AGENDA
CITY OF DAYTON, MINNESOTA
12260 So. Diamond Lake Road, Dayton, MN 55327
Thursday, October 3, 2019
REGULAR MEETING OF THE PLANNING COMMISSION - 6:30 P.M.

6:30 I CALL TO ORDER
6:30 II PLEDGE OF ALLEGIANCE
6:30 III APPROVAL OF AGENDA
6:30 IV 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. Approval of Planning Commission Minutes for September 5, 2019

6:35 V OPEN FORUM is limited to 3 minutes for non-agenda items; state your name and address; No Commission Action will be taken and items will be referred back to staff

6:40 VI COUNCIL UPDATE

VII PUBLIC HEARINGS

6:45 B. Application by RMF Family Properties, LLC for an Interim Use Permit (IUP) for storage of vehicles for auto auction.

C. Application by Jonathon Utecht to consider amendments to Zoning Code Section 1001 related to Accessory Dwelling Units.

7:10 VIII NOTICES AND ANNOUNCEMENTS

D. The next Planning Commission Meeting is Tentatively Scheduled for November 7, 2019 at 6:30pm if any planning items are submitted.

7:10 IX ADJOURNMENT

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.
MINUTES OF THE SEPTEMBER 05, 2019 PLANNING COMMISSION

Kangas called the September 05, 2019 Planning Commission Meeting to order at 6:31 P.M.

Roll Call
Present: Planning Commission members Kangas, DeMuth, Dahlheimer, Sevald and Crosland
Councilmember O’Brien
Absent:
Also in Attendance: Alec Henderson, Associate Planner; Brian McCann, Planning Intern; and Stacie Brown, Deputy Clerk

Approval of Agenda
Kangas moved to approve the agenda, DeMuth seconded.
The motion passes.

Consent Agenda

Approval of Planning Commission Minutes for July 11, 2019

Motion
Sevald moved to approve the Consent Agenda, Dahlheimer seconded.
The motion passes.

Open Forum opened at 6:33 p.m. No one came forward.

Council Update
O’Brien reported on items covered at the most recent Council meetings.

B. Application by Tim Pomerleau for Concept Plan Review – Juettner Estates
McCann shared a presentation detailing the concept plan as presented by the applicant. Details included the number of homes, housing types, proposed density, zoning details, landscaping plan, street and utility information.

Scott Hoke, 14031 Vinewood Lane came forward representing the applicant. Mr. Hoke shared additional details on the types of units proposed and price points. O’Brien expressed that he would like to see an easement along SDLR for a trail. Henderson speculated that there would be enough easement for a trail. Kangas noted that it appears they are proposing to give a narrow sliver of right-of-way. DeMuth mentioned that two of the lots are somewhat concerning which are adjacent to the cul-de-sac which
have access to South Diamond Lake Rd (the existing Juettner Home at 11111 S. Diamond Lake Rd, and the exception parcel at 11081 S. Diamond Lake Rd). Planning for the future, there may be a need for an easement for either of these properties should they wish to subdivide in the future. Hoke stated that one of the lots in question will be re-platted as part of this process.

Crossland has some concerns with the elevations and architecture styles. Hoke explained that additional styles will be presented at a later point. Sevald inquired on the reason for building villa style homes on lots of this size. Hoke responded that Villas are currently very popular. Crosland asked if there will be an association, and Hoke responded that there will. Dahlheimer asked if fill will have to be brought in; Hoke responded that not much will be needed.

Sevald asked if there will be no basements; Hoke confirmed they will be slab-on-grade. Kangas would encourage the developer to save any significant trees where possible. Sevald asked if the lots need to be as wide as shown. Henderson stated that the minimum lot width at setback is 60’, but he doesn’t know how much could be done with that to better plan for future subdivision for the replatted lot and the exception parcel. Sevald would like to see the two corner homes ghost platted so they could be subdivided later on. Kangas agrees that the future impact on the existing plats needs to be considered.

Kangas summarized that the Commission would like to see more variety in architecture, ghost platting, tree locations/saving trees where possible, possibly flipping garages, possible California cul-de-sac (cul-de-sac with island for snow storage), trail easements for future connections to South Diamond Lake Road, and easement for trail along South Diamond Lake Road.

NOTICES AND ANNOUNCEMENTS
C. The next Planning Commission meeting is tentatively scheduled for October 3, 2019 at 6:30 pm.

Henderson explained that there has been an application for text amendment for accessory dwelling units, and asks that the Commissioners prepare to discuss options at a future meeting/meetings.

O’Brien will not be at the next meeting.

ADJOURN
Kangas moved to adjourn, Dahlheimer seconded the motion. All ayes, and the motion passed. Meeting adjourned at 7:27 p.m.

Respectfully submitted,

Stacie Brown
ITEM:

Application by RMF Family Properties, LLC for an Interim Use Permit (IUP) for storage of vehicles for auto auction.

APPLICANT:

RMF Family Properties, LLC

PREPARED BY:

Tina Goodroad, City Administrator/Development Director

60-DAY RULE SUMMARY:

Complete Application Accepted: 9-4-19
60-Day Review Deadline: 11-3-19

BACKGROUND/OVERVIEW:

The applicant, RMF Family Properties, LLC, has submitted an application for an Interim Use Permit (IUP) amendment to extend the permit to use the property located at 17600 Territorial Road for overflow parking for the ADESA Auto Auction which is located 18270 Territorial Road. This property has had an IUP for outdoor storage for the purposes of storage of auction vehicles that expired and was re-approved in 2018. The property is currently zoned B-4, commercial/industrial district where car storage lot is currently operating. The northwest corner of the property (where Holly Ln bisects the property) is currently zoned B-3 general business district and is covered with a drainage and utility easement. The properties to the North across 81 are zoned Industrial, West are zoned B-3, East are zoned B-4, and South are zoned Industrial.

PROPOSED USE:

The property will be used to store and/or process automobiles for the nearby ADESA Auto Auction located at 18270 Territorial Rd. ADESA leases the lot and uses it for incoming fleet vehicle storage prior to vehicles being sold at the auction. The ability to lease this lot for vehicle parking is essential to ADESA’s operation and ability to continue to operate at this location. The storage of auction vehicles has occurred on this site for several years without any issues or violations.
In 2018, in review of the IUP request, the Planning Commission did consider the close proximity of the site to the interchange, and what the future highest and best use may be after its completed. The site is located on the new Dayton Parkway and will be situated just behind the main entry/welcome to Dayton sign at the corner of Dayton Parkway and newly aligned Holly Lane.

The Commission did however recommend approval of the IUP for 5-years. The City Council reviewed the request at their meeting on Feb 13, 2018 and approved the IUP with a condition that the IUP “shall expire in 5 years from date of issuance or awarding of bids for the I-94/Brockton Interchange, whichever comes first.” Now that the interchange is a reality, and will go out for bids early in 2020, the applicant is looking to extend this IUP with a request for 15 years after construction of the interchange is completed. Without an extension the IUP would expire early 2020.

Typically, interim use permits are treated as conditional use permits, but time limits on the use are permitted. Extensions can be considered but will require approval by the City Council. IUPs are generally used when the intended use may be an acceptable use, but not a use intended to exist indefinitely.

The use, as it operates currently, is not anticipated to change under any IUP extension. In addition, the applicant is willing to add landscape screening along Dayton Parkway/Holly Lane. A landscape plan has been submitted that includes a mixture of evergreen, overstory and ornamental trees. Staff would like to see more evergreens added in staggered rows to increase the actual screening of the vehicles. The site will be situated north of the planned signage for this new gateway into Dayton. Final signage plans have not been determined but landscaping at this corner where the signage will be located has been planned based on the image provided.

**PLANNING CONSIDERATIONS:**

The Dayton Parkway interchange will be constructed during 2020-2021, opening Fall of 2021. Its anticipated that the interchange will bring new development and redevelopment in the future. How existing uses will evolve or be impacted is not known at this time. While the opening is a couple years away it appears reasonable to consider an IUP extension and allow the use to continue while the construction is underway and even for a period after. The applicant has a willingness to improve the site with new screening. Additionally, the extension supports ASESA’s needs to continue operations as they have for the past 22 years.

