

PLANNING COMMISSION AGENDA

Thursday, October 2, 2025

CITY OF DAYTON, MINNESOTA

12260 So. Diamond Lake Road, Dayton, MN 55327

REGULAR MEETING OF THE PLANNING COMMISSION – 6:30 P.M.

To Participate in the Meeting, please see cityofdaytonmn.com Calendar for Zoom Invitation.

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- | | | |
|------|-----------|---|
| 6:30 | 1. | CALL TO ORDER |
| 6:30 | 2. | PLEDGE OF ALLEGIANCE

(Roll Call) |
| 6:30 | 3. | ROLE OF THE PLANNING COMMISSION
<i>The Planning Commission consists of five residents appointed by the City Council. The Commission administers the Comprehensive Plan, Zoning and Subdivision regulations. The Commission conducts Public Hearings and provides recommendations to the City Council. It is the City Council who may approve or deny land use applications.</i> |
| 6:30 | 4. | APPROVAL OF AGENDA |
| 6:30 | 5. | CONSENT AGENDA
<i>These routine or previously discussed items are enacted with one motion. Note: Commissioners absent from previous meetings may still vote to approve minutes.</i>

A. Planning Commission Minutes, September 4, 2025 |
| 6:30 | 6. | OPEN FORUM
<i>Public comments are limited to 3 minutes <u>for non-agenda items</u>; state your name and address; No Commission action will be taken, and items will be referred to staff. Group commenters are asked to have one main speaker.</i> |
| 6:35 | 7. | COUNCIL UPDATE
A. September 9, 2025
B. September 23, 2025 |
| 6:40 | 8. | COMMISSION BUSINESS |
| 6:40 | A. | PUBLIC HEARING: Consideration of a Variance Request to the Side Yard Setback Requirements in the R-1, Single-Family Residential District at 16070 Fair Meadows Lane (Anderson) |
| 7:00 | B. | Discussion – Multi-Family and Event Center Parking Regulations |
| 7:10 | C. | Discussion – Home Extended Businesses |
| 7:20 | D. | Discussion – Commercial and Industrial Landscaping Standards |
| 7:30 | E. | Discussion – Storage Containers |
| 7:40 | 9. | NOTICES AND ANNOUNCEMENTS
A. Staff & Commission Updates
B. Reschedule December 4 th meeting to December 3 rd due to HoliDayton |

The City of Dayton's mission is to promote a thriving community and to provide residents with a safe and pleasant place to live while preserving our rural character, creating connections to our natural resources, and providing customer service that is efficient, fiscally responsible, and responsive.

7:50 **10. ADJOURNMENT** (Motion to Adjourn)

1. CALL TO ORDER

DeMuth called the September 4, 2025, Planning Commission meeting to order at 6:30 p.m.

ROLL CALL:

Present: Browen, DeMuth, Grover, Sargent, and Crosland

Absent: Mayor Dennis Fisher

Also in Attendance: Hayden Stensgard, Associate Planner II; Jon Sevald, Community Development Director

2. PLEDGE OF ALLEGIANCE

3. ROLE OF THE PLANNING COMMISSION

4. APPROVAL OF AGENDA

***MOTION** by Crosland, second by Grover, to approve the agenda. The motion passed 5-0.*

5. CONSENT AGENDA

A. Planning Commission Minutes, August 7, 2025

***MOTION** by Grover, second by Browen, to approve the consent agenda. The motion passed 5-0.*

6. OPEN FORUM

No one from the public came forward, and Stensgard confirmed there were no online participants wishing to speak.

7. COUNCIL UPDATE

A. August 12, 2025

B. August 26, 2025

DeMuth noted there were no Council updates for the two meetings held since the last Planning Commission meeting.

8. COMMISSION BUSINESS

A. PUBLIC HEARING: Preliminary Plat of Dayton Field 5th Addition, Site Plan Review for a Contractor's Operation, and Conditional Use Permit for Outdoor Storage as an Accessory Use in the I-1, Light Industrial District (Roger Ops, LLC)

Stensgard presented the project, noting this was a proposal the Commission had previously reviewed in June as a concept plan. The property is located at the corner of West French Lake Road and 121st Avenue, approximately 8.43 acres total (5 net acres excluding wetlands). The site was previously approved for QT Commercial Construction & Roofing in 2023 which never proceeded with construction.

Stensgard noted the building architecture is consistent with I-1 district standards, using concrete and metal finishing with accent materials. All building and parking setbacks meet or exceed code requirements. The landscaping plan complies with

requirements, though staff recommended replacing the proposed ash and elm trees with different species.

Stensgard explained there was a contradiction in the code between general fence requirements (which require transparent fencing in front yards) and outdoor storage screening requirements (which require opaque screening).

Browen inquired about conditions for the CUP to limit types of storage. Sargent asked about emergency access through the gate, which Stensgard confirmed would be coordinated with the Fire Department.

DeMuth opened the public hearing at 7:02 pm.

Tim McShane of McShane Development and David Rantasha of Telcom Construction presented as the applicants. They explained:

- The opaque fence is needed primarily for security as well as screening
- The business has experienced theft, including catalytic converters valued at \$15,000.
- The front area would primarily store F250, F350, and F550 regular trucks
- Larger equipment (bucket trucks, line trucks, and semi-trucks) would be stored in the back area.
- Materials stored would include duct reels, poles, and other construction materials in the back.

Joe Radach of Contour Civil Design, working with the applicant, suggested limiting storage height to 8 feet in front of the building and 12 feet in the rear to address commissioners' concerns.

DeMuth closed the public hearing at 7:26 pm.

After discussion, the Commission decided on several conditions for the outdoor storage CUP:

- Vehicle storage in the front parking area would be limited to vehicles 10 feet or less in height.
- All items stored must be associated with the business operations.
- Storage of materials in the rear yard would be limited to 12 feet in height.
- The fence would be recessed in the northwest corner to align with the parking lot edge.
- Landscaping would be enhanced along the front fence line.

MOTION by Browen, second by Grover, to approve the Preliminary Plat, Site Plan as proposed, and Conditional Use Permit for Outdoor Storage with staff conditions and the additional conditions discussed. The motion passed 4-1, with Crosland voting against due to concerns about the opaque fence in the front yard setting a precedent in the industrial area.

Stensgard noted the application would go to the City Council on September 23rd.

9. NOTICES AND ANNOUNCEMENTS

A. Staff & Commission Updates

Sevald provided several updates.

The next Planning Commission meeting will be Thursday, October 2nd.

B. Reschedule December 4th meeting due to HoliDayton

The Commission discussed rescheduling the December 4th meeting due to conflict with the holiday parade. After discussion, they agreed to revisit the issue at a future meeting to consider either Wednesday, December 3rd or Thursday, December 11th as alternatives.

10. ADJOURNMENT

***MOTION** by Browen, second by Grover, to adjourn. The motion passed unanimously.*

The meeting adjourned at 8:18 p.m.

ITEM:

Consideration of Recommending Approval/Denial of Variance to the 10-foot Side Yard Setback Requirement in the R-1 Residential District at 16070 Fair Meadows Lane Related to a Home Addition

APPLICANT:

Jeff Anderson

PREPARED BY:

Hayden Stensgard, Planner II

BACKGROUND

The property owners of 16070 Fair Meadows are seeking a Variance from the Zoning Ordinance section regulating side yard setbacks in the R-1 district. The applicants wish to build an addition to their home to accommodate more living space on their home. At the time the home was built, the required side yard setbacks in the R-1 district was a total of 15 feet between adjacent homes. There was language in the zoning ordinance that allowed for a 5-foot setback on a side yard when the adjacent home was 10 feet or greater, still accomplishing the total separation of 15 feet. The subject property was built at an 8-foot side yard setback, while the neighboring home is 10 feet. Since the time of the subject home being built, the required side yard setback has changed to a flat 10 feet. All new homes built in an R-1 zoning district now require a 10-foot setback, for a total building wall separation of at least 20 feet. Essentially, creating legal non-conforming structures that adhered to the previous requirements.



The red line in the above image shows the current 10-foot setback required in the R-1 Districts. The blue outlined shows the proposed building addition on this property, not proposed to further encroach into the setback area beyond the existing 8-foot setback. This is still, however, considered an expansion or extension of the on-conforming area of the building on this property.

ANALYSIS

For context towards the setback changes related to the Rush Creek Landing residential development, below is a brief timeline:

- January 28th, 2014 – Approval of Rush Creek Landing Preliminary Plat (Res. 04-2014)
- February 24th, 2016 – Approval of Rush Creek Landing Final Plat (Res. 04-2016)
- June 13th, 2016 – Permit review completed and permit issued for a new construction single-family home at 16070 Fair Meadows Lane (subject property).
- February 13th, 2018 – Ord. 2018-05 adopted, eliminating the setback stipulation that allows for a 5-foot setback if the adjacent home is at least 10 feet setback from the shared property line. R-1 and R-1A lots are all required to meet a 7.5-foot side yard setback.
- July 13th, 2021 – Ord. 2021-12 adopted, repealing and replacing the residential district requirements entirely. All properties zoned R-1 and R-1A are subject to a 10-foot minimum side yard setback. All existing homes that are zoned R-1 and R-1A now become legally non-conforming structures.

Upon Preliminary Plat approval, the developer of Rush Creek Landing also received approval for this development to be a Planned Unit Development, which allows for flexibility from certain zoning code requirements at the discretion of the Planning Commission and City Council. Those flexibilities included deviations from the minimum lot size and width, as well as a reduction in reforestation requirements. One of the developer's requests was for 5-foot side yard setbacks throughout the development. This was rejected by both the Planning Commission and City Council during the review. Because this request was denied, the expectation was that this development would adhere to the setback requirements of the time as lots continued to be built.

VARIANCE REVIEW CRITERIA

Requirements

[Minnesota State Statute § 462.357, Subd. 6](#) dictates how variance requests are to be considered by a three-part test (meeting all parts of the test). Variances may be granted when the applicant for the variance established that there are practical difficulties in complying with the zoning ordinance.

Meaning:

1. The property owner proposes to use the property in a reasonable manner not permitted by zoning ordinance;
2. The plight of the landowner is due to circumstances unique to the property not created by the landowner;
3. And the variance, if granted, will not alter the essential character of the locality.

Economic considerations *alone* do not constitute practical difficulties.

Being that the plight of the owner is due to circumstances unique to the all R-1 developments established prior to the 10 foot setback requirement, Staff has prepared the following findings if the Planning Commission chooses to recommend approval based on the circumstances.

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

The proposed use of the property would still be single-family residential, and building additions are not unique requests for single-family homes.

2. The plight of the landowner is due to circumstances unique to the property not created by the landowner;

The home was built in conformance to the City's Zoning Ordinance Requirements in 2016. Since then, the City has adopted new requirements for side yard setbacks in R-1 Districts. The proposed building expansion meets the intention of the Zoning Ordinance from the time the building permit was received with approval of the proposed location of the home at an 8 foot setback. The proposed addition will not increase the setback of the existing home, therefore, not intensifying the identified legal non-conformity on the property.

3. And the variance, if granted, will not alter the essential character of the locality.

All homes within the Rush Creek Landing subdivision were constructed in compliance with the setback requirements of the time. This proposed building addition would alter the essential character of the area.

With all of this being considered, the circumstances related to the setback requirements do not limit any and all building expansions on this property that could still meet the setback. Staff has also prepared the following findings if the Planning Commission feels that the request and circumstances of the property do not warrant the issuance of a Variance.

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

The proposed use of the property would still be single-family residential, and building additions are not unique requests for single-family homes.

2. The plight of the landowner is due to circumstances unique to the property not created by the landowner;

Though required setbacks for the Rush Creek Landing development have changed since it was established, Variances are for circumstances unique to an individual property and not multiple. Additionally, the current setback restriction only causes issue with building a home addition on the North side of this property. The recent ordinance changes do not prohibit home additions on other portions of the home. The circumstance for a Variance is only relevant for the specific home addition plan provided.

3. And the variance, if granted, will not alter the essential character of the locality.

All homes within the Rush Creek Landing subdivision were constructed in compliance with the setback requirements of the time. This proposed building addition would alter the essential character of the area.

A reminder that in order to grant a Variance request, all three parts of the above findings would have to be found to be true. This is the reason for the second part of the test to be the one in question, even if two parts are found to be true, if there is not justification for all three parts, there is not justification for a Variance.

60/120-DAY RULE:

Request for Variance	60-Days	120-Days
	10/21/2025	12/20/2025

RELATIONSHIP TO CITY COUNCIL GOALS:

This item is not directly related to specific City Council goals.

ROLE OF THE PLANNING COMMISSION:

The role of the Planning Commission is to hold a Public Hearing on this item and consider providing a recommendation to the City Council regarding final action of the variance requests.

