

CITY OF WAYZATA
HENNEPIN COUNTY, MINNESOTA

DRAFT ORDINANCE NO. 810

**AN ORDINANCE AMENDING CHAPTERS 902, 917, 920, AND 991
OF THE ZONING ORDINANCE**

WHEREAS, City planning staff and the Planning Commission have reviewed existing language of the Zoning Ordinance related to definitions of garages, variances, and bluffs, and regulation and application of single family detached uses, off-street parking, and shoreland variances, and recommends the amendments to the Zoning Ordinance detailed in the Report and Recommendation of the Planning Commission dated March 21, 2022 (the “Zoning Ordinance Amendments”); and

WHEREAS, pursuant to Resolution No. ___ - 2022, the City Council of the City of Wayzata has found, confirmed, and memorialized that the Zoning Ordinance Amendments meet the standards of the Zoning Ordinance, and would clarify and streamline language of said Ordinance, and bring it more in line with state standards and the goals and guidance of the 2040 Comprehensive Plan.

NOW THEREFORE, THE CITY OF WAYZATA ORDAINS:

Section 1. Amendments to Certain Definitions of Part IX of City Code (Zoning Ordinance). The definitions of “Garage, Private (Residential)”, “Variance”, “Toe of the Bluff”, and “Top of the Bluff” in Chapter 902 of the Zoning Ordinance are hereby amended to read in their entirety as follows (~~struck text deleted~~, underlined text added):

"Garage, Private (Residential)." An accessory building or accessory portion of the principal building which is intended for and used ~~to store the private passenger vehicles and trucks not exceeding 12,000 pounds gross weight,~~for storage for of the family or families resident upon the premises, and in which no business service or industry is carried on.

"Variance." A variance is permission to depart from a provision of this Ordinance that may be requested and granted under Chapter 905 of this Ordinance~~where such deviation will not be contrary to the public interest and where, owing to physical conditions unique to the individual property under consideration and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship.~~

"Toe of the Bluff." The point on a bluff ~~that is where there is, as visually observed, a clearly identifiable break in the slope, from gentler to steeper slope above. If no break in the slope is apparent, the toe of the bluff shall be determine to be the lower end of a 50-foot segment, measured on the ground, with an average slope exceeding 18 percent~~ or the ordinary high water level, whichever is higher.

"Top of the Bluff." The point on a bluff ~~that is where there is, as virtually observed, a clearly identifiable break in the slope, from steeper to gentler slope above. If no break in the slope is apparent, the top of the bluff shall be determined to be the upper end of a 50-foot segment, measured on the ground, with an average slope exceeding 18 percent.~~

Section 2. Amendments to Certain Provisions of Zoning Ordinance Related to Single Family Detached Uses. Section 917.01 – Single Family Detached Uses of Chapter 917 is hereby amended to read in its entirety as follows (~~struck~~ text deleted, underlined text added):

917.01 - Single Family Detached Uses.

- A. Except as may be specifically provided, no accessory use, building, structure or equipment shall be allowed within a required front yard. With the exception of a garage ~~servicing~~ related to a residential use, or a guest or caretaker's house in the R-1A Zoning District, no accessory building or equipment may be placed within a front yard.

Section 3. Amendments to Certain Provisions of Zoning Ordinance Related to Off-Street Parking Restrictions. Subsections A and B of Section 920.04 – Off-Street Parking Restrictions in Chapter 920 is hereby amended to read in their entirety as follows (~~struck~~ text deleted, underlined text added):

- A. Boats, fish houses, school buses, house trailers, camping trailers, farm tractors, utility trailers and motor homes may not be parked, stored or otherwise continued on residential property for a period greater than 72 hours, unless placed completely in the rear yard or side yard of said property, or within a garage, and are screened from view of abutting properties and the public right-of-way.
- B. Except where otherwise allowed in a zoning district, ~~trucks~~ business and commercial vehicles of more than 12,000 GVW or greater than 30 feet in length, and contracting or excavating equipment may not be parked, stored or otherwise continued on any property within the City unless being used in conjunction with a temporary service benefiting the residential or commercial premises.

Section 4. Amendments to Certain Provisions of Zoning Ordinance Related to Variances in the Shoreland Overlay District. Section 991.20 – Variance of Chapter 991 – S Shoreland Overlay District is hereby amended to read in its entirety as follows (~~struck~~ text deleted, underlined text added):

991.20 - Variance.

Variances from the provisions of this Chapter may be granted by the City Council in accordance with the process and standards of Chapter 905 of this Ordinance ~~in extraordinary cases, but only when the proposed use is determined to be in the public interest. The following additional criteria shall apply within shoreland areas:~~

- ~~A. Result in the placement of an artificial obstruction which shall restrict the passage of storm and flood water in such a manner as to increase the height of flooding, except~~

- ~~obstructions approved by the U.S. Army Corps of Engineers in conjunction with sound floodplain management.~~
- ~~B. Result in incompatible land uses or which shall be detrimental to the protection of surface and ground water supplies.~~
 - ~~C. Be not in keeping with land use plans and planning objectives for the City of Wayzata or which shall increase or cause danger to life or property.~~
 - ~~D. Be inconsistent with the objectives of encouraging land uses compatible with the preservation of the natural land forms, vegetation and the marshes and wetlands within the City of Wayzata.~~
 - ~~E. Shall constitute a hardship as defined in Chapter 905 of this Ordinance.~~
 - ~~F. No permit or variance shall be issued unless the applicant has submitted a Shoreland Impact Plan as required and set forth in this Ordinance. In granting any variance, the City Council may attach such conditions as they deem necessary to ensure compliance with the purpose and intent of this Section.~~

Section 3. Effective Date. This Ordinance will become effective upon passage and publication.

Adopted by the City Council this ____ day of _____, 2022.

Johanna Mouton
Mayor

ATTEST:

Jeffrey Dahl
City Manager

First Reading:
Second Reading:
Publication: