

PLANNING COMMISSION AGENDA

Thursday, January 8, 2026

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 daytonmn.gov Calendar for Zoom Invitation.

6:30 1. **CALL TO ORDER**

6:30 2. **PLEDGE OF ALLEGIANCE**

(Roll Call)

6:30 3. **ROLE OF THE PLANNING COMMISSION**

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.

6:30 4. **APPROVAL OF AGENDA**

6:30 5. **CONSENT AGENDA**

These routine or previously discussed items are enacted with one motion. Note: Commissioners absent from previous meetings may still vote to approve minutes.

A. Planning Commission Minutes, December 3, 2025

6:30 6. **OPEN FORUM**

Public comments are limited to 3 minutes for non-agenda items; 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.

6:35 7. **COUNCIL UPDATE**

A. December 9, 2025
B. December 30, 2025

6:40 8. **COMMISSION BUSINESS**

- A. **Site Plan Review**, 18270 Territorial Road (Adessa Auto Auction)
- B. **Public Hearing**: Zoning Ordinance Amendment, Sections 1001.03 – Rules and Definition
- C. **Public Hearing**: Zoning Ordinance Amendment, Section 1001.051 – Residential District Special Requirements
- D. **Public Hearing**: Zoning Ordinance Amendment, Section 1001.065 – General Mixed Use Districts
- E. **Public Hearing**: Zoning Ordinance Amendment, Section 1001.13 – Home Occupations
- F. **Public Hearing**: Zoning Ordinance Amendment, Section 1001.19 – Parking Regulations

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.

8:30 G. **Public Hearing:** Zoning Ordinance Amendment, Section 1001.24 – Landscaping and Screening

8:45 H: **Public Hearing:** Zoning Ordinance Amendment, Section 1001.28 – Administration and Enforcement

9:00 I: **Public Hearing:** Zoning Ordinance Amendment, Section 1001.35 – Accessory Buildings and Structures

9:15 **9. NOTICES AND ANNOUNCEMENTS**

- A. Promise to our Residents
- B. Staff & Commission Updates

9:30 **10. ADJOURNMENT** (Motion to Adjourn)

1. CALL TO ORDER

Brownen called the December 3rd planning commission meeting to order at 6:30 PM.

ROLL CALL:

Present: Brownen, Grover, Sargent, and Crosland

Absent: DeMuth

Also in Attendance: Dennis Fisher, Mayor; Hayden Stensgard, Planner II; Jon Sevald, Community Development Director; Jason Quisberg, City Engineer;

2. PLEDGE OF ALLEGIANCE

3. ROLE OF THE PLANNING COMMISSION

The Chair stated the role of the Planning Commission.

4. APPROVAL OF AGENDA

Motion to approve the agenda made by Crosland, seconded by Grover. Motion carried 4-0.

5. CONSENT AGENDA

A. Planning Commission Minutes, November 6, 2025

Motion to approve the Planning Commission minutes of November 6, 2025 made by Sargent, seconded by Crosland. Motion carried 4-0.

B. 2026 Regular Meeting Calendar

Motion to approve the 2026 Regular Meeting Calendar made by Grover, seconded by Sargent. Motion carried 4-0.

6. OPEN FORUM

No comments were made during open forum.

7. COUNCIL UPDATE

A. November 13, 2025

B. November 25, 2025

Mayor Fisher provided updates from the November 13 and 25 City Council meetings.

8. COMMISSION BUSINESS

A. PUBLIC HEARING: Amendment to an Interim Use Permit for Home Extended Business at 15430 Brockton Lane North

Stensgard provided background on the IUP approved in February 2025 for a home extended business (asphalt and concrete service company) on a 10.93-acre agricultural property. The applicant requested removal of condition #3 requiring removal of the north drive aisle by the end of 2025, and extension of the permit term beyond the current 3 years. Staff confirmed no complaints had been received about the business since approval.

The applicant, John Herbes and daughter Justine of 15430 Brockton Lane North, explained that using the north drive aisle would reduce noise, improve safety, and be more efficient for truck operations on the property compared to using the steeper access route.

Brownen opened the Public Hearing at 7:00 PM.

No public comments were received. Stensgard confirmed the neighbor had not reached out.

Brownen closed the Public Hearing at 7:00 PM.

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The commission discussed the applicant's arguments, recognizing the potential benefits in noise reduction and operational efficiency. Still, they noted the condition was initially set by the City Council, making it a sensitive issue to change at the Planning Commission level.

Motion to approve the amendment for the north driveway to remain made by Crosland, seconded by Brownen. Motion failed 2-2 with Sargent and Grover nays.

Motion to approve the extension of the permit five years total made by Sargent, seconded by Crosland. Motion failed 2-2 with Brownen and Grover nays.

*The Commission voted 2-2 on both motions, resulting in **no recommendation** to the City Council on either the removal of the condition or the extension of the permit.*

B. PUBLIC HEARING: Amendment to an Event Center Interim Use Permit for Signage at 17501 Dayton River Road

Stensgard presented the request to amend the IUP for the event center and future winery to allow signage on existing silos that are approximately 80 feet tall, with the painted signs at 50 feet high similar to a commercial district use.

Discussion from commissioners about the primary building wall area or the silo an accessory structure and the sign code within districts.

The applicant, Jack Bernens of 14770 Thicket Lane, explained the signs would be subtle, low lighting, and would help identify the facility on the east and west of the silo. Bernens added the primary building is so far from the road the silo helps identify the property and he has not calculated the signage on the primary building in addition to the silo.

Brownen opened the Public Hearing at 7:45 PM.

Tim Huttner of 13531 Balsam Lane North suggested backlit signage as an alternative.

Phillip Frederick of 17881 Dayton River Road expressed support for the proposed signage and winery.

Brownen closed the Public Hearing at 7:50 PM.

Additional discussion from commissioners about the silo being an accessory structure and allowing the plan for the sign with low lighting meeting code. Grover shared concern for the other event centers asking for the same signage and lighting. Sevald reminded this is the plan in front of the commission tonight only.

Motion to approve the amendment to the event center interim use permit for signage with the condition that the applicant supply a photometric plan with the sign permit indicating light will not exceed 0.1 foot candles at the property line made by Sargent, seconded by Crosland. Motion carried 3-1 with Grover opposed.

C. PUBLIC HEARING: Concept Plan – Suite Living, (unaddressed) PID: 14-120-22-41-0025

Stensgard presented a concept plan for a 32-unit single-story assisted living facility at the corner of Balsam Lane North and Dayton River Road. The property is zoned GMU-4 Balsam Lane mixed use district, which currently does not allow assisted living facilities as a permitted or conditional use.

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Discussion from commissioners about the zoning of the area and the possibility to remove the median and be replaced with turn lanes on Balsam Lane.

The applicant, Dan Brown with Hampton Companies, shared a quick background of Suite Livings and confirmed either layout would be acceptable from his company.

Brown opened the Public Hearing at 8:15 PM.

Tim Huttner of 13531 Balsam Lane North agreed with the use of the project but questioned the company's credentials and state registration status.

Ashley Winters of 13440 Arrowood Lane North expressed concerns about roadway safety onto Dayton River Road and the viewpoints on Balsam Lane.

Stensgard confirmed the setbacks from roadways are in for review and a change in use would be brought back to the City for review and approval.

Brown returned and confirmed the state licenses and nothing has been revoked.

The Commission provided feedback supporting the use with a conditional use permit rather than rezoning and expressed a preference for the L-shaped design concept over the linear design. Recommendations included addressing mechanical equipment placement, no accessory building, and ensuring adequate sight lines.

Brown closed the Public Hearing at 8:38 PM.

D. PUBLIC HEARING: Concept Plan – Dayton Assisted Living PID: 14-120-22-41-0005

Stensgard presented a concept plan for a 58-unit 3-story assisted living facility on a 1.57-acre parcel on Balsam Lane. The property is also zoned GMU-4, which doesn't currently allow this use. Stormwater management would need to be identified and possibly alter the design.

Discussions from commissioners agreed to the fire department needs the access on the north side and the possibility if Raintree Plaza property be developed out.

The applicants, Chad Caza and Frank Orito, agreed it is a unique lot and discussed the possibility of changing the layout.

Brown opened the Public Hearing at 8:59 PM.

Craig Lindgren of 13620 Evergreen Lane North expressed concerns about the building height and emergency vehicle activity.

Brown closed the Public Hearing at 9:01 PM.

The Commission noted concerns about the tight site constraints, potential fire department access requirements, and stormwater management solutions. While acknowledging the property rights of the developer to build a 3-story structure as allowed by code, commissioners were divided on whether the project was appropriately sized for the site.

E. PUBLIC HEARING: Resolution Amending the Comprehensive Plan, and Ordinance Amending City Code related to the A-3 Zoning District

Sevald presented amendments to the A-3 zoning district to address Met Council concerns by:

- Removing land in the 2030 sewer stage from eligibility for A-3 zoning
- Requiring a covenant reserving 75% of developable acres for future sewer development

Brown opened the Public Hearing at 9:30 PM.

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Zach Brown of 13311 Arrowood Lane North sought clarification on calculations on the development plan.

Jack Bernens of 14770 Thicket Lane asked about requirements for his property for the event center.

John Herbes of 15430 Brockton Lane North inquired about eligibility for smaller properties.

Brown closed the Public Hearing at 9:46 PM.

Sevald explained that the A-3 district allows properties to develop while maintaining open space, with specific calculations addressing how much land could be built upon versus reserved for future sewer development. Sevald clarified that some flexibility exists within the minimum requirement of a half-acre for building pads, allowing for adaptation to homeowner preferences while respecting overall project constraints.

The Commission acknowledged the complexities introduced by Met Council requirements but affirmed the proposed amendments as a balanced approach to future development in Northwest Dayton.

Motion to approve the amendments as presented made by Crosland, seconded by Sargent. Motion carried 4-0.

9. NOTICES AND ANNOUNCEMENTS

A. Staff & Commission Updates

Sevald provided information on upcoming community events.

10. ADJOURNMENT

Motion to adjourn made by Crosland, seconded by Sargent. Motion carried 4-0.

The meeting adjourned at 9:51 PM.

ITEM:

Consideration of a Site Plan Review Application for a Proposed New Construction Industrial Building in the I-1, Light Industrial District at 18270 Territorial Road

APPLICANT:

Jenn Roldan, Carvana

Alan Catchpool, Kimley-Horn

PREPARED BY:

Hayden Stensgard, Planner II

ACTION TO BE CONSIDERED

1. Motion to recommend approval of a Site Plan Review Application for a new construction building at 18270 Territorial Road.
2. Motion to recommend denial of a Site Plan Application for a new construction building at 18270 Territorial Road, based on findings of fact to be provided by the Planning Commission.

REFERENCE AND BACKGROUND

Carvana, with assistance from Kimley-Horn, has submitted an application to the City of Dayton for a Site Plan Review regarding the construction of a 67,380 square foot single-story building, as well as an area on site for fuel storage and a 1,407 square foot accessory car wash added to an existing building on site. The area for the proposed improvements is currently surface parking stalls for the principal use of the site, and these improvements would not increase the level of impervious surface on the property beyond what exists.

The ADESA site was approved originally in 1996 under a Conditional Use Permit for an Auto Auction as a Principal Use. Auto Auctions were an allowed Conditional Use at that time, and have since been changed to require an Interim Use Permit for any newly proposed Auto Auction sites. Because Conditional Use Permits run with the land, and the property received the CUP before the City Code was amended, the site is allowed to continue operations on this property as a normal industrial site.

Any expansion of existing buildings in non-residential zoning districts requires a site plan review to be processed by the Planning Commission and City Council. Staff has reviewed the application and supporting plans, and has provided the following summary:

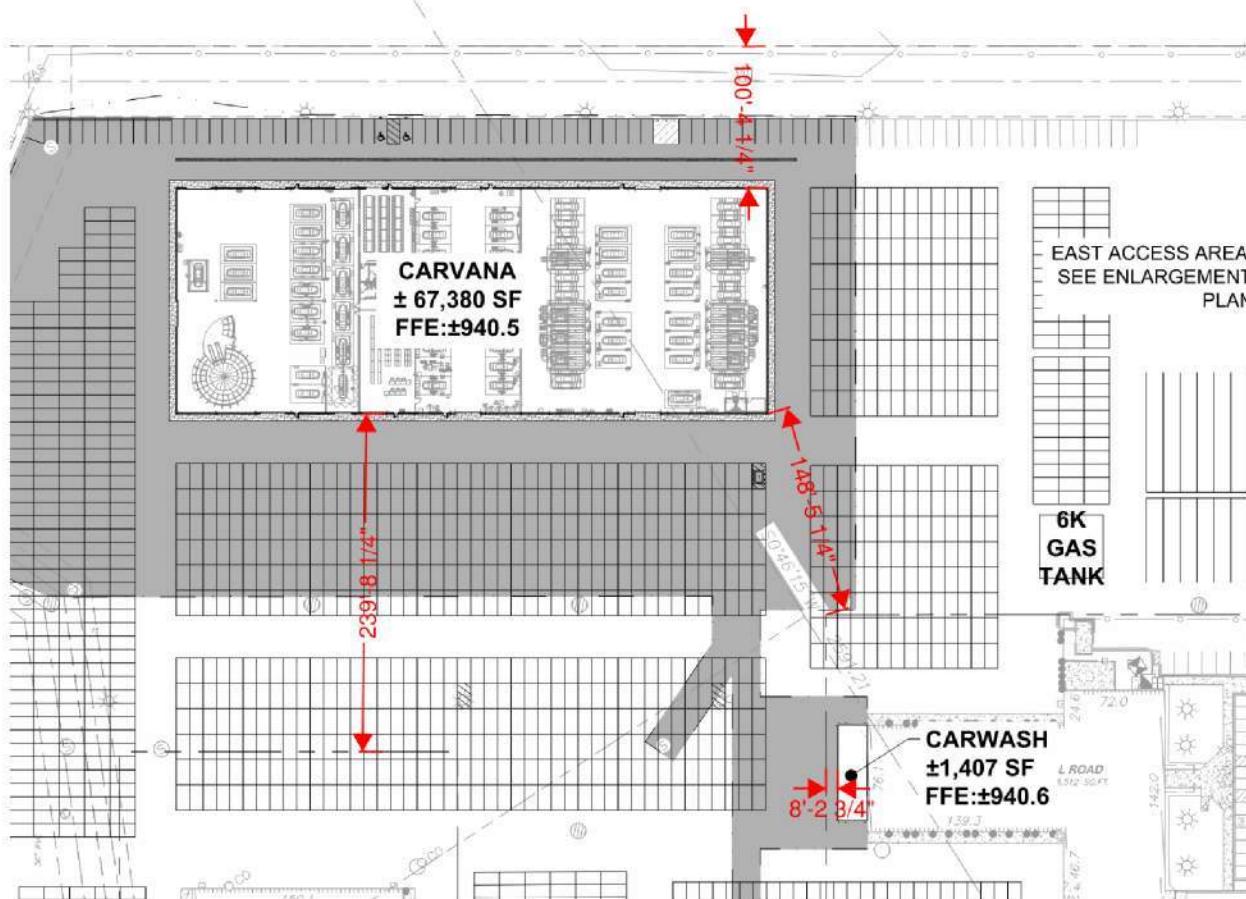
ANALYSIS

Zoning and Land Use. The property is currently zoned I-1, Light Industrial, and is currently guided in the 2040 Comprehensive Plan as Industrial. The principal use of the property is an auto auction facility that includes minor repairs to vehicles. As noted previously, the property operates under a legal non-conforming Conditional Use Permit since the Code change to require this type of use to obtain an Interim Use Permit currently. The use spans across three parcels that were previously one larger parcel of 40.41 acres in total. The new building proposed would be the only building on Lot 1, Block 3 (35.54-acre parcel, and the car wash would be an addition to the existing building on Lot 3, Block 1.

Architectural Design. The new building proposed has a footprint of 67,380 square feet. A single-story building, with a peak height of 21' 6". The plans note that the roofing and siding materials consist of "prefinished metal". Staff believes that the proposed siding and roofing material can satisfy the intent of the Code, but staff will look for a little more detail as part of the building permit application prior to approving administratively. The building also has five garage doors on each north and south elevation, and one on the east at heights of 10 feet.

Minimal detail was provided for the addition of a car wash bay on the eastern building in the site, and it is anticipated the addition will match the current exterior of that building, being masonry. Staff will verify that the addition will also meet the code requirements for exterior materials in the I-1 district.

Setbacks. The building is proposed to be more than 100 feet set back from all property lines, complying with the I-1 district requirements. One particular note is regarding the proposed car wash addition on the existing eastern building. The I-1 district requires a setback of at least 15 feet from interior side property lines, and the addition is shown at a setback of 8' 2". This is one item that will need to be resolved to obtain a building permit for the construction of this addition.



Vehicle Parking Area. The building is proposed in a location that is currently a part of the asphalt parking lot on the property. No additional impervious surface will be created due to this, but rather a reduction in the total number of parking spaces. Previously, this site was approved for over 2,000 spaces on the

property. The construction of the building will reduce the overall surface parking count by roughly 350 spaces.

Landscaping. There is no proposed removal of existing vegetation on this property. The Applicant shows an added buffer area along Territorial Road consisting of a combination of overstory and coniferous trees, along with a variety of shrubs. While not a requirement specific to this proposed site plan, the landscaping along Territorial Road will enhance the look of the site from the public viewpoint. There are some additional requirements, however, for the landscaping surrounding the new building. These items are listed as conditions of approval if the site plan is recommended to move forward.

Lighting. The Applicant did not submit a lighting plan for the building addition. The applicants will be required to submit a lighting plan for the site to verify compliance to the City's zoning ordinance.

Future of the Site. The Applicant has informed the City that they have long-term plans to continue to utilize this site for their business, and are further doing so by proposing this building.

Site Plan Review. The zoning ordinance currently requires all new development or building construction/expansion in any non-residential zoning district to go through a Site Plan Review process with both the Planning Commission and City Council.¹ Though a public hearing is not required for these specific applications, the Planning Commission and City Council are tasked with reviewing City staff's report for the proposed expansion, and consider approving or denying the site plan based on findings.

PLANNING COMMISSION MEETING

The role of the Planning Commission is to review the report and plans and determine whether City staff's analysis is consistent with the Zoning Ordinance. If the Planning Commission finds that the analysis is consistent, recommend approval of the site plan review. A resolution would then be presented to the City Council for formal approval.

Because this is a Site Plan Review, no public hearing is required.

STAFF'S RECOMMENDATION

Based on the information provided for the proposed site plan, Staff recommends approval of the site plan. The applicant is proposing overall improvements to the site, bringing this existing industrial property closer to a conforming status with the reduction in surface parking/storage area. Staff recommends approval with the following conditions in order to satisfy the Site Plan Review approval requirements noted within the attached draft resolution:

1. If a car wash is installed within the Dayton Territorial Addition plat, it cannot be a stand-alone facility, and shall not be allowed for use by the public.
2. Setbacks shall be met for any new construction within the Dayton Territorial Addition plat.
3. Impervious surface on the site shall not be increased as part of this project.
4. The Applicant shall submit a lighting plan for any new lights installed on the property. Such lighting plan shall conform to the requirements of the Zoning Ordinance.

¹ City Code [1001.28 Subd. 3\(1\)\(a\)](#)

5. The applicants shall provide detail to City Staff regarding the “prefinished metal” siding and roofing material shown on the elevation plan sets. If City staff feel the proposed materials are not consistent with the architectural design requirements, the plans shall change accordingly prior to issuance of a building permit.
 - a. Architectural design shall also meet the standards set forth in Section 1001.062 Subd. 1(1) of the Dayton Zoning Code.
6. The rooftop equipment shall be fully screened from ground-level view. Such detail shall be provided prior to the issuance of a building permit.
7. The Applicant shall pay full sewer and water access charges as listed within the fee schedule for the construction of the new building.
8. To comply with the landscaping standards of the new building area, plantings shall be installed intermittently against long expanses of walls between garage and service doors. The landscape plan shall be revised to reflect these requirements prior to a building permit.
9. Prior to the installation of the fuel storage equipment, the applicant shall submit a permit to be reviewed and approved by the Fire Department and Building Department.
10. Adherence to the comments included in the Engineer’s letter dated December 31, 2025.

SUPPORTING DATA

Aerial Photo

Site Photos

Draft Resolution XX-2026, Approving Site Plan Review at 18270 Territorial Road

Applicant Narrative

Civil Plans and Building Elevations

City Engineer’s Letter, dated December 31, 2025





*Wall where car wash addition is proposed on eastern building



*View of site of new building looking north/northwest

RESOLUTION NO. XX-2026
CITY OF DAYTON
COUNTIES OF HENNEPIN AND WRIGHT

RESOLUTION APPROVING SITE PLAN AT 18270 Territorial Road

BE IT RESOLVED, by the City Council of the City of Dayton, Minnesota, as follows:

WHEREAS, Jenn Roldan of Carvana, (hereinafter referred to as the “Applicant”), on behalf of the owners of 18270 Territorial Road, has made an application for Site Plan approval for their use (hereinafter referred to as the “Application”). The parcels have Property Identification Numbers of 31-120-22-13-0020 & 31-120-22-21-0010 and a legal description as follows:

Lots 1 and 3, Block 1, Dayton Territorial Addn

WHEREAS, Section 1001.28 Subdivision 3 states that final site and building plans shall be approved by the City Council prior to the issuance of any permits for new development or building construction/expansion in any Non-Residential Zoning District.

WHEREAS, the City staff studied the matter, made a report, and provided other information to the Planning Commission and City Council; and

WHEREAS, the City Planning Commission reviewed the Application at its January 8, 2026, meeting, where the Applicant was present, and the Planning Commission recommended approval; and

WHEREAS, the City Council at its January 27, 2026, meeting reviewed and considered the application, and the City Council moved for approval of the Application.

NOW, THEREFORE, based upon the information from the public meeting, the testimony elicited and information received, the meetings of the City Council, reports of City Staff and information contained within the files and records of the City, the City Council for the City of Dayton makes the following:

FINDINGS:

- a. The proposed development is not in conflict with the Comprehensive Plan;

FINDING: Being that this is an existing industrial site, guided Industrial in the Comprehensive Plan, this proposed building addition is not considered redevelopment of the site, and would not be in conflict with the Comprehensive Plan.

- b. The proposed development is not in conflict with the zoning district provisions;

FINDING: This property has been operating in a legal non-conforming capacity under an existing CUP. In compliance with the conditions of approval detailed within the resolution, Staff believes the overall changes to the property related to this site plan application are not in conflict with the I-1, Light Industrial Zoning District provisions. With the outstanding conditions of approval, Staff is charged with ensuring these conditions are met to satisfy the Zoning Ordinance requirements. If these conditions are not met, building permits would not be issued.

- c. The proposed development is compatible with existing and anticipated future development; and

FINDING: The existing use of the site is comparable in nature to the adjacent properties, as this site is surrounding other commercial and industrial uses. The proposed site plan does not create incompatibility with future development on the surrounding vacant land.

- d. Conform to the exterior building material requirements of the Zoning Code.

FINDING: The proposed building and roofing materials are listed as “Prefinished Metal”. Staff believes that this type of exterior product can be consistent with the I-1 district requirements, but further clarification will be sought from the Applicant prior to issuance of any building permits. The car wash addition is anticipated to match the existing exterior of the building, which is of stone masonry. Clarification by the applicant will be required on this as well prior to a building permit.

DECISION

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Dayton, based upon the information received and the above Findings, that the City Council does hereby **conditionally approve** the Applicant’s request for Site Plan review. The Applicant shall meet the following conditions to the satisfaction of the City:

1. If a car wash is installed within the Dayton Territorial Addition plat, it cannot be a stand-alone facility, and shall not be allowed for use by the public.
2. Setbacks shall be met for any new construction within the Dayton Territorial Addition plat.
3. Impervious surface on the site shall not be increased as part of this project.
4. The Applicant shall submit a lighting plan for any new lights installed on the property. Such lighting plan shall conform to the requirements of the Zoning Ordinance.
5. The applicants shall provide detail to City Staff regarding the “prefinished metal” siding and roofing material shown on the elevation plan sets. If City staff feel the proposed materials are not consistent with the architectural design requirements, the plans shall change accordingly prior to issuance of a building permit.
 - a. Architectural design shall also meet the standards set forth in Section 1001.062 Subd. 1(1) of the Dayton Zoning Code.
6. The rooftop equipment shall be fully screened from ground-level view. Such detail shall be provided prior to the issuance of a building permit.
7. The Applicant shall pay full sewer and water access charges as listed within the fee schedule for the construction of the new building.
8. To comply with the landscaping standards of the new building area, plantings shall be installed intermittently against long expanses of walls between garage and service doors. The landscape plan shall be revised to reflect these requirements prior to a building permit.
9. Prior to the installation of the fuel storage equipment, the applicant shall submit a permit to be reviewed and approved by the Fire Department and Building Department.
10. Adherence to the comments included in the Engineer’s letter dated December 31, 2025.

Adopted this 27th day of January 2026, by the City of Dayton.

Mayor — Dennis Fisher

City Clerk — Amy Benting

Motion by _____, Second by _____

Resolution approved

MOTION DECLARED PASSED

Memorandum

Subject: Description of Operations – Carvana Inspection and Reconditioning Center

The proposed development is an expansion to the existing ADESA Auto Auction to construct an **Inspection and Reconditioning Center (IRC)**, a secure facility designed to streamline the storage, distribution, inspection, and reconditioning of used vehicles prior to their on-line sale via Carvana.com.

The proposed project is a 67,384 square foot building structured around an assembly-line process. Vehicles undergo a comprehensive 150-point inspection and receive necessary typical maintenance, such as oil changes, tire and brake installation, and touch-up paint for minor dings and scratches. **No major repair operations**, such as engine rebuilds, transmissions or extensive collision body work, will be conducted on site. After service and cleaning, vehicles are professionally photographed and stored on the premises until time of purchase.

The proposed site will function as both a vehicle storage hub, maximizing parking for in-process and ready-for-sale inventory, and a distribution center for direct-to-customer deliveries.

The IRC is not open to the public. Only employees are permitted on the secure site, as all vehicles are sold online and delivered directly to customers or through our network of hubs to a location where the customer can come pick up their vehicle. Employee and visitor parking is separate from and located outside the primary secure area which is enclosed by an 8-foot fence, with a guard house regulating transport truck access.

SITE DEVELOPMENT PLANS FOR CARVANA - DAYTON

18270 TERRITORIAL ROAD
DAYTON, HENNEPIN COUNTY, MN

PROJECT TEAM:

ENGINEER
KIMLEY-HORN AND ASSOCIATES, INC.

Kimley»Horn
PREPARED BY: ALAN L. CATCHPOOL
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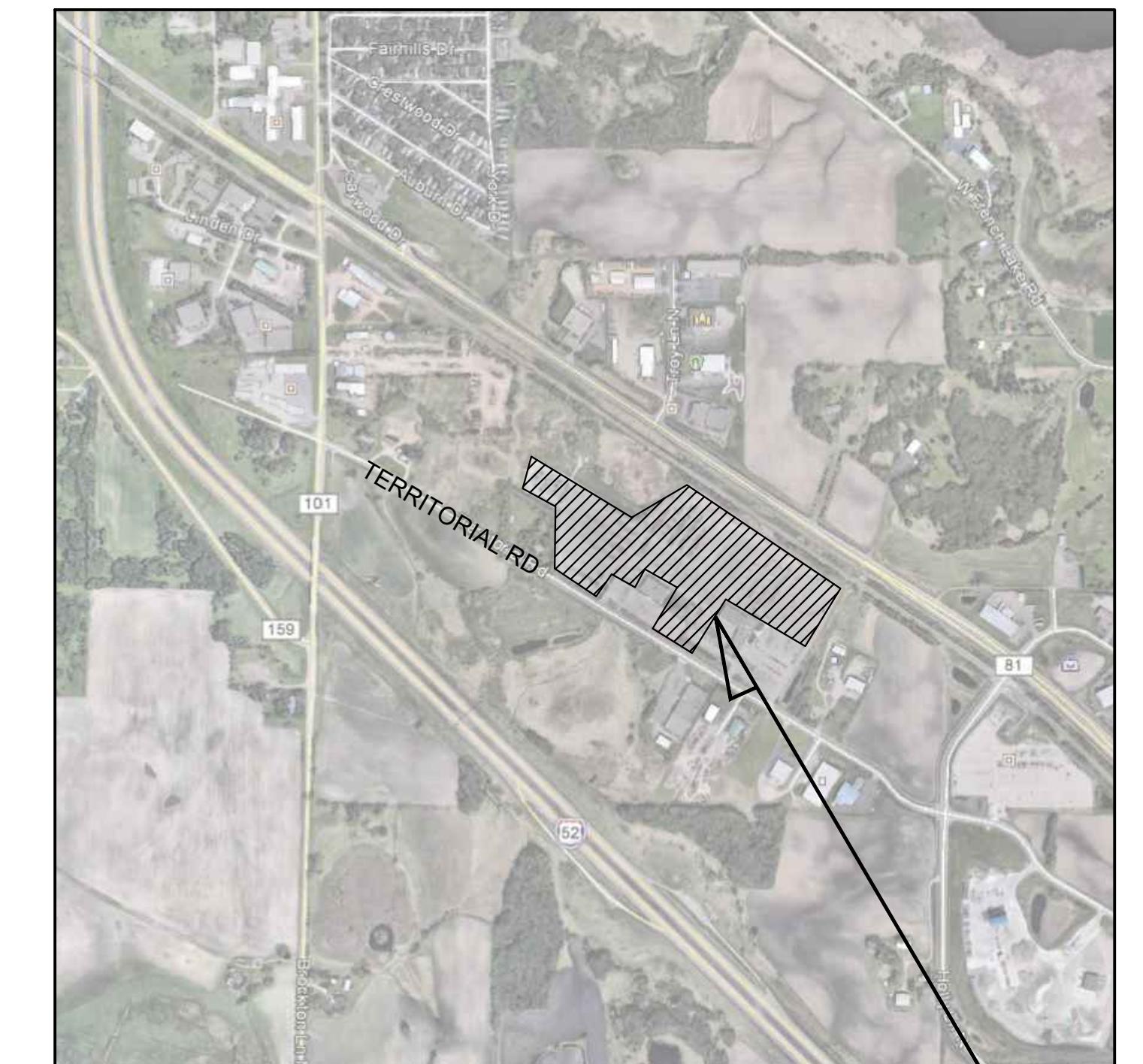
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TELEPHONE: (602) 403-9140
CONTACT: JENN ROLDAN
SENIOR PROJECT MANAGER,
ENTITLEMENTS,
INFRASTRUCTURE

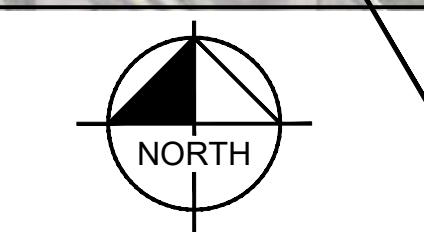
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CONTACT: ERIC ROESER
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WHN ARCHITECTS, PA
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CONTACT: JON SEVALD, AICP |
COMMUNITY DEVELOPMENT DIRECTOR
JSEVALD@DAYTONMN.GOV



VICINITY
N.T.S.



NOTES:

1. CONTRACTOR SHALL CONFIRM THAT THE EXISTING CONDITIONS FOR THE SITE MATCH WHAT IS SHOWN ON THE DRAWINGS INCLUDED PRIOR TO CONSTRUCTION.
2. IF REPRODUCED, THE SCALES SHOWN ON THESE PLANS ARE BASED ON A 22x34 SHEET.
3. ALL NECESSARY INSPECTIONS AND/OR CERTIFICATIONS REQUIRED BY CODES AND/OR UTILITY SERVICES COMPANIES SHALL BE PERFORMED PRIOR TO ANNOUNCED BUILDING POSSESSION AND THE FINAL CONNECTION OF SERVICES.
4. ALL GENERAL CONTRACTOR WORK TO BE COMPLETED (EARTHWORK, FINAL UTILITIES, AND FINAL GRADING) BY THE MILESTONE DATE IN PROJECT DOCUMENTS.