STAFF RECOMMENDATION:

This situation, created by the City through an ordinance amendment adopted in 2021, could be understood as the plight on this property, which is at least unique to the Rush Creek Landing neighborhood. With that being said, there is also information that can support denial of this Variance, due to there being adequate space on the property for a home addition that would meet all current setback requirements. Staff supports either decision on this Variance, and given that this is the first request of its kind, this application will provide good feedback to City staff on how to move forward with similar requests potentially made in the future.

ACTION:

The Planning Commission has the following options:

- A. Motion to recommend **approval** of the variance requests based on findings of fact.
- B. Motion to recommend **denial** of the variance requests based on findings of fact.
- C. Motion to **table** action on the item with direction to be provided to the applicant and staff.

ATTACHMENTS:

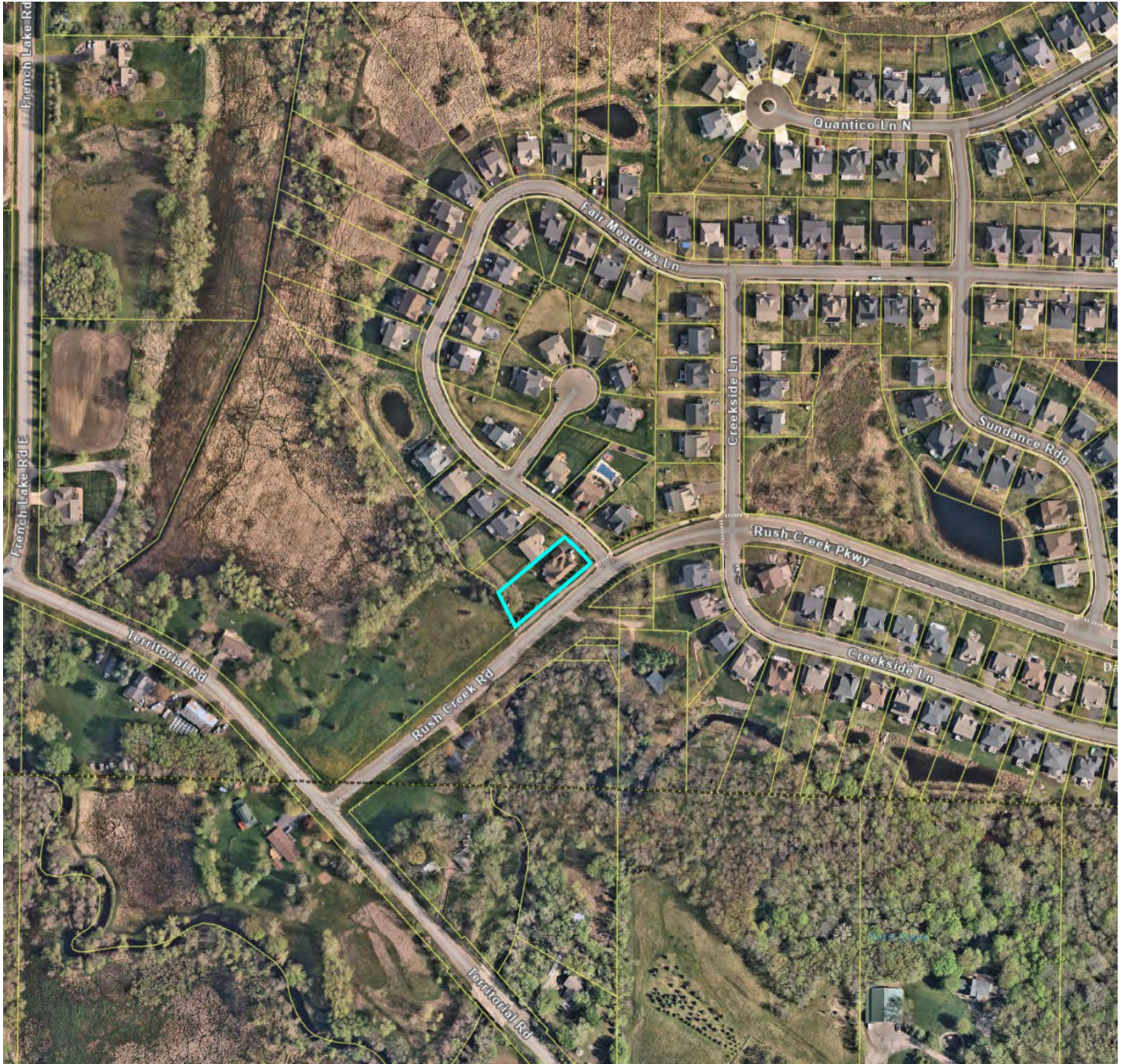
Applicant Narrative
Aerial Image
Property Survey
Building Addition Plans
Dayton Zoning Ordinance Section 1001.22 Non-Conforming Uses
Dayton Zoning Ordinance Section 1001.29 Variances

We would like to add onto our home to accommodate an aging parent with a disability. We need to add a main floor bedroom and bathroom addition to accommodate the situation. To make this work, we would be adding eight feet onto the north side of the home behind the garage, along with the necessary remodel of the existing interior of our home. Because of the location of the porch and the deck, which the living room looks onto, there is no other place to build this addition.

This would be a conforming use with the original setbacks, however we have been informed that after this home was built, the setback ordinance has changed and we would be encroaching the setback area by two feet per the new ordinance. This is the reason we are requesting a variance.

We do not think this addition would alter the look of the home, as it will have the same exterior finishes. Nor will it alter the essential character of the neighborhood, which has other homes with closer setbacks than the new ordinance.

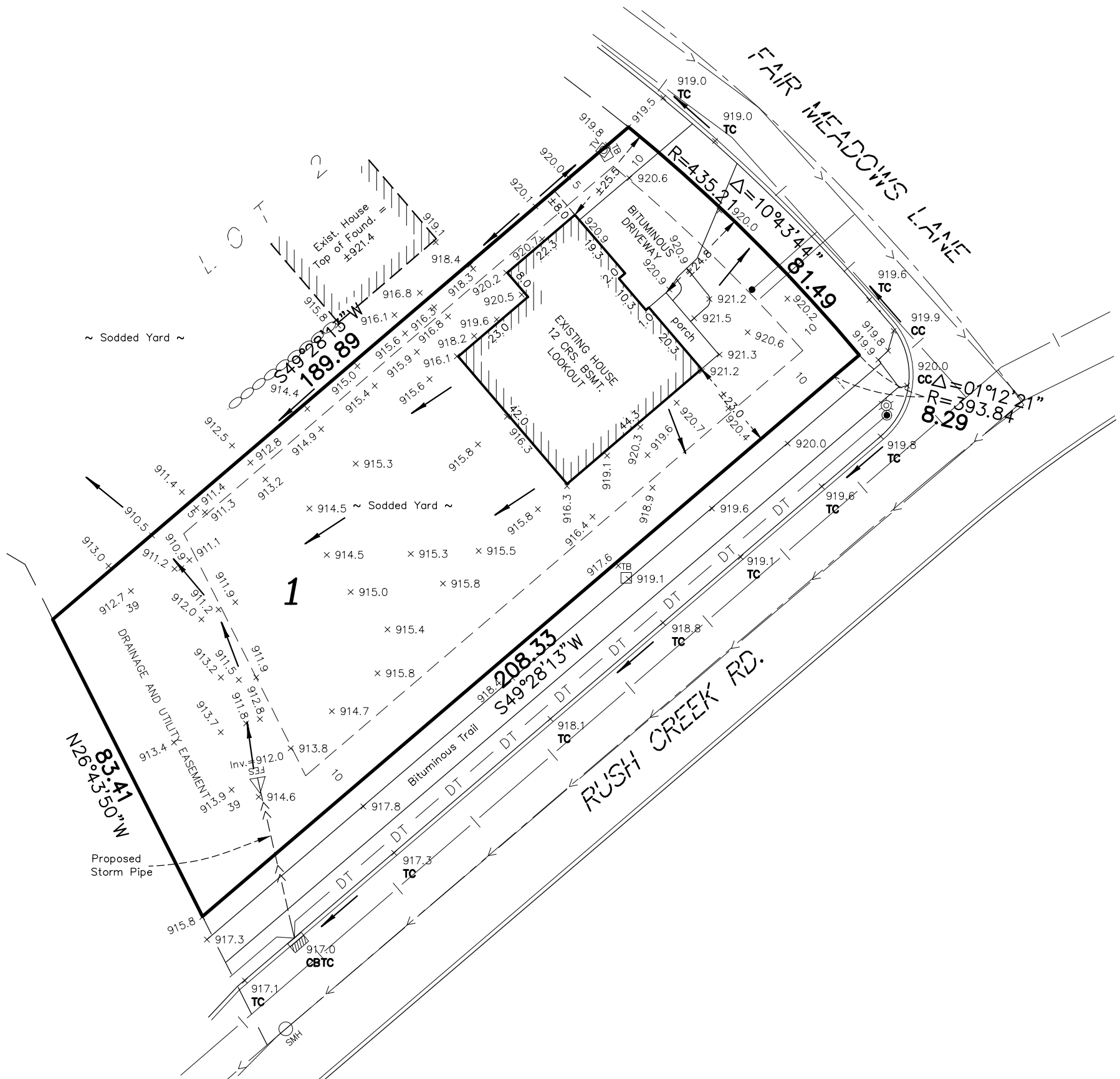
Please consider our request so we can move forward with this project before winter.



Grading As-built for:
CAPSTONE HOMES, INC.

Located in the SE 1/4 of
Sec. 32, Twp. 120, Rge. 20

House Address:
16070 Fair Meadows Lane, Dayton, MN



LEGAL DESCRIPTION:

Lot 1, Block 1, RUSH CREEK LANDING,
Hennepin County, Minnesota

Minimum Lowest Floor Elevation: 913.5

AS-BUILT BUILDING ELEVATIONS

Lowest Floor Elevation: 913.5 N/A

Lookout Elevation: 916.7 916.7

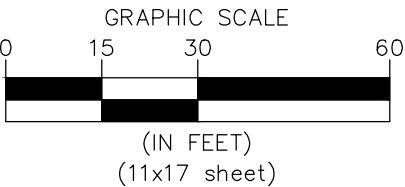
Top of Foundation Elevation: 921.6 921.6

Garage Slab Elevation (at door): 921.2 921.2

NOTES:
1. Building site grading is in accordance with the
grading plans prepared by Carlson McCain, Inc., last revised
04/28/16.

- HYD Denotes Existing Hydrant
- EB Denotes Existing Electric Box
- TV Denotes Existing Television Box
- TB Denotes Existing Telephone Box
- LP Denotes Existing Light Pole
- SRV Denotes Existing Service
- CS Denotes Existing Curb Stop
- x 000.0 Denotes Existing Elevation
- Denotes Direction of Drainage
- Denotes Drainage & Utility Easement
(per recorded plat)
- Denotes Iron Monument

Bearings shown are assumed



I hereby certify to Capstone Homes, Inc. that this survey, plan or report was prepared by me or under my direct supervision
and that I am a duly licensed land surveyor under the laws of the State of Minnesota.

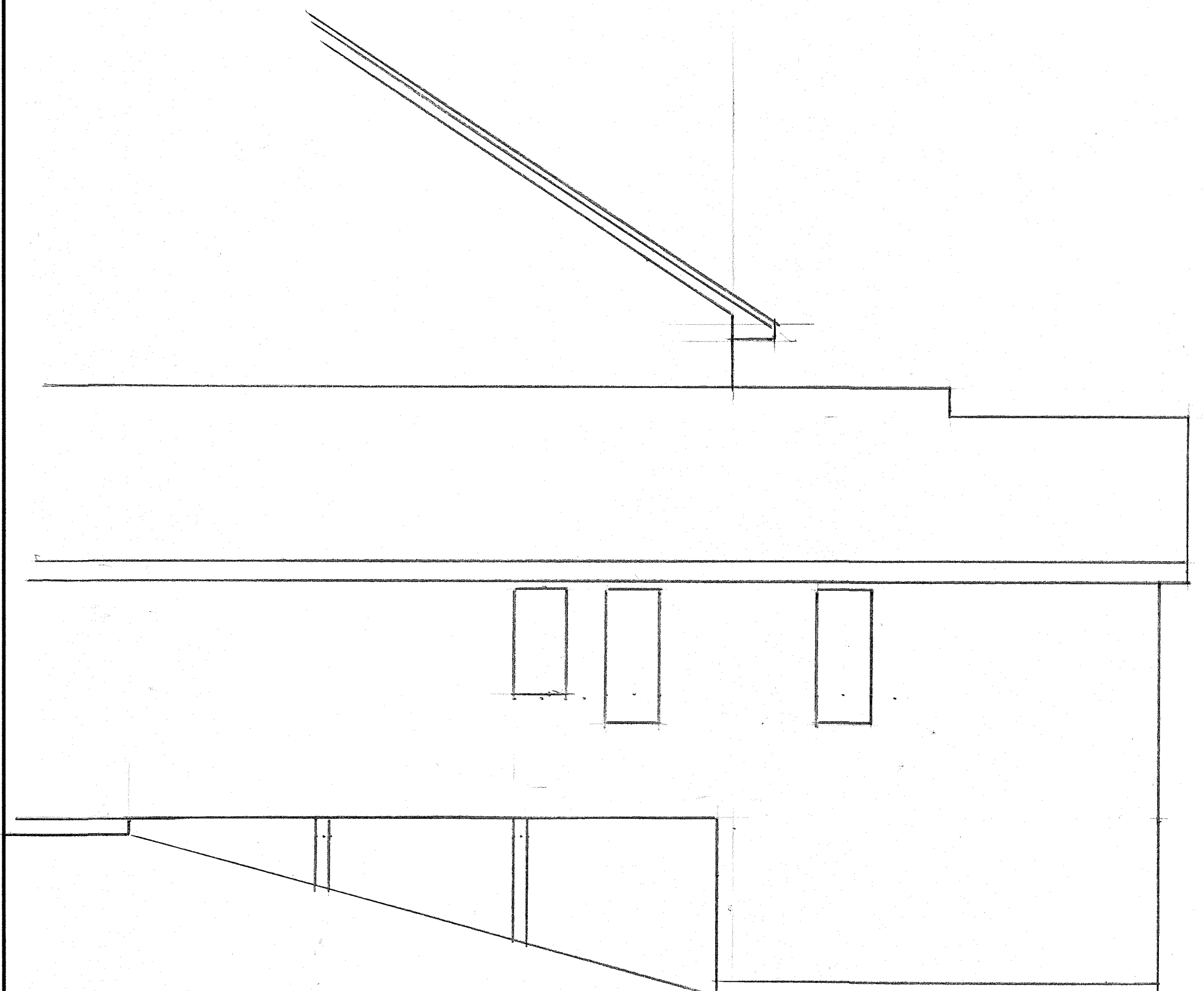
Dated this 20th day of September, 2017.

Signed: Carlson McCain, Inc.

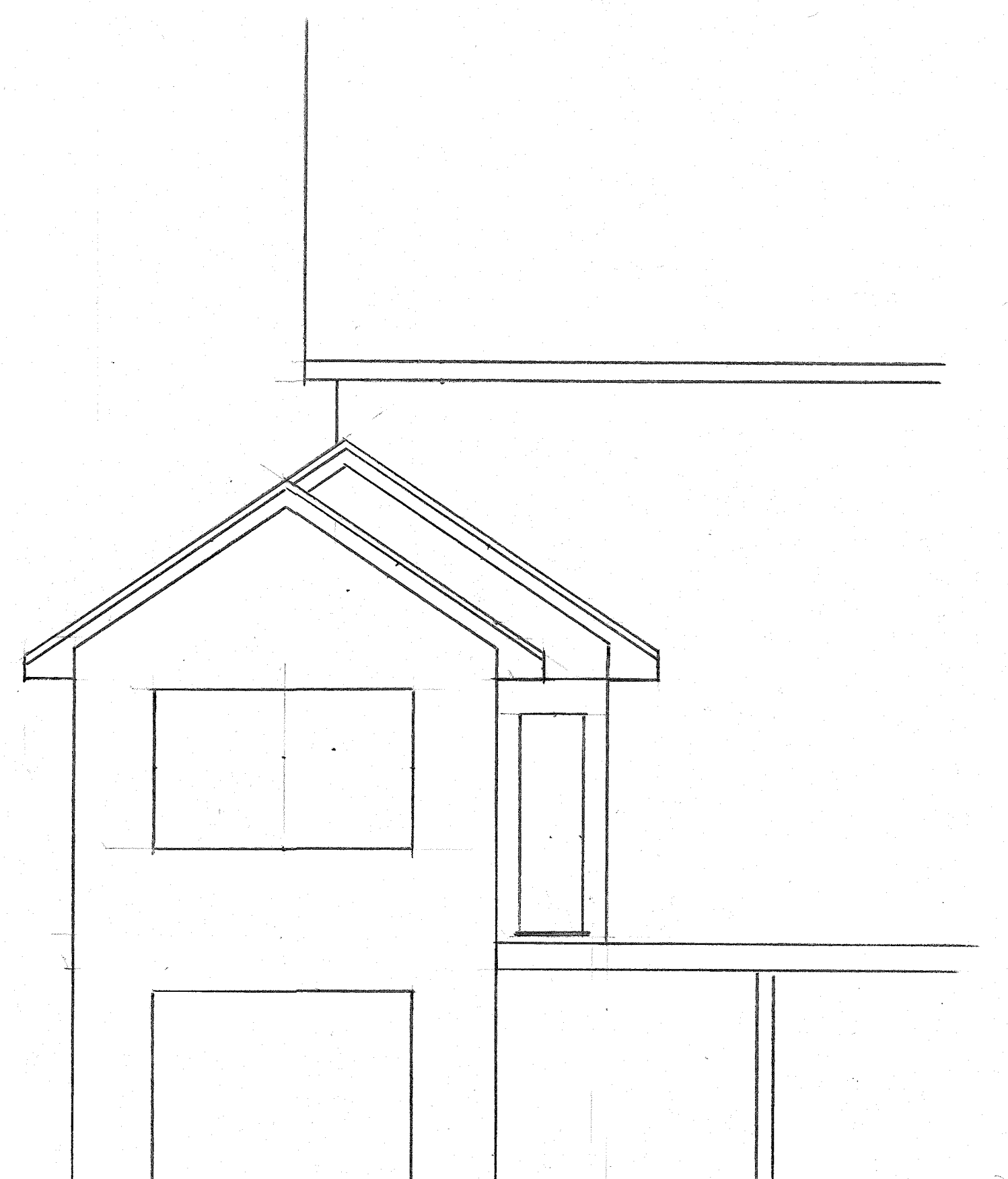
By: *Peter J. Blomquist*
Thomas R. Balluff, L.S. Reg. No. 40361
Peter J. Blomquist, L.S. Reg. No. 51676



ENVIRONMENTAL • ENGINEERING • SURVEYING
3890 Pheasant Ridge Drive NE,
Suite 100, Blaine, MN 55449
Phone: 763-489-7900 Fax: 763-489-7959



Left Elevation
1/4" = 1'-0"



Rear Elevation
1/4" = 1'-0"

Jeff & Roxi Anderson
16070 Fair Meadows Lane

DEAN JOHNSON HOMES, INC
4700 COUNTY ROAD 19
MEDINA, MN 55357

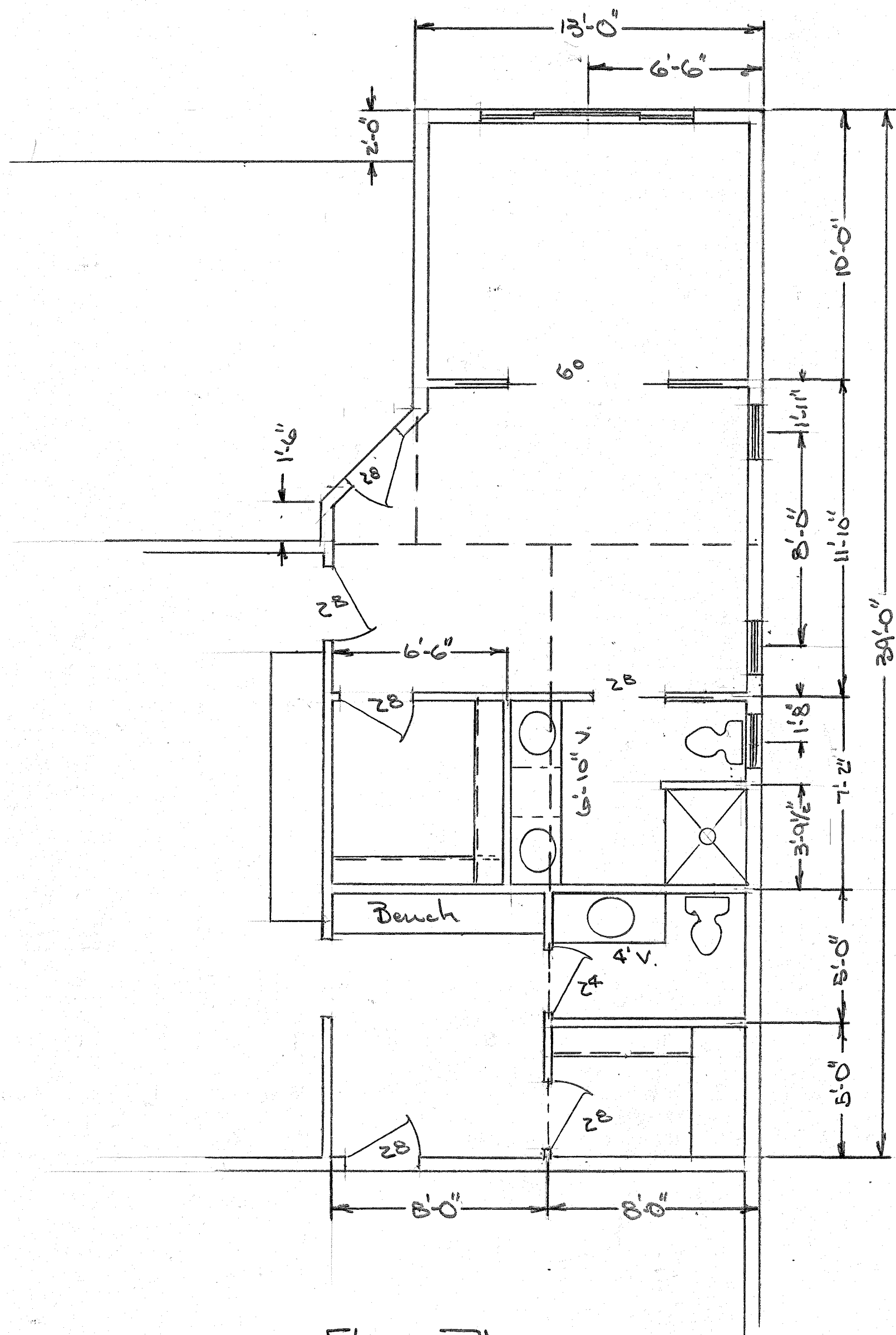
763-420-4044
BUILDER'S LICENSE: #20639439

PLANS ARE THE PROPERTY OF THE BUILDER
ALL DIMENSIONS ARE BLUEPRINT MEASUREMENTS
LOCATION AND PLACEMENTS OF WALLS,
WINDOWS, LIGHTS AND OUTLETS CAN VARY
WITHIN NORMAL CONSTRUCTION TOLERANCES.
SOME MEASUREMENTS ARE NOMINAL MEASUREMENTS
AS COMMONLY USED IN CONSTRUCTION TRADES

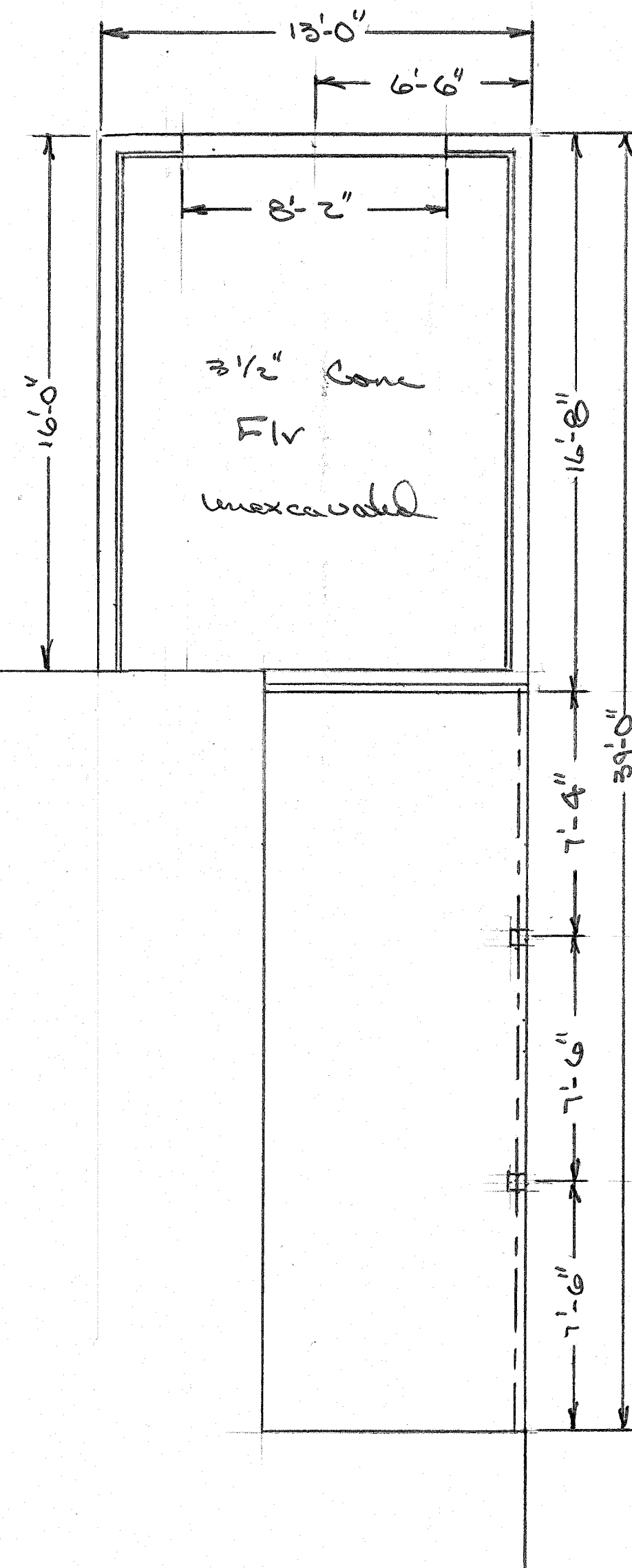
DATE:

SHEET NO.

