

# WAYZATA PLANNING COMMISSION

## Meeting Agenda

Wayzata City Hall Community Room, 600 Rice Street

Monday, April 3, 2023

6:30 PM

### HYBRID MEETING INFORMATION

#### [Click here to join Zoom Meeting](#)

**Meeting ID: 853 0624 9579 Passcode: 145470**

Members of the public may attend this Planning Commission meeting in person, provided they follow all City policies and protocols related to the pandemic.



Members of the public may watch and listen remotely by viewing the meeting on Channel 8, WCTV, and at the City's website at [www.wayzata.org/WCTV](http://www.wayzata.org/WCTV).

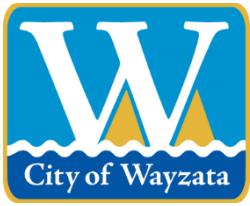
Public comment during the Public Forum and/or Public Hearing portions of the meeting may be provided in person at the meeting, in advance, or by logging into the zoom call and raising your hand during the public hearing. **When your name is called in the meeting, you will be seen and heard in our Council Chambers and the cable channel.** You will be asked to unmute and then you may begin your comment. All public comments must include your full name and address.

The City encourages comments or questions about items on the agenda and, when possible, requests that you submit them in advance by emailing [PublicComment@wayzata.org](mailto:PublicComment@wayzata.org), calling City staff at 952-404-5323, or mailing Wayzata City Hall at 600 Rice St E, Wayzata, MN 55391 (Attn: Public Comment).

1. **Call to Order**
2. **Roll Call**
3. **Approval of Agenda**
4. **Consent Agenda**
  - a. Approval of Meeting Minutes and Workshop Minutes of March 6, 2023
5. **Public Hearing Items**
  - a. Consideration of Zoning Text Amendment - Definitions and Performance Requirements Updates
6. **Other Items**
  - a. Review of Development Activities
  - b. Planning Commission Meeting Schedule
7. **Adjournment**

Upcoming Meetings:  
City Council - April 4, 2023  
Planning Commission - April 17, 2023

Members of the Planning Commission and some staff members may gather at the Wayzata Bar and Grill immediately after the meeting for a purely social event. All members of the public are welcome.



## City of Wayzata Planning Commission Agenda Report

<b>MEETING DATE:</b> April 3, 2023	<b>AGENDA ITEM:</b> 4.a
<b>TITLE:</b> Approval of Meeting Minutes and Workshop Minutes of March 6, 2023	
<b>PREPARED BY:</b> Valerie Quarles, Assistant Planner	
<b>REVIEWED BY:</b> Emily Goellner, Community Development Director	
<b>60 DAY DEADLINE:</b> N/A	

**BACKGROUND:**

N/A

**ACTION REQUESTED:**

Staff recommends approval of the regular meeting and workshop minutes of March 6, 2023.

**ATTACHMENTS:**

1. Draft Meeting Minutes of March 6, 2023
2. Draft Workshop Minutes of March 6, 2023



1           **a) Consider Approval of Planning Commission Report and Recommendation of**  
2           **Approval for Panoway Boardwalk and Docks at 402 Lake Street East**  
3

4           Community Development Director Goellner gave an overview of the proposal for the Panoway  
5           boardwalk and docks. She distributed a sample of the proposed material for the decking of both  
6           the dock and the boardwalk. She reviewed the zoning, land use, and the Conditional Use Permit  
7           requests, and the proposed dock designs. She noted that the proposed dock improvements include  
8           space for 17 boats at the ‘Depot Docks’ and 33 boats at the ‘Broadway Docks’. She explained that  
9           the City had had some community meetings regarding the project design, most recently over the  
10          summer months that provided good feedback. She gave an overview of the actions that have been  
11          taken by the City Council related to the project, and reviewed the design features for the boardwalk  
12          and docks. She reviewed the various permits that will be required for this project, and reviewed  
13          the City Engineer comments related to the current requests. She explained that staff recommends  
14          approval of the CUP requests, and noted that staff has prepared a draft Report and  
15          Recommendation of approval for Planning Commission consideration. She noted that the  
16          proposed findings were included in the staff report, and explained that there was just one  
17          recommended condition included related to an easement.

18  
19          Chair Stockton asked if the Commission had any questions for Staff.

20  
21          Commissioner Schwalbe stated that she liked the sample materials that were presented. She stated  
22          that the Panoway has, thus far, been a huge success. She stated that it is definitely a draw and is  
23          bringing people into the City. She stated that at times it was crowded and adding a boardwalk will  
24          bring in more people. She asked if the City had taken into consideration ways to monitor and  
25          control the usage. She gave the example of young kids wanting to get together and hang out on  
26          the boardwalk late at night, and asked if the City had thought about police staffing efforts to  
27          monitor this type of use.

28  
29          Community Development Director Goellner stated that the Panoway District Committee has been  
30          involved in conversations on how to manage the space and possible nuisances within the space.  
31          She stated that the City added bike patrol last summer and is also hiring more police officers. She  
32          stated that she thinks that the City will also look at community or peace officer type staffing with  
33          volunteers ,which has been used in other big public places.

34  
35          Commissioner Schwalbe stated that she is happy that there will be a bike patrol presence, and  
36          asked if the extra police protection would be in place for evenings and weekends.

37  
38          Community Development Director Goellner stated that she believed the goal was to always have  
39          two officers on every shift.

40  
41          Commissioner Schwalbe made note of the drag racing that has happened in the past, and asked if  
42          there was any thought it how to control that activity.

43  
44          Community Development Director Goellner stated that she knows the Police Chief has spoken  
45          with the Panoway District Committee quite a bit. She stated that she believes that they have made  
46          some efforts to work on that, but it may not be something that the City can fully control.

1  
2 Commissioner Schwalbe stated that she just does not want the City to be in a position where they  
3 are caught without a plan.

4  
5 Commissioner Sorensen stated that he wants to take a moment to acknowledge the considerable  
6 amount of work that has gone into this project by staff, consultants, and the various public  
7 committees.

8  
9 Commissioner Douglas confirmed that the plans for additional boat slips would be in addition to  
10 the temporary ones that the City has been using.

11  
12 Community Development Director Goellner confirmed that this was correct.

13  
14 Commissioner Douglas asked how the proposed number of slips was determined.

15  
16 Community Development Director Goellner explained that the City is only allowed a certain  
17 number of slips by the Lake Minnetonka Conservation District. She stated that the City tried to  
18 maximize as much as possible within the design constraints.