**ROLE OF PLANNING COMMISSION:**

The role of the Planning Commission is to review the technical aspects of the IUP as it relates to the City’s Zoning Ordinances and the Comprehensive Plan.

**ACTION:**
The Planning Commission should discuss the application and determine whether the commission feels 15 years is appropriate or an alternative number of years for the permit should be recommended to the council. Staff also recommends additional conditions:

1. Landscaping plan shall be revised to include additional evergreen trees in staggered rows to provide full screening of the vehicles.
2. Any outdoor lighting shall be downcast or shielded.
3. The applicant shall submit plans that include, but are not limited to, a scaled site plan illustrating parking areas in relation to property boundaries, and calculations of impervious lot coverage as deemed necessary by the City.
4. All autos stored on site shall be on class v, in orderly rows with aisles that accommodate flow of traffic/emergency response as deemed necessary by the City.
5. No personal vehicles, campers, boats, trailers, or other similar items of a personal nature shall be stored on site.
6. Designated parking shall be allocated to accommodate employees.
7. This IUP will not run with the property, if the use is suspended for 1 year the IUP automatically terminates. If the ownership changes hands the IUP terminates.

Option 2

Recommend the request be tabled with specific items the Commission would like to see addressed prior to consideration. Please keep in mind that the 60-day review expires on 11-2-19. The City can extend this deadline an additional 60 days.

Option 3

Recommend to the City Council denial and suggest specific findings related specifically to the IUP request would be required.

ATTACHMENTS:

Site Location Maps
Zoning map
Resolution 16-2018
Interchange graphics
Landscape Plan
RESOLUTION NO. 16-2018
CITY OF DAYTON
COUNTIES OF HENNEPIN AND WRIGHT

RESOLUTION GRANTING AN INTERIM USE PERMIT FOR AUTO AUCTION

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

WHEREAS, RMF Family Properties, LLC. (hereinafter referred to as the “Applicant”) have made an application for an Interim Use Permit (IUP) located in Dayton, Minnesota at 17600 Territorial Road with the Property Identification Number 31-120-22-14-0008 and a legal description as follows:

Lot 001, Block 004, Dayton Industrial Park, Hennepin County, Minnesota. (Hereinafter referred to as the “Subject Property”)

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 February 8th, 2018 meeting regarding the IUP; and

WHEREAS, the City Council at its February 13th, 2018 meeting reviewed and considered the application, at which the Applicant was present and presented information.

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 Applicant is requesting an IUP to allow Auto Auction on the Subject Property (hereinafter referred to as “Proposed Use”).

2. The majority of the Subject Property is zoned B-4, Commercial/industrial district. The northwest corner of the property is currently B-3 (where Holly Lane bisects the Subject Property), and is covered by a drainage and utility easement. The Proposed Use will be entirely located on the B-4 zoned part of the parcel.

3. City Code §1001.061, subd. 4, states allows the Proposed Use with an IUP.

4. Dayton Zoning Code Ordinance § 1001.23, Subd. 2, states that an IUP will only be granted if the following criteria have been met:
(1) **Purpose and Scope.** The interim use is a us 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 condition 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.

5. **Dayton Zoning Code Ordinance § 1001.23, Subd. 2** states that the IUP must meet the criteria established in § 1001.23, Subd. 1(3)(e) for CUP and the City Council Finds that:

a. The proposed use is/is not consistent with the Comprehensive Plan and the purpose of the underlying zoning district.

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

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

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

e. The proposed use will/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.

f. The proposed use is/is not adequately screened.

g. The proposed use will/will not create a nuisance, including but not limited to odor, noise, vibration or visual pollution.
h. The proposed use will not provide adequate parking and loading spaces, and all storage on the site is in compliance with this Subsection.

i. The proposed use will not protect sensitive natural features.

j. 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 based on the foregoing Findings and information presented to the City Council, the City Council of the City of Dayton hereby grants and approves (or denies) the IUP for the Proposed Use on the Subject Propertie subject to the following conditions that must be met to the satisfaction of the City:

1. This IUP shall expire in 5 years from date of issuance or awarding of bids for the I-94/Brockton Interchange, whichever comes first. This IUP shall be reviewed yearly to ensure compliance.

2. No more than 80% of the Property may be impervious surface area. Hardcover calculations shall be submitted to the City and are subject to the review and approval of City Staff.

3. All site improvements are at the expense of the Applicant.

4. Any outdoor lighting shall be downcast or shielded

5. Any and all claims that arise or may arise against the Applicant, its agents, servants, or employees while engaged in the use of the Property, shall in no way be the obligation of the City of Dayton.

6. All autos stored on site shall be on class v, in orderly rows with aisles that accommodate flow of traffic/emergency response as deemed necessary by the City.

7. No personal vehicles, campers, boats, trailers, or other similar items of a personal nature shall be stored on site.

8. Designated parking shall be allocated to accommodate employees.

9. If the use is suspended for 1 year the IUP automatically terminates. If ownership changes hands the IUP terminates.
Adopted this 13th day of February, 2018, by the City of Dayton.

Mayor - Timothy McNeil

City Clerk - Amy Benting

Motion by O'Brien Second by Ziebell. Ayes 5, Nays 0.
Resolution approved/denied ___.
MOTION DECLARED PASSED/FAILED.
Current DDI design

- Brockton Lane
- Future CR 117
- Territorial Road
- Future Dayton Parkway
- Holly Lane
- To Rogers
- To Maple Grove

DRAFT SUBJECT TO CHANGE
Holly Lane Gateway Perspective

Parkway Cross Section 1

Parkway Cross Section 2
ITEM:

Application from Jonathon Utecht to consider amendments to Zoning Code Section 1001 related to Accessory Dwelling Units.

PRESENTER/PRESENTERS:

Jonathon Utecht - Applicant

PREPARED BY:

Brian McCann, Planning Intern
Alec Henderson, Associate Planner

60-DAY RULE SUMMARY:

Application Accepted: NA
60-Day Review Deadline: NA

BACKGROUND/OVERVIEW:

In March of 2015, Planning Commission supported a draft Accessory Dwelling Units (ADU) ordinance that would require an accessory dwelling to be attached to or part of the primary residence (i.e. mother-in-law unit) but was not finally adopted by the council.

In 2016, Temporary Family Health Care Dwellings were proposed with Minnesota State Statute §462.3593. This statute attempted to provide cities with an option in their zoning codes to accept guidelines to allow Accessory Dwelling Units for the purpose of healthcare for family members. The statute provided a section for opting out if cities desire to develop their own ordinances in the future. The City of Dayton, as well as many others, decided to opt out.

Since then, Tiny Homes have also become a popular option for people to reside in secondary dwellings. Tiny Homes are homes on wheels with a small square footage to accompany individuals that live a minimalistic lifestyle. Duluth is currently adopting ordinances to allow them in single-family residential lots.

The applicant has applied for a zoning code text amendment to allow for a detached Accessory Dwelling Unit (similar in size to a Tiny Home) for the purpose of providing a family member with declining health a place to stay through her illness until/if alternative options may be established. The Planning department has prepared a draft ordinance that builds off of what the commission had previously supported, for attached accessory dwelling units, and provides various other forms of Accessory Dwelling Units (detached) that could satisfy the request of the applicant, and give the Commission options to consider.

It should be noted the applicant, however, specifically purchased a tiny home which they plan to remodel should the City approve an accessory dwelling unit which provides tiny homes as an option.
ZONING AND LAND USE:

The intent for the attached zoning code amendments are to allow ADUs in some fashion in all single-family districts (including Ag Districts). All single-family homes, if adopted, would have the ability to attach or remodel a small apartment to the existing home by right (with a building permit). These improvements would be very similar to a standard addition.

The draft includes drafted language for detached ADUs on larger residential lots. The thought being, if we allow for more flexibility for outbuildings and other detached structures on larger lots, then larger lots may be able to support a detached ADU (e.g. like a guest house). More space exists on the lot to buffer from neighboring properties, additional flexibility to upgrade septic (should it be necessary), etc.

The applicant’s home is at 12390 Stoneridge Road, and is currently zoned R-2 residential (minimum lot size in R-2 is 90,000 sq. ft.) and already has one detached garage. The zoning/land use for the parcel is expected to continue to be unsewered low density residential for the foreseeable future.

