) The conduct of the [farmers market](#) will not impair the safe and orderly movement of pedestrian or vehicular traffic;

(2) The conduct of the [farmers market](#) will not require the diversion of so great a number of city police resources as to pose an adverse impact on the health, welfare and safety of the public;

(3) The concentration of vehicles, [persons](#) at the [farmers market](#) will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to the [farmers market](#) ;

(4) The conduct of the [farmers market](#) is not reasonably likely to cause injury to [persons](#) or property;

(5) Adequate sanitation and other required health facilities are or will be made available in or adjacent to the [farmers market](#) area;

(6) There are sufficient parking places near the [farmers market](#) ;

(7) The applicant has paid all fees required under § [14.03](#);

(8) The application meets all applicable code requirements; and

(9) The application is not detrimental to the public health, safety or welfare.

(b) *Denial.*

(1) *Denying an application.* The issuing authority may deny an application completely or in part. The issuing authority must explain the reason for denial in a written notice. The issuing authority must mail the notice of denial to the applicant at the street address provided in the application, and may send a copy electronically to the electronic mail address provided in the application. The notice of denial must inform the applicant that he or she has 20 days to request an administrative review, counting from the date the issuing authority mailed the notice of denial.

(2) *Request for administrative review.* An applicant has a right to request an administrative review of the issuing authority's decision to deny a permit. The applicant must serve the request for review on the issuing authority within 20 days, counting from the date the issuing authority mailed the notice of denial. The applicant must include with the request all documents and written arguments in support of the applicant's position.

(3) *Written decision.* If the issuing authority receives a request for administrative review within the 20-day period, the City Manager or the City Manager's designee must review the request and issue a written decision to the applicant within 20 days, counting from the date of receipt of the request. This written decision must be mailed to the applicant at the address on the permit application.

(Ord. [2017-17](#), passed 6-5-2017)

§ 14.607 REQUIREMENTS FOR ALL FARMERS MARKETS.

(a) *Location.* [Farmers markets](#) are subject to the following location requirements:

(1) *Zoning districts.* [Farmers markets](#) are permitted uses in multiple zoning districts as stated in [Chapter 19](#) and [21](#) of the city code.

(2) *Permitted within the right-of-way.* [Farmers markets](#) are permitted within the right-of-way subject to requirements in § [17.68](#) of this code.

(b) *Sampling and demonstrations.* [Farmers market](#) vendors providing food samples or conducting food and cooking demonstrations must do so in accordance with M.S. § 28A.151.

(c) *Farmers market vendors.*

(1) *Primarily farmers.* At least 60% of [farmers market](#) vendors must be farmers. The other vendors, up to 40%, are limited to the following types:

- (A) [Retail food vendors](#);
- (B) [Food service vendors](#);
- (C) [Handicraft vendors](#);
- (D) [Cottage food vendors](#);
- (E) [Plant vendors](#); and
- (F) Vendors of services.

(d) *Hours and frequency.*

(1) [Farmers market](#) vendors are not allowed to begin setting up earlier than 7:00 a.m. if located on or within 250 feet of a residential property. This restriction does not apply to a farmers market vendor if all residential property within 250 feet of the vendor is situated on the other side of an arterial street.

(2) No [farmers market](#) is allowed to be open for the transaction of business on any day of the week before 7:00 a.m. or after 8:00 p.m.

(3) The [farmers market](#) is not allowed to conduct business for more than six total hours in a seven day period in the same location, except that [farmers markets](#) exempt from permit requirements under § [14.605](#) are not allowed to conduct business for more than eight total hours in a seven day period in the same location.

(4) The [farmers market](#) is not allowed to operate more than twice per seven day period in the same location.

(5) The [farmers market](#) site must be entirely free of refuse, litter, recyclables, equipment, and vendors two hours after the farmers market's advertised closing time.

(e) *Parking.*

(1) A [farmers market](#) must provide three code-compliant parking stalls per market vendor.

(2) The applicant must demonstrate that display area and [farmers market](#) parking will not negatively impact the parking required on site for non- [farmers market](#) uses during periods when the [farmers market](#) is open.

(f) *Tents and canopies.* Permits are required for tents subject to requirements stated in § [19.63.06](#) of this code.

(g) *Farmers market goods.*

(1) *Compliance with local, state, and federal regulations.*

(A) All items must be transported, prepared, labeled, displayed, stored, and sold in accordance with local, state and federal regulations and are subject to inspection.

(2) *Prohibited vendors and goods.* The following types of vendors are prohibited from [farmers markets](#) :

(A) Vendors selling any entity's non-food product as an agency, franchisee, distributor, or licensee; or on consignment; or by any third-party arrangement; and

(B) Vendors selling [secondhand goods](#).

(h) *Signs.* Signs for the [farmers market](#) are subject to requirements stated in [Chapter 19 Article X](#) of this code.

(i) *Permits and licenses.* All permits and licenses required by the Minnesota Departments of Health or Agriculture or city are the responsibility of the vendors.

(j) *Market manager.* All [farmers markets](#) must have a designated [farmers market](#) manager. The market manager must be present when the [farmers market](#) is open and is responsible for the supervision, management, and control of the [farmers market](#), including:

(1) Obtaining any required permits for the [farmers market](#) from the City of Bloomington;

(2) Ensuring compliance with the farmers market's policy documents and all the [farmers market](#) requirements listed herein;

(3) Ensuring all market vendors are in compliance with all required local, state, and federal licenses and regulations prior to vending;

(4) Ensuring a current list of all market vendors is available to city staff to review at all times during the [farmers market](#) season;

(5) Ensuring prompt removal of all refuse, litter, and recyclables from the [farmers market](#) and areas of public right-of-way within 100 feet of the [farmers market](#) ; and

(6) Maintaining a record, on site and easily accessible to city staff and other officials, of all market vendors who qualify for exemption under M.S. Chapter 28A. Each individual vendor record must contain at minimum the following data:

(A) Vendor name, business name, and contact information;

(B) The address and approximate total acres of farm or garden;

(C) A list of farm products sold; and

(D) A list of vehicles used for delivery of farm products.

(k) *Insurance.* Commercial General Liability and Auto insurance for all vendors at a minimum of \$1,000,000 must be obtained to cover any [farmers market](#) on city property that requires a permit under this [Article IX](#). A certificate of insurance must be filed with the city.

(Ord. [2017-17](#), passed 6-5-2017; Ord. [2017-21](#), passed 6-26-2017)

§ 14.608 PENALTY.

A violation of any provision of this [Article IX](#) shall be a misdemeanor under state law.