Sheet List Table	
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C000	COVER SHEET
C100	GENERAL NOTES
C101	ALTA TOPOGRAPHIC SURVEY
C200	SITE DEMOLITION PLAN
C300	EROSION AND SEDIMENT CONTROL PLAN - PHASE 1
C301	EROSION AND SEDIMENT CONTROL PLAN - PHASE 2
C302	EROSION AND SEDIMENT CONTROL DETAILS
C400	OVERALL SITE DIMENSION PLAN
C401	SITE ENLARGEMENT PLAN
C402	SITE DETAILS
C500	OVERALL GRADING AND DRAINAGE PLAN
C501	GRADING ENLARGEMENT PLAN
C502	STORM SEWER PLAN
C600	UTILITY PLAN
C601	UTILITY DETAILS
L100	OVERALL LANDSCAPE PLAN
L101	LANDSCAPE PLAN ENLARGEMENT
L102	LANDSCAPE DETAILS
A001	OVERALL FLOOR PLAN
A002	EXTERIOR ELEVATIONS

COVER SHEET	
CARVANA - DAYTON PREPARED FOR CARVANA	MN DAYTON
I HEREBY CERTIFY THAT THIS PLAN IS FOR THE USE OF THE CONTRACTOR ONLY AND IS NOT TO BE COPIED OR REPRODUCED. IT IS THE PROPERTY OF ME OR MY EMPLOYER AND IS TO BE USED ONLY FOR THE PROJECT NAMED ON THE COVER SHEET. IT IS THE PROPERTY OF THE CONTRACTOR AND IS TO BE RETURNED TO ME OR MY EMPLOYER UPON COMPLETION OF THE PROJECT. I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.	
KHA PROJECT 180997003 DATE 12/08/2025 SCALE AS SHOWN DESIGNED BY ALC DRAWN BY CLS CHECKED BY ALC DATE: 12/08/2025 MN INC. NO. 47989	
BENCHMARKS	
SITE BENCHMARKS: LOCATIONS SHOWN ON ALTA/NSPS LAND TITLE SURVEY	



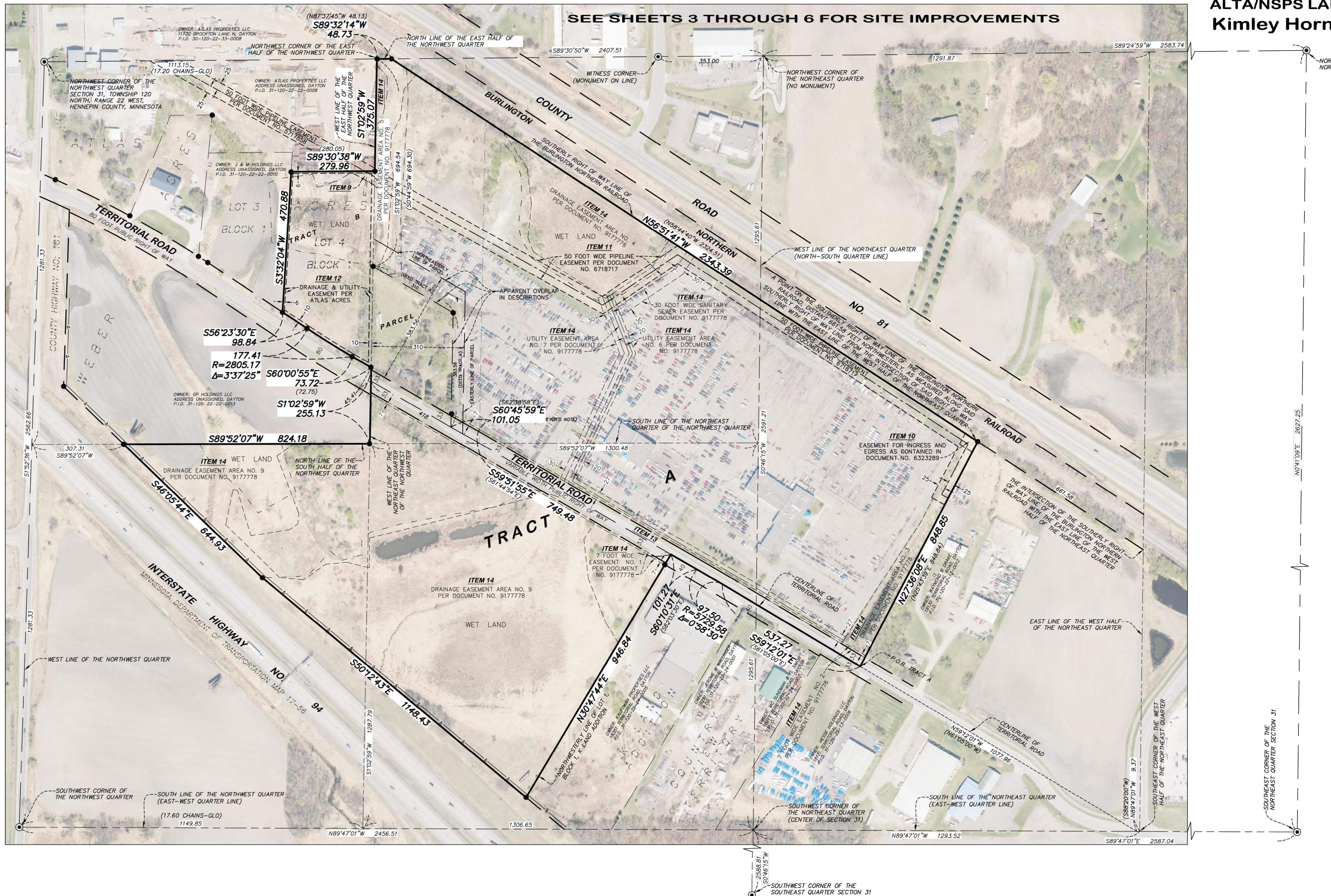
PRELIMINARY - NOT FOR CONSTRUCTION

2024 KIMLEY-HORN AND ASSOCIATES, INC.
767 EUSTIS STREET, SUITE 100, ST. PAUL, MN 55114
PHONE: (651) 645-4197
WWW.KIMLEY-HORN.COM

Kimley»Horn

SHEET NUMBER
C000

**ALTA/NSPS LAND TITLE SURVEY FOR:
Kimley Horn & Associates, Inc.**



FIELD BOOK	PAGE	FIELDWORK CHIEF: TC	REVISIONS		
2668	49		NO.	DATE	DESCRIPTION
		DRAWN BY: NCP PMD			
DRAWING NAME: 37499 ALTA OVERALL.dwg		CHECKED BY: FAR			
JOB NO. 37499					
FILE NO. 5761					

ALTA/NSPS LAND TITLE SURVEY

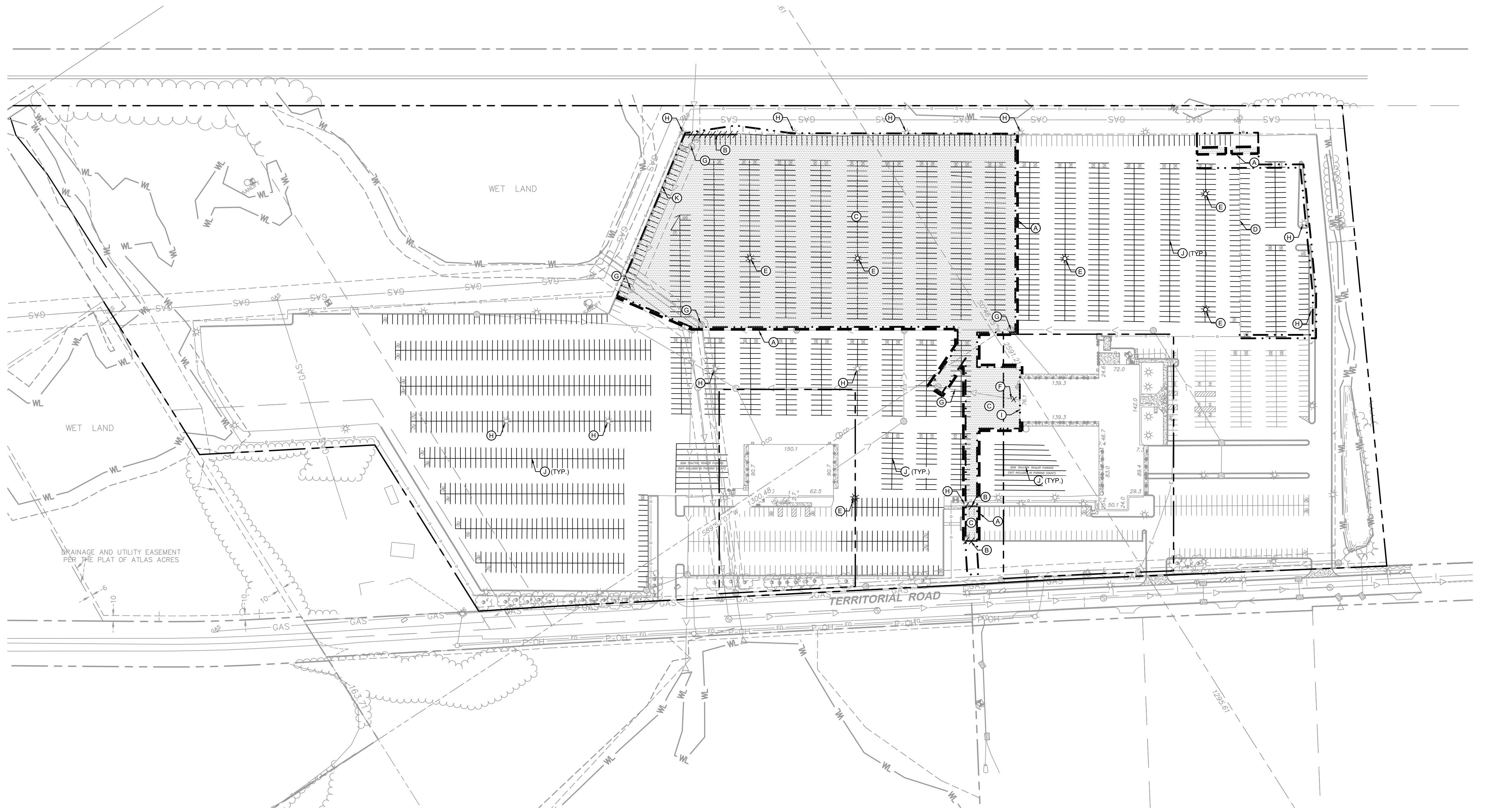
SURVEY FOR:

PROPERTY ADDRESS:

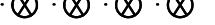


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LEGEND

	PROPERTY LINE
	REMOVE BITUMINOUS SURFACE
	REMOVE CONCRETE SURFACE
	REMOVE BUILDING
	CLEARING & GRUBBING
	FULL DEPTH SAWCUT
	REMOVE TREE
	REMOVE CONCRETE CURB & GUTTER
	REMOVE UTILITY LINES
	FILL & ABANDON UTILITY LINES
	LIMITS OF CONSTRUCTION
	EXISTING OVERHEAD POWER LINE
	EXISTING CHAINLINK FENCE
	EXISTING J-BARRIER
	EXISTING RETAINING WALL
	EXISTING SANITARY SEWER
	EXISTING STORM SEWER
	EXISTING WATERMAIN
	EXISTING GAS MAIN
	EXISTING UNDERGROUND TELEPHONE
	EXISTING UNDERGROUND CABLE
	EXISTING CONTOUR
	EXISTING CURB & GUTTER

DEMOLITION PLAN NOTES

1. THE CONTRACTOR IS RESPONSIBLE FOR THE DEMOLITION, REMOVAL, AND DISPOSAL (IN A LOCATION APPROVED BY ALL GOVERNING AUTHORITIES) OF ALL STRUCTURES, PADS, WALLS, FLUMES, FOUNDATIONS, PARKING, DRIVES, DRAINAGE STRUCTURES, UTILITIES, ETC. SUCH THAT THE IMPROVEMENTS ON THE PLANS CAN BE CONSTRUCTED. FACILITIES TO BE REMOVED SHALL BE UNDERCUT TO SUITABLE MATERIAL AND BROUGHT TO GRADE WITH SUITABLE COMPAKTED FILL MATERIAL PER THE PROJECT DOCUMENTS.
2. THE CONTRACTOR IS RESPONSIBLE FOR REMOVING ALL DEBRIS FROM THE SITE AND DISPOSING OF THE DEBRIS IN A LAWFUL MANNER AND IN ACCORDANCE WITH LOCAL AND STATE REGULATIONS. THE CONTRACTOR SHALL OBTAIN ANY REQUIRED PERMITS FOR DEMOLITION AND DISPOSAL FROM THE APPROPRIATE LOCAL AND STATE AGENCIES. CONTRACTOR SHALL PROVIDE COPIES OF THE PERMIT AND RECEIPTS OF DISPOSAL OF MATERIALS TO THE OWNER AND OWNERS REPRESENTATIVE, INCLUDING THE TYPE OF DEBRIS AND LOCATION WHERE IT WAS DISPOSED.
3. THE CONTRACTOR SHALL MAINTAIN UTILITY SERVICES TO ADJACENT PROPERTIES AT ALL TIMES. UTILITY SERVICES SHALL NOT BE INTERRUPTED WITHOUT APPROVAL FROM THE CONSTRUCTION MANAGER AND COORDINATION WITH THE ADJACENT PROPERTIES AND/OR THE CITY.
4. THE CONTRACTOR SHALL COORDINATE WITH RESPECTIVE UTILITY COMPANIES PRIOR TO THE REMOVAL AND/OR RELOCATION OF UTILITIES. THE CONTRACTOR SHALL COORDINATE WITH THE UTILITY COMPANY CONCERNING PORTIONS OF WORK WHICH MAY BE PERFORMED BY THE UTILITY COMPANY'S FORCES AND ANY FEES WHICH ARE TO BE PAID TO THE UTILITY COMPANY FOR THEIR SERVICES. THE CONTRACTOR IS RESPONSIBLE FOR PAYING ALL FEES AND CHARGES.
5. THE LOCATIONS OF EXISTING UTILITIES SHOWN ON THE PLAN HAVE BEEN DETERMINED FROM THE BEST INFORMATION AVAILABLE AND ARE GIVEN FOR THE CONVENIENCE OF THE CONTRACTOR. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR THEIR ACCURACY. PRIOR TO THE START OF ANY DEMOLITION ACTIVITY, THE CONTRACTOR SHALL NOTIFY THE AFFECTED UTILITY COMPANIES TO PROVIDE LOCATIONS OF EXISTING UTILITIES WITHIN PROPOSED WORK AREA.
6. EXISTING SEWERS, PIPING AND UTILITIES SHOWN ARE BASED ON AVAILABLE RECORD PLAN DATA AND/OR FIELD UTILITY MARKINGS AND ARE NOT TO BE INTERPRETED AS THE EXACT LOCATION. ADDITIONAL UNMARKED OBSTACLES MAY EXIST ON THE SITE. VERIFY EXISTING CONDITIONS AND PROCEED WITH CAUTION AROUND ANY ANTICIPATED UNDERGROUND FEATURES. GIVE NOTICE TO AFFECTED UTILITY COMPANIES REGARDING REMOVAL OF SERVICE LINES AND CAP ANY ABANDONED LINES BEFORE PRECEDING WITH THE PROPOSED WORK.
7. ELECTRICAL, TELEPHONE, CABLE, WATER, FIBER OPTIC, AND/OR GAS LINES NEEDING TO BE REMOVED OR RELOCATED SHALL BE COORDINATED WITH THE AFFECTED UTILITY COMPANY. ADEQUATE TIME SHALL BE PROVIDED FOR RELOCATION AND CLOSE COORDINATION WITH THE UTILITY COMPANY IS NECESSARY TO PROVIDE A SMOOTH TRANSITION IN UTILITY SERVICE. CONTRACTOR SHALL PAY CLOSE ATTENTION TO

EXISTING UTILITIES WITHIN ANY ROAD RIGHT-OF-WAY DURING CONSTRUCTION.

CONTRACTOR MUST PROTECT THE PUBLIC AT ALL TIMES WITH FENCING, BARRICADES, ENCLOSURES, ETC. (AND OTHER APPROPRIATE BEST MANAGEMENT PRACTICES) AS APPROVED BY THE CONSTRUCTION MANAGER. MAINTENANCE OF TRAFFIC CONTROL SHALL BE COORDINATED IN ACCORDANCE WITH THE CITY, COUNTY, AND STATE DOT AS NECESSARY.

CONTRACTOR SHALL MAINTAIN ACCESS TO ADJACENT PROPERTIES DURING CONSTRUCTION, AND SHALL NOTIFY ADJACENT PROPERTY OWNERS IF ACCESS WILL BE INTERRUPTED OR ALTERED AT ANY TIME DURING CONSTRUCTION.

PRIOR TO THE START OF DEMOLITION, INSTALL EROSION CONTROL BMP'S IN ACCORDANCE WITH THE EROSION & SEDIMENT CONTROL PLANS / SWPPP.

CONTRACTOR MAY LIMIT SAW-CUT AND PAVEMENT REMOVAL TO ONLY THOSE AREAS WHERE IT IS REQUIRED AS SHOWN ON THESE CONSTRUCTION PLANS BUT IF ANY DAMAGE IS INCURRED ON ANY OF THE SURROUNDING PAVEMENT OR CURB, THE CONTRACTOR SHALL BE RESPONSIBLE FOR ITS REMOVAL AND REPAIR.

THE CONTRACTOR SHALL COORDINATE WATER MAIN WORK WITH THE CITY WATER AND FIRE DEPARTMENTS TO ENSURE ADEQUATE FIRE PROTECTION IS CONSTANTLY AVAILABLE TO THE SITE AND SURROUNDING PROPERTIES THROUGH ALL PHASES OF CONSTRUCTION. CONTRACTOR WILL BE RESPONSIBLE FOR ARRANGING/PROVIDING ANY REQUIRED WATER MAIN SHUT OFFS WITH THE CITY. ANY COSTS ASSOCIATED WITH WATER MAIN SHUT OFFS WILL BE THE RESPONSIBILITY OF THE CONTRACTOR AND NO EXTRA COMPENSATION WILL BE PROVIDED.

IN THE EVENT A WELL IS FOUND, THE CONTRACTOR SHALL CONTACT THE ENGINEER AND OWNER IMMEDIATELY. ALL WELLS SHALL BE SEALED BY A LICENSED WELL CONTRACTOR IN ACCORDANCE WITH STATE REQUIREMENTS.

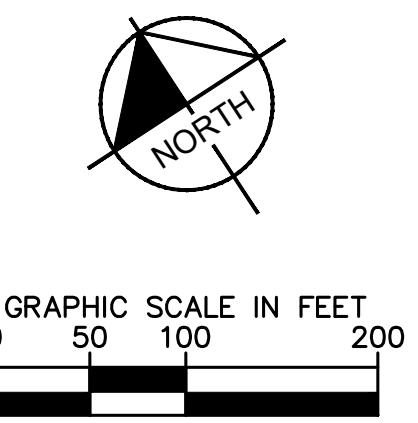
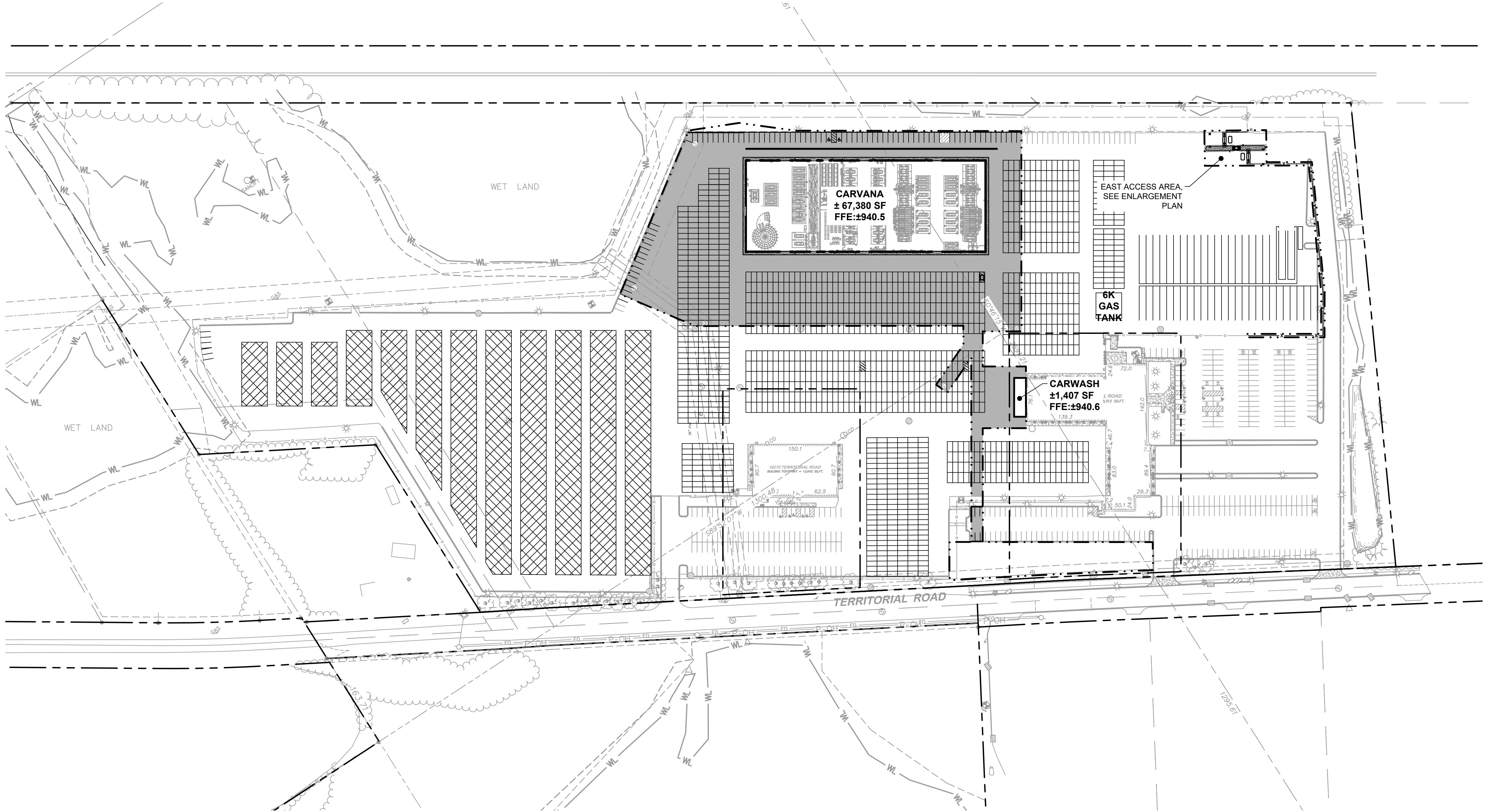
IN THE EVENT THAT UNKNOWN CONTAINERS OR TANKS ARE ENCOUNTERED, THE CONTRACTOR SHALL CONTACT THE OWNER AND/OR OWNERS REPRESENTATIVE IMMEDIATELY. ALL CONTAINERS SHALL BE DISPOSED OF AT A PERMITTED LANDFILL PER THE PROJECT DOCUMENTS.

CONTRACTOR SHALL NOTIFY THE ENGINEER IF ANY EXISTING DRAINTILE IS ENCOUNTERED ON SITE; ACTIVE DRAINTILE SHALL NOT BE REMOVED WITHOUT APPROVAL FROM THE ENGINEER.

IF CONTAMINATED MATERIAL IS ENCOUNTERED ON THE PROJECT SITE, THE CONTRACTOR SHALL STOP WORK AND NOTIFY THE OWNER AND ENGINEER IMMEDIATELY.

KEYNOTE LEGEND

- (A) SAWCUT EXISTING PAVEMENT
- (B) REMOVE EXISTING CURB
- (C) REMOVE EXISTING PAVEMENT
- (D) REMOVE EXISTING FENCE
- (E) REMOVE EXISTING LIGHT POLE
- (F) REMOVE EXISTING SEWER LINE / STRUCTURE
- (G) PROTECT EXISTING SEWER LINE / STRUCTURE
- (H) PROTECT EXISTING LIGHT POLE
- (I) PROTECT EXISTING BUILDING / STRUCTURE
- (J) REMOVE STRIPING
- (K) PROTECT EXISTING CURB



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 PHONE: 651.645.4497
 WWW.KIMLEY-HORN.COM

CARVANA - DAYTON		OVERALL SITE DIMENSION PLAN	
PREPARED FOR		CARVANA	
DAYTON	MN	DAYTON	MN
KHA PROJECT	180997003	I HEREBY CERTIFY THAT THIS PLAN IS FOR THE USE OF THE CONTRACTOR ONLY AND THAT IT IS THE DUTY OF THE OWNER AND THE CONTRACTOR TO PROTECT THIS PLAN FROM UNAUTHORIZED REPRODUCTION OR DISCLOSURE. I FURTHER CERTIFY THAT THIS PLAN HAS BEEN DRAWN AND PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.	
DATE	12/08/2025	DATE	
SCALE	AS SHOWN	SCALE	
DESIGNED BY	ALAN L. CATCHPOOL	DESIGNED BY	
DRAWN BY	ALC	DRAWN BY	
CHECKED BY	ALC	CHECKED BY	
DATE:	12/08/2025	DATE:	
INC. NO.	47989	INC. NO.	

PROPERTY SUMMARY	
TOTAL PROPERTY AREA	±40.60 AC
DISTURBED AREA	±6.10 AC
EXISTING IMPERVIOUS AREA	±26.31 AC
EXISTING PERVIOUS AREA	± 14.29 AC
PROPOSED IMPERVIOUS AREA	±26.31 AC
PROPOSED PERVIOUS AREA	±14.29 AC
NET INCREASE IN IMPERVIOUS AREA	0.00 AC

SITE DATA	
EXISTING ZONING	I-1
PROPOSED ZONING	I-1
PROPOSED LAND USE	LIGHT INDUSTRIAL
PARKING SETBACKS	FRONT = 20' SIDE = 5' REAR = 15'
BUILDING SETBACKS	FRONT = 30' SIDE = 15' REAR = 15'

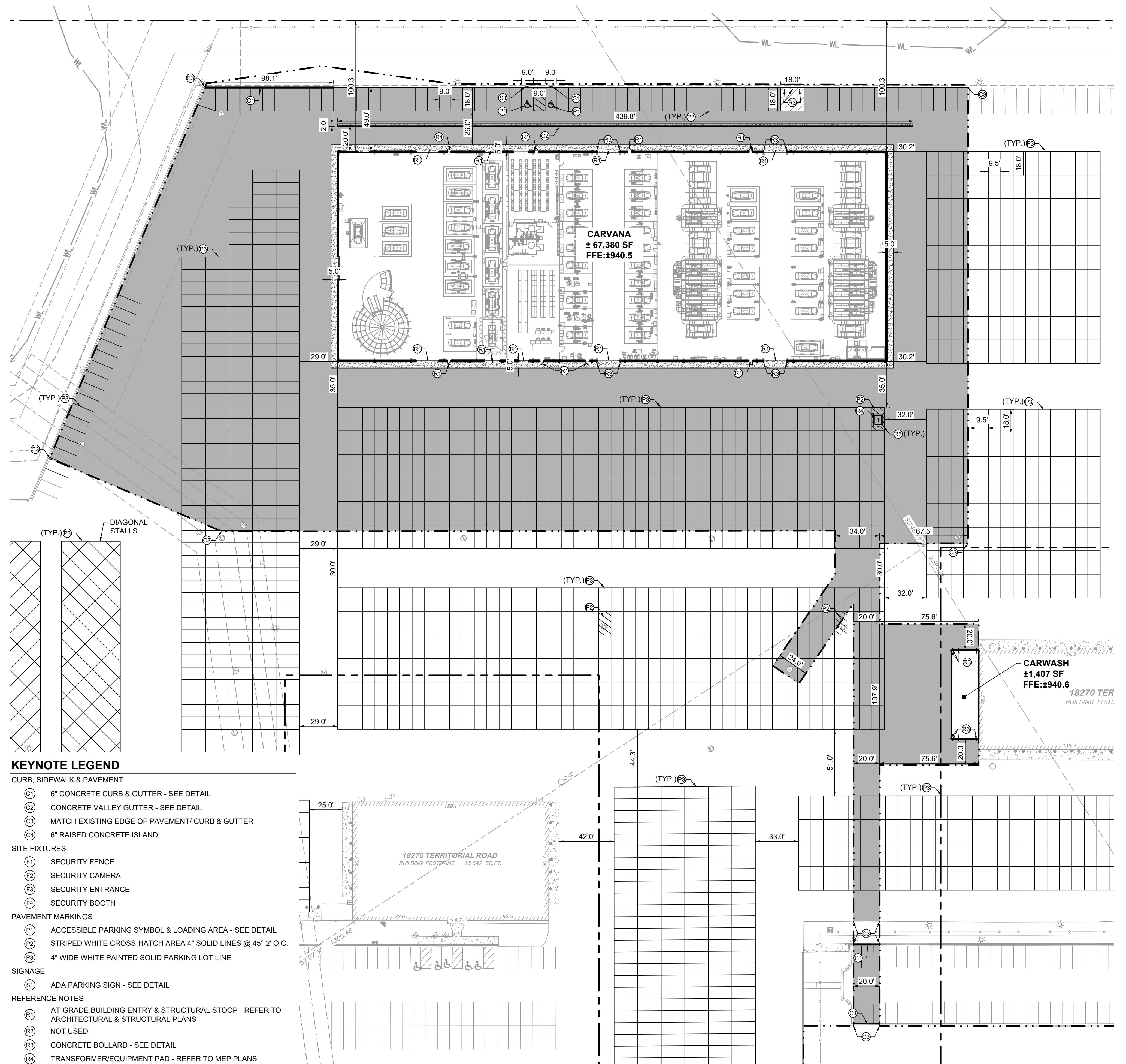
BUILDING DATA	
TOTAL BUILDING AREA	110,941 SF
PERCENT OF TOTAL PROPERTY AREA	6.27%
MAXIMUM BUILDING HEIGHT	50 FT
PARKING SUMMARY	
EXISTING PARKING	2,690 STALLS
PROPOSED AUTO PARKING	±2,520 STALLS
PROPOSED TRAILER PARKING	48 STALLS

LEGEND

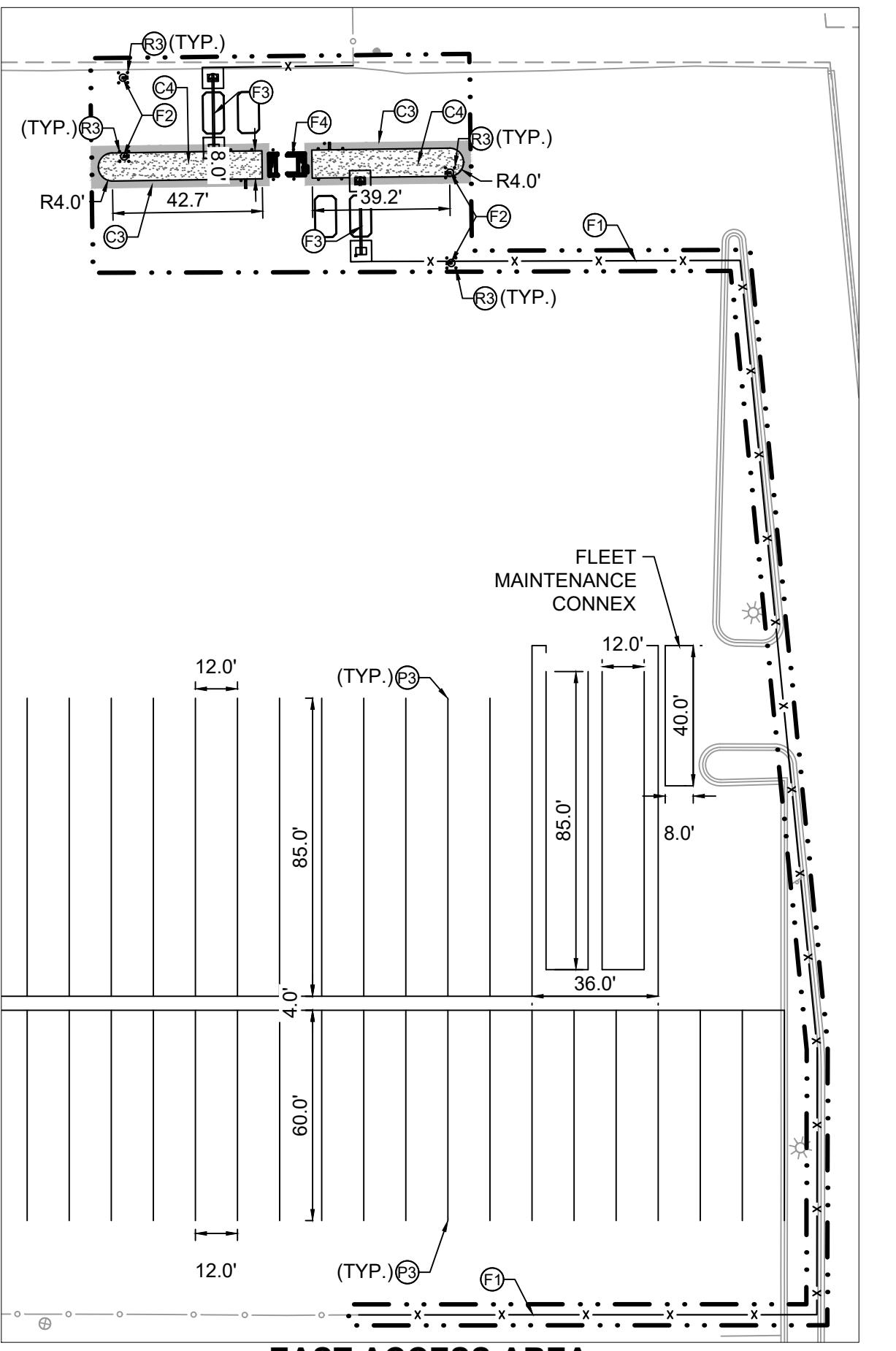
— — — — —	PROPERTY LINE
— — — — —	SETBACK LINE
— — — — —	DRAINAGE AND UTILITY EASEMENT
-x-x-x-x-x-	PROPOSED FENCE
— — — — —	PROPOSED CURB AND GUTTER
██████████	STANDARD DUTY ASPHALT PAVEMENT SEE DETAILS FOR SECTION
██████████	STANDARD DUTY CONCRETE PAVEMENT / SIDEWALK SEE DETAILS FOR SECTION
██████████	HEAVY DUTY CONCRETE PAVEMENT SEE DETAILS FOR SECTION

SITE PLAN NOTES

1. REFER TO THE ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF STOOPS, TRUCK DOCKS, TRASH ENCLOSURES & PRECISE BUILDING DIMENSIONS. REFER TO THE SITE ELECTRICAL PLAN FOR LOCATIONS OF PROPOSED LIGHT POLES, CONDUITS, AND ELECTRICAL EQUIPMENT.
2. REFER TO CERTIFIED SITE SURVEY OR PLAT FOR EXACT LOCATION OF EXISTING EASEMENTS, PROPERTY BOUNDARY DIMENSIONS, AND ADJACENT RIGHT-OF-WAY & PARCEL INFORMATION.
3. DIMENSIONS AND RADII ARE DRAWN TO THE FACE OF CURB, UNLESS OTHERWISE NOTED. DIMENSIONS ARE ROUNDED TO THE NEAREST TENTH FOOT, AND AREAS ARE ROUNDED TO THE NEAREST SQUARE FOOT.
4. UNLESS OTHERWISE NOTED, THE CONTRACTOR SHALL BE RESPONSIBLE FOR RELOCATING EXISTING SITE UTILITIES IN ACCORDANCE WITH THE PROPOSED WORK, INCLUDING BUT NOT LIMITED TO TRAFFIC SIGNS, LIGHT POLES, ABOVEGROUND UTILITIES, ETC. PERFORM WORK IN ACCORDANCE WITH GOVERNING AUTHORITIES REQUIREMENTS AND PROJECT SITE WORK SPECIFICATIONS. COST SHALL BE INCLUDED IN BASE BID.
5. TYPICAL PARKING STALL DIMENSIONS SHALL BE 9.5-FEET IN WIDTH AND 18-FEET IN LENGTH UNLESS OTHERWISE INDICATED.



