

PLANNING COMMISSION AGENDA

Thursday, January 9, 2025

CITY OF DAYTON, MINNESOTA

12260 So. Diamond Lake Road, Dayton, MN 55327

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

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

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.

6:35 **4. APPROVAL OF AGENDA**

6:35 **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 12, 2024

6:35 **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.

6:40 **7. COUNCIL UPDATE**

A. December 23, 2024

6:45 **8. PUBLIC HEARINGS**

6:45 A. Recommendation of Approval of Resolution Approving an Interim Use Permit for a Home Extended Business, 15430 Brockton Lane N (Herbes)

7:00 **9. NEW BUSINESS**

7:00 A. Discussion: A-3 Agricultural District

7:30 B. Discussion: Various Ordinance Amendments
Storage of Refuse Containers
Parking Surfaces

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.

- 8:15 **10. NOTICES AND ANNOUNCEMENTS**
- A. Pledge to our Residents
 - B. Staff Updates
- 8:30 **11. ADJOURNMENT** (Motion to Adjourn)

I. CALL TO ORDER

Brown called the December 12, 2024, Planning Commission Meeting to order at 6:30 p.m.

Present: Brown, Crosland, and Van Asten

Absent: DeMuth, Preisler

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

II. PLEDGE OF ALLEGIANCE

III. 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.

IV. APPROVAL OF AGENDA

Brown stated that the agenda would be shifted around. Brown would like Discussion item A: A-3 Agriculture District to follow the Public Hearings item A.

MOTION by Van Asten, second by Crosland, to approve the agenda as amended. The motion carried unanimously.

V. CONSENT AGENDA

A. Planning Commission Minutes for November 7, 2024

MOTION by Crosland, second by Van Asten, to approve the consent agenda as presented. The motion carried unanimously.

VI. OPEN FORUM

No one was present for open forum.

VII. COUNCIL UPDATE

A. November 12, 2024, City Council Meeting

Fisher updated the Commission on Council actions. Fisher stated that City Council certified the election, went through the quarterly report, and the financial report. There were no surprises. Fisher stated that there was

discussion about the Long-Term Plan. The only change was that the Council agreed to move the Fire Station, Training Facility and City Hall construction projects out to 2031, based on the resident survey results.

Fisher stated that the Council rejected an EDA Bylaw request. The EDA wanted to allow members to miss more than three meetings based on the subjective determination of being excused or non-excused absences.

Fisher stated that Council awarded the bid for the north bridge in Elsie Stephens Park, which is a pedestrian walkway.

B. November 26, 2024, City Council Meeting

Fisher updated the Commission on Council actions. Fisher stated that the Council had a Budget Work Session prior to the regular meeting. The Fisher Farms IUP Amendment was approved.

Fisher stated that the City Council rejected the Master Plan. The Variance for the Kwik Trip sign was approved. Fisher stated that the Parkway Neighborhood was discussed. The Territorial Grove preliminary plat was approved by the City Council.

Fisher stated that the Budget was approved with just under a 12% increase. It was passed 4-1. The Levy increased by 4%. Two full-time firefighters, two full-time police officers, and two part-time employees were added for Parks.

Crosland asked if City Council also requested a monument sign. Sevald asked Stensgard what the height was. Stensgard stated that a 16-foot monument sign was agreed to during the meeting.

C. December 10, 2024, City Council Meeting

Fisher updated the Commission on Council actions. Fisher stated that the Council agreed to vacate some easements on the Ziegler property. There was an adjustment in Riverwalk that included a vacation of an easement.

Fisher stated that there was a lot of discussion regarding the request from the Parkway neighborhood for additional financial assistance. There was a Closed Meeting on the Police union negotiations.

The Planning Commission agreed to reorder the agenda and next consider Item VIII. Public Hearings, Item C. followed by IX. New Business Item A.

VIII. PUBLIC HEARINGS

C. Concept Plan, TQ Farms (Quilling)

Sevald came forward and stated that the applicant is Jason Quilling. The Concept Plan is proposing a 2-lot subdivision, located at 14XXX Lawndale Lane. Sevald stated that the property is about 35 acres in total with a 15-acre parcel and a 20-acre parcel.

Sevald stated that there are four critical issues: 1) Variance is needed to reduce minimum lot size from 40 acres to 5 acres; 2) Variance is needed to reduce lot frontage from 300 feet to 60 feet; and, 3) Roadway Easement is needed; and 4) Mausoleum requires a Conditional Use Permit.

Sevald offered two options regarding the roadway easement: 1) Developer to build street to City standards and the City will maintain the roadway; or 2) City grants a Limited Use Agreement for use of easement as-is and the City does not maintain the roadway. Sevald stated that Staff's recommendation is to proceed with the Limited Use Agreement.

Sevald stated that a mausoleum is considered to be a cemetery, and Staff recommends that it be platted as an outlot with an easement accessible to a public road.

Brown asked if the City tracks Building Entitlements. The answer is no, according to Sevald. Fisher stated that he's pretty sure the City does track Building Entitlements and gave the example of a church on Fernbrook Lane.

Sevald stated he received two emails that were distributed to the Commission prior to the meeting for public testimony.

Brown stated that for the record, the Quilling family is a client for the company that Brown works for, and Brown intends to refrain from comment on this item.

Joe Radach came forward and stated that he is a consultant for Jason Quilling. Radach stated that Quilling has been a resident of Dayton for 30 years.

Sevald stated that Quilling could build a house on the 20-acre parcel as-is, with no Variance needed.

Radach stated that Quilling's daughter lives in the house next to the Duke property, and Quilling wants to split off the property and give some to his daughter. Radach stated that Quilling does not desire to build more houses on the property than are currently allowed today. Quilling simply wants to re-organize the land to make it more usable for he and his family.

Radach stated that there will be a \$1 million improvement on the daughter's property and a \$3 million improvement on Quilling's property, which will increase the tax base for the City.

Radach stated that Quilling is looking into a possible mausoleum on the property, but he's dealing with an attorney for that, and he doesn't want this to be the reason to hold up the project.

Radach stated their opinion on the easement should be the Quilling's right to use: technically if a road would be built, it would be half on the Duke's and the Quilling's but are not suggesting that and willing to pay for the entire use for their land.

Van Asten stated that a lot of things are simply not adding up for her. Some of her questions centered around the driveway and how it interferes with the easement and the outbuildings seem to be randomly placed throughout the property with no apparent connection or clear use.

Radach stated that large equipment storage seems to be a concern from the Vargas and Duke families. Radach explained the sport areas in the estate. Radach stated the Quilling property will not be a contractor yard.

Van Asten questioned the placement of the current driveway and the fact that it is not nearly centered in the easement. Radach stated that centering it is not necessary. The only requirement is that it be within the 60 feet of easement.

Sevald stated that Staff's opinion is to dedicate right-of-way with a cul-de-sac and then build it as a driveway. Radach said that is put in place so it could be completed. Additional conversation ensued.

Crosland asked if the house would be on well and septic. The answer is yes.

Van Asten stated that the Concept Plan mentions existing trees, but when she looks at the map, there doesn't appear to be any existing trees. Van Asten stated that the emails from people who were not able to attend makes mention of trees being taken down.

Radach stated that the orchard trees should have been labeled as proposed trees by the landscape artist who created the plan. Radach stated that Mr. Quilling did remove some trees by the proposed homestead in anticipation of construction. Quilling has also been removing undesirable trees in order to re-plant native species.

Van Asten asked why the homes are so close to the property lines when there is a tremendous amount of acreage. Why not allow for some breathing room? Radach stated that the house is proposed for construction in the area that provides the best view.

Brown opened the Public Hearing at 7:06 p.m.

Jason Duke of 14661 Lawndale Lane North came forward and stated that the proposed road would impact his property significantly. Duke stated that there has been a lot of construction traffic all day, in and out. Duke's wife works from home, and it has been a significant distraction ever since Quilling purchased the property. Duke stated that he would prefer that the road be centered through the easement.

Duke stated that he received a Purchase Agreement from Mr. Quilling's attorney today. Quilling wishes to purchase the Duke property. Duke stated that his intent was to raise his family on his property. Duke stated that he feels forced out.

Jenny Vargas of 14581 Lawndale Lane North came forward and stated that she has already emailed some of her concerns to the Commission. Vargas doesn't understand the split and wonders why Quilling doesn't just give his daughter ten acres, which would make the property fall in line with all the other properties on the street.

Vargas does indeed believe that the cutting down of her trees by Mr. Quilling was intentional, and she went on to explain what happened. Vargas stated that she has a pool and a sport court on her property, and she does not want the view of a cemetery from her property.

Duke returned and stated that he had one more thing to say. The Duke property was never a five-acre parcel; it has always been a split property and the easement was granted for the benefit of the back property.

Earnie Borgan of 14821 Lawndale Lane North came forward and stated that he lives north of the Quilling's house. Borgan stated that he has some issues with run-off coming through his property. Borgan stated that there were numbers on the map, but no legend.

Additional conversation from the audience ensued.

Borgan stated that in 2008, his daughter and son-in-law lost their house. Borgan attempted to divide his 11-acre parcel and was denied.

Browen asked if Borgan had the opportunity to split his property now, would it still interest him. The answer is no.

Grant Osgood of 14700 Thicket Lane came forward and stated the Quilling family have been good neighbors, but they added a new drain tile which caused Osgood's backyard to flood every spring. Osgood is concerned that any additional improvements to the Quilling property will worsen the drainage concerns that Osgood has.

Jack Bernens of 14770 Thicket Lane came forward and stated that his entire backyard floods every spring too. Bernens is not necessarily opposed to the Concept Plan, but he's not thrilled about the flooding.

Browen closed the Public Hearing at 7:24 p.m.

Crosland stated that the access could be completed within the Quilling property without having to make any changes to the easement.

Sevald stated that the issue becomes that the new property becomes landlocked, and that's not allowed.

Van Asten stated that it is not landlocked. There is already a driveway there.

Van Asten stated that she does not like the idea of splitting off five acres. Ten acres would work better. Sevald stated the splits are boundary line related.

Van Asten stated that at this point, nothing is making any sense. She would like a clear plan that matches reality.

Crosland expressed concern that this is a Concept Plan Review, and the Concept Plan needs a lot of updating.

Browen stated that the property can't be subdivided unless the City amends the A-3 District.

Additional discussion regarding easements and mausoleums ensued.

IX. NEW BUSINESS

A. Discussion: A-3 Agricultural District

Sevald came forward and stated that currently A-1 Districts have a 40-acre minimum lot size. A-2 Districts allow for only one home per 40 acres. Sevald stated that in June of 2024 the Planning Commission and the City Council

reviewed the Concept Plan of the Schany property. At that time Staff was directed to pursue an Ordinance Amendment that would allow unsewered residential development on lots of less than 40 acres.

Sevald explained that in September of 2024, Staff had a meeting with the Met Council to discuss the possibility of removing a portion of Dayton out of the Metropolitan Urban Service Area (MUSA). The answer is no. There is a minimum density of one home per ten acres, but the Met Council will consider average density of one home per ten acres.

Sevald stated that the intent of the proposed A-3 District is to: 1) Preserve the rural character of Dayton; 2) Encourage hobby farms in Dayton; and 3) Provide alternative to sewer development. Currently rural unsewered development (one unit per ten acres) would be considered Interim Land Use until sewer becomes available.

Sevald posed two questions to the Planning Commission: 1) Define the A-3 District boundary; and 2) Establish a minimum lot size.

Brown stated that rural character means something different to all people. Brown stated that he doesn't want to get hung up on a minimum lot size. Sevald stated that it would help Staff to have an exact minimum.

Van Asten stated that other City Ordinances factor into what is necessary for hobby farming. She brought attention to the fact that animal units and outbuildings have a tremendous impact.

Van Asten stated that her personal threshold was not less than five acres. She expressed her desire to bring the acreage requirement as low as possible for affordability purposes so that more people can afford to have a hobby farm.

The discussion shifted to the Met Council.

Fisher expressed his frustration that the Met Council seems to have control over Dayton, yet no one can show him any legal documentation of Met Council's authority. Fisher believes the Ordinance for animal units needed to be decided before this, and he personally believes restrictions for animal units should not exist for parcels in excess of three acres.

There was consensus to settle on 1.5 acres of buildable land as a minimum with 3-5 acres overall.

Brown stated that he knows this is not technically a Public Hearing, but there are people present who may have questions, so Brown stated that he's going to open a Public Hearing.

Brown opened the Public Hearing at 8:13 p.m.

Jack Bernens of 14770 Thicket Lane came forward and stated that he lives in one of the neighborhoods that the Commission has been discussing and he owns 120 acres at 17501 Dayton River Road.

Bernens stated that raw agricultural land in Dayton today is selling between \$25,000 and \$30,000 per acre.

Bernens believes that between two and three acres would be more financially feasible for hobby farms.

Bernens disclosed that he will be applying for an IUP for an Event Center to create a winery on his property.

Brown closed the Public Hearing at 8:20 p.m.

The discussion shifted to animal units per acre that would be allowed.
The discussion shifted to the boundary area for the potential A-3 District.

Van Asten asked if a resident not in the set boundary area could request for their property to be re-zoned.

Additional conversation ensued.

Fisher stated that he spoke with Doud about getting the City Attorney to look at the legal aspect and determine if the Met Council has any legal standing when it comes to regulating Dayton's land use.

VIII. PUBLIC HEARINGS - continued

A. Recommendation of Approval of Ordinance 2024-__ Amending City Code XXXX regarding Cannabis

Stensgard came forward and stated that this item was briefly discussed in September of 2024, and he gave the background information. In 2023, the Minnesota Legislature legalized adult-use cannabis statewide. The State created 16 license classifications. The State gave zoning authority to local governments, providing them the opportunity to regulate businesses in their communities specific to time, place, and manner.

Stensgard stated in August of 2024, the City passed a moratorium prohibiting cannabis business operations within the City until January 1, 2025, to provide time for these required Ordinance Amendments to be in place.

Stensgard explained the current land use provisions in the Draft Ordinance reflect where these types of uses would normally be allowed, including provisions to limit these activities to occur only within a building. Additional buffer requirements allowed by Statute include: 1) 1,000 feet from a school; 2) 500 feet from a day care facility; 3) 500 feet from a residential treatment facility; and 4) 500 feet from a public park attraction regularly used by minors. Cannabis licensed business will not be allowed in Residential Agricultural Districts.

Stensgard stated that Staff recommends adoption of the Ordinance.

Brown opened the Public Hearing at 8:53 p.m.

No one was present for the public hearing.

Brown closed the Public Hearing at 8:53 p.m.

MOTION by Crosland, second by Van Asten to recommend approval of Ordinance 2024-___ Amending City Code XXXX regarding cannabis to include amendments as discussed. The motion carried unanimously.

B. Recommendation of Approval of Ordinance 2024- ___, Amendment City Code 1001.2 regarding Signage

Sevald came forward and stated that it is easier to tell a story with this. In 2023 there were numerous complaints about intersections that were cluttered with temporary signs. Staff conducted some research and discovered that the City does not prohibit people from placing signs in the right-of-way. This issue was taken to City Council, and a new Ordinance prohibiting temporary signs in the right-of-way.

Sevald stated staff was directed to remove the signs. Some residents were happy, others were not. During election season, City Council directed Staff to stop removing the signs and re-visit the issue after the election. The questions before the Commission are: 1) Should temporary signs be allowed in the right-of-way; and 2) Should off-premise signs be permitted and under what conditions?

A long discussion ensued. The Planning Commission agreed that yard sale, lost dog, birthday party signs, and the like are part of community living.

There was discussion regarding the cost of removing the signs.

There was consensus to allow community signs outside of the right-of-way and to disallow all forms of commercial signs except realtor signs.

Brown opened the Public Hearing at 9:22 p.m.

No one was present for the public hearing.

Brown closed the Public Hearing at 9:22 p.m.

MOTION by Crosland, second by Van Asten, to table Amendment City Code 1001.20 regarding signage. The motion carried unanimously.