19  
20 Commissioner Douglas explained that she appreciated the work that has been done on the CUPs  
21 before the Commission, but noted that there were other issues that concerned her. She stated that  
22 some of her concerns are similar to those mentioned by Commissioner Schwalbe because there  
23 were a lot of issues last summer with the Panoway. She stated that she has wanted a boardwalk  
24 for about 30 years and feels that adding more docks will be an important feature for the City's  
25 restaurants, but she is a bit concerned about the number of people that will be coming into town.  
26 She stated that she lives very near the area and chooses not to even go near Lake Street on the  
27 weekends because it gets too congested. She reiterated that she has concerns surrounding things  
28 like traffic and parking. She stated that she also has questions about funding and noted that they  
29 were told at the beginning that taxpayers would not be affected, but having more police officers,  
30 will cost the taxpayers more money. She stated that she understands that the Commission is being  
31 asked tonight to just make a recommendation on the CUP requests, but wanted to make her other  
32 thoughts and concerns known as well.

33  
34 There being no additional questions from the Commission for the applicant, Chair Stockton opened  
35 the public hearing on the application at 7:14 pm.

36  
37 Mary Dolan, 540 Indian Mound, noted that she serves on the Panoway District Committee. She  
38 stated that she shares many of the concerns that were shared by Commissioner Schwalbe and noted  
39 that the past two summers things have gotten more than rowdy in the area. She stated that she  
40 knows the Police Department is doing their best to be able to handle things but they need more  
41 officers. She stated that she had spoken with City Manager Dahl a few weeks ago about concerns  
42 that the pile driving will destabilize the railroad bed. She stated that she raised her concerns even  
43 before the recent wave of train derailments. She stated that trains coming through the area do carry  
44 chemicals so it would be disaster if they derailed. She stated that she noted that she also worried  
45 about potential 'dock creep' and is hopeful that the City will put into place a moratorium so the

1 whole bay does not turn into a marina, because this is the only window that they have to look on  
2 old Wayzata.

3  
4 Director Goellner stated there were no people that called in to the meeting that have asked to speak  
5 at the public hearing.

6  
7 There being no additional comments on the application, Chair Stockton closed the public hearing  
8 at 7:17 pm.

9  
10 Chair Stockton asked for the Commission to share their questions and feedback on the application.

11  
12 In response to one of the public comments, Community Development Director Goellner stated that  
13 the Army Corps of Engineers has authority over the railroad bed. She noted that the City has also  
14 received a letter of acknowledgement from BNSF of the project, as well as consent to move  
15 forward. She stated that neither the Army Corps of Engineers nor the BNSF has expressed any  
16 concern but acknowledged that there are 74 piles with this project, so it will be significant.

17  
18 Commissioner Douglas asked about the plans for the steel posts that appear to be above the  
19 boardwalk.

20  
21 Community Development Director Goellner explained that they will be exposed and noted that  
22 after the piles go into the lake bed, the dock will be able to move up and down based on the water  
23 levels.

24  
25 Commissioner Douglas expressed concern with little kids running down the docks and hitting the  
26 steel pilings, and asked if safety had been taken into consideration.

27  
28 Community Development Director Goellner stated that she expects that they will probably be 2-3  
29 feet tall, which is about waist height. She stated that people will need to keep a closer eye on their  
30 children in this area since it is near the water. She noted that the boardwalk will have a railing on  
31 both sides, except for the terrace area.

32  
33 Commissioner Schwalbe asked if the City has been surprised at how many people have been drawn  
34 to the Panoway area.

35  
36 Community Development Director Goellner stated that they had expected it to be popular.

37  
38 Commissioner Schwalbe stated that there has been a lot of feedback from residents that they are  
39 really concerned about the Panoway and that it is no longer the old quaint, cute, downtown  
40 Wayzata. She asked if this was what staff had expected.

41  
42 Community Development Director Goellner stated that this is what was expected, and noted that  
43 there was a survey completed about a year ago where they found that there was a very high  
44 approval rating for Panoway Phase 1.

45

1 Commissioner Schwalbe asked if there had been a lot of complaints about the huge amount of  
2 people utilizing the area on the evenings and weekends.

3  
4 Community Development Director Goellner stated that the Panoway District Committee has been  
5 discussing these issues at length.

6  
7 Commissioner Schwalbe stated that she would like to make sure that the City does what they can  
8 to make this area more friendly to the people who live in the City, such as more police presence  
9 and having the bike patrol.

10  
11 Community Development Director Goellner suggested that Commissioner Schwalbe may want to  
12 consider joining the Panoway District Committee because that is the place for further discussion  
13 about things like crowd management and public safety.

14  
15 Chair Stockton stated that she thinks it is worthwhile to note that the concerns raised by the  
16 Planning Commission over the tone, use and management of the Panoway area. She stated that  
17 she also thinks it is important to ensure the safety standards with regard to the railroad, and make  
18 sure it is communicated up front that it has been looked at in detail. She stated that she also felt it  
19 would be worthwhile to have a drawing available that would demonstrate potential growth of the  
20 boardwalk and dock system.

21  
22 There being no further discussion, Chair Stockton asked for a motion on the application.

23  
24 Commissioner Elg made a motion, seconded by Commissioner Severson, to Adopt the Planning  
25 Commission Report and Recommendation of Approval of CUPs for Panoway Boardwalk and  
26 Docks at 402 Lake Street East, as presented. The motion carried unanimously.

27  
28 **AGENDA ITEM 6. Other Items:**

29  
30 **a) Review of Development Activities**

31  
32 **b) Planning Commission Meeting Schedule**

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34 Community Development Director Goellner stated that because there was nothing scheduled for  
35 the March 20, 2023 agenda, she was planning to cancel that meeting. She gave an overview of the  
36 plans for the April 3, 2023 meeting agenda.

37  
38 **AGENDA ITEM 7. Adjournment.**

39  
40 There being no further business on the agenda, Chair Stockton asked for a motion to adjourn.

41  
42 Commissioner Sorensen made a motion, seconded by Commissioner Douglas to adjourn the  
43 Planning Commission meeting. The motion carried unanimously.

44  
45 The Planning Commission meeting was adjourned at 7:30 p.m.

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- 1 Respectfully submitted,
- 2 Kayla Atkins Rokosz
- 3 *TimeSaver Off Site Secretarial, Inc.*

DRAFT

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**WAYZATA PLANNING COMMISSION  
WORKSHOP SUMMARY  
MARCH 6, 2023**

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**AGENDA ITEM 1: Roll Call**

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Present were Commissioners: Douglas, Elg, Stockton, Sorenen, Schwalbe, and Severson. Community Development Director Goellner and Consulting Planner Zweber were also present.

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**AGENDA ITEM 2: Definitions and Performance Requirements Update**

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Community Development Director Goellner provided the background on the purpose of the proposed Zoning Ordinance Text Amendments and that the Zoning Ordinance Task Force has reviewed the proposal and recommended that the Planning Commission consider the proposed amendments. Consulting Planner Zweber reviewed the proposed amendments including food and beverage establishment parking requirements, dwelling unit minimum sizes, service commercial definitions, and building height criteria and exceptions.