LEGEND	
-----	PROPERTY LINE
-----	SETBACK LINE
-----	DRAINAGE AND UTILITY EASEMENT
-x-x-x-x-	PROPOSED FENCE
=====	PROPOSED CURB AND GUTTER
████████	STANDARD DUTY ASPHALT PAVEMENT SEE DETAILS FOR SECTION
████████	STANDARD DUTY CONCRETE PAVEMENT / SIDEWALK SEE DETAILS FOR SECTION
████████	HEAVY DUTY CONCRETE PAVEMENT SEE DETAILS FOR SECTION



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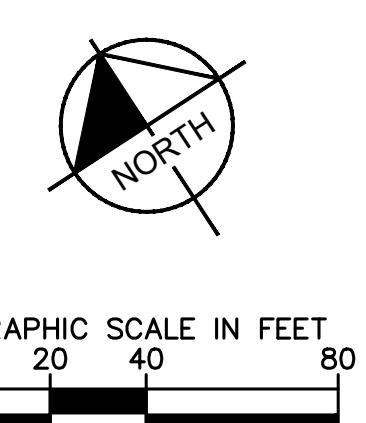
**CARVANA - DAYTON
SITE ENLARGEMENT
PLAN**

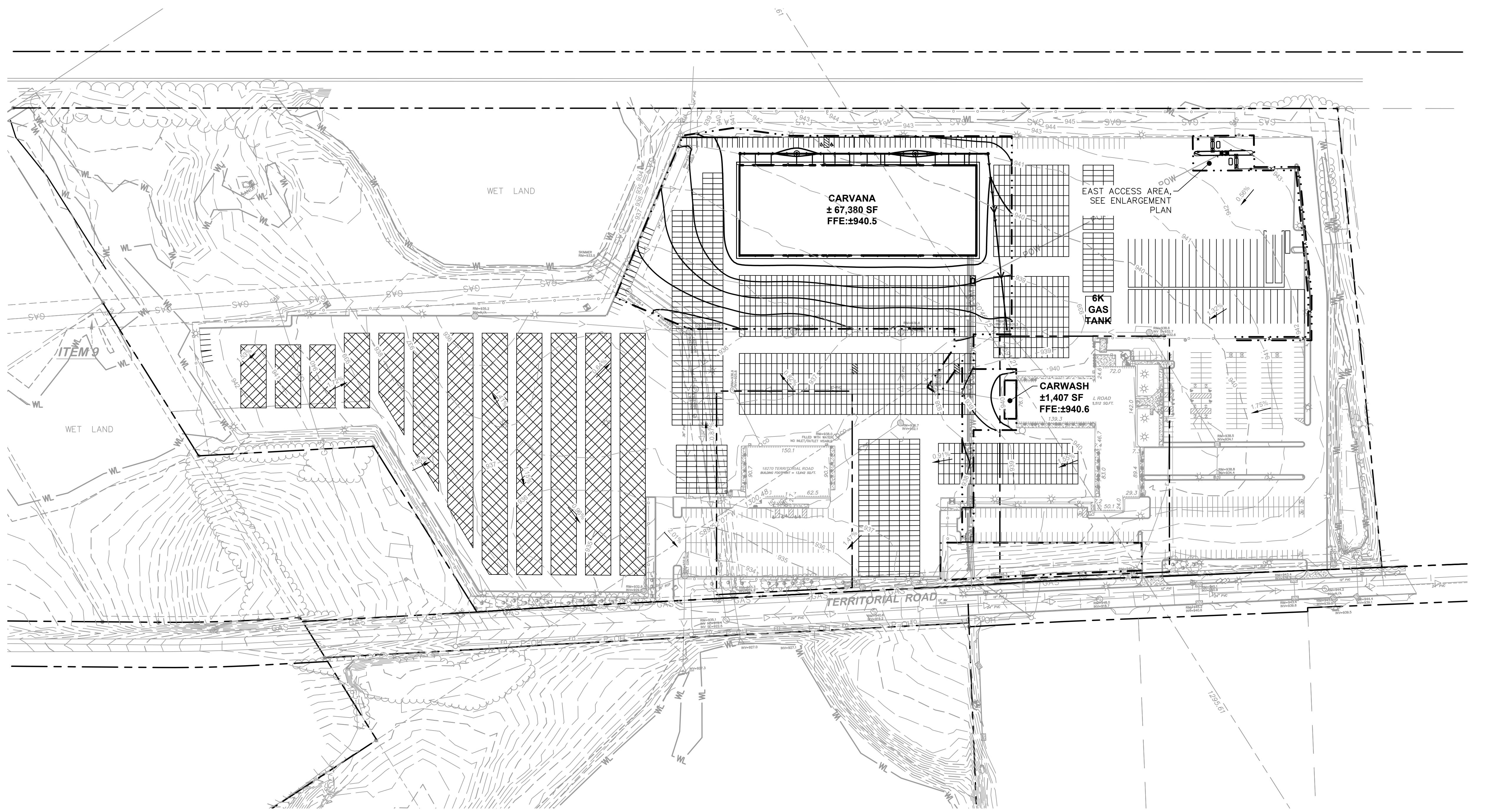
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 PHONE: 651.645.4497
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No.	REVISIONS	DATE	BY

KHA PROJECT
 180897/003
DATE
 12/08/2025
SCALE
 AS SHOWN
DESIGNED BY
 ALC
DRAWN BY
 CLS
CHECKED BY
 ALC
DATE
 12/08/2025
IC NO.
 47889

811
 Know what's below.
 Call before you dig.
 SHEET NUMBER
 C401



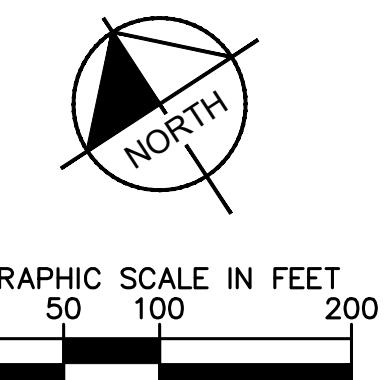


LEGEND

—	PROPERTY LINE
—	EXISTING CONTOUR
—	PROPOSED CONTOUR
—	PROPOSED RIDGE LINE
—	PROPOSED SWALE
—	PROPOSED STORM MANHOLE/CATCH BASIN (ROUND INLET CASTING)
—	PROPOSED STORM SEWER CLENOUT
—	PROPOSED STORM SEWER
—	PROPOSED SPOT ELEVATION
—	PROPOSED HIGH POINT ELEVATION
—	PROPOSED LOW POINT ELEVATION
—	PROPOSED GUTTER ELEVATION
—	PROPOSED TOP OF CURB ELEVATION
—	PROPOSED FLUSH PAVEMENT ELEVATION
—	MATCH EXISTING ELEVATION
—	PROPOSED EMERGENCY OVERFLOW ELEVATION
—	PROPOSED DRAINAGE DIRECTION
—	PROPOSED GRADE BETWEEN POINTS
100.00	
HP:0.0	
LP:0.0	
G:0.00	
T:0.00	
T/G:0.0	
ME:0.0	
EOF:0.0	
0.0%	
0.00%	

GRADING PLAN NOTES

1. PERFORM GRADING WORK IN ACCORDANCE WITH APPLICABLE CITY SPECIFICATIONS AND BUILDING PERMIT REQUIREMENTS.
2. CONTACT STATE 811 CALL-BEFORE-YOU-DIG LOCATING SERVICE AT LEAST TWO WORKING DAYS PRIOR TO EXCAVATION FOR UNDERGROUND UTILITY LOCATIONS.
3. STORM SEWER PIPE SHALL BE AS FOLLOWS:
 HDPE 6" - 10" PER AASHTO M-292
 HDPE 12" OR GREATER PER ASTM F-2306
 STORM SEWER FITTINGS SHALL BE AS FOLLOWS:
 HDPE PER ASTM 3212
 PVC PER ASTM D-3034, JOINTS PER ASTM D-3212
4. CONTRACTOR TO FIELD VERIFY THE LOCATIONS AND ELEVATIONS OF EXISTING UTILITIES AND TOPOGRAPHIC FEATURES PRIOR TO THE START OF SITE GRADING. THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE PROJECT ENGINEER OF ANY DISCREPANCIES OR VARIATIONS.
5. SUBGRADE EXCAVATION SHALL BE BACKFILLED IMMEDIATELY AFTER EXCAVATION TO HELP OFFSET ANY STABILITY PROBLEMS DUE TO WATER SEEPAGE OR STEEP SLOPES. WHEN PLACING NEW SURFACE MATERIAL ADJACENT TO EXISTING PAVEMENT, THE EXCAVATION SHALL BE BACKFILLED PROMPTLY TO AVOID UNDERMINING OF EXISTING PAVEMENT.
6. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL HORIZONTAL AND VERTICAL CONTROL.
7. CONTRACTOR SHALL EXCAVATE DRAINAGE TRENCHES TO FOLLOW PROPOSED STORM SEWER ALIGNMENTS.
8. GRADES SHOWN ARE FINISHED GRADES. CONTRACTOR SHALL ROUGH GRADE TO SUBGRADE ELEVATION AND LEAVE STREET READY FOR SUBBASE.
9. ALL EXCESS MATERIAL, BITUMINOUS SURFACING, CONCRETE ITEMS, ANY ABANDONED UTILITY ITEMS, AND OTHER UNSTABLE MATERIALS SHALL BECOME THE PROPERTY OF THE CONTRACTOR AND SHALL BE DISPOSED OF OFF THE CONSTRUCTION SITE.
10. REFER TO THE UTILITY PLAN FOR SANITARY SEWER MAIN, WATER MAIN SERVICE LAYOUT AND ELEVATIONS AND CASTING / STRUCTURE NOTATION.
11. CONTRACTOR IS RESPONSIBLE FOR CONSTRUCTION OF PAVEMENTS AND CURB AND GUTTER WITH SMOOTH UNIFORM SLOPES TO PROVIDE POSITIVE DRAINAGE.
12. INSTALL A MINIMUM OF 4" CLASS 5 AGGREGATE BASE UNDER CURB AND GUTTER AND CONCRETE SIDEWALKS.
13. UPON COMPLETION OF EXCAVATION AND FILLING, CONTRACTOR SHALL RESTORE ALL STREETS AND DISTURBED AREAS ON SITE. ALL DISTURBED AREAS SHALL BE RE-VEGETATED WITH A MINIMUM OF 4" OF TOPSOIL.
14. ALL SPOT ELEVATIONS/CONTOURS ARE TO GUTTER / FLOW LINE UNLESS OTHERWISE NOTED.
15. GRADING FOR ALL SIDEWALKS AND ACCESSIBLE ROUTES INCLUDING CROSSING DRIVEWAYS SHALL CONFORM TO CURRENT ADA STATE/NATIONAL STANDARDS. IN NO CASE SHALL ACCESSIBLE RAMP SLOPES EXCEED 1 VERTICAL TO 12 HORIZONTAL. IN NO CASE SHALL SIDEWALK CROSS SLOPES EXCEED 2%. IN NO CASE SHALL LONGITUDINAL SIDEWALK SLOPES EXCEED 5%. IN NO CASE SHALL ACCESSIBLE PATHS AND SIDEWALKS EXCEED 2% (1:50 TARGET) IN ALL DIRECTIONS. SIDEWALK ACCESS TO EXTERIOR BUILDING DOORS AND GATES SHALL BE ADA COMPLIANT. CONTRACTOR SHALL NOTIFY ENGINEER IMMEDIATELY IF ADA CRITERIA CANNOT BE MET IN ANY LOCATION PRIOR TO PAVING. NO CONTRACTOR CHANGE ORDERS WILL BE ACCEPTED FOR A.D.A. COMPLIANCE ISSUES.
16. MAINTAIN A MINIMUM OF 0.5% GUTTER SLOPE TOWARDS LOW POINTS.
17. CONTRACTOR TO PROVIDE 3" INSULATION BY 5' WIDE CENTERED ON STORM PIPE IF LESS THAN 4' OF COVER IN PAVEMENT AREAS AND LESS THAN 3' OF COVER IN LANDSCAPE AREAS.
18. ROOF DRAIN INVERT CONNECTIONS AT THE BUILDING SHALL BE AT ELEVATION 935.50 OR LOWER UNLESS NOTED OTHERWISE. REFERENCE MEP PLANS FOR ROOF DRAIN CONNECTION.
19. ALL STORM SEWER CONNECTIONS SHALL BE GASKETED AND WATER TIGHT INCLUDING MANHOLE CONNECTIONS.
20. MAINTAIN A MINIMUM OF 1.25% SLOPE IN BITUMINOUS PAVEMENT AREAS, 0.5% SLOPE IN CONCRETE PAVEMENT AREAS.
21. CONTRACTOR SHALL REPAIR PAVEMENT GRADIENT AND CONSTRUCT "INFALL CURB" WHERE PAVEMENT DRAINS TOWARD GUTTER, AND "OUTFALL" CURB WHERE PAVEMENT DRAINS AWAY FROM GUTTER.



Kimley Horn

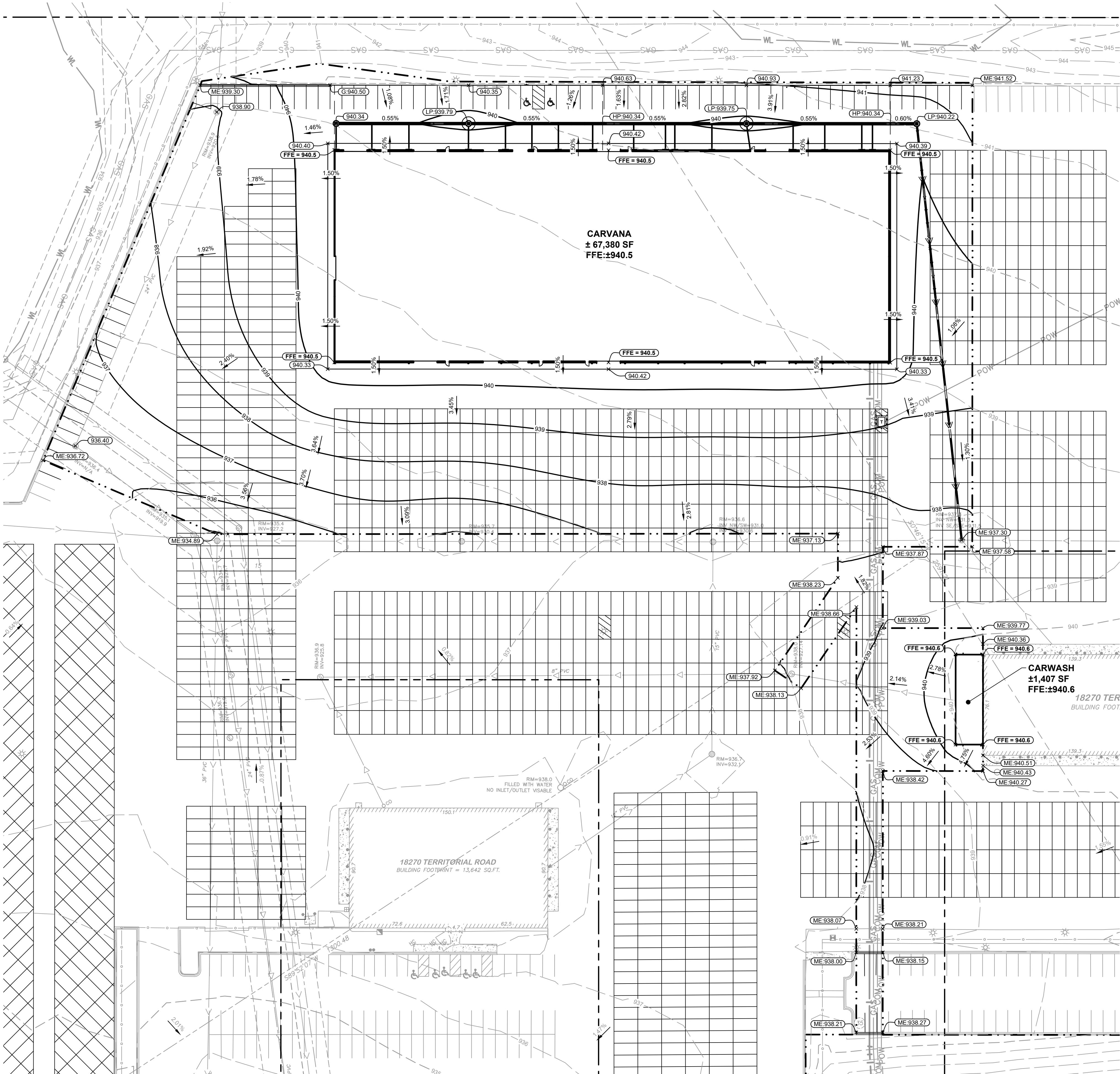
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PRELIMINARY - NOT FOR CONSTRUCTION

CARVANA - DAYTON	OVERALL GRADING AND DRAINAGE PLAN
PREPARED FOR	CARVANA
MN	MN
DAYTON	DAYTON

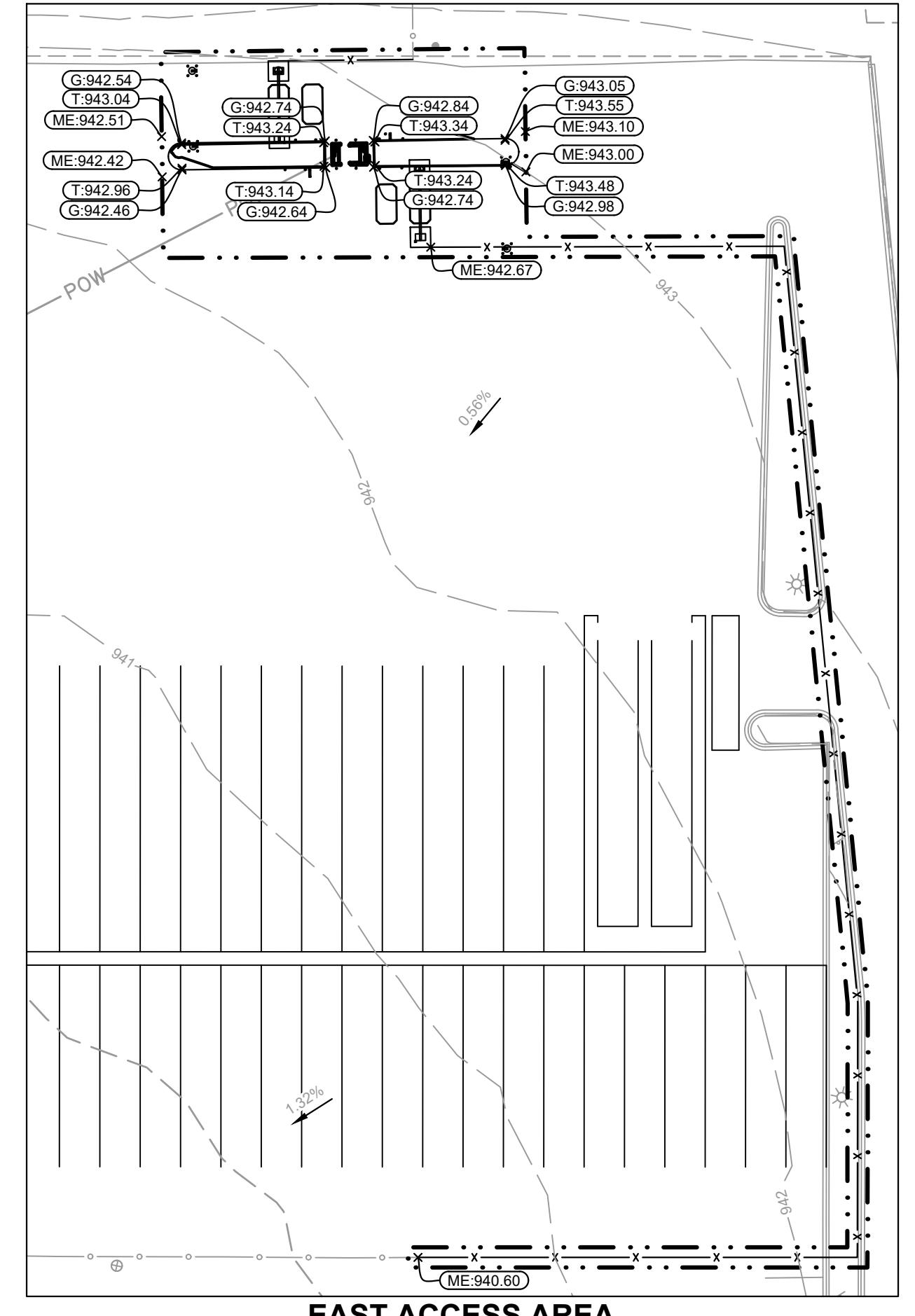
SHEET NUMBER C500

KHA PROJECT	180997003	I HEREBY CERTIFY THAT THIS PLAN IS FOR INFORMATION ONLY AND IS NOT TO BE CONSTRUED AS A DRAWING. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY ALL INFORMATION CONTAINED IN THIS PLAN IS CORRECT AND ACCURATE. THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.
DATE	12/08/2025	
SCALE	AS SHOWN	
DESIGNED BY	ALC	
DRAWN BY	CLS	
CHECKED BY	ALC	
DATE	12/08/2025	
INC. NO.	47889	



LEGEND

- PROPERTY LINE
- EXISTING CONTOUR
- PROPOSED CONTOUR
- PROPOSED RIDGE LINE
- PROPOSED SWALE
- PROPOSED STORM MANHOLE/CATCH BASIN (ROUND INLET CASTING)
- PROPOSED STORM SEWER CLENOUT
- PROPOSED STORM SEWER
- PROPOSED SPOT ELEVATION
- PROPOSED HIGH POINT ELEVATION
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- PROPOSED TOP OF CURB ELEVATION
- PROPOSED FLUSH PAVEMENT ELEVATION
- MATCH EXISTING ELEVATION
- PROPOSED EMERGENCY OVERFLOW ELEVATION
- PROPOSED DRAINAGE DIRECTION
- PROPOSED GRADE BETWEEN POINTS



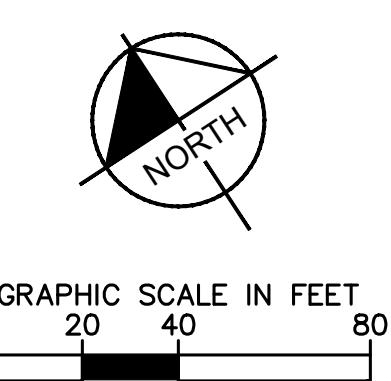
PRELIMINARY - NOT FOR CONSTRUCTION

CARVANA - DAYTON PREPARED FOR CARVANA

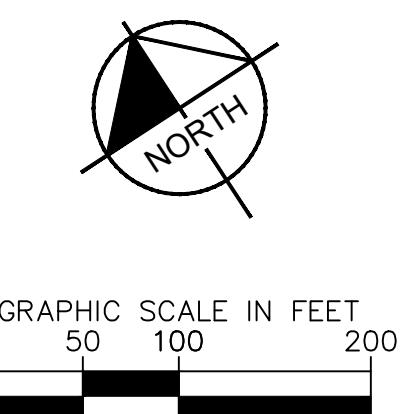
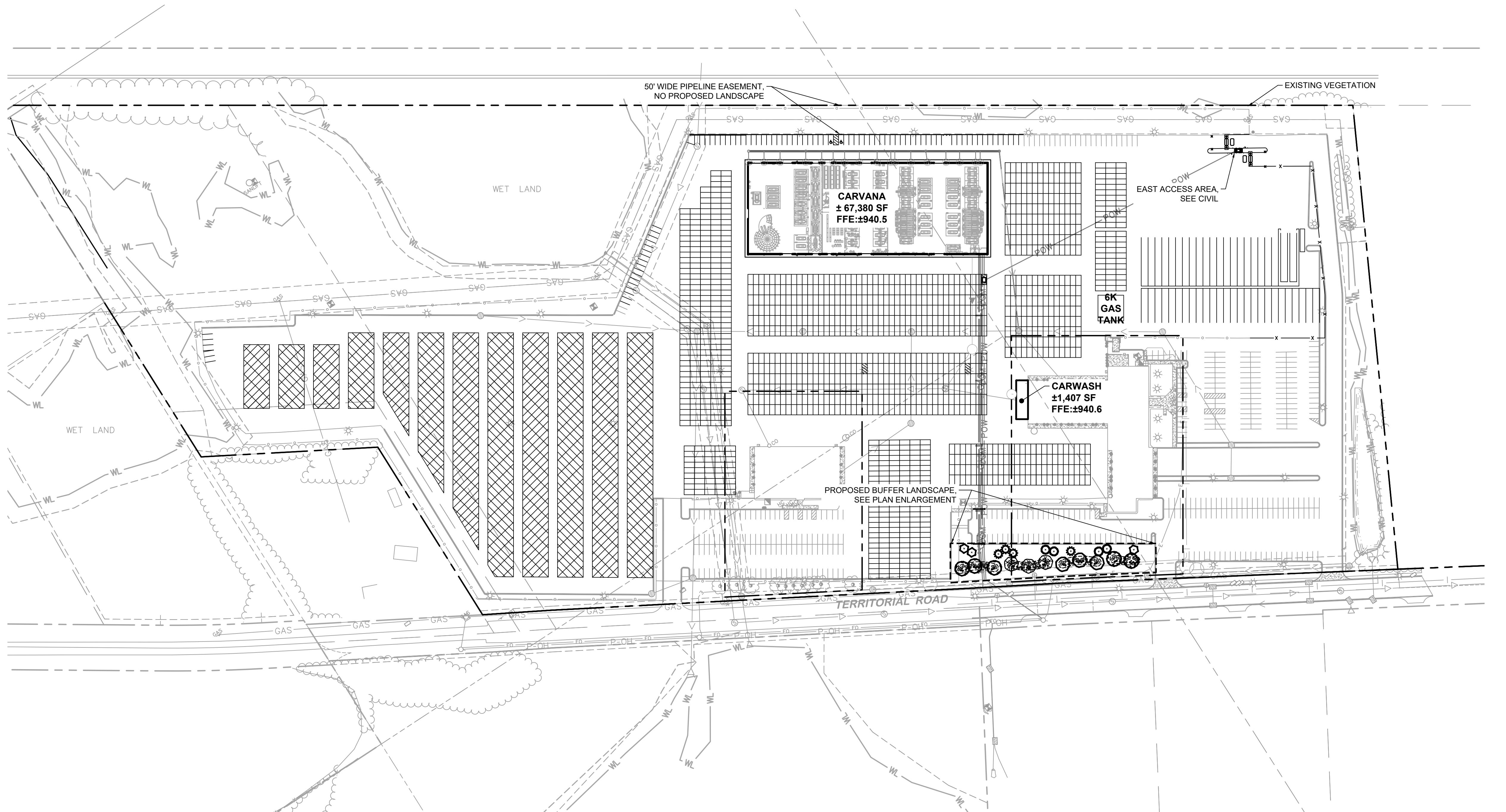
DAYTON
MN
SHEET NUMBER
C501

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 PHONE: 651.456.4197
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No.	REVISIONS	DATE	BY
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GRAPHIC SCALE IN FEET
 0 20 40 80



PRELIMINARY - NOT FOR CONSTRUCTION

CARVANA - DAYTON		OVERALL LANDSCAPE PLAN	
PREPARED FOR		CARVANA	
CARVANA		MN	
DAYTON	MN		

SHEET NUMBER
L100

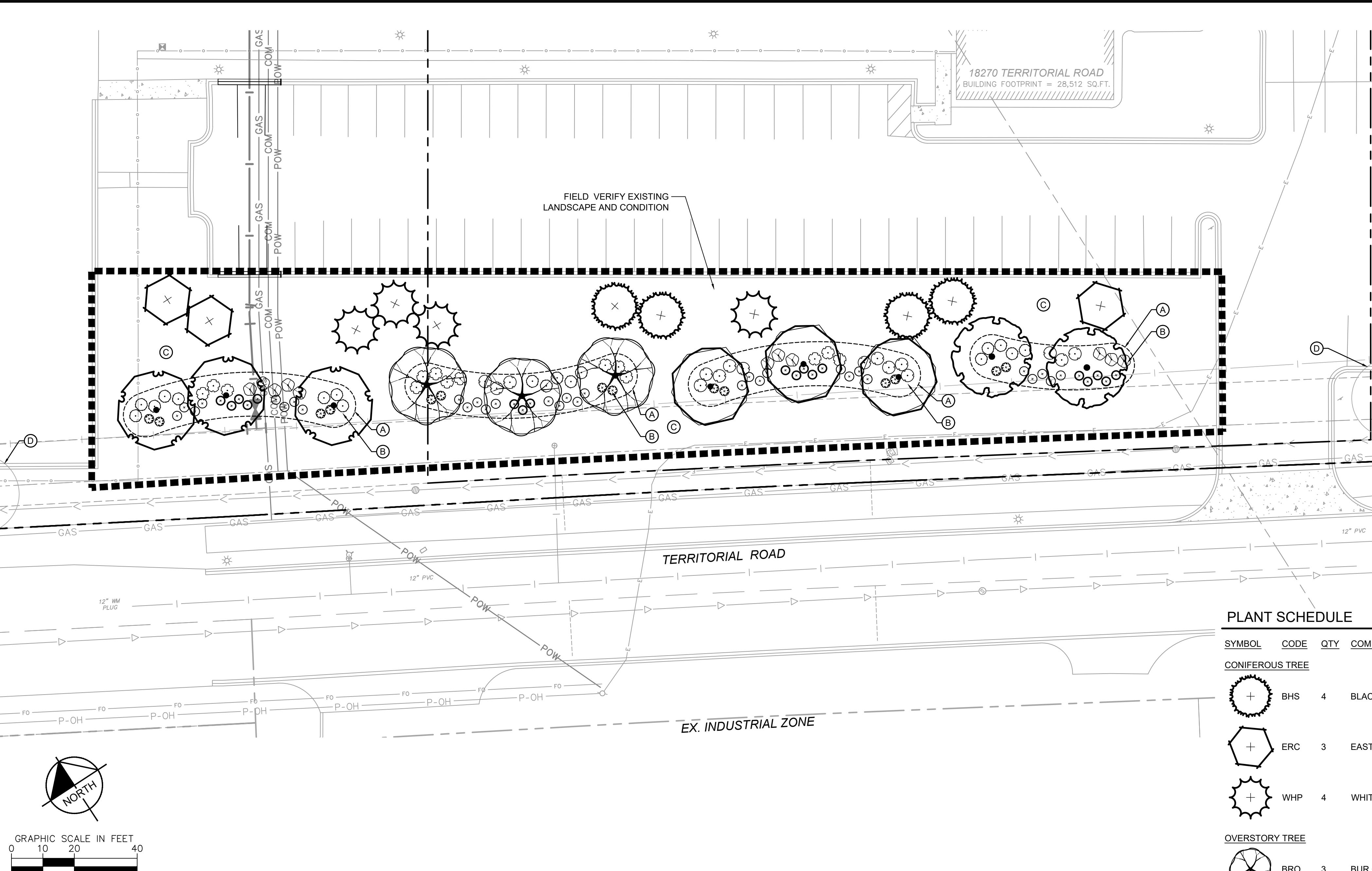
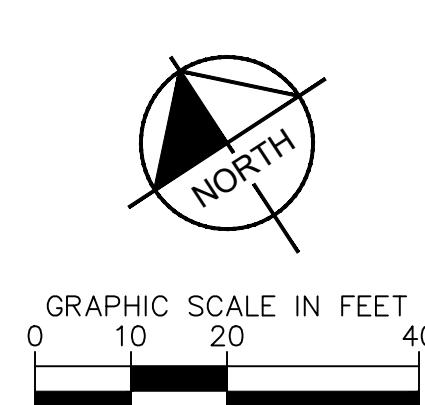
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 PHONE: 651.645.4497
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811	GRAPHIC SCALE IN FEET
0	50
100	200
NORTH	
0	50 100 200
REVISIONS	DATE BY
No.	



Know what's below.
Call before you dig.



LANDSCAPE LEGEND

- EXISTING DECIDUOUS TREE (TYP.)
- EDGER (TYP.)
- APPROXIMATE LIMITS OF SOD, SOD ALL DISTURBED AREAS (TYP.)

LANDSCAPE KEYNOTES

- (A) EDGER (TYP.)
- (B) DOUBLE SHREDDED HARDWOOD MULCH (TYP.)
- (C) SOD (TYP.)
- (D) EXISTING TREE TO REMAIN, PROTECT IN PLACE (TYP.)