C. Concept Plan, TQ Farms (Quilling)

This item was considered prior to IX. New Business Item A.

IX. NEW BUSINESS - continued

A. Discussion: A-3 Agricultural District

This item was considered following VIII. Public Hearing Item C.

X. NOTICES AND ANNOUNCEMENTS

A. Planning Commission Vacancy Application

Sevald stated that the application and information is published on the City's website.

Brown asked if there have been any applications coming in. Sevald stated that three or four applications have come in thus far.

B. Staff Updates

Sevald showed the progress of the River View Villas. There are two buildings. Each building has three units. This project is located in The Historic Village.

Sevald updated the Planning Commission on Dayton Storage, which is a 36,698-square-foot self-storage project. Stensgard stated that utilities are going in and may actually be in now.

Sevald updated the Planning Commission on the Opus project. The primary tenant is Turbine Pro, occupying 74,325 square feet. There is currently 24,335 square feet available for rent.

Sevald updated the Planning Commission on the Dayton-94 project, which is 334,750 square feet of warehousing and distribution center for NFI. NFI is a national company based in New Jersey.

Sevald updated the Planning Commission on the Brayburn Trails East 1st and 2nd Additions have 109 final platted lots and 30 yet to be final platted lots. Streets are in and the grading has started. Stensgard stated that the permits have been pulled for the model homes.

Sevald updated the Planning Commission on the Baxter Property, which closed on December 6, 2024. The property is composed of 9.5 acres and will be a future City facility.

Brown asked how much the City paid for the property. Fisher stated that it was in the neighborhood of \$600,000.

Sevald updated the Planning Commission on the Riverwalk 2nd and 3rd Additions. Riverwalk 2nd Addition has 41 lots. Riverwalk 3rd Addition has 25 lots. Riverwalk 3rd Addition had the Final Plat approved on August 27, 2024.

Additional discussion ensued regarding the home builders in Riverwalk.

Sevald updated the Planning Commission on Sundance Greens 11th Addition. The Final Plat was approved on August 12, 2024. There are 31 lots.

Sevald updated the Planning Commission on MTL and Curbside Waste. Both were completed in the fall of 2024.

Crosland asked what's going on with Cubes. Sevald stated that he'd have more information at the next Planning Commission Meeting. Brown stated that the current tenant took half of the building.

Sevald stated that a press release will be put out next week. Until then, he can't give any information. Stensgard stated that, for clarification, there has been no discussion regarding the second half of the building.

The conversation shifted to parking and the need to revise the Code.

Stensgard noted that the next Planning Commission Meeting will be January 9, 2025.

XI. ADJOURNMENT

PLANNING COMMISSION
DECEMBER 12, 2024
6:30 P.M.
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CITY OF DAYTON, MINNESOTA
12260 SO. DIAMOND LAKE ROAD
HENNEPIN/WRIGHT COUNTIES

MOTION by Crosland to adjourn, Van Asten seconded the motion. Motion carried unanimously. The meeting adjourned at 9:37 p.m.

Respectfully submitted,

Sandra Major, Recording Secretary
TimeSaver Off Site Secretarial, Inc

ITEM:

Recommending Approval of an Interim Use Permit (IUP) for Home Extended Business Including Outdoor Storage Located at 15430 Brockton Lane North

APPLICANT:

John Herbes, Justine and Mitch Frye (John & Jerry Asphalt & Concrete Services)

PREPARED BY:

Hayden Stensgard, Planner II

BACKGROUND:

John Herbes, owner of 15430 Brockton Lane North in Dayton has submitted an application for and Interim Use Permit for a Home Extended Business at the same address. The request is to accommodate storage of materials, equipment, and vehicles associated with an asphalt and concrete business, John & Jerry Asphalt & Concrete Services. Equipment and materials identified to be stored at the location include dump trucks, trailers, skid steers, lumber and aggregate material such as dirt and sand. The request also includes the use of one accessory building for storage and maintenance area for such equipment. The 10.93-acre property is currently zoned A-1, Agricultural, with a land use guidance of Low-Density Residential. Along with the Land Use Application, the applicant has also completed the required Home Occupation Questionnaire that is attached to this report for reference. John & Jerry Asphalt and Concrete Services utilizes this location, as well as one residential property in Maple Grove located at 8920 Weston Lane North.

CRITICAL ISSUES:

1. **Number of vehicles (dump trucks) stored on site** – The applicant included in his Home Occupation Questionnaire interest in allowing for at least two large dump trucks and 1-ton dump truck to be stored on site related to the IUP, with the expectation that number could increase as the business continues to grow. Standards in the Zoning Ordinance for Home Extended Businesses allow for one vehicle associated with the business to be parked on site at any given time not greater than a 12,000 gross vehicle weight (GVW). The section allows for one such vehicle to be no greater than a GVW of 18,000 lbs. if it is stored entirely indoors. The average GVW of a dump truck is 26,000 lbs. The Planning Commission should engage with the applicant during the discussion and address this. A condition of approval related to vehicles allowed on site will be included in a resolution based on that discussion and understanding.

ANALYSIS:

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.

Staff Comment: The property is 10.93 acres in total with a single-family home and two outbuildings on site. Only one of the outbuildings will be used with this Home Extended Business. The site would be used as equipment storage for the business, with the easterly accessory building being used as a shop for equipment service and storage as space allows.

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

Staff Comment: The applicants reside at the home on the property, and the property is currently homesteaded.

- (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.

Staff Comment: Alterations to the house have not occurred and are not necessary for the requested use. Alterations to the site have occurred, but limited to grading to allow for the ability to maneuver vehicles around the accessory building that will be utilized.

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

Staff Comment: Not applicable as this request does not involve use of inside the home on site.

- (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.

Staff Comment: N/A

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

Staff Comment: Per the Home Extended Business provisions, no idling of equipment or use of the equipment shall occur between 10:00 p.m. and 7:00 a.m. and would be a conditional of approval.

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

Staff Comment: With the exception of the outdoor storage area, parking for employee vehicles will take place on the driveway.

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

Staff Comment: It is not anticipated that the Home Extended Business will have any impact to the property's 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.

Staff Comment: No customers are anticipated to visit the property.

- (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.

Staff Comment: Other than standard maneuvering around the accessory structure, and utilizing a skid steer to load material, it is not anticipated this request will provide any adverse effect on the surrounding properties. Any activity on site is limited to between 7:00 a.m. and 10:00 p.m.

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

Staff Comment: N/A

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

Staff Comment: Applicable fire and building codes have been met related to the proposed use.

- (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).

Staff Comment: No customers will attend the site for this Home Extended Business, because of the large vehicles proposed with the use, the operation of this Home Occupation will be limited to between the times of 7:00 a.m. and 10:00 p.m. as a condition of approval.

- (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.

Staff Comment: If approved, this is a code standard that will need to be followed, and will be a condition of approval.

Home Extended Business are required to follow the below provisions found in the Zoning Ordinance as well. The last section does note that the City Council has the authority to approve a Home Extended Business in excess of these standards. Which provides the applicant the opportunity to utilize vehicles above the standard allowance, and request an IUP for longer than the 5-year standard.

(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.

Staff Comment: N/A

- 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.

Staff Comment: Being that the site is over 2.5 acres (10.93 acres), the property is eligible for outdoor storage associated with the IUP request, but such outdoor storage cannot exceed 20% of the property area. The extent of the entire Home Extended Business, including the home on site, is on a section of the property that is roughly 1.25 acres.

- c. The Home Extended Business shall be set back a minimum of 100 feet from any dwelling, other than that of the subject property.

Staff Comment: The house to the north is setback roughly 75 feet from south property line at its closest point. Attached to this report is an aerial image that includes a 100-foot buffer from the house. This area, except for the use of the drive aisle, will not be eligible for storage of items related to the IUP. As such, if the Planning Commission recommends approval, this code standard will be a condition of that approval.

- 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.

Staff Comment: The applicant has requested use of the easterly accessory structure on site that would be used as a maintenance and storage area. The accessory structure closer to Brockton Lane North will only be used for personal use.

- 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.

Staff Comment: John Herbes is the owner of the business, as well as the owner of the home. He has indicated that there are two employees that would be reporting to this site at any given time. It is also noted in his questionnaire that Mitch Frye, another occupant of the home on site, assists with marketing of the business. The marketing of the business is not something that falls into the home extended business criteria, and would not be considered an additional employee conducting work through the approved IUP.

- 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.

Staff Comment: As noted above as a critical issue to this request, the applicant has noted that at present they intend to keep a minimum of 2 dump trucks on site, with an expectation that that number could increase in the future. The average gross vehicle weight of a dump truck is 26,000 lbs., which is larger than the one allowed by this code section for the Home Extended Business. The Planning Commission should address this in their discussion and

come to an understanding regarding the allowance of dump trucks to be stored and filled on this property.

- g. Direct sale of goods that are not produced on the site is prohibited.

Staff Comment: No direct sales will be conducted on the site.

- h. Dust control measures may be required.

Staff Comment: At this time, staff does not see a need to require dust control measures on this property.

- i. Any other reasonable conditions required by the City Council.

Staff Comment: The City Council can require additional conditions beyond this code section if they feel necessary. The Planning Commission has the authority as well to add conditions for approval of the request, subject to approval 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.

60/120-DAY RULE:

Request for Interim Use Permit	60-Days	120-Days
	1/25/2025	3/26/2025

RELATIONSHIP TO COUNCIL GOALS:

- Planning Ahead to Manage Thoughtful Development
- Preserving the City's Rural Character

ROLE OF THE PLANNING COMMISSION:

The role of the Planning Commission is to hold a public hearing on this item, and consider providing a recommendation to the City Council on the request, determining whether the request is in general harmony with the provisions established in the Dayton Zoning Ordinance.

Notice was given to the surrounding property owners within 500 feet of the subject property for this public hearing, and also published noticed in THE PRESS on December 26, 2024.

STAFF RECOMMENDATION:

Staff recommends the Planning Commission provide a recommendation to the City Council for either approval or denial of the above request. If the Planning Commission is inclined to recommend approval based on the information provided, staff would recommend the following conditions of approval:

1. A 6-foot opaque fence be installed on the north property line for improved screening from adjacent residential uses. Such fence shall extend from westerly accessory building east to end of Interim Use Permit related area (roughly 200 feet).
2. Existing stored items in connection with the Interim Use Permit be relocated away from the North property line. All interim use permit related materials are required to be stored more than 100 feet from adjacent homes.

3. Home extended business equipment and materials be stored on site so as to not be visible from Brockton Lane North.
4. Vehicle and equipment operation/maintenance/use shall not occur onsite outside of 7:00 a.m. and 10:00 p.m.
5. The use and storage of large dump trucks on site shall be limited to two (2), and one (1) 1-ton dump truck. Any request for additional vehicle storage shall be reviewed and considered through an Interim Use Permit amendment.
6. Vehicle trips to and from the property directly associated with the Home Extended Business shall be limited to 8 per day.
7. The Interim Use Permit shall be valid for a period of five (5) years from the effective date of this resolution or shall expire when the business is relocated, or the property is sold.
8. The City shall reserve the right to inspect the property, with ample notice provided to the property owner, to verify continued compliance with the applicable provisions of the Dayton Zoning Ordinance and conditions of approval herein.
9. 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 passed 60 days, the home extend business IUP shall be revoked.

If the Planning Commission believes that the use of dump trucks related to a Home Occupation is inconsistent with the intent of the Home Occupation section of the code, the Planning Commission should provide a recommendation for denial of the Interim Use Permit based on findings of fact pointing out inconsistencies with the Home Occupation section of the code.

ACTION:

The Planning Commission has the following options:

- A. Motion to recommend **approval** of the Interim Use Permit for Home Extended Business based on findings of fact and subject to the conditions in said resolution.
- B. Motion to recommend **denial** of the Interim Use Permit for Home Extended Business with findings of fact to be provided by the Planning Commission.
- C. Motion to **table** action on the item with direction to be provided to the applicant and staff by the Planning Commission.

ATTACHMENT(S):

Draft Resolution No. XX-2025, Approval of Interim Use Permit for Home Extended Business

Aerial Image

Aerial Image with 100-foot buffer from adjacent home

Home Occupation Questionnaire Submitted by Applicant

Images from Site Visit on November 19, 2024

Dayton Zoning Ordinance Section 1001.13 Home Occupations

Dayton Zoning Ordinance Section 1001.23 Conditional Use and Interim Use Permits

RESOLUTION NO. XX-2025

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

**RESOLUTION APPROVING AN INTERIM USE PERMIT FOR HOME EXTENDED BUSINESS
INCLUDING OUTDOOR STORAGE AT 15430 BROCKTON LANE NORTH**

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

WHEREAS, John Herbes, Justine and Mitch Frye (hereinafter referred to together as the “Applicant”), owners of 15430 Brockton Lane North, have made an application for an Interim Use Permit for Home Extended Business including outdoor storage (hereinafter referred to as the “Use”). The parcel has a Property Identification Number 06-120-22-24-0003 and a legal description as follows:

Lot 1, Block 2, Hunters Run (Hereinafter referred to as the “Subject Property”)

WHEREAS, the property is zoned A-1, Agricultural, and is 10.93 acres in size; and

WHEREAS, City Code 1001.13 allows for property owners to apply for an Interim Use Permit for a Home Extended Business; and

WHEREAS, City Code 1001.23, Subd 2 defines the purpose and scope of an Interim Use Permit (IUP). In summary, an IUP is a use that is currently acceptable, but may not be in the future. An IUP is intended to be temporary, to expire on a certain date or event. An IUP is to be processed according to the same standards and criteria as a Conditional Use Permit (CUP); and

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 held a Public Hearing at its January 9, 2025 meeting regarding the Permit where the Applicant was present. A Public Hearing notice was published by The Press on Thursday, December 26, 2024 and mailed to property owners within 500 feet of the project. The Planning Commission recommended approval; and

WHEREAS, the City Council at its January 28, 2024 meeting reviewed and considered the application.

NOW, THEREFORE, based upon the information from the public hearing, 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:

1. The proposed use is consistent with the Comprehensive Plan and the purpose of the underlying zoning district.

Finding: *Being that the property is zoned A-1, and is larger than 2.5 acres in size, this property is eligible to apply for an Interim Use Permit for a home extended business that includes*

outdoor storage. Chapter 5: Land Use, of the 2040 Comprehensive Plan encourages the allowance of home business that are accessory to a residential use and that adhere to the zoning ordinance, in order to assist with expanding and diversifying the City's tax base.

2. The proposed use will not substantially diminish or impair property values within the immediate vicinity of the subject property.

Finding: *It is not anticipated the Use will substantially diminish or impair property values within the immediate vicinity of the subject property.*

3. The proposed use will not be detrimental to the health, safety, morals or welfare of persons residing or working near the use.

Finding: *The proposed use will not be detrimental to the health, safety, morals or welfare of persons residing or working near the use.*

4. The proposed use will not impede the normal and orderly development of surrounding property.

Finding: *The surrounding properties are all within the Post 2050 Staging Plan of the Comprehensive Plan, and are not anticipated to develop during the term of the proposed IUP.*

5. The proposed use will not create an undue burden on parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.

Finding: *The proposed use will not create an undue burden on parks, schools, streets, or other public service.*

6. The proposed use is adequately screened.

Finding: *The proposed use is currently adequately screened from the public right-of-way, and as part of the conditions of approval, additional screening will need to be provided to the adjacent property to the North.*

7. The proposed use will not create a nuisance, including but not limited to odor, noise, vibration or visual pollution.

Finding: *The proposed IUP will not create a nuisance.*

8. The proposed use will provide adequate parking and loading spaces, and all storage on the site is in compliance with this Subsection.