A-1



Floor Plan
 $\frac{1}{4}'' = 1'-0''$



Foundation Plan
 $\frac{1}{4}'' = 1'-0''$

1001.22 NON-CONFORMING USES.

Subd. 1 Non-Conforming Buildings and Uses

(1) The lawful use of buildings or land existing on January 31, 1980, which does not conform to the provisions of this section may be continued through repair, replacement, restoration, maintenance or improvement; provided, however, that no non-conforming use of land shall be enlarged or increased, nor shall any non-conforming use be extended to occupy a greater area of land than that occupied by the use at the time of the adoption of this section; nor shall any non-conforming use be moved to any other part of the parcel of land upon which the same was conducted at the time of the adoption of this section.

(2) Buildings found to be non-conforming only by reason of height, yard or area requirements shall be exempt from the provisions of this Subsection 1001.22, Subd. 1.

Subd. 2 Discontinuance. In the event that a non-conforming use of any building or premises is discontinued or its normal operation stopped for a period of 1 year, the use of the same shall thereafter conform to the regulations of the district in which it is located.

Subd. 3 General Alteration Provisions

(1) The lawful use of a building existing at the time of the adoption of this Subsection may be continued, although the use does not conform with the provisions hereof.

(2) If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or more restricted classification.

(3) The foregoing provisions shall also apply to non-conforming uses in districts hereafter changed.

(4) A non-conforming use may be changed to lessen the non-conformity of that use. Thereafter, the use may not be altered as to increase the non-conformity. Further, when any non-conforming use has been changed to a conforming use, it shall not thereafter be changed to any non-conforming use.

Subd. 4 Business, Industrial and Mixed Use Building Alterations

(1) A lawful non-conforming use or building may not be enlarged or extended in size or intensity except in the following circumstances:

a. If the proposed expansion is equal to or less than 20% of the existing square footage of the building existing on the date of this Subsection or the proposed expansion is equal to or less than 20% of the building's value on the date of this Subsection and the expansion meets current City regulations with respect to setbacks, lot coverage, height and other dimensional regulations (hereinafter "dimensional regulations"), the expansion may proceed by Administrative Permit for Limited Expansion of Non-Conforming Use issued by the Zoning Administrator. The applicant shall file with the Zoning Administrator a survey and site plan showing all dimensions for the proposed expansion, and shall provide such other information as the Zoning Administrator shall request. Any expansion allowed under this paragraph, shall have a similar design to and shall have the same exterior materials as the existing building.

b. If such enlargement or extension is required by local, state or federal rules and regulations and exceeds 20% and conforms to the City's current dimensional regulations the same may proceed by Permit for Expansion of Non-Conforming Use, which may be issued by the City Council following notice and hearing in the same manner as required for the issuance of conditional use permits. In that event, any expansion over 20% is allowed, the City can impose such conditions as it deems necessary to have the expansion be consistent with the area and the proposed uses under the City's Comprehensive Plan, and shall require:

1. When an existing building is expanded to an extent greater than 20% but equal to or less than 30% of the existing square footage or building value (based on latest assessed value), whichever is less, the building addition must meet the standards of City Code with colors complementary to the existing building. If the building addition is to the front or side of the building then improvements to the front facade, facing the public street, meeting the standards of City Code shall be included.

2. When an existing building is expanded over 30%, of the existing square footage or building value (based on latest assessed value), whichever is less, the building addition plus the existing building area shall meet the standards of City Code.

c. A lawful non-conforming use may be reconfigured if in the discretion of the City Council it will lessen the non-conformity, abate a nuisance or promote the public health, safety or welfare. An applicant may apply for such reconfiguration shall provide a survey and site plan and such other information as required by the Zoning Administrator. The application shall be processed in the same manner as provided for a conditional use permit.

d. In the event an enlargement, extension or reconfiguration is allowed, the property owner shall enter into an agreement with the City, drafted by the City Attorney, stating, among other things, the purpose of the enlargement, extension or reconfiguration, that the non-conforming use or building shall remain a legal non-conforming use or building, and shall be subject to the following. When an existing non-conforming building or use in a Business, Industrial or Mixed Use District is expanded, after the effective date of this Subsection, the building expansion must comply with the provisions of this Code.

Subd. 5 Restoration.

Whenever a lawful non-conforming structure or use has been damaged by fire or other peril to the extent of 50% or more of its fair market value as estimated by the Director of City Planner and approved by the Council, and building permit has been applied for within 180 days of when the property is damaged, the Council may impose reasonable conditions upon a building permit in order to mitigate any newly created impact on adjacent property. If no building permit is applied for within 180 days, any future use of the structure or land shall be in full conformity with the provisions of this Code.

Subd. 6 Normal Maintenance

(1) Maintenance of a building or other structure containing or used by a non-conforming use will be permitted when it includes necessary non-structural repair and incidental alterations which do not extend or intensify the non-conforming building or use.

(2) Nothing in this Code shall prevent the placing of a structure in safe condition when the structure is declared unsafe by the building codes and standards of the City.

(Ord. 2010-14, passed 7-13-2010)

1001.29 VARIANCES.

Subd. 1 Purpose.

The variance process enables the City Council to provide limited relief from the literal provisions of this Subsection in instances where strict enforcement would cause practical difficulties because of circumstances unique to the individual property under consideration and when it is demonstrated that such actions are consistent with this Subsection. Variances shall not be granted to allow a use not permitted by the zoning district, nor to merely remove inconveniences or financial burdens that the requirements of this chapter may impose on property owners in general. Variances are intended to address extraordinary, exceptional, or unique situations that where not caused by the applicant's act or omission. Variances are not to be used in the place of ordinance amendments to address situations applicable to numerous properties.

Subd. 2 Initiation.

Variances shall only be initiated by an owner of the property at issue or an authorized representative of the owner.

Subd. 3 Criteria.

All requests for a variance shall be subject to a determination that the variance request complies with the requirements of Minn. Stat. § 462.357 and any amendments thereto, which include, but are not limited to:

- (1) A variance shall only be permitted when it is in harmony with the general purpose and intent of City Code and consistent with the Comprehensive Plan.
- (2) A variance may only be permitted when the applicant establishes that there are practical difficulties in complying with the zoning ordinance, meaning:
 - a. The property owner proposes to use the lot or parcel in a reasonable manner not permitted by the zoning code.
 - b. The plight of the property owner must be due to non-economic) circumstances that are unique to the lot or parcel and not created by the property owner.
 - c. The variance must not alter the essential character of the locality.
 - d. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

Subd. 4 Procedure.

- (1) The Planning Commission shall hold a public hearing on any complete application for a variance and provide the City Council, based on the criteria in Subd. 3, with a recommendation for granting of the variance, with any conditions, or for the denial of the variance.
- (2) Upon receiving the recommendation of the Planning Commission and written reports of the City Staff, the City Council, serving as the Board of Adjustments and Appeals, shall make findings of fact and decide upon a request for a variance by approving or denying the request for the variance consistent with Subd. 3. The City Council may impose conditions on the granting of a variance that are directly related to and bear a rough proportionality to the impact created by the variance.

Subd. 5 Subsequent Application.

Whenever an application for a variance has been considered and denied by the City Council, a similar application for the variance affecting substantially the same property shall be considered an incomplete application and shall not be considered again by the Planning Commission or City Council for at least 6 months from the date of its denial unless a decision to reconsider such matter is made by not less than 4/5 of the full City Council.

(Ord. 2010-18, passed 9-28-2010; Am. Ord. 2012-02, passed 1-10-2012)

ITEM:

Consideration of a Discussion on Multi-Family Residential and Event Center Parking Requirements

PREPARED BY:

Hayden Stensgard, Planner II

DISCUSSION INTRODUCTION

Multi-Family Residential Parking. Staff has heard from both Planning Commissioners and City Council members that the multi-family parking requirements in Dayton calls for more parking than necessary. Staff has created a table comparing surrounding communities and what they require for standard multi-family buildings (excluding assisted living, nursing homes, etc.). The zoning ordinance does allow for justified reduced parking as determined by the City Council during the review of development plans.

*d. Reduced parking requirement. The City recognizes reuse of sites and that the strict interpretation of the parking standards of this section may not be appropriate for each specific use or lot. Therefore, the City Council may approve alternative parking standards through the City review process provided the applicant can demonstrate, based upon documented parking studies and site specific analysis, that a need exists to provide more or fewer parking stalls than the maximum or minimum parking standards or to deviate from pervious paving/paver system standards. Factors to be considered in such determination include (without limitation) national parking standards, parking standards for similar businesses or land uses, size of building, type of use, number of employees, expected volume and turnover of customer traffic and expected frequency and number of delivery or service vehicles and appropriate soils and/or site conditions to support pervious paving/paver systems.*¹

Additionally, the City allows for banking of required parking of up to 25% of the requirement, provided that a proof of parking plan is given to the City, essentially proving that there would be enough space on the site to meet the requirements.

*f. Proof of parking. The City may permit parking banking of up to 25% of the required parking spaces through the site plan review process.*²

If the Planning Commission would like us to pursue a potential amendment, City staff had received info from colleagues on Shakopee's multi-family parking requirements, which is calculated on a bedroom basis, rather than a per unit basis, and has had success in implementing.

Multiple-family dwellings	Studio and 1 bedroom units: 1.50 spaces per unit 2 bedroom units: 2 spaces per unit 3 bedroom units: 2.50 spaces per unit Developments within ¼ mile walking distance of an operating transit station may reduce the total parking requirements by 5%
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In this instance, where 378 parking spaces were required for the Parkway Neighborhood's 180-unit apartment, using the above calculation, it would have required 314, given the bedroom splits for the 180 units. This is a reduction of about 17% of what is currently required. Given the above flexibilities currently offered in the Dayton Zoning Ordinance, is the Planning Commission interested in a revised parking standard for multi-family residential within the City?

Event Center Parking. During a recent review of a proposed Event Center within the City's agricultural district, a question came up on parking, and the applicants had expressed concerns that the 1 space per 2 guests at max capacity was excessive. Ultimately, the applicants provided a proof of parking plan

¹ [1001.19 Parking Regulations, Subd. 7\(2\)\(d\)](#)

² [1001.19 Parking Regulations, Subd. 7\(2\)\(f\)](#)

PLANNING COMMISSION REGULAR MEETING

showing the required amount of spaces, but the City Council approved the Interim Use Permit with less than half of the required spaces provided in the initial development of the site. In review of surrounding communities' requirements for Event Center parking, it was found that the majority of Cities are using a 1 space per 3 persons ratio, rather than Dayton's required 1 space per 2 persons. Some have been found to require 1 space per 4 person at max capacity. After further review of Dayton's parking regulations, if an Event Center was proposed within a commercial district, it would be subject to the following parking standards:

(j) Community center, theatre, assembly hall, auditorium, sports arena. One space per 3 patrons at the maximum occupancy load of the facility, plus 1 space per employee on the largest work shift.³

City staff is looking for direction on how to address this potential discrepancy, and are asking the Planning Commission for feedback on whether staff should move forward with an amendment to have the Interim Use Permit Event Center requirements match the above section of the parking code.

RELATIONSHIP TO COUNCIL GOALS

Not specific to any City Council goals.

ROLE OF THE PLANNING COMMISSION

The Planning Commission should engage in a discussion on whether Staff should or should not proceed with an amendment on these matters before them.

ATTACHMENT(S):

Multi-Family Residential Parking Comparison Table

Dayton City Code 1001.19 Parking Regulations, Subd. 9 Required Off-Street Parking Space and Garages

Dayton City Code 1001.051 Residential District Special Requirements

³ [1001.19 Parking Regulations, Subd. 7\(2\)\(j\)\(2\)\(j\)](#)

	Dayton	Industry Standard	Rogers	Maple Grove	Champlin	Corcoran	Ramsey	Elk River	Anoka
Apartments (Parkway Neighborhood 180-Unit Example #)	2 Spaces per 1 Unit (1 enclosed), and a 1/2 space per 5 units for visitors. (378)	Anywhere from 1 to 2.5 spaces per unit (180-450)	2 spaces per unit, at least half of spaces shall be enclosed. (360)	2 spaces per unit, 1 of which enclosed (360)	2 spaces per unit, plus .25 for each unit with more than 1 bedroom (378)	2 spaces per unit, and 1 space for each 5 units in apartments. (396)	1.5 spaces per unit (270)	2.5 spaces per unit, 1 of which enclosed (450)	2.5 spaces per unit, one of which shall be enclosed. (450)

Subd. 7 Required Off-Street Parking Spaces and Garages

(1) *General factors that determine the required number of parking spaces for specified uses.* The number of parking spaces required is based on several primary factors:

- a. For residential uses, the number of dwelling units;
- b. For most office and business uses, the floor area in square feet of a specific use;
- c. For some industrial and public service uses, the number of employees (usually on the major shift);
- d. For service businesses (clinics, mortuaries, and the like), the number of offices, vehicles, or other operational unit;
- e. For gathering places, the seating capacity;
- f. For multiple function uses (including uses that may have more than 1 subuse), the sum of the individual requirements.

(2) Calculation of parking requirements.

a. *Floor area.* For the purpose of determining off-street parking requirements, the term "floor area" shall mean the sum of the gross horizontal areas of the several floors of a building, including interior balconies, mezzanines, basements, and attached accessory buildings, but exempting that area primarily devoted to window display, storage, fitting rooms, stairs, escalators, unenclosed porches, detached accessory buildings utilized for dead storage, heating and utility rooms, inside off-street parking, or loading space. Measurements shall be made from the inside of exterior walls.

b. 1. Multiple types of use in a single building, or in a complex of several buildings on a single site. In instances where more than 1 type of use occupies the same building or parcel, the total number of required spaces shall be based upon the parking requirements for each use. Parking need will be based on existing and potential uses of the building.

2. In cases where potential future uses will generate additional parking demand, the City may require proof of parking plan for the difference between the immediate and potential parking needs. In cases where potential users are unknown, parking shall be calculated using 80% of the gross floor area of the building.

c. *Bench seating.* In stadiums, sports arenas, churches, and other places of assembly in which patrons or spectators occupy benches, pews, or other similar seating facilities, each 18 inches of the seating facilities shall constitute 1 seat for the purpose of calculating required parking.

d. *Reduced parking requirement.* The City recognizes reuse of sites and that the strict interpretation of the parking standards of this section may not be appropriate for each specific use or lot. Therefore, the City Council may approve alternative parking standards through the City review process provided the applicant can demonstrate, based upon documented parking studies and site specific analysis, that a need exists to provide more or fewer parking stalls than the maximum or minimum parking standards or to deviate from pervious paving/paver system standards. Factors to be considered in such determination include (without limitation) national parking standards, parking standards for similar businesses or land uses, size of building, type of use, number of employees, expected volume and turnover of customer traffic and expected frequency and number of delivery or service vehicles and appropriate soils and/or site conditions to support pervious paving/paver systems.

e. Joint parking facilities.

1. *Off-street joint parking facilities.* Off-street parking facilities for a combination of mixed buildings, structures, or uses may be provided collectively in any Business or Industrial District in which separate parking facilities for each separate building, structure, or use would be required, provided that the total number of spaces provided shall equal the sum of the separate requirements of each use and properties are contiguous to each other. The joint use of parking facilities shall be protected by a recorded covenant acceptable to the City.

2. Joint or combined parking facilities or adjoining parking facilities on separate lots as authorized and when constructed adjacent to a common lot line separating 2 or more parking areas are not required to observe the parking area setback from the common lot line.

3. *Joint parking facility reductions.* The City Council may, after receiving a report and recommendation from the Planning Commission, approve a CUP for 1 or more businesses that would allow the number of required spaces to be reduced if the following conditions are found to exist:

(a) *Entertainment uses.* Up to 50% of the parking facilities required for a theater, bowling alley, or similar commercial recreational facility may be supplied by the off-street parking facilities provided by type of uses specified as primarily daytime uses in Subsection 1001.19, Subd. 7(2)j.2. below.

(b) *Nighttime or Sunday uses.* Up to 50% of the off-street parking facilities required for any use specified under Subsection 1001.19, Subd. 7(2)j.2. below as primarily daytime uses may be supplied by the parking facilities provided by the following nighttime or Sunday uses: auditoriums incidental to public or parochial school, churches, bowling alleys, theaters, or apartments.

(c) *Schools, auditorium, and church uses.* Up to 80% of the parking facilities required by this section for a church or an auditorium incidental to a public or parochial school may be supplied by the off-street parking facilities provided by uses specified under Subsection 1001.19, Subd. 7(2)j.2.(g) through (j) below as primarily daytime uses.

(d) *Daytime uses.* For the purpose of this section, the following uses are considered as primarily daytime uses: banks, business offices, retail stores, personal service shops, service shops, manufacturing, wholesale, and similar uses.

(e) *Additional criteria for joint parking.* In addition to the preceding requirements, the following conditions are required for joint parking usage:

i. *Proximity.* The building or use for which application is being made to utilize the off-street parking facilities provided by another building or use shall be located within 300 feet of the parking facilities.

ii. *Conflict in hours.* The applicant shall demonstrate in documented fashion that there is no substantial conflict in the principal operation hours of the 2 buildings or uses for which joint use of off-street parking facilities is proposed.

iii. *Written consent and agreement.* A legally binding instrument, executed by the parties concerned, for joint use of off-street parking facilities, duly approved as to title of grantors or lessors, and form and manner of execution by the City Attorney, shall be filed with the City and recorded with the Hennepin or Wright County Recorder or Registrar of Titles, and a certified copy of the recorded document shall be filed with the City within 60 days after approval of the joint parking use by the City.

f. *Proof of parking.* The City may permit parking banking of up to 25% of the required parking spaces through the site plan review process.

1. Sufficient evidence shall be provided by the applicant that supports the reduced parking needs.

2. The area proposed for banking of parking spaces shall be an area suitable for parking at a future time.

3. Landscaping of the banked area shall be in full compliance of the zoning regulations and at a minimum landscaped with turf. As a result of the site plan review process, the City may require additional landscaping of the land-banked area.

4. The parking banking area cannot be used for any other use without amendment of the site plan.

5. As part of the site plan review process, the applicant shall show the area to be banked on the site plan and marked as "banked future parking."

6. The City, on the basis of increased parking demand for the use, shall require the conversion of all or part of the banked area to off-street parking spaces.

g. *Garage size.* The minimum garage size for single and 2-family dwellings attached or detached, shall be 440 square feet (22' x 20') for each dwelling unit with a basement and 540 square feet (22' x 24') without a basement.

h. *Parking requirements for uses not specified herein.* In the event this chapter does not specify the number of parking spaces for a specific use, the determination of required parking spaces shall be made using the following criteria:

1. The number of parking spaces required for a use in terms of the parking demand anticipated to be generated;

2. The square footage to be occupied by the proposed use;

3. The number of employees and patrons that are anticipated for the proposed use.

i. *Fractional spaces.* When the calculation of required number of spaces results in a fraction, each fraction of 1/2 or more shall constitute another space.

j. *Required minimum parking.* The minimum number of parking spaces for each use shall be as follows:

1. *Residential.* (Residential minimum parking requirements shall have flexibility through the development process if a project meets the goals and policies of the Comprehensive Plan to achieve affordable housing).

(a) *Single and 2-family dwellings.* Each dwelling unit shall include 2 enclosed spaces and 2 surfaced spaces.

(b) *Townhouses.* Each dwelling unit shall include 2 enclosed spaces and 2 surfaced spaces, plus an additional 1/2 parking space per dwelling unit for visitors. Visitor parking may be consolidated in key areas of the townhouse development or it may be located in driveways leading to garages, provided that the visitor parking space will not interfere with circulation.

(c) *Multiple-family dwellings.* Two spaces per dwelling unit, 1 of which must be enclosed, plus an additional 1/2 parking space per every 5 dwelling units for visitors.

(d) *Senior housing.* In connection with multiple dwelling units that restrict occupancy to senior citizens, the City Council may grant a variance reducing the parking requirement to a minimum of 1.25 spaces per dwelling unit, 1 of which must be enclosed for each 3 dwelling units. In connection with the variance, the City Council will require that the landowner, for him or herself, his or her successors and assignees, agree to expand available parking to the full amount required by this section if the occupancy is not restricted to senior citizens. Adequate land area shall be designated and set aside for future expansion of the parking to the full amount required by this section, if needed. For the purpose this section, senior citizens are defined as persons 55 years of age or older.

(e) *Manufactured home park.* Two parking spaces per unit plus 1/2 parking space for visitors. Each manufactured home park shall maintain a hard surfaced off-street parking lot for guest of occupants of at least 1 space for each 5 coach sites. Visitor parking may be consolidated in key locations of the manufactured home park development.

(f) *Special residential.*

- i. Assisted living facility - 1/2 spaces per unit.
- ii. Daycare nursery - 1 space per teacher/employee on the largest work shift, plus 1 off street loading space per 6 students.
- iii. Group dwellings - 1 space per sleeping room or for every 4 beds.
- iv. Monasteries, convents - 1 space per 6 residents, plus 1 space per employee on the largest work shift, plus 1 space per 5 chapel seats if the public may attend services.
- v. Nursing home other than assisted living facility - 1 space per 6 patient beds, plus 1 space per employee on the largest work shift.
- vi. Nursing homes - 1 space per 6 patient beds, plus 1 space per employee on the largest work shift.
- vii. Retirement housing - for apartment dwelling units, 1 space per unit with a minimum of half of the required spaces as enclosed garage spaces. The development shall include a proof of parking area sufficient to meet the parking the City Council determines necessary, and that the development is not likely to be converted to non-age restricted housing in the foreseeable future. Townhouse dwelling units shall comply with the requirements of this subsection vii.

2. *Non-residential.*

- (a) Bed and breakfast establishments. Two spaces for the principal dwelling unit plus 1 space for each rental unit.
- (b) Board and lodging houses. One space for each 4 beds.
- (c) Day care accessory to business use. One space per employee.
- (d) Residential facilities. One space for each bed, plus 1 space for each 3 employees at maximum shift other than doctors.
- (e) Hotel, motel. One space for each rental unit plus 1 space for each employee at maximum shift, plus 1 space per 3 persons to the maximum occupancy load of each public meeting and/or banquet room plus 50% of the spaces otherwise required for accessory uses (e.g. restaurants and bars).
- (f) Nursing home, assisted living facility, sanitarium, convalescent, rest home, or institution. One space for each 6 beds for which accommodations are offered, plus 1 space for each 2 employees at maximum shift.
- (g) Schools, elementary and junior high. Three spaces for each classroom.
- (h) Schools, high school and all post secondary institutions. One space for each 4 students based on design capacity, plus 3 additional spaces for each classroom.
- (i) Place of worship and other places of assembly. One space for each 3 seats.
- (j) Community center, theatre, assembly hall, auditorium, sports arena. One space per 3 patrons at the maximum occupancy load of the facility, plus 1 space per employee on the largest work shift.
- (k) Hospital. One space for each 3 hospital beds, plus 1 space for each 4 employees other than doctors at maximum shift, plus 1 parking space for each resident and regular staff doctor. Bassinets shall not be counted as beds.
- (l) Medical clinic, dental clinic or animal hospital. Six spaces per staff doctor or dentist.
- (m) Animal kennel. Five spaces plus 1 for each 500 square feet over 1,000 square feet.
- (n) Health club. One space for each 200 square feet of floor area.
- (o) Golf course, tennis or swimming club. Twenty spaces minimum plus 4 spaces for each 200 square feet floor area.
- (p) Mini golf course. One and 1/2 spaces per hole plus 1 space for every employee.
- (q) Bowling alley. Six parking spaces for each alley, plus additional spaces as may be required for related uses such as restaurant/bar.
- (r) Vehicle related retail/service. Two spaces plus 3 spaces for each service stall, plus 1 space for each 250 square feet of building used for the sale of goods and services, plus adequate stacking and maneuvering space for pump island areas.
- (s) Restaurant, café, bar, tavern, night club. One space for each 2.5 seats based on design capacity and 1 space per employee based on largest working shift or as determined by the business plan and approved by the City.
- (t) Restaurant, drive-in or take out. One space for each 15 square feet of floor area allocated to patron service and counter area, plus 1 space for every 2.5 seats based on design capacity.
- (u) Retail stores. Five spaces for each 1,000 square feet of floor area.
- (v) Outdoor storage display of retail. One per 2,000 square feet in addition to required use.