PLANT SCHEDULE

SYMBOL	CODE	QTY	COMMON NAME	BOTANICAL NAME	CONT	CAL
--------	------	-----	-------------	----------------	------	-----

CONIFEROUS TREE

	BHS	4	BLACK HILLS SPRUCE	PICEA GLAUCA 'DENSATA'	B & B	6' HT.
--	-----	---	--------------------	------------------------	-------	--------

	ERC	3	EASTERN RED CEDAR	JUNIPERUS VIRGINIANA	B & B	6' HT.
--	-----	---	-------------------	----------------------	-------	--------

	WHP	4	WHITE PINE	PINUS STROBOS	B & B	6' HT.
--	-----	---	------------	---------------	-------	--------

OVERSTORY TREE

	BRO	3	BUR OAK	QUERCUS MACROCARPA	B & B	2.5" CAL.
--	-----	---	---------	--------------------	-------	-----------

	FFM	2	FALL FIESTA SUGAR MAPLE	ACER SACCHARUM	B & B	2.5" CAL.
--	-----	---	-------------------------	----------------	-------	-----------

	NWM	3	NORTHWOOD MAPLE	ACER RUBRUM 'NORTHWOOD'	B & B	2.5" CAL.
--	-----	---	-----------------	-------------------------	-------	-----------

	SWO	3	SWAMP WHITE OAK	QUERCUS BICOLOR	B & B	2.5" CAL.
--	-----	---	-----------------	-----------------	-------	-----------

SYMBOL CODE QTY COMMON NAME BOTANICAL NAME CONT SPACING

DECIDUOUS SHRUBS

	CSS	11	CUTLEAF STAGHORN SUMAC	RHUS TYPHINA 'LACINIATA'	#5 CONT.	4' O.C.
--	-----	----	------------------------	--------------------------	----------	---------

	ELD	16	SUTHERLAND GOLD ELDERBERRY	SAMBUCUS RACEMOSA 'SUTHERLAND GOLDEN'	#5 CONT.	4' O.C.
--	-----	----	----------------------------	---------------------------------------	----------	---------

	FNB	14	FIRESIDE NINEBARK	PHYSOCARPUS OPULIFOLIUS 'UMNHARPELL'	#5 CONT.	4' O.C.
--	-----	----	-------------------	--------------------------------------	----------	---------

	IRD	18	ISANTI REDOSIER DOGWOOD	CORNUS SERICEA 'ISANTI'	#5 CONT.	4' O.C.
--	-----	----	-------------------------	-------------------------	----------	---------

EVERGREEN SHRUBS

	LMP	18	LAKEVIEW MUGO PINE	PINUS MUGO 'LAKEVIEW'	#3 CONT.	3' O.C.
--	-----	----	--------------------	-----------------------	----------	---------

	SGJ	14	SEA GREEN JUNIPER	JUNIPERUS CHINENSIS 'SEA GREEN'	#5 CONT.	3' O.C.
--	-----	----	-------------------	---------------------------------	----------	---------

	TCA	31	TECHNY ARBORVITAE	THUJA OCCIDENTALIS 'TECHNY'	#5 CONT.	3' O.C.
--	-----	----	-------------------	-----------------------------	----------	---------

PRELIMINARY - NOT FOR CONSTRUCTION

LANDSCAPE PLAN ENLARGEMENT

CARVANA - DAYTON	PREPARED FOR	CARVANA	MN
DAYTON			

SHEET NUMBER	DAY
L101	

2024 KIMLEY-HORN AND ASSOCIATES, INC.
767 EUSTIS STREET, SUITE 100, ST. PAUL, MN 55114
PHONE: 651.645.4497
WWW.KIMLEY-HORN.COM

Kimley Horn

NOTE:
QUANTITIES ON PLAN SUPERSEDE LIST QUANTITIES IN THE EVENT OF A DISCREPANCY.

ABBREVIATIONS:
B&B = BALLED AND BURLAPPED CAL. = CALIPER HT. = HEIGHT
MIN. = MINIMUM O.C. = ON CENTER SP. = SPECIES QTY. = QUANTITY

**ADESA
MINNEAPOLIS
MN**

NA

ARCHITECT:
WHN ARCHITECTS, PA
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Role:
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Address 1
Address 2
Phone
NC Certificate of Licensure #License #

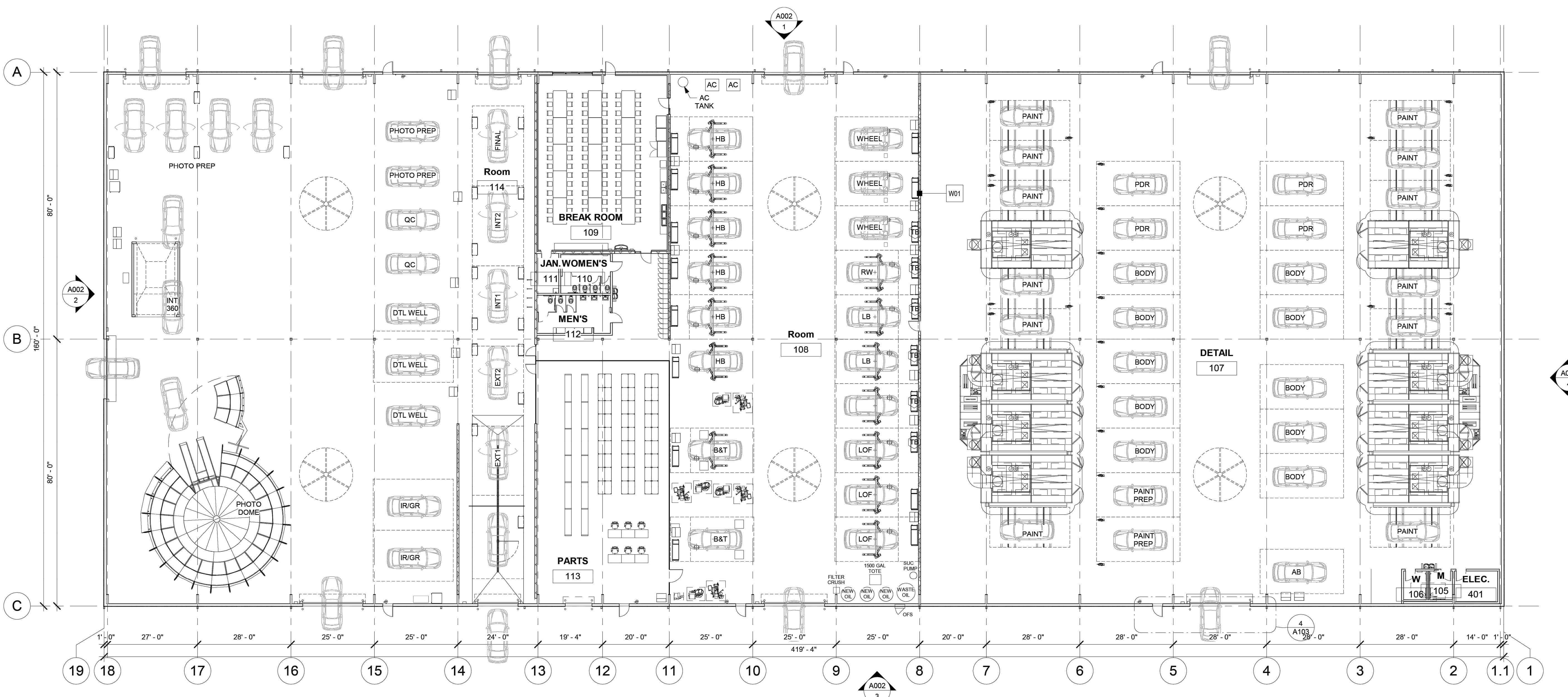
**PRELIMINARY
NOT FOR
CONSTRUCTION**

REVISIONS		
#	DESCRIPTION	Date

PROJECT NO. Project Number
DATE ISSUED Issue Date

Project Status

OVERALL FLOOR PLAN



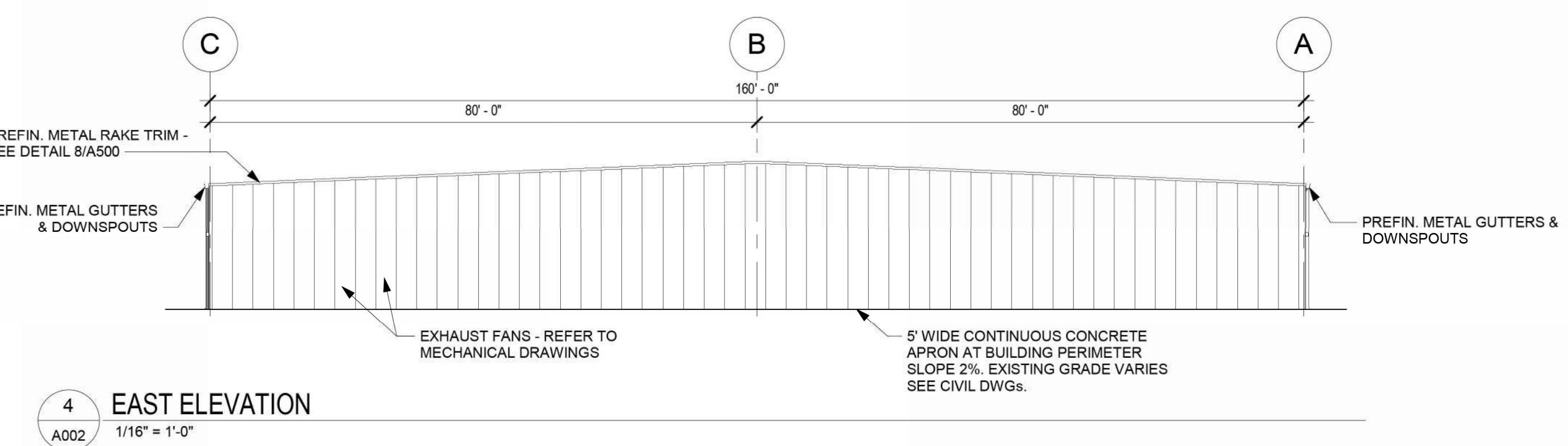
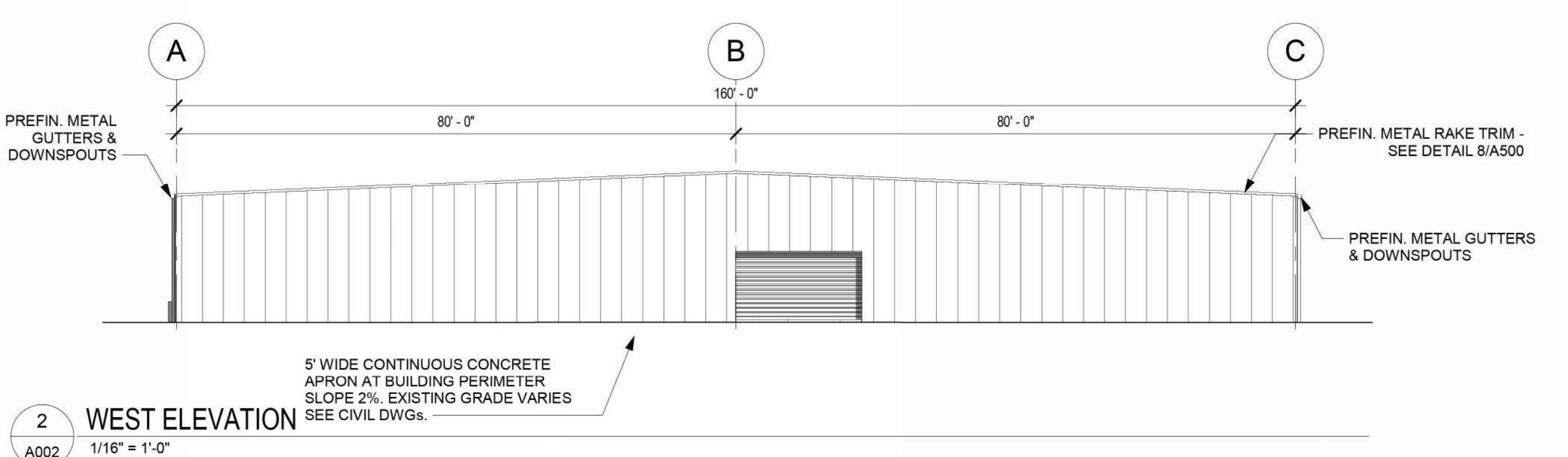
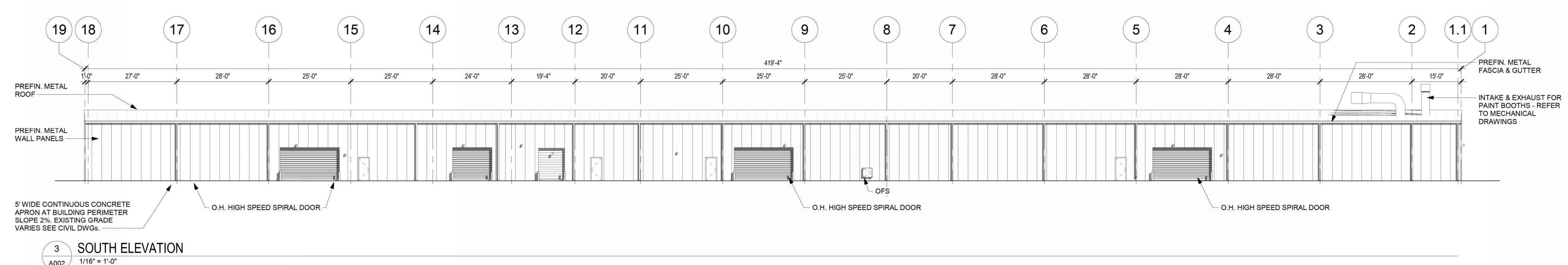
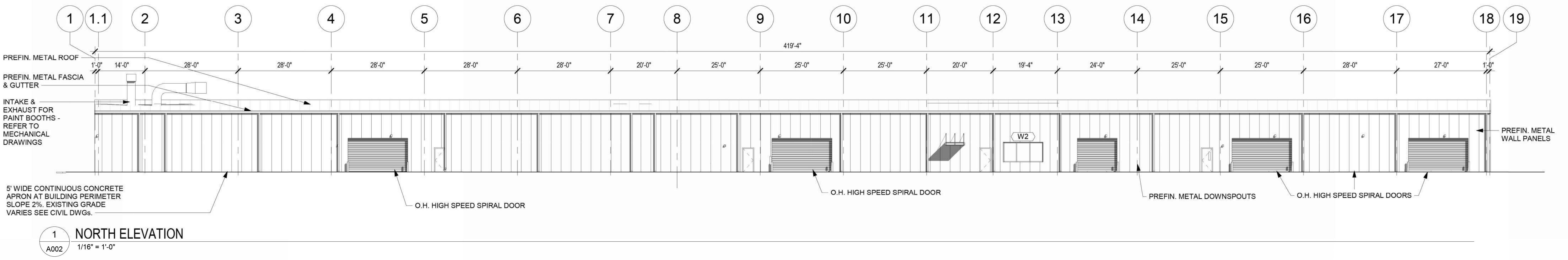
1 OVERALL FLOOR PLAN
A001 1/16" = 1'-0"

DRAWING NUMBER:

A001

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MN



NA

ARCHITECT:

WHN ARCHITECTS, PA
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**PRELIMINARY
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CONSTRUCTION**

REVISIONS		
#	DESCRIPTION	Date

PROJECT NO. Project Number
DATE ISSUED Issue Date

Project Status

EXTERIOR ELEVATIONS

DRAWING NUMBER:

A002

To: Jon Sevald From: Jason Quisberg, Engineering
Project: ADESA Site Plan Review Date: 12/31/2025
Nick Findley, Engineering

Exhibits:

This Memorandum is based on a review of the following documents:

1. Carvana – Dayton, by Kimley-Horn and Associates, Inc., dated 12/08/2025 20 sheets

Comments:

General

1. Consistent with the review process, a comment response letter shall be provided in response to the following comments provided in this Memorandum in which the applicant provides a written response to each item.
2. In addition to engineering related comments per these plans, the proposed plans are subject to additional planning, zoning, land-use, and other applicable codes of the City of Dayton.
3. Final approval by the Elm Creek Watershed Management Commission must be attained before any site grading or activity may commence.
4. For any site activity (demo, grading, utilities, etc.) no closures or restrictions of any kind shall be imposed upon the public use of Territorial Road without the City's permission. Should any lane restrictions be necessary, the Contractor shall notify the City at least 48 hours in advance and provide a Traffic Control Plan.
5. Any underlying easements no longer necessary must be vacated.
6. Applicant is subject to all applicable fees related to this work. Coordinate with the planning department.

Erosion Control/SWPPP

7. Over an acre of area is disturbed requiring a SWPPP.

Site Plans

8. To evaluate ADA stall requirements, provide a figure clarifying which parking stalls are to be used by the public/staff and which are to be used for vehicle storage.

Grading /Stormwater

9. The addition of the new building appears to trigger City of Dayton MS4 and Elm Creek Watershed Management Commission water quality standards. Provide treatment meeting both requirements.
 - o The proposed parking lot pavement section shown on sheet C402 shows removal down to the native soils which may trigger additional water quality requirements.
10. Provide 1' of separation between the low opening and EOF for localized low points. This is currently not provided north of the proposed building.

11. Provide EOF elevations at localized low points.
12. Ensure ADA stalls are a maximum of 2% in all directions per ADA requirements.
13. Provide casting type within the callout or as a part of a structure table.

Watermain/Sanitary Sewer

14. Records show the existing watermain within the site is connected to City Utilities approximately 95' to the east of the newly proposed connection utilizing valves in each direction. It also shows the private watermain extending to the north connecting to the 13,642 SQ FT building from where it abruptly ends west of the proposed connection.
15. Domestic and Fire service should be separated outside of the building per standard detail SER-07.
16. Include Watermain Offset detail (WAT-05) to be used if 2' of separation is not maintained.
17. Hydrants do not appear to be provided in close proximity to the proposed building. Ensure hydrant coverage is provided in accordance with the applicable code (building, fire, etc.) and City of Dayton Fire Department requirements.
18. Sanitary sewer service slopes are shown as less than 2%, ensure proposed sanitary service meets building permit requirements.
19. Ensure 18" of vertical separation is maintained at the sanitary sewer/storm sewer crossing.
20. Connection to existing sanitary sewer manholes shall be made via watertight boot meeting the specifications shown within the standard details (SAN-01).

End of Comments

ITEM:

PUBLIC HEARING: Amendment to City Code 1001.03, Rules and Definitions

APPLICANT/PRESENTERS:

Jon Sevald, Community Development Director

PREPARED BY:

Jon Sevald, Community Development Director

BACKGROUND/OVERVIEW:

Staff maintain a list of topics and ordinances to be reviewed as time allows. It is Staff's intent that items be introduced to the Planning Commission for discussion on light Agenda months.

In May 2025, the Planning Commission/City Council reviewed a Concept Plan for Jack Bernens. There was discussion of rounding fractions, e.g. 117.5 acres = 120 acres for the purpose of determining 2:20 density in the A-3 district (11 lots vs. 12 lots may be a difference of tens of thousands of dollars). The City Council directed Staff to look into it.

Does 0.5 = 1?

Does 0.9 = 1?

Does 1.4 = 1?

Does 1.4 = 1.4?

The City Code interprets standards to be the "minimum standards". In the event of inconsistencies, the more restrictive applies.¹ 1.4 = 1.4.

Generally, rounding is dependent upon the acceptable level of variance. In land surveying, distance is expressed in hundredths of a foot, e.g. 1.559' = 1.56'.² 1.56 is not 2.

The Planning Commission previously discussed this topic at its November 6, 2025 meeting, recommending against amending the City Code, directing the use of a variance. In similar cases (not this topic), the City Council has directed non-recommended items to continue toward City Council action, thus Staff has prepared a formal Ordinance Amendment.

The proposed Ordinance amendment is specific to measuring Lot Area. Approval of this amendment would affect all zoning districts. Measurements are applied differently. For example, in Agricultural districts, lot size is measured in acres, whereas in Residential districts, it is measured in square feet. Thus, in the A-1 district, the minimum lot size would be 40-acres

¹ City Code 1001.02, Subd 2 (Scope and Interpretation): *In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. Where the provisions of this chapter impose greater restrictions than those of any other ordinance or regulation, the provisions of this chapter shall be controlling. Where the provisions of any other statute, ordinance or regulation impose greater restrictions than this chapter, the provision of such other statute, ordinance or regulation shall be controlling.*

² MN Statute §505.021, Subd 5 (Mathematical data; dimensions; labels; symbols).

PLANNING COMMISSION MEETING

(39.5 acres). In the R-1 district, the minimum lot size would be 15,000 sq ft (14,999 sq ft). If only measuring in sq ft, there is a substantial difference between rounding up 0.5 acres (21,780 sq ft) and rounding up 1 sq ft.

CRITICAL ISSUES:

Interpretation The origin of this topic relates to how land was measured for a Concept Plan, without the benefit of a certified survey (not required). Specific to Bernens, the project area may be more or less than 117.5 acres. There was discussion if a 0.42 acre parcel formerly owned by the Applicant be added to the 117.5 acres, equaling 117.92 acres, and if this should be rounded to 120. The question being posed is, when should fractions be rounded to whole numbers.

60/120-DAY RULE (IF APPLICABLE):

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

RELATIONSHIP TO COUNCIL GOALS:

N/A

ROLE OF PLANNING COMMISSION:

Provide a recommendation for Approval or Denial.

RECOMMENDATION:

Staff recommends against the Amendment. Amending the City Code to benefit one project may result in unintended consequences elsewhere. If rounding 1.5 up to 2.0, 1.49 will want to be 1.5 (and thus 2.0).

A Public Hearing Notice was published by THE PRESS on December 25, 2025.

ATTACHMENT(S):

Ordinance

Ordinance No. 2026-__

**City of Dayton
Counties of Hennepin and Wright
State of Minnesota**

**AN ORDINANCE AMENDING CITY CODE SECTION 1001.03,
RULES AND DEFINITIONS**

SECTION 1. AMENDMENT. Dayton City Code Chapter 1001 is hereby amendment by adding the following underlined language and deleting the following strikethrough language, which reads as follows:

§1001.03 RULES AND DEFINITIONS.

Subd. 2 Definitions

Lot

A Lot which is a part of an approved subdivision, the map of which has been recorded in the office of the Register of Deeds and on file with the County Finance Division, or a lawful Lot described by metes and bounds, the deed to which has been recorded in the office of the Register of Deeds on or before January 31, 1980, or 1 for which the City has granted a waiver from platting.

- a. Lot Area. The total land area within the lot lines, excluding public and private road right-of-way; provided, however, that in agricultural zones of the City, the Lot Area shall include property to the centerline of abutting roadways, if any, which is in common fee ownership with the proposed lot and included in the legal description of the real estate for tax purposes. For the purposes of measuring minimum lot area, the lot area shall be rounded to the nearest whole number (e.g. 1.5 = 2).

SECTION 2. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage and publication as required by law.

Adopted by the City Council of the City of Dayton on this 27th day of January, 2026.

Dennis Fisher, Mayor

ATTEST:

Amy Benting, City Clerk

Motion by _____, Second by _____.
Motion passed.

Published in THE PRESS on _____.

ITEM:

Consideration of an Amendment to Dayton City Code Section 1001.051, Residential District Special Requirements, related to parking requirements for Event Centers as Interim Uses in Residential Districts

PREPARED BY:

Hayden Stensgard, Planner II

BACKGROUND:

In 2023, the City of Dayton adopted Ordinance 2023-05, allowing for event centers to be principal uses in specific residential districts (agriculture zoned properties) on an interim basis. Since then, the City has approved four separate event center uses within the City. The City approved one as recent as August of 2025, and a note on the parking requirements was made by both the City and the applicant.

Currently, this section of the zoning code requires there to be 1 space per 200 square feet of occupiable space within the associated building for the event center. In comparison with the Event Center use in commercial districts, the code requires 1 space per 300 square feet of occupiable building space. This amendment proposed seeks to clarify this discrepancy within the Dayton Zoning Ordinance to match all event center uses with 1 space per 300 square feet for parking stall requirements. In comparison to surrounding cities, the 1 per 300 sq. ft. ratio is consistent.

Included in this ordinance amendment as well is a provision added that allows for overflow parking, above and beyond the standard requirement, to be on an unimproved surface. Overflow parking is utilized during certain events at both Dehn's Pumpkins and Magnus Veterans foundation. Please note, the use of overflow parking on an unimproved surface is only limited to the Interim Use Event Center in agricultural zoning districts, and does not extend to the permanent use event centers in commercial zoning districts.

CRITICAL ISSUES:

None

RELATIONSHIP TO COUNCIL GOALS:

Not specific to any City Council goals.

PLANNING COMMISSION

The Planning Commission is asked to review this proposed amendment, hold a public hearing, and consider providing a recommendation to the City Council on this matter.

RECOMMENDATION:

Staff recommends approval of the amendment as proposed.

ATTACHMENT(S):

Draft Ordinance No. 2026-XX

Zoning Ordinance Section 1001.051

Zoning Ordinance Section 1001.19, Parking

ORDINANCE NO. 2026-XX

**CITY OF DAYTON
HENNEPIN AND WRIGHT COUNTIES
STATE OF MINNESOTA**

**AN ORDINANCE AMENDING THE DAYTON ZONING AND SUBDIVISION CODE
SECTION 1001.051 ON INTERIM USE EVENT CENTERS IN RESIDENTIAL ZONING
DISTRICTS**

SECTION 1. AMENDMENT. Dayton City Code Section 1001.051 is hereby amended by adding the following underlined language and deleting the following ~~strikethrough~~ language, which reads as follows:

1001.051 RESIDENTIAL DISTRICT SPECIAL REQUIREMENTS.

Event Centers, subject to the following:

(8) Off-street parking shall be provided to accommodate 1 stall per 23 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. Overflow parking in excess of the required stalls may be located on an unimproved surface.

SECTION 2. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Adopted by the City Council of the City of Dayton, this 27th day of January 2026.

Mayor Dennis Fisher

ATTEST:

Amy Benting, City Clerk

Motion by _____ Seconded by _____

Motion passed _____

Published in THE PRESS on _____.

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)

1001.19 PARKING REGULATIONS.

Subd. 1 General Provisions.

The following provisions apply in all districts.

(1) *Maintaining existing spaces.* Upon effective date of this chapter, existing off-street parking spaces and loading spaces shall not be reduced in number unless the number exceeds requirements set forth herein for a similar use.

(2) *Damaged or destroyed buildings.* Buildings, structures, or uses in existence upon the effective date of this chapter that are subsequently damaged or destroyed by fire or other cause may be re-established in compliance with Subsection 1001.22, except that in doing so any off-street parking or loading which existed must be retained. If the building, structure, or use is altered by changing the use, floor area, seating capacity, or other facilities which would affect the requirement for parking or loading spaces, the number of spaces may be reduced if excess spaces are available or the number of spaces shall be enlarged if additional spaces are required.

(3) *Prohibited uses in required parking areas.* Required off-street parking space in any district shall not be used for open storage of goods. Temporary/seasonal sales areas are allowed in off-street parking areas of 20 spaces, but not more than 5% of the total parking spaces.

(4) *Accessible parking.* All parking shall comply with the adopted codes and the Americans with Disabilities Act (ADA), as deemed necessary. Accessible parking cannot be used for temporary/seasonal sales.

a. *Required spaces.* With the exception of single and 2-family dwellings, in all off-street parking facilities where parking is provided for employees, visitors, or residents, parking spaces for disabled persons shall be provided. The number of accessible parking spaces shall be included in the total number of required parking spaces and shall be in accordance with the applicable requirements of the current Minnesota Accessibility Code adopted by the City, as amended from time to time, and all additional governing codes and applicable laws.

b. *Dimensions and design.* Such spaces shall comply with the design standards presented in Subsection 1001.19, Subd. 9 and shall provide an accessibility aisle between each space provided. Such spaces shall be identified by a sign and pavement markings indicating parking for the disabled only. Such spaces shall be the spaces closest to the entrance of the

building or structure, and shall be connected by a paved surface designed to provide safe and easy access.

Subd. 2 Design, Construction, and Maintenance

- (1) *Design.* All parking lots, spaces, driving aisles, and circulation patterns shall be designed in conformance with the minimal dimensional requirements and layout configurations in Subsection 1001.19, Subd. 9.
- (2) *Location of parking spaces.* All required off-street parking spaces in all districts shall be on the same lot as the principal building, unless allowed through the issuance of a conditional use permit (CUP).
- (3) *Queuing of vehicles.* Parking and circulation shall be designed to avoid the queuing of vehicles within the public right-of-way. Gates or other access limiting devices shall not be installed until the City finds that the devices will have no adverse impact on the public right-of-way.
- (4) *Circulation design.* Parking areas shall be so designed that circulation between parking bays or aisles occurs within the designated parking lot. Parking area design that requires backing into the public street is prohibited.
- (5) *Access to parking spaces.* All off-street parking spaces shall have access from private driveways or parking lot aisles and shall not depend on a public street for access to parking spaces or for circulation within the parking lot. Backing onto a public street from a parking space, other than for parallel parking spaces and 45 degree parking spaces in V-M, Village Mixed Use District, is prohibited. This requirement applies to parking for all uses except single and 2-family dwellings and townhouses where parking is accessed by individual driveways. The width of the driveways and aisles shall conform to the minimal dimensional requirements as regulated in Subsection 1001.19, Subd. 9 and shall be so located as to cause the least interference with traffic movement.
- (6) *Fire access lanes.* Fire access lanes shall be provided as required by the Building and Fire Code.
- (7) *Lighting.*
 - a. Any lighting used to illuminate an off-street parking area shall be not being directed upon the public right-of-way and nearby or adjacent properties.
 - b. The illumination must be indirect or diffused. Consideration should be given to provide lighting for pedestrians and vehicles. On-site lighting shall be provided as is necessary for security, safety and traffic circulation.
- (8) *Curbing.* All open off-street parking areas designed to have head-in parking along the property line shall provide a curb not less than 5 feet from the property line. The curbing requirement applies to parking in all uses except private single and 2-family dwellings and townhomes unless requested by the City Engineer for drainage purposes.
- (9) *Landscaping.* Landscaping design requirements and maintenance shall comply with Subsection 1001.24.
- (10) *Surface and drainage.* Off-street parking areas and driveways in Commercial or Industrial Districts shall be improved with a durable and dustless surface such as concrete or bituminous. The City may consider the use of permeable pavers, pervious asphalt, or other surface technology to improve stormwater management as part of an overall system. All surfacing for driveways in R-1, R-2, R-3, R-E, V-M, and H-M Districts furnishing access to a dwelling unit or garage and all parking areas shall be surfaced with concrete or bituminous material so as to be dust free. Off-street parking areas and driveways in A-1, A-2 and S-A Districts may be surfaced with a crushed rock material or other approved material. All surfacing must be completed prior to occupancy of the structure unless other arrangements have been made with the City. Parking lots and adjoining areas shall be graded and drained to dispose of all surface water accumulation within the parking area. Plans for surfacing and drainage shall be subject to approval of the City Engineer.
- (11) *Marking of spaces.* To assure full parking capacity as designed, except in single-family, 2-family, and townhouse development, spaces shall be marked with painted lines 4 inches wide in accordance with the approved site plan. Accessible parking spaces shall be marked with a symbol that is in accordance with the Americans with Disabilities Act.
- (12) *Signs.* No signs shall be located in any parking area except as necessary for orderly operation of traffic movement.
- (13) *Screening.* Screening of parking lots and driveways into parking lots shall be required as specified in Subsection 1001.24.
- (14) *Maintenance of off-street parking spaces.* It shall be the joint responsibility of the operator and owner of the principal use, uses, and/or building to maintain, in a neat and adequate manner, the parking spaces, drive aisles, landscaping, screening, and fences.
- (15) *Approval of parking plans.* Except for single-family and 2-family dwellings, before any construction occurs on any new, enlarged, reduced, reconfigured, or altered parking lot, plans for the parking lots shall require review and approval by the City through the site plan approval process. When the parking lot is in conjunction with an application for a new structure, expansion of an existing structure, or expansion of a use of land, parking lot plans shall be a part of the site plan review and approval process as specified in Subsection 1002.04. The parking lot plans shall be shown on a site plan drawn to scale and shall include: a layout of spaces, accessible spaces, drive aisles and access drives with dimensions; construction materials: grading and drainage; screening; landscaping; signage; lighting; and a tabulation of the number of spaces required relative to square footages of specific uses on the site and the number of spaces provided.

Subd. 3 Parking Provisions in Residential Districts.

The following provisions shall apply to parking in all Residential Districts unless otherwise stated.

(1) *Location of parking spaces and driveway aisles.*

a. *Same lot as principal building.* Required off-street parking space in all Residential Districts shall be on the same lot as the principal building, and multiple-family dwellings shall have their required parking within 200 feet of the main entrance to the principal building being served.

b. *Parking setbacks.*

1. *Front yard.* Off-street parking shall not be located in required front yards unless located on a designated driveway leading directly into a garage or 1 surfaced space located on the side of a driveway adjacent to the dwelling meeting the required driveway setback. The extra space shall be surfaced as required in Subsection 1001.14.

2. *Clear view triangle/corner lots.* On corner lots off-street parking shall not be located in the clear view triangle. The clear view triangle is formed by the curb lines or edge of street extended and the line connecting 55 feet from the intersection of the street edges or curb lines extended.

3. *Side or rear yards.* Off-street parking and driveways shall not be located within 5 feet of any side or rear lot line and cannot impede drainage. Off-street parking and driveways, if placed in an easement, must be approved in writing by the holder of the easement.