The Accessory Buildings ordinance (where standards for outbuildings and sheds are located) states that in a residential district no more than 1 detached accessory structure may be built on a single parcel in addition to 1 attached/detached garage (interpreted as: single-family homes require one two-car garage which can be either attached or detached), except by conditional use permit.

PROPOSED TEXT AMENDMENT (SUMMARY):

The proposed text amendments are aimed to establish regulations for the construction and use of Accessory Dwelling Units in their various forms. The amendments aim to provide the applicant and Planning Commission with satisfactory standards for current and future Accessory Dwelling Unit proposals. The proposed amendment includes multiple options for the Planning Commission to review. While the Planning Commission could recommend all the options, it is the intent of the draft to lay out options for the Commission to discuss and pick and choose.

Option 1: Attached ADU – proposed as a permitted accessory use on any single-family home (within single-family residential districts and Ag districts)
Attached Accessory Dwelling Units (inside existing structure) must be three-hundred (300) to nine-hundred and sixty (960) square feet, may not have home occupations, must be owner occupied in the primary or secondary residence, have the same style and design of the principal dwelling, and they must meet building and inspection codes. Maximum thresholds include two bedrooms, two occupants, one unit per lot, and include one additional parking space per inhabitant. Attached Accessory Dwelling Units will be permitted by right according to the current draft.

Option 2: Detached ADU
Detached Accessory Dwelling Units are identical to attached units except that they must be permitted through a Conditional Use Permit and are proposed for single family residential parcels of 2 acres or greater.

Option 3: Tiny Homes (defined as a detached living structure between 300 and 600 square feet without wheels, chassis, or axles (placed on a concrete slab). Tiny Homes must follow many of the standards for Accessory Dwelling Units. Small differences include a size maximum of 600 square feet, a data plate to show construction and inspection standards, and they must have their wheels and chassis removed to be placed on a concrete slab. While we broke out Tiny homes separately due to their size and the particulars of how they are generally built off-site, it could be possible for the ordinance to technically allow “Tiny Homes” as they generally would meet the size requirements specified by staff's drafted “Detached Accessory Dwelling Units.” Tiny Home is drafted to require an Interim Use Permit.

Option 4: Temporary Healthcare dwellings
Temporary Healthcare Dwellings give a family additional space to provide for a family member who is experiencing health problems. The amendment will allow a temporary living quarter (detached) with similar regulations for Accessory Dwelling Units, but with an Interim Use Permit and a twelve-month permit length, with a one-time renewal for an additional twelve months. While the City has opted out of the State Statute option for Temporary Dwellings for Healthcare, our City Attorney has weighed in that the City can create its own ordinance (e.g. similar to White Bear Lake). It could also be possible to make Tiny Homes a possibility through this route as “Temporary Healthcare Tiny Homes” with Interim Use time limits longer than what has been drafted.

ACCESSORY DWELLING UNIT ORDINANCES AROUND METRO:
Cities in the metro area have approached the idea of Accessory Dwelling Unit in many ways. Most cities have drafted at least one form of Accessory Dwelling Units with a variety of regulations and restrictions. None of the cities that were researched had strikingly similar qualities which supplied a wide range of qualities for the amendment.

Accessory Dwelling Units are allowed either by right or with Conditional Use Permits in many municipalities in the metro area. Some variations for standards include rental use only (Champlin), in or above a detached garage (Plymouth), allowed only if attached to the primary residence (Medina), and the secondary dwelling must have a separate address (Roseville). The City of Minneapolis has a very extensive list of requirements for Accessory Dwelling Units as well.

Tiny Homes are not well-received in the metro area based on the fundamental idea of their perceived impermanence. Few cities have contemplated the idea of Tiny Homes, but areas such as Duluth are currently drafting an ordinance to allow them in residential and mixed-use neighborhoods.

Temporary Healthcare Dwellings are not as popular either, with very few cities drafting their own ordinances after the opt-in or out time limitations from Minnesota State Statute. White Bear Lake
has adopted a section of their zoning code to allow them with a six-month time limit, and a one-time additional six-month renewal option.

**ROLE OF PLANNING COMMISSION:**

Open/Close public hearing. Review the text amendments and make any recommendations for staff or recommendations to Council. Should the commission wish to propose additional edits, staff can bring revisions back to the Commission. It is not staff's intention to push a recommendation to Council until the Commission has made its final recommendations.

**ACTION:**

The Planning Commission has the following options:
1. Recommend approval of the text amendment with any changes or revisions.
2. Recommending denial of the application.
3. Tabling of the application with any direction for additional materials to review.

**STAFF RECOMMENDATION:**

Planning Commission in the past has supported attached/internal ADUs and staff supports this option as well. Detached ADUs could provide additional options, however, they may only work on lots of sufficient size. Should the PC support Detached ADUs as well, the Commission could consider the process for which detached ADUs are approved (CUPs/IUPs, or Staff Administered), and discuss whether rentals should be allowed. Staff recommends approval of at least one form of Accessory Dwelling Units to provide the Utech family with conditions for which they can create a space for their relative. Additionally, ADUs can be an option to increase affordability of housing and the Metropolitan Council does support ADUs.

The applicant has invested in a tiny home for their relative, so this alternative would be most desirable for the applicant, but the Planning Commission and City Council are reviewing amendments to code which would impact all residents of Dayton.

**ATTACHMENT(S):**

Narrative by Deborah Anderson (Mother-in-Law of Applicant)
Proposed Text Amendments
Ordinance Research Summary
To Whom this may concern,

My name is Deborah Anderson and I want someone to know and understand my dilemma.

I am only 57 yrs old, but am already on SSDI. I have an extreme case of Degenerative Disc Disease, of which my doctors and Surgeon have said is the worst case they have seen. Not a single disc or Vertebrae isn't affected. I am gearing up to have a Spinal Cord Stimulator implanted and go thru many steroid injections to help the pain. I am currently on many Pain meds and can't walk without a Walker. The doctors have told me I will be in a wheel chair within 2 yrs.
In the span of 2 yrs, I had to quit a job I loved and was good at. I was the lead inspector on 2 separate lines of stents used to open up the veins and arteries of babies and children for Boston Scientific. I had to leave my apartment and move in with my daughter, her kids and my son-in-law. They have helped me thru 3 back surgeries and I help them by cooking, cleaning, laundry and am a nanny to the younger grandchild.

They were renting a house, we all lived in together. However, they recently bought a home, here in Dayton on over 2 acres of property.
needless to say, I too have to move, and am out of the house we rented together on the 30th of August.

I have been searching for a place to live, close to my daughter or anywhere as a matter of fact. I can't get a voucher thru section 8, HUD said there is a 7 year waiting list and I don't make enough money on Social Security to qualify for a rental. I virtually have no place to live. I also have to mention I have a Maltese dog named Charlie, a rescue.

So I recently cashed in my retirement savings (not very much $) and bought a "Tiny House" which needs work but has great potential!
Before doing that, my son who is a builder and has his own construction company (for years) told me it would be acceptable to the city of Dayton and even mentioned checking with the city. Heck, he used his truck to trailer the “little house” to the property. It wasn’t until we checked with the City for a permit to do water/ sewer (a holding tank), did we find out we cannot move forward with this endeavor. We were devastated!

This would be the perfect scenario for me and my family. Now after confronting my son, he chooses not to return my phone calls. The lot is perfect, separated by another lot to the house.
Now, unfortunately, I have my home sitting on the trailer waiting to be worked on. New Siding, new roof and update the interior. This could be my home until I die, and I am close to my family.

This was the only scenario for me to be able to have a home that I can afford. I am so very afraid. I am appealing to you, and your fair city to perhaps come up with a solution for me. This is my only option. This problem is much bigger than I am and I don’t know how to rectify this situation.

* 6/12 - 7/17 - 6/2015  Deborah Henderson
After Thought -

My daughter and her husband own their own painting company and know the people who can do all the work necessary to make it beautiful (outside and inside). We also know the people who can hook everything up!

I very much appreciate you taking the time to help me turn this thing around and make it a positive, life changing experience for me.

I don't know what your process entails, but I feel hard-pressed for time with winter at our heels.
ORDINANCE NO. 2019-22
CITY OF DAYTON
HENNEPIN AND WRIGHT COUNTIES, MINNESOTA
AN ORDINANCE AMENDING DAYTON CITY CODE REGARDING RESIDENTIAL ZONING DISTRICTS

THE CITY COUNCIL OF THE CITY OF DAYTON DOES ORDAIN:

SECTION 1. AMENDMENT. Dayton Zoning Ordinance 1001.03 Rules and Definitions and 1001.05 Residential Districts is hereby amended by adding the following underlined language and deleting the following strikethrough language, ellipses (…) indicate sections skipped and unchanged, which reads as follows:

1001.03 RULES AND DEFINITIONS:

Subd. 2 Definitions.

Attached or Interior Accessory Dwelling Unit

A secondary dwelling unit that is:

a. Physically attached to or within a single-family dwelling unit;
b. Subordinate in size to the single-family dwelling unit;
c. Fully separated from the single-family dwelling unit by means of a wall or floor with or without a door;
d. Uses a separate entrance than the primary dwelling unit; and
e. Includes requirements for a dwelling unit including cooking, living, sanitary and sleeping facilities as required by Minnesota State Building Code.

Caregiver

An adult, 18 years or older, individual who provides care for a person with physical or mental impairments. The caregiver must be a relative, or guardian, of the impaired individual.

Detached Accessory Dwelling Unit

A secondary dwelling unit that is:

a. Physically detached from the principle single family dwelling;
b. Subordinate in size to the principal single-family dwelling unit;
c. Uses a separate entrance than the primary dwelling unit; and
d. Includes requirements for a dwelling unit including cooking, living, sanitary and sleeping facilities as required by Minnesota State Building Code.

... 

**Mentally or physically impaired individual**
A person who requires assistance that is a resident of the state, with certified incapacities provided in writing from a physician, physician assistant, or an advanced practice registered nurse license to practice in the state.

...

**Relative**
A spouse, parent, child, grandparent, grandchild, sibling, uncle, aunt, nephew, or niece of the impaired individual. This includes half, step, and in-law relationships.

...

**Temporary Healthcare Dwelling**
A mobile residential dwelling providing an environment for caregiving provisions for a person with physical or mental impairments.

...

**Tiny Home**
A primary or secondary dwelling unit that is:
a. Without wheels, chassis, or axles and placed on a concrete pad;
b. Have an occupancy of no more than two individuals;
c. A minimum of 300 square feet in gross floor area and a maximum of 600 gross square feet;
d. Compliant with Minnesota State Building Code;

...

**SECTION 2. AMENDMENT.** Dayton Zoning Ordinance 1001.05 Residential Districts is hereby amended by adding the following underlined language and deleting the following strikethrough language, ellipses (…) indicate sections skipped and unchanged, which reads as follows:

**SECTION 1001.05 RESIDENTIAL DISTRICTS**
Subd. 1 Single-Family Residential District (R-1)

...
(3) **Permitted accessory uses.** Uses such as those listed below that are customarily incidental and clearly subordinate to the permitted or approved conditional uses:

   a. Private garages and accessory buildings in conformance 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 individuals per dwelling unit.
   
   c. Daycare facilities (licensed) serving 12 or fewer persons in a single-family detached dwelling.
   
   d. Fences as regulated by Subsection 1001.24.
   
   e. Home occupations and home offices as regulated by Subsection 1001.13.
   
   f. Play and recreational facilities, only accessory to an existing principal permitted use on the same lot and which are operated for the enjoyment and convenience of the residents of the principal use and their occasional guests, except as otherwise permitted.
   
   g. Private swimming pools and tennis courts.
   
   h. Signs as regulated by Subsection 1001.20.
   
   i. Attached or Interior Accessory Dwelling Unit as regulated by [Subsection 1001.XX](#).

Subd. 3  **Single-Family Residential District (R-2)**

Subd. 4  **Residential Estate District (R-E)**

(4) **Conditional uses.** In addition to other uses specifically identified elsewhere in this Code, the following are conditional uses in an R-2 District and require a conditional use permit based upon procedures set forth in and regulated by Subsection 1001.23 of this Code.

   a. Conditional uses permitted in the R-1 District.
   
   b. Existing agricultural uses as of the date of this subsection.
   
   c. Cemeteries.
   
   d. Horse boarding and riding facilities.
   
   e. Detached Accessory Dwelling Units as regulated by [Subsection 1001.XX](#).

(4) **Conditional uses.** In addition to other uses specifically identified elsewhere in this Code, the following are conditional uses in an R-E District and require a conditional use permit based upon procedures set forth in and regulated by Subsection 1001.23 of this Code.

   a. Conditional uses in the R-3 R-1 District.
   
   b. Detached Accessory Dwelling Units as regulated by Subjection 1001.XX.
Subd 5. Single-Family Attached and Detached District (R3)

…

(3) Permitted Accessory Uses

a. Accessory uses permitted in the R-1 Zoning District except townhomes, twin homes, or quad units shall not be permitted Attached or Interior Accessory Dwelling Units.

…

Subd 6. Medium Density Residential District (RM)

…

(3) Permitted Accessory Uses

a. Accessory uses permitted in the R-1 Zoning District except for Accessory Dwellings Units.

…

Subd. 12 Allowable Uses; Table 5.1

<table>
<thead>
<tr>
<th>Table 5.1</th>
<th>N-Not Permitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential - Agricultural Use Classifications</td>
<td>P-Permitted</td>
</tr>
<tr>
<td></td>
<td>C-Conditional or Interim Use Permit</td>
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<tr>
<td></td>
<td>A-Accessory</td>
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<tr>
<td>Zoning District</td>
<td>SA</td>
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<tr>
<td>Accessory buildings</td>
<td>A</td>
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<tr>
<td>Attached or Interior Accessory Dwelling Unit as regulated by subsection 1001.XX</td>
<td>A</td>
</tr>
<tr>
<td>Agriculture</td>
<td>P</td>
</tr>
<tr>
<td>Bed and breakfast</td>
<td>N</td>
</tr>
<tr>
<td>Boarding houses</td>
<td>N</td>
</tr>
<tr>
<td>Bus/transit station</td>
<td>N</td>
</tr>
<tr>
<td>Cemeteries</td>
<td>N</td>
</tr>
<tr>
<td>Commercial composting and landspreading</td>
<td>C</td>
</tr>
<tr>
<td>Commercial recreation</td>
<td>N</td>
</tr>
<tr>
<td>Residential - Agricultural Use Classifications</td>
<td>Residential - Agricultural Use Classifications</td>
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<td>-----------------------------------------------</td>
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<td>Table 5.1</td>
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<td></td>
<td>N-Not Permitted</td>
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<tr>
<td>Tiny Homes as regulated by subsection 1001.XX</td>
<td>P-Permitted</td>
</tr>
<tr>
<td></td>
<td>C-Conditional or Interim Use Permit</td>
</tr>
<tr>
<td></td>
<td>A-Accessory</td>
</tr>
<tr>
<td>Temporary Healthcare Dwellings as regulated by subsection 1001.XX</td>
<td>SA</td>
</tr>
<tr>
<td>Towers - amateur radio</td>
<td>C</td>
</tr>
<tr>
<td>Two-family dwellings</td>
<td>N</td>
</tr>
</tbody>
</table>

NOTE: Any use not listed above as a permitted or conditional use is not permitted; however uses that are not listed and are intrinsically similar to a use listed above may be allowed when specifically approved by the City Council.

Must be licensed by the State of Minnesota.

When part of a PUD.

* For fences see fence guidelines in Section 1001.24 Subd. 7.