Finding: *The proposed IUP will provide adequate parking on the site.*

9. The proposed use will protect sensitive natural features.

Finding: *There is a small wetland on the property to the southeast of the home, the area for the proposed IUP is more than 100 feet away from the wetland base on National Wetlands Inventory on Hennepin County GIS.*

10. The City Council may attach conditions to the permit, as it may deem necessary in order to lessen the impact of a proposed use, meet applicable performance standards and to promote health, safety and welfare.

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 **Approve** the Applicant's request for an Interim Use Permit for a Home Extended Business including outdoor storage. The Applicant shall meet the following conditions to the satisfaction of the City:

1. A 6-foot opaque fence be installed on the north property line for improved screening from adjacent residential uses. Such fence shall extend from westerly accessory building east to end of Interim Use Permit related area (roughly 200 feet).
2. Existing stored items in connection with the Interim Use Permit be relocated away from the North property line. All interim use permit related materials are required to be stored more than 100 feet from adjacent homes.
3. Home extended business equipment and materials be stored on site so as to not be visible from Brockton Lane North.
4. Vehicle and equipment operation/maintenance/use shall not occur onsite outside of 7:00 a.m. and 10:00 p.m.
5. The use and storage of large dump trucks on site shall be limited to two (2), and one (1) 1-ton dump truck. any request for additional vehicle storage shall be reviewed and considered through an Interim Use Permit amendment. –
6. Vehicle trips to and from the property directly associated with the Home Extended Business shall be limited to 8 per day.
7. The Interim Use Permit shall be valid for a period of five (5) years from the effective date of this resolution or shall expire when the business is relocated, or the property is sold.
8. The City shall reserve the right to inspect the property, with ample notice provided to the property owner, to verify continued compliance with the applicable provisions of the Dayton Zoning Ordinance and conditions of approval herein.
9. 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 passed 60 days, the home extend business IUP shall be revoked.

Adopted this 28th day of January, 2025, by the City of Dayton.

Mayor — Dennis Fisher

City Clerk — Amy Benting

Motion by _____ Second by _____

*Resolution **approved***

MOTION DECLARED PASSED



Hennepin County Locate & Notify Map

Date: 12/26/2024



Buffer Size:

Map Comments:

Herbes IUP for Home Extended Business

0 100 200 400 Feet
|-----|-----|-----|-----|

This data (i) is furnished 'AS IS' with no representation as to completeness or accuracy; (ii) is furnished with no warranty of any kind; and (iii) is not suitable for legal, engineering or surveying purposes. Hennepin County shall not be liable for any damage, injury or loss resulting from this data.

For more information, contact Hennepin County GIS Office
300 6th Street South, Minneapolis, MN 55487 / gis.info@hennepin.us



Home Occupation Questionnaire

If additional space is needed to adequately answer any of the following questions, answer on a separate sheet of paper or on the back of this application. Please number your answer to correspond with the question.

1. Describe the proposed home occupation in detail:
To be used as a shop and storage for trucks, trailers and equipment to do asphalt and concrete.
We have no customers at this location
2. Describe the character of the surrounding property:
Next to the north is a vet business that boards horse and has customers
Behind us is farm land--been in corn
Next to us on south side-Michael grows grass
3. Who will be employed in this home occupation and what will their duties be?
John Herbes--Owner manager-- Mitch Frye advertising--Yuriy Kormin owner-concrete,
Nick Kormin owner-asphalt,
Two part-timers all of us work off site. The days we need equipment we will pick it up
and all our work is off site.
4. Will there be any people employed in the home occupation who do not live in the home? If
yes, describe the need for their employment.

Yuriy, Nick and maybe part-time to pick up equipment and clean and fix things
5. In what part of the home will the home occupation be located? What percentage of floor
space will be used?

The house itself will only use bathroom,
6. Will the home occupation be carried out in a garage, shed, or any other part of the property
other than the home? If yes, describe:

The barn in back and yard.
7. Will there be any outside storage of equipment or materials used in the home occupation?
If yes, describe the equipment or materials:

Lumber, dirt, sand, dump trucks and trailers, skids and attachments
Asphalt equipment and concrete equipment

8. What are the intended days and hours of this home occupation?

Monday through Friday 7am to 8pm-- Saturdays 8am to 4pm
Most time we are out working off site

9. How many customers will visit your home occupation at any one time? If none, skip to question #12.

10. Do you have off-street customer parking available at your home occupation? If yes, attach a drawing showing the location, capacity and type of parking surface:

11. Will you need to use the street for parking as part of your home occupation? If yes, how much parking space will be needed?

12. How many vehicle trips from customers and/or employees (including subcontractors) will the home occupation generate on any given day?

No customers, 4 to 8

13. Will the home occupation require or involve any equipment not normally found in the home? If yes, describe the equipment:

Asphalt paver, larger trailers, dump trucks, rollers and tools for concrete

14. Will the home occupation involve the sale of merchandise over-the-counter that is produced off the property? If yes, describe the merchandise to be sold:

No

15. How long do you anticipate the home occupation will be operated at this address?

Ten years

16. Are any interior or exterior alterations required for this home occupation? If yes, describe the interior and/or exterior alterations, and the cost for such alterations, required:

No

17. Will the home occupation produce glare, noise, odor or vibration that will be noticeable outside the home? If yes, describe:

Starting of truck, small motors,

18. Do you plan on displaying any signs advertising your home occupation? If yes, attach a drawing of the proposed sign, including the size, materials, color and location of the sign.

Do not need a sign--However if it's aproved it is good advertizing.

19. Are there any licenses or permits that are required from any government agencies to legally conduct this home occupation? If yes, list the licenses or permits below:

No

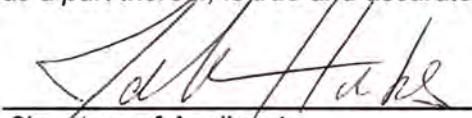
20. May the City inspect the property during the time this application is being considered for approval?

Yes, and they have even taken photo's with approval

21. List any additional information concerning this home occupation that you believe is necessary for consideration of your application:

A wise person told me to state, as we grow it could go to two dump trucks or maybe four bigger dump truck within the next ten years. This would mean five drivers and maybe 8 trips in out of property--It's good to dream.

By signing this application, I declare that I have read Section 1001.13 of the Dayton Zoning Ordinance, and that all of the information provided to the City of Dayton is on this application, or as a part thereof, is true and accurate to the best of my knowledge.


Signature of Applicant

11-26-2024
Date













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)

1001.23 CONDITIONAL USE AND INTERIM USE PERMITS.

Subd. 1 Conditional Use Permits

(1) *Purpose and scope.* The conditional use permit process is intended to provide the City with an opportunity to review a proposed use that has the potential to be incompatible with surrounding uses, but can be made compatible through the establishment of reasonable conditions. Approval of a conditional use is a site specific approval and does not indicate that the conditional use is able to be conducted on every parcel within the zoning classification. Every application for a conditional use permit will be individually reviewed on its own merits, and the facts surrounding the subject property will determine the appropriateness of the proposed use. The approval of the conditional use permit runs with the land and is not impacted by changes in ownership.

(2) *Application.* A request for a conditional use permit shall be initiated by an owner of property or an authorized representative of an owner through the submission of a conditional use permit application to the Zoning Administrator that includes the following:

a. A complete application form signed by the property owner and the applicant (if different from the property owner);

b. A thorough written description of the proposed conditional use;

c. A legal description of the property;

d. Application fee and escrow deposit;

e. Certified list and set of mailing labels of the names and addresses of all property owners within 500 feet of the boundaries of the property in question. (This item is not required for administrative conditional use permit applications.)

f. A map showing the property in question and the surrounding land use of all property within 500 feet of the property in question;

g. A complete site plan showing all aspects of the proposed use and its relationship to the surrounding neighborhood;

h. Schematic architectural, landscape, grading and utility plans for projects involving new construction, exterior remodeling or additions;

i. A survey may be required if it is determined to be necessary by the Zoning Administrator; and

j. Any other information required by the Zoning Administrator, Planning Commission or City Council.

(3) *Process.*

a. Notice of the time and place of the public hearing shall be given not more than 30 days nor less than 10 days in advance of the public hearing by publishing a notice in the official newspaper of the City and by mailed notice to the property owners within 500 feet of any boundary of the property for which the use is proposed. This notice shall describe the particular conditional use and shall contain a brief description thereof. The County Auditor's records shall be used for determination of ownership and mailing addresses.

b. No hearing will be scheduled and the application will not be deemed to be complete until all of the application requirements are submitted by the applicant in a form acceptable to the Zoning Administrator.

c. The Planning Commission shall hold at least 1 public hearing on the proposal to issue a conditional use permit.

d. Before any conditional use permit may be granted, the request shall be referred to the Planning Commission for study concerning the effect of the proposed conditional use on the Comprehensive Plan and on the character and the development of the neighborhood. The Planning Commission will make a recommendation to the City Council regarding reasonable conditions and findings of fact.

e. The approval of a conditional use permit requires that the City Council shall find that conditions can be established to ensure all of the following criteria will always be met:

1. The proposed use is consistent with the Comprehensive Plan and the purpose of the underlying zoning district.

2. The proposed use will not substantially diminish or impair property values within the immediate vicinity of the subject property.

3. The proposed use will not be detrimental to the health, safety, morals or welfare of persons residing or working near the use.

4. The proposed use will not impede the normal and orderly development of surrounding property.

5. The proposed use will not create an undue burden on parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.

6. The proposed use is adequately screened.

7. The proposed use will not create a nuisance, including but not limited to odor, noise, vibration or visual pollution.

8. The proposed use will provide adequate parking and loading spaces, and all storage on the site is in compliance with this Subsection.

9. The proposed use will protect sensitive natural features.

10. The City Council may attach conditions to the permit, as it may deem necessary in order to lessen the impact of a proposed use, meet applicable performance standards and to promote health, safety and welfare.

f. *Denial.* Conditional use permits may be denied by resolution of the City Council when there is a determination and findings of fact by the City Council that the proposed use does not meet the criteria for granting a conditional use permit.

(4) *Time limit.*

a. Unless otherwise specified in the conditional use permit, the operation of the use and/or issuance of building permits for permitted structures shall begin within 6 months of the date of the conditional use permit approval. Failure to do so will invalidate the conditional use permit. Permitted timeframes do not change with successive owners. Upon written request, 1 extension of 6 months may be granted by the Zoning Administrator if the applicant can show good cause.

b. If a use operating pursuant to an approved conditional use permit is discontinued for a period of at least 6 months, any further use of the property shall conform to the requirements of this Subsection. A discontinued conditional use shall not begin operations again without first obtaining approval of a new conditional use permit.

(5) *Revocation.*

a. In the event that any of the conditions set forth in the permit are violated, the City Council shall have the authority to revoke the conditional use permit. Before the revocation is considered, the City Council shall hold at least 1 public hearing after proper written notice has been issued in accordance with this section.

b. Following the hearing and subsequent discussion, the City Council may revoke the conditional use permit by adopting findings of fact showing there has not been substantial compliance with the required conditions.

(6) *Amendments.* A conditional use permit may be amended or modified only in accordance with the procedures and standards established when originally securing the conditional use permit. A request for a change in the conditions of

approval of a conditional use permit shall be considered an amendment and subject to the full review procedure set forth in this Subsection. An additional application fee may be required before the consideration of the amendment request.

Subd. 2 Interim Use Permits

(1) *Purpose and scope.* The interim use is a use that is currently acceptable but in the future may no longer be acceptable. The interim use permit process is intended to provide the City with an opportunity to allow a use that meets 1 of the following criteria:

- a. The use is for a brief period of time until a permanent location is obtained or while the permanent location is under construction;
- b. The use is judged by the City Council to be presently acceptable but with anticipated development or redevelopment, will not be acceptable in the future or will be replaced in the future by a permitted or conditional use within the respective district;
- c. The use is judged by the City Council to reflect the long range vision for the area and is in compliance with the Comprehensive Plan provided that the use maintains harmony and compatibility with surrounding uses and is in keeping with the architectural character and design standards of existing uses and development.

(2) *Application, process, time limit, revocation and amendments.*

- a. An interim use permit shall be processed according to the standards, procedures and criteria for conditional use permits. In addition, the proposed interim use must be allowed in the respective zoning district.
- b. The interim use permit approval shall contain a date or specific event that will terminate the use with certainty.

(Ord. 2010-18, passed 9-28-2010)

ITEM:

Discussion: A-3 Agricultural District

APPLICANT/PRESENTERS:

Jon Sevald, Community Development Director

PREPARED BY:

Jon Sevald, Community Development Director

BACKGROUND/OVERVIEW:

At the December 12th Planning Commission meeting, the Commission discussed the creation of an A-3 Agricultural district with the intent of permitting 4:40 residential density, with a minimum lot size of 1.5 net acres (5 gross acres). The A-3 district would generally include northwest Dayton (north of South Diamond Lake Road, west of the *future* Dayton Parkway (TBD), and south of the Old Village).

The December 12th discussion included the desire to avoid any “unintended consequences”, e.g. would rezoning land from A-1, A-2, R-1 R-2, and P-R to A-3 create any non-conforming land uses? Yes, it would.

Examples:

1. An area north of Diamond Lake is zoned R-1, (0.3 – 3.6 acre lots). This neighborhood is sewered and serviced through Rogers. If rezoned from R-1 to A-3, homeowners would be permitted significantly more impervious surface area, e.g. 10,000 sq ft = 77% of a 0.3 acre lot. This area should remain zoned R-1 (not A-3). Similarly, existing R-2 districts should remain R-2.
2. Daytona Golf Course is zoned P-R Public Recreational District. If rezoned from P-R to A-3, golf course would be a non-conforming use. This area should remain zoned P-R (not A-3).
3. The A-2 and SA districts have special circumstances that need further investigation specific to those parcels.

The general intent is to rezone A-1, A-2, and SA parcels to A-3 in northwest Dayton.

CRITICAL ISSUES:

1. Minimum Lot Size; 1.5 acres with 3' separation to saturated soils.¹ This assumes that 1.5 acre lots = “rural character” and is large enough to do rural character things.

¹ MN Rule 7080.1720, Subp 4(G); *Soil Observations; A minimum of three soil observations are required for the initial and replacement soil treatment area and at least one soil observation must be performed in the portion of the soil treatment area anticipated to have the most limiting conditions. The total number of soil observations required is based on the judgment of the certified individual or the local unit of government. Soil observations must comply with the following requirements:*

G. the minimum depth of the soil observations must be to the periodically saturated layer, to the bedrock, or three feet below the proposed depth of the system, whichever is less.

PLANNING COMMISSION MEETING

2. If to rezone northwest Dayton to A-3, there are unintended consequences that need to be understood prior to adoption.

Keep in mind that in order to subdivide land in the A-3 district, the minimum plat size is 20-acres.

60/120-DAY RULE (IF APPLICABLE):

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

RELATIONSHIP TO COUNCIL GOALS:

Planning Ahead to Manage Thoughtful Development
Preserving our Rural Character
Create a Sought After Community

ROLE OF PLANNING COMMISSION:

No Action required. Provide direction:

1. Draft Ordinance (land uses)
2. Draft Zoning Map

The Building Official will be in attendance. This is the opportunity to discuss and ask questions regarding the developability of 1.5 acre lots.

The December 12th Planning Commission included discussion of agritourism, including how much land is needed for specific types of agritourism (e.g. pick-your-own, horse stables, vineyards, etc.). Attachments include information about Agritourism.