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35  
36

Following the presentation, the Planning Commission asked about staff's past experiences with the building height criteria and exceptions and dwelling unit minimum sizes. Staff responded that the building height amendments are to clarify for a consistent implementation including that structural elements that can exceed 35 feet are unoccupied elements, that the average grade plane is calculating the lowest elevations around the building foundation, and new minimums for one-bedroom single family dwelling units, assisted living units, and memory care units.

The Planning Commission is supportive of the change in food and beverage establishments to parking standards based on bar, seating, and kitchen areas but wants the new standards to be similar in total numbers as the current standard. The Planning Commission also expressed concerns about what factors to use for the medical clinic and personal services parking standards.

Director Goellner stated that a public hearing regarding the proposed amendments will be conducted at the April 3, 2023 Planning Commission meeting.

**AGENDA ITEM 3: Adjournment**

The workshop was adjourned at 6:20 p.m.



## City of Wayzata Planning Commission Agenda Report

<b>MEETING DATE:</b> April 3, 2023	<b>AGENDA ITEM:</b> 5.a
<b>TITLE:</b> Consideration of Zoning Text Amendment - Definitions and Performance Requirements Updates	
<b>PREPARED BY:</b> Valerie Quarles, Assistant Planner, Eric Zweber, Planning Consultant	
<b>REVIEWED BY:</b> Emily Goellner, Community Development Director	
<b>60 DAY DEADLINE:</b> N/A	

### **BACKGROUND:**

Over the last three years, the Zoning Study Task Force, Planning Commission, City Council, and City staff have worked on amending the commercial, institutional, and residential districts. On September 26, 2022 and on January 25, 2023, the Task Force reviewed revisions to the Definitions, the General Building, Performance Requirements, and Off-Street Parking sections to ensure clarity and consistency has been provided in the Zoning Ordinance. On March 6, the Planning Commission discussed the changes at a workshop. Since then, updates have been made to incorporate the Planning Commission's comments.

These changes to the code are a direct continuation of the zoning code updates completed in 2022 (Ordinance 811), which primarily focused on reformatting the zoning code into a more usable state and implementing reforms that included best practices. Those changes were broad, but did not meaningfully extend to the chapters within this update. The objective at that time was to keep the scope of changes manageable. Now, the intent is to reconcile all of the general provision chapters, the parking table, and the definitions chapter with those changes and with each other, so that the zoning code as a whole advances the City's goals.

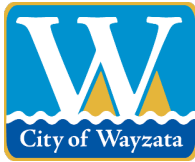
The attached changes to Chapters 902, 916, 917, 919, and 920 are presented for the Planning Commission's review and approval.

### **ACTION REQUESTED:**

After considering the items outlined in this report and the public hearing held at the meeting, the Planning Commission should direct staff to prepare a Planning Commission Report and Recommendation, with appropriate findings, reflecting a recommendation on the application for review and adoption at the next Planning Commission meeting.

### **ATTACHMENTS:**

1. Definitions and Performance Requirements Updates - Staff Report
2. Definitions and Performance Requirements Updates - Redlined Copy of Ch. 902, 916, 917, 919, and 920
3. Definitions and Performance Requirements Updates - Clean Copy of Ch. 902, 916, 917, 919, and 920



**Staff Report**  
**Wayzata Planning Commission**  
**April 3, 2023**

**Project Name:** Definitions and Performance Requirements Update  
**Request:** Zoning Ordinance Text Amendment  
**Addresses of Request:** Citywide  
**Applicant:** City of Wayzata  
**Prepared by:** Valerie Quarles, Assistant Planner  
Eric Zweber, Consulting Planner

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**Development Application Introduction**

Over the last three years, the Zoning Study Task Force, Planning Commission, City Council, and City staff have worked on amending the commercial, institutional, and residential zoning districts. On September 26, 2022 and on January 25, 2023, the Task Force reviewed revisions to the Definitions, the General Building, Performance Requirements, and Off-Street Parking sections to ensure clarity and consistency is provided throughout the entire Zoning Ordinance. On March 6, the Planning Commission discussed the changes at a workshop. Since then, updates have been made to incorporate the Planning Commission's comments.

The proposed amendments are a direct continuation of the Zoning Ordinance update completed in 2022 (Ordinance 811), which primarily focused on reorganizing the Zoning Ordinance into a more usable format and implementing reforms that included best practices. The objective at that time was to keep the scope of changes manageable while still having meaningful impact. Now, the intent is to reconcile all of the general provision chapters, the parking requirements, and the definitions chapter so that the entire Zoning Ordinance advances the City's goals effectively.

Application Requests

As part of the submitted application, the applicant is requesting approval of the following items:

- A. Zoning Ordinance Text Amendments (§903.02.F): The City proposes to make amendments to the following chapters:
1. Chapter 902: Rules and Regulations
  2. Chapter 916: General Building and Performance Requirements
  3. Chapter 917: Accessory Buildings, Structures, Uses and Equipment
  4. Chapter 919: General Yard, Lot Area, and Building Regulations
  5. Chapter 920: Off-Street Parking and Loading

Public Hearing Notice

Notice of the public hearing on the Application was published in the *Sun Sailor* on March 23, 2023.

### Neighborhood Notification

The proposed Zoning Ordinance Text Amendments would apply to all properties within the City and therefore does not require notification to a specific neighborhood.

### **Analysis of Application**

The following excerpts from the proposed changes are those which may generate the most discussion and interest from the Planning Commission and the public, or have the largest impact on City staff's administration of the Zoning Ordinance.

### Chapter 902 – Rules and Regulations

The definitions chapter is one that staff uses frequently to understand how other regulations within the Zoning Ordinance may apply to specific situations. The proposed amendments to this chapter focus on compliance with state law, alignment with the new “allowed uses table” in Chapter 937, alignment with the parking requirements, ease of use by the public, and increased clarity for administration. Redundant or outdated definitions were removed.<sup>1</sup>

“Personal Fitness Club” and “Health Club” are new definitions intended to account for private fitness uses such as gyms. Gyms and similar uses were not included within the Zoning Ordinance prior to Ordinance 811. The purpose of creating separate definitions for larger commercial gyms and smaller boutique-style gyms is to differentiate their parking needs in Chapter 920.

**“Personal Fitness Club.”** A facility that provides personal fitness classes with a floor area of under 3,000 square feet. These facilities include yoga and pilates studios, small gym facilities and similar boutique classes.

**“Health Club.”** A facility of over 3,000 square feet which provides athletic activities such as tennis, handball, racquetball, track, basketball, exercise devices, etc. and such incidental amenities and services such as a whirlpool, sauna, or massage service for members and guests.