**SECTION 3. AMENDMENT.** Dayton Zoning Ordinance Section 1001 is hereby amended by adding the following underlined section language which reads as follows:
1001.XX ACCESSORY DWELLING UNITS

Subd. 1 Purpose

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

Subd. 2 General Regulations

1. Attached or internal Accessory Dwelling Units are permitted administratively through a building permit in Residential and Agricultural lots as long as the following conditions are met:
   a. Minimum Lot Size.
   b. Post Frame. No post frame construction is allowed.
   c. Parking. Accessory Dwelling Units are not permitted on residential sites that do not meet the minimum parking standards for a single-family dwelling unit (four off-street spaces, two enclosed spaces and two surfaced spaces. See Section 1001.19). A minimum of one (1) additional off-street parking space shall be provided for each bedroom included in the Accessory Dwelling Unit. No off-street parking can be utilized for parking for the Accessory Dwelling Unit.
   d. Location. Accessory Dwelling Units can be attached to the single-family dwelling living space or located within the single-family dwelling.
   e. Number. No more than one (1) Accessory Dwelling Unit is permitted per residential lot. Owner occupancy is required in either the primary unit or Accessory Dwelling Unit.
   f. Bedrooms. No more than two (2) bedrooms are permitted in the Accessory Dwelling Unit.
   g. Occupants. Occupancy is limited to not more than two (2) persons in the Accessory Dwelling Unit.
   h. Rental License. Rental of the Accessory Dwelling Unit requires a rental license pursuant to Dayton City Code Chapter 500, Section 513. Only one rental license is permitted per residential site.
   i. Convertibility. With respect to the point of attachment, degree of attachment, and the coordination of floor plans between the single family dwelling unit and the associated Accessory Dwelling Unit, the Accessory Dwelling Unit must be designed and constructed to allow conversion of the Accessory Dwelling Unit back to a single family residential space in the future.
   j. Home Occupations. Home occupations are not allowed within an Accessory Dwelling Unit. No extended home businesses are allowed in the unit.
   k. Ownership. The owner of the Accessory Dwelling Unit must also be the owner of the primary single-family residential dwelling.
1. **Size.** Accessory Dwelling Units must be at least three hundred (300) square feet in area and cannot exceed nine hundred sixty (960) square feet in area or thirty-five (35) percent of the four season living area of the associated single family dwelling unit (exclusive of the Accessory Dwelling Unit) whichever is less. The associated single family dwelling unit must continue to meet minimum floor area requirements.

2. **Inspections.** The structure shall Minnesota State Building Code, accessibility standards, and inspections, as well as appropriately connect to utilities;

3. **Appearance.** Accessory Dwelling Unit must appear similar, or be compatible with the primary residence. No entrance shall be established along the building front of an existing dwelling to serve an Accessory Dwelling Unit.

4. **Site Plan Requirements.** Any application for an Accessory Dwelling must be accompanied by:
   1. An existing conditions survey showing property lines, existing and proposed structure, existing and proposed impervious surface areas, setbacks, and required off-street parking;
   2. A letter narrative describing the proposed Accessory Dwelling Unit;
   3. Elevation plans depicting both the existing and proposed structure from all four elevations including entry into the Accessory Dwelling Unit;
   4. Floor plan of both the single-family dwelling and the associate Accessory Dwelling Unit indicating points of entrance and total floor areas;
   5. For sites with private septic systems an inspection and report from a certified inspector that the capacity of the system can serve the additional unit shall be provided for review and approval by the City’s Building and Zoning Inspectors.
   6. **Proposed occupancy to determine rental license is required.**

2. **Detached Accessory Dwelling Units** are permitted with a conditional use permit in Residential and Agricultural lots as long as the following conditions are met:
   a. **Minimum Lot Size.** The Accessory Dwelling Unit must be located on a lot that is at least two acres in size.
   b. **Post Frame.** No post frame construction is allowed.
   c. **Parking.** Accessory Dwelling Units are not permitted on residential sites that do not meet the minimum parking standards for a single-family dwelling unit (four off-street spaces, two enclosed spaces and two surfaced spaces. See Section 1001.19). A minimum of one (1) additional off-street parking space shall be provided for each bedroom included in the Accessory Dwelling Unit. No off-street parking can be utilized for parking for the Accessory Dwelling Unit.
   d. **Location.** Detached Accessory Dwelling Units cannot be attached to the principal structure and must be placed further from the right-of-way than the principal structure.
e. **Number.** No more than one (1) Accessory Dwelling Unit is permitted per residential lot. Owner occupancy is required in either the primary unit or Accessory Dwelling Unit.

f. **Bedrooms.** No more than two (2) bedrooms are permitted in the Accessory Dwelling Unit.

g. **Occupants.** Occupancy is limited to not more than two (2) persons in the Accessory Dwelling Unit.

h. **Rental License.** Rental of the Accessory Dwelling Unit requires a rental license pursuant to Dayton City Code Chapter 500, Section 513. Only one rental license is permitted per residential site.

i. **Conditional Use Permit.** Before construction of an Accessory Dwelling Unit, a Conditional Use Permit must be applied for and accepted by City Council.

j. **Home Occupations.** Home occupations are not allowed within an Accessory Dwelling Unit. No extended home businesses are allowed in the unit.

k. **Ownership.** The owner of the Accessory Dwelling Unit must also be the owner of the primary single-family residential dwelling.

l. **Size.** Accessory Dwelling Units must be at least three hundred (300) square feet in area and cannot exceed nine hundred sixty (960) square feet in area or thirty-five (35) percent of the four season living area of the associated single family dwelling unit (exclusive of the Accessory Dwelling Unit) whichever is less. The associated single family dwelling unit must continue to meet minimum floor area requirements.

m. **Inspections.** The structure shall Minnesota State Building Code, accessibility standards, and inspections, as well as appropriately connect to utilities;

n. **Appearance.** Accessory Dwelling Unit must appear similar, or be compatible with the primary residence. No entrance shall be established along the building front of an existing dwelling to serve an Accessory Dwelling Unit.

o. **Site Plan Requirements.** Any application for an Accessory Dwelling must be accompanied by:

1. An existing conditions survey showing property lines, existing and proposed structure, existing and proposed impervious surface areas, setbacks, and required off-street parking;

2. A letter narrative describing the proposed Accessory Dwelling Unit;

3. Elevation plans depicting both the existing and proposed structure from all four elevations including entry into the Accessory Dwelling Unit.

4. Floor plan of both the single family dwelling and the associate Accessory Dwelling Unit indicating points of entrance and total floor areas;

5. For sites with private septic systems an inspection and report from a certified inspector that the capacity of the system can serve the additional unit shall be provided for review and approval by the City’s Building and Zoning Inspectors.

6. Proposed occupancy to determine rental license is required.
3. Temporary Healthcare Dwellings are permitted with an interim use permit in Single-Family Residential Districts as long as the following conditions are met:
   a. Lot size. The lot meets minimum size requirement of 2 acres.
   b. Standards. The dwelling may be attached or detached to the primary structure. The Temporary Healthcare Dwelling cannot be attached to a permanent foundation.
   c. Parking. Temporary Healthcare Dwellings are not permitted on residential sites that do not meet the minimum parking standards for a single-family dwelling unit (four off-street spaces, two enclosed spaces and two surfaced spaces. see Section 1001.19). A minimum of one (1) additional off-street parking space shall be provided for each bedroom included in the dwelling. No off-street parking can be utilized for parking for the dwelling.
   d. Size. Be at least three hundred (300) square feet in area and cannot exceed six hundred (600) square feet in area or thirty-five (35) percent of the four season living area of the associated single family dwelling unit, whichever is less. The associated single family dwelling unit must continue to meet minimum floor area requirements.
   e. Home Occupations. Home occupations are not allowed within the unit. No extended home businesses are allowed in the unit.
   f. Number. No more than one (1) Temporary Healthcare Dwelling is permitted per residential lot. Owner occupancy is required either in the primary unit or in the Temporary Healthcare Dwelling.
   g. Bedrooms. The dwelling may not have more than two (2) bedrooms. The individuals that reside in the dwelling must be in direct familial relation to the property owner.
   h. Rental. The dwelling may not be used for rental purposes.
   i. Interim Use Permit. An interim use permit must be applied for and approved by City Council before construction.
   j. Inspections. The structure shall Minnesota State Building Code, accessibility standards, and inspections, as well as appropriately connect to utilities.
   k. Appearance. The dwelling must appear similar, or be compatible with the primary residence. The entrance door must be on the rear or side of the structure, facing away from the front yard.
   l. Placement. Tiny Homes must be placed further from the right-of-way than the primary structure.
   m. Application. The applicant must submit an application and wait for approval before beginning construction. An application will be processed to allow for an initial 12 months, following a one-time renewal option for an additional 12 months. Application for Temporary Healthcare Dwelling: the mandatory application requests very specific information including, but not limited to:
      1. Name, address, and telephone number of the property owner, the resident of the property (if different than the owner), and the primary care giver;
      2. Name of the mentally or physically impaired person;
3. Proof of care from a provider network, including respite care, primary care or remote monitoring;
4. Written certification signed by a Minnesota licensed physician, physician assistant or advanced practice registered nurse that the individual with the mental or physical impairment needs assistance performing two or more “instrumental activities of daily life”;
5. An executed contract for septic sewer management or other proof of adequate septic sewer management;
6. An affidavit that the applicant provided notice to adjacent property owners and residents;
7. A general site map showing the location of the temporary dwelling and the other structures on the lot; and
8. Compliance with setbacks and maximum floor area requirements of primary structure.