(2) *Use of parking facilities.* Not more than one oversized vehicle may be parked or stored outside, unless being used in conjunction with a temporary service including, but not limited to, a construction or remodeling project benefitting the premises or general loading or unloading. All vehicles in excess of a gross vehicle weight rating of 12,000 lbs. and/or 9 feet tall are prohibited from being parked or stored outside in residential districts unless being used in conjunction with a temporary service included, but not limited to, a construction or remodeling project benefitting the premises or general loading or unloading. This restriction shall not apply to recreational vehicles or for lots of 5 acres or more. Agricultural activities operating within an Agricultural District are exempt from the gross vehicle weight rating restrictions.

(3) *Screening of parking facilities.*

a. All parking and driveways to parking areas for multiple-family dwellings shall be screened, as required in Subsection 1001.24, from all adjacent property.

b. All parking and driveways to parking areas for non-residential uses in Residential Districts shall be screened, as required in Subsection 1001.24 from all adjacent property.

Subd. 4 Parking Provisions in Business Districts.

The following provisions shall apply in all Business Districts.

(1) *Same lot as principal building.* Required off-street parking spaces in all Business Districts shall be on the same lot as the principal building.

(2) a. Parking setbacks are stated in the zoning districts language found in Subsection 1001.06.

b. Side interior setback may be reduced to 0 feet if master planned and shared parking practices will be implemented.

(3) *Clear view triangle/corner lots.* On corner lots off-street parking shall not be located in the clear view triangle. The clear view triangle is formed by the curb lines or edge of street extended and the line connecting 55 feet from the intersection of the street edges or curb lines extended.

(4) *Exemptions.* Commercial uses zoned V-M (Village Mixed Use) are exempt from the off-street parking requirements of this chapter. Uses with requirements for substantial parking, e.g., theaters and restaurants, are encouraged to provide off-street parking for their patrons.

Subd. 5 Parking Provisions in Industrial Districts.

The following provisions shall apply in all Industrial Districts.

(1) *Same lot as principal building.* Required off-street parking space in all Industrial Districts shall be on the same lot as the principal building.

(2) Parking setbacks are stated in the zoning districts language found in Subsection 1001.06.

(3) *Clear view triangle/corner lots.* On corner lots off-street parking shall not be located in the clear view triangle. The clear view triangle is formed by the curb lines or edge of street extended and the line connecting 55 feet from the intersection of the street edges or curb lines extended.

(4) *Screening of parking facilities.* All parking and driveways to parking areas for multiple-family dwellings shall be screened, as required in Subsection 1001.24, from all adjacent property.

Subd. 6 Parking Design Requirements in all Business, Commercial, and Industrial Districts

(1) *Parking area design.* To break up the appearance of large impervious areas, all parking lots in Business, Commercial, Industrial and Multiple Family Residential Zoning Districts and non-residential uses in Residential Districts shall be subject to the following design standards.

a. Parking lot islands shall be required at the beginning and end of each parking row to break up longer rows.

- b. Continuous landscaped medians shall be provided every 3 (or fewer) banks of parking. Medians shall have a landscaped area at least 9 feet in width. Type and quantity of landscaping shall comply with Subsection 1001.24.
- c. Parking spaces shall not be located between the front facade line of buildings and a street edge.
- d. Parking areas greater than 50,000 square feet shall be divided both visually and functionally into smaller parking courts.
- e. Parking spaces and rows shall be organized to provide consolidated soft landscaped areas and opportunity for on-site stormwater management.
- f. Parking rows shall be limited to a maximum length of 22 spaces. Longer rows shall include landscaped breaks, such as islands, with shade trees.
- g. The total area calculated for landscaping within the parking lot is calculated as part of the overall landscape requirements of the site. In the event that a parking lot may not have adequate space for landscaping islands, the landscaped areas internal of the parking area and adjacent to the building may be counted towards the required landscaped percentages within a parking lot.
- h. Thirty-five percent of all parking spots in a parking lot must abut a landscaped area or a sidewalk.

(2) *Pedestrian circulation.* All parking lots in Business, Mixed Use, Industrial Zoning Districts shall be subject to the following standards to provide a safe pedestrian environment:

- a. Parking areas shall include a direct and continuous pedestrian network within and adjacent to parking lots to connect building entrances, parking spaces, public sidewalks, transit stops, and other pedestrian destinations.
- b. At least 1 pedestrian route shall be provided between the main building entrance and the public sidewalk that is uninterrupted by surface parking and driveways.
- c. In larger parking lots or where parking lots serve more than 1 building or destination, provide designated pedestrian pathways for safe travel through the parking lot.
- d. All pedestrian routes within a parking lot shall include a clear division from vehicular areas, with a change in grade, soft landscaping, or a change in surface materials.
- e. Where pedestrian routes cross street access driveways and other major drive aisles, crossings shall be clearly marked and sight distance for both pedestrian and vehicles shall be unobstructed.

(3) *Parking area island landscape standards.* All parking lot islands or medians in Business, Mixed-Use and Industrial Zoning Districts shall be landscaped in accordance with Subsection 1001.24.

(4) *Parking area stormwater management design requirements.*

- a. Rainwater and snowmelt shall be managed to encourage infiltration, evapotranspiration, and water re-uses to achieve water quality and quantity measures specified in the Surface Water Management Plan. Design practices for managing stormwater may include, but are not limited to, the following practices:
 - 1. Permeable paving for parking spaces, drive aisles, overflow parking, snow storage areas, and other hard surfaces in the parking lot.
 - 2. Restricting the use of impervious curbing in landscaped areas.
 - 3. Planting of trees, shrubs, and other absorbent landscaping throughout the parking lot to provide shade and places for water uptake.
 - 4. Creation of bio-retention areas, such as swales, vegetated islands, and overflow ponds.
 - 5. Inclusion of catch basin restrictors and oil/grit separators as appropriate.
 - 6. Creation of opportunities to harvest rainwater from rooftops and other hard surfaces for landscape irrigation.
- b. Where installed, bio-retention areas shall be appropriately designed and located to filter, store, and/or convey the expected stormwater flows from surrounding paved areas.
- c. Elm Creek Watershed District shall have final review and permitting authority for all surface water management measures proposed.

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.

Subd. 8 Off-Street Loading and Unloading Areas

(1) *Required loading berths.* In connection with any structure which is to be erected or substantially altered and which requires the receipt or distribution of materials or merchandise by vehicles, there shall be provided adequate space for loading and unloading all vehicles used incidental to the operation of the use as determined by the City. The size of the berths will depend upon the size of the vehicles to be used. Upon receiving an application for a particular use for a parcel or building which is not adequately provided with loading and unloading facilities, and which, in the opinion of the City, is to receive or distribute goods or services which will necessitate the use of trucking to the extent that special consideration should be given to the request, it shall be referred to the Planning Commission for study and the City Council for determination.

(2) *Location.* All required loading berths shall be off-street and shall be located on the same lot as the building or use to be served. A loading berth shall not be located less than 25 feet from the intersection of 2 street right-of-ways, nor less than 50 feet from a Residential District unless within a building. Loading berths shall not be located in a required front yard.

(3) *Access.* Each required loading berth shall be located with the appropriate means of vehicular access to a street or public alley in a manner that will least interfere with traffic.

(4) *Surfacing.* All loading berths and access ways shall be improved with a durable material to control the dust and drainage according to a plan approved by the City Engineer.

(5) *Other uses not allowed.* Any space allocated as a loading berth or access drive as required by this chapter shall not be used for the storage of goods, inoperable vehicles or be included as part of the space requirements necessary to meet the off-street parking area.

(6) *Screening.* Screening of loading areas, waste storage areas, and parking from pedestrian activity shall be required as provided in Subsection 1001.24.

Subd. 9 Minimum Parking Space and Aisle Dimensions

(1) *Table.* The parking dimensions for parking stalls, parking lots, and parking drive aisles shall meet the following:

Angle of Parking	Stall Width	Stall Length	Curb Length per Car	Stall Depth	Aisle Width One-Way	Aisle Width Two-Way
0 degrees (parallel)	10'	20'	23'	9'	12'	24'
30 degrees	10'	20'	18'	17'4"	12'	24'
45 degrees	10'	20'	12'9"	19'10"	13'	24'
60 degrees	10'	20'	10'5"	21'	18'	24'
90 degrees (perpendicular)	10'	20'	10'	20'	24'	24'

(2) *Parking stalls length reduction.* Parking stall length may be reduced to 18 feet if sufficient room is provided beyond the parking stall for automobile overhang. The overhangs shall not detrimentally impact or interfere with adjacent landscaping or pedestrian movement and shall be free from surrounding obstructions.

ITEM:

Consideration of an Amendment to Dayton City Code Sections 1001.03 and 1001.065, Related to Assisted Living/Nursing Home Facilities as an Allowable Use in the GMU-4, Balsam Lane General Mixed-Use District

PREPARED BY:

Hayden Stensgard, Planner II

BACKGROUND:

In December of 2025, the Planning Commission and City Council reviewed two separate concept review applications for assisted living/nursing home facilities along Balsam Lane in the GMU-4, Mixed Use District. Through the discussion, both the Planning Commission and City Council said they would support this as an allowable use within this zoning district. As such, staff has drafted an attached ordinance amendment to allow Assisted Living and Nursing Home Facilities within the GMU-4 district. City staff anticipates the two projects to submit for formal approval within the year 2026. In order for them to proceed, an amendment as proposed is required as a first step.

When considering whether this potential use would be included in this zoning district as a conditional or permitted use, staff looked at the similar uses currently allowed within the district. When doing this, one can see that multi-family dwellings, including apartments, condominiums, cooperatives, and townhomes (All require 8 units per acre minimum), are permitted uses within the district and do not require a Conditional Use Permit. While it is acknowledged that there may be more activity for public safety at a nursing home or assisted living facility, staff does not believe the difference between the types of multi-family uses warrant on requiring a Conditional Use Permit over the other. Thus, the draft ordinance amendment proposed nursing homes and assisted living facilities as a permitted use within this district, reflecting that of the other multi-family uses allowed. The Planning Commission and City Council certainly have the ability to propose a change to this.

CRITICAL ISSUES:

None

RELATIONSHIP TO COUNCIL GOALS:

Not specific to any City Council goals.

PLANNING COMMISSION

The Planning Commission is asked to review the proposed amendment, hold a public hearing, and consider providing a recommendation to the City Council on this matter.

RECOMMENDATION:

Staff recommends approval of the amendment as proposed. Staff believes that allowing this use as a permitted use, rather than conditional, aligns more closely with the GMU-4 district standards, as multi-family housing is allowed as a permitted use within the district. Staff see that standard multi-family uses can be more intense of a use than assisted living or nursing homes.

If the Planning Commission wishes to recommend this use as a conditional use, staff will adjust the draft ordinance accordingly prior to bringing it to the City Council for decision.

ATTACHMENT(S):

Draft Ordinance No. 2026-XX

Zoning Ordinance Section 1001.065, General Mixed-Use Districts

ORDINANCE NO. 2026-XX

**CITY OF DAYTON
HENNEPIN AND WRIGHT COUNTIES
STATE OF MINNESOTA**

**AN ORDINANCE AMENDING THE DAYTON ZONING AND SUBDIVISION CODE
RELATED TO ASSISTED LIVING FACILITIES IN THE GMU-4, BALSAM LANE
MIXED-USE DISTRICTS**

SECTION 1. AMENDMENT. Dayton City Code Section 1001.03 is hereby amended by adding the following underlined language and deleting the following strikethrough language, which reads as follows:

ASSISTED LIVING FACILITY. A multi-family structure that includes a special combination of housing, supportive services, personalized assistance, and health care designed to respond to the individual needs of people who need help with activities of daily living, but where the emphasis of the facility remains residential. Residents of assisted living facilities do not require hospitalization or skilled or intermediate nursing care associated with nursing home facilities, but do, because of their advanced age or other circumstance, require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation of a residence in the event of an emergency, or medication prescribed for self-administration.

SECTION 2. AMENDMENT. Dayton City Code Section 1001.065 is hereby amended by adding the following underlined language and deleting the following strikethrough language, which reads as follows:

Subd. 4 General Mixed Use District-4 (GMU-4): Balsam Lane.

(2) *Permitted uses.* The following uses are permitted uses in the GMU-4 District:

Dwelling, multiple family (apartment, assisted living facility, condominium, cooperative, nursing home, townhome) at a minimum of 8 units per acre.

SECTION 3. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Adopted by the City Council of the City of Dayton, this 27th day of January 2026.

Mayor Dennis Fisher

ATTEST:

Amy Benting, City Clerk

Motion by _____ Seconded by _____

Motion passed _____

Published in THE PRESS on _____.

DRAFT

Subd. 4 General Mixed Use District-4 (GMU-4): Balsam Lane.

(1) *Purpose.* The purpose of the General Mixed Use-4 (GMU-4) District is to provide an area for mixed-use development in a manner consistent with the goals of the Comprehensive Plan and the Mixed Use land use designation on Balsam Lane. A combination of retail, office, service and residential land uses are encouraged although not required. New residential uses may also be entirely residential. The mix of uses can occur vertically and horizontally. The placement of buildings and the relationship of the building, parking, landscaping, and pedestrian spaces is essential to creating the pedestrian-friendly environment envisioned for the GMU-4 District.

(2) *Permitted uses.* The following uses are permitted uses in the GMU-4 District:

Existing uses at the time of adoption of this subsection

Commercial day care center or pre-school

Convenience store without motor fuel sales

Convenience store with motor fuel sales meeting the following standards:

1. **Canopy height:** The total height of any overhead canopy or weather protection shall not exceed 20 feet in height.

2. **Vehicle storage:** No vehicle storage is permitted on site.

3. **Sales, rentals prohibited:** No sales or rental of motor vehicles or trailers or campers shall be permitted.

4. **Goods for sale:** All goods for sale by a motor fuel station convenience store other than commercial freezers for ice and petroleum based products required for the operation and maintenance of motor vehicles shall be displayed within the principal motor fuel station structure. No displays shall be permitted in required parking or driveway areas, landscape areas, required setback areas, or any right-of-way or other public property. Displays may be permitted on sidewalks, only if they leave at least 4 feet of sidewalk width available to pedestrians.

5. **Landscaping:** A minimum 10-foot landscaped yard shall be planted and maintained behind the property line along all public streets, A landscaped yard not less than 5 feet wide shall be maintained along exterior property lines.

6. **Motor fuel dispenser location:** Motor fuel dispensers shall be located at least 30 feet from a property line, and 100 feet from a residential zoning district property line.

7. **Hours of operation:** The hours of operation for a convenience store shall be limited to 6:00 a.m. to 11:00 p.m., unless extended by the Council as part of the conditional use permit.

8. All canopy lighting for motor fuel station pump islands shall be recessed or fully shielded. Pole lighting shall be downcast shielded lights on all faces. Reflected glare or spill light from all exterior shall not exceed 0.5 foot-candle measured on the property line when adjoining residential zones and 1 foot-candle measured on the property line when such line adjoins a similar zone and land use. Headlights shall be 100% screened at the property lines.

Dwelling, multiple family (apartment, condominium, cooperative, townhome) at a minimum of 8 units per acre.

Financial institutions (no drive-through)

Fitness center, health club

Food service uses (coffee shop, deli, and restaurant with no drive-through)

General office uses

General retail and services (without drive-through)

Lodging (Hotel)

Personal services (such as beauty shops, barber, spa, tailoring)

Professional and medical office and clinics

Public uses and services (post office, municipal buildings, and library)

Specialty schools

(3) *Permitted accessory uses.* The following uses are permitted accessory uses in the GMU-4 district:

Any incidental repair or processing necessary to conduct a permitted principal use as long as it does not occupy more than 30% of the gross floor area of the principal building.

Bus/Transit and Park and Ride facility

Essential service structure

Off-street parking and loading spaces as related in this Title

Public open space plazas, square or other related uses

Outdoor seating accessory to a restaurant, coffee shop or deli meeting the requirements in Section 12 below

Signs as related in this Title

Trash enclosure service structure

Structured parking

(4) *Conditional uses.* The following uses are permitted upon issuance of a conditional use permit:

Drive-through for permitted uses (food service uses, general retail and financial institutions) if provisions for stacking, vehicle maneuvering, outdoor speaker devices, appearance and lighting of outdoor menu boards and other related matters can be shown to be in keeping with the intent and character of the GMU-4 district and compatible with surrounding uses.

Tavern or liquor store

Theatre

Veterinary clinic, indoor kennel, pet grooming

(5) *Interim uses.* The following uses are interim uses in the GMU-4 district.

Farmers market

(6) *Lot size, setback, site design and height requirements:*

a. Minimum lot size requirements: The following minimum requirements shall be observed in the GMU-4 District subject to additional requirements, exceptions, and modifications set forth in this Chapter.

1. Minimum lot requirements:

(a) Lot size: no minimum for non-residential uses.

(b) Residential parcels shall maintain a lot size that is adequate for the design of the structure and proposed density.

2. Setbacks:

(a) Front-build-to-line. 15 feet minimum with a 30 feet maximum.

(b) Side. Non-residential uses: 10 feet; residential uses: 20 feet.

(c) Rear. Non-residential uses: 10 feet; residential uses: 20 feet.

3. Site design:

(a) Building frontage: At least 50% of the street frontage of any lot shall be occupied by building facades at the build-to-line.

(b) The building frontage requirement may be met either with an enclosed building or an arcade constructed with a permanent roof of the same materials as the remainder of the building.

(c) Buildings with frontage on a primary street shall orient front facades parallel to the primary street.

(d) Buildings shall have a clearly defined primary pedestrian entrance at street level. An exception will be permitted for residential uses to orient the primary entrance to the parking area while a secondary pedestrian entrance is provided at the street level.

(e) Drive-through or drive-in lanes are not allowed within the front of any buildings. They must be located to the side or rear of a building.

4. Building heights.

(a) The maximum building height shall be 3 stories (excluding underground parking). Any building height over 2 stories shall be by conditional use permit (CUP).

(7) *Parking requirements.*

a. Parking for residential units in the GMU-4 District shall be calculated as required in Section 1001.19 with a minimum of 50% of the required spaces provided underground (or tuck under in townhomes with a minimum of 480 square foot garage). The residential parking spaces shall be specifically reserved for the use of residents and visitors only, separate from any commercial, office or other uses on-site or nearby and shall not be counted as part of any shared parking or joint parking arrangement.

b. Parking for non-residential uses in the GMU-4 District shall be calculated under Section 1001.19.

c. To the extent practical, parking spaces shall be located on the side of structures opposite the primary street frontage or at the rear.

d. Sites must be designed to create interrelated vehicular and pedestrian access to adjacent uses, properties and

streets.

- e. Parking and drive aisle setbacks for side and rear yards shall be 5 feet.

(8) *Building design requirements.* To maintain the character of the mixed use area the GMU-4 District is subject to the following standards to reflect the character of the District.

- a. All new building fronts (single story or multi-story) shall include a minimum of 3 of the following elements:

1. Architectural detailing, such as cornice, awning, parapet, or columns;

2. A visually pleasing primary front entrance that, in addition to doors, shall be accented a minimum of 150 square feet around the door entrance for single occupancy buildings and a minimum of 300 square feet total for the front of multi-tenant buildings (this area shall be counted as one element). Entrances shall be clearly articulated and obvious from the street;

3. A minimum of 25% window coverage on each front that faces a street;

4. Contrasting, yet complementary material colors;

5. A combination of horizontal and vertical design features;

6. Irregular building shapes;

7. Horizontal offsets of at least 4 feet in depth;

8. Vertical offsets in the roofline of at least 4 feet;

9. Fenestration at the first floor level which is recessed horizontally at least 1 foot into the facade;

10. Other architectural features in the overall architectural concept.

b. Non-residential multi-story buildings shall have the ground floor distinguished from the upper floors by having 1 or more of the following:

1. Awning;

2. Trellis;

3. Arcade;

4. Window lintels;

5. Intermediate cornice line;

6. Brick detailing such as quoins or corbels.

c. Large, uninterrupted exterior wall surfaces are not permitted. No wall shall have an uninterrupted length exceeding 100 feet, without including at least 2 of the following: changes in roof plane, changes in color, texture, materials or masonry pattern, windows, or an equivalent element that visually subdivides the wall. In addition to these aforementioned elements, additional landscaping may be required.

d. Other design requirements.

1. Buildings shall provide a base and top to their architecture.

2. The tops of buildings shall be articulated to minimize the "box" like images.

3. Standard corporate style architecture shall be minimized at the discretion of the City Council.

e. Roof-mounted mechanical equipment, vents, and stacks shall be minimized and positioned so that they will not be seen from public rights-of-way or adjacent properties. If that is not possible, and the equipment is visible from public rights-of-way or adjacent properties, the equipment shall be screened with parapet walls or encasements colored similar to the building in a manner that eliminates reflections.

f. Major exterior materials of all walls including face brick, stone, glass, stucco, synthetic stucco, fiber cement vertical, horizontal or lap panel siding architectural concrete and precast panels shall be acceptable as the major exterior wall surface when they are incorporated into an overall design of the building. Major materials must cover at least 60% of the exterior.

g. Fiber cement seam lines shall be architecturally integrated into the building design so that they are not visible. Seam lines can be filled, covered by other accent material or other method thereby making the seam lines invisible. Color impregnated decorative block shall also be allowed as a major exterior wall material and shall be required to be sealed. All materials shall be color impregnated with the exception of architectural concrete precast panel systems and fiber cement siding that may be painted.

(9) *Screening.*

- a. Ground mechanical equipment. Ground mechanical equipment shall be 100% screened from contiguous

properties and adjacent streets by opaque landscaping, or screen wall compatible with the architectural treatment of the principal structure.

b. Trash enclosure service structure. All exterior trash enclosures or other accessory structures shall be constructed of the same materials and colors as the principal building.

c. Outdoor storage. There shall be no outdoor storage of either materials or products, except through the issuance of a conditional use permit.

d. External loading and service areas. External loading and service areas must be 100% screened from the ground-level view from contiguous residential or commercial properties and adjacent streets, except at access points.

e. Headlight screening. The light from automobile headlights and other sources shall be 100% screened whenever it may be directed onto adjacent residential windows.

(10) *Lighting.*

a. Decorative style downcast lighting a maximum of 20 feet in height shall be used to illuminate all site areas. Shoebox style shall be permitted in parking areas.

b. Lighting fixtures shall be compatible with the architecture of the building.

c. Wall-mounted lighting shall be used on building fronts to illuminate entry points and highlight architectural features.

(11) *Signage.* Signs in the GMU-4 district shall also be subject to the standards in Section 1001.

(12) *Outdoor seating for food service uses.*

a. Food service businesses, including but not limited to, bakeries, delicatessens, coffee and/or tea shops, and restaurants, may provide outdoor temporary seating for their patrons, provided that the following requirements are met and an annual incidental outdoor seating permit is approved by the Zoning Administrator:

1. The seating shall be located on private property.

2. The seating shall be of good patio or cafe type furniture that enhances the appearance of the business.

3. The outdoor seating area shall be defined with the use of landscaping, temporary fencing or other means that contains the tables and chairs for the use as demonstrated on a site plan and approved by City staff.

4. No alcoholic beverages or food shall be served to persons outside of the designated outdoor seating area.

Signage shall be posted that restricts consumption of alcohol outside of the designated outdoor seating area as approved by City staff.

5. Patrons shall access the outdoor seating area through the main entrance or host station and shall be seated by a staff person and all full service restaurants with wait staff service.

6. The seating shall be located so as not to compromise safety. Seating shall not obstruct the entrance or any required exits or be located on landscaping or parking areas. If located on private sidewalks or walkways, seating shall be located so as to leave a minimum of a 4-foot wide passageway for pedestrians.

7. No additional parking is required for 30 seats or less. If public parking is available either in a ramp or adjacent on-street, no additional parking is required. Any additional seating over 30 seats shall provide required parking based on 1 space per 3 seats. Shared parking will be considered and may be approved by staff.

8. Any proposed outdoor seating plan over 50 or more seats shall be by Conditional Use Permit.

9. All exterior sound equipment shall be shut-off at 10:00 p.m. as regulated in Section 1001.14.

10. Lighting shall be permitted to the extent that it only illuminates the designed area. Lighting cannot shine or cause a glare upon other public or private property outside the designated area or as permitted in Section 1001.14.

11. Any proposed outdoor seating area on property abutting an R-Residential zoning district shall be by Conditional Use Permit.

12. The business owner shall regularly clean the seating area so that it is litter-free.

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. Staff will summarize the discussion and bring forward to the City Council.

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:

PUBLIC HEARING: Amending Zoning Code, Section 1001.24, Landscaping and Screening

APPLICANT/PRESENTERS:

Jon Sevald, Community Development Director

PREPARED BY:

Jon Sevald, Community Development Director

BACKGROUND/OVERVIEW:

During the City Council's approval of the Telcom Site Plan review, the Council suggested that landscape standards are too restrictive, specifically regarding shrubs. The Planning Commission discussed this topic at its October 2, 2025 meeting, without a majority opinion to amend or not amend the City Code (1-1-2 opinion).

New development and new building plans require submittal of a landscaping plan. Specific to non-residential uses and districts, the City Code¹ states:

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.*

It is Staff's belief that applicants are mis-interpreting the City Code, that all four are required, not 3 of 4.

In practice during Site Plan review, the City Council has allowed landscape reductions without a Variance, in cases where the applicant meets the intent of the City Code, e.g. if adding trees and shrubs to comply with the requirements will lead to overcrowding of plantings.

Attached is a six-city comparison of how their requirements would apply to three Dayton projects (Kwik Trip, Scannell, Telcom). Champlin and Corcoran allow for substitution of ornamental trees and shrubs in place of overstory trees (different formulas for substitution). Otsego and Rogers require landscape plans but have no minimum number of plantings.

¹ City Code 1001.24, Subd 4(3) (Landscape Design Standards and Guidelines)

PLANNING COMMISSION MEETING

In summary, Dayton's shrub requirement is excessive in comparison to neighboring cities, but developers are not required to plant shrubs if they can meet the tree requirement (landscaping is required along the perimeter of buildings, which is likely to consist of shrubs).

CRITICAL ISSUES:

Minimum Standards

Referring to the six-city comparison, Dayton requirements are based on # of plants per sq ft of Open Area, whereas Champlin is based on Building Footprint. Thus, large lots with small buildings (e.g. Telcom) require a lot of landscaping. In comparison, Otsego and Rogers are up to the discretion of the City Council (no minimums).

The Planning Commission and City Council are encouraged to drive around the Kwik Trip on I-94 & Dayton Parkway, and consider if the amount of landscaping is appropriate, or if too much (compare Dayton Kwik Trips to Otsego's, Hwy 101 & 70th Street).

The Scannell and Telcom projects were not built. Because these were recently approved, they were included in the three-project comparison.

60/120-DAY RULE (IF APPLICABLE):

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

RELATIONSHIP TO COUNCIL GOALS:

None.

ROLE OF PLANNING COMMISSION:

Provide direction.

RECOMMENDATION:

Staff recommends the Planning Commission identify the problem that needs to be fixed, and continue the Public Hearing for a future meeting, allowing Staff time to prepare an Ordinance Amendment.

A Public Hearing Notice was published by THE PRESS on December, 25, 2025.

ATTACHMENT(S):

Dayton City Code 1001.24, Landscaping and Screening
City Codes from Champlin, Corcoran, Maple Grove, Otsego, & Rogers
Minimum Landscaping Standards, non-residential
Landscape Plans, Kwik Trip, Scannell, Telcom

Sec. 126-216. - Landscaping.

(a) *Minimum requirements.*

- (1) For commercial districts, at least 25 percent of the land area shall be landscaped with grass, approved ground cover, shrubbery, and trees.
- (2) For industrial districts, at least 25 percent of the land area within industrial lots that are located around the perimeter of industrial areas and viewable from major arterial roadway corridors shall be landscaped with grass, approved ground cover, shrubbery, and trees. At least 15 percent of the land area within industrial lots located in the interior of industrial areas shall be landscaped.
- (3) For commercial and industrial districts, the boulevard area shall be maintained on all city and county roadways by the property owner. The boulevard ground cover shall be similar to that stated in subsections (a)(1) and (a)(2) of this section.
- (4) The following minimum standards shall be required:
 - a. Overstory deciduous trees: 2 1/2-inch diameter;
 - b. Ornamental trees: 1 1/2-inch diameter;
 - c. Coniferous trees: eight feet tall; and
 - d. Major shrub planting: five gallon.
- (5) In order to achieve landscaping which is appropriate in scale with the size of a building and site, the following minimum standards shall apply to all commercial and industrial developments:
 - a. One tree for every 1,000 square feet of total building floor area or one tree for every 50 feet of site perimeter, whichever is greater. A minimum of 30 percent of the trees required will be coniferous;
 - b. One ornamental tree can be substituted for every 0.6 overstory deciduous shade tree. In no case, shall ornamental trees exceed 50 percent of the required number of trees; and
 - c. One understory shrub for every 300 square feet of building or one shrub for every 30 feet of site perimeter, whichever is greater.

(b) *Additional landscape requirements for properties fronting Highway 169.* In addition to minimum site planting, screening, and parking lot requirements, the following will be required for every 100 feet of frontage along Highway 169:

- (1) One three-inch minimum, overstory deciduous tree;
- (2) Two ten-foot minimum, coniferous trees; and
- (3) Two two-inch minimum, ornamental trees may be substituted for every one deciduous overstory tree.

(c) *Interior parking area landscaping.*

- (1) All parking areas containing over 150 stalls shall include unpaved, landscaped islands that are reasonably distributed throughout the parking area to break up the expanses of paved areas.
- (2) All parking areas less than 150 stalls shall include unpaved, landscaped islands along driving aisles that serve as primary circulation to the site. In addition, landscaped islands shall be provided every 225 feet or less of uninterrupted parking stalls.
- (3) All landscaped islands shall contain a minimum of 180 square feet and shall be provided with deciduous shade trees, ornamental or evergreen trees, plus ground cover, mulch, and/or shrubbery, in addition to the minimum landscape requirements of this ordinance. Interior parking landscaped area trees shall be provided at the rate of one tree for each 15 surface parking spaces provided or a fraction thereof. Parking area landscaping shall be contained in planting beds bordered by a raised concrete curb or equivalent approved by the planning commission.

(d) *Credit for large trees.* The total number of required overstory trees may be reduced by one-half tree for each new deciduous tree measuring 4 1/2 inches or more in diameter, or each new coniferous tree measuring 18 feet or more in height. In no event, however, shall the reduction be greater than 25 percent of the total number of trees required.(e) *Credit for existing trees.* The total number of required new overstory trees may be reduced by the retention of existing overstory trees; provided that the following conditions are satisfied:

- (1)

Such trees fulfill the minimum requirement of this section as to size and species. The community development director shall recommend to the planning commission the amount of the credit for such existing trees based upon their location and distribution in the lot; and

- (2) Proper precautions to protect trees during development shall be indicated on grading plans submitted for plan review. These precautions shall be included in the landscape survey.
- (f) *Landscape yard credit.* A landscape yard credit shall be given to a site plan which contains exterior sculptures, fountains, decorative walks, additional ponds beyond those required for storm drainage purposes, courtyards, and decorative accent lighting for the building. The community development director will recommend a credit be given on a case-by-case basis, depending upon the nature and scope of such a facility proposed for credit.
- (g) *Grass and ground cover.* All open areas of a site not occupied by building, parking, walkways, or storage shall be grass or approved ground cover. Ground cover shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within 12 months after planting, with proper erosion control during plant establishment period. Exception to this is undisturbed areas containing natural vegetation that can be maintained free of foreign and noxious materials.
- (h) *Slopes and berms.*
 - (1) Final slope grades steeper than 3:1 will not be permitted without special approval of treatment such as terracing or retaining walls.
 - (2) Earth berm screening parking lots and other open areas shall not have slopes exceeding 3:1. A minimum two-foot berm is required.
- (i) *Placement of plant materials and utilities.*
 - (1) All required screening or buffering shall be located on the lot occupied by the use, building, facility, or structures to be screened. No screening or buffering shall be located on any public right-of-way or within eight feet of the traveled portion of any street or highway.
 - (2) All utilities are required to be underground. Plant materials shall be located to provide reasonable access to all utilities.
- (j) *Maintenance.* The property owner shall be responsible for replacement of any dead trees, shrubs, ground covers, and sodding. If any plant materials are not maintained or replaced, the city shall maintain or replace said plant materials and assess the property for the costs thereof.
- (k) *Irrigation.* Underground irrigation shall be required in all industrial and commercial districts.
- (l) *Performance surety.* The owner shall provide the city with cash, corporate surety bond, approved letter of credit or other surety satisfactory to the city to guarantee the proper installation and vigorous growth of all landscape elements and screening required herein. Said surety shall remain in effect for two full growing seasons. The first year, the amount of surety will be equal to 110 percent of the estimated costs of plant material, installation, and tree preservation. The second year, said surety will be equal to 25 percent of the estimated costs of plant material, installation, and tree preservation. Further:
 - (1) A growing season shall include the period May 1 through October 31;
 - (2) The two-year guarantee period for plant material installed after June 1 shall commence the following year; and
 - (3) Lots provided with an irrigation system covering 100 percent of the area improved with landscaping need only provide a surety for one growing season.

(Code 1977, § 13-111.7)

1060.070 – LANDSCAPING

Subd. 1. Purpose. The purpose of this Ordinance is to provide for a diversity of landscaping plant materials and design elements within the City through the establishment of minimum standards for landscape plans and maintenance requirements for required landscaping.

Subd. 2. Required Landscaping and Maintenance. Prior to approval of a building permit, all semi-public, non-residence uses, and residential developments of four units or more, shall be subject to a mandatory landscape plan and specification requirements. Residential developments of less than 4 units shall not require a landscape plan but shall be required to install a minimum number of trees as outlined in this Section, item G.