“Personal Services” is intended to be an encompassing definition for small-scale uses as listed above. Previously, some of these uses had their own definition or were not present in the zoning code. Because Wayzata is a popular location for these services, the definition is fairly broad in order to account for new and similar services that staff may not be aware of at this time.

**“Personal Services.”** Commercial services that result in the physical delivery of a process to a person or group of less than ten (10) people to whom it is directed rather than a salable product. Personal services include hair and nail salons, therapeutic massage spas, tanning spas and similar uses.

“Places of Assembly” replaces “Church” within the Zoning Ordinance. This is in order to comply with the Religious Land Use and Institutionalized Persons Act (RLIUPA) of 2000, which protects individuals, houses of worship, and other religious institutions from discrimination in zoning laws. The purpose of regulating churches and similar uses within the zoning code is primarily due to their event-focused impact. Essentially, such locations are sometimes full of people at specific times and sometimes empty. The purpose of regulating churches in the zoning code is not associated with the specific faith which is practiced, so “places of assembly” is more inclusive than simply “church”.

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<sup>1</sup> Please note that when a definition for a given word is not present in the zoning code, the default definition is used from Webster's dictionary, per §902.01.H.

**“Places of Assembly.”** A building or portion of a building used or designed for the gathering together of 50 or more persons for such purposes as meetings, conferences, celebration, worship, entertainment, and/or amusement.

The “recreation” definitions have been differentiated into specific types (outdoor, public/private, principal/accessory, etc.) in order to more easily regulate the locations in which they are allowed.

“Service Commercial” is a new definition for a zoning code provision that existed prior to Ordinance 811, but remained without a definition in code for a long period of time. “Service Commercial” is listed within the C-4, C-4A, and C-4B zoning districts under §980.07.C, below.

**“Service Commercial.”** The sale of services, which may include the limited sale of related goods, on the premises to the general public by appointment or by walk-in.

(§980.07.C) At least 50 percent of the building frontage on the ground floor along Lake Street must be used for retail or service commercial use and must comprise at least 50 percent of the ground floor building footprint.

Since the intention of the provision is to promote foot traffic on Lake Street, but not to limit these portions of frontage to retail alone, the new definition was crafted to be inclusive of certain office uses that provide services to walk-in customers.

#### Chapter 916 – General Building and Performance Requirements

Updates to Chapter 916 are extremely limited in scope. §916.05 is a simplification of the Traffic Sight Visibility Triangle definition. Section 916.04 is a change in authority over certain grading and drainage changes from “the City Engineer” to “the City Engineer’s office”.

#### Chapter 917 – Accessory Buildings, Structures, Uses and Equipment

Chapter 917 regulates the size and shape of most accessory structures within the City. Section §917.01 regulates how accessory buildings relate to other buildings on the property. Each section that previously gave a conditional use permit as an option for approval has been amended to use the variance process instead. Sections A and C have been edited for clarity, and redundant sections F and H have been removed. Section B is below:

Within the R-1A, R-1, R-2A and R-2 Zoning Districts, a garage not exceeding 1,000 square feet shall be considered an integral part of the principal building if it is attached to the principal building or is connected to it by a covered passageway and such garages are exempt from the provisions of this Subsection.

This section has been removed entirely as the goals and desired outcome of this code language are unclear. Lot coverage and impervious surface limitations, along with language in §917.03 relating accessory building size to principal building size, are a clearer way to regulate accessory buildings on large lots.

Since the chapter no longer includes conditional use permit processes, the additional standards for CUPs in §917.08 have been removed.

#### Chapter 919 – General Yard, Lot Area, and Building Regulations

The proposed amendments provide clarity for provisions that are often confusing, remove seldom-used provisions that are deemed unnecessary, remove some conditional use permit processes that would be better processed as variances, and account for quirks in the code that have been revealed over the years to be unworkable or not servicing the City’s goals.

Section §919.02.B describes exceptions to building height regulations.

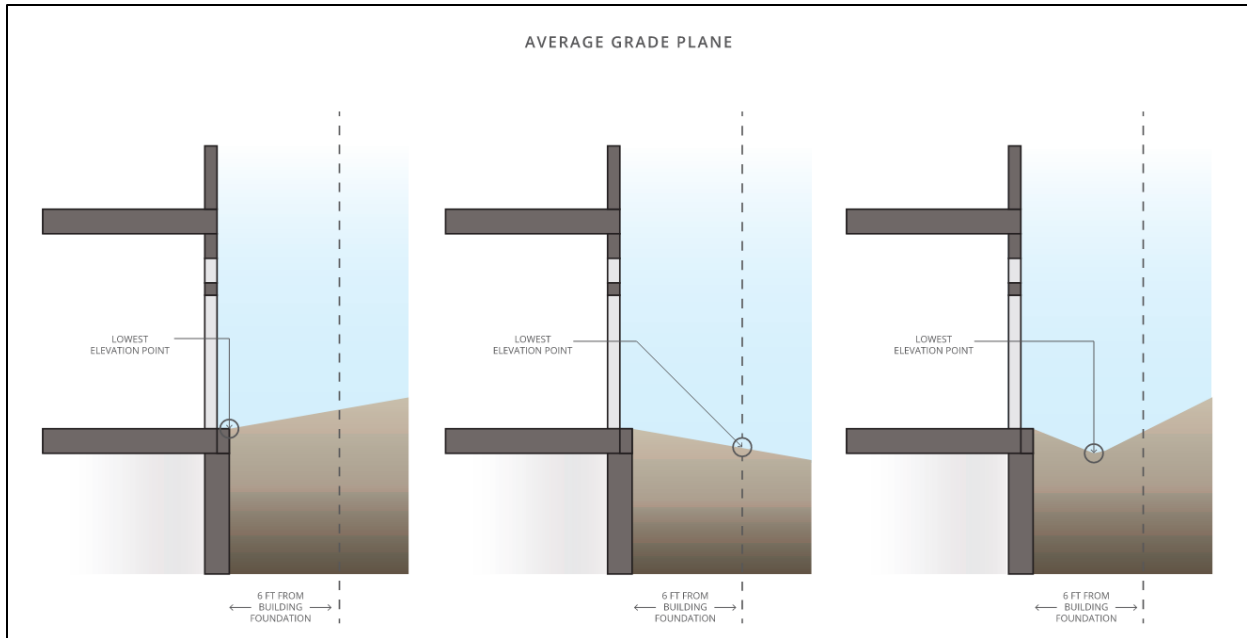
“The building height limits established in each zoning district shall not apply to the following list of uninhabitable items, except that no such structural element may exceed 40 feet in total height or exceed the maximum height of the building by more than five feet, whichever is greater, except by conditional use permit:

1. Belfries.
2. Chimneys or flues.
3. ~~Church~~ Minarets or spires.
4. Cooling towers.
5. Communication reception/transmission devices.
6. Cupolas and domes which do not contain usable space.
7. Elevator penthouses.
8. Flag poles.
9. Monuments.
10. Parapet walls.
11. Necessary mechanical and electrical appurtenances.