RECOMMENDATION:

None

ATTACHMENT(S):

Examples of Rural Character
Draft Ordinance
Draft Zoning Map
Metcouncil Flexible Residential Development Guidelines
Agritourism, University of Minnesota Extension
The Economic Contributions of Agritourism in New Jersey

EXAMPLES OF RURAL CHARACTER



152nd Ave, example of 2.5 acre lots



Stonehearth Ridge, example of clustering of homes (0.3 - 0.5 acre lots). Density = 0.14 homes per acre (1.5 homes per 10-acres)

DAYTON, MINNESOTA
CODE OF ORDINANCES
SECTION 1001: ZONING

1001.05 RESIDENTIAL DISTRICTS.

Subd. 11 Flexible Residential Agricultural District (A-3)

- (1) Intent. The intent of the Flexible Residential Agricultural District is to preserve rural character and promote agritourism in northwest Dayton by permitting Interim Land Uses without precluding the opportunity for future sewered residential development at densities of at least 3 units per net developable acre. Interim Land Uses include unsewered residential development with a gross density of 4 units per 40 acres. The A-3 district will serve as a greenbelt around the Historic Village Residential District, thereby protecting the rural character and heritage of the Historic Village until which time municipal sewer becomes available in the greater area.
- (2) Permitted uses. See Table 5.1 for a list of permitted uses.
- (3) Permitted accessory uses. Uses such as those listed below that are customarily incidental and clearly subordinate to the permitted or approved conditional use. Also see Table 5.1 for a list of other permitted accessory uses.
- a. Private garages and agricultural accessory buildings, in accordance with district requirements.
 - b. The renting of rooms in a single-family detached dwelling by a resident family for lodging purposes only and for the accommodation of not more than 2 roomers.
 - c. Private swimming pools and tennis courts.
- (4) Conditional uses. See Table 5.1 for a listing of conditional/interim uses.
- (5) General district requirements.

	A-3
<u>Minimum lot area</u>	<u>1.5 acres (contiguous), with a minimum 3' separation from periodically saturated soil layer</u>
<u>Maximum density</u>	<u>4 dwellings per 40 gross acres</u>
<u>Minimum lot frontage at ROW</u>	<u>200'</u>
<u>Minimum lot width at setback</u>	<u>200'</u>
<u>Maximum impervious surface coverage</u>	<u>10% of lot, or 10,000 sq ft, whichever is larger</u>
<u>Setbacks.</u>	
<u>Front, side or rear to a street</u>	<u>30'</u>
<u>Side</u>	<u>10'</u>
<u>Rear</u>	<u>20'</u>

(6) Conservation Easements. Subdivisions within the A-3 District shall include conservation easements to include waterbodies, wetlands, wetland buffers, wooded areas of Heritage and Significant Trees, and similar sensitive areas. The City of Dayton shall be the benefactor of conservation easements. The intent of these conservation easements is to protect sensitive areas, and to remove such areas from Net Density calculations because they are protected lands.

Subd. 44 12 Historic Village Residential District (RO)

Subd. 42 13 Allowable Uses; Table 5.1

Table 5.1 Residential – Agricultural Use Classifications	N – Not Permitted				
	P-Permitted				
	C-Conditional Permit				
	I-Interim Use Permit				
	A-Accessory				
	Zoning District				
	SA	A-1	A-2	A-3	RO
Accessory buildings	A	A	A	A	A
Agriculture	P	P	P	P	N
Attached or interior accessory dwelling unit as regulated by Subsection 1001.36	A	A	A	A	N
Bed and breakfast	N	I	I	I	I
Boarding houses	N	I	I	I	I
Bus/transit station	N	C	C	C	C
Cemeteries	N	C	C	C	N
Commercial composting and land spreading	I	I	I	I	N
Day care 13 or fewer persons ¹	A	A	A	A	A
Day care 14 or more persons ¹	C	C	C	C	C
Detached accessory dwelling units as regulated by Subsection 1001.36	I	I	I	I	C
Essential services	P	P	P	P	P
Event center	I	I	N	I	N
Fences*	A	A	A	A	A
Feedlots and poultry facilities ¹	C	C	C	C	N
Golf courses/driving ranges	N	N	N	N	N
Home occupation	A	A	A	A	A
Home extended business	I	I	I	I	I
Horse boarding and riding facilities	C	C	C	C	N
Junk yards	N	N	N	N	N
Kennels	C	C	C	C	N
Mining	C	C	C	C	N
Mobile home park	N	N	N	N	N
Multi-family attached residences	N	N	N	N	C
Nursery wholesale	C	C	C	C	N
Nursing homes	N	N	N	N	C

	SA	A-1	A-2	A-3	RO
Park and public uses	P	P	P	<u>P</u>	P
Public utility stations	P	P	P	<u>P</u>	C
Religious institutions	N	C	C	<u>C</u>	C
Residential care facility serving 6 or fewer people ¹	A	A	A	<u>A</u>	A
Residential care facility serving 7 or more people ²	N	N	N	<u>N</u>	N
Restaurants and liquor establishment (accessory)	N	N	N	<u>N</u>	N
Schools	N	N	N	<u>N</u>	C
Senior citizen housing	N	N	N	<u>N</u>	C
Single-family attached residences	N	N	N	<u>N</u>	C
Single-family detached residences	P	P	P	<u>P</u>	P
Towers - amateur radio	C	C	C	<u>C</u>	C
Two-family dwellings	N	N	N	<u>N</u>	C
Veterans Outpatient Treatment Facilities (on parcels at least 30 gross acres in size)	N	I	N	<u>I</u>	N
NOTE: Any use not listed above as a permitted, conditional use, or interim use is not permitted.					
¹ Must be licensed by the State of Minnesota.					
² When part of a PUD.					
* For fences see fence guidelines in Section 1001.24 Subd. 7.					

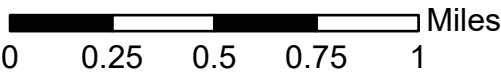
Zoning Map

October 25, 2024

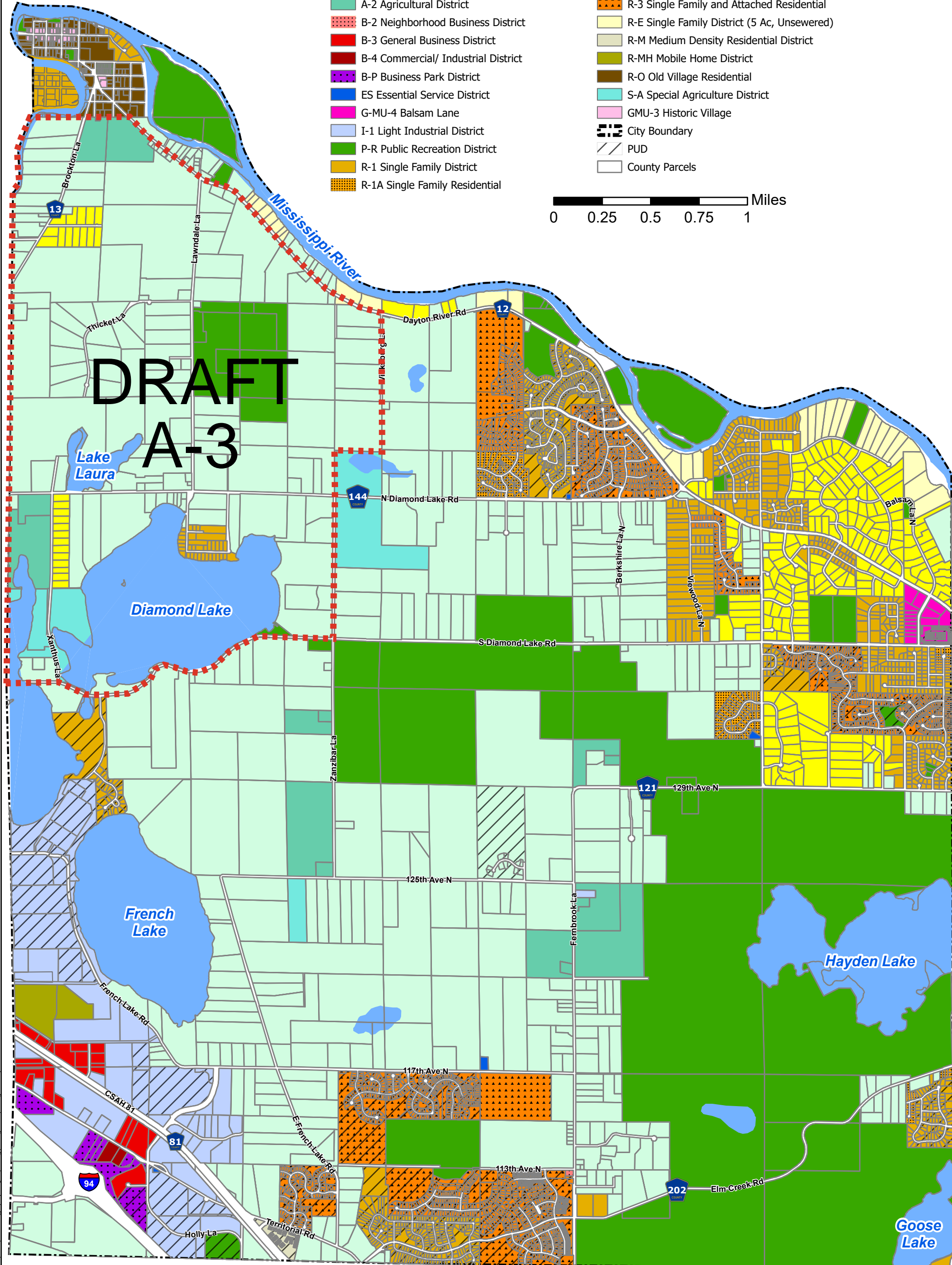


Legend

- | | |
|-------------------------------------|---|
| A-1 Agricultural District | R-2 Single Family District (90,000 Sf, Unsewered) |
| A-2 Agricultural District | R-3 Single Family and Attached Residential |
| B-2 Neighborhood Business District | R-E Single Family District (5 Ac, Unsewered) |
| B-3 General Business District | R-M Medium Density Residential District |
| B-4 Commercial/ Industrial District | R-MH Mobile Home District |
| B-P Business Park District | R-O Old Village Residential |
| ES Essential Service District | S-A Special Agriculture District |
| G-MU-4 Balsam Lane | GMU-3 Historic Village |
| I-1 Light Industrial District | City Boundary |
| P-R Public Recreation District | PUD |
| R-1 Single Family District | County Parcels |
| R-1A Single Family Residential | |



**DRAFT
A-3**



Flexible Residential Development Ordinance Guidelines for the Diversified Rural Area

August 2008

Background

The *2030 Regional Development Framework* (RDF)ⁱ indicates that land use patterns in Diversified Rural Area Communities “include a mix of a limited amount of large-lot residential and clustered housing with agriculture and other uses” (RDF p. 27). The RDF further states the communities in the Diversified Rural Area should preserve areas where post-2030 growth can be provided with cost-effective and efficient urban infrastructure and accommodate growth without prematurely requiring the provision of regional urban services. In addition, the *2030 Water Resources Management Policy Plan* (WRMPP) identifies areas for post-2030 wastewater investment and service. These areas are described in the text of the document as well as illustrated in Appendix E on a map titled *Regional Wastewater System Long-Term Service Areas*.

The existing regional wastewater treatment plants and the broader infrastructure efficiency of contiguous sewer development are predicated on a residential densityⁱⁱ of three units per acre or greater (WRMPP p. 54). The Council’s planning strategies for Diversified Rural Areas call for communities in those areas to have land use plans that “[a]ccommodate growth not to exceed forecasts and clustered development not to exceed 1 unit per 10 acres” (RDF p. 32). However, the results of a recent study of “flexible residential development ordinances” employed in Diversified Rural Area communities show that some communities have implemented ordinances that permit activities that are in conflict with metropolitan system plans.ⁱⁱⁱ Density bonuses, large-lot development, and open space preservation ordinances sometimes permit residential development at densities that will severely limit the ability of some communities to achieve (in the future) the minimum density requirement of at least three units per net developable residential acre that is necessary for future cost-effective and efficient regional wastewater treatment services.

The Council has developed guidelines for flexible residential development ordinances applied in communities in the Diversified Rural Area and identified as a **Long-Term Service Area (LTSA)** for regional wastewater services. These areas are essentially staging areas for future urbanization, and so development ordinances and land use patterns should reflect as much and not preclude future development on appropriate lands in those areas. A purpose of flexible residential development ordinances in these areas should be to preserve land for post-2030 growth and to accommodate the future extension of regional urban services.

Communities should study and assess their landscapes to refine their development priorities. There may be areas within the community that contain an abundance of sensitive natural resources or that the community has identified as a greenway or conservation corridor. These areas may not be most suitable for future urbanization as the capability of the land to support development is low and constrained. In these cases, open space development or cluster development may be adapted to protect those resources to meet the community’s goals.

These guidelines are not intended to replace the work that has been done by numerous communities and organizations in developing flexible development ordinances. Rather, these guidelines are intended to be used along with those methods and standards for the varying types of flexible development ordinances.

Guidelines for Flexible Residential Development Ordinances^{iv}

Areas immediately beyond the current urban services boundary within the LTSA are considered temporarily rural. Residential development ordinances in these areas should limit densities to one unit per 10 acres, or allow the clustering of dwellings in a manner that will reserve land for future sewered development, in addition to protecting any sensitive resources that may exist. Ordinances providing for residential clustering in the above-described areas should take the following guidelines in consideration when developing or adapting flexible residential ordinances for these areas.

1. Provide a purpose within the ordinance that describes the need to reserve land resources for efficient future urbanization when appropriate infrastructure is available to support that development.

Defining the purpose and intent of any ordinance provides the local unit of government with a basis for the regulations that follow. Clearly stating that a purpose of the flexible residential development ordinance is to reserve land resources for future development will allow potential applicants to better understand the regulations as they apply to individual properties. The local unit of government may also wish to apply aspects of an open space ordinance to other areas within the community that have different characteristics that they wish to set aside or protect; this distinction should also be stated and defined within the purpose section of the ordinance.

2. Describe the characteristics of the land required for future urbanization and seek to reserve tracts of land in a size and configuration capable of supporting future development (for example, non-hydric soils, location in relation to existing development, etc.).

The ordinance should define the lands that are considered “buildable,” as these lands are considered the most suitable for development. Removing lands that are restricted due to federal and state regulations, as well as any features that the local government has defined for protection or conservation, will allow the community to preserve sensitive natural features and to ensure the availability of land to accommodate future development.

Density bonuses are commonly used by local communities as a means to encourage developers to use a non-conventional development ordinance. However, without specifying the types of lands that are required for future development, many communities have inadvertently encouraged large-lot development in which the private lots often consume most of the developable land and leave little remaining developable acreage available for future development. The lots within the development are often too large to efficiently extend urban-level services to the development.

3. Allow no more than 25% of the developable land in a project to be developed. For the purposes of future urbanization, larger future urbanization parcels should be reserved, limiting the cluster to a development area that covers a minority of the area.

To ensure that land is available for future development, the local unit of government should specify the maximum amount of developable land that is allowed to be used for the initial residential development. For the purposes of future urbanization, communities should limit the initial development envelope to no more than 25% of the total buildable area of the project parcel.

4. Require that the parcel(s) set aside for future urbanization be covered by a temporary development agreement or deed restriction, rather than a permanent conservation easement or other permanent restriction.

In a typical open space development, with the purpose of long-term preservation of natural resources, communities usually ensure the long-term maintenance and protection of sensitive natural resources through the placement of a permanent conservation easement that is often conveyed to a trust or public entity. When seeking to reserve land for future development, however, the community should not place permanent restrictions on the capability of the land to be developed. Instead, communities should place on the future urbanization parcel temporary development agreements or deed restrictions that contain “triggers” for the removal of such restrictions. The restrictions prevent the land from being developed before urban services are available. The ordinance should also detail the “triggers,” or conditions, under which such restrictions would be removed and the parcel made available for development. Such conditions may include the rezoning of the parcel, a change in the comprehensive plan, and the provision of urban infrastructure and utilities, among others deemed appropriate by the local unit of government.

Portions of the development that are designated as undevelopable or are to be set aside for recreational use or conservation purposes, on the other hand, should be either dedicated to the public or covered with a permanent conservation easement or permanent deed restriction.

5. Provide for the rezoning of the future urbanization parcel to a residential zoning classification at densities consistent with Council policy at such time that urban services are available to the parcel.