- A. The landscape plan shall be developed with an emphasis upon the boundary or perimeter of the proposed site at points adjoining other property and the immediate perimeter of the structure.
- B. Required Ground Cover. The lot area remaining after providing for off-street parking, off-street loading, sidewalks, driveways, building site and/or other requirements shall be sodded or seeded and mulched within 30 days of building occupancy or a financial guarantee shall be provided to guarantee said installation.
- C. Required Plantings. In addition to required ground cover specified in Subd. 2(B) above and exclusive of required buffering or screening, all new development shall be landscaped using ornamental grass, shrubs, trees or other acceptable vegetation or treatment generally used in landscaping within one year following the date of building occupancy. Where landscaping is required as part of City approvals, any plant material that is diseased or dies shall be replaced with a like kind of the original size. No landscaped area shall be used for the parking of vehicles or for the storage or display of materials, supplies or merchandise, unless specifically approved by the City.
- D. Minimum Size Requirements. All plants must at least equal the following minimum size:

Table 1 – Minimum Plant Size Requirements	
	Potted/Bare Root or Balled and Burlapped
Shade Trees (overstory)	2.5-inch diameter
Ornamental Trees (understory)	1.5-inch diameter
Evergreen Trees (overstory)	4-6 feet high
Tall Shrubs and Hedge Material (deciduous or coniferous)	3-4 feet high
Low Shrubs (deciduous)	5 gallon

- E. Spacing. 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 based on the judgment of the City staff.
- F. Types of Plantings. The landscape plan shall be reviewed by City staff to ensure that appropriate plant materials are used to accomplish the intent of the landscaping, including screening where required.
- G. Number of Plantings. The minimum number of plantings on any given site shall be as follows:
 - 1. Residential uses shall provide a minimum of one overstory tree per dwelling unit.
 - 2. Non-Residential Uses. Non-residential uses shall contain at a minimum:
 - a. One overstory tree per 1,000 square feet of gross building floor area or one tree per 50 lineal feet of site perimeter, whichever is greater.
 - b. One understory shrub for each 300 square feet of building or one tree per 30 lineal feet of site perimeter, whichever is greater.
 - 3. Understory Trees. Up to 50 percent of the required number of overstory trees may be substituted with the use of understory trees in combination with other design elements. In such cases, not less than 3 understory trees shall be provided for each one required overstory tree substituted.
 - 4. At the sole discretion of the City, a portion of the total number of required trees for any development may be planted at a public location when it is determined by the City that site constraints or existing vegetation limit the ability to plant on site. Cash fees based on the estimated cost of materials and installation of required

materials may be substituted for public location planting at the discretion of the City.

5. No more than 33 percent of the required number of trees shall be of one species.

H. Irrigation. Underground irrigation shall be required on all new multi-family and non-residential development where municipal water is available.

I. Landscape Guarantee. All new plants shall be guaranteed for 2 full years from the time planting has been completed. All plants shall be alive and in satisfactory growth at the end of the guarantee period or be replaced per the approved plan. Security in the form of letter of credit or cash shall be provided to guarantee the installation per the approved plan.

J. Required Screening and Buffering.

1. Buffer Yards.
 - a. Definition. For the purpose of this Section, a buffer yard shall be a land area containing landscaping, berms, fences, or some combination thereof used to promote orderly transition between developments and to minimize the adverse impacts of differing land uses. Buffer yards shall be preserved in perpetuity by an easement or an outlot.
 - b. Required Buffer Yard. A buffer yard shall be required when a developing property is adjacent to or across a local street from property in a less intensive zoning district.
 - i. The buffer yard standards only apply to the parcels abutting the conflicting zoning district.
 - ii. Parcels within the same development are not required to adhere to the buffer yard requirements. The buffer yard requirement applies only to the perimeter of the development.
 - iii. A buffer yard shall not be required for new developments adjacent to or across a local street from a permanently undevelopable parcel, such as an outlot for stormwater ponds, but shall be required adjacent to outlots that may be developed in the future.

Subd. 1 Purpose and Objectives.

The preservation of existing trees and vegetation as well as the planting of new trees and vegetation can significantly add to the quality of the physical environment of the community. This section provides for the health, safety and welfare of the residents of the City and is intended to:

- (1) Promote the reestablishment of vegetation in urban areas for aesthetic, health and urban wildlife reasons;
- (2) Establish and enhance a pleasant visual character which recognizes aesthetics and safety issues;
- (3) Promote compatibility between land uses by reducing the visual, noise and lighting impacts of specific development on users of the site and abutting uses;
- (4) Unify development, and enhance and define public and private spaces;
- (5) Promote the retention and use of existing vegetation;
- (6) Aid in energy conservation by providing shade from the sun and shelter from the wind;
- (7) Reduce flooding and erosion by stabilizing soils with trees and vegetation; and
- (8) Work in conjunction with the tree preservation ordinance.

Subd. 2 Landscaping Plan.

A landscaping plan shall be submitted at the time of site plan/preliminary plat review for any:

- (1) New development or new building construction in any commercial, industrial, single-family residential, multiple-family residential, public/institutional or planned unit development.
 - a. Modification or expansion of a building or improvements to a site that affect greater than 10% of the existing non-residential structure/site, and/or when there is a change in land use. Landscaping requirements shall be applied to those portions of the site that are directly affected by the proposed improvements, or change in land use, as determined by the Zoning Administrator. In all cases appropriate screening and buffering shall be provided for the entire site.
 - b. No building permit for any non-single family residential construction shall be issued until a landscape plan, if necessary, is approved and a security is obtained by the City.

Subd. 3 General Plan Requirements.

Landscape plans for new developments shall be prepared by a landscape architect or other qualified person acceptable to the Zoning Administrator at a legible scale and shall include the following:

- (1) Boundary lines of the property with accurate dimensions;
- (2) Locations of existing and proposed buildings, parking lots, islands, sidewalks, roads and other features or improvements affecting and screening of the site;
- (3) Proposed grading plan with 2-foot contour intervals;
- (4) Location, size and common name of all existing significant trees at least 6 inches in diameter or greater as measured 54 inches above the ground. (For changes to developed sites, the location, size and common name of all trees and shrubs on the site must be identified.);
- (5) A planting schedule containing symbols, quantities, common and botanical names, size of plant materials at installation and full maturity, root condition and special planting instructions;
- (6) Planting details illustrating proposed locations of all new plant materials;
- (7) Locations and details of other landscape features including berms, screening, fences and planter boxes;
- (8) Details of restoration of disturbed areas including areas to be sodded or seeded;
- (9) Location and details of irrigation systems; and
- (10) Details and cross-sections of all required screening.

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:

	Potted/Bare Root	Balled and/or Burlapped
	Potted/Bare Root	Balled and/or Burlapped
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 ginko;
 - 5. Norway Maple;
 - 6. Species of Ash;
 - 7. Amur Maple;
 - 8. Russian Olive;
 - 9. Block 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.

Subd. 6 Parkway Landscaping.

The following requirements shall apply to all lots abutting parkways and the ground area within the street right-of-way.

(1) The abutting property owner shall be responsible for improving and maintaining the ground surface of the parkway boulevard with turf or other plant material and parkway trees.

(2) Parkway trees shall be provided not more than 20 feet apart in the right-of-way adjacent to the parcel and within the median of the parkway.

- (3) A variety of over-story species should be included in the planting plan for a specific development.

Sec. 36-805. - Required landscaping.

- (a) *Applicability.* All development except single-family detached and two-family shall comply with the requirements of this section.
- (b) *Landscape plans.* Landscape plans shall be prepared by a landscape architect or other qualified individual acceptable to the department of community development. Landscape plans shall be drawn to a scale of not less than one inch equal to 50 feet and shall include the following information:
 - (1) Location, approximate size and common name of existing trees and shrubs.
 - (2) Planting schedule containing:
 - a. Symbols.
 - b. Quantities.
 - c. Common names and botanical names.
 - d. Size of plant materials.
 - e. Root condition (balled and burlapped, bare root, container, etc.).
 - f. Special planting instructions.
 - (3) Planting details illustrating proposed locations of all new plant material.
 - (4) Locations and details of other landscape features, including, but not limited to, berms, fences and planter boxes.
 - (5) Location and details of irrigation systems.
 - (6) Details and cross sections of all required screening.
 - (7) Such other information as the city may require.
- (c) *Minimum requirements.* All areas of a lot which are not used or improved for buildings, parking areas, driveways or storage areas shall be landscaped with a combination of overstory trees, understory trees, shrubs, ground cover and flowers.
 - (1) *Minimum number of overstory trees.* The minimum number of overstory trees on a lot shall be the figure determined by dividing by 40 the number of feet in the perimeter of the lot. Overstory trees include, but are not limited to, those listed in Extension Folder 298-1974, published by the Agricultural Extension Service of the University of Minnesota, except those listed as "Trees—Small—under 25 feet."
 - (2) *Understory trees and shrubs.* In addition to the required number of overstory trees, a full complement of understory trees and shrubs such as, but not limited to, those listed as "Trees—Small—under 25 feet" in Extension Folder 298-1974, published by the Agricultural Extension Service of the University of Minnesota, shall be provided as determined by the city council so as to complete a quality landscape treatment of the site.
 - (3) *Minimum size and root condition of required overstory trees.*
 - a. The trunks of deciduous trees shall be at least 1½ inches in diameter breast height.
 - b. Coniferous trees shall be at least five feet in height.
 - c. All plant materials shall meet minimum standards as stated in the American Association of Nurserymen Publication No. ANSI Z60.1-1980, titled "American Standard for Nursery Stock."
 - (4) *Species.*
 - a. Trees which are considered as half trees, small upright trees, small spreading trees, shrubs, understory trees or ornamental trees shall not be included in the count of required overstory trees.
 - b. Not more than 20 percent of the total number of overstory trees shall be composed of one genus.
 - c. No required overstory trees shall include:
 - 1. Any species of the genus *Ulmus* (elm), except that such species may be allowed if proof, acceptable to the city, is submitted showing that the proposed trees are resistant to Dutch elm disease. Such proof shall originate from, or be supplied by, a nursery approved by the department of community development or a college or university conducting research on Dutch elm disease, or an equivalent source.
 - 2.

Box elder (*Acer negundo*), Ash (any tree of the genus *Fraxinus*), Amur maple (*Acer ginnala*), Norway maple (*Acer platanoides*), Russian olive (*Elaeagnus angustifolia*), Black locust (*Robinia pseudoacacia*), female Ginko (*Ginkgo biloba*).

d. No shrub shall include Japanese barberry (*Berberis thunbergii*), Siberian peashrub (*Caragana arborescens*), Tatarian honeysuckle (*Lonicera tatarica*), Common buckthorn (*Rhamnus cathartica*), Glossy buckthorn (*Rhamnus frangula*).

e. All plant materials shall be indigenous to the hardiness zone of the area in which the city is located.

(5) *Ground cover.* All unimproved portions of a lot shall be sodded to the curb or street surface, except that:

a. Areas reserved for future city-approved building expansions may be seeded.

b. Undisturbed areas containing existing viable natural vegetation which can be maintained free of weeds may be left undisturbed.

c. Seeding may be used when the city determines sod is not practical or desirable, in areas 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).

1. Seeding shall be confined to the rear yard area of a lot.

2. On any lot on which a building is located as the principal use of the property, seeding shall not be used within 50 feet of the building.

3. For purposes of the surety required in subsection (k) of this section, seeding will be considered properly installed and vigorously growing when it looks like healthy sod.

(d) *Credit for large trees.* The total number of required overstory trees may be reduced by one-half tree for each new deciduous tree measuring 4½ inches or more in diameter, or each new coniferous tree measuring ten feet or more in height, which is planted on the lot. In no event, however, shall this credit result in a reduction in the total number of required trees by more than 25 percent. Measurements shall be taken as set forth in subsection (c)(3) of this section.

(e) *Credit for existing trees.* The total number of required new overstory trees may be offset by the retention of existing overstory trees on the lot, provided that such trees satisfy the requirements of subsection (c) of this section as to size and species. The department of community development shall recommend to the planning commission the amount of the credit for such existing trees based upon their location and distribution on the lot.

(f) *Parking lot planting islands.* Planting islands within parking lots shall be required to visually break up expanses of hard-surface parking areas, to allow safe and efficient traffic movement, and to define rows of parking. Planting islands shall be landscaped and shall occupy at least four percent of the parking area.

(g) *Irrigation system.* All affected properties shall install and maintain an irrigation system upon the property serving at least all turfed areas thereon, whether sodded or seeded.

(h) *Interference with utilities.* The location of landscaping improvements required in this section shall be such that their placement and size at maturity will not interfere with any existing underground or overhead utility system or public right-of-way.

(i) *Protection of existing vegetation during construction.* All existing vegetation to be saved upon a lot under development shall be protected from damage and/or destruction occurring as a result of activity which takes place during the construction process. No soil or other material shall be allowed to accumulate or be placed near any such vegetation in such a manner that the deterioration or death of such vegetation may result.

(j) *Maintenance.* The owner of a lot upon which landscaping or screening is required by this Code shall maintain all plant materials in a sightly and healthy growing condition and promptly replace all dead or dying plant material. Plant materials located within the boulevard area shall be similarly maintained by the abutting property owner. If any plant material in the boulevard is not maintained or replaced as required in this subsection, the city may maintain or replace the plant material and assess the abutting property for the costs thereof.

(k) *Performance surety.* The owner shall provide the city with cash, an approved letter of credit or other surety satisfactory to the city to guarantee the proper installation and vigorous growth of all landscaping elements and screening. Such surety shall remain in effect for two years after the actual installation of the materials and shall be in an amount equal to 100 percent of the estimated cost of material and installation of all proposed landscaping.

11-19-2: LANDSCAPING:

- A. Generally: Landscaping of all properties shall be installed and maintained in accordance with section 5-2-3 of this Code.
- B. New Residential Subdivision, Semipublic, And All Income Producing Property Uses:
 - 1. Single-family dwelling units shall provide a minimum of two (2) deciduous shade trees per lot.
 - 2. All other uses shall be subject to mandatory landscape plan and specifications with a landscape plan required to be developed and installed with an emphasis upon the following areas:
 - a. The boundary or perimeter of the proposed site at points adjoining other property.
 - b. The immediate perimeter of the structure.
 - c. The perimeter of parking and loading areas.
 - 3. All landscaping incorporated in said plan shall conform to the following standards and criteria:
 - a. Approved Plants Required: Plantings suitable for complying with this chapter shall be as approved by the Zoning Administrator.
 - b. Minimum Size: All plants must at least equal the following minimum size in conformance with American Nursery Association standards measured from the top of the ball or container to the top of the tree/shrub or bottom of the evergreen leader:

	Potted/Bare Root Or Balled And Burlapped
	Potted/Bare Root Or Balled And Burlapped
Evergreen trees (evergreen or deciduous)	3 feet to 4 feet high
Low shrubs:	
Deciduous	24 inches to 30 inches
Evergreen	24 inches to 30 inches
Spreading evergreen	18 inches to 24 inches
Ornamental trees	1 1/2 inch diameter
Shade trees	2 inch diameter
Tall shrubs and hedge material (evergreen or deciduous)	3 feet to 4 feet high
 - c. Spacing:
 - (1) Plant material centers shall not be located closer than three feet (3') from the fence line or property line and shall not be planted to conflict with public plantings based on the judgment of the Zoning Administrator.
 - (2) Where plant materials are planted in two (2) or more rows, plantings shall be staggered in rows unless otherwise approved by the Zoning Administrator.
 - (3) Where massing of plants or screening is intended, large deciduous shrubs shall not be planted more than four feet (4') on center, and/or evergreen shrubs shall not be planted more than three feet (3') on center.
 - d. Design:
 - (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, etc., which are largely intended for aesthetic purposes).
 - (2) All areas within the property lines (or beyond, if side grading extends beyond) shall be treated. All exterior areas not paved or designated as drives, 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 two to one (2:1) are prohibited unless approved by the Zoning Administrator.
 - (4) All ground areas under the building roof overhang must be treated with a decorative mulch and/or foundation planting.
 - (5) All buildings must have an exterior water spigot to ensure that landscape maintenance can be accomplished.
 - e. Landscape Guarantee: All new plants shall be guaranteed for one year from the time planting has been completed. All plants shall be alive and in satisfactory growth at the end of the guarantee period or be replaced by the property owner.
 - f. Tree Preservation: Prior to the issuance of building permits for all new and/or expanded multiple-family residential, commercial, industrial and institutional uses, a tree preservation plan shall be submitted. The plan and its implementation shall be in accordance with the City's adopted tree preservation guidelines and requirements as outlined in the subdivision ordinance, as may be amended, and shall be subject to review and approval of the City Engineer and Zoning Administrator. The Zoning Administrator

may exempt an applicant from the submission of a tree preservation plan upon demonstration that a tree preservation plan is not considered relevant to the site in question. (Prior Code § 20-19-2)

Sec. 125-90. - Landscaping and Tree Preservation

(a) *Landscaping.*(1) *Landscaping.*

- a. All properties within the City subject to subdivision, development or redevelopment, or renovation shall be subject to the requirements of this Section.
- b. The front, side and rear yards of each site not utilized for building, parking (where permitted) or other improvements shall be landscaped utilizing an effective combination of street trees, grass, ground cover and shrubbery. Undeveloped areas in the interior of the site shall be seeded with appropriate grasses and maintained neat and orderly so as to control dust on sites. All tree trimmings, stumps, and construction debris shall be promptly removed and not be accumulated or stored on-site.

(2) *Open areas.*

- a. All open areas of developed lots which are not devoted to buildings, patios, off-street parking, loading and driving areas shall be irrigated and landscaped with grass ground cover, trees, shrubs or other ornamental landscape material except that natural grasses and vegetation for undeveloped portions of the lot reserved for future expansion is allowed providing the portions of lot are kept free of litter, debris, and noxious or unsightly weeds. All areas used for parking, circulation, display, storage or open sales shall be paved with asphalt or concrete. Concrete curbing shall be used in the collection of stormwater runoff and protection of all landscaped areas. Crushed rock is not a permitted material in any zoning district other than AG or R1 for areas used for circulation, open sales display or storage.

(3) *Planting plan.*

- a. A planting plan shall be submitted with development and redevelopment applications. The planting plan shall be prepared on the proposed site grading plan and shall indicate the location, quantity and common name of all proposed plantings as well as other pertinent landscape features such as retaining walls, berms, swales, lighting, irrigation extents etc. Plantings specified in this Section represent minimum requirements.

(4) *Planting requirements, minimum size.*

- a. The landscape plan shall be reviewed by City staff to ensure that appropriate plant materials are used to accomplish the intent of the landscaping, including screening where required. Size requirements are presented in Table 26. Planting Size Requirements.

TABLE 27. PLANTING SIZE REQUIREMENTS

Tree Type	Minimum Size
Shade Trees (overstory)	2.5-inch caliper
Ornamental Trees (understory)	1.5-inch caliper
Evergreen Trees (overstory)	4-6 feet
Tall Shrubs and Hedge Material (deciduous or coniferous)	3-4 feet
Low Shrubs (deciduous)	5 gallon

- (b) *Tree and woodland preservation.* The following restrictions shall apply to all residential development occurring in wooded areas:

- (1) Structures shall be located in such a manner that the maximum number of trees shall be preserved.
- (2)

Prior to the granting of a building permit, it shall be the duty of the person seeking the permit to demonstrate that there are no feasible or prudent alternatives to the clear-cutting of trees on the site and that if trees are cut, the person will restore the density of trees to that which existed before development but in no case shall the person be compelled to raise the density above 10 trees per acre.

- (3) Forestation, reforestation or landscaping shall utilize a variety of tree species and shall not utilize any species presently under disease epidemic. Species planted shall be hardy under local conditions and compatible with the local landscape.
- (4) A tree inventory will be prepared.

Minimum Landscaping Standards, non-residential

	Building		Lot			Open Space
	Lot Area	Net Area	Footprint	Perimeter	Impervious	
Kwik Trip #1187	447,509	447,509	14,383	3,240	243,692	203,817
Scannell	612,834	578,365	126,000	3,612	290,342	322,492
Telcom	366,903	316,777	26,096	2,733	145,079	221,824

Champlin				Corcoran				Dayton				Maple Grove				Otsego				Rogers			
Overstory Trees	Ornamental Trees*	Evergreen Trees	Shrubs	Overstory Trees**	Ornamental Trees***	Evergreen Trees**	Shrubs	Overstory Trees	Ornamental Trees	Evergreen Trees	Shrubs	Overstory Trees**	Ornamental Trees****	Evergreen Trees**	Shrubs*****	Overstory Trees	Ornamental Trees	Evergreen Trees	Shrubs	Overstory Trees	Ornamental Trees	Evergreen Trees	Shrubs
101	13	22	108	72	-	72	108	68	136	68	2,038	41	-	40	-	-	-	-	-	-	-	-	-
882	113	189	420	630	-	630	420	107	215	107	3,225	45	-	45	-	-	-	-	-	-	-	-	-
183	23	39	91	131	-	131	91	74	148	74	2,218	34	-	34	-	-	-	-	-	-	-	-	-

*Champlin: assumes substituting Ornamental Trees for 50% of Evergreen Trees

**Corcoran, Maple Grove: Overstory = both deciduous and coniferous. Assumes Overstory Trees = half deciduous and half coniferous.

***Corcoran: Allows understory trees to substute up to 50% of overstory trees (3 ornimental for every overstory tree substituted.

****Maple Grove: TBD by City council

Otsego and Rogers: No minimum standards for # of plantings

PLANT SCHEDULE

PLANT SCHEDULE		CONT	SIZE	SIZE	TONY
SYMBOL CODE BOTANICAL / COMMON NAME					
TREES					
AB	Acer freemanii 'Autumn Blaze' / Autumn Blaze Maple	8 & 8	2.5'CH	11	
BB	Betula nigra 'Cully TM' / Heritage Birch	8 & 8	2.5'CH	17	
IM	Gleditsia triacanthos 'Imperial' / Imperial Honey Locust	8 & 8	2.5'CH	16	
QA	Populus tremuloides / Quaking Aspen	8 & 8	2.5'CH	9	
SO	Quercus bicolor / Swamp White Oak	8 & 8	2.5'CH	11	
RP	Quercus robur x var 'Long' / Regal Prince Oak	8 & 8	2.5'CH	19	
PE	Ulmus americana 'Princeton' / American Elm	8 & 8	2.5'CH	8	
CONIFERS					
BF	Abies balsamea / Balsam Fir	8 & 8	6'	15	
NS	Picea abies / Norway Spruce	8 & 8	6'	12	
BS	Picea glauca densata / Black Hills Spruce	8 & 8	6'	9	
WP	Pinus strobus / White Pine	8 & 8	6'	10	
GROUND COVERS					
SB	MNDOT Seed Mix Southern Boulevard / Formerly MNDOT seed mix 25-131	Seed			
SSR	MNDOT Seed Mix Southern Shortgrass Roadside / Formerly MNDOT Seed Mix 35-223/36-211	Seed			
WD	MNDOT Seed Mix Wet Ditch / Formerly MNDOT Seed Mix 33-261	Seed			
TURF HSG	Turf Sod Highland Sod / Sod	Seed			

DAYTON LANDSCAPE CODE

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.

REQUIRED	PROPOSED
LANDSCAPE AREA FOR I-1 (25%):	
TOTAL SITE AREA (612,834 SF) - WETLANDS 1.8 & 2 (72,350 SF) + WETLAND IMPACT AREA (4,531 SF) = 545,015 SF NET AREA	136,253 SF 198,231 SF
INTERNAL PARKING LOT LANDSCAPE (3%) 47,476 SF	1,425 SF XXX SF
RECALCULATIONS (136,253 SF OF REQUIRED LAND AREA) PICK 3 ONE OVERSTORY TREE PER 3,000 SF OF LAND AREA	46 46
ONE CONIFEROUS TREE PER 3,000 SF OF LAND AREA	46 46
ONE SHRUB PER 100 SF OF LAND AREA	52 52
ONE SHRUB PER 100 SF OF LAND AREA	1,362 1,362

PARKING LOT TREES: 146 PARKING STALLS
ONE OVERSTORY TREE PER 10 PARKING STALLS.

15 15**

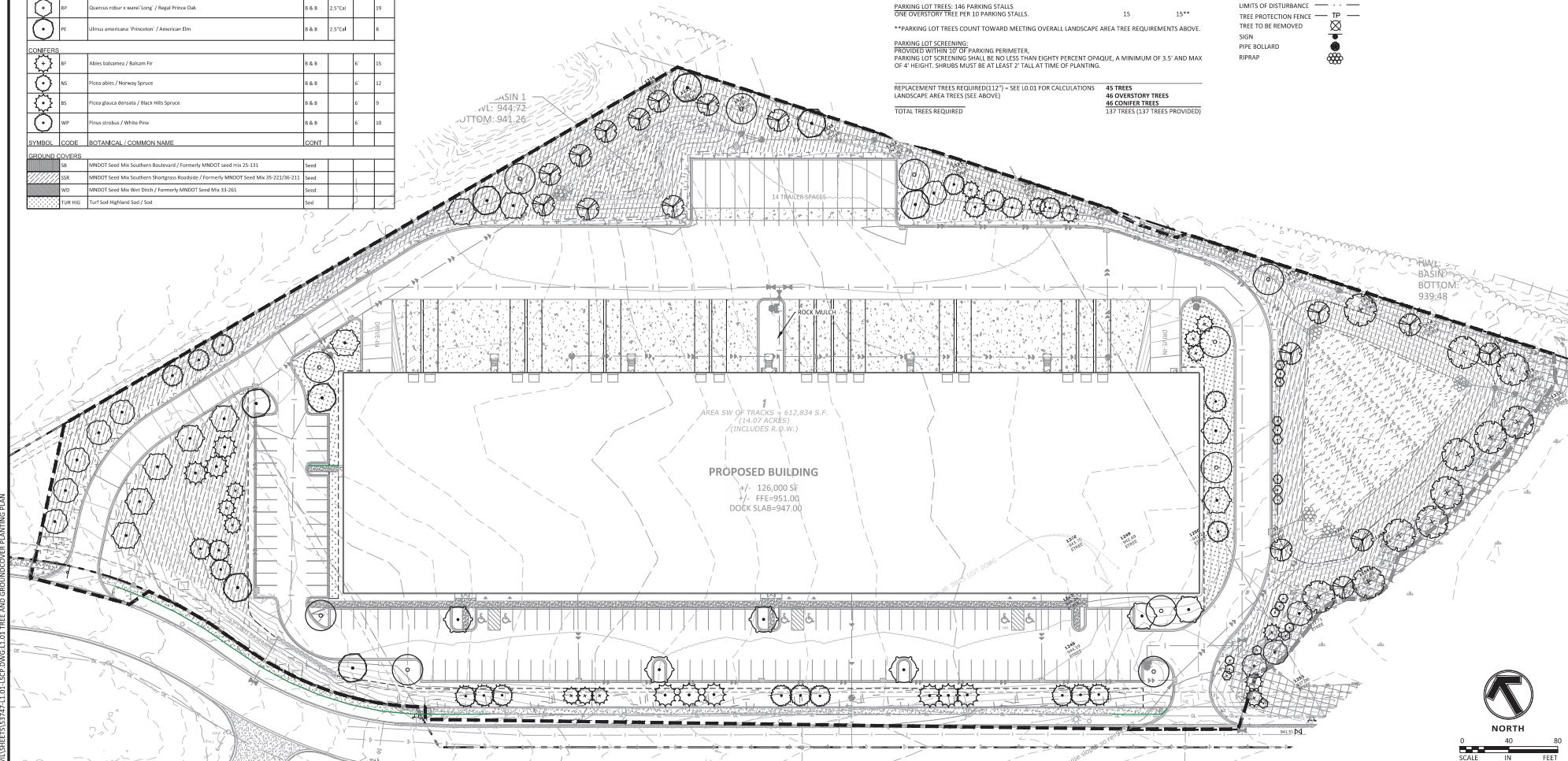
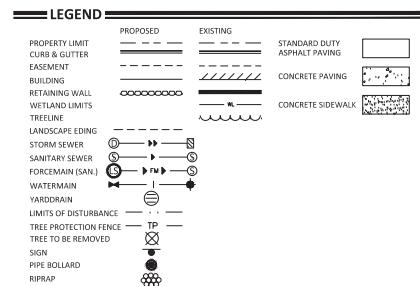
**PARKING LOT TREES COUNT TOWARD MEETING OVERALL LANDSCAPE AREA TREE REQUIREMENTS ABOVE.

PARKING LOT SCREENING:
PROVIDE 80% OVERSTORY SCREENING PERIMETER
PARKING LOT SCREENING SHALL BE NO LESS THAN EIGHTY PERCENT OPAQUE, A MINIMUM OF 3.5' AND MAX OF 4' HEIGHT. SHRUBS MUST BE AT LEAST 2' TALL AT TIME OF PLANTING.

REPLACEMENT TREES REQUIRED (112+) = SEE 10.01 FOR CALCULATIONS
LANDSCAPE AREA TREES (SEE ABOVE)

45 TREES
45 OVERSTORY TREES
46 CONIFER TREES
137 TREES (137 TREES PROVIDED)

TOTAL TREES REQUIRED



NO DATE BY CXD APPR COMMENT

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly licensed Landscape Architect under the laws of the State of Minnesota.
Print Name: _____

Date _____ License # _____

PRELIMINARY
DESIGN REVIEW
PERMIT SUBMITTAL
CONSTRUCTION DOCUMENTS

DRAWN BY
DESIGNED BY
CHECKED BY
PROJECT NO.
53747

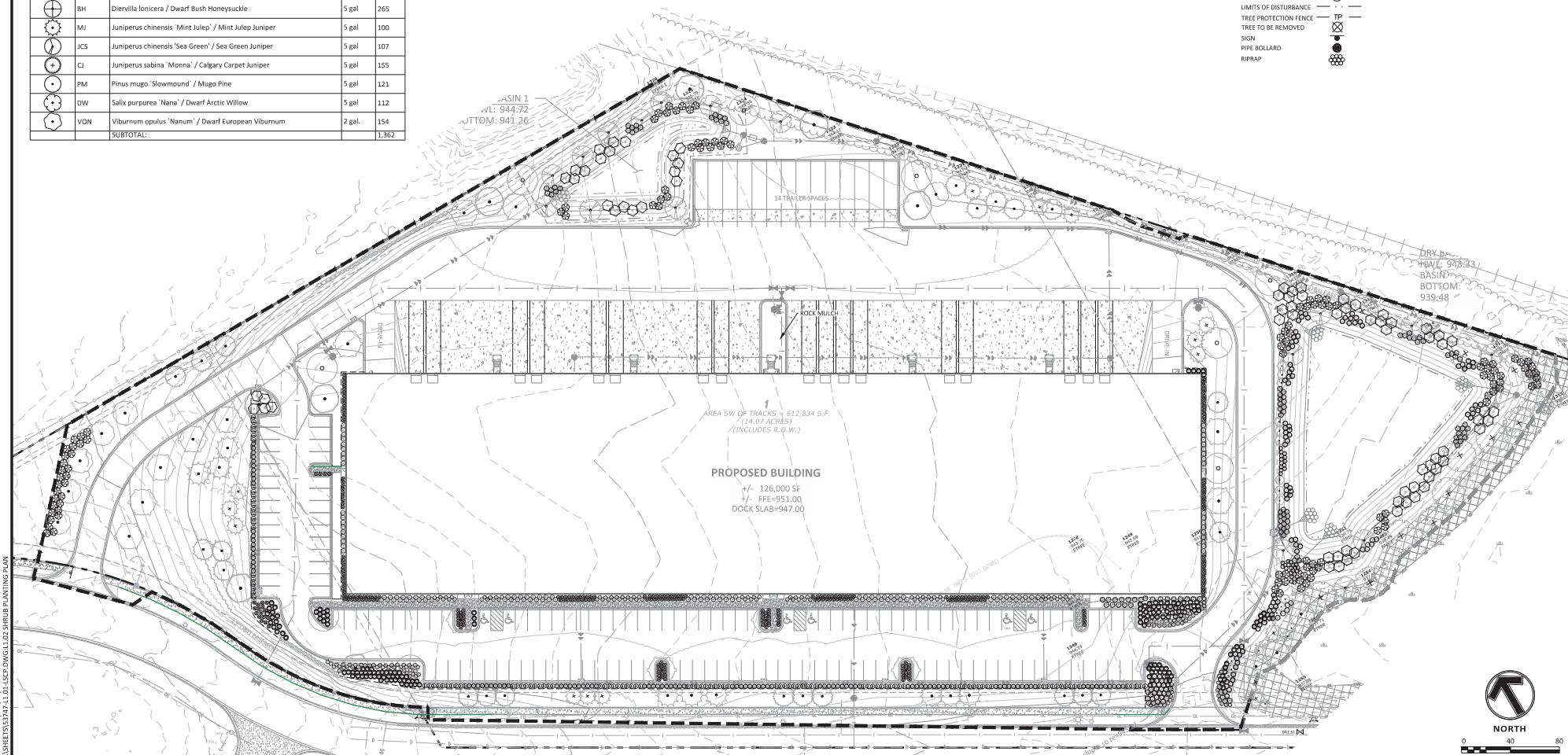
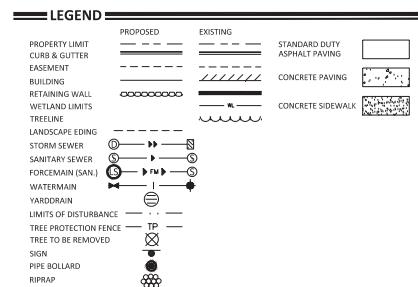
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TREE AND GROUNDCOVER PLANTING PLAN
SCANNELL PROPERTIES
DAYTON INTERCHANGE BUSINESS CENTER
PERMIT SUBMITTAL
DAYTON, MN

SHEET
L1.01
26 OF 28
REV.