While the list of items that are allowed to exceed building height restrictions are to remain largely unchanged, the additional clarifying description of “uninhabitable” allows staff to more effectively administer the ordinance in the event that certain elements are proposed that have not been foreseen by the code. The conditional use permit language has also been retained, per feedback from the Zoning Study Task Force.

The below definition and image for Average Grade Plane are also present in Chapter 902. The Grade Plane serves to establish where “0” is when calculating the height of a building, which is not always an obvious elevation given Wayzata’s varied topography. The clarified definition and new diagram are meant to reduce staff’s administrative burden of explaining the concept to designers and builders.

As may be appropriate, applicants shall be required to submit a detailed survey for all new residential and non-residential structures ~~including topographical information at two-foot contours signed by a licensed surveyor depicting elevations (existing and proposed) at the corners of the building footprint and within a radius of five feet to verify the calculation of the datum point for determination of the building height to determine the Average Grade Plane. The Average Grade Plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six feet from the building, between the building and a point six feet from the building. The lowest elevation points for this calculation should be no more than 20 feet apart horizontally.~~



The conditional use permit processes in §919.04 D and E have been eliminated in favor of the variance process for reducing accessory structure setbacks.

In §919.06, a one-bedroom size standard has been added for single-family homes, along with size standards for assisted living and memory care units. Conditional use permit processes have also been removed in favor of the variance process.

#### Chapter 920 – Off-Street Parking and Loading

The updates to the parking chapter do not constitute a full overhaul of the chapter, nor do they meaningfully change most parking standards for existing uses. The aim of this work was to ensure consistent language across chapters of the Zoning Ordinance (table of allowed uses and definitions primarily) and to ensure the Ordinance has relevant, usable, and objective parking standards.

Multiple instances of car washes within the parking table were reorganized into “Car Wash, Principal” and “Car Wash, Accessory”. The standards for car washes are based upon the number of stalls and new car washes are subject to conditional use permit standards for stacking in §937.06.

“Personal services”, which is a new definition in the code, including hair and nail salons, therapeutic massage, and similar uses, has a new parking standard of 1 space per 200 sq. ft. Salon parking was previously calculated by counting the number of work stations.

“Bowling Alleys” and similar recreational uses have been struck in favor of relying on §920.11.C, which allows for certain unlisted uses to provide a parking study to show the amount of parking they need. In the current environment, it is tough to predict the variety of types of recreation that may be proposed in the future. This change will allow future unique uses the flexibility to show staff the amount of parking they need and why. This does *not* mean that staff is relinquishing oversight, however.

“Food and Beverage Establishment” parking changes have received the most consideration from the Planning Commission and Zoning Task Force. The current standard is 15.2 parking spaces per 1,000 sq. ft. of floor area or 1 space per 66 sq. ft of floor area. The origin of this requirement is not clear. This has proven to be an unwieldy standard for smaller establishments or those establishments which have larger kitchens, less seating, or other unique layouts like take-out only. The goal is not to simply reduce parking requirements, but to provide a more precise way of calculating practical parking need for many different types of establishments.

The change that the Task Force reviewed for food and beverage establishments was a reorganization of the flat-rate standard into three classes of restaurants – sit-down/full service restaurants (Class I), counter service restaurants (Class II), and take-out only restaurants (Class III). As staff worked to develop the appropriate parking standards for each class, Wayzata’s unique and varied food environment proved difficult to fit into only three categories. Rather than create additional categories, staff elected to create a customizable parking calculation that has proven successful in other cities throughout the metro:

Seating Area: One space per 75 sq. ft.

Bar Area: One space per 40 sq. ft.

Kitchen Area and all other areas: One space per 150 sq. ft.

This setup should simplify the parking table and allow different types of restaurants to have the amount of parking that is the best fit for their model of business. With this method, restaurants with sizable bar areas will require the most parking, while restaurants with larger kitchen areas as a portion of space will have less. This is not a significant reduction from the current parking standard for most restaurants – seating areas, which make up the majority of most establishments, are still subject to a standard that is not that different from the original 15.2 spaces per 1,000 sq. ft. – but is a more precise way of calculating practical parking need for many different types of establishments.

Personal fitness clubs and health clubs have two separate parking standards (1 space per 300 sq. ft. vs. 1 space per 100 sq. ft.) in order to account for the condition that smaller gyms are typically class-focused and often not in constant use, while larger gyms receive a steady flow of people.

### **Standards of Planning Commission Review of Application Requests**

The City’s Zoning Ordinance Text Amendment request is a legislative review and decision, meaning that the Planning Commission acts like a legislative body and has wide discretion on whether to recommend approval or denial if it has a rational basis for its decision.

The Planning Commission should recommend approval of the Zoning Ordinance Text Amendment if the Commission determines that there are no substantial adverse effects of the amendment as outlined in City Code §903.02.F.

### **Primary Question to Consider**

- Is the zoning amendment consistent with the comprehensive plan?
- Do these changes create any additional conflicts with other portions of the Zoning Ordinance?

### **Action Steps**

After considering the items outlined in this report, holding the public hearing on the application, and discussing the requests of the Application, the Planning Commission should direct staff to

prepare a draft *Planning Commission Report and Recommendation*, with appropriate findings, reflecting a recommendation on the application, for review and adoption at the next Planning Commission meeting.

**Attachments:**

Redlined Chapters 902, 916, 917, 919, 920

Clean Chapters 902, 916, 917, 919, 920

### **Applicable Code Provisions for Review**

Staff has analyzed the facts provided by the applicant in comparison with the criteria for approval. While several criteria appear to be met, **staff has highlighted in bold** the criteria that may require additional discussion with the Planning Commission.

#### Zoning Amendment (§903.02)

The Planning Commission shall consider possible adverse effects of the proposed amendment. Its judgment shall be based upon (but not limited to) the following factors:

1. **The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.**
2. The proposed use's conformity with present and future land uses of the area.
3. **The proposed use's conformity with all performance standards contained herein (i.e., parking, loading, noise, etc.).**
4. The proposed use's effect on the area in which it is proposed.
5. The proposed use's impact upon property value in the area in which it is proposed.
6. Traffic generation by the proposed use in relation to capabilities of streets serving the property.
7. The proposed use's impact upon existing public services and facilities including parks, schools, streets, and utilities, and the City's service capacity.

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## 902.02 Definitions.

The following words and terms, wherever they occur in this Ordinance, shall be interpreted as herein defined:

**"Abutting"** means making direct contact with or immediately bordering.

**"Accessory ~~Building or Use~~Structure"** means a subordinate building, ~~item,~~ or ~~use which~~structure which is located on the same lot on which the main building ~~or use~~ is situated and which is reasonably necessary, appropriate and incidental to the conduct of the primary use of such building ~~or main use.~~ Accessory structures include pools, pergolas, play structures, gazebos and similar structures.