(Ord. [2017-17](#), passed 6-5-2017)

APPENDIX F: GENERAL MUNICIPAL FOOD SYSTEM RESOURCES

- [Baltimore City, MA: Zoning Applications to Create Healthy Food Environments](#)
- [Best Practices of the Regional Food Systems Working Group](#)
- [Iowa Local Food and Farm Plan](#)
- [Municipal Zoning for Local Foods in Iowa: A Guidebook for Reducing Local Regulatory Barriers to Local Foods](#)
- [Good Food Procurement Resolution 2014](#)
- [Good Food Purchasing Policy: Center for Good Food Purchasing](#)
- [Healthy Corner Store Initiatives](#)
- [Healthy Corner Stores: Minneapolis](#)
- [Minneapolis Food System: An Overview](#)
- [Minneapolis Food System: Food Production](#)
- [Model Community Agriculture and Forest Protection District: Model Ordinances for Sustainable Development](#)
- [NYC Food Policy and Procurement](#)
- [NYC Green Cart Mobile Food Vendors](#)
- [Organizing Steps to be Recognized as a Green Step City](#)
- [University of Missouri Extension: Urban Agriculture Best Practices and Possibilities](#)
- [USDA Calorie Labeling on Restaurant Menus and Vending Machines](#)
- [USDA Conservation Practice Standard, High Tunnel System](#)

APPENDIX G: MUNICIPAL FOOD PRODUCTION RESOURCES

HOOP HOUSE, GREENHOUSE, AND URBAN AGRICULTURE MUNICIPAL EXAMPLES

Other cities have created ordinances to address the types of structures that are used to extend the growing season.

Cleveland, Ohio

The City of Cleveland, Ohio has developed a rather comprehensive list of policies and ordinances to address the growth of urban agriculture and local food production. Below is an example for local food production activities and structures:

Permitting Process for High Tunnels and Hoop Houses: Due to the increasing number of high tunnels being constructed on urban farms in Cleveland as a result of the " [USDA EQIP Seasonal High Tunnel Initiative](#), the [City of Cleveland's Department of Building and Housing](#) issued a clarification of the permitting process and fee schedule for these types of structures in December 2012. Link to [Hoop House Permit Process](#)

Urban Garden District: Established as part of the zoning code to ensure that urban garden areas are appropriately located and protected to meet needs for local food production, community health, community education, garden-related job training, environmental enhancement, preservation of green space, and community enjoyment on sites for which urban gardens represent the highest and best use for the community.⁹⁸ Link to: [Urban Garden District Ordinance](#)

Urban Agriculture Overlay District (DRAFT): Introduced to Cleveland City Council as a measure that would allow for more intensive uses of urban agriculture in certain areas designated by the city. The legislation is currently pending before Cleveland City.⁹⁹ Council. Link to: [Urban Agriculture Overlay District](#)

Agriculture in Residential Districts: Amendments to the zoning regulations for residential districts that permit farm stands, different design guidelines for fencing, and allow agriculture as a principal use on vacant lots.¹⁰⁰ Link to: [Agriculture in Residential Districts](#)

Minneapolis, MN

The City of Minneapolis, MN adopted regulations for greenhouses, cold frames, and hoop houses in March of 2012 as part of their Urban Agriculture Policy Plan.

Cold frames or other structures used to cover food or ornamental crops to protect from cold weather: Cold frames or other structures used to cover food or

ornamental crops and provide protection from cold weather shall be allowed as an accessory use subject to the following:

- The use shall not exceed four (4) feet in height.
- (2) The use shall not be located in a required interior side yard.¹⁰¹

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:

- (1) In the residence and OR1 districts the use must be located in the rear fifty (50) feet of the lot.
- (2) The use shall be located not less than twenty (20) feet from any habitable building on an adjacent property.
- (3) The use shall not be located in a required interior side yard.
- (4) Notwithstanding the provisions of this chapter, hoop houses, cold frames or other temporary structures used solely to extend the growing season for food or ornamental crops that are accessory to a community garden, market garden or urban farm, shall be exempt from the maximum floor area of all accessory structures, provided that the total size of such temporary structures shall not exceed one thousand (1,000) square feet or fifteen (15) percent of the lot area, whichever is greater, and shall not exceed a duration of one hundred eighty (180) days in a calendar year.
- (5) The use shall comply with all applicable requirements of the Minnesota State Fire Code and Minneapolis Fire Department and obtain any required permits.
- (6) Notwithstanding the provisions of section 537.50, the maximum height of a hoop house or other structure used solely to extend the growing season for food or ornamental crops shall not exceed six and one-half (6½) feet accessory to single and two-family dwellings and multiple-family dwellings having three (3) or four (4) dwelling units and twelve (12) feet accessory to all other uses. The use shall not exceed the maximum height for any accessory structure as specified in section 537.50

Link to full City Ordinance: [537.110 Allowed Accessory Uses and Structures](#)

URBAN AGRICULTURE RESOURCES

Urban agriculture is becoming more prominent, at the local, state, regional and national level. The following resources provide an expanded discussion of urban agriculture as well as regional food systems:

- Municipal Zoning for Local Foods in Iowa: A Guidebook for Reducing Local Regulatory Barriers to Local Foods:
<https://blogs.extension.iastate.edu/planningBLUZ/files/2012/01/ZONING-FOR-LOCAL-FOODS-GUIDEBOOK.pdf>

- Minnesota Department of Agriculture, Urban Agriculture in Minnesota, A Report to the Minnesota Legislature:
<http://www.mda.state.mn.us/news/~media/Files/news/govrelations/legrpt-urbanag2016.pdf>
- Iowa Local Food and Farm Plan, Report to the Iowa Legislature from the Leopold Center for Sustainable Agriculture:
http://lib.dr.iastate.edu/cgi/viewcontent.cgi?article=1093&context=leopold_publications
- The Minnesota Food Charter's, Food Access Planning Guide:
<http://mnfoodcharter.com/planningguide/>
- [City of Cleveland: Urban Agriculture Ordinances](#)
- [Minnesota Department of Agriculture: Urban Agriculture in Minnesota, a Report to the Minnesota Legislature](#)

Zoning for Healthy Eating and Active Transportation Amenities.

Minneapolis Example: [527.120. - Alternatives to zoning ordinance standards.](#)

The city planning commission may approve alternatives to the zoning regulations applicable to the zoning district in which the planned unit development is located, as authorized in this chapter and as listed in Table 527-2, Authorized Alternatives, where the planned unit development includes site amenities. Site amenities are listed in Table 527-1, Amenities, and are subject to the following standards:

(1) All planned unit developments shall provide at least one (1) amenity or a combination of amenities that total at least ten (10) points, beyond those required for any alternative(s), and even if no alternative(s) is requested.