4. Tiny Homes are permitted with an interim use permit in Single-Family Residential Districts as long as the following conditions are met:
   a. Standards. Must be a secondary detached dwelling unit. The structure cannot have wheels, chassis, or axles and must be placed on a concrete pad.
   b. Occupancy. The primary single-family dwelling in which the Tiny Home is proposed is owner occupied. The Tiny Home is occupied by a family member or extended family member of the single-family dwelling. Occupancy is limited to two individuals.
   c. Rental. Tiny Homes may not be rented.
   d. Minimum Lot Size. The lot meets minimum size requirement of 2 acres.
   e. Size. Be at least three hundred (300) square feet in area and cannot exceed six hundred (600) square feet in area or thirty-five (35) percent of the four-season living area of the associated single-family dwelling unit, whichever is less. The associated single-family dwelling unit must continue to meet minimum floor area requirements.
   f. Interim Use Permit. An interim use permit must be applied for and approved by City Council before construction.
   g. Height. Shall not exceed the height of the principal structure. Ceiling height must be at least 7 feet.
   h. Home Occupations. Home occupations are not allowed within the unit. No extended home businesses are allowed in the unit.
   i. Inspections. The structure must comply with Minnesota State Building Code, Mechanical Code, Energy Code, Electrical Code, Plumbing Code, accessibility standards, and inspections, as well as appropriately connect to utilities.
   j. Equipment. Required equipment in the residence includes toilet, bath, shower, light, ventilation, heating. Carbon monoxide alarms, smoke alarms, active radon control systems, emergency escape and rescue openings;
k. Rooms. The dwelling unit must have at least one inhabitable room of 120 square feet;
l. Appearance. The dwelling must appear similar, or be compatible with the primary residence. The entrance door must be on the rear or side of the structure, facing away from the front yard.
m. Parking. One off-street parking space shall be provided per individual residing in the dwelling in addition to off-street parking required for the primary dwelling;
n. Placement. Tiny Homes must be placed further from the right-of-way than the primary structure.
o. Number. No more than one accessory dwelling unit is permitted per residential site.

Subd. 3 Conditional and Interim Use Permits
Application for a conditional or interim use permit under this chapter shall be regulated by Subsection 1001.23 of this Code.

Subd. 4 Performance Standards
(1) Accessory Dwellings must also follow the regulations established in section 1001.35 of this Code however, where contradictions exist, the stricter requirements shall apply.
(2) Attached or Internal Accessory Dwelling Units must be attached or internal to the primary residence and meet the principal structure setbacks of the applicable zoning district. Detached Accessory Dwellings must follow performance standards designated by the table below.
(3) Performance Standards for Detached Accessory Dwelling Units are as outlined in the below table:

<table>
<thead>
<tr>
<th>Performance Standards for Detached Accessory Dwellings in Residential or Agricultural Districts (two acres or more)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Setbacks</strong></td>
</tr>
<tr>
<td>Side or rear to a street</td>
</tr>
<tr>
<td>Side or rear to an arterial street</td>
</tr>
<tr>
<td>Side yard</td>
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<tr>
<td>Rear yard</td>
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<tr>
<td>Height</td>
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<tr>
<td>Size limit</td>
</tr>
<tr>
<td>Tiny Homes**</td>
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<tr>
<td>Accessory Dwelling Unit</td>
</tr>
<tr>
<td>Temporary Healthcare Dwelling</td>
</tr>
<tr>
<td>--------------------------------</td>
</tr>
<tr>
<td>*Cannot be placed in a front yard</td>
</tr>
</tbody>
</table>

**SECTION 4. EFFECTIVE DATE.** This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Adopted by the City Council of the City of Dayton this day of year.

______________________________
Mayor

ATTEST:

______________________________
Deputy City Clerk

Published in the Champlin Dayton Press on ____
Accessory Dwelling Units Research

Bloomington

Accessory Dwelling Units

The code applies with many standards such as design, minimum lot size, utilities, occupancy, enforcement, and commitments.

Champlin (CUP, allowed if it doesn’t alter the character of the principle structure)

Sec. 126-381. – Accessory buildings and uses.

“h. Conditional use permits. Application for a conditional use permit under this section shall be regulated by article II, division 2 of this chapter. Such conditional use permit for an accessory building includes, but is not limited to, the following:

1. No commercial or home occupation activities are conducted within the accessory building

. . . . . .

p. Additional accessory buildings and uses. The following accessory uses, in addition to those specified, shall be permitted in any residential district, if the accessory uses do not alter the character of the premises in respect to their use for the purposes permitted in the district:

1. The renting of rooms or the providing of a table board in a dwelling as an incidental use to that of its occupancy as a dwelling of the character permitted in the respective district, but not to the extent of constituting a hotel as defined in section 126-2, unless permitted in the district.”

Plymouth (allowed as part of the garage)

21190.04 Accessory Dwelling Units:

“Subd. 1. Accessory dwelling units may be allowed within residential subdivisions that have received preliminary plat approval on or after June 1, 2001 and that include ten (10) or more single-family lots, subject to the approval of an administrative permit.

Subd. 2. An accessory dwelling unit may be allowed provided all of the following conditions are met:

(a) An accessory dwelling unit shall be located above an attached or detached garage that is accessory to a single-family detached home located in the RSF-R, RSF-1, RSF-2, or PUD zoning district. (Amended by Ord. No. 2009-07, 05/12/09)

(b) An administrative permit for the accessory dwelling unit may only be applied for concurrently with the application for a building permit for construction of the principal structure on the lot.

(c) Not more than one (1) accessory dwelling unit shall be allowed on a single-family detached lot.
(d) An attached or detached accessory dwelling unit shall comply with the same minimum building setback requirements as required for the living portion of the principal dwelling unit.

(e) Except as noted in (c) above or as otherwise specified in this subdivision, a detached accessory dwelling unit shall be subject to the same regulations as provided for under Section 21120 of this Chapter.

(f) An accessory dwelling unit shall be a clearly incidental and subordinate use, the gross floor area of which shall not exceed the gross floor area of the principal dwelling unit or one thousand (1,000) square feet, whichever is less.

(g) The exterior design of an accessory dwelling unit shall incorporate a similar architectural style, roof pitch, colors, and materials as the principal building on the lot, and shall be compatible with the character of the surrounding residential buildings.

(h) The owner of the property shall reside in the principal dwelling unit or in the accessory dwelling unit.

(i) Rental of the accessory dwelling unit, or rental of the principal dwelling unit if the property owner resides in the accessory dwelling unit, shall require a City license pursuant to Chapter 4 (Housing and Redevelopment) of the City Code.

(j) There shall be no separate ownership of the accessory dwelling unit.

(k) In addition to the parking spaces required for the principal dwelling unit on the lot, two (2) off-street parking spaces shall be provided for an accessory dwelling unit. Such accessory dwelling unit parking spaces shall not conflict with the principal dwelling unit parking spaces, and shall comply with the requirements of this Chapter.

(l) An accessory dwelling unit shall have a separate address from the principal dwelling unit on the lot, and shall be identified with address numbers pursuant to Chapter 4 (Building Code) of the City Code.

(m) The principal dwelling unit and accessory dwelling unit shall be created and maintained in compliance with Chapter 4 (Building Code, Housing Maintenance, and Housing and Redevelopment) of the City Code.

(n) The principal dwelling unit and accessory dwelling unit shall be connected to municipal sewer and water.”