**"Accessory Use"** A use on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure. Accessory uses are listed in corresponding zoning district standards.

**"Addition"** means a physical enlargement of an existing structure.

**"Adjacent"** means in close proximity to or neighboring, not necessarily abutting.

**"Adult Day Care"** means a program operating less than twenty-four (24) hours per day that provides functionally impaired adults with an individualized and coordinated set of services including health services, social services, and nutritional services that are directed at maintain or improving the participants capabilities for self-care.

**"Adult Uses"** include adult bookstores, adult motion picture theatres, adult motion picture sales/rentals, adult mini-motion picture theatres, adult massage parlors, adult steam room/bathhouse/sauna facilities, adult companionship establishments, adult rap/conversation parlors, adult health/sport clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotels/motels, adult body painting studios, and other premises, enterprises, establishments, businesses or places open to some or all members of the public, at or in which there is an emphasis on the presentation, display, depiction or description of "specified sexual activities" or "specified anatomical areas" which are capable of being seen by members of the public. Activities classified as obscene as defined by Minn. Stats. § 617.241, as may be amended, are not included.

A. **"Specified Anatomical Areas"** means:

1. Less than completely and opaquely covered human genitals, pubic region, buttock, anus, or female breast(s) below a point immediately above the top of the areola; and
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

B. **"Specified Sexual Activities"** means:

1. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexually-oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zoerasty; or
2. Clearly depicted human genitals in the state of sexual stimulation, arousal or tumescence; or
3. Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or
4. Fondling or touching of nude human genitals, pubic region, buttocks, or female breast; or
5. Situations involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering, binding or other physical restraint of any such persons; or
6. Erotic or lewd touching, fondling or other sexually-oriented contact with an animal by a human being; or

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7. Human excretion, urination, menstruation, vaginal or anal irrigation.
- C. **"Adult Uses—Accessory"** means the offering of retail goods for sale which are classified as adult uses on a limited scale and which are incidental to the primary activity and goods and/or services offered by the establishment. Examples of such items include the sale of adult magazines, the sale and/or rental of adult motion pictures, the sale of adult novelties, and the like.
- D. **"Adult Uses—Principal."** means the offering of goods and/or services which are classified as adult uses as a primary or sole activity of a business or establishment and include, but are not limited to, the following:
1. **"Adult Use—Body Painting Studio."** An establishment or business which provides the service of applying paint or other substance, whether transparent or non-transparent, to or on the body of a patron when such body is wholly or partially nude in terms of "specified anatomical areas."
  2. **"Adult Use—Bookstore."** A building or portion of a building used for the barter, rental or sale of items consisting of printed matter, pictures, slides, records, audio tape, videotape, or motion picture film if such building or portion of a building is not open to the public generally but only to one or more classes of the public extending any minor by reason of age or if a substantial or significant portion of such items are distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas."
  3. **"Adult Use—Cabaret."** A building or portion of a building used for providing dancing or other live entertainment, if such building or portion of a building excludes minors by virtue of age or if such dancing or other live entertainment is distinguished or characterized by an emphasis on the presentation, display, depiction of "specified sexual activities" or "specified anatomical areas."
  4. **"Adult Use—Companionship Establishment."** A companionship establishment which excludes minors by reason of age, or which provides the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."
  5. **"Adult Use—Conversation/Rap Parlor."** A conversation/rap parlor which excludes minors by reason of age, or which provides the service of engaging in or listening to conversation, talk, or discussion, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."
  6. **"Adult Use—Health/Sport Club."** A health/sport club which excludes minors by reason of age, or if such club is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."
  7. **"Adult Use—Hotel or Motel."** Adult hotel or motel means a hotel or motel from which minors are specifically excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexually activities" or "specified anatomical areas."
  8. **"Adult Use—Massage Parlor, Health Club."** A massage parlor or health club which restricts minors by reason of age, and which provides the services of massage, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."
  9. **"Adult Use—Mini-Motion Picture Theatre."** A building or portion of a building with a capacity for less than 50 persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by virtue of age, or if such material is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

10. **"Adult Use—Modeling Studio."** An establishment whose major business is the provision, to customers, of figure models who are so provided with the intent of providing sexual stimulation or sexual gratification to such customers and who engage in "specified sexual activities" or display "specified anatomical areas" while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted by such customers.
11. **"Adult Use—Motion Picture Arcade."** Any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled or operated still or motor picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas."
12. **"Adult Use—Motion Picture Theatre."** A building or portion of a building with a capacity of 50 or more persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by virtue of age or if such material is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
13. **"Adult Use—Novelty Business."** A business which has as a principal activity the sale of devices which stimulate human genitals or devices which are designed for sexual stimulation.
14. **"Adult Use—Sauna."** A sauna which excludes minors by reason of age, or which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."
15. **"Adult Use—Steam Room/Bathhouse Facility."** A building or portion of a building used for providing a steam bath or heat bathing room used for the purpose of pleasure, bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent if such building or portion of a building restricts minors by reason of age or if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

**"Alley."** A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a street.

**"Amusement, Indoor"** An establishment with recreational or entertainment activities housed within a structure. The activities may include commercial bowling alleys, billiard halls, game centers, and swimming pools.

**"Animal Clinic."** A medical veterinary facility licensed by the State of Minnesota for the treatment, but not grooming or day care, of household pets, and operated only during daytime and evening business hours (not overnight) by a licensed veterinarian for ~~surgery, diagnosis, and treatment of diseases and injuries of household animals.~~ diagnosis, treatment, correction, relief, or prevention of animal disease, deformity, defect, injury, or other physical or mental conditions; the performance of obstetrical procedures for animals, including determination of pregnancy and correction of sterility or infertility; and the rendering of advice or recommendations with regard to any of the above.

**"Animal Hospital," "Clinics, Hospitals or Kennels."** A medical veterinary facility or hospital licensed by the State of Minnesota for the treatment, ~~but not grooming or day care,~~ of household pets, and operated ~~up to 24 hours a day~~ by a licensed veterinarian for ~~emergency procedures, surgery,~~ diagnosis, and treatment, correction, relief, or prevention of ~~diseases and injuries~~ animal disease, deformity, defect, injury, or other physical or mental conditions; the performance of ~~household~~ obstetrical procedures for animals, including determination of pregnancy and correction of sterility or infertility; and the rendering of advice or

recommendations with regard to any of the above. Accessory activities such as boarding, grooming or daycare are permitted.