(2) For each alternative requested, an amenity or a combination of amenities totaling at least five (5) points, in addition to the amenity(ies) required in section 527.120(1), shall be provided. For multiple requests of the same alternative only one (1) amenity shall be required for those alternatives, except for revisions made to an already approved planned unit development as an amendment to the planned unit development.

(3) Unless otherwise determined by the city planning commission, each phase of the planned unit development shall include the amenities provided for any alternatives in that phase, as a part of the construction of that phase.

(4) In no case shall any item be counted as an amenity for an alternative if it is utilized to qualify for a density bonus in any zoning district, a floor area ratio premium in the Downtown Districts, or any other amenity in Table 527-1, Amenities.

(5) Where an amenity is provided that meets the standards required in Table 527-1, Amenities, the full point value assigned to said amenity shall be obtained. Where the amenity does not meet all of the standards required in Table 527-1, Amenities, no points shall be awarded. Partial points for alternatives shall not be awarded, except as otherwise allowed in Table 527-1, Amenities.

Nothing in this chapter shall be construed to provide a property owner with any property right or other legal right to compel the city to grant alternatives to this zoning ordinance.

*Note: Follow the link to the full ordinance to see Table 527-1 Amenities.

Table 527-1 Amenities

Points	Amenity	Standards
5	Garden(s) or on-site food production	Permanent and viable growing space and/or facilities such as a greenhouse or a garden conservatory at a minimum of sixty (60) square feet per dwelling unit to a maximum required area of five thousand (5,000) square feet, which provide fencing, watering systems, soil, secured storage space for tools, solar access, and pedestrian access as applicable. The facility shall be designed to be architecturally compatible with the development and to minimize the visibility of mechanical equipment.

Pollinator and Beekeeping Resources

- Pollinate Minnesota, <http://www.pollinatemn.org/pollinator-friendly-twin-cities/>.
- Xerces Society for Invertebrate Conservation
 - <https://xerces.org/>
 - http://www.xerces.org/wp-content/uploads/2010/11/pollinator-three-steps_fact_sheet2.pdf
 - <http://xerces.org/pesticides/>
- *Pollinator Conservation*, Vera Krischik and Emily Tenczar, University of Minnesota for Center for Urban Ecology and Sustainability, <http://www.extension.umn.edu/garden/plant-nursery-health/docs/2014-Krischik-pollinator-conservation.pdf>
- [Cass Clay Blueprint for Urban Agriculture and Backyard Beekeeping: Developed by the Cass Clay Food Systems Initiative](#)
- [Minneapolis Beekeeping Ordinance](#)

- [Plants For Minnesota Bees: UMN Bee Lab](#)
- [Policies to Protect Pollinators, Berkeley Food Institute, UC Berkeley](#)
- [Pollinator Protection Task Force Report: City of Madison, WI](#)
- Minnesota DNR Pollinator Best Management Practices and Habitat Restoration Guideline,
http://files.dnr.state.mn.us/natural_resources/npc/2014_draft_pollinator_bmp_guidelines.pdf

POULTRY, CHICKEN, AND SALE OF EGGS RESOURCES

Slaughtering Backyard Poultry

Some examples were found for slaughter options for backyard chicken owners. The City of Chicago, in partnership with the Illinois Department of Agriculture, established that chicken owners could take their chickens to a type 2 establishment for slaughter, which are “licensed to receive live animals and provide slaughter and processing as a service, but not to sell the meat. The meat has to be for the owner’s personal use.”¹⁰² Similarly to Chicago, the Minnesota Department of Agriculture provides a list of plants that slaughter and process meat and poultry, but there are no nearby slaughter options for residents of Edina.¹⁰³

It seems that the MDA refers to these types of slaughter operations as Custom Meat Processors, which process meat as a service to the owner of the animal and the meat or poultry can’t be sold and must be consumed by the owner, the owner’s immediate family, and non-paying guests.¹⁰⁴

- The following reference guides provide samples of chicken ordinance language and a comparison of other municipal approaches to regulating local poultry efforts:
 - The Cass Clay Chicken Keeping Blueprint as part of the Cass Clay Food Systems Initiative with the University of Minnesota Extension Regional Sustainable Development Partnerships:
<https://www.extension.umn.edu/rsdp/northwest/sustainable-agriculture-and-food-systems/docs/Cass-Clay-Blueprint-Chicken-Keeping.pdf>
 - Municipal Zoning for Local Foods in Iowa: A Guidebook for Reducing Local Regulatory Barriers to Local Foods:
<https://blogs.extension.iastate.edu/planningBLUZ/files/2012/01/ZONING-FOR-LOCAL-FOODS-GUIDEBOOK.pdf>

General Resources

- [Cass Clay Blueprint Chicken Keeping, University of Minnesota Extension](#)
- [Minnesota Department of Agriculture Egg Grading and Sales for Small Producers Exempt from Licensing Poultry Slaughter and Sales Direct to Consumers Exemption](#)
- [Minnesota Department of Agriculture Sale of Locally Home or Farm Raised Poultry](#)
- [Minnesota Department of Agriculture Sale of Locally Raised Eggs to Food Facilities](#)
- [Selling Your Minnesota Shell Eggs, MISA, MFMA](#)

APPENDIX H: MINNESOTA COTTAGE FOOD LAW

COTTAGE FOODS EXEMPTION, Minn. Stat. § 28A.152.

Subdivision 1. Licensing provisions applicability.

(a) The licensing provisions of sections 28A.01 to 28A.16 do not apply to the following:

(1) an individual who prepares and sells food that is not potentially hazardous food, as defined in Minnesota Rules, part 4626.0020, subpart 62, if the following requirements are met:

(i) the prepared food offered for sale under this clause is labeled to accurately reflect the name and address of the individual preparing and selling the food, the date on which the food was prepared, and the ingredients and any possible allergens; and

(ii) the individual displays at the point of sale a clearly legible sign or placard stating: "These products are homemade and not subject to state inspection."; and

(2) an individual who prepares and sells home-processed and home-canned food products if the following requirements are met:

(i) the products are pickles, vegetables, or fruits having an equilibrium pH value of 4.6 or lower;

(ii) the products are home-processed and home-canned in Minnesota;

(iii) the individual displays at the point of sale a clearly legible sign or placard stating: "These canned goods are homemade and not subject to state inspection."; and

(iv) each container of the product sold or offered for sale under this clause is accurately labeled to provide the name and address of the individual who processed and canned the goods, the date on which the goods were processed and canned, and ingredients and any possible allergens.