To ensure the efficient utilization of urban services, communities should allow for the rezoning of the future urbanization parcel to densities that, at a minimum, are consistent with Council policy. This rezoning should only occur in conjunction with or after the provision of urban services, when the land is served by the infrastructure required to support higher density uses.

6. Encourage the use of community wastewater treatment systems to serve the temporary cluster and to allow for smaller lot sizes within the development.

Clustering homes on smaller lots facilitates the connection of those homes to future sewer services and ensures that these services are being efficiently and economically utilized. These small lot sizes, however, are often too small to provide the necessary space for individual sewage treatment systems on each lot, in addition to a back-up site in case of primary system failure. Using a community treatment system resolves that issue: by employing a shared drainfield located in a common open space area, individual lots no longer need to be large enough to accommodate two on-site septic treatment sites. The use of smaller lot sizes will not only facilitate future connection to sewer services, once they become available, but also will reserve more developable land for future development.

ⁱ This memorandum references the online versions of the *2030 Regional Development Framework* (as amended through December 14, 2006), the *2030 Water Resources Management Policy Plan* (with revised forecasts as of January 9, 2008), and the *Local Planning Handbook*.

ⁱⁱ The Council defines “residential density” as the “number of dwelling units per net residential acre of land” (WRMPP p. 111). For planning purposes, the Council uses a standard calculation of net developable acres and net density to measure a community’s capacity to accommodate residential development.

The minimum density requirement is three units per net developable residential acre. Net residential acreage is calculated by subtracting from gross acres wetlands and water bodies, public parks and open spaces, arterial road right-of-way, and natural and other resources mapped and protected by local ordinances and in the comprehensive plan update. (*Local Planning Handbook* p. 3-5)

ⁱⁱⁱ Under Minnesota Statutes sections 473.858, subdivision 1 and 473.865, subdivision 2, a local governmental unit cannot adopt any official control of fiscal device which is in conflict with its local comprehensive plans “or which permits activity in conflict with metropolitan system plans.” Official controls are:

ordinances and rules which control the physical development of a city, county, or town, or any part thereof or any detail thereof and implement the general objectives of the comprehensive plan. Official controls may include ordinances establishing zoning, subdivision controls, site plan regulations, sanitary codes, building codes, and official maps. (Minn. Stat. § 473.852, subd. 9)

The “metropolitan system plans” are the “transportation portion of the Metropolitan Development Guide, the policy plans, and capital budgets for metropolitan wastewater service, transportation, and regional recreation open space.” (Minn. Stat. § 473.852, subd. 8)

^{iv} Minn. Stat. § 473.854 authorizes the Council to “prepare and adopt guidelines and procedures relating to the requirements of sections 462.355, 473.175, and 473.851 to 473.871 [the Metropolitan Land Planning Act] which will provide assistance to local governmental units in accomplishing the provisions of [the Act].”

FLEXIBLE RESIDENTIAL DEVELOPMENT

LOCAL PLANNING HANDBOOK

FLEXIBLE RESIDENTIAL DEVELOPMENT EXAMPLES FOR THE DIVERSIFIED RURAL AREA

Background

Thrive MSP 2040 indicates that land use patterns in [Diversified Rural](#) communities are home to a variety of farm and non-farm land uses including very large-lot residential, clustered housing, hobby farms, and agricultural uses. Some Diversified Rural communities are also located in the Long-term Wastewater Service Area (LTSA). These areas are designated to ensure land availability to accommodate growth post-2040 at the edge of the urbanizing area.

Purpose

The purpose of flexible residential development ordinances and tools in these areas should be to preserve land for post-2040 growth and to accommodate the future extension of regional urban services. In August 2008, the Council adopted [Flexible Residential Development Ordinance Guidelines for the Diversified Rural Area](#) that describes the factors communities should take into account if they are considering allowing residential development at densities greater than 4 units per 40 acres in their communities. The Council has since incorporated these guidelines into *Thrive MSP 2040*.

Function

For those communities on the edge of the urbanizing area, designated as part of the LTSA, residential development ordinances should provide for interim land uses without precluding the opportunity for future development at densities of at least 3 units per net developable acre to ensure future, cost-effective and efficient regional wastewater treatment services. For areas outside of the LTSA, the Council also encourages the clustering of homes, particularly when communities are considering densities greater than 4 units per 40 acres.

Communities should study and assess their landscapes to refine their development priorities. There may be areas within the community that contain an abundance of sensitive natural resources or that the community has identified as a greenway or conservation corridor. These areas may not be most suitable for future urbanization as the capability of the land to support development is low and constrained. In these cases, open space development or cluster development may be adapted to protect those resources to meet the community's goals.



The Fields of St. Croix, Lake Elmo

Flexible Residential Development Guidelines

In considering ordinances and development that exceeds the 4 units per 40 acres density, communities should apply the following guidelines:

1. Include the need to reserve land resources for efficient future urban development as part of the ordinance purpose.
2. Identify the land characteristics required to support future urbanization.
3. Allow no more than 25% of the developable land in a project to be developed, reserving larger future urbanization parcels.
4. Protect future urbanization parcels with temporary development agreements, easements, or deed restrictions.
5. Provide for the rezoning of the future urbanization parcels to a residential zoning classification at densities consistent with Council policy at such time that urban services are available.
6. Encourage the use of community wastewater treatment systems to serve the temporary cluster.

Please refer to the full document, [Flexible Residential Development Ordinance Guidelines for the Diversified Rural Area](#), for more information on these six guidelines.

Flexible Residential Ordinance Tools

If a community wishes to allow for increased densities within the Diversified Rural area beyond 4 units per 40 acres, the community should use mechanisms to allow for the future development of the land at urban development densities of at least 3 units per net developable acre. There are a number of tools that communities have utilized to meet these goals, including but not limited to the following:

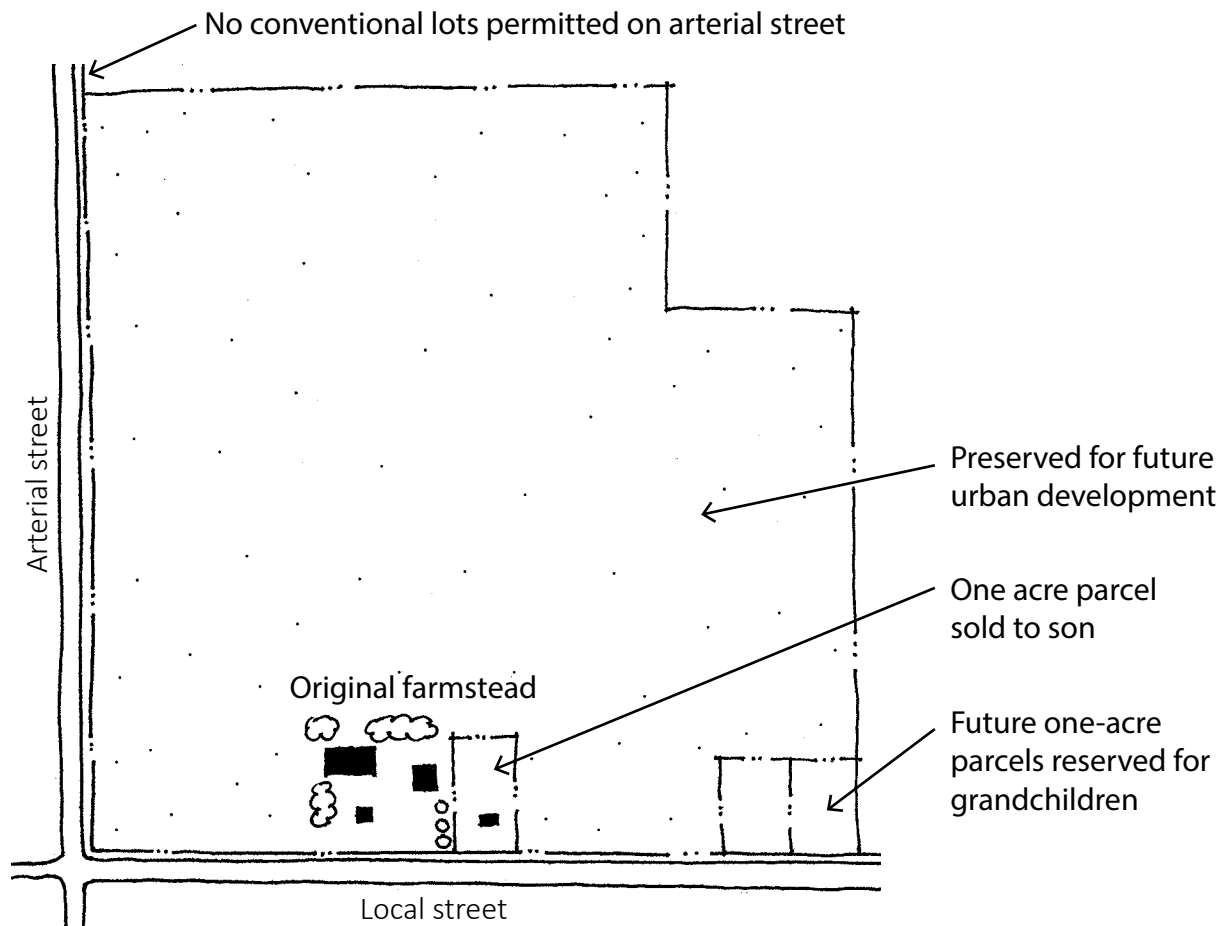
1. Adopt Cluster Ordinances to preserve open space and allow future urbanization.
2. Permit density bonuses for meeting certain specified ordinance requirements.
3. Use of Planned Unit Development (PUD) regulations to manage development and preserve open space.
4. Require Build-Out Plans (Ghost Platting) to demonstrate future subdivision for the delivery of urban services.
5. Employ platting techniques along with deed restrictions, easements, and covenants to protect open space for future development.
6. Use of overlay districts in specified areas to ensure mandatory clustering; for example, on land adjacent to urban service areas.

If a community adopts regulations to allow densities in the Diversified Rural area which exceed 4 units per 40 acres, the Metropolitan Council will need to review any revised ordinance details to ensure compliance with the community's Comprehensive Plan and future expansion of urban services.

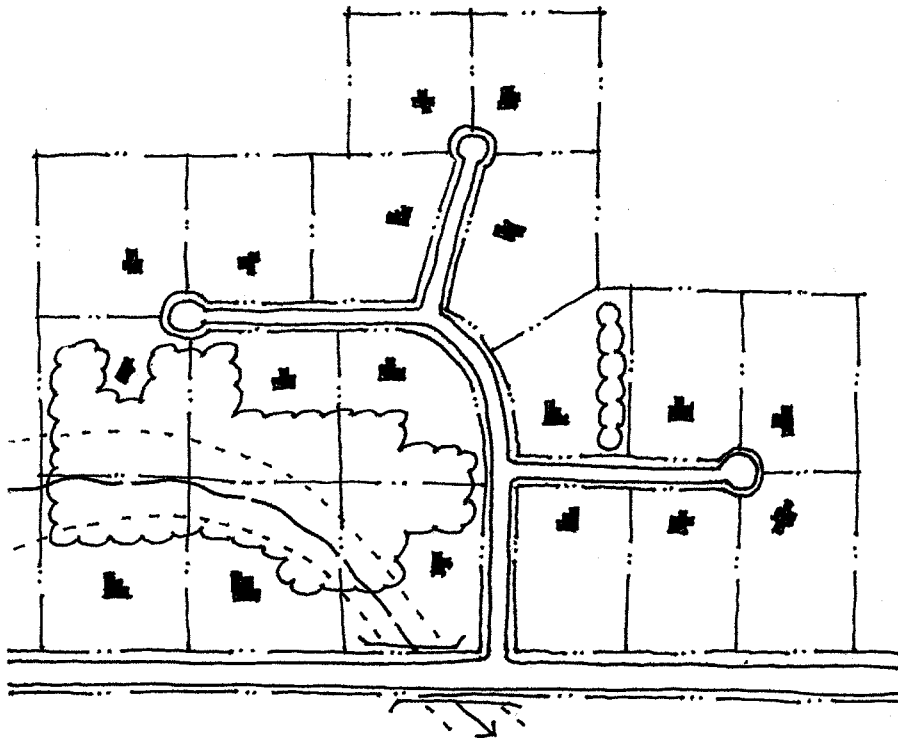
FLEXIBLE RESIDENTIAL DEVELOPMENT EXAMPLES

There are many different development styles a community might use to allow for current development while reserving land for future urban development. This section describes some of the development patterns available to communities.

Traditional Rural Cluster



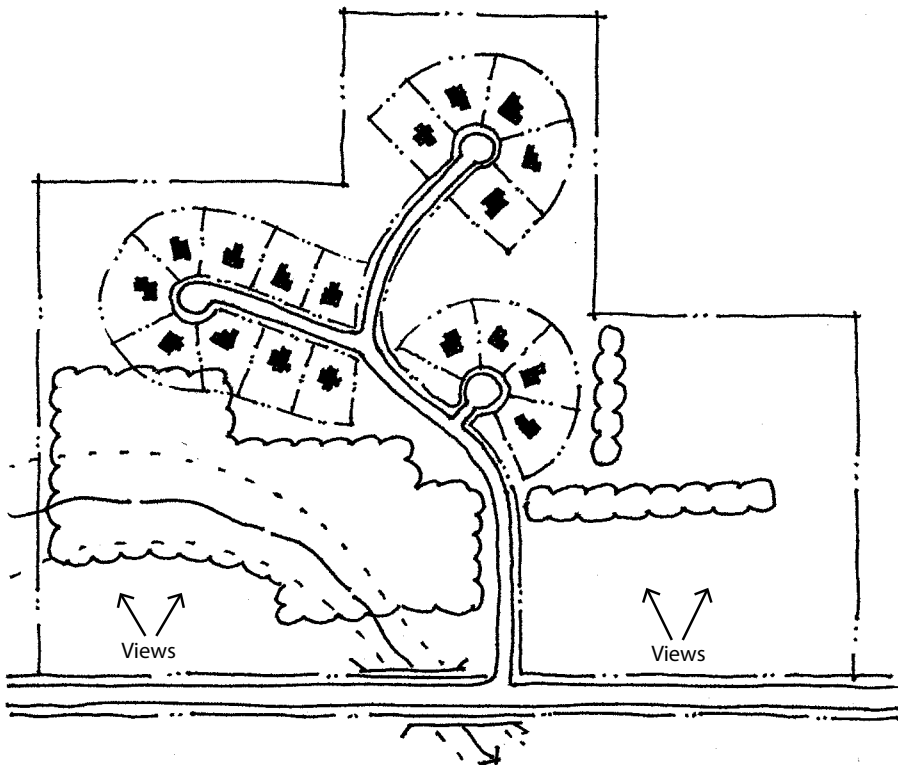
The traditional rural cluster above shows that a mandatory cluster district may allow for a defined, limited number of lot splits within a contiguous rural acreage if certain parameters are met, such as specified lot sizes and frontage on a local street. The above example allows for future subdivision of the residual parcel to allow for urban services. This method of subdivision would need to be tracked by the municipality over time to ensure that sufficient land is preserved to allow for a subdivision layout at acceptable densities and access to allow for future urban services.



Conventional Development

Acres: 80
 Lots: 18
 Density: 1 unit per 3.3 acres
 Minimum lot size: 3 acres
 Common open space: 0%

Note: No conventional lots are typically permitted on an arterial street.