Maple Grove (allowed if already built before 1988)

Sec. 36-802. – Use of garage, tent or accessory building as living quarters.

“Except as may otherwise be allowed pursuant to section 36-233(2), no garage, tent, or accessory building shall at any time be used as living quarters, temporarily or permanently.”

Sec. 36-233 – Accessory uses.

“2. Living quarters of persons employed on the premises, so long as the following conditions are met:
a. The living quarters must be licensed pursuant to chapter 10, article XI.

b. The living quarters shall be located in the principal building or in a building that is accessory to the principal use.

c. The building in which the living quarters are located must have been in existence or a building permit issued therefor on or before July 13, 1988.

d. The living quarters must comply with the requirements of chapter 8, article II.

e. The arrangement shall comply with the definition of a household.”

Medina (CUP, must be attached to the principal structure)

Section 826.98. Conditional Use Permit Standards for Agricultural Preservation and Residential Districts.

(p) Accessory Dwelling Units.

(i) No more than one accessory dwelling unit shall be located on a property. No accessory dwelling unit shall be permitted upon a property on which a lodging room or a second residential dwelling is located;

(ii) Accessory dwelling units within the SR (Suburban Residential), UR (Urban Residential), R1 (Single-Family Residential) or R2 (Two-Family Residential) zoning districts shall be attached to the principal single-family structure;

(iii) The lot shall contain an existing single-family dwelling unit; (iv) The habitable area of the accessory dwelling unit shall not exceed the lesser of the following: 1) 750 square feet for a one-bedroom unit; 2) 1,000 square feet for a two-bedroom unit; or 3) 40 percent of the habitable area of the principal single-family dwelling; (v) The accessory dwelling unit shall contain a minimum of 300 square feet of habitable space; (vi) The accessory dwelling unit shall contain no more than two bedrooms;

(vii) A minimum of one off-street parking space shall be provided per bedroom for the accessory dwelling unit. Such parking spaces shall not interfere with accessing the required garage spaces for the principal single-family dwelling;

(viii) No separate driveway or curb cut shall be permitted to serve the accessory dwelling unit;

(ix) No accessory dwelling unit shall be sold or conveyed separately from the principal single-family dwelling;

(x) The property owner shall occupy either the principal single-family dwelling or the accessory dwelling unit as their primary residence;

(xi) If the accessory dwelling unit is located within a structure detached from the principal single-family dwelling, the architectural design and building materials shall be of the same or higher quality and shall complement the single-family dwelling. Additionally, the structure shall meet the setback requirements of the principal structure and shall count towards the maximum number and building size of accessory structures permitted on a property;
(xii) Adequate utility services shall be available to serve the accessory dwelling unit. This shall include adequate capacity within individual sewage treatment systems for both the principal single family dwelling and the accessory dwelling, where applicable.

(xiii) Any exterior stairway which accesses an accessory dwelling unit above the first floor shall be located in a way to minimize visibility from the street and, to the extent possible, from neighboring property. Such stairway shall incorporate a deck a minimum of 27 square feet in area; and

(xiv) The city council may require compliance with any other conditions, restrictions or limitations it deems to be reasonably necessary to protect the single-family residential character of the surrounding area. A copy of the resolution approving an accessory dwelling unit and describing the conditions, restrictions and limitations on the use shall be recorded against the property.

Corcoran (IUP, in-home, attached or detached garage)

Section 1040 – District Regulations, Subd. 5

“Accessory Dwelling Unit, subject to the following:

1. Not more than one accessory dwelling unit shall be allowed on a single-family detached lot.
2. An accessory dwelling unit shall be located in an existing single family home or above an attached or detached garage that is accessory to a single-family detached home.
3. An attached or detached accessory dwelling unit shall comply with the same minimum building setback requirements as required for the living portion of the principal dwelling unit.
4. An accessory dwelling unit shall be a clearly incidental and subordinate use, the gross floor area of which shall not exceed the gross floor area of the principal dwelling unit or 800 square feet, whichever is less.
5. Unless otherwise specified in this Subdivision, a detached accessory dwelling unit shall be subject to the same regulations as provided for under Section 1030 of this Chapter.
6. The exterior design of an accessory dwelling unit shall incorporate a similar architectural style, roof pitch, colors, and materials as the principal building on the lot.
7. The owner of the property shall reside in the principal dwelling unit or in the accessory dwelling unit.
8. There shall be no separate ownership of the accessory dwelling unit.
9. In addition to the parking spaces required for the principal dwelling unit on the lot, 2 off-street parking spaces shall be provided for an accessory dwelling unit. Such accessory dwelling unit parking spaces.
10. An accessory dwelling unit shall have a separate address from the principal dwelling unit on the lot, and shall be identified with address numbers.
11. The interim use permit shall expire if the principal use of the property changes or the ownership of either the property or the principal use changes.
12. The interim use permit shall be issued for 3 years in accordance with the procedures outlined in Section 1070.030 of the Zoning Ordinance. Such permits will be
administratively reviewed every 3 years to ensure compliance with conditions of approval and ordinance requirements for accessory dwelling units. Interim uses found to be in compliance may be extended by the Zoning Administrator for periods of up to 3 years each.”

**Conditional and Interim Use Permits**

**Duluth**

Infographic on allowed accessory dwellings

**Minneapolis**

Proposed tiny homes amendments

Accessory dwellings allowed internally, attached, and detached. Other regulations.

**Eagan**

Accessory Dwelling Unit Registration

Allowed in R-1 and Estate districts, must comply with building, plumbing, mechanical, and electrical permits. No CUP, IUP, cannot be subdivided. Renewal required annually for use.

**St. Paul**

Sec. 65.913 – Dwelling Unit, accessory

Allowed in single family districts, must have a walkway connected from the sidewalk to the entrance, varying sizes for internal, attached, or detached. Provide parking, compliance with state and federal regulations.

**White Bear Lake**

Section 1302.125 Home Accessory Apartments

Home accessory apartments (CUP) and temporary healthcare dwellings (zoning permit), R-1 and O districts, internal only, conform to building codes, no additional driveway or curb, owner needs CO and occupancy cannot exceed 4 individuals.

**Stillwater**

Section 31.501 – Accessory Dwellings

No CUP or IUP, RB- Two-family district has different limitations from TR and CTR districts. Internal, attached, or attached to a detached accessory structure. Can also be used for home office and storage. Meet architectural requirements, setbacks, and height restrictions.

**Shoreview**

207.010 Accessory Apartments

Accessory apartments, no CUP or IUP, no district limitations, comply with Building and Fire Codes, three off-street parking spaces required.
Roseville

1011.12- Additional Standards for Specific Uses in All Districts, subsection B. Residential Uses, Accessory
Permit required. Internal, attached or detached. One off-street parking, a separate address, architecturally similar and comply with building codes, separate entryway and paved walkway,

Richfield

514.05 Accessory Building and Use Regulations. Subd. 8
Permitted or conditional. Internal, attached, or detached. Rental license required, architecturally similar to the principal structure, three off-street parking spaces, and no additional entrances may be created.

Northfield

Land Development Code – Accessory Uses and Structures
No CUP or IUP. Must comply with standards of other accessory structures. Internal, attached, or detached.

Long Lake

Accessory Dwelling Unit Informational Handout
Allowed with CUP, must connect to municipal utilities, use the same material as the principal structure, and no more than one per lot. Only allowed on lots with twice the minimum lot size of the district.