(b) An individual who qualifies for an exemption under paragraph (a), clause (2), is also exempt from the provisions of sections 31.31 and 31.392.

Subd. 2. Direct sales to consumers.

(a) An individual qualifying for an exemption under subdivision 1 may sell the exempt food:

(1) directly to the ultimate consumer at a community event or farmers' market;

(2) directly from the individual's home to the ultimate consumer, to the extent allowed by local ordinance; or

(3) through donation to a community event with the purpose of fund-raising for an individual, or fund-raising for an educational, charitable, or religious organization.

(b) If an exempt food product will be delivered to the ultimate consumer upon sale of the food product, the individual who prepared the food product must be the person who delivers the food product to the ultimate consumer.

(c) Food products exempt under subdivision 1, paragraph (a), clause (2), may not be sold outside of Minnesota.

(d) Food products exempt under subdivision 1 may be sold over the Internet but must be delivered directly to the ultimate consumer by the individual who prepared the food product. The statement "These products are homemade and not subject to state inspection." must be displayed on the Web site that offers the exempt foods for purchase.

Subd. 3. Limitation on sales.

An individual selling exempt foods under this section is limited to total sales with gross receipts of \$18,000 or less in a calendar year.

Subd. 4. Registration.

An individual who prepares and sells exempt food under subdivision 1 must register annually with the commissioner. The annual registration fee is \$50. An individual with \$5,000 or less in annual gross receipts from the sale of exempt food under this section is not required to pay the registration fee.

Subd. 5. Training.

(a) An individual with gross receipts between \$5,000 and \$18,000 in a calendar year from the sale of exempt food under this section must complete a safe food handling training course that is approved by the commissioner before registering under subdivision 4. The training shall not exceed eight hours and must be completed every three years while the individual is registered under subdivision 4.

(b) An individual with gross receipts of less than \$5,000 in a calendar year from the sale of exempt food under this section must satisfactorily complete an online course and exam as approved by the commissioner before registering under subdivision 4. The commissioner shall offer the online course and exam under this paragraph at no cost to the individual.

Subd. 6. Local ordinances.

This section does not preempt the application of any business licensing requirement or sanitation, public health, or zoning ordinance of a political subdivision.

Subd. 7. Account established.

A cottage foods account is created as a separate account in the agricultural fund in the state treasury for depositing money received by the commissioner under this section. Money in the account, including interest, is appropriated to the commissioner for purposes of this section.

POTENTIALLY HAZARDOUS FOOD

Minn. Rules 4626.0020, Subp. 62.

A. "Potentially hazardous food" means a food that is natural or synthetic and is in a form capable of supporting:

- (1)** the rapid and progressive growth of infectious or toxigenic microorganisms;
- (2)** the growth and toxic production of *Clostridium botulinum*; or
- (3)** in raw shell eggs, the growth of *Salmonella enteritidis*.

B. Potentially hazardous food includes a food of animal origin that is raw or heat-treated, a food of plant origin that is heat-treated or consists of raw seed sprouts, cut melons, and garlic and oil mixtures that are not acidified or otherwise modified at a food processing plant in a way that results in mixtures that do not support growth as specified in item A.

C. Potentially hazardous food does not include:

- (1)** an air-cooled hard-boiled egg with shell intact;
- (2)** a food with an a_w value of 0.85 or less;
- (3)** a food with a pH level of 4.6 or below when measured at 24 degrees C (75 degrees F);
- (4)** a food, in an unopened hermetically sealed container, that is commercially processed to achieve and maintain commercial sterility under conditions of nonrefrigerated storage and distribution;
- (5)** a food for which laboratory evidence demonstrates that the rapid and progressive growth of infectious and toxigenic microorganisms or the growth of *Salmonella enteritidis* in eggs or *Clostridium botulinum* cannot occur, including a food that has an a_w and a pH that are above the levels specified in subitem (2) or (3) and that may contain a preservative, other barrier to the growth of microorganisms, or a combination of barriers that inhibit the growth of microorganisms; or
- (6)** a food that may contain an infectious or toxigenic microorganism or chemical or physical contaminant at a level sufficient to cause illness, but that does not support the growth of microorganisms as specified in item A.

APPENDIX I: MUNICIPAL FOOD WASTE MANAGEMENT RESOURCES

PLASTIC BAG BAN

Minneapolis Ordinance (Repealed)

225.920 Single-use plastic carryout bags prohibited. No retail establishment shall provide a single-use plastic carryout bag to a customer.¹⁰⁵

225.930 Carryout bag restrictions and requirements. (a) No retail establishment shall provide a paper carryout bag that is not a recyclable paper bag, and retail establishments shall collect a pass-through charge of not less than five center for each paper carryout bag, compostable carryout bag or reusable bag provided to customers. It shall be a violation of this section for any retail establishment to pay or otherwise reimburse a customer for any portion of the pass-through charge. All retail establishments shall indicate on the customer transaction receipt the number of paper carryout bags, compostable carryout bags and/or reusable bags provided and the total amount of the pass-through charge.¹⁰⁶

Minnesota Legislature Bill

Sec. 9. [471.9998] MERCHANT BAGS.

Subdivision 1. Merchant option. All merchants, itinerant vendors, and peddlers doing business in this state shall have the option to provide customers a paper, plastic, or reusable bag for the packaging of any item or good purchased, provided such purchase is of a size and manner commensurate with the use of paper, plastic, or reusable bags.

Subd. 2. Prohibition; bag ban. Notwithstanding any other provision of law, no political subdivision shall impose any ban upon the use of paper, plastic, or reusable bags for packaging of any item or good purchased from a merchant, itinerant vendor, or peddler.

EFFECTIVE DATE. This section is effective May 31, 2017. Ordinances existing on the effective date of this section that would be prohibited under this section are invalid as of the effective date of this section.¹⁰⁷

[ENVIRONMENTAL PRESERVATION: ENVIRONMENTALLY ACCEPTABLE PACKAGING –](#)

Minneapolis CHAPTER 204.10. - Legislative purpose.

The city council finds that discarded packaging from foods and beverages prepared for immediate consumption constitutes a significant and growing portion of the waste in Minneapolis' waste stream. Regulation of food and beverage packaging, therefore, is a necessary part of any effort to encourage a recyclable and compostable waste stream, thereby reducing the disposal of solid waste and the economic and environmental costs of waste management for the citizens of Minneapolis and others working or doing business in Minneapolis.

The council further finds that plastic packaging is rapidly replacing other packaging material, and that some plastic packaging used for foods and beverages is nonreusable, nonreturnable, nonrecyclable and noncompostable.