Rural Cluster

Acres: 80
 Lots: 18
 Density: 1 unit per 3.3 acres
 Minimum lot size: 1/2 acre
 Common open space: 75%

Credit: Adapted from Rural Cluster Development Guide, Southeastern Wisconsin Regional Planning Commission

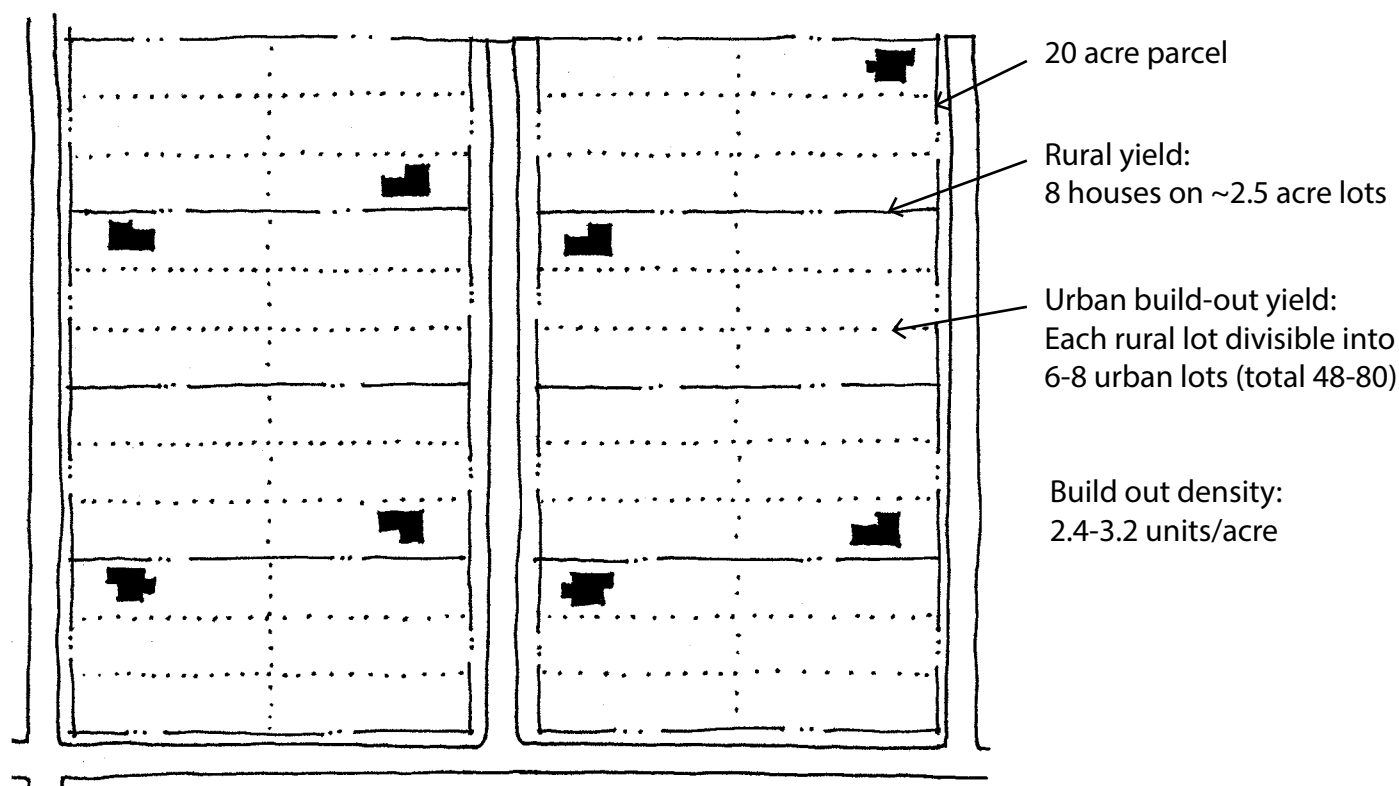
The Rural Cluster Development shows a more proactive approach to the preservation of land for future urban service balanced with the preservation of natural resources.

The first image shows a conventional large-lot rural development which precludes the provision of urban services due to the ineffective lot layout and inefficiency of multiple or long-distance connection points to urban services. The Council has found that this style of large-lot rural development does not advance the mission of ensuring orderly and economical development in the region.

The second example, of a rural cluster development, preserves high amenity open space for resource protection and recreation, while ensuring a compact lot layout which allows for effective delivery of urban services. Additional urbanized development may be accommodated in the eastern portion of that site as well. The Rural Cluster Development may utilize a communal septic system until such time that urban services become available.

Build-Out Plan (Ghost Platting)

The Build-Out Plan, or ghost platting, is a method of master planning for future urban densities in rural large-lot subdivisions. The subdivision is organized in a way that will facilitate a transition to higher density at some future date, perhaps through the use of development or service infrastructure triggers. This is often achieved by restricting the location of buildings to avoid obstructions to future utility and roadway easements. Platting for future urban densities is achieved by establishing lines for future splits of large lots into smaller lots and dedication of rights-of-way and easements for future streets, utilities, storm water facilities, etc. This method of subdivision is another front-loading process which preserves land for future urbanization. Oftentimes, the Build-Out Plan may limit the location and size of the residential footprint to more effectively allow for future subdivision of lots.

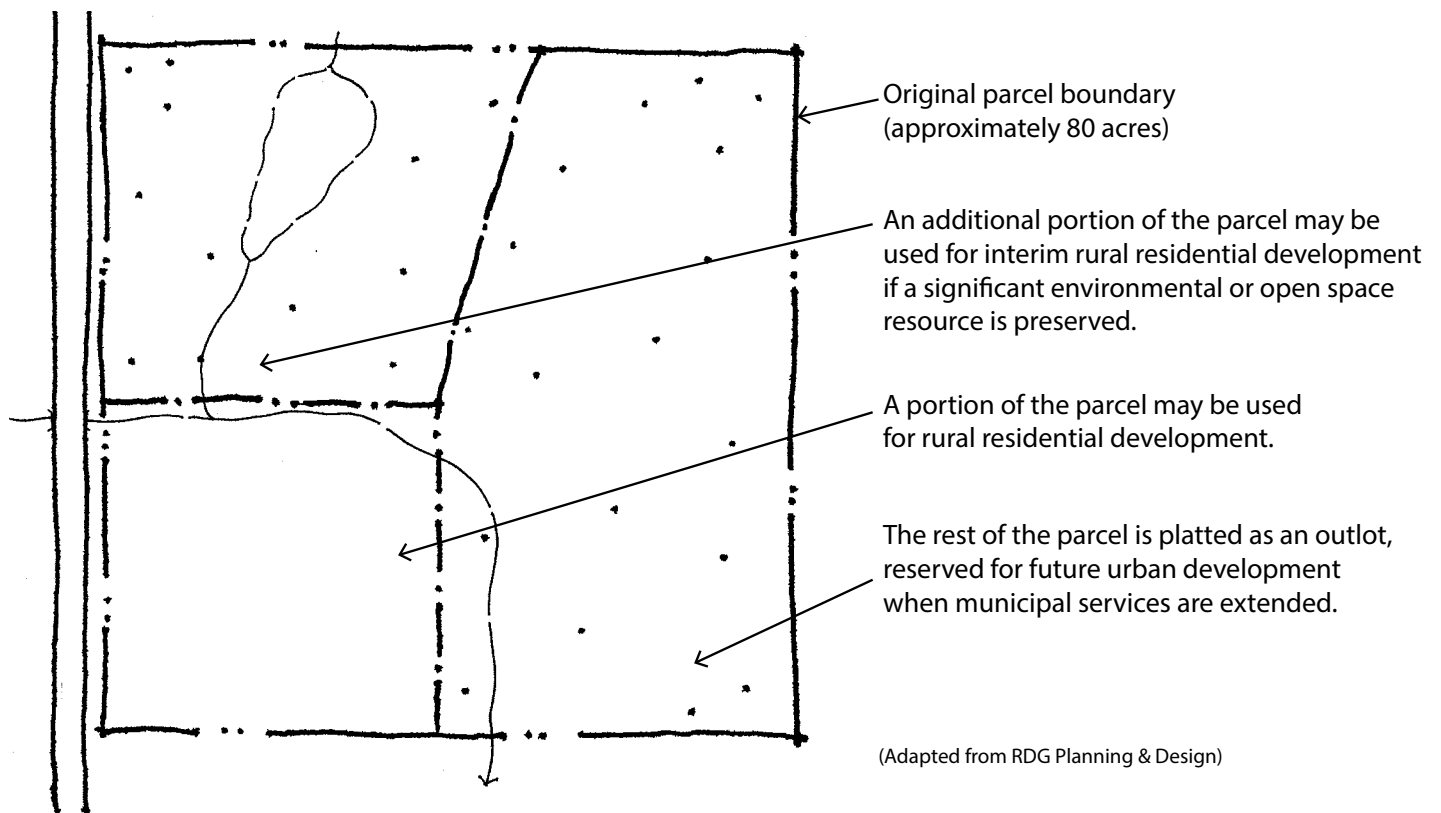


Note: In this scenario no conventional lots are permitted on arterial street, but rather all front on local streets.

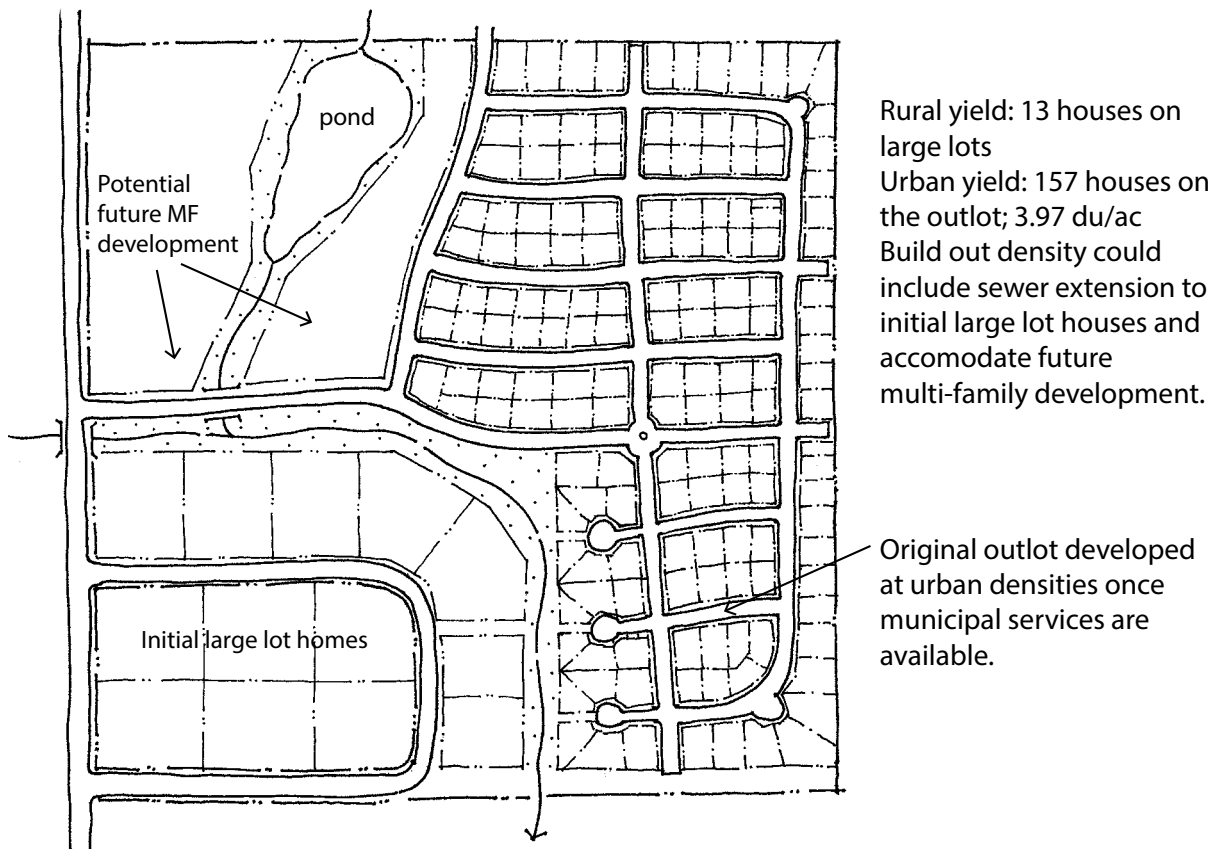
Build Through Acreages

Build Through Acreages can allow for development at lower densities while preserving open space for future development through the platting process. A large outlot can be established to allow for future development at densities that can allow for urban service expansion. The outlot may also be encumbered with deed restrictions, covenants, or easements to provide the interim protection of open space and maintain subsequent triggers for development and service delivery.

This method can also be useful in areas in a Rural Residential community designation that may benefit from clustering, but are still undeveloped in the conventional large-lot pattern. In these cases, it may be advisable to preserve land for future residential development if the outlot abuts land within the Council's Long Term Service Area.



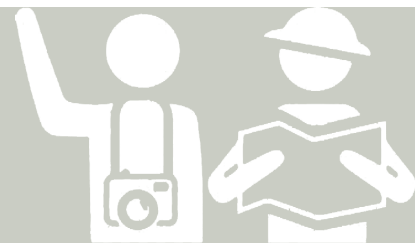
The example below, adapted from Bismarck, North Dakota, shows an historic outlet which was subdivided into smaller lots once urban services became available to the east.



March 2017

AGRITOURISM

Where agriculture and tourism meet



A corn maze. Barn weddings. A tour of a bison ranch.

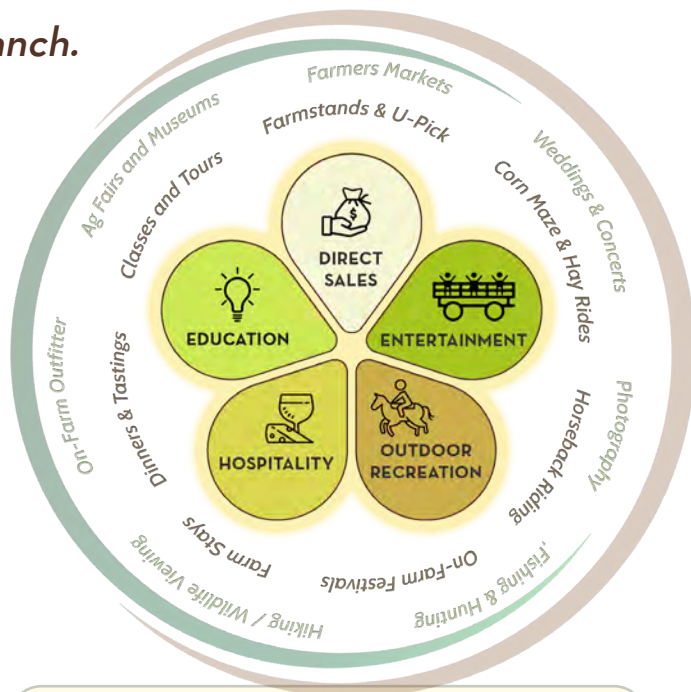
Today the public is seeking out **authentic, on-farm experiences** which can extend from such well-known activities as a pick-your-own berries on-farm to an overnight stay in a yurt in a sheep pasture and duck hunting on the edge of a farmer's pond.

All of these on-farm activities are part of agritourism, which has been most simply defined as **where agriculture and tourism meet**. Often this entails attracting visitors on-farm to experience its location or products, although the variety of possibilities and farmer ingenuity consistently presses the boundaries of the term.

What is the value for farmers and communities?

For some farmers, agritourism may be **a source of new revenue** to diversify the business. For others, getting visitors on the farm to see their operation may satisfy an interest to better **educate the public** about agriculture. Whatever the reason, whenever a visitor and farmer share a positive exchange, good things happen.

For rural communities, agritourism can play an important role in **business and community development**. On-farm businesses provide an avenue for local business development and can attract visitors and their spending to the communities. In addition, they can help define a local identity, or preserve rural amenities and character.



MN Statute 604A.40:

"Agritourism activity" means activity carried out on a farm or ranch that allows organizations or members of the general public, for recreational, entertainment, charitable, or educational purposes, to view, enjoy, or participate in rural activities, including, but not limited to: farming; viticulture; winemaking; ranching; and historical, cultural, farm stay, gleanings, harvest-your-own, or natural activities and attractions. An activity is an agritourism activity whether or not the participant pays to participate in the activity.



IS AGRITOURISM RIGHT FOR MY OPERATION?