PLANT SCHEDULE

PLANT SCHEDULE		CONT	QTY
SYMBOL	CODE	BOTANICAL / COMMON NAME	
SHRUBS			
○	BC	Aronia melanocarpa 'Autumn Magic' / Autumn Magic Black Chokeberry	5 gal 113
+	CR	Clethra alnifolia 'Ruby Spice' / Ruby Spice Clethra	5 gal 35
○/○	YD	Cornus alba 'Bud's Yellow' / Bud's Yellow Dogwood	5 gal 115
○/○	RD	Cornus baileyi / Bailey's Red-twig Dogwood	5 gal 74
○/○	CD	Cornus sericea 'Alleman's Compact' / Dwarf Red Twig Dogwood	5 gal 11
○/○	BH	Diervilla lonicera / Dwarf Bush Honeysuckle	5 gal 265
○/○	MU	Juniperus chinensis 'Mint Julep' / Mint Julep Juniper	5 gal 100
○/○	JCS	Juniperus chinensis 'Sea Green' / Sea Green Juniper	5 gal 107
○/○	CJ	Juniperus sabina 'Monna' / Calgary Carpet Juniper	5 gal 155
○/○	PM	Pinus mugo 'Slowmound' / Mugo Pine	5 gal 121
○/○	DW	Salix purpurea 'Nana' / Dwarf Arctic Willow	5 gal 112
○/○	VON	Viburnum opulus 'Nanum' / Dwarf European Viburnum	2 gal. 154
SUBTOTAL:			1,362



NO DATE BY CXD APPR COMMENT

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly licensed Landscape Architect under the laws of the State of Minnesota.

Print Name: _____

Date _____ License # _____

PRELIMINARY

DESIGN REVIEW

PERMIT SUBMITTAL

CONSTRUCTION DOCUMENTS

DRAWN BY

DESIGNED BY

CHECKED BY

PROJECT NO.

53747

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SHRUB PLANTING PLAN

SCANNELL PROPERTIES
DAYTON INTERCHANGE BUSINESS CENTER
PERMIT SUBMITTAL
DAYTON, MN

SCALE

0 40 80

FEET

SHEET

L1.02

27 OF 28

REV.

ITEM:

PUBLIC HEARING: Amending City Code 1001.28, Administration and Enforcement

APPLICANT/PRESENTERS:

Jon Sevald, Community Development Director

PREPARED BY:

Jon Sevald, Community Development Director

BACKGROUND/OVERVIEW:

Staff maintain a list of topics and ordinances to be reviewed as time allows. It is Staff's intent that times be introduced to the Planning Commission for discussion on light Agenda months.

In July 2025, the Planning Commission/City Council reviewed a Site Plan for 17400 113th Avenue (Spanier) for a 780 sq ft office addition onto a 2,600 sq ft building (30% addition), and associated parking and landscape improvements. Included in the discussion was why does the city require a Site Plan Review for this small addition?

Site Plan approval by the City Council is required for "*prior to the issuance of any permits for new development or building construction/expansion in any Non-Residential Zoning District.*"¹

The question for the Planning Commission/City Council is what is the minimum threshold where a project should be reviewed by the Commission/Council, vs administratively approved through the Building Permit process?

For comparison:

Champlin	City Council Site Plan approval required for "major alteration of a structure" [undefined], excluding one and two family dwellings and residential accessory buildings. ²
Maple Grove	Community Development Director Final Site Plan approval required for developments (except single and two family dwellings, PUD's and park/trail facilities). ³ Approvals are valid for one year. The City Council may grant an extension.
Rogers	City Council Site Plan approval required for all new developments except single-family detached and two-family attached dwellings. ⁴ Minor Site Plan amendments of previously approved Site Plans may be approved by the Zoning Administrator . Minor amendments include

¹ Dayton City Code 1001.28, Subd 3 (Final Site Plan and Building Plan Regulations)

² Champlin City Code 126-99 (Site Plan Approval)

³ Maple Grove City Code, Division 3, Sec. 36-85 (Purpose). Sec. 36-87(b)(2) (Procedure for review and approval; Submission).

⁴ Rogers City Code 125-27 (Site Plan); (b) (Exceptions); (c) (procedures)

PLANNING COMMISSION MEETING

building additions ≤ 10% of the building or site area, and which meet all ordinance requirements.⁵

Otsego **City Council** Site Plan approval required except for single-family. Zoning Administrator may approve site and building modifications if not expanding principal building or any increase in intensity of the use or site.⁶

The EDA discussed this topic at its July 15, 2025 meeting as part of its review of the Spanier Site Plan Review. The EDA recommended that the City Council review this section of the Code (Site Plan Review). Some on the EDA feel that requiring City Council approval of a Site Plan Review is a hinderance to businesses, and that plans should be administratively approved (and consider reducing design standards).

The Planning Commission discussed this topic at its November 6, 2025 meeting, recommending an Amendment to allow Administrative Approval for building additions of 10% or 5,000 sq ft, (whichever is less), if within 5-years of a previously approved Site Plan Review.

The proposed Amendment states:

§1001.28 RULES AND ENFORCEMENT

Subd. 3 Final Site Plan and Building Plan Regulations

(4) Revisions. Minor changes to final site and building plans approved by the City Council may be made by the Zoning Administrator, provided that the changes do not involve the following Minor changes include:

- a. An increase in floor area of structures not exceeding 10% of the total floor area or 5,000 sq ft (whichever is less) within any 5 year period and within 5-years from the date of a previously approved Site Plan;*
- b. Does not require a Variance from any zoning ordinance requirement;*
- c. Does not Echange in exterior building material;*
- d. Does not include Significant changes in the character, function or appearance of the site plan; and*
- e. Does not include Alteration of any condition attached or modification to the final site and building plans made by the City Council.*

CRITICAL ISSUES:

City Council approval

The Council can require items in excess of the minimum City Code requirements, if there is a nexus, e.g. the requirement is related to mitigating a potential nuisance. The City Council has more flexibility than Staff.

Administrative approval

Staff's requirements are based on the minimum requirements of the City Code.

⁵ Rogers City Code Sec. 125-127 (Site Plan); Sec. 125-128 (Site Plan Amendment)

⁶ Otsego City Code 11-9-2 (Application of Provisions)

PLANNING COMMISSION MEETING

60/120-DAY RULE (IF APPLICABLE):

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

RELATIONSHIP TO COUNCIL GOALS:

None.

ROLE OF PLANNING COMMISSION:

Provide a recommendation for Approval or Denial.

RECOMMENDATION:

Staff recommends Administrative Approval of Site Plans in which a building addition or site improvement is \leq 10% of a previously approved Site Plan (similar to Rogers) and is \leq 1,000 sq ft (building addition). In the case of the Spanier project, the building addition equaled a 30% addition, but less than 1,000 sq ft (Administrative Review).

Requiring City Council approval of minor alterations can add 4-6 weeks onto permit reviews.

A Public Hearing Notice was published by THE PRESS on December 25, 2025.

ATTACHMENT(S):

Ordinance
Various City Codes

Ordinance No. 2026-__

**City of Dayton
Counties of Hennepin and Wright
State of Minnesota**

**AN ORDINANCE AMENDING CITY CODE, SECTION 1001.28
ADMINISTRATION AND ENFORCEMENT**

SECTION 1. AMENDMENT. Dayton City code Chapter 1001 is hereby amended by adding the following underlined language and deleting the following ~~strikethrough~~ language, which reads as follows:

§1001.28 RULES AND ENFORCEMENT

Subd. 3 Final Site Plan and Building Plan Regulations

- (1) **Applicability and the approval process.**
 - a. Final site and building plans shall be approved by the City Council prior to the issuance of any permits for new development or building construction/expansion in any Non-Residential Zoning District.
 - b. Prior to consideration for approval, the City Council shall receive a report from the Planning Commission and the staff, specifying any recommended modifications to the final site and building plans.
 - c. At the time of approval of final site and building plans, the City Council may modify final site and buildings plans and specify any additional development standards necessary to assure that the proposed development meets the intent of the zoning district and to assure that the proposed development is appropriately related to adjoining public streets and adjacent land uses.
- (2) **Content.** The developer shall submit final site and building plans, which include the following information:
 - a. A location map which indicates property ownership surrounding the proposed development and existing and future land uses;
 - b. Maps of existing and proposed site features at a scale of 1 to 50 or larger which indicate topography in 2 foot contours; building outlines; structures, location of significant vegetation; location of streets, drives, and parking areas; and other significant features;
 - c. Detailed drawings of all proposed structure elevations, including signs. Proposed exterior materials and colors shall be noted on the elevation drawings;
 - d. Proposed floor plans for all floor levels, including locations of electrical, mechanical and gas metering equipment, and storage areas for trash and recyclable materials;
 - e. A landscape plan indicating location, size and type of tree, shrub and groundcover species, screening, fencing, provisions for plant material watering and luminaire locations;
 - f. A circulation plan indicating pedestrian and vehicular movement systems. This plan shall also include service access and screening for receiving, truck loading area, and trash removal;

- g. A lighting and photometric plan showing fixture height and type, and lighting levels in foot candles;
- h. A rooftop equipment and screening plan and elevation drawings of rooftop equipment and screening. Rooftop equipment shall not be visible from ground level views from the property, from adjacent property or from adjacent streets;
- i. A drainage, grading, utilities, and erosion and sedimentation control plan. The plans shall comply with the requirements of this Code, local watershed requirements and state regulations;
- j. Identification of all wetlands on the site, copies of documents completed in making the wetlands identification, qualifications of the person performing the identification, a description of any wetlands which are to be burned, filled, or drained pursuant to the development, and a wetland mitigation and replacement plan if burning, filling, or draining of wetlands is to occur. The requirement of the documentation may be waived in instances where it is determined from aerial photographs, the National Wetlands Inventory, on-site observation, or other pertinent information that the site contains no wetlands;
- k. A written report completely describing the proposal and indicating covenants or agreements which will influence the use and maintenance of the proposed development; and
- l. Any other information deemed necessary by the City Council in order to evaluate plans.

(3) Findings. The City Council shall find the following prior to the approval of final site and building plans.

- a. The proposed development is not in conflict with the Comprehensive Plan;
- b. The proposed development is not in conflict with the zoning district provisions;
- c. The proposed development is compatible with existing and anticipated future development; and
- d. Conform to the exterior building material requirements of the Zoning Code.

(4) Revisions. Minor changes to final site and building plans approved by the City Council may be made by the Zoning Administrator, ~~provided that the changes do not involve the following. Minor changes include:~~

- a. An increase in floor area of structures not exceeding 10% of the total floor area or 5,000 sq ft (whichever is less) within any 5 year period and within 5-years from the date of a previously approved Site Plan;
- b. Does not require a Variance from any zoning ordinance requirement;
- c. Does not ~~E~~change in exterior building material;
- d. Does not include ~~S~~ignificant changes in the character, function or appearance of the site plan; and
- e. Does not include ~~A~~lteration of any condition attached or modification to the final site and building plans made by the City Council.

(5) Standard conditions. All approved final site plans and building plans shall meet the following standard conditions, unless specifically waived by the City Council:

- a. All fire lanes, and fire apparatus access road as defined by the Dayton Fire Department, must be maintained in good condition, kept clear and have "No Parking - Fire Lane" signs installed.

- b. All new and remodeled non-residential buildings, including additions shall be equipped with a fire sprinkler system as approved by the Dayton Fire Marshal.
- c. A building collapse zone shall be defined on the site as established by the Dayton Fire Marshal.
- d. A minimum 1 hour rated fire wall shall separate attached side-by-side residential dwelling units. All multiple story multi-family residential apartments or condominiums shall be equipped with a fire sprinkler system as approved by the Dayton Fire Marshal.
- e. Handicap parking stalls and access shall be noted on the site plan and installed on the site as per State Code requirements.
- f. Any vehicles parked on the premises shall be in good working order and currently licensed in accordance with state law.
- g. All parking, storage areas, and driveways shall be paved to a specification approved by the City Engineer.
- h. All drainage and storm water plans are subject to review and approval by the City Engineer and/or the Elm Creek Watershed Management Commission.
- i. All proposed lighting shall be downcast style only, and subject to review and approval by the City before installation.
- j. If applicable, hours of operation shall be as defined by the City Council.
- k. A letter of credit, in a form acceptable to the City, is required for site improvements, including but not limited to: roads, sidewalks, trails, utility and/or septic system installation, parking lot paving, curbing, and landscaping. City staff to determine the amount of the letter of credit and is typically set at 150% of the estimated cost for the improvements.
- l. Landscaping must be maintained in good condition and is subject to City review periodically.
- m. No building or structure may be constructed on the site unless the structure was identified on the approved site plan.
- n. No business parking for employees shall be allowed on public streets, unless approved as part of a conditional use permit.
- o. The use of loudspeakers, bells, buzzers or whistles, is limited to the Industrial Districts and must conform to noise regulations. Intercoms may be used as part of a drive-up facility. Use of the equipment is allowed only under a conditional use permit.
- p. No occupancy of the building(s) may be permitted until the City has granted a final certificate of occupancy. Final inspections may include the following staff members: Building Official/Building Inspector, Fire Marshal, City Engineer, and Zoning Administrator. No certificate of occupancy may be granted until all conditions applicable to the proposed development have been satisfied or a suitable financial guarantee and agreements are in place and acceptable to the City to complete all required improvements.
- q. Joint access and circulation agreements/easements will be required when contiguous non-residential properties front on collector or arterial streets.
- r. No part of any non-residential structure shall be used for living quarters, unless approved by the City Council.

s. All new developments, including redevelopments, will require underground utilities as part of the approved final site and building plan.

(6) Development proposals. On development proposals requiring site plan review pursuant to this Subsection, the City Council upon the recommendation of the Planning Commission shall act with respect to variances from this chapter proposed by the site plan.

SECTION 2. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage and publication as required by law.

Adopted by the City of Council of the City of Dayton on this 27th day of January, 2026.

Dennis Fisher, Mayor

ATTEST:

Amy Benting, City Clerk

Motion by _____. Second by _____.
Motion approved.

Published in THE PRESS on _____.

Sec. 126-99. - Site plan approval.

Champlin

It is the policy of the city to preserve and promote an attractive, stable residential and business community through encouraging well conceived and quality developments. Before commencing the construction of a major alteration of a structure, the conversion of a single-family home into a commercial use in the old town area, or the construction of a new structure, except one-family and two-family dwellings used for residential occupancy and building accessories thereto, a planning application must be made for site plan approval from the city council in accordance with the procedures of section 126-100.

(Code 1977, § 13-108.1)

Sec. 126-100. - Procedure for approval.

- (a) A plan approval application must be initiated by the owner of the subject property or by his authorized agent. The applicant must fill out and submit a site plan approval application to the city planner. The application must be filed at least four weeks prior to the next regular meeting of the planning commission.
- (b) The city planner will refer the matter to the planning commission by placing the application on the agenda of the commission's next regular meeting. The city planner may, with the approval of the chairperson of the planning commission, place the application on the agenda for a special meeting.
- (c) The planning commission shall report its recommendations to the city council. If recommendations are not transmitted by the planning commission, the city council takes action without recommendations.
- (d) The applicant or his agent shall appear at every meeting of the planning commission and the city council to answer questions regarding the plans and to furnish such information as may be required.
- (e) The city planner following the planning commission's action upon the application and following the city council's action upon the application shall give the applicant written notice of the action. A copy of this notice shall be kept on file as a part of the permanent record of the application.

(Code 1977, § 13-108.2)

1070.050 – SITE PLAN

Subd. 1. Purpose. The purpose of this Section is to establish a formal site plan review procedure and provide regulations pertaining to the enforcement of site design standards consistent with the requirements of this Chapter.

Subd. 2. Site Plan Approval. Site plan approval is required for all development, except the following:

- A. Agricultural uses and tree farms in the A and RR districts.
- B. Single family detached dwellings.
- C. Two family attached dwellings.

Subd. 3. Sketch Plan.

- A. Prior to filing a formal application, applicants may present a sketch plan to the Zoning Administrator. The plan shall be conceptual in nature but shall be drawn to scale and shall contain at a minimum the following:
 1. Location map showing the location within the City and more detailed locations on half-section plat maps showing all perimeter property lines.
 2. Aerial photograph of the area.
 3. General location of all identified natural resources and wetland inventories on and abutting the premise.
 4. General location of existing and proposed structures.
 5. Tentative access, circulation and street arrangements, both public and private.
 6. Amenities to be provided such as recreational areas, open space, walkways, parking, landscaping, etc.
 7. A representative example of the style of structures to be constructed.
 8. Proposed public sanitary sewer, water and storm drainage.
 9. A general statement of concept, identifying the intent of the project and compatibility with the surrounding area.

10. Extent of and any proposed modifications to land within the Overlay Districts as described and regulated in Section 1050.
11. Any other items as may be deemed necessary by City staff.

B. The Zoning Administrator shall refer the sketch plan to the City Council for discussion, review, and informal comment. Any opinions or comments provided to the applicant by the Zoning Administrator and/or City Council shall be considered advisory only and shall not constitute a binding decision on the request.

C. Request for sketch plan review and comment shall be filed with the Zoning Administrator on an official application form.

(Ord. 286, passed 9-25-14)

Subd. 4. Application Process. An application for site plan approval shall be approved or denied pursuant to Minnesota Statutes 15.99. Additional City requirements are as follows:

A. Request for site plan approval. As provided within this Chapter, request for approval be filed with the Zoning Administrator on an official application form. A non-refundable fee as provided for in the City Code shall accompany such application. Detailed written and graphic materials, the number and size as prescribed by the Zoning Administrator, fully explaining the proposed change, development, or use, shall also accompany such application. The request shall be considered as being officially submitted and complete when the applicant has complied with all the specified information requirements.

B. Proof of Ownership or Authorization. The applicant shall supply proof of ownership of the property for which the site plan approval is requested or supply written authorization from the owner(s) of the property in question to proceed with the requested site plan approval.

C. Procedures.

1. The Zoning Administrator shall instruct the appropriate staff persons to prepare technical reports where appropriate, and provide general assistance in preparing a recommendation on the action to the Planning Commission and the City Council.
2. The Planning Commission and City staff shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony with the consent and

at the expense of the applicant concerning operational factors. Said information is to be declared necessary to evaluate the request and/or to establish performance conditions in relation to all pertinent sections of this Chapter. Failure on the part of the applicant to supply all necessary supportive information may be grounds for denial of the request.

3. The applicant or their representative may appear before the Planning Commission in order to present information and answer questions concerning the proposed request.
4. The Planning Commission shall recommend such actions or conditions relating to the request as they deem necessary to carry out the intent and purpose of this Chapter.
5. The City Council shall not consider a site plan application until they have received a report and recommendation from the Planning Commission and City staff.
6. Upon receiving the report and recommendation of the Planning Commission, the City Administrator shall schedule the application for consideration by the City Council. Such reports and recommendations shall be entered in and made part of the permanent written record of the City Council meeting.
7. The applicant or their representative may appear before the City Council in order to present information and answer questions concerning the proposed request.
8. Approval of a request shall require passage by a majority vote of the entire City Council.

Subd. 5. Evaluation Criteria. The Planning Commission and City Council shall evaluate the effects of the proposed site plans. This review shall be based upon, but not be limited to, compliance with the City Comprehensive Plan and provisions of the Zoning Ordinance.

Subd. 6. Information Requirement. Every application must contain the following written and graphic materials in the number and size as required by the Zoning Administrator:

- A. The applicant shall submit electronic files in a manner specified by the City. The applicant may appeal directly to the City Council for a waiver of this requirement for applications for a single family home. No waiver shall be granted under this subsection unless the Council finds that the

applicant and his surveyor do not have ready, economical access to the technology required to comply with the filing requirement.

B. Location, address (if assigned), legal description, and Hennepin County property identification number (P.I.N.) of the parcel.

C. Site Plan

1. Name and address of developer/owner.
2. Name, address and Minnesota registration number of architect/designer/engineer.
3. Date of plan preparation.
4. Dates and description of all revisions.
5. Name of project or development.
6. Scale of plan (engineering scale only, at one inch equals 50 feet or less). All plan sheets shall be prepared using the same scale.
7. North point indication.
8. Site data computations including lot dimension, area, and building coverage percentage.
9. Required and proposed setbacks.
10. Location, setback and dimension of all buildings on the lot including both existing and proposed structures.
11. Total number of proposed dwelling units, if any.
12. Location of all adjacent buildings, improvements and natural resources located within 100 feet of the exterior boundaries of the property in question.
13. Adjacent roadway widths.
14. Location, number, and dimensions of existing and proposed parking spaces.
15. Location, number, and dimensions of existing and proposed loading spaces.

16. Curb cuts, driveways.
17. Vehicular circulation.
18. Sidewalks, walkways.
19. Site lighting plan.
20. Sign Plan.
21. Location of recreational and service areas.
22. Location of rooftop equipment and proposed screening.
23. Provisions for storage and disposal of waste, garbage, and recyclables.
24. Existing and proposed utility easements and fire hydrants.
25. Location, sizing, and type of water and sewer system mains and proposed service connections.

D. Grading/Storm Water Drainage Plan

1. Existing contours at 2-foot intervals.
2. Proposed grade elevations, 2-foot maximum intervals.
3. Drainage plan including configuration of drainage areas and calculations.
4. Impervious surface area calculation.
5. Storm sewer, catch basins, invert elevations, type of castings, and type of materials.
6. Spot elevations.
7. Proposed driveway grades.
8. Surface water ponding and treatment areas.
9. Erosion control measures.
10. Location of proposed street lights, as well as utilities, including electricity, gas, telephone, and CATV.

E. Landscape Plan

1. Planting Schedule (table) containing:
 - a. Symbols.
 - b. Quantities.
 - c. Common names.
 - d. Botanical names.
 - e. Sizes of plant material.
 - f. Root specification (bare root, balled and burlapped, potted, etc.).
 - g. Special planting instructions.
2. Location, type and size of all existing significant trees to be removed or preserved.
3. Planting detail (show all species to scale at normal mature crown diameter or spread for local hardiness zone).
4. Typical sections in details of fences, tie walls, planter boxes, tot lots, picnic areas, berms and the like.
5. Typical sections of landscape islands and planter beds with identification of materials used.
6. Details of planting beds and foundation plantings.
7. Note indicating how disturbed soil areas will be restored through the use of sodding, seeding, or other techniques.
8. Delineation of both sodded and seeded areas with respective areas in square feet.
9. Coverage plan for underground irrigation system, if any.
10. Where landscape or man-made materials are used to provide screening from adjacent and neighboring properties, a cross-through section shall be provided showing the perspective of the site from the neighboring property at the property line elevation.

11. Other existing or proposed conditions which could be expected to affect landscaping.

F. Other Plans and Information

1. Proof of ownership of the land for which site plan approval has been requested.
2. Current Survey (within one year of application date).
3. Architectural elevations of all principal and accessory buildings (type, color, and materials used in all external surfaces).
4. "Typical" floor plan and "typical" room plan.
5. Fire Protection Plan.
6. Extent of and any proposed modifications to land within the Wetland, Shoreland or Floodplain District as described and regulated in Sections 1050.010, 1050.020, and 1050.030.
7. Type, location and size (area and height) of all signs to be erected upon the property in question.
8. Certification that all property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the application relates have been paid.
9. Sound source control plan.

Subd. 7. **Plan Modifications.**

A. **Minor Changes.**

1. **Qualifications:**
 - a. Structural additions involving 10 percent or less of the total existing floor area.
 - b. Site expansions or modifications involving 10 percent or less of the total existing site area.
2. Proposed minor changes which meet all Ordinance requirements may be approved by the Zoning Administrator prior to a building permit being issued and shall not require Planning Commission or City Council review, subject to the following:

- a. This Section shall apply to developments on file that have City Council approved site plans.
- b. Compliance with all Ordinance requirements, which shall be construed to include all adopted policies and codes.
- c. Any variances from Ordinance and policy requirements shall require the plan to be subject to the established review and hearing procedures for plan and variance approval.
- d. Plans submitted for minor changes under the terms of this Section shall be the same as those required for site plan approval by the Zoning Administrator.
- e. Minor changes approved by the City shall be placed on file with the City Council approved plans.

B. Major Changes.

1. Plans not qualifying as minor shall be classified as major.
2. An amended site plan involving major changes shall be applied for and administered in a manner similar to that required for a new site plan.

Subd. 8. Expiration.

- A. Unless otherwise specified by the Zoning Administrator or City Council at time of approval, permit approval shall expire within one year of the date of approval unless the property owner or applicant has substantially started the construction of any building, structure, addition or alteration, or use requested as part of the approved plan. Prior to the expiration, the applicant may apply for a time extension of up to one year.
- B. The request for extension shall be submitted to the Zoning Administrator not less than 30 days before the expiration of said approval and shall include the renewal fee as set forth in the City Code and state facts showing a good faith attempt to complete or utilize the use permitted in the conditional use permit. A request for an extension not exceeding one year shall be subject to the review and approval of the Zoning Administrator. Should a second extension of time or any extension of time longer than one year be requested by the applicant, it shall be presented to the Planning Commission for a recommendation and to the City Council for a decision.

C. In making its determination on whether an applicant has made a good faith attempt to utilize the site plan approval, the Zoning Administrator or the City Council, as applicable, shall consider such factors as the type, design, and size of the proposed construction, restrictions on financing, or special and/or unique circumstances beyond the control of the applicant which have caused the delay.

Subd. 9. Performance Agreement and Financial Guarantee. Following the approval of a site plan and before issuance of a building permit, the applicant, shall guarantee to the City the completion of all private exterior amenities as shown on the approved site plan and as required by the site plan approval. This guarantee shall be made by means of a performance agreement as provided below:

A. Performance Agreement.

1. The applicant shall execute the site improvement performance agreement on forms provided by the City. The agreement shall be approved as to form and content by the City Attorney and shall define the required work and reflect the terms of this Section as to the required guarantee for the performance of the work by the applicant.
2. The required work includes, but is not limited to, private exterior amenities such as landscaping, private driveways, parking areas, recreational fields, structures or buildings, signage, lighting, drainage systems, water quality ponds, wetland mitigation, wetland buffers, erosion control, curbing, fences and screening, and other similar facilities.

B. Financial Guarantee.

1. Financial guarantees acceptable to the City include cash escrow or an Irrevocable Letter of Credit.
2. The financial guarantee shall be for 100 percent of the estimated costs of improvements, as approved by the City Engineer.
3. The term of the financial guarantee shall be for the life of the site improvement performance agreement. It shall be the responsibility of the applicant to insure that a submitted financial guarantee shall continue in full force and effect until the Zoning Administrator shall have approved and accepted all of the work undertaken to be done and shall thereby have released the guarantee or reduced the amount of the guarantee as provided in this Section.

4. The applicant may submit a separate financial guarantee for that portion of the required work consisting solely of landscaping improvements with another financial guarantee for all other exterior amenities and improvements which comprise the work.
- C. The time allowed for completion of the required improvements shall be set out in the site improvement performance agreement. The agreement and the financial guarantee shall provide a means to the City to cure a default or reimburse the City the cost of enforcement measures. As various portions of such required work are completed by the applicant and approved by the City, the Zoning Administrator may release such portion of the financial guarantee as is attributable to such completed work. Landscaping improvements shall not be deemed complete until the City has verified survivability of all required plantings through one winter season which is defined for the purpose of this Section as the period of October 31 through April 30.
- D. The applicant shall notify the City in writing when all or a portion of the required improvements have been completed in accordance with the approved plan and may be inspected. Upon receipt of such notice, the Zoning Administrator shall be responsible for the inspection of the improvements to determine that the useful life of all work performed meets the average standards for the particular industry, profession, or material used in the performance of the work. Any required work failing to meet such standards shall not be deemed to be complete and the applicant shall be notified in writing as to required corrections. Upon determination that the work has been completed, including the winter season survivability of all landscape improvements, a notice of the date of actual completion shall be given to the applicant and appropriate action, to release or to reduce the amount of the financial guarantee shall be taken by the Zoning Administrator.

Subd. 10. Minnesota State Building Code. The review and approval of site improvements pursuant to the requirements of City adopted building and fire codes shall be in addition to the site plan review process established under this Section. The site plan approval process does not imply compliance with the requirements of these building and fire codes.

Subd. 11. Plan Agreements. All site and construction plans officially submitted to the City shall be treated as a formal agreement between the building contractor and the City. Once approved, no changes, modifications or alterations shall be made to any plan detail, standard, or specifications without prior submission of a plan modification request to the Zoning Administrator for review and approval.

Subd. 12. Enforcement. The Zoning Administrator shall have the authority to order the stopping of any and all site improvement activities, when and where a violation of the provisions of this Section has been officially documented.

Subd. 13. Certification of Taxes Paid. Prior to approval of an application for a site plan, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the site plan application relates.

1070.060 – ADMINISTRATIVE PERMITS AND APPROVALS

Subd. 1. Purpose. The purpose of this Section is to establish regulations and procedures for the processing and consideration of activities allowed by administrative permit, and of matters requiring the approval of the Zoning Administrator with the goal of protecting the health, safety, and welfare of the citizens of the City.

Subd. 2. Administrative Permits

A. Procedures

1. Application for an administrative permit shall be filed by the property owner or designated agent with the Zoning Administrator on an official application form.
2. A non-refundable fee as set forth by the City Code shall accompany the application.
3. The Zoning Administrator shall review the application and related materials and shall determine whether the proposal is in compliance with all applicable evaluation criteria, codes, ordinances, and applicable performance standards set forth in this Chapter.
4. The Zoning Administrator shall make a determination of approval or denial of the administrative permit pursuant to Minnesota Statutes 15.99.
5. A written permit shall be issued to the applicant when a determination of compliance has been made. Specific conditions to assure compliance with applicable evaluation criteria, codes, ordinances, and the standards of this Chapter may be attached to the permit.

6. Determination of non-compliance with applicable codes, ordinances, and the standards in this paragraph shall be communicated to the applicant in writing and the application for the permit shall be considered denied; unless, within 10 days of the date of such notice, the applicant submits revised plans and/or information with which the Zoning Administrator is able to determine compliance.
7. Unresolved disputes as to administrative application of the requirements of this paragraph shall be subject to appeal as defined by Section 1070.090 of this Chapter.

Subd. 3. **Evaluation Criteria.** The Zoning Administrator shall consider possible adverse effects of the proposed events or activity. Judgment shall be based upon (but not limited to) the following factors:

- A. Compliance with and effect upon the Comprehensive Plan and public facilities plans.
- B. The establishment, maintenance or operation of the use, event, or activity will promote and enhance the general public welfare and will not be detrimental to or endanger the public health, safety, morals or comfort.
- C. The use, event, or activity will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
- D. The establishment of the use, event, or activity will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
- E. Adequate public facilities and services are available or can be reasonably provided to accommodate the use, event, or activity which is proposed.
- F. The use, event, or activity shall, in all other respects, conform to the applicable regulations of the district in which it is located.
- G. The use, event, or activity and site conform to the performance standards as outlined in Section 1060 and all other applicable provisions of this Chapter.

Subd. 4. **Information Requirements.** The information required for all administrative permit applications shall include:

- A. A concise statement describing the proposed use, event or activity, including the purpose, type of merchandise involved, dates and times of

operation, number of employees involved, provisions for on-site security, provisions for on-site parking, and other pertinent information required by the Zoning Administrator to fully evaluate the application.

- B. A copy of the approved site plan for the property or an "as built" survey which accurately represents existing conditions on the site, including entrances and exits, bona fide parking and driving areas, and which accurately indicates any proposed temporary structures, including tents, stands, and signs.
- C. An accurate floor plan, when in the judgment of the Zoning Administrator, such a plan is necessary to properly evaluate the location of the event and the effectiveness of available entrances and exits.
- D. A copy of the current sales tax certificate issued by the State of Minnesota, if applicable.
- E. Information identified in Section 1070.050, as may be applicable.

Subd. 5. **Performance Standards.** All uses, events or activities allowed by administrative permit shall conform to the applicable standards outlined in the zoning district in which such use, event or activity is proposed.

Subd. 6. **Administration and Enforcement**

- A. The Zoning Administrator shall keep a record of applications and administrative permits.
- B. A copy of all administrative permits issued shall be forwarded to appropriate staff as determined by the Zoning Administrator.
- C. Enforcement of the provisions of this paragraph shall be in accordance with Section 1080. Violation of an issued permit or of the provisions of this Section also shall be grounds for denial of future permit applications.

Subd. 7. **Certification of Taxes Paid.** Prior to approving an application for an administrative permit, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the administrative permit application relates.

Subd. 8. **Non-Permit Approvals.** In cases where the Zoning Administrator is given approval authority without a requirement for an administrative permit, determinations shall be based upon the criteria outlined in Subd. 2. of this Section.

Subd. 3 Final Site Plan and Building Plan Regulations**(1) Applicability and the approval process.**

a. Final site and building plans shall be approved by the City Council prior to the issuance of any permits for new development or building construction/expansion in any Non-Residential Zoning District.

b. Prior to consideration for approval, the City Council shall receive a report from the Planning Commission and the staff, specifying any recommended modifications to the final site and building plans.

c. At the time of approval of final site and building plans, the City Council may modify final site and buildings plans and specify any additional development standards necessary to assure that the proposed development meets the intent of the zoning district and to assure that the proposed development is appropriately related to adjoining public streets and adjacent land uses.