Inver Grove Heights

Chapter 18 Accessory Dwelling Units
Internal, attached or detached. Share septic/ sewer, and water, architecturally similar, three person max, two off-street parking spaces, meet building codes, and separate address

Apple Valley

Table provided below to show compiled information
<table>
<thead>
<tr>
<th>City Name</th>
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<th>Accessory Dwelling Unit or Tiny Home</th>
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<tr>
<td>Bloomington</td>
<td>Allowed</td>
<td>Accessory Dwelling Unit&lt;br&gt;No tiny homes</td>
<td>R-1 or RS-1 zoning districts</td>
<td>Minimum lot size of the zoning district the dwelling will be placed in</td>
<td>300 to 960 square feet</td>
<td>Attached or internal, must not exceed 33% of living area, two bedrooms</td>
</tr>
<tr>
<td>Champlin</td>
<td>Allowed with CUP</td>
<td>Accessory Dwelling Unit&lt;br&gt;No tiny homes</td>
<td>R-1L, Large lot single-family residential</td>
<td>Minimum lot size of the zoning districts the dwelling will be placed in</td>
<td>200 minimum, max is dependent on lot size (potentially 1,600 sq. ft.)</td>
<td>Rental use only</td>
</tr>
<tr>
<td>Plymouth</td>
<td>Allowed</td>
<td>Accessory Dwelling Unit&lt;br&gt;No tiny homes</td>
<td>All residential and PUD zoning districts</td>
<td>Minimum lot size of the zoning district the dwelling will be placed in</td>
<td>1,000 square feet maximum</td>
<td>Above an attached or detached garage&lt;br&gt;License to rent, two off-street parking spaces</td>
</tr>
<tr>
<td>Maple Grove</td>
<td>Only allowed if built before 1988</td>
<td>Accessory Dwelling Unit&lt;br&gt;No tiny homes</td>
<td>Where the original structure is built</td>
<td>No minimum lot size</td>
<td>No minimum size of structure</td>
<td>New ADU's are not allowed</td>
</tr>
<tr>
<td>Medina</td>
<td>Allowed with CUP</td>
<td>Accessory Dwelling Unit&lt;br&gt;No tiny homes</td>
<td>Agricultural preservation and residential districts</td>
<td>Minimum lot size of the zoning districts the dwelling will be placed in</td>
<td>For different units: 750 feet for 1 bedroom, 1,000 feet for 2 bedroom, or 40 percent of the habitable area of the principal structure.</td>
<td>Must be attached in residential districts</td>
</tr>
<tr>
<td>Corcoran</td>
<td>Allowed with IUP</td>
<td>Accessory Dwelling Unit&lt;br&gt;No tiny homes</td>
<td>Urban Reserve, and Rural Residential</td>
<td>20 acres in UR, 2 acres in RR</td>
<td>120 – 800 (or 25% of rear yard)</td>
<td>Internal, attached or detached garage</td>
</tr>
<tr>
<td>Minneapolis</td>
<td>Allowed (permitted or CUP)</td>
<td>Accessory Dwelling Unit&lt;br&gt;No tiny homes</td>
<td>Single-family, two-family districts</td>
<td>5,000 square feet</td>
<td>300 – 800 (1300 or 16% of lot size if detached)</td>
<td>Internal, attached or detached. Many other regulations</td>
</tr>
<tr>
<td>Stillwater</td>
<td>Allowed</td>
<td>Accessory dwelling units&lt;br&gt;No tiny homes</td>
<td>TR- Traditional Residential District&lt;br&gt;CTR- Cove Traditional Residential District&lt;br&gt;RB- Two-family Residential District&lt;br&gt;TR- 10,000 square feet&lt;br&gt;CTR- 15,000 square feet&lt;br&gt;RB- 10,000 square feet</td>
<td>TR- 500 or 720 square feet, depending on internal or detached to accessory structure&lt;br&gt;CTR- 800 square feet&lt;br&gt;RB- 800 square feet</td>
<td>Internal, or attached to principal structure or other accessory structure&lt;br&gt;RB district has different limitations</td>
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<td>Duluth</td>
<td>Allowed with land use permit</td>
<td>Accessory dwelling unit and tiny homes (currently being presented to the Planning Commission)</td>
<td>All areas, shoreland and nonshoreland</td>
<td>One acre, cannot be attached to garage if smaller.</td>
<td>Maximum in shoreland areas greater than one acre is 700 square feet, less than one acre is 250. Nonshoreland maximum is 700. Tiny homes- 400 square feet or less in gross floor area</td>
<td>Internal, attached, or detached. Adequate septic, not for commercial or rental uses, screened from public waters.</td>
</tr>
<tr>
<td>Eagan</td>
<td>Allowed</td>
<td>Accessory dwelling unit</td>
<td>R-1, or Estate</td>
<td>Minimum lot size of the zoning districts the dwelling will be placed in</td>
<td>300 square feet to 960 square feet, or 33% of the primary residence’s footprint</td>
<td>Internal or attached, 12 month registration to be renewed yearly, creation of 2 off-street parking spaces</td>
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<td>St. Paul</td>
<td>Allowed</td>
<td>Accessory dwelling unit</td>
<td>Single-family residential districts</td>
<td>5,000 square feet minimum lot size</td>
<td>1,000 square feet, no more than 33% of total floor area for internal 800 square feet maximum for detached</td>
<td>Internal, attached, detached, must include sidewalk from the street to entrance,</td>
</tr>
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<td>White Bear Lake</td>
<td>Allowed with CUP</td>
<td>Accessory dwelling units and temporary healthcare dwellings</td>
<td>R-1 Residential and O- Open Space Conservation</td>
<td>1 acre minimum</td>
<td>Maximum of 880 square feet, or 40% of habitable area of single-family home</td>
<td>Internal only, alternate entrance, Temporary healthcare dwellings are allowed</td>
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<td>Stillwater</td>
<td>Allowed</td>
<td>Accessory dwelling units</td>
<td>TR- Traditional Residential District CTR- Cove Traditional Residential District RB- Two-family Residential District</td>
<td>TR- 10,000 square feet CTR- 15,000 square feet RB- 10,000 square feet</td>
<td>TR- 500 or 720 square feet, depending on internal or detached to accessory structure CTR- 800 square feet RB- 800 square feet</td>
<td>Internal, or attached to principal structure or other accessory structure RB district has different limitations</td>
</tr>
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<td>Shoreview</td>
<td>Allowed</td>
<td>Accessory dwelling unit</td>
<td>Residential districts</td>
<td>Minimum lot size of the zoning districts the dwelling will be placed in</td>
<td>850 square feet or 30% of building’s floor area</td>
<td>Internal or attached Three off-street parking spaces, one per home, comply with Building and Fire Code</td>
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<td>Roseville</td>
<td>Allowed with permit</td>
<td>Accessory dwelling unit</td>
<td>Residential districts</td>
<td>Minimum lot size of the zoning districts the dwelling will be placed in</td>
<td>300 square feet to 650 square feet, or 25% of the principal dwelling</td>
<td>Internal, attached, or detached Occupancy of 2, 1 additional off-street parking spot, separate address,</td>
</tr>
<tr>
<td>Richfield</td>
<td>Allowed, permitted or CUP</td>
<td>Accessory dwelling unit</td>
<td>Residential districts</td>
<td>Minimum lot size of the zoning districts the dwelling will be placed in</td>
<td>300 to 800 square feet</td>
<td>Internal, attached, or detached Rental license, three off-street parking spaces, no additional entrances</td>
</tr>
<tr>
<td>Northfield</td>
<td>Allowed</td>
<td>Accessory dwelling unit</td>
<td>Residential districts</td>
<td>Minimum lot size of the zoning districts the dwelling will be placed in</td>
<td>50% of the principal building</td>
<td>Comply with all rules that are associated with accessory structures</td>
</tr>
<tr>
<td>Long Lake</td>
<td>Allowed with CUP</td>
<td>Accessory dwelling unit</td>
<td>Residential districts</td>
<td>Must be twice the minimum lot size requirement</td>
<td>Maximum of 900 square feet</td>
<td>Connect to utilities, consistent materials to principal structure</td>
</tr>
<tr>
<td>Inver Grove Heights</td>
<td>Allowed</td>
<td>Accessory dwelling unit</td>
<td>A- Agricultural, E-1 Estate, E-2 Estate, R-1A Single Family, R-1B Single Family, R-1C Single Family</td>
<td>One acre</td>
<td>250 to 1,000 square feet</td>
<td>Internal, attached or detached Share septic/ sewer, and water, architecturally similar, three person max, two off-street parking spaces, meet building codes, and separate address</td>
</tr>
<tr>
<td>Apple Valley</td>
<td>Allowed</td>
<td>Accessory dwelling unit</td>
<td>Single-family residential districts</td>
<td>Minimum lot size of the zoning districts the dwelling will be placed in</td>
<td>900 square feet maximum</td>
<td>Attached, same materials as the principal structure, one occupant only</td>
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