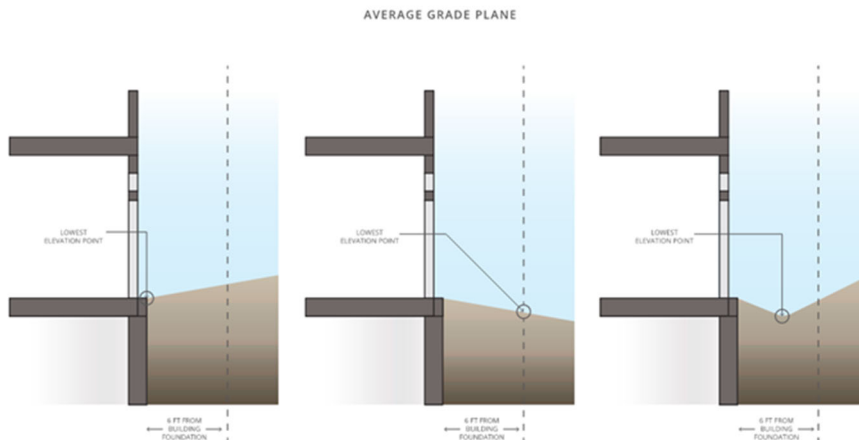
**"Animals, Domestic."** For purposes of this Ordinance, domestic animal shall be defined as house pets such as dogs, cats, and birds which can be contained within a principal structure throughout the entire year, provided that the containment can be accomplished without special modification to the structure requiring a building permit from the City.

**"Apartment."** ~~A portion of a building consisting of a room or suite of rooms which is designed for, intended for, or used as a residence by a single family or an individual, and is equipped with cooking facilities. Includes dwelling unit and efficiency unit.~~

**"Applicant."** The owner, their agent or person having legal control, ownership and/or interest in land which the provisions of this Ordinance are being considered for or reviewed.

**"Attic."** Space of a building located directly under a roof which is not directly free and open to the public and is unfinished or finished only to a limited degree to provide for inactive storage and/or mechanical equipment. Said space shall not be occupied or actively utilized. Under the provision of this Ordinance, said space shall not constitute a story, and shall not be included in space calculations for parking.

**"Average Grade Plane."** A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six feet from the building, between the building and a point six feet from the building, whichever is closer.



**"Automobile Repair—Major."** General repair, rebuilding or reconditioning engines, motor vehicles or trailers; collision service, including body, frame or fender straightening or repair; overall painting or paint job; vehicle steam cleaning.

**"Automobile Repair—Minor."** Installation, including cellular telephones, audio systems, and minor repairs, incidental body and fender work, painting and upholstery, replacement of parts (tires, glass, etc.) and minor motor services to passenger automobiles and trucks not exceeding 12,000 pounds gross weight, but not including any operation specified under "Automobile Repair—Major."

**"Automobile Service Station."** See "Motor Fuel Station."

**"Automobile Wrecking or Junk Yard."** Any place where two or more vehicles not in running condition and/or not licensed, or parts thereof, are stored in the open and are not being restored to operation or any land,

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~~building or structure used for wrecking or storing of such motor vehicles or parts thereof; and including any commercial salvaging and scavenging of any other goods, articles or merchandise.~~

**"Basement,"** Any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein.

**"Bay,"** Cantilevered area of a room.

~~"Bed and Breakfast." A building designed as a single family dwelling, where for compensation, meals and lodging are provided to transient guests but not including a building providing these services to more than ten persons or operating more than five guestrooms.~~

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**"Block,"** A tract of land bounded by streets, or a combination of streets and public parks, railroad rights-of-way, shorelines, waterways or boundary lines of the corporate limits of the City.

**"Boarder,"** One who receives regular meals and/or regular meals and lodging for pay.

~~"Boarding (House) Home—Foster Children." A family dwelling where children out of their own homes are cared for.~~

~~"Boarding/Lodging House." A building other than a hotel where, for compensation and by prearrangement for definite periods, meals or boarding/lodging and meals are provided to three or more persons, not of the principal family therein, pursuant to previous arrangements and not including a building providing these services for more than five persons.~~

~~"Boarding/Lodging Room." A room rented as sleeping and living quarters, but without cooking facilities and with or without an individual bathroom. In a suite of rooms without cooking facilities, each room which provides sleeping accommodations shall be counted as one boarding/lodging room.~~

**"Boundary Lines,"** Any line indicating the bounds or limits of any tract or parcel of land; also a line separating the various use districts as shown on the City's Zoning Map.

**"Brewery,"** A facility that produces for sale beer, ale, malt liquor, or other beverages made from malt by fermentation and containing not less than one-half of one percent alcohol by volume. A brewery may include a taproom.

**"Brewpub,"** A Brewery that operates a restaurant on the same premises as the Brewery, whose malt liquor production per calendar year may be limited by Minnesota State Statute.

**"Buffer,"** The use of land, topography (difference in elevation), space, fences or landscape plantings to screen or partially screen a use or property from the vision of another use or property.

**"Buildable Area,"** The space remaining on a lot after the minimum setback and open space requirements of this Ordinance have been met.

**"Building,"** Any structure ~~built for the support, having a roof which may provide~~ shelter or enclosure of persons, animals, ~~chattel or movable property of any kind~~ chattels, and ~~includes any when said~~ structure is divided by party walls without opening, each portion of such building so separated shall be deemed a separate building.

**"Building Height,"** The vertical distance above a Grade Plane measured to the highest point of the coping of a flat roof, to the deck line of a mansard roof, to the uppermost point on a shed, round or arch type roof, or to the average height of the highest gable of a pitched, hipped or gambrel roof. Modifications to the site grading that would affect the grade plane of a lot shall not be undertaken as a means of achieving increased building height, unless approved by the City Council. The height of a stepped or terrace building is the maximum height of any segment of the building.

~~"**Building Line.**"~~ A line parallel to the street right-of-way or ordinary high water level at any story level of a building and representing the minimum distance which all or any part of the building is set back from said right-of-way or ordinary high water level.

~~"**Building Setback.**"~~ The minimum horizontal distance between the building and the lot line.

~~"**Business.**"~~ Any establishment, occupation, employment or enterprise where merchandise is manufactured, exhibited or sold, or where services are offered for compensation.

~~"**Car Wash, Accessory.**"~~ A structure or portion of a structure where customers can wash vehicles indoors and the use is subordinate to the principal use on the property.

~~"**Car Wash, Principal.**"~~ A structure where customers can wash vehicles indoors and the use is the only land use, or principal use, on the property.

"**Cellar.**" That portion of a building between the floor and ceiling which is wholly or partly below grade and is so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling.

~~"**Cemetery, Cemeteries and Memorial Gardens.**"~~ A site or property set apart for the burial or interment of the human dead.

"**Channel.**" A natural or artificial depression of perceptible extent, with definite bed and banks to confine and conduct water either continuously or periodically.