Similar to investigating any additional enterprise, you must decide how an agritourism venture will complement your current activities. Agritourism can be as simple as hosting an early childhood class to see farm animals and as complex as developing a posh farm-to-table dining business.

Connecting with educational resources, associations, and agencies that support agritourism activities in Minnesota is a great way to start and explore possibilities, anticipate risks, and build connections with other operators. An open exploration should provide tangible ideas of how agritourism plays out in 'real life' and give a grounded view of how to get started.

Come and Get It (a guidebook for on-farm food service) provides assessments and questions to provoke your thinking:

- » What is my current schedule like?
- » Is there synergy with other farm operations?
- » Where is the bulk of my current time and commitment to this operation going?
- » What is the appeal of your farm to visitors? How do you present your farm to visitors?

These questions around the topics of risk management, food safety, and customer service are key to examine before launching even the simplest on-farm event to make sure you and your visitors have a positive experience.

SEE REVERSE for additional resources to guide your agritourism journey. ➡

AGRITOURISM

Planning Resources

👉 Links to these resources can be found at z.umn.edu/mn_ag_tourism_resources



BUSINESS PLANNING

- » [United States Small Business Development Administration](#) offices are located around the state and offer free business consulting.
- » [Come and Get it Guide, Serving Food on the Farm](#), is a guidebook produced by the Minnesota Institute for Sustainable Agriculture.
- » [Building a Sustainable Business](#) booklet is available from the Minnesota Institute for Sustainable Agriculture.
- » [Farmstay Manual](#) is a publication of the Minnesota Institute for Sustainable Agriculture.
- » [Iowa State University's Agricultural Marketing Resource Center](#) provides a comprehensive set of information and resources pertaining to agritourism.

LICENSING AND REGULATORY

- » [Minnesota state statute](#) provides limited immunity from liability for farmers that host agritourism activities.
- » [Starting a food business roadmap](#) is a Minnesota Department of Agriculture resource to help people navigate licensing and regulation requirements for starting up a food business.
- » [Minnesota Department of Agriculture](#) provides a searchable licensing and inspections list.
- » [Legal considerations](#) are summarized at FarmCommons.

HEALTH AND SAFETY

- » Making your farm safe for youth provides unique challenges. This [Farm Safety for Youth fact sheet](#) from University of Minnesota Extension provides ideas and guidance.
- » Mitigate the risks for those that come in contact with animals or animal waste on your farm by revealing this [Animal Contact in Public Settings fact sheet](#) from University of Minnesota Extension.
- » [Handwashing and Farm Safety resources](#) are available from the Upper Midwest Agricultural Safety and Health Center (UMASH).
- » Those serving food on their farms should have standard operating procedures approved by their food service inspector. [Standard Operating Procedures for Foodservice](#) by University of Minnesota Extension can be helpful.
- » [Safer Farm Animal Contact Exhibits \(Safer FACEs\) online training](#) is available through the Minnesota Dept of Health.

MARKETING

- » [Minnesota Grown](#) is the Minnesota Dept of Agriculture's marketing program for Minnesota farms and farm products.
- » [Explore Minnesota](#) is Minnesota's tourism promotion agency.

To join a mailing list to stay updated on agritourism resources and efforts in Minnesota, fill out the form at:

👉 z.umn.edu/mn_ag_tourism_mailing_list

The Economic Contributions of Agritourism in New Jersey

Bulletin E333



Cooperative Extension

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Kevin P. Sullivan, Institutional Research Analyst

Stephen Komar, Agricultural and Resource Management Agent, Sussex County

Lucas J. Marxen, Research Analyst, Food Policy Institute

In 2004, the New Jersey State Board of Agriculture formally identified agritourism as an economic development strategy for New Jersey agriculture. It is known anecdotally that the popularity of agritourism is growing in New Jersey and across the United States, among both farmers and consumers (Schilling, et al., 2006). However, the extent of farmer participation in agritourism, as well as its economic rewards, are largely undefined since statistics on this activity have not traditionally been compiled by the National Agricultural Statistics Service (NASS), the primary federal agency charged with documenting and monitoring the economic status of American agriculture. This fact sheet summarizes key findings from a study evaluating the economic importance of agritourism on New Jersey farms (see Schilling, Sullivan and Marxen, 2007). The study was conducted to inform farmers interested in agritourism, as well as policy makers seeking to understand the economic development opportunity it presents to the farm sector and State.

What is Agritourism?

There is no universally accepted definition of agritourism. In fact, various terms have evolved to represent the business of inviting the public onto farms for recreational enjoyment or education. These include agritainment, farm tourism, and agrotourism. To be consistent with New Jersey Department of Agriculture policy language, the term used herein will be agritourism, which may be defined broadly as *the business of establishing farms as travel destinations for educational and recreational purposes*.

From a farmer perspective, the popularity of agritourism often stems from the opportunities it offers to earn additional farm income, diversify products and marketing, build relations within the community, and provide employment for family members. For many farms, adding farm recreational activities and entertainment has been a successful strategy for increasing customer traffic to existing farm retail outlets. In other instances, agritourism has become a principal business endeavor.

RUTGERS

New Jersey Agricultural
Experiment Station

Rutgers, The State University of New Jersey
88 Lipman Drive, New Brunswick, NJ 08901-8525
Phone: 732.932.5000

Recognizing the variability in the nature of agritourism occurring in New Jersey, five broad types of agritourism activity were considered while examining the prevalence and importance of agritourism in New Jersey. These include:

- **On-farm direct-to-consumer sales of agricultural products** (e.g., Pick-your own, U-cut Christmas trees, on-farm markets).
- **Educational tourism** (e.g., School tours, winery tours, farm work experiences).
- **Entertainment** (e.g., Hay rides, corn mazes, petting zoos, haunted barns).
- **Accommodations** (e.g., Birthday parties, picnicking, bed and breakfasts).
- **Outdoor recreation** (e.g., Horse riding, hunting, fishing, hiking, bird watching).

Community farmers’ markets, agricultural museums, living history farms, and county agricultural fairs were not included in the definition of agritourism used in the economic assessment.

Survey Approach

A survey was developed to assess the extent and nature of agritourism activities being offered on New Jersey farms in 2006. Information on farmed acreage and annual sales was also collected. The survey was conducted by the New Jersey Field Office of the National Agricultural Statistics Service between April and July 2007. A random sample of 1,500 New Jersey farm operations was selected from the NASS list frame of active farm records. Sampling was conducted to ensure that the surveyed farms were representative of the diverse range of farm sizes in the state. Data collection consisted of two survey mailings and telephone follow-ups. A total of 1,043 completed surveys were returned (a response rate of 69.5%).

Study Results

Overview of Agritourism in New Jersey

The survey found that 21.5% of New Jersey farms offered some form of agritourism during 2006 (Table 1). Considering that the 2007 Census of Agriculture identified 10,327 farms, it is therefore estimated that roughly 2,220 farms are involved in agritourism. The impacts of agritourism on the economic and physical landscape of agriculture are significant. Farm-gate revenues generated from agritourism totaled \$57.5 million in 2006. Survey findings also suggest that 43% of New Jersey’s total farmland base is associated with farm operations engaged in agritourism.

Table 1: Percentage of New Jersey Farms Offering Agritourism in 2006.

Farm Size (based on gross farm sales)	Percent of Farms Reporting Agritourism
All Farms	21.5
< \$10,000	17.0
\$10,000 to \$49,999	28.7
\$50,000 to \$99,999	25.5
\$100,000 to \$249,999	21.7
\$250,000 +	38.0

Source: Schilling, Sullivan and Marxen (2007).

Census of Agriculture data show that the 695 farms with \$250,000 or more in farm sales account for 84% of total farm industry sales (USDA-NASS, 2009). While relatively fewer in number, these large New Jersey farms, as shown in Table 1, were more likely to host agritourism activities than farms in other sales classes. The survey found that nearly 4 out of 10 New Jersey farms in this sales class are engaged in agritourism, highlighting the importance of agritourism within the commercial heart of the New Jersey farm sector.

Contribution of Agritourism to Farm Income

Among the approximately 2,220 farms offering agritourism, the survey revealed that more than one-third (36%) derived all of their farm income from on-farm recreation, educational activities, and retail marketing; 51% reported that they earned at least one-half of their total farm income from these activities (Table 2)¹. However, smaller farms were found to rely more heavily on agritourism as a primary income source. Forty percent of agritourism farms with less than \$250,000 in total farm income derived all of their farm income from agritourism. In contrast, only 8% of agritourism farms earning more than \$250,000 in total farm income relied exclusively on agritourism as a revenue source.

Not all farms offering agritourism charge fees for these activities. In fact, 19% of farms reporting agritourism did not earn any direct revenue from these activities. Nearly one-third of larger agritourism farms (e.g., those with \$250,000 or more in farm sales) did not charge fees for such activities. While not specifically examined in the survey, it is theorized that these operations allow hunting or fishing without fee, or host free farm tours and community events. This is supported by anecdotal accounts from farmers, as well as previous research conducted by Schilling, et al. (2006). Among the perceived non-financial benefits of agritourism is the opportunity to raise awareness and understanding of farming within the general public. This ultimately benefits farmers because it may help reduce conflicts with non-farm neighbors and strengthen public support for farm retention.

Among farms reporting agritourism income, agritourism revenues averaged \$33,382 per farm (Table 2). Agritourism revenue reported by larger farms (\$250,000 or more in total farm sales) was substantial, averaging \$191,607 per farm and totaling more than \$29 million in aggregate.

Table 2: Agritourism Revenue by Farm Sales Class (2006).

Farm Size (gross sales)	No. of Farms in Sample	Pct. of Farm Income from Agritourism ¹				Avg. Agritourism Revenue per Farm ^{1,2}	Estimated Total NJ Agritourism Revenue
		0	1-49	50-99	100		
< \$250,000	189	17	25	17	40	\$17,870	\$28.47 million
\$250,000+	25	32	60	0	8	\$191,607	\$29.05 million
All Farms	214	19	29	15	36	\$33,382	\$57.52 million

¹Frequencies and means are based on a sample of 214 New Jersey farms reporting some form of agritourism. Percentages may not add to 100% due to rounding error.

²Means are calculated only for farms reporting revenue from agritourism.

Sources of Agritourism Revenue

By far, the largest percentage (70%) of agritourism revenue is derived from the on-farm sale of agricultural products (Table 3). Nine out of 10 farmers reporting agritourism revenue had some form of direct marketing on their farm. Current USDA estimates show that American farmers receive, on average, only 19 cents of the consumer food dollar. Whether by allowing customers to pick their own produce, or selling products through farm markets, direct marketing is an important strategy for many farmers to recapture a greater portion of the “marketing margin” which reflects the costs associated with processing, packaging and wholesale distribution, and retailing of foods to the ultimate consumer. In addition to opportunities for producing higher farm profit, direct marketing also provides an opportunity for direct customer feedback useful to farmers seeking to diversify or expand product lines in response to local market demand. It capitalizes on growing consumer interest in local food and is also consistent with the USDA’s recent *Know Your Farmer, Know Your Food* initiative, designed to better connect consumers with local food producers.

¹ It is important to view these statistics within the context of the economic structure of New Jersey agriculture. Very small-revenue farms are a dominant percentage of all farms in the state. For example, in 2007, 67% of New Jersey farms earned less than \$10,000 in total farm income (USDA-NASS, 2009). Survey findings show that the majority (55%) of farms generating their entire farm income from agritourism fall into this farm sales class.

Table 3: Sources of Agritourism Revenue.

Type of agritourism activity	Percent of farms with agritourism revenue that offer activity*	2006 Statewide Revenue (\$ millions)	Percent of total agritourism revenue
On-farm sales of agricultural products	92.3%	\$40.54	70.5%
Outdoor recreation	11.9%	\$9.19	16.0%
Entertainment	6.5%	\$5.42	9.4%
Educational tourism	7.1%	\$1.88	3.3%
Accommodations	3.6%	\$0.50	0.9%
Total	N/A	\$57.53	100.0%

*Frequencies based on a sample of 214 New Jersey farms. Column figures do not add to 100% because more than one activity may be reported per farm.

Outdoor recreation, including hunting or fishing, hiking, birdwatching, or equestrian riding, was offered by 12% of agritourism farms and generated \$9.2 million, or 16% of total agritourism revenue. Contributing \$5.2 million and \$1.9 million, respectively, in farm revenues, on-farm entertainment activities (e.g., hay rides, corn mazes, petting zoos) and educational farm tours are often the most synonymous with “agritourism” in the popular view. Yet these forms of agritourism activity were collectively reported by fewer than 14% of farms with agritourism income. Many farmers report that these activities are offered as a means of attracting farm visitors to existing farm markets and represent a valuable marketing tool. Farm bed and breakfasts, farm stays, work experiences, and other accommodations (including birthday parties and other on-farm receptions) were offered by nearly 4% of farms, accounting for just under 1% of total agritourism revenues.

Agritourism’s Linkages Within the Broader State Economy

The New Jersey economy is built upon inter-industry linkages. Economic impact analysis measures these linkages and the total effects of one industry on the broader economy. It assumes that expansion (or contraction) within one sector will have “ripple effects” (also called multiplier effects) that reverberate throughout the entire economic system. Three types of economic effects are generally measured: direct, indirect, and induced.

“Direct effects” refer to the economic activity created within a given industry. The direct effect of New Jersey agritourism is the generation of \$57.5 million in farmgate revenues. However, businesses producing goods and services used by farmers in their agritourism businesses (for example, a corn maze designer) will expand their business as the agritourism industry grows. Such business growth is an “indirect effect” of agritourism. Similarly, wages earned and paid by farmers affect other sectors of the economy through increased household spending on restaurant meals, real estate, medical care, and a host of other goods and services. These “induced effects” also ripple across the economy as consumer spending spurred by agritourism-related income causes other businesses to expand their own sales and, in turn, increase purchases and hire more workers.

IMPLAN®, a widely used input-output modeling system, was used to measure the economic linkages between agritourism and the rest of the New Jersey economy. Modeling found that for every dollar in agritourism sales generated at the farmgate level, an additional \$0.58 of sales activity was created in other businesses; everything from gas stations to restaurants, and insurance providers to pallet and packaging manufacturers. This translates into an additional \$33.3 million in revenue in other predominantly non-farm businesses throughout New Jersey. Therefore, in total, agritourism was responsible for generating \$90.8 million in revenue statewide in 2006. In addition, associated state and local taxes raised as a result of agritourism activity were estimated to be on the order of \$8.1 million.

Summary

New Jersey is among the few states to have comprehensively measured the extent of farmer participation in agritourism activities and associated farmgate revenues. In 2006, one out of five New Jersey farms offered agritourism, most often including some form of on-farm direct marketing. New Jersey agritourism revenues exceed \$57.5 million, with a total statewide revenue impact of nearly \$91 million when linkages to other non-farm sectors are considered.

The extent of participation in agritourism is indicative of its importance for farm business diversification and supplemental income generation in an increasingly suburbanized environment. The fact that nearly one in five farms with agritourism did not charge fees for such activities also demonstrates the non-monetary value to the farming industry associated with building positive relationships within their communities, and the broader non-farm public. Opportunities afforded by agritourism for creating a “culture of understanding” can benefit farmers in the form of greater appreciation and understanding of the nature and value of local agriculture, reduced right to farm conflicts, and public support for agricultural retention policies.

References

Schilling, B., K. Sullivan, and L. Marxen (2007) The economic impact of agritourism in New Jersey: A 2006 assessment. New Brunswick, NJ: Rutgers, the State University of New Jersey, Food Policy Institute.

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Cooperating Agencies: Rutgers, The State University of New Jersey, U.S. Department of Agriculture, and County Boards of Chosen Freeholders. Rutgers Cooperative Extension, a unit of the Rutgers New Jersey Agricultural Experiment Station, is an equal opportunity program provider and employer.