- (w) Indoor retail storage facility. One space per employee at full shift plus 1 space for each 6,000 square feet, 2 parking per dwelling.
- (x) Cellular/antenna/communication tower. One space per tower for repair vehicle.
- (y) Office, banks, public administration. One space for each 200 square feet of floor area.
- (z) Library, museum, post office. One parking space for each 300 square feet of floor area.
- (aa) Funeral homes. Eight spaces for each chapel or parlor, plus 1 space for each funeral vehicle maintained on the premises. Aisle space shall also be provided off the street for making up a funeral procession.
- (bb) Furniture store, wholesale, auto sales, repair shops. Three spaces for each 1,000 square feet of floor area. Open sales lots shall provide 2 spaces for each 5,000 square feet of lot area, but not less than 3 spaces.
- (cc) Industrial, warehouse, manufacturing, processing plant, storage, printing, publishing, handling of bulk goods, garden supply, and building material sales. One space for each employee on maximum shift or 1 space for each 2,000 square feet of floor area, whichever is greater.
- (dd) Crude oil, gasoline or other liquid storage tanks. 1 space for loading.
- (ee) Research, experimental or testing station. One space for each 350 square feet floor area.
- (ff) Shopping centers. Five spaces for every 1,000 square feet of floor area.
- (gg) Marinas. One and 1/2 spaces per slip plus 1 space per employee and a minimum of 20 twelve by twenty-five foot trailer stalls.
- (hh) Public parks. Parking spaces will be determined on the type of park developed and the uses found in the park.
- (ii) All other retail. Ten spaces for every 1,000 square feet of floor area.

1001.051 RESIDENTIAL DISTRICT SPECIAL REQUIREMENTS.

Event Centers, subject to the following:

- (1) The minimum size of the event center operations must be 30 acres. This may include multiple lots.
- (2) Access to the site must be from a paved street.
- (3) The hours of operation shall be no later than 9:00 a.m. to 10:00 p.m. on Sunday through Thursday and 9:00 a.m. to 11:00 p.m. on Friday and Saturday.
- (4) The number of guests will be approved by the City based on the size of site, structures, parking availability, and other relevant factors.
- (5) Noise from an event shall comply with Section 130.08 of the City Code.
- (6) No sound amplifications systems may be used outdoors after 8:00 p.m.
- (7) Sanitary facilities adequate for the number of attendees shall be provided as determined by the adopted Minnesota State Building Code, as may be amended from time to time. No sanitary facilities shall be located closer than 200 feet from a neighboring property line. Portable toilets may be approved for temporary use and must be screened from view from roads and neighboring properties by landscaping or a wooden enclosure. No portable toilets shall be located closer than 400 feet from a neighboring property line.
- (8) Off street parking shall be provided to accommodate 1 stall per 2 guests based on the maximum occupancy of the buildings. If no buildings are present for the event center then parking will be determined by city staff. Off street parking shall be setback 20 feet from any property line. Off street parking must be on an improved surface such as class 5 gravel or pavement.
- (9) Screening may be required for outdoor facilities to the event center and may include permanent landscaping, berms, fences, or walls.
- (10) All light fixtures shall be downcast style fixtures. Reflected glare or spill light from all exterior lighting shall not exceed 0.1 foot-candle measurement on the property line when adjoining residential and agricultural zoned property.
- (11) No overnight camping shall be allowed as part of an event center.
- (12) As part of the IUP, the City may approve signage for the event center. Consideration shall be given to the sign area, height, location and potential impacts on adjacent properties.
- (13) Compliance with all applicable regulations including State Health Code, state building codes, and local liquor licensing requirements.

(Ord. 2023-05, passed 7-25-2023)

ITEM:

Consideration of a Discussion on Requiring Home Extended Business be on Homesteaded Property

PREPARED BY:

Hayden Stensgard, Planner II

DISCUSSION INTRODUCTION

Interim Use Permits for Home Extended Business Properties and Homesteading Requirement. One of the requirements in the City Code for a Home Extended Business is that the applicant must live on the property in which the business would be located. In practice, the City has found this difficult to determine, beyond an electrical bill with the name on it. We feel that this does not provide enough evidence in terms of a living situation on a proposed home extended business property. Requiring these properties to be homesteaded will provide an additional level of evidence, as only one property is allowed to be homesteaded in Minnesota per land owner, and the [State of Minnesota](#) requires this homesteaded property to be the property owner's primary place of residence.

RELATIONSHIP TO COUNCIL GOALS

Not specific to any City Council goals.

ROLE OF THE PLANNING COMMISSION

The Planning Commission should engage in a discussion on whether Staff should or should not proceed with an amendment on these matters before them.

ATTACHMENT(S):

Dayton City Code 1001.13 Home Occupations

1001.13 HOME OCCUPATIONS.

Subd. 1 Purpose.

The purpose of this Subsection is to maintain the character and integrity of residential areas, to prevent competition with commercial districts, to encourage telecommuting, and to provide a means through the establishment of specific standards and procedures by which home occupations can be conducted in residential neighborhoods without jeopardizing the health, safety and general welfare of the surrounding neighborhood. In addition, this Subsection is intended to provide a mechanism enabling the distinction between permitted home occupations and special or customarily "more sensitive" home occupations, so that permitted home occupations may be allowed through an administrative process rather than a legislative hearing process.

Subd. 2 Home Business Categories

Home businesses shall fall into 2 categories.

(1) Administrative Home Occupations are those Home Occupations that have no effect on the surrounding neighborhood. This accessory use may be allowed with an administrative permit in all agricultural and residential neighborhoods when the occupation conforms to the standards of Subdivisions 3 and 4(1) below.

(2) Home Extended Businesses are those Home Occupations that typically involve more significant element of commercial-type activity that may have a minimal effect on the surrounding neighbors. This accessory use may be allowed if the use meets all the criteria of Subdivisions 3 and 4(2) below, and requires the issuance of an interim use permit. The Council may require compliance with any reasonable conditions, restrictions or limitations necessary to protect the residential or agricultural character of the area.

Subd. 3 General Provisions

All Home Occupations shall meet the following standards:

(1) All Home Occupations shall be clearly incidental and secondary to the residential use of the premises, should not change the residential character thereof, and shall result in no incompatibility or disturbance to the surrounding residential uses.

(2) The applicant shall reside in the home associated with the Home Occupation.

(3) No Home Occupation shall require internal or external alterations or involve construction features not customarily found in dwellings except where required to comply with local and state fire and police recommendations.

(4) No Home Occupation shall involve the use of equipment other than that customarily found in a residential dwelling.

(5) No Home Occupation shall be visible from the outside of the dwelling. There shall be no exterior display or exterior signs or interior display or interior signs which are visible from the outside of the dwelling with the exception of one directional or identification/business sign not to exceed 2 square feet in area.

(6) All Home Occupations shall comply with the provisions of the City Nuisance Ordinance and City Noise Ordinance.

(7) All parking associated with the Home Occupation shall occur on-site on the driveway.

(8) The Home Occupation shall not cause septic waste flow to exceed the design capacity of the septic system.

(9) No Home Occupation shall generate traffic (by customers, employee, deliveries, etc.) to and from ("trip") the dwelling that is not characteristic of the neighborhood and shall not exceed 8 trips per day by any combination of employee, contract employee, customer or client visits, and/or deliveries per standard 8 hour day and no more than one customer or client visit on the premises at any given time. For the purposes of this section, one customer/client visit shall be considered to include any number of persons arriving in a single vehicle.

(10) No Home Occupations shall produce light, glare, noise, odor or vibration that will in any way have an objectionable effect upon adjacent or nearby property.

(11) No equipment shall be used in the operation of a Home Occupation which will create electrical interference to surrounding properties.

(12) All Home Occupations shall meet all applicable fire and building codes.

(13) No Home Occupation shall be conducted between the hours of 10:00 p.m. and 7:00 a.m. unless the Home Occupation does not require any on-street or off-street parking facilities or require in person customer interaction on site (e.g. telecommuting).

(14) No vehicles or machinery related to the home occupation shall be idling or running on site, outdoors, between the hours of 10:00 p.m. and 7:00 a.m.

Subd. 4 Performance Standards

(1) *Administrative Home Occupation Performance Standards.*

a. The occupation shall not use more than 25% of the floor area of the home (excluding the garage area). State licensed day care facilities serving 12 or fewer persons are exempt from this Subsection.

- b. No part of any detached garage or accessory building can be used for the occupation.
- c. No outdoor storage of supplies, materials, debris, equipment or maintenance items; all home occupation related items shall be kept in an enclosed structure.
- d. The home occupation is conducted entirely by the occupants of the home and up to 2 nonresident employee, or contract employee, working on, or reporting to, the home.
- e. No direct sale of goods to the consumer are allowed to occur at the home occupation site.
- f. Up to 1 vehicle associated with the business with a gross vehicle weight rating under 12,000 lbs. may be parked on the home property. No vehicles over a gross vehicle weight rating of 12,000 lbs. associated with the occupation shall be parked at or near the home. The Home Occupation shall not create a parking demand in excess of that which can be accommodated in an existing driveway where no vehicle is parked closer than 15 feet from the curb line or edge of paved surface.
- g. If the proposed home occupation cannot comply with all of the above rules, an interim use permit for a Home Extended Business is required.

(2) *Home Extended Business performance standards (interim use permit required).* Home Extended Business occupations shall only be allowed in Agricultural Zoned Districts, or any Residential Zoned Properties over 1 acre.

- a. The occupation use of the home shall not exceed 30% of the floor area of the principal dwelling (excluding the garage area). State licensed day care facilities are exempt from this Subsection.
- b. No outdoor storage of supplies, materials, debris, equipment, machinery or maintenance items; all home occupation related items shall be kept in an enclosed structure on properties less than 2.5 acres. On properties which are at least 2.5 acres, outdoor storage may be allowed provided the outdoor storage area is significantly screened from view from the street and adjacent properties and does not exceed 20% of the lot. Screening shall consist of a combination of existing or proposed landscaping and fencing.
- c. The Home Extended Business shall be set back a minimum of 100 feet from any dwelling, other than that of the subject property.
- d. The garage or 1 accessory building may be used for the business, provided there is still a garage space to park a vehicle. Accessory buildings shall meet the accessory building design requirements in Section 1001.35, Accessory Buildings and Structures.
- e. The Home Extended Business shall be conducted entirely by the occupants of the home and up to 2 nonresident employees, or contract employees, working at, or reporting to, the home.
- f. No more than 1 vehicle, which shall be under a gross vehicle weight of 12,000 lbs., associated with the business can be parked overnight outside or near the home. One vehicle which exceeds 12,000 lbs. may be stored on site provided the vehicle does not exceed a gross vehicle weight rating of 18,000 lbs. and the vehicle is stored entirely within a building or is significantly screened from view from the road or surrounding properties. The Home Extended Business shall not create a parking demand in excess of that which can be accommodated in an existing driveway where no vehicle is parked closer than 15 feet from the curb line or edge of paved surface.
- g. Direct sale of goods that are not produced on the site is prohibited.
- h. Dust control measures may be required.
- i. Any other reasonable conditions required by the City Council.
- j. The City Council may allow Home Occupations to operate in excess of the provisions in this section provided the City has reasonable assurance, due to the nature of the Home Occupation or through mitigation measures (e.g. increase landscaping, or screening than required), that the Home Occupation will not adversely impact neighboring properties or become a nuisance.

Subd. 5 Procedures and Permits

(1) *Administrative home occupation permit.*

- a. An application form and fee for a home occupation permit must be completed and filed with the City.
- b. Administrative Home Occupations complying with all the provisions as provided in this section may be approved by the City Administrator or the Administrator's designee.
- c. The City on an annual basis may review Administrative Home Occupation permits. If the Administrative Home Occupation is in compliance of City Code the City Administrator may renew the permit. If the Administrator finds that the use is not in compliance the permit holder will be notified and shall have 60 days to bring the use into compliance.
- d. The permit shall remain in full force and effect until such time as there has been a change in ownership or until such time as the provisions of this Subsection have been breached. At such time as the City has reason to believe that either event has taken place, a public hearing shall be held before the Planning Commission. The City Council shall make a final decision on whether or not the permit holder is entitled to the permit.