(2) Content. The developer shall submit final site and building plans, which include the following information:

a. A location map which indicates property ownership surrounding the proposed development and existing and future land uses;

b. Maps of existing and proposed site features at a scale of 1 to 50 or larger which indicate topography in 2 foot contours; building outlines; structures, location of significant vegetation; location of streets, drives, and parking areas; and other significant features;

c. Detailed drawings of all proposed structure elevations, including signs. Proposed exterior materials and colors shall be noted on the elevation drawings;

d. Proposed floor plans for all floor levels, including locations of electrical, mechanical and gas metering equipment, and storage areas for trash and recyclable materials;

e. A landscape plan indicating location, size and type of tree, shrub and groundcover species, screening, fencing, provisions for plant material watering and luminaire locations;

f. A circulation plan indicating pedestrian and vehicular movement systems. This plan shall also include service access and screening for receiving, truck loading area, and trash removal;

g. A lighting and photometric plan showing fixture height and type, and lighting levels in foot candles;

h. A rooftop equipment and screening plan and elevation drawings of rooftop equipment and screening. Rooftop equipment shall not be visible from ground level views from the property, from adjacent property or from adjacent streets;

i. A drainage, grading, utilities, and erosion and sedimentation control plan. The plans shall comply with the requirements of this Code, local watershed requirements and state regulations;

j. Identification of all wetlands on the site, copies of documents completed in making the wetlands identification, qualifications of the person performing the identification, a description of any wetlands which are to be burned, filled, or drained pursuant to the development, and a wetland mitigation and replacement plan if burning, filling, or draining of wetlands is to occur. The requirement of the documentation may be waived in instances where it is determined from aerial photographs, the National Wetlands Inventory, on-site observation, or other pertinent information that the site contains no wetlands;

k. A written report completely describing the proposal and indicating covenants or agreements which will influence the use and maintenance of the proposed development; and

l. Any other information deemed necessary by the City Council in order to evaluate plans.

(3) Findings. The City Council shall find the following prior to the approval of final site and building plans.

a. The proposed development is not in conflict with the Comprehensive Plan;

b. The proposed development is not in conflict with the zoning district provisions;

c. The proposed development is compatible with existing and anticipated future development; and

d. Conform to the exterior building material requirements of the Zoning Code.

(4) Revisions. Minor changes to final site and building plans approved by the City Council may be made by the Zoning Administrator provided that the changes do not involve the following:

a. An increase in floor area of structures exceeding 10% of the total floor area within any 5 year period;

b. Variance from any zoning ordinance requirement;

c. Change in exterior building material;

d. Significant changes in the character, function or appearance of the site plan; and

e. Alteration of any condition attached or modification to the final site and building plans made by the City Council.

(5) Standard conditions. All approved final site plans and building plans shall meet the following standard conditions, unless specifically waived by the City Council:

- a. All fire lanes, and fire apparatus access road as defined by the Dayton Fire Department, must be maintained in good condition, kept clear and have "No Parking - Fire Lane" signs installed.
- b. All new and remodeled non-residential buildings, including additions shall be equipped with a fire sprinkler system as approved by the Dayton Fire Marshal.
- c. A building collapse zone shall be defined on the site as established by the Dayton Fire Marshal.
- d. A minimum 1 hour rated fire wall shall separate attached side-by-side residential dwelling units. All multiple story multi-family residential apartments or condominiums shall be equipped with a fire sprinkler system as approved by the Dayton Fire Marshal.
- e. Handicap parking stalls and access shall be noted on the site plan and installed on the site as per State Code requirements.
- f. Any vehicles parked on the premises shall be in good working order and currently licensed in accordance with state law.
- g. All parking, storage areas, and driveways shall be paved to a specification approved by the City Engineer.
- h. All drainage and storm water plans are subject to review and approval by the City Engineer and/or the Elm Creek Watershed Management Commission.
- i. All proposed lighting shall be downcast style only, and subject to review and approval by the City before installation.
- j. If applicable, hours of operation shall be as defined by the City Council.
- k. A letter of credit, in a form acceptable to the City, is required for site improvements, including but not limited to: roads, sidewalks, trails, utility and/or septic system installation, parking lot paving, curbing, and landscaping. City staff to determine the amount of the letter of credit and is typically set at 150% of the estimated cost for the improvements.
- l. Landscaping must be maintained in good condition and is subject to City review periodically.
- m. No building or structure may be constructed on the site unless the structure was identified on the approved site plan.
- n. No business parking for employees shall be allowed on public streets, unless approved as part of a conditional use permit.
- o. The use of loudspeakers, bells, buzzers or whistles, is limited to the Industrial Districts and must conform to noise regulations. Intercoms may be used as part of a drive-up facility. Use of the equipment is allowed only under a conditional use permit.
- p. No occupancy of the building(s) may be permitted until the City has granted a final certificate of occupancy. Final inspections may include the following staff members: Building Official/Building Inspector, Fire Marshal, City Engineer, and Zoning Administrator. No certificate of occupancy may be granted until all conditions applicable to the proposed development have been satisfied or a suitable financial guarantee and agreements are in place and acceptable to the City to complete all required improvements.
- q. Joint access and circulation agreements/easements will be required when contiguous non-residential properties front on collector or arterial streets.
- r. No part of any non-residential structure shall be used for living quarters, unless approved by the City Council.
- s. All new developments, including redevelopments, will require underground utilities as part of the approved final site and building plan.

(6) *Development proposals.* On development proposals requiring site plan review pursuant to this Subsection, the City Council upon the recommendation of the Planning Commission shall act with respect to variances from this chapter proposed by the site plan.

Sec. 36-85. - Purpose.

This division is established to provide comprehensive procedures and standards designed to ensure city review procedure for developments (other than single-family detached dwellings, two-family dwellings, planned unit developments, and public trails, playlots, neighborhood parks, and playfields) seeking to locate or expand within the city. This procedure will provide the city with the opportunity to ensure a development's conformance with the city development regulations and to provide the city with a reasonable degree of discretion in determining the suitability of development proposal impacts upon the general welfare, public health, and safety. In making this determination, whether or not the site plan is to be approved, the city will consider all applicable development standards, the nature of the land and/or buildings, whether or not any use is already in existence and located on the same premises, or on any adjoining roads, and all other or further factors as the city shall deem prerequisites of consideration in determining the effect of the development on the general welfare, public health and safety. The site plan review procedure is also intended to ensure the development of capable and quality site systems in the areas of:

- (1) Utilities.
- (2) Transportation.
- (3) Site drainage.
- (4) Open spaces.
- (5) Site environment and landscaping.
- (6) Structure/lot area relationships.

(Code 1984, § 375:117(1); Code 2003, § 36-81)

Sec. 36-86. - General requirements.

- (a) *Application for approval.* An application for site plan approval must be filed with the city for all developments (except for single-family detached and two-family dwellings, development within a PUD, and public trails, playlots, neighborhood parks, and playfields) within the city. Such application shall be filed with the director of community development on an official application form and shall be accompanied by a nonrefundable fee and any surety, escrow, or deposit as provided for by the city council as set forth in the city fee schedule. Formal review and approval of the plans must be given by the city staff before any related site development can be pursued.
- (b) *Ownership of property.* An application for a site plan approval must be filed by the landowner or jointly by all landowners of the property included in a project. The application and all submissions must be directed to the development of the property as a whole. In the case of multiple ownership, the approved final plan shall be binding on all owners.
- (c) *Consistency with comprehensive plan and zoning regulations.* The proposed site plan shall be consistent with the city's comprehensive plan and this chapter.
- (d) *Plan submission.* Ten sets of all site plans and 8½-inch by 11-inch transparencies thereof shall be submitted to the community development department with all required information. The plan shall be considered as officially submitted only when all of the information and fee requirements are met.
- (e) *Contents.* All site plan submissions shall be drawn to a scale of one inch equals 50 feet or less (engineering scale only) and be produced in a fashion which ensures legibility and clarity. In addition to the full-scale plan, an additional reduction of the plan on an 8½-inch by 11-inch sheet shall be required as part of the submission. The site plan shall contain at least the following information, and all additional information as required by city staff:
 - (1) *General information.*
 - a. The landowner's name, address and telephone number.
 - b. The applicant's name, address and telephone number, if different from the landowner, and the applicant's interest in the subject property.

- c. The names, addresses, and telephone numbers of all professional consultants who have contributed to the development of the plan being submitted, including the architect, land planner, engineer, surveyor, and attorney.
- d. Evidence that the applicant has sufficient control over the subject property to effectuate the proposed site plan.
- e. Date of plan preparation.
- f. Dates and descriptions of all revisions.
- g. North point indication.
- h. The statement that construction shall be in accordance with the city's Standard Specifications for Utility and Street Construction, 1979.

(2) *Present surrounding area status.*

- a. The address and legal description of the subject property.
- b. The existing zoning classification and present use of the subject property and all lands within 200 feet of the subject property.
- c. A map depicting the existing development of the property and all land within 200 feet.
- d. A plan showing the precise location of existing streets, property lines, easements, water mains, and storm and sanitary sewers with invert elevations on and within 100 feet of the subject property.

(3) *Present on-site status.* All of the graphics should be the same scale to allow easy cross reference.

- a. Contours at minimum two-foot intervals on and within 20 feet of the subject property.
- b. Location, type, and extent of tree cover.
- c. Sufficient spot elevations and/or contours to indicate changes in slope on and within 20 feet of the subject property. Elevations of the centerline and gutter line of existing streets at each proposed access must be shown.
- d. Location and extent of water bodies, wetlands and streams, and floodplains within 300 feet of the subject property.
- e. Significant rock outcroppings.
- f. Existing drainage patterns.
- g. Vistas and significant views.
- h. Soil conditions as they affect development.

(4) *Utility plan.* Plans indicating the location of water and sanitary sewer lateral and service locations. Also indicated shall be the size and type of pipe and all other information, such as hydrants and cleanouts, as may be required by the city engineer.

(5) *Property dimension plan.* Plans showing property lines, dimensions, lot area, required yard setbacks, easements and rights-of-way of the property and any significant topographical or physical features of the property based upon a certified survey.

(6) *Structure information plan.* Plans showing the location, size, use and arrangement, including height in stories and feet and total square feet of ground area coverage and floor area, of proposed buildings. Also provided shall be architectural plans showing building elevations and exterior wall finishes of proposed buildings.

(7) *Internal circulation plan.* Plans showing the location, dimensions and number of driveways, entrances, fire lanes, concrete entrance aprons, curb cuts, concrete curbing and gutter, parking stalls, parking lot islands, loading spaces, access aisles, concrete sidewalks, and all other circulation elements of the site.

- a. All site elements as listed in this subsection shall have noted on the plan a related cross section of element composition and construction design.
- b. All material compositions, i.e., bituminous, gravel, concrete, sod, etc., shall be noted on the plan.
- c. Spot elevations, including high points, corners of parking lots, and existing street elevations, shall also be shown on the plan.

(8) *Landscaping, screening and berthing plan.* Plans showing detailed locations, sketches, and provisions of existing and required landscaping, berthing, and screening elements of the site.

- a. All those related elements which will be removed shall be properly noted on the plan.
- b.

All plant screening and landscaping elements shall be broken out into types, sizes, and total numbers proposed in the plan.

- c. All fences shall be shown and related elevations and cross sections provided.
- (9) *Grading and drainage plans.* Plans showing all existing and proposed site contours in no more than two-foot contours.
 - a. Also provided shall be detailed site drainage plans, including the detailing of the site's storm sewer system with catchbasins and invert elevations.
 - b. Casting types must be shown for all catchbasins.
- (10) *Erosion control plan.* Plans for site erosion control as required by the city engineer.
- (11) *Lighting plan.* Plans showing location, height, and candlepower of all luminaries on the site. All parking lot lighting standards located within the parking lot area must be located within parking lot islands.
- (12) *Staging plan.* If the project is to be constructed in several stages, all stages shall be clearly detailed out on the plan. This shall also include future expansion elements of a proposal.
- (13) *Sign plan.* Plans showing all proposed signage for the site in accordance with chapter 24.
- (14) *Planned improvements summary.* Calculation of the area, length, amount or other summary dimensions or inventory for each improvement contemplated pursuant to this subsection (e), which calculation shall be useful to the city planning department in determining the amount of the surety to be provided pursuant to section 36-88.

(Code 1984, § 375:117(2); Code 2003, § 36-82)

Sec. 36-87. - **Procedure for review and approval.**

- (a) *Generally.* Except as otherwise provided in this section, all plans for site development within the city as described in this chapter shall be subject to formal review and approval proceedings.
 - (1) Upon submission of the site plan as specified in section 36-86 the city staff shall circulate the plan to all appropriate city, county, state, and federal agencies for their review and comment.
 - (2) Upon receipt of all agency reviews, a meeting between the applicant and all involved reviewers to discuss any necessary plan amendments will be held. After the meeting, the applicant shall make any necessary revisions and submit a final site plan.
- (b) *Final site plan.*
 - (1) *Purpose.* The final site plan is to serve as a complete, thorough, and permanent public record of the manner in which the subject site is to be developed. It shall incorporate all revisions and conditions resulting from the site plan review process.
 - (2) *Submission.* Three copies of the final site plan shall be submitted to the director of community development for review and approval. Subsequent to receiving approval of the final plan, the applicant may apply for a building permit.
 - (3) *Preconstruction meeting.* After a building permit has been applied for, and before issuance thereof, a preconstruction meeting shall be required to take place. It shall be the developer's responsibility to arrange the preconstruction meeting with the city staff. At this meeting, the building construction plans will be reviewed and compared with the approved final plan. If the building construction plans are not in substantial conformance with the final plan, the building construction plans shall be revised to achieve such conformance.
 - (4) *Limitation on final site plan approval.* Within one year after the approval of a final site plan, or such shorter time as may be established by the approved development schedule, construction shall commence with the approved plan.
 - a. If, after one year from being granted site plan approval, the plan as permitted by the approval shall not have been initiated, then such approval shall be null and void.
 - b. A request for extension may be made within 30 days before such deadline and shall state facts showing a good faith attempt to complete or utilize the use permitted in the site plan approval.
 - c. The zoning administrator shall place the subdivider's request on the agenda of a regularly scheduled council meeting to be held within 30 days of such filing.
 - d. The council at its discretion may grant the extension, for not more than one year, for, when good cause shown, such extension is necessary.
 - e. Only one such extension may be made.

(Code 1984, § 375:117(3); Code 2003, § 36-83; Ord. No. 04-09, § 4, 4-19-2004)

Sec. 36-88. - Site improvement performance agreement and surety.

- (a) Upon approval of a final site plan and prior to the issuance of building permits or initiation of work on the proposed improvement or development, the developer shall execute a performance agreement setting out site improvement items and terms of completion of such items. The performance agreement and any surety required therein must be approved by the city attorney.
- (b) Any surety required by the performance agreement shall be noncancelable and shall guarantee conformance and compliance with the conditions of the site plan approval, the performance agreement and the ordinances of the city.
- (c) The city shall hold the surety for such period of time as set forth in the performance agreement.
 - (1) The surety may only be released by the city council.
 - (2) Periodically, the amount of the surety may be reduced by the city council.
 - (3) Reduction and release actions will only be initiated after proper request has been made by the developer.
- (d) Failure to comply with the conditions of the site plan approval, the performance agreement or the ordinances of the city shall result in forfeiture of the surety to the extent necessary to achieve the project's total compliance with the approved site plan.

(Code 1984, § 375:117(4); Code 2003, § 36-84)

Sec. 36-89. - Issuance of building permits and other permits.

Except as otherwise expressly provided in this division, upon receiving notice from the director of community development that the final site plan has been approved and a properly executed performance agreement has been received, and upon application of the applicant pursuant to the applicable ordinances of the city, all appropriate officials of the city may issue building and other permits to the applicant for development, construction, and other work in the area encompassed by the final site plan; provided, however, that no such permit shall be issued unless the appropriate official is first satisfied that the requirements of all codes and ordinances which are applicable to the permit sought have been satisfied.

(Code 1984, § 375:117(5); Code 2003, § 36-85)

Secs. 36-90—36-106. - Reserved.

CHAPTER 9

ADMINISTRATION - SITE AND BUILDING PLAN REVIEW

SECTION:

11-9-1: Purpose

11-9-2: Application Of Provisions

11-9-3: Procedure

11-9-4: Agreement

11-9-5: Expiration Of Plan Approval

11-9-6: Information Required

11-9-7: Performance Security

11-9-8: Certification Of Taxes And Fees Paid

11-9-1: PURPOSE:

The purpose of this chapter is to establish a formal plan review procedure and provide regulations pertaining to the enforcement of site design and construction standards as agreed to by the contractor through officially submitted plan documents. (Prior Code § 20-9-1)

11-9-2: APPLICATION OF PROVISIONS:

All building and site plans for townhouse, multiple-family, commercial, or industrial construction shall be subject to review by the Planning Commission and approval by the City Council; except, that those plan modifications meeting the following criteria, as determined by the Zoning Administrator, may be approved administratively in accordance with chapter 8 of this title:

- A. Only applications for preexisting uses or uses explicitly classified as allowed uses, including accessory uses, by previously approved site and building plans governing the use of the property are eligible for administrative approval.
- B. The site and building plan modification shall not result in an increase in hours of operation, traffic, employees, or number of dwelling units, expand any principal building or otherwise increase the intensity of the use of the site.
- C. The permit modification shall comply with all requirements of the applicable zoning district and all other performance standards of this title or this Code.
- D. All applications for site and building plan modification shall be complete and in full accordance with the requirements of section 11-9-6 of this chapter. (Prior Code § 20-9-2)

11-9-3: PROCEDURE:

A. Request for site and building plan approval shall be filed with the City on an official application form and processed in accordance with this chapter and Minnesota Statutes section 15.99.

1. An application shall be accompanied by a fee as provided in section 3-1-2 of this Code.
2. Such application shall also be accompanied by detailed written and graphic materials fully explaining the proposed change, development, or use including the information required by section 11-9-6 of this chapter.
3. The request shall be considered as being officially submitted when the Zoning Administrator determines that there is compliance with all the information requirements.
4. The City Council, the Planning Commission, and the City staff shall have the authority to request additional information from the applicant or to retain expert testimony at the expense of the applicant. Said information is to be declared necessary to establish performance conditions in relation to all pertinent sections of this title.
5. Failure on the part of the applicant to supply all necessary supportive information may be grounds for denial of the request.

B. The applicant shall supply proof of title and the legal description of the property for which the site and building plan approval is requested, consisting of an abstract of title or registered property abstract currently certified, together with any unrecorded documents whereby the petitioners acquire a legal ownership or equitable ownership interest and, as applicable, supply documented authorization from the owner(s) of the property in question to proceed with the requested site and building plans.

C. The Zoning Administrator shall instruct the appropriate staff persons to prepare technical reports where applicable, and provide general assistance in preparing a recommendation on the action to the Planning Commission and City Council.

D. The applicant or a designated representative thereof shall appear before the Planning Commission and City Council in order to answer questions concerning the proposed request.

E. The Planning Commission and City Council shall review the proposed site plan based upon compliance with the Comprehensive Plan, provisions of this title, and other applicable chapters of this Code.

F. The Planning Commission shall make a finding of fact and recommend such actions or conditions relating to the request as they deem necessary to carry out the intent and purpose of this title.

G. The City Council shall not consider or act upon an application until they have received a report and recommendation from the Planning Commission or until sixty (60) days after the first regular Planning Commission meeting at which the request was considered.

H. Upon completion of the report and recommendation of the Planning Commission, the request shall be scheduled for consideration on the agenda of the City Council. Such reports and recommendations shall be entered in and made part of the permanent written record of the City Council meeting.

I. If, upon receiving said reports and recommendations of the Planning Commission and City staff, the City Council finds that specific inconsistencies exist in the review process and thus the final recommendation of the City Council will differ from that of the Planning Commission, the City Council may, before taking final action, refer the matter back to the Planning Commission for further consideration.

J. Approval of a request shall require passage by a majority vote of the City Council.

K. The Zoning Administrator shall provide the applicant and property owner with written notice of the City Council's findings of fact and decision regarding the application.

L. If a request for site and building plan approval receives approval of the City Council, the City, at the applicant's expense, shall record such with the appropriate Wright County Office. No building permits for the property in question will be granted until recording of the action has been completed. (Prior Code § 20-9-3)

11-9-4: AGREEMENT:

The site and building plan approval and the stipulations, limitations and conditions therein shall be applied to the property in question. All written and graphic materials officially submitted to the City shall be treated as a formal agreement between the applicant and the City. Once approved, no changes, modifications or alterations shall be made to any plan detail, standard, or specifications without prior submission of a plan modification request to the Zoning Administrator for review and approval. (Prior Code § 20-9-4)

11-9-5: EXPIRATION OF PLAN APPROVAL:

Unless otherwise specified by the City Council at the time it is authorized, approval of site and building plans shall be null and void and expire if the applicant fails to utilize such approvals and fulfill each and every condition attached thereto within one year from the date of its authorization unless a petition for an extension of time in which to complete or utilize the site and building plan has been granted by the Zoning Administrator; provided, that: (Prior Code § 20-9-5; amd. 2018 Code)

A. The extension is requested in writing and filed with the City at least thirty (30) days prior to the expiration of the initial site and building plan approval request.

B. The request for extension states facts demonstrating that a good faith attempt has been made to complete or utilize the use or activity permitted in the site and building plans.

C. A maximum of one administrative extension shall be granted. (Prior Code § 20-9-5)

D. The extension shall not exceed ninety (90) days from the initial administrative plan expiration date. (Prior Code § 20-9-5; amd. 2018 Code)

E. There shall be no charge for the filing of a petition for an administrative extension. (Prior Code § 20-9-5)

11-9-6: INFORMATION REQUIRED:

The information required for all site plan applications shall consist of the following items, and shall be submitted unless waived by the Zoning Administrator:

A. Site boundaries, buildings, structures and other improvements on the site shall be identified with a current certificate of survey, prepared and signed by a Minnesota licensed land surveyor, depicting the following:

1. Scale of plan (engineering scale only), at one inch equals fifty feet (1" = 50') or less.

2. North point indication.

3. Existing boundaries with lot dimension and area.

4. Existing site improvements.

5. All encroachments.

6. Easements of record.

7. Legal description of the property.

8. Ponds, lakes, springs, rivers or other waterways bordering on or running through the subject property.

B. A site plan utilizing a copy of the current certificate of survey as a base for the site in question, depicting the following:

1. Name and address of developer/owner.

2. Name and address of architect/designer.
3. Date of plan preparation.
4. Dates and description of all revisions.
5. Name of project or development.
6. All proposed improvements, including:
 - a. Required and proposed setbacks.
 - b. Location, setbacks and dimensions of all proposed buildings and structures.
 - c. Location of all adjacent buildings located within one hundred feet (100') of the exterior boundaries of the property in question.
 - d. Location, number, dimensions, and setbacks of proposed parking spaces and drive aisles.
 - e. Location, number, and dimensions of proposed loading spaces.
 - f. Location, width, and setbacks of all curb cuts and driveways.
 - g. Vehicular circulation.
 - h. Sidewalks and trails.
 - i. Location and type of all proposed lighting, including details of all proposed fixtures and photometric illumination.
 - j. Location of recreation and service areas.
 - k. Location of rooftop equipment and proposed screening.
 - l. Provisions for storage and disposal of waste, garbage, and recyclables, including details for screening exterior trash/recycling enclosures.
 - m. Location, sizing, and type of water and sewer system mains and proposed service connections.
- C. Grading, drainage and erosion control plan, utilizing a copy of the current certificate of survey as a base for the site in question, prepared and signed by a Minnesota licensed engineer, depicting the following:
 1. Existing contours at two foot (2') intervals (may be prepared by a Minnesota licensed surveyor).
 2. Proposed grade elevations at two foot (2') maximum intervals.
 3. Drainage plan, including the configuration of drainage areas and calculations.
 4. Storm sewer, catch basins, invert elevations, type of castings, and type of materials.
 5. Spot elevations (may be prepared by a Minnesota licensed surveyor).
 6. Proposed driveway grades.
 7. Surface water ponding and treatment areas.
 8. Erosion control measures.
- D. Landscaping plan, utilizing a copy of the current certificate of survey as a base for the site in question, depicting the following:
 1. Planting schedule (table) containing:
 - a. Symbols.
 - b. Quantities.
 - c. Common names.
 - d. Botanical names.
 - e. Sizes of plant material.
 - f. Root specification (bare root, balled and burlapped, potted, etc.).
 - g. Special planting instructions.
 2. Location, type and size of all existing significant trees to be removed or preserved.
 3. Planting detail (show all species to scale at normal mature crown diameter or spread for local hardiness zone).
 4. Typical sections with details of fences, tie walls, planter boxes, tot lots, picnic areas, berms and the like.

5. Typical sections with details of landscape islands, planter beds, and foundation plantings with identification of materials used.
6. Note indicating how disturbed soil areas will be restored through the use of sodding, seeding, or other techniques.
7. Delineation of both sodded and seeded areas with respective areas in square feet.
8. Coverage plan for underground irrigation system, if any.
9. Where landscape or manmade materials are used to provide screening from adjacent and neighboring properties, a cross through section shall be provided showing the perspective of the site from the neighboring property at the property line elevation.
10. Other existing or proposed conditions which could be expected to affect landscaping.

E. Other plans and information as required by the Zoning Administrator including, but not limited to:

1. Architectural elevations of all principal and accessory buildings (type, color, and materials used in all external surfaces).
2. "Typical" floor plan and "typical" room plan drawn to scale with a summary of square footage for each use or activity.
3. Fire protection plan.
4. Extent of and any proposed modifications to land within the environmental protection districts, as established by chapter 50 of this title.
5. Type, location and size (area and height) of all signs to be erected upon the property in question.
6. Vicinity map showing the subject property in reference to nearby highways or major street intersections.
7. Sound source control plan.
8. Wetland delineation report. (Prior Code § 20-9-6)

11-9-7: PERFORMANCE SECURITY:

- A. Except in the case of non-income producing residential property (excluding relocated structures), upon approval of site and building plans, the City shall be provided, where deemed necessary by the Council, with a performance security as approved by the City Attorney prior to the issuing of building permits or initiation of work on the proposed improvements or development. Said security shall be non-cancelable and shall guarantee conformance and compliance with the conditions of the site and building plan and the ordinances of the City. (Prior Code § 20-9-7; amd. 2018 Code)
- B. The security shall be in the amount equal to the Zoning Administrator's estimated costs of labor and materials for the proposed improvements or development. Said project may be handled in stages upon the discretion of the Zoning Administrator. (Prior Code § 20-9-7)
- C. The City shall hold the security until completion of the proposed improvements or development and a certificate of occupancy indicating compliance with the site and building plan and ordinances of the City has been issued by the City building official. (Prior Code § 20-9-7; amd. 2018 Code)
- D. Failure to comply with the conditions of the site and building plan approval or the ordinances of the City shall result in forfeiture of the security in whole or in part depending upon the degree of noncompliance and at the discretion of the City Council.
- E. Whenever a performance guarantee is imposed by the City, the applicant shall be required to enter into a performance agreement with the City. This agreement is to provide authorization to the City to utilize the posted security and complete stipulated work should the applicant fail to meet the terms and conditions of the permit. Said agreement shall hold harmless the City for completion of the work and address other matters as may be determined by the City Attorney. (Prior Code § 20-9-7)

11-9-8: CERTIFICATION OF TAXES AND FEES PAID:

Prior to approving an application for a site and building plan review, the applicant shall provide certification to the City that there are no delinquent Property Taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the site plan and building review application relates. (Prior Code § 20-9-8)

(a) *Purpose.* The purpose of this Section is to establish a formal site plan review procedure and provide regulations pertaining to the enforcement of site design standards consistent with the requirements of this Ordinance.



(b) *Exceptions to review.* Site Plan review and approval is required for all new developments, except the following:

- (1) Single family detached dwellings.
- (2) Two family attached dwellings.

(c) *Procedure.*

- (1) The application will be subject to the procedure outlined in [Sec. 125-21. General Review Procedures](#).
- (2) Before building permits are issued for the development of structures, a site plan shall be reviewed by the Planning Commission and approved by the City Council.

	Permit required
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(d) *Information requirement.*

- (1) The applicant shall fill out and submit to the Zoning Administrator the application form all information as required on the form unless a waiver of certain information is granted by the Zoning Administrator.

(e) *Evaluation criteria.* The Planning Commission shall evaluate the effects of the proposed site plans. This review shall be based upon, but not be limited to, compliance with the City's Comprehensive Plan and provisions of this Ordinance.

(f) *Minnesota State Building Code.* The review and approval of site improvements pursuant to the requirements of City adopted building and fire codes shall be in addition to the site plan review process established under this Section. The site plan approval process does not imply compliance with the requirements of these building and fire codes.

(g) *Plan agreements.* All site and construction plans officially submitted to the City shall be treated as a formal agreement between the property owner, building contractor and the City. Once approved, no changes, modifications or alterations shall be made to any plan detail, standard, or specifications without prior submission of a plan modification request to the Zoning Administrator for review and approval.

(h) *Enforcement.* The Zoning Administrator shall have the authority to order the stopping of any and all site improvement activities, when and where a violation of the provisions of this Section has been officially documented by the Building Official.

(i) *Expiration.*

- (1)

Unless otherwise specified by the Zoning Administrator or City Council as may be applicable, the site plan approval shall become null and void one year after the date of approval, unless the property owner or applicant has substantially started the construction of any building, structure, addition or alteration, or use requested as part of the approved plan. The property owner or applicant shall have the right to submit an application for time extension in accordance with this Section.

- (2) A written request to extend the approval of a site plan for up to an additional one year shall be submitted to the Zoning Administrator not less than 30 days before the expiration of said approval. Such request for an extension shall include the following:
 - a. An explanation for why the improvements have not commenced,
 - b. What, if any, good faith efforts have been made to commence the project,
 - c. Additional time requested and anticipated project completion date, and
 - d. The signature of the applicant and property owner. A request for an extension not exceeding one year shall be subject to the review and approval of the Zoning Administrator. A request pertaining to a major project involving a longer period of time than one year or a second request for a time extension of a major project shall be presented to the City Council for a decision. Additional requests for a time extension of a minor project may be approved by the Zoning Administrator, subject to the same procedures established for the first time extension as outlined above.
- (3) In making its determination on whether an applicant has made a good faith attempt to complete the improvements shown on the approved site plan, the Zoning Administrator or the City Council, as applicable, shall consider such factors as the type, design, and size of the proposed construction, any applicable restrictions on financing, or special and/or unique circumstances beyond the control of the applicant which have caused the delay.

ITEM:

PUBLIC HEARING: Amending City Code Section 1001.35, Accessory Buildings and Structures

APPLICANT/PRESENTERS:

Jon Sevald, Community Development Director

PREPARED BY:

Jon Sevald, Community Development Director

BACKGROUND/OVERVIEW:

During previous planning cases, (Dehn's Pumpkin Patch, Fisher Farms, Herbes Home Extended Business), support was given to allow the use of shipping containers as Accessory Buildings.

City Code prohibits the use of metal storage containers as a permanent accessory structure.¹ A Temporary Structure (shipping container) requires a 9-month permit (e.g. use of a shipping container during a construction project).² In practice, Staff does not have the resources to enforce this code requirement. Staff have observed the use of metal storage containers exceeding nine months, throughout the city.

The attached Ordinance Amendment proposes:

Metal storage containers for use exceeding nine-months may be permitted within the A-1, A-2, and A-3 districts on parcels 10 or more acres in size, and in the I-1 district. No more than three metal storage containers may be stored on any property exceeding nine months.

The proposed amendment is intended to be a starting point for further discussion.

CRITICAL ISSUES:

Cost Used metal shipping containers are an affordable (\$2,000 - \$12,000) alternative to post-frame shed construction (\$15,000 - \$20,000).

Appearance Metal shipping containers will rust over time, creating a public nuisance. Once the city allows them as a permitted use, they will be difficult to get rid of.

60/120-DAY RULE (IF APPLICABLE):

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

RELATIONSHIP TO COUNCIL GOALS:

None.

¹ City Code 1001.35, Subd 2(5)(a)(1) and (b) (Accessory building design requirements)

² City Code 1001.41, Subd 3 (Temporary Structure; Special Requirements). Temporary Structure permits exclude temporary real estate offices, and temporary classrooms.

PLANNING COMMISSION MEETING

ROLE OF PLANNING COMMISSION:

Provide a recommendation for Approval or Denial.

RECOMMENDATION:

Staff cautiously recommends approval. It's reasonable for the use of shipping containers on agricultural land and industrial (e.g. contractor yards). However, Staff have observed their use on residential properties and in business areas.

A Public Hearing Notice was published by THE PRESS on December 25, 2025.

ATTACHMENT(S):

Photos

Ordinance



Fisher Farms concession stand (Aug 27, 2024)



Mike Groves (Lawnsmart), IUP for Home Extended Business (Mar 6, 2024).

Ordinance No. 2026-__

**City of Dayton
Counties of Hennepin and Wright
State of Minnesota**

**AN ORDINANCE AMENDING CITY CODE, SECTION 1001.35,
ACCESSORY BUILDINGS AND STRUCTURES**

SECTION 1. AMENDMENT. Dayton City Code 1001.35 is hereby amended by adding the following underlined language and deleting the following ~~strikethrough~~ language, which reads as follows:

1001.35 ACCESSORY BUILDINGS AND STRUCTURES.

Subd. 2 General Regulations

(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.~~
- c. Metal storage containers for use exceeding nine-months may be permitted within the A-1, A-2, and A-3 districts on parcels 10 or more acres in size, and in the I-1 district. No more than three metal storage containers may be stored on any property.

(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.

SECTION 2. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage and publication as required by law.

Adopted by the City Council of the City of Dayton on this 27th day of January, 2026.

Dennis Fisher, Mayor

ATTEST:

Amy Benting, City Clerk

Motion by _____, Second by _____.
Motion passed.

Published by THE PRESS on _____.

DRAFT