The council also finds that the two (2) main processes used to dispose of discarded nonreusable, nonreturnable, nonrecyclable and noncompostable plastic food and beverage packaging are land filling and incineration, both of which should be minimized for environmental reasons.

The council therefore finds that the minimization of nonreusable, nonreturnable, nonrecyclable and noncompostable food and beverage packaging originating at retail food establishments and at events providing food and/or beverages within the city of Minneapolis is necessary and desirable in order to minimize the city's waste stream, so as to reduce the volume of landfilled waste, to minimize toxic by-products of incineration, and to make our city and neighboring communities more environmentally sound places to live. (89-Or-060, § 1, 3-31-89; 96-Or-059, § 1, 6-28-96; 2014-Or-023, § 1, 5-23-14)

204.20. - Definitions.

As used in this chapter, the following terms and phrases shall have the meanings as defined in this section:

(a) Packaging shall mean and include food or beverage cans, bottles or containers used to package food and beverage products for distribution including glasses, cups, plates, serving trays, and to-go containers; but shall specifically exclude foods pre-packaged by the manufacturer, producer or distributor; plastic knives, forks and spoons sold or intended for use as utensils; and plastic films less than ten (10) mils in thickness.

(b) Environmentally acceptable packaging shall mean and include any of the following:

(1) Reusable and returnable packaging: Food or beverage containers or packages, such as, but not limited to, water bottles, growlers, milk containers and bulk product packaging that are capable of being refilled at a retail location or returned to the distributor for reuse at least once as a container for the same food or beverage;

(2) Recyclable packaging: Packaging that is separable from solid waste by the generator or during collection for the purpose of recycling including glass bottles, aluminum cans and plastic food and beverage packaging that have robust recycling markets. For the purposes of this chapter, environmentally preferable plastic packaging includes the following plastic types:

a. Polyethylene Terephthalate (#1 PET or PETE);

b. High Density Polyethylene (#2 HDPE); and

c. Polypropylene (#5 PP).

(3) Compostable packaging: Packaging that is separable from solid waste by the generator or during collection for the purpose of composting. Compostable packaging must be made of paper, certified compostable plastics that meet ASTM D6400 or ASTM D6868 for compostability or other cellulose-based packaging capable of being decomposed through composting or anaerobic digestion.

(c) Food establishment, as used in this chapter, means a "food establishment" as defined in section 186.50 of the Minneapolis Code of Ordinances. (89-Or-060, § 1, 3-31-89; 90-Or-067, § 1, 2-23-90; 96-Or-059, § 2, 6-28-96; 2013-Or-145, § 1, 12-6-13; 2014-Or-023, § 2, 5-23-14)

204.30. - Prohibitions and duties.

(a) No person owning, operating or conducting a food establishment or any person or organization providing free food or beverage products within the city of Minneapolis pursuant to a permit or license, or in a manner which would require a permit or license, shall do or allow to be done any of the following within the city: Sell or convey at retail or possess with the intent to sell or convey at retail any food or beverage intended for immediate consumption contained, at any time at or before the time or point of sale, in packaging which is not environmentally acceptable packaging. The presence on the premises of the food establishment of packaging which is not environmentally acceptable packaging shall constitute a rebuttable presumption of intent to sell or convey at retail, or to provide to retail customers packaging which is not environmentally acceptable packaging; provided, however, that this subparagraph shall not apply to manufacturers, brokers or warehouse operators, who conduct or transact no retail food or beverage business.

(b) Packaging used to contain food or beverages intended for immediate consumption shall be considered environmentally acceptable packaging only when the food establishment provides consumers with an opportunity to recycle and/or appropriately manage compostable plastics and utilizes a qualified recycling and/or organics management system.

(1) A qualified recycling system shall have the following elements:

a. A clear and verifiable process for separating recyclable packaging from discarded solid waste; and

b. Collection and delivery of recyclable packaging to a recycling facility for processing in the same or at least similar manner as recyclable packaging collected in a municipally approved recycling program.

(2) A qualified organics management system shall have the following elements:

a. A clear and verifiable process for separating organic materials from discarded solid waste; and

b. Collection and delivery of organic materials to a food to people, food to animals, organics composting or anaerobic digestion facility in the same manner or at least similar manner as organic materials collected in a municipally approved organics management program. (89-Or-060, § 1, 3-31-89; 96-Or-059, § 3, 6-28-96; 2014-Or-023, § 3, 5-23-14)

MINNESOTA STATE AND HENNEPIN COUNTY RESOURCES

- *Solid Waste Management Master Plan Briefing* from Hennepin County Environment and Energy, <http://www.hennepin.us/-/media/hennepinus/your-government/projects-initiatives/documents/solid-waste-management-master-plan-board-briefing-july-2017.pdf?la=en>

- *Organics Recycling for Residents*, Hennepin County,
<http://www.hennepin.us/residents/recycling-hazardous-waste/organics-recycling>
- *Report on 2015 SCORE Programs*, Minnesota Pollution Control Agency,
<https://www.pca.state.mn.us/sites/default/files/w-sw-1-33.pdf>

APPENDIX J: ACTIVE TRANSPORTATION RESOURCES

Local

- Brockton MA Complete Streets Ordinance (top scoring example from SGA)
<https://drive.google.com/file/d/0B2sMN8qiyoYEaWVGX3Bfd2t0UHM/view>
<http://www.webcitation.org/6sn88DQRu>

County and Regional

- Metropolitan Council, Thrive MSP 2040, Transportation Policy Plan Ch. 7: Bicycle and Pedestrian Investment Direction
[https://metro council.org/Transportation/Planning-2/Key-Transportation-Planning-Documents/Transportation-Policy-Plan-\(1\)/The-Adopted-2040-TPP-\(1\)/Final-2040-Transportation-Policy-Plan/2040-TPP-Chapter-7-Bike-and-Pedestrian-Investment.aspx](https://metro council.org/Transportation/Planning-2/Key-Transportation-Planning-Documents/Transportation-Policy-Plan-(1)/The-Adopted-2040-TPP-(1)/Final-2040-Transportation-Policy-Plan/2040-TPP-Chapter-7-Bike-and-Pedestrian-Investment.aspx)
- Hennepin County 2040 Bicycle Transportation Plan, <http://www.hennepin.us/-/media/hennepinus/residents/transportation/documents/bicycle-transportation-plan.pdf?la=en>

State

- Minnesota Walks (2016) <http://www.dot.state.mn.us/peds/plan/pdf/minnesota-walks-2017-final.pdf>
- MnDOT Complete Streets Policy
<http://www.dot.state.mn.us/policy/operations/op004.html>