(2) *Home Extended Business interim use permit.*

a. An application form, fee and supporting materials for an interim use permit must be filed with the City. See Subsection 1001.23 for the interim use permit application and review process.

b. Home Extended Businesses must comply with all the provisions of this section and all conditions associated with issuance of an interim use permit.

c. The City shall notify the County Tax Assessor when any Home Extended Business permit is granted and provide a copy of such permit to the Assessor.

d. The City Council shall approve the Home Extended Business IUP with a 5 year time limit. If the City Zoning Administrator, his/her designee, finds that the use is not in compliance, the permit holder will be notified and shall have 60 days to bring the use into compliance. Should the Home Extended Business' noncompliance continue past 60 days the Home Extended Business IUP shall be revoked.

e. Whenever an application for an interim use permit has been considered and denied by the City Council, a similar application for a permit affecting substantially the same property and use shall not be considered again by the Planning Commission or City Council for at least 6 months from the date of its denial.

(3) *Transferability.* Home Extended Business interim use permits and Administrative Home Occupation permits shall not run with the land and shall not be transferable. If the Home Extended Business or Administrative Home Occupation is discontinued for a period of one year, or non-compliance beyond 60 days, the Home Occupation permit, or Home Extended Business interim use permit shall be revoked.

(4) *Renewal of permits.* An applicant shall not have a vested right for a permit renewal by reason of having obtained a previous permit. The previous granting or renewal of a permit shall not constitute a precedent or basis for the renewal of a permit.

(5) *Inspection.* The City hereby reserves the rights upon issuing any permit to inspect the premises in which the home business is being conducted to ensure compliance with the provisions of this Subsection or any conditions additionally imposed.

Subd. 6 Non-conforming and Existing Home Business Uses

(1) Home Occupations lawfully existing on the effective date hereof may continue as nonconforming uses. They shall, however, be required to obtain permits, as may be required by this section, for their continued operation. Any existing Home Occupation that is discontinued for a period of more than 1 year, or is in violation of the provisions under which it was initially established, shall be brought into conformity with the provisions of this section.

(2) When identified and notified by the City, existing Home Occupations that do not have a permit from the City, shall within 30 days make application for an Administrative Home Occupation permit or Home Extended Business interim use permit as may be required by this section.

(Prior Code, § 1001.12, Subd. 7) (Ord. 2006-14, passed 12-14-06; Am. Ord. 2018-11, passed 5-8-2018)

ITEM:

Consideration of a Discussion on Required Landscape Plantings for Commercial and Industrial Developments

PREPARED BY:

Hayden Stensgard, Planner II

DISCUSSION INTRODUCTION

Development Landscaping – Trees and Shrubs. During a City Council meeting, there was a comment about the requirement for shrub plantings in non-residential districts. To clarify, below is a code section that provides development applicants options, which consists of only needing to meet 3 of 4 requirements listed for plantings.

a. *General requirements.* General requirements that shall apply in all Non-Residential Districts and non-residential uses in Residential Districts include the following:

1. *Plant diversity.* In addition to the 25% plant diversity requirement, the landscape plan design shall, at a minimum, provide at least 3 of the following required numbers of trees and shrubs in addition to any trees and shrubs required for screening in Subdivision 7 of this Subsection:

- (a) One over-story tree per 3,000 square feet of open area.
- (b) One ornamental tree per 1,500 square feet of open space.
- (c) One evergreen tree per 3,000 square feet of open area.
- (d) One deciduous or evergreen shrub per 100 square feet of open area.¹

One might raise the question of whether this eliminates any requirements for shrub plantings on developing properties, but there are other sections of the landscaping code that require shrub plantings. For instance, parking lot islands are required to incorporate at least 1 tree and shrubs.² Additionally, the ground directly adjacent to a building (minimum 5 feet wide) is required to also have plantings to soften the building walls.³ This is the same for screening fences; plantings, including shrubs, are required to be placed on the exterior side of fences to soften the appearance.⁴ So, while it may seem that developments are not required to have shrubs on the property based on the above section, other sections of the landscaping code addresses the utilization of shrubs. In recent developments, staff believes that the landscaping requirements are sufficient for new developments to adhere to, but wanted to provide a little bit of context based on recent comments.

RELATIONSHIP TO COUNCIL GOALS

Not specific to any City Council goals.

ROLE OF THE PLANNING COMMISSION

The Planning Commission should engage in a discussion on whether Staff should or should not proceed with an amendment on these matters before them.

ATTACHMENT(S):

¹ [1001.24 Landscaping and Screening, Subd. 4\(3\)\(a\)\(1\)\(a-d\)](#)

² [1001.24 Landscaping and Screening, Subd. 5\(7\)\(c\)](#)

³ [1001.24 Landscaping and Screening, Subd. 4\(3\)\(b\)](#)

⁴ [1001.24 Landscaping and Screening, Subd. 4\(3\)\(c\)](#)

PLANNING COMMISSION REGULAR MEETING

Dayton City Code 1001.24 Subdivisions 4 and 5 – Landscape Design Standards and Guidelines, and General Landscaping Requirements

Subd. 4 Landscape Design Standards and Guidelines.

All landscape plans shall adhere to the following:

(1) *General landscaped requirements.*

a. All open areas of a lot which are not used or improved for required parking areas, drives or storage shall be landscaped with a combination of over-story trees, under-story trees, coniferous trees, shrubs, flowers and ground cover materials.

(2) *Landscaping requirements in Single-Family Residential Districts.*

a. Lots must maintain vegetation in the City's right-of-way and along the 5-foot perimeter of the property, except in areas where the required driveway access is located. An exception to this restriction would be landscape materials (2 to 3 feet in width) adjacent to a residential driveway.

b. *Number of trees.* The minimum number of major or over-story trees on any given site shall be as indicated below with a minimum percentage of landscape area for Non-Residential Use Districts. These are the minimum substantial plantings, in addition to other under-story trees, shrubs, flowers, and ground cover, deemed appropriate for a complete quality landscape treatment of the site.

c. Each 1 and 2-family residential dwelling unit shall contain trees totaling at least 8 inches in diameter at installation with a minimum of 2 trees located in front of the home. Each tree must meet minimum size requirements as indicated in the table in Subdivision 5(3). The Zoning Administrator may authorize the placement of some of the required trees within the side or rear yard if, due to the shape of the lot, there are unique circumstances.

(3) *Landscaping requirements in multiple family residential, and all non-residential uses.*

a. *General requirements.* General requirements that shall apply in all Non-Residential Districts and non-residential uses in Residential Districts include the following:

1. *Plant diversity.* In addition to the 25% plant diversity requirement, the landscape plan design shall, at a minimum, provide at least 3 of the following required numbers of trees and shrubs in addition to any trees and shrubs required for screening in Subdivision 7 of this Subsection:

- (a) One over-story tree per 3,000 square feet of open area.
- (b) One ornamental tree per 1,500 square feet of open space.
- (c) One evergreen tree per 3,000 square feet of open area.
- (d) One deciduous or evergreen shrub per 100 square feet of open area.

b. *Building ground cover.* A minimum 5-foot strip from the building edge must be treated with decorative ground cover and/or foundation plantings, except for garage/loading areas and pedestrian access areas.

c. *Softening of walls and fences.* Plants shall be placed intermittently against long expanses of building walls, fences, and other barriers to create a softening effect. Plantings shall also be proportionate to the height of the building. Additional depth along buildings may be required to accommodate this landscaping.

d. *Heat island reduction.* To minimize impact on microclimate, human and wildlife habitat, shading of parking lots is required. At least 1 over-story tree shall be planted for every 10 parking stalls on site. To satisfy this requirement trees must be located at least 4 feet and within 10 feet of a curb adjacent to any internal parking or drive area. The trees shall count toward meeting the overall site green space and landscaping requirements identified by this chapter for the underlying zoning district.

(4) *Parking lot landscaping requirements.* The following shall apply to all new development and redevelopment of parking lots for expansions creating 5,000 square feet or more of impervious surface or disturbance of 1/2 acre or more of land.

a. *Parking lot screening.* Parking lot screening shall be designed to reduce the visual impact of surface parking lots; mitigate glare from headlights; improve the aesthetic quality of the area for users of the site, adjacent sites, roadways, and sidewalks; and define the perimeter of the parking lot as follows:

1. *Off street parking containing 4 or more parking spaces.* Between those portions of an off street parking area containing 4 or more parking spaces and a different zoning district or a public street.

(a) *Waiver.* Parking lot screening requirements may be waived in circumstances where perimeter screening is provided or where the elevation of the parking area relative to the elevation of the street and sidewalk would make the screening ineffectual as determined by the Zoning Administrator.

b. *Parking lot screening standards.*

1. Parking lot screening must be provided within 10 feet of the perimeter of the parking lot to be screened, except for parking lots adjacent to rain gardens/bio-retention systems, other landscape features, or where the traffic sight visibility triangle may be impacted.

2. Parking lot screening shall be not less than eighty percent (100%) opaque and be a minimum of 3 1/2 feet and a

maximum of 4 feet in height as measured from the adjacent finished surface of the parking area. When shrubs are used to provide the screen, such shrubs must be at least 2 feet tall at planting and anticipated to grow to at least 3 1/2 feet tall at maturity.

3. No landscaping or screening shall interfere with driver or pedestrian visibility for vehicles entering or exiting the premises.

c. *Content.* Parking lot screening must consist of at least 2 of the following:

1. A compact hedge of evergreen or densely twigged deciduous shrubs spaced to ensure closure into a solid hedge at maturity;
2. A berm with plantings described above;
3. Transit shelters, benches, bicycle racks and similar features may be integrated as a part of the screen;
4. Fencing may be integrated as part of the screen. All wood fencing shall be stained and sealed with a weatherproof product.

(5) *Landscape requirements specific to Business Districts.*

a. B-1 Office Business District:

1. At least 30% of the land area shall be sodded and landscaped with approved ground cover, shrubbery and trees.
2. At least 8% of the internal parking area shall be landscaped. This area is counted as part of the overall required "landscape area."

b. B-2 Neighborhood Commercial District business:

1. At least 30% of the land area shall be sodded and landscaped with approved ground cover, shrubbery and trees.
2. At least 8% of the internal parking area shall be landscaped. This area is counted as part of the overall required "landscape area."

c. B-3 General Business District:

1. At least 25% of the land area shall be sodded and landscaped with approved ground cover, shrubbery and trees.
2. At least 3% of the internal parking area shall be landscaped. This area is counted as part of the overall required "landscape area."

d. B-4 Commercial/Industrial District:

1. At least 25% of the land area shall be sodded and landscaped with approved ground cover, shrubbery and trees.
2. At least 3% of the internal parking area shall be landscaped. This area is counted as part of the overall required "landscape area."

(6) *Landscape requirements specific to Industrial Districts.*

a. I-1 Light Industrial District:

1. At least 25% of the land area shall be sodded and landscaped with approved ground cover, shrubbery and trees.
2. At least 3% of the internal parking area shall be landscaped. This area is counted as part of the overall required "landscape area."

b. I-2 Heavy Industrial District:

1. At least 25% of the land area shall be sodded and landscaped with approved ground cover, shrubbery and trees.
2. At least 3% of the internal parking area shall be landscaped. This area is counted as part of the overall required "landscape area."

c. B-P Business Park District:

1. At least 30% of the land area shall be sodded and landscaped with approved ground cover, shrubbery and trees.
2. At least 8% of the internal parking area shall be landscaped. This area is counted as part of the overall required "landscape area."

Subd. 5 General Landscaping Requirements

(1) *Sodding and seeding.* All front (including boulevards), side or rear yards facing a right-of-way shall be sodded with the following exceptions:

- a. Single-family residential lots are not required to be sodded, but turf must be established within the front yard thereof within 120 days of the City issuing a certificate of occupancy (excluding time between October 1 and May 1). All silt fence or hay bale erosion controls must be maintained until turf is established. A financial security in an amount determined by the

City will be required if turf is not established within the front yard (including to the rear of the structure abutting the street on a corner lot) prior to occupancy. Turf must be established for all portions of a yard within 1 year of the issuance of a certificate of occupancy.

b. Seeding may be used when the City determines sod is not practical or desirable such as, but not limited to, campus areas of schools, recreational playfields and open space, sites that are rough graded and areas that cannot be developed (such as those in a power line easement).

c. Seeding of future expansion areas as shown on approved plans.

d. Undisturbed areas containing existing viable natural vegetation that can be maintained free of foreign and noxious plant materials.

e. Areas designated as open space or future expansion areas properly planted and maintained with prairie grass.

(2) *Tree preservation.*

a. A tree preservation plan shall be submitted in conjunction with any proposal that includes a subdivision application, in accordance with Section 1001.25.

b. As a condition of subdivision approval or the issuance of grading or building permit, the City may require the applicant to replace any significant trees which are damaged or destroyed as a result of development or construction activities. Significant trees that are damaged or destroyed shall be replaced by at least 2 trees meeting the minimum planting requirements.

(3) *Minimum size.* All plants must at least equal the following minimum size in conformance with American Nursery Association standards:

	<i>Potted/Bare Root</i>	<i>Balled and/or Burlapped</i>
	<i>Potted/Bare Root</i>	<i>Balled and/or Burlapped</i>
Shade trees*	2-1/2 inch diameter	2-1/2 inch diameter
Ornamental trees (flowering crabs, Russian olive, hawthorn and the like)	6 to 7 feet	2 inch diameter
Evergreen trees	N/A	6 feet
Tall shrubs and hedge materials (evergreen or deciduous)	3 to 4 feet	3 to 4 feet
Low shrubs - deciduous	18 to 24 inch	24 to 30 inch
Low shrubs - evergreen	18 to 24 inch	24 to 30 inch
Low shrub - spreading evergreens	18 to 24 inch	18 to 24 inch
NOTE:		
* Type and mode are dependent upon time of planning season, availability, and site conditions (soils, climate, ground water, manmade irrigation, grading, and the like)		

(4) *Spacing.*

a. Plant material centers shall not be located closer than 3 feet from the fence line or property line and shall not be planted to conflict with public plantings, sidewalks, trails, fences, parking areas, and driveways based on the judgment of the Zoning Administrator.

b. Where plant materials are planted in 2 or more rows, plantings shall be staggered in rows unless otherwise approved by the Zoning Administrator.

c. Deciduous trees intended for screening shall be planted not more than 20 feet apart. Evergreen trees intended for screening shall be planted not more than 15 feet apart.

d. Where massing of plants or screening is intended, large deciduous shrubs shall be planted 4 feet on center or closer, and/or, evergreen shrubs shall be planted 3 feet on center or closer.

(5) *Design.*

a. Design (except for pond slopes which shall be subject to the review and approval of the City Engineer or Zoning Administrator):

1. The landscape plan must show some form of designed site amenities (i.e., composition of plant materials, and/or creative grading, decorative lighting, exterior sculpture, and the like) which are largely intended for aesthetic purposes.

2. All areas within the property lines (or beyond, if site grading extends beyond) shall be treated. All exterior areas not

paved or designated as roads, parking, or storage must be planted into ornamental vegetation (lawns, ground covers, or shrubs) unless otherwise approved by the Zoning Administrator.

3. Turf slopes in excess of 3:1 are prohibited.

4. All ground areas under the building roof overhang must be treated with a decorative mulch, rock cover and/or foundation plantings.

5. All principal buildings must have an exterior water spigot or irrigation system (if required by Subd. 5(10) of this section) to ensure that landscape maintenance can be accomplished.

6. Trees and shrubs shall not be planted in the right-of-way except for designated parkways and streets as determined by the City Council.

7. All plants required as part of an approved landscaping plan shall be maintained and kept alive. Dead plants shall be replaced in accordance with the approved landscape plan.

(6) *Species.*

a. All trees and plantings used in site developments shall be indigenous to the appropriate hardiness zone and physical characteristics of the site.

b. All deciduous trees proposed to satisfy the minimum requirements of this policy shall be long-lived hardwood species.

c. The complement of trees fulfilling the requirements of this section shall be not less than 25% deciduous and not less than 25% coniferous. Single-family residential development is exempt from this requirement.

d. No required tree shall be any of the following:

1. A species of the genus *Ulmus* (elm), including Siberian Elm, except those elms bred to be immune to Dutch Elm disease;

2. Box Elder;

3. All species of the genus *Populus* (poplar) except when counted as an under-story tree;

4. Female ginkgo;

5. Norway Maple;

6. Species of Ash;

7. Amur Maple;

8. Russian Olive;

9. Black Locust; or

10. Tree of Heaven.

(7) *Parking lots/planting islands.* All parking lots shall meet the design requirements in Subsection 1001.19, Subd. 6(1) and (3). In addition the following requirements shall be met:

a. Landscape parking lot islands shall be required at the beginning and end of each parking row and shall contain a minimum of 180 square feet and a minimum width of 9 feet. Such islands shall be bounded by a raised concrete curb or approved equivalent and shall contain mulch (wood, bark, or decorative rock) or turf grass to retain soil moisture. An exception will be made for use of rain gardens with parking lot islands. This provision shall not apply to parking structures.

b. A minimum of 1 over-story tree shall be provided for each island. This provision may be waived for islands utilized for stormwater management or other utility or safety issues as determined by the City Engineer.

c. Shrubs, perennials or ornamental grass shall be incorporated in each landscaped island.

d. Islands shall be prepared with topsoil to a depth of 2 feet and improved to ensure adequate drainage, nutrient and moisture retention levels for the establishment of plantings.

e. All perimeter and interior landscaped areas in parking lots shall be equipped with a permanent irrigation system, unless drought tolerant plant materials are used exclusively. Where drought tolerant plant materials are used, irrigation shall be required only for the 2 year period following plant installation and may be accomplished using hoses, water trucks, or other nonpermanent means.

(8) *Detention/retention ponds.* Storm water ponds shall be landscaped with an average of a 10-foot buffer strip of shade and ornamental trees, evergreens, shrubbery, natural grasses, groundcover and/or other plant materials to provide an aesthetically appealing setting. This landscaping shall be in addition to the required landscaping.

(9) *Slopes and berms.* Final slopes of greater than 3:1 will not be permitted without special treatment such as terracing or retaining walls. All berms must incorporate trees and plantings into the design. In no situation shall berms be used as the sole means of screening.

(10) *Irrigation system.* All new irrigation systems, whether required by this section or not, shall be required to include a rain sensor and a soil moisture sensor to prevent overwatering. Irrigation systems shall include backflow preventer devices. Irrigation systems shall be required in all landscaped common areas and landscaped parking lot islands.

a. *New Residential developments.* An irrigation system shall be installed in all landscaped common areas, or areas maintained by an HOA.

b. *New Commercial or Industrial developments.* An irrigation system shall be installed in all landscaped areas unless otherwise indicated by this section.

(11) *Landscape guarantee.* All new plants shall be guaranteed for 12 months from the time planting has been completed. All plants shall be alive, of good quality, and disease-free at the end of the warranty period or be replaced. Any replacements shall be warranted for 12 months from the time of planting.

ITEM:

Discussion – Storage Containers

PREPARED BY:

Jon Sevald, Community Development Director

BACKGROUND/OVERVIEW:

During consideration of recent IUP's, the use of metal storage containers was discussed.

A used 8' X 20' or 8' X 40' shipping container can be purchased for \$1,500 - \$4,000, less than half the cost of a traditional prefabricated 10' X 20' wood framed shed. Known shipping containers may be found on properties in the GMU-4 and A-1 districts. The city previously used shipping containers for fire & rescue training at the old Public Works building.

CRITICAL ISSUES:

1. The general intent is for Accessory Buildings to be complementary in color, materials and design to the Principal Building (e.g. house or commercial building). Can a Shipping Container do this?
2. If an Accessory Building is not visible to the public or neighboring homes, does it matter what it looks like or the material it is made from?

60/120-DAY RULE (IF APPLICABLE):

	60-Days	120-Days
N/A	(date)	(date)

RELATIONSHIP TO COUNCIL GOALS:

N/A

ROLE OF PLANNING COMMISSION:

Provide direction if an Ordinance Amendment should be drafted to permit metal storage containers as an Accessory Building.

RECOMMENDATION:

None.

ATTACHMENT(S):

Photo Example

City Code 1001.35



Fisher Farms Event Center IUP (photo Aug 27, 2024).



Herbs Home Extended Business IUP (photo Nov 19, 2024)

City Code 1001.35 ACCESSORY BUILDINGS AND STRUCTURES

Subd. 1 Purpose.

The purpose of this Chapter is to provide performance standards for the erection, siting and use of accessory buildings, structures and uses that may be allowed within the various zoning districts to ensure compatibility with the principal use and with surrounding properties, as well as to protect the general health, safety, and welfare of the community.

Subd. 2 General Regulations

- (1) No accessory building or structure shall be permitted on any lot, in any district, prior to the time of construction of the principal building to which it is accessory, except for a building devoted exclusively to agricultural use, and on a parcel of land at least 10 acres in size and zoned A-I or A-2, or 20 acres in size and zoned S-A.
- (2) The City Council may allow the construction of an accessory building prior to the principal structure being constructed if a building permit is taken out for both structures and an appropriate escrow deposit and agreement is made between the applicant and the City to provide for forfeiture in the event the principal structure is not built within the time specified.
- (3) All accessory storage buildings 200 square feet in area or less except those used for agricultural purposes, located within the Mississippi River Corridor Critical Area (MRCCA) Overlay or located on lots where the home is setback from the front property line 150 feet or more shall be located in the rear or side yard between the rear or side property line and the rear or side of the main structure no closer than 5 feet to any property line or 20 feet to a side lot line, if adjacent to any public street right-of-way. Accessory storage buildings 200 square feet in area or less within the MRCCA Overlay shall meet the MRCCA setback requirements and may be placed in the side yard. The shed may be placed in the front yard if the main structure is setback from the front property line 150 feet or more. The shed placed in the side yard must meet the underlying zoning requirement for placement in the side if the shed is placed in the front yard the setback is half the distance of the principal structure from the front property line.
- (4) In case an accessory building is attached to the main building it shall be made structurally a part of the main building and shall comply in all respects to the main building. An accessory building, unless attached to and made a part of the main building, shall not be closer than 10 feet to the main building, except as otherwise provided in this Subsection.
- (5) Accessory building design requirements:
 - a. The following requirements are for residential districts under 1 acre in size and commercial and industrial zoned districts:
 1. The exterior materials of the proposed accessory building shall be complementary in color, materials and design (e.g. orientation of siding) with those of the principal dwelling. No accessory building shall be constructed of canvas, plastic, fabric or other similar nonrigid materials, nor shall the use of a metal storage container be permitted as a permanent accessory structure.
 2. Architectural metal siding can be used as a permitted material provided it is complementary in color to the principal structure. Any exposed screws or

fasteners shall match the color of the siding. Roof material shall be asphalt shingles or standing seam metal roof material.

3. The accessory building shall include design elements that match the principal structure. This shall include additional accenting through the use of a porch, complementary building trim, window/door trim, dormer, wainscoting, or other elements that are complementary to the principal building.
 - b. Requirements are for residential districts over 1 acre in size. No accessory building shall be constructed of canvas, plastic, fabric or other similar nonrigid materials, nor shall the use of a metal storage container shall be permitted as a permanent accessory structure.
- (6) Carports. Carports shall be used for the parking of vehicles (including recreational vehicles) and shall not be used for the storage of materials or refuse that would constitute a nuisance.
 - (7) All accessory storage buildings in any zone shall be maintained and kept in a neat and orderly fashion, specifically, structurally sound, no excessive flaking or peeling; if a metal building, no excessive rusting upon or through the walls, floor or roof. Any building which is not so maintained shall be removed by the property owner, or upon due notice the building may be removed by the City at the property owner's expense.
 - (8) All accessory buildings shall be suitably anchored to the ground.
 - (9) Any accessory building in excess of 200 square feet shall require a building permit issued by the City and shall be constructed to the standards of the Minnesota State Building Code.
 - (10) For the purpose of this Subsection, gazebos, decks, patios, and other unenclosed residential uses of property similar in nature shall be excluded from the definition of the term accessory building.
 - (11) Consideration shall be given to provide for the future expansion and/or replacement of the septic system. Any application for an accessory structure in a non-sewered site shall be accompanied by a certified septic compliance certificate and a site plan showing both the primary and a secondary site suitable for a septic system. The City may deny the requested permit or alter the location to account for future septic system needs or to ensure adequate setbacks from septic systems are provided as required by state law.
 - (12) Accessory buildings are not permitted in Mixed Use or Business Districts.
 - (13) Accessory building location.
 - a. Lots where the home is setback from the front property line 150 feet or more, the detached accessory building may be located nearer to the front property line than the principal building provided that the placement of the detached accessory building shall be at minimum half the distance as measured from the front property line to the front of the principal structure.
 - b. No permanent accessory storage building shall be located in any public utility easement or easements of record.
 - c. Where any question arises as to the location or design of accessory buildings, the City Administrator or designee may refer the matter to the City Council for final determination.

- d. No industrial zoned lots shall have an accessory building located in the front yard.