ITEM:

Discussion: Miscellaneous Code Amendments

- Storage of Refuse Containers (City Code Chapters [50](#) & [130.07](#))

PREPARED BY:

Hayden Stensgard, Planner II

BACKGROUND:

A resident recently noted a discrepancy in the City Code regarding garbage container placement allowance within the City. Chapter 50: Solid Waste, a Code section adopted in 1978 requires that all containers shall be placed at the back door of the building they serve. Whereas another section of the City Code, Chapter 130.07 requires them to be located no further than 3 feet from the building they serve, and kept in a neat and orderly manner. The discrepancy was ultimately found when an HOA was looking to update their own neighborhood guidelines, and did not know how to address the placement of containers given the discrepancy.

CRITICAL ISSUES:

Staff is looking for the Planning Commission's feedback on how to clarify this discrepancy regarding permitted locations of garbage containers on residential properties within the City.

RELATIONSHIP TO COUNCIL GOALS:

Not specific to any City Council goals.

RECOMMENDATION:

Staff recommends the Planning Commission engage in a discussion on potential amendments to these code sections, and provide staff with direction on how those amendments should be proposed in the near future. Because this is a City Code item, a public hearing will not need to be held by the Planning Commission. City staff wanted to offer the opportunity to the Planning Commission to provide feedback on this item regardless.

ATTACHMENT(S):

City Code Chapter 50: Solid Waste

City Code Chapter 130.07: Garbage and Refuse

CHAPTER 50: SOLID WASTE

Section

- 50.01 Definitions
- 50.02 Unauthorized accumulation, scattering and the like
- 50.03 Disposal required
- 50.04 Containers
- 50.05 Vehicles

§ 50.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

GARBAGE. Organic waste resulting from the preparation of food and decayed and spoiled food from any source.

RECYCLABLES. Paper, plastic, tin cans, aluminum, motor oil, glass and other metal goods, each separated or otherwise prepared so as to be acceptable to the recycling center where they are to be deposited.

RECYCLING CENTER. Premises within the city approved by the Council for receipt, storage and processing of recyclables, and premises outside the city approved as a recycling center by the local unit of government having jurisdiction.

REFUSE. Includes, garbage and rubbish, but shall not include sewage.

RUBBISH. Non-garbage solid waste such as tin cans, glass, paper, sweepings, clippings, ash and the like.

(1978 Code, § 501.01)

§ 50.02 UNAUTHORIZED ACCUMULATION, SCATTERING AND THE LIKE.

(A) *Unauthorized accumulation.* Any unauthorized accumulation of refuse on any premises is a nuisance and prohibited.

(B) *Refuse on public and private property.* No person shall place any refuse in any street, alley or public place and no person, except the rightful owner of the property, shall place any refuse upon private property, except in proper containers for collection or other lawful disposal. No person shall throw or deposit refuse in any stream or other body of water.

(C) *Scattering of refuse.* No person shall deposit anywhere within the city any refuse in any manner that it may be carried or deposited by the elements upon any public place or any other premises within the city.

(D) *Burying of refuse.* No person shall bury any refuse in the city. This division (D) does not prevent anyone from residential composting, commercial composting or landspreading when done in accordance with §§ 90.01 through 90.04 of this code of ordinances.

(1978 Code, § 501.02) (Ord. 90-11, passed 4-16-1990) Penalty, see § 10.99

§ 50.03 DISPOSAL REQUIRED.

Every person shall, in a sanitary manner, store and dispose of refuse that may accumulate upon property owned or occupied by him or her in accordance with the terms of this chapter. All refuse shall be collected at least once per week. Refuse shall be collected from hotels, restaurants, grocery stores and all other commercial establishments producing garbage three times per week.

(1978 Code, § 501.03) Penalty, see § 10.99

§ 50.04 CONTAINERS.

(A) *General requirement.* Every householder, occupant or owner of any residence and any restaurant, industrial establishment or commercial establishment shall provide on the premises one or more containers to receive and contain all refuse which may accumulate between collections or other disposal. All normal accumulations of refuse shall be deposited in such containers except that leaves, trimmings from shrubs, grass clippings, shavings, excelsior and other rubbish of similar volume and weight may be stored in closed containers not meeting the requirements of division (B) below.

(B) *Container requirements.* Each container shall be water-tight, shall be impervious to insects and rodents, shall be fire-proof and shall not exceed 32 gallons in capacity; except that, any construction site, commercial or business establishment having refuse volume exceeding two cubic yards per week shall provide bulk or box-type refuse storage containers of a type approved by the Council. Containers shall be maintained in good and sanitary condition. Any container not conforming to the requirements of this chapter or having ragged or sharp edges or any other defect likely to hamper or injure the person collecting the contents shall be promptly replaced after notice by the city.

(C) *Placement.* The container shall be placed near the rear door of the building which it serves. If required by the refuse collector, the container shall be placed at the front property line for collection, but it shall not be so placed before 8:00 p.m.

the night before collection and shall be removed by 6:00 p.m. the day of collection.

(D) *Use of containers.* Refuse shall be drained of liquid and household garbage shall be wrapped before being deposited in a container. Highly inflammable or explosive material shall not be placed in containers.

(1978 Code, § 501.04) Penalty, see § 10.99

§ 50.05 VEHICLES.

Each refuse collection vehicle shall be marked on the outside so as to identify the licensee. Every vehicle used for hauling garbage shall be covered, leak-proof, durable and of easily cleanable construction. Every vehicle used for hauling refuse shall be sufficiently air-tight and so used as to prevent unreasonable quantities of dust, paper or other collected materials to escape. Every vehicle shall be kept clean to prevent nuisances, pollution or insect breeding and shall be maintained in good repair.

(1978 Code, § 501.05) Penalty, see § 10.99

§ 130.07 GARBAGE AND REFUSE.

(A) *Refuse storage and disposal.*

(1) *Containers required.* The owner of any premises, and any other person having refuse as herein defined, must provide and keep on such premises sufficient containers for the storage of refuse accumulated on the premises between disposal or collection. Each such container must be water-tight, must have tight-fitting covers, must be impervious to pests and absorption of moisture and must not exceed 90 gallons in size unless otherwise specifically authorized in writing by the health authority. Refuse on any premises must be stored in the containers required. All refuse from demolition or construction sites must be stored in roll-off containers or dumpsters and may not be stored on the ground. Commercial, business, industrial or other such establishments having a refuse volume in excess of two cubic yards per week and all six-family and larger dwellings must provide approved bulk or box type refuse storage containers or approved equivalent. These containers must be so located as to be accessible to collection equipment and so as not to require an intermediate transfer.

(2) *Sanitary disposal.* Refuse must be disposed of in a sanitary manner as approved by the health authority and must not constitute a nuisance. Refuse must not be composted or buried; except that, composting in an approved rodent- and fly-proof device or filling operations using approved fill materials and methods may be permitted. In no case may garbage be composted or buried.

(3) *Frequency and manner of collection.* The contents of refuse containers must be collected once every week, or more frequently if necessary or required by the provisions of any other ordinance of the city, by a collector licensed hereunder. The collector must transfer the contents of the containers to the vehicle without spilling them, or if any spilling occurs, the collector must clean it up immediately and completely. Collection must be conducted in such a manner as to not create a nuisance. Upon each collection, the containers must be completely emptied and returned to the racks or stands where they are kept, and the covers of the containers must be replaced.

(4) *Placement of containers.*

(a) Refuse containers shall be stored either inside a building or outside not more than three feet from a building.

(b) Containers stored outside of a building shall be placed and kept in a neat and orderly manner.

(c) Containers may not be placed or maintained in such a way as to unreasonably interfere with the use of adjoining property.

(d) Containers kept outside must be placed in such a manner as not to permit entry of or harborage for pests and so maintained as not to be tipped over.

(e) Containers must be maintained in a reasonably clean condition at all times.

(f) Containers shall be placed at their assigned collection location the night before or the day of collection. Containers shall be removed no more than 12 hours after the scheduled collection day.

(g) Containers must not be placed on public sidewalks or interfere with the removal of snow from roadways; except, those properties with a sidewalk immediately behind the curb may place containers on that part of the sidewalk closest to the curb.

(5) *Defective containers.* If, upon inspection by the city, a container is found to be in poor repair, corroded or otherwise defective so as to permit pests to enter, or does not meet other requirements of this section, the city must notify the provider or user of the container of the deficiency and must require repair or replacement of the container and must state a compliance date in the notice. If the deficiency is not corrected by said compliance date, the city may condemn the deficient container and affix a tag so stating such condemnation. It is unlawful for any person to place or deposit refuse in a container which has been condemned.

(6) *Dumpster location and requirements.* A dumpster may not be located in any public place. A dumpster may not be located on any premises for more than three consecutive months during any 12-month period. The Administrator is authorized to issue temporary permits for placement of a dumpster on any premises for more than three consecutive months when, in the Administrator's judgment, special circumstances exist justifying the issuance of the temporary permit and the

purposes of this section will not be impaired thereby. The permit must be displayed on the dumpster or elsewhere on the premises. All dumpsters must have the current licensed collector's name, address and phone number in clearly legible letters no less than three inches in height. No fee is required for the temporary permit.

(B) *Refuse storage and disposal - commercial and industrial; dumpsters.* Exterior storage of refuse, including recyclables, and refuse containers, including dumpsters, at buildings in property zoned for commercial or industrial uses must conform to the following rules.

(1) The refuse must be contained in a refuse enclosure or in the case of food establishments, in a refuse enclosure - food service.

(2) The exterior storage area must be constructed in compliance with the city code.

(C) *Refuse littering prohibited.* It is unlawful to throw, scatter or deposit, or cause or permit to be thrown, scattered or deposited, any refuse, handbills or other littering materials upon or in public or private lands, bodies of water, vehicles or structures within the city. A property owner must maintain the owner's premises and abutting sidewalks and boulevard areas free of refuse litter.

(D) *Public health nuisance and abatement.* Unless stored in containers in compliance with this section, any accumulation of refuse at any time and on any premises creates a public health nuisance. Such accumulation of refuse may be abated by order of the health authority and the cost of abatement may be assessed against the property from which such accumulation was removed, as authorized in M.S. § 429.101, as it may be amended from time to time.

(E) *Composting.*

(1) *General rule.* A compost must be maintained or contained in a manner to prevent it from becoming a habitat for pests and create objectionable odors.

(2) *Permitted contents.* A compost may contain only plant material consisting of grass clippings, weeds, leaves, small twigs, evergreen cones and needles, wood chips, sawdust and herbaceous garden debris.

(3) *Prohibited contents.* The following materials may not be placed in a compost:

- (a) Garbage;
- (b) Refuse;
- (c) Rubbish;
- (d) Waste matter;
- (e) Fecal material; and/or
- (f) Any matter of animal origin.

(4) *Compost; construction.* A compost may be constructed of:

- (a) Wood;
- (b) Wire mesh;
- (c) A combination of wood and wire;
- (d) Metal barrels with ventilation; and/or
- (e) Commercially fabricated bins or barrels.

(5) *Compost; maintenance.* The compost must periodically be mixed to incorporate air, properly mix wet and dry material and promote rapid biological degradation. The compost must provide for adequate air circulation to prevent objectionable odors. The contents of the compost must be completely removed at least once a year.

(6) *Compost; location.* A compost may not be placed closer than five feet from a property line. The compost may be located only in the rear yard of a residential lot and in the rear of commercial and industrial properties.

(7) *Technical assistance.* The Administrator is directed to prepare informational materials to assist persons operating a compost in the efficient and odor free operation of a compost and to offer technical assistance to those persons on the proper operation and maintenance of a compost.

(8) *Nuisance.* The operation of a compost in a manner that results in objectionable odors and the placing of prohibited materials in a compost is a public nuisance and may be abated as such under § 130.04(E) of this chapter.

(F) *Wood piles.*

(1) *General rule.* The outside storage of cut firewood for residential buildings is permitted in residential zoning districts of the city subject to the provisions of this division (F).

(2) *Number of stacks.* There may be four separate stacks of wood on one residential lot.

(3) *Dimensions.* Stacks of wood may not exceed five feet in height, four feet in width and ten feet in length. A stack

must:

(a) Provide for at least a four-inch space between the ground and the first layer of wood by using decay-resistant material; or

(b) Be placed on a decay-resistant surface.

(4) *Location.* Stacks of wood governed by this division (F) may be located only in rear yards as defined in the zoning ordinance and may not be located on a property line.

(5) *Screening.* A stack of wood located within five feet of the lot property line must be screened with a solid wall or fence.

(Ord. 2009-13, passed 7-14-2009; Ord. 2015-02, passed 2-25-2015) Penalty, see § 130.99

ITEM:

Discussion: Miscellaneous Code Amendments

- Parking Surface Requirements (Zoning Ordinance Section [1001.19 Subd. 2\[10\]](#))

PREPARED BY:

Hayden Stensgard, Planner II

BACKGROUND:

In December, a resident spoke during the Open Forum portion of a City Council meeting regarding a violation letter they received for parking trailers and recreational vehicles on the grass in their rear yard. Following the discussion, the City Council directed staff to look into an amendment to this code section that would provide residents more flexibility with parking surface requirements in residential districts.

Section 1001.19 Sub. 2(10) of the Dayton Zoning Ordinance currently states the following:

“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.”

For context surrounding communities do allow for trailer/RV parking in rear yards, and in certain cases, side yards, but generally establish a limit to the amount of item to be parked on a property not on an improved surface. That limit is commonly set at 1 or 2 such trailers/RVs allowed to be parked on grass in a rear or side yard. A consistent provision as well is not allowing parking of any kind on unimproved surfaces in the front yard.

CRITICAL ISSUES:

Consideration of allowing non-vehicle parking on unimproved surface. The Planning Commission is asked to discuss a potential amendment to allow parking of non-vehicle items on unimproved surfaces in residential and agricultural districts, and under what circumstances would it be permitted. Below is a snapshot of an area in northeast Dayton identifying trailers and RVs parked in areas otherwise not permitted by the Zoning Ordinance section for reference of applicability within the City, and whether what is shown here is considered a nuisance on properties.

PLANNING COMMISSION REGULAR MEETING



RELATIONSHIP TO COUNCIL GOALS:

Not specific to any City Council goals.

RECOMMENDATION:

Staff recommends the Planning Commission engage in a discussion on potential amendments to these code sections, and provide staff with direction on how those amendments should be proposed in the near future (February public hearing).

ATTACHMENT(S):

Zoning Ordinance Section 1001.19 Parking Regulations

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:

<i>Angle of Parking</i>	<i>Stall Width</i>	<i>Stall Length</i>	<i>Curb Length per Car</i>	<i>Stall Depth</i>	<i>Aisle Width One-Way</i>	<i>Aisle Width Two-Way</i>
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.
- (Ord. 2010-01, passed 1-26-10; Am. Ord. 2018-11, passed 5-8-2018)



CITY OF DAYTON PLANNING COMMISSION PLEDGE TO OUR RESIDENTS

We realize that as appointed Officials and City Staff, a significant level of trust has been granted to us by the citizens of Dayton. We believe that the public trust requires mutual trust among ourselves in order to succeed. The Planning Commission and Staff pledge to build and maintain trust among ourselves and within the public by upholding these principles in our role as public policy advisors:

1. To honor the principle of civility in interactions with fellow Planning Commission members, City Council, staff, and citizens by respectfully debating the issues and the facts associated with them, not personal character or motives.
2. To focus on the present and future needs of the City, using the past only if it can enlighten the present in a positive manner.
3. To exercise judicious restraint when making public pronouncements, whether written or oral, in ways that affirm and respect fellow Planning Commission members, City Council, staff, and the citizens. It should be the intent of Commissioners to share such communications with fellow Planning Commission members, City Council, and staff in advance whenever possible.
4. To maintain ethical standards honoring the letter and spirit of all ordinances, laws, and policies relating to ethics, conflicts of interest, and disclosures.
5. To recognize that the citizens of Dayton are partners with the City who must be informed and invited to fully participate in our decisions and actions.