National

- SmartCode: <https://transect.org/codes.html>
 - Modules: <https://transect.org/modules.html>
 - Sprawl Repair Module: https://transect.org/docs/sprawl_pdfs.zip
- Retrofitting the Suburbs to Increase Walking (Access Magazine):
<https://www.accessmagazine.org/fall-2011/retrofitting-suburbs-increase-walking-2/>
- Retrofitting the suburbs to increase walking: Evidence from a Land-use-Travel Study: <http://journals.sagepub.com/doi/abs/10.1177/0042098010364859>

- The Best Complete Streets Policies of 2016, Smart Growth America,
<https://smartgrowthamerica.org/app/uploads/2017/06/best-complete-streets-policies-of-2016-1.pdf>

APPENDIX K: SAMPLE COMPREHENSIVE PLAN LANGUAGE

Food Production

[Food Access Planning Guide: Food Production, page 30](#)

URBAN FARMS SAMPLE PLAN LANGUAGE

POLICY I

[Local government] supports the establishment of urban farms in appropriate areas and will promote and expand the range of urban farming activities that are allowed.

- Review city land use regulations to evaluate how they may restrict urban farms from locating in the community.
- Consider expanding types of structures allowed as part of urban farming enterprises in appropriate locations to allow urban farms to extend the growing season.
- Consider adopting a policy that provides concrete support to urban farming enterprises, using mechanisms such as business finance tools, property tax relief, or low-cost water access.
- Consider allowing agricultural projects as an appropriate use for land in the local park system.
- Follow the emergence of new forms of food production that are occurring on public lands, including food forests and planting for foraging.
- Encourage urban farms to take on outreach and education related to growing healthy food, and to partner with schools, nursing homes, food shelves, local restaurants, and nurseries as outlets for produce.

POLICY II

[Local government] will adopt regulations that establish standards for urban farming, improve compatibility with neighboring properties, and promote public health.

- Take steps to establish a stable regulatory structure for urban farms—such as an Urban Agriculture Zoning Ordinance and/or Comprehensive Farm Review—to clarify the locations that are allowed and the physical and operational conditions that must be maintained.

THINGS TO CONSIDER

- Our Minnesota climate means that season-extending options, such as indoor production, greenhouses, and high tunnels, are very important.
- Even structures with significant visual impact may be appropriate in certain zoning districts.
- An analysis of financial feasibility can be an important element in considering support for an urban farming initiative.
- Urban farms may need indoor space for food cleaning, sorting, packaging, and processing as well as staff bathrooms and break rooms.

COMMUNITY GARDENS SAMPLE PLAN LANGUAGE

POLICY III

[Local government] will support the establishment and maintenance of community gardens throughout the community to provide residents with easy access to healthy food.

- Review and clarify standards for boulevard gardens.
- Establish clear policy support for community gardens, while determining the appropriate balance between community gardens and land redevelopment.
- Ensure permanent sites and a “no net loss” policy for community gardening space in underserved areas. Where relocation is necessary, provide clear and early disclosure, and help gardens get established in new locations.
- Provide for community gardens in zoning regulations by defining it as an allowed use in residential zoning districts, with clear site and operational standards.
- Provide proactive support for community gardens through soil testing, water provision, or leasing publicly owned property to gardens.
- Encourage community gardens to take on outreach and education related to growing healthy food, and to partner with schools, nursing homes, food shelves, local restaurants, and nurseries as outlets for produce.



READ MORE ABOUT THE TOPIC

Community Garden Policy Reference Guide
(Public Health Law Center, 2012)
publichealthlawcenter.org/sites/default/files/resources/PHLC%20Community%20Garden%20Policy%20Guide%202012_0.pdf

THINGS TO CONSIDER

- Community gardens need a long-term site, with access to water and tool storage, in order to reach their potential with respect to food production and community building.
- Balanced policies around community gardens demonstrate appreciation for the benefits of community gardening and the benefits of land development.
- Community gardens are often embedded in residential neighborhoods, making their responsible management more important.
- Requiring a responsible party, and adopting site and operational standards for community gardens, builds support for community gardens from neighbors, mitigates impacts, and promotes public health.
- More park and recreation departments are recognizing that community gardening is an active form of recreation and a valid use of some public park land.

Food Aggregation, Processing and Distribution

[Food Access Planning Guide: Food aggregation, Processing and Distribution, Page 33](#)

FOOD INFRASTRUCTURE SAMPLE PLAN LANGUAGE

POLICY I

[Local government] will support the development of local food-processing businesses.

- Develop or expand business grant and loan programs to help with start-up and capital costs.
- Work to clarify and streamline business-licensing processes for food-processing businesses.
- Ensure that there are reliable educational opportunities for food-processing entrepreneurs to learn about food safety.
- Review local zoning restrictions on food-processing businesses to determine whether additional locational flexibility can be provided under appropriate conditions.
- Take steps to reduce barriers to business creation by people of color and other low-resourced communities.

THINGS TO CONSIDER

- Because start-up costs can be high and profit margins slim for food processing entrepreneurs, business development support is critical.
- Processing food involves food safety regulation at the federal, state, and local levels. Both business owners and local health departments must learn about safety requirements and work together to facilitate safe food production.
- Many food-processing entrepreneurs are members of immigrant groups, such as halal meat producers. Relationships between these businesses, local governments, and community members, as well as a mutual willingness to learn, need to be nurtured in order to promote success.
- University Extension services can be a good resource for food processing businesses.
- Often zoning codes confine food processing uses to industrial districts. However, small-scale facilities can be compatible in neighborhood commercial districts, particularly when they offer some product for sale at the front of the store.
- Local government actions related to business development and support may be carried out through a city or county department, or a public authority such as a Community Development Authority, Economic Development Authority, or Port Authority.
- Given our state's short growing season, frozen and canned foods are an important component of the local food system and food economy.

Healthy Retail

[Food Access Planning Guide: Healthy Retail, Page 35](#)

GROCERY STORES SAMPLE PLAN LANGUAGE

POLICY I

[Local government] will partner in efforts to bring a new grocery store business to the community/underserved location.

- Play an active role in a coalition that includes community, health, economic development, community financing, and/or food organizations who share the goal of this policy, with a focus on building community awareness and taking collaborative action on a well-informed strategy.
- With the coalition, devote time to understanding the intricacies and challenges of establishing a grocery store in the target area.
- Contribute to the research needed for establishing realistic expectations and an appropriate strategy.
- Modify zoning codes that may restrict or not permit grocery stores, particularly in neighborhood commercial districts near residential uses.
- Streamline the permitting process for development of grocery stores and other stores selling healthy food in identified high-need areas.
- Consider proactive steps that can build toward attracting a grocery store developer/business owner—such as assessing potential business locations, identifying and building relationships with potential retailers, gathering consumer data that a grocery store operator may need to consider a store opening, and offering public financial support and other incentives.
- Build relationships with people working on this issue at the state-wide level to take advantage of resources they can offer and learn about potential changes and improvements.

POLICY II

[Local government] will identify mechanisms for supporting existing grocery stores, while encouraging upgrades in the prominence and marketing of the healthy foods they offer.

- Consider strategies similar to the Small Food Market strategies (discussed on the next page), to help existing stores upgrade the prominence and attractiveness of their healthy food offerings.
- Consider extending local government financial support for existing store expansion, remodeling, or equipment upgrades.

THINGS TO CONSIDER

- Strong partnerships between local government and other stakeholders and advocates are important for bringing needed energy to the complex issues of attracting a grocery store and make for stronger customer support after opening.
- Because of its many benefits to the public, the development of a grocery store can justify public financial support, but only where the store will generate sufficient sales to cover operating expenses.
- Small towns and rural regions of Minnesota are particularly vulnerable. Many already lack adequate access to grocery stores. Furthermore, many small town grocers will retire in the next five years; over 70% of them report having no succession plan in place.
- Industry-specific market research may be needed to assess the viability of, and need for, a new grocery store in a given location.
- Grocery store experience is hard-won. An experienced owner or manager of a successful store in a comparable location might be a good candidate for opening a store locally.

SMALL FOOD MARKETS SAMPLE PLAN LANGUAGE

POLICY III

[Local government] will play a proactive partnership role in efforts to support the efforts of small food stores to sell more healthy and fresh foods.

- Build constructive relationships with store owners, to foster improvements in healthy food offerings, as well as extending general assistance in business planning and technical support.
- Play a full partnership role in a coalition of civic, health-oriented, community organizations, and individuals who are interested in a small food store initiative.
- With the coalition, devote time to understanding the best practices for healthy food makeovers in small food stores.
- Offer funding to purchase equipment and merchandising options that provide appealing displays of healthy options.
- Consider the provision of financial or technical support to small food store businesses.
- Stay informed on corner store initiatives in peer cities and on emerging statewide initiatives and resources.
- Pursue relationships with small food store owners or convenience store chains outside of the community, who demonstrate a commitment to providing affordable, healthy food, and who may be willing to establish a store in a community.
- Consider a staple foods ordinance, which would require small food stores to sell a certain amount of basic food items including fruits and vegetables, whole grains, eggs, and dairy products.

THINGS TO CONSIDER

- Simply expecting small food stores to start stocking healthy and fresh food products is not effective in the long run. If the new food products don't benefit the business financially, they are not likely to be maintained over time. Step-by-step changes and ongoing support are critical.
- Effective training likely requires the engagement of a knowledgeable and energetic grocery store consultant.
- Fresh foods may require an innovative supply chain. Traditional suppliers for small food stores may require purchases of produce in large quantities that don't work for these stores.

Pollinators

Food Access Planning Guide: Pollinators, Page 39

POLLINATORS SAMPLE PLAN LANGUAGE

POLICY I

[Local government] will support property owners in the establishment and expansion of pollinator-friendly landscapes.

- Use local government communication outlets to educate and encourage city residents and property owners on improving pollinator-supportive practices.
- Take steps to link people to practical how-to resources, such as the best management practices information for yards, gardens and agricultural landscapes published by the Minnesota Department of Agriculture, Department of Natural Resources, and University Extension Services.
- Support the growth of organizations that educate property owners and communities on pollinator-friendly practices and facilitate their adoption.
- Establish or encourage low-cost distribution of pollinator-friendly plant seeds and landscape mixes.
- Review lawn maintenance ordinances to ensure that pollinator-friendly landscapes are not prohibited or overly restricted, while distinguishing between these landscapes and overgrown or unmaintained yards.
- Modify development and subdivision ordinances and review procedures to ensure that new townhome and single-family developments do not include association provisions preventing residents from installing pollinator friendly landscapes.

POLICY II

[Local government] will review management of locally owned public land, and take steps to increase its contribution to pollinator health.

- Inventory municipal land such as parks, rights of ways, municipal facility properties, and drainage ditches to identify existing pollinator-friendly landscapes. Assess their quality for pollinator habitat and identify opportunities for adding new areas of pollinator-friendly landscape. Establish demonstration projects with signage to educate the public.
- Take progressive steps to revise property management practices to increase the land area and improve the quality of landscapes for pollinator habitat.
- Provide staff training in best management practices for the development and maintenance of pollinator-friendly landscapes.
- Adopt city practices that reduce or eliminate the use of systemic pesticides, including neonicotinoids, on publicly owned and managed land.



READ MORE ABOUT THE TOPIC

Pollinator Friendly Parks

www.nrccs.org/wp-content/uploads/2009/05/pollinator_friendly_parks_21ed_nrccs_society.pdf

THINGS TO CONSIDER

- Residents will need to adopt to new aesthetic approaches to landscaping, which may require a period of communication and education.
- Cities and counties can create new pollinator habitats by establishing new landscapes along roads and utilities easements they own and manage. Government maintenance staff will require training to manage these landscapes.
- New roadside landscapes must address important considerations related to maintaining driver sightlines and the accumulation of blowing trash.
- The time required to manage new landscapes matters.
- Reductions in pesticide use must be balanced against the risks to crop health from insect infestation.

APPENDIX L: SMART GROWTH AMERICA RANKING METHODOLOGY

Including specific performance measures and implementation steps in a plan or policy can substantially improve its effectiveness and encourage continued, tangible progress toward its vision and goals. However, many existing plans and policies don't include these elements. For reference, Smart Growth America defines these two elements in their ranking methodology for the "Best Complete Streets Policies of 2016":

"9. Performance measures

Communities with Complete Streets policies can measure success a number of different ways, from miles of bike lanes to percentage of the sidewalk network completed to the number of people who choose to ride public transportation.

- 5 points: Policy includes at least one performance measure. A direction to create measures without naming any is credited in the next element, "Implementation steps."*
- 0 points: Policy does not include any performance measures.*

....

10. Implementation steps

... The Coalition has identified four key steps to take for successful implementation of a policy:

- 1. Restructure or revise related procedures, plans, regulations, and other processes to accommodate all users on every project.*
- 2. Develop new design policies and guides or revise existing to reflect the current state of best practices in transportation design. Communities may also elect to adopt national or state level recognized design guidance.*
- 3. Offer workshops and other training opportunities to transportation staff, community leaders, and the general public so that everyone understands the importance of the Complete Streets vision.*
- 4. Develop and institute better ways to measure performance and collect data on how well the streets are serving all users.*

Assigning oversight of implementation or requiring progress reports is a critical accountability measure, ensuring the policy becomes practice.

- 3 points: Policy specifies the need to take action on at least two of the four steps identified above.*
- 1 point: Policy includes at least one of the above four implementation steps.*

- *0 points: Policy does not include any implementation or accountability measures.*
- *1 additional point available: Policy identifies a specific person or advisory board to oversee and help drive implementation, or establishes a reporting requirement.*
- *1 additional point available: Policy changes the way transportation projects are prioritized.”¹⁰⁸*

CITATIONS

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- ¹ MINN. STAT. § 28A.075.
- ² MINN. STAT. § 145A.07.
- ³ Minnesota Food Charter. Food Access Planning Guide, p. 6.
- ⁴ About, <http://mnfoodcharter.com/about/> (last visited May 14, 2015).
- ⁵ Caitlin E. Caspi et al., The Local Food Environment and Diet: A Systematic Review, 18 Health Place 1172 (Sept. 2012), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3684395/>.
- ⁶ MINN. STAT. §§ 326B.101, 326B.41.
- ⁷ MINN. CONST., art. 13, § 7.
- ⁸ MINN. STAT. §§ 157.16, 28A.04; MINN. R. CH. 4626.
- ⁹ MINN. RULES CH. 4626.
- ¹⁰ MINN. STAT. § 28A.152 (2015).
- ¹¹ MINN. STAT. § 28A.151 (2014).
- ¹² MINN. STAT. § 326B (2016); MINN. R. 1303 (2015).
- ¹³ City of Edina. (n.d.). Yorktown Park Community Garden. Found on 9/6/17 from online source: <https://www.edinamn.gov/255/Yorktown-Park-Community-Garden>
- ¹⁴ Community Gardening and Urban Agriculture in Raleigh: <http://www.raleighnc.gov/environment/content/AdminServSustain/Articles/CommunityGardeningInRaleigh.html>
- ¹⁵ https://mn.gov/governor/assets/2016_08_25_EO_16-07_tcm1055-253931.pdf
- ¹⁶ Edina Code of Ordinances Sec. 30-118, 30-119.
- ¹⁷ Edina Code of Ordinances Sec. 30-93.
- ¹⁸ Article III. Landscaping
- ¹⁹ <http://www.pollinatemn.org/pollinator-friendly-twin-cities/>
- ²⁰ Fong, W., Weber, S. (September 4, 2016). Why urban beekeeping is a rising trend in major cities. PBS News Hour. Retrieved on 9/21/17 from online source: <http://www.pbs.org/newshour/bb/urban-beekeeping-rising-trend-major-cities/>
- ²¹ Nolden, N., Wieland, B. (2017). Backyard Chicken Basics. Small Farms, University of Minnesota Extension. Retrieved on 9/21/17 from online source: <http://www.extension.umn.edu/food/small-farms/livestock/poultry/backyard-chicken-basics/>
- ²² MRSC, (2015). Livestock and Other Farm Animals; Regulating Farm Animals in Residential Districts. Retrieved on 9/21/17 from online source: <http://mrsc.org/Home/Explore-Topics/Public-Safety/Licensing-and-Regulation/Animal-Control/Livestock-and-Other-Farm-Animals.aspx>
- ²³ MN Department of Agriculture, University of Minnesota Extension, (August, 2011). Sale of Locally Home or Farm Raised Poultry. Retrieved 5/30/17 from online source: http://www.mda.state.mn.us/licensing/inspections/~/_media/Files/food/foodsafety/poultrysales.ashx
- ²⁴ Long Cheng-Hmong Livestock, <https://www.yellowpages.com/south-saint-paul-mn/mip/long-cheng-hmong-livestock-454421796>
- ²⁵ MINN. STAT. §§28A, 157; MINN. R. 4626.0020.
- ²⁶ MINN. R. 4626.0020.
- ²⁷ MINN. STAT. §28A.152.
- ²⁸ MINN. STAT. §§28A, 157; MINN. R. 4626.0020.
- ²⁹ MINN. R. 4626.0020.
- ³⁰ MINN. CONST., art. XIII, § 7; *Minnesota v. Hartmann*, 700 N.W.2d 449 (2005).
- ³¹ Local Foods Advisory Committee, (March 2017). Selling Produce in Minnesota. Obtained on 10/31/2017 from online source: http://misadocuments.info/LFAC_local_produce.pdf
- ³² MINN. STAT. §28A.151.
- ³³ Community Food Assessment for the Cities of Bloomington, Edina and Richfield, (December 2013). City of Bloomington Division of Public Health.
- ³⁴ United States Department of Agriculture. <https://www.usda.gov/oce/foodwaste/faqs.htm>
- ³⁵ Minnesota Pollution Control Agency. 2013 Statewide Waste Characterization. <https://www.pca.state.mn.us/sites/default/files/w-sw1-60.pdf>

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- ³⁶ <http://www.hennepin.us/-/media/hennepinus/your-government/projects-initiatives/documents/solid-waste-management-master-plan-board-briefing-july-2017.pdf?la=en>
- ³⁷ <http://www.hennepin.us/-/media/hennepinus/your-government/projects-initiatives/documents/solid-waste-management-master-plan-board-briefing-july-2017.pdf?la=en>
- ³⁸ <http://www.hennepin.us/-/media/hennepinus/your-government/projects-initiatives/documents/solid-waste-management-master-plan-board-briefing-july-2017.pdf?la=en>
- ³⁹ <https://edinamn.gov/232/Solid-Waste>
- ⁴⁰ <https://www.extension.umn.edu/garden/yard-garden/soils/backyard-composting-guide/>
- ⁴¹ <http://www.hennepin.us/business/recycling-hazardous-waste/organics-recycling>
- ⁴² <http://www.hennepin.us/residents/recycling-hazardous-waste/organics-recycling>
- ⁴³ Curbside Organics Recycling: <https://www.hennepin.us/residents/recycling-hazardous-waste/organics-recycling>
- ⁴⁴ City of Bloomington, MN Garbage and Recycling Information. <https://www.bloomingtonmn.gov/sites/default/files/media/garbage2.pdf>
- ⁴⁵ <http://www.minneapolismn.gov/health/inspections/greentogo>
- ⁴⁶ Minneapolis, Minn., Code § 204.30 (2017).
- ⁴⁷ Smart Growth America. (2017). *The Best Complete Streets Policies of 2016*.
- ⁴⁸ Minnesota Department of Transportation. (2016) *Minnesota Walks*.
- ⁴⁹ Edina Living Streets Policy
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