~~"**Child Care.**"~~ A specialized limited day care facility which is an accessory use that provides temporary babysitting service while parents are engaged in short term social, recreational or business activities. (See also Day Care)

~~"**Church.**"~~ A building, together with its accessory buildings and use; where persons regularly assemble for religious purposes and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes.

~~"**Child Day Care Facility, General.**"~~ Any facility licensed by the State of Minnesota, public or private, which provides the care of a child in a building outside the child's own home for gain or otherwise on a regular basis, for any part of a 24 hour day. Day care facilities include, but are not limited to, family day care homes, group family day care homes, day care centers, day nurseries, nursery schools, daytime activity centers, day treatment programs and day services as defined by Minn. Stats 245A.

~~"**Child Day Care Facility, 12 or Fewer Children.**"~~ Any private facility licensed by the State of Minnesota, which provides the care of a child in a residence outside the child's own home located within a private residence, for gain or otherwise on a regular basis, for any part of a 24 hour day.

"**City Council.**" The governing body for the City of Wayzata.

"**Clear Cutting.**" The removal of an entire stand of trees and/or vegetation.

~~"**Club Clubs or Lodge Lodges.**"~~ A non-profit association of persons who are bona fide members paying annual dues, with the use of the premises being restricted to members and their guests.

"**Cluster Development.**" The development pattern and technique whereby structures are arranged in closely related groups to make the most efficient use of the natural amenities of the land as accomplished through a planned unit development.

~~"**Coffee Shop.**"~~ A business establishment providing services limited to the sale and production of coffee products and foods associated with the drinking of coffee, as distinguished from a full service restaurant or convenience (fast) food establishment.

~~"**Commercial Recreation.**"~~ Electronic games, bowling alley, jump center, golf, billiards (pool) hall, dance hall, skating, trampoline, boat rental, park, and similar uses.

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**"Common Open Space."** Any privately owned open space including private parks, nature areas, playgrounds, trails, and recreational buildings and structures which is an integral part of a development and is not owned on an individual basis by each owner of the dwelling unit.

~~**"Colleges, Seminaries and other Institutions of Higher Education."** A public or private accredited school that provides an educational program or specialized instruction for persons who have graduated from 12<sup>th</sup> grade. services and/or goodson the premises~~

**"Community Center."** A building or a room or group of rooms within a building designed specifically as a gathering place for the general public or for a specific segment of the general public and operated on a non-profit basis.

**"Comprehensive Plan."** A comprehensive long-range plan prepared and approved by the City, including a compilation of policy statements, goals, standards, fiscal guidelines, and maps indicating the general locations recommended for the various functional classes of land use, places and structures, and for the general physical development of the City, including any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

**"Concept Plan."** A report in map and text form submitted as the first stage of a Planned Unit Development (PUD) proposal, depicting the location, general purpose, general type of land use and circulation patterns, primary relationships between site elements and between the proposed development and surrounding development, proposed general schedule of development, and information on the applicant.

**"Conditional Use."** Those occupations, vocations, skills, arts, businesses, professions, or uses specifically designated in each zoning district, which for the respective conduct or performance in such designated districts may require reasonable, but special, unusual or extraordinary limitations peculiar to the use for the protection, promotion and preservation of the general public welfare, health, and safety, and the integrity of the City Comprehensive Plan.

**"Conditional Use Permit."** A permit issued by the City Council in accordance with procedures specified in this Ordinance, as a flexibility device to enable the City Council to assign dimensions to a proposed use or conditions surrounding it after consideration of adjacent uses and their functions and the special problems which the proposed use presents.

~~**"Condominium."** A multiple dwelling or development containing individually owned dwelling units and jointly owned and shared areas and facilities, which dwelling or development is subject to the provisions of the Minnesota Condominium Law, Minn. Stats. §§ 515.A.1-101 to 515.A.4-118.~~

~~**"Convenience (Fast) Food Establishment."** An establishment which serves food in or on disposable or edible containers in individual servings for consumption on or off the premises. (See also drive-in restaurant).~~

~~**"Cooperative (Housing)."** A multiple family dwelling owned and maintained by the residents and subject to the provisions of MS 290.09 and 290.13. The entire structure and real property is under common ownership as contrasted to a condominium dwelling where individual units are under separate individual occupant ownership.~~

**"Curb Level."** The elevation of the established curb in front of a building measured at the center of such front. Where no curb level has been established, the engineering staff shall determine a curb level or its equivalent for the purpose of this Ordinance.

~~**"Day Care Facility."** Any facility licensed by the State Department of Public Welfare, public or private, which for gain or otherwise regularly provides one or more persons with care, training, supervision, habilitation, rehabilitation or developmental guidance on a regular basis, for periods of less than 24 hours per day, in a place other than the person's own home. Day care facilities include, but are not limited to, family day care homes, group family day care homes, day care centers, day nurseries, nursery schools, daytime activity centers, day treatment programs and day services as defined by Minn. Stats. § 245.782, Subd. 5. (See also Child Care).~~

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**"Density, Residential."** A number expressing the relationship of the number of dwelling units to an acre of land as established in the Comprehensive Plan.

**"Deposition."** Any rock, soil, gravel, sand or other material deposited naturally or by man into a waterbody, watercourse, floodplains or wetlands.

**"Design Guidelines."** The Wayzata Design Guidelines as amended.

**"Distillery."** A facility that produces Ethyl Alcohol, hydrated oxide of ethyl, spirits of wine, rum, brandy, gin, or other distilled spirits, including all dilutions and mixtures thereof, for non-industrial use. A distillery may include a tasting room.

**"Diversion."** A channel that intercepts surface water runoff and that changes the accustomed course of all or part of a stream.

~~**"Dog Kennel."** Any place where three dogs or more over three months of age are kept for the use of the owner, or are boarded, bred and/or offered for sale, except a veterinary clinic.~~

**"Draining."** The removal of surface water or groundwater from land.

**"Dredging."** To enlarge or clean-out a waterbody, watercourse, or wetland.

~~**"Drive-In Restaurant."** Any place or premises used for sale, dispensing or serving of food, refreshments or beverages on the premises, typically eaten in the customers vehicle on the site. (See also convenience food establishment)~~

~~**"Drive-Thru Sales and Service".** A facility which accommodates automobiles and from which the occupants of the automobiles may make purchases or transact business, including the stacking spaces in which automobiles wait.~~

~~**"Dry Cleaning or Laundry."** A use involving the cleaning or dyeing of fabrics with the use of mechanical appliances.~~

~~**"Dwellings, Accessory Units."** A living unit that can be located within the walls of an existing or newly constructed home-, or that can be an addition to an existing home. It can also be contained within a freestanding structure on the same lot as the principal residence or structure.~~

~~**"Dwellings, Detached."** Three or more separate units located on one parcel.~~

~~**"Dwelling—A, Housing for the Elderly".** A public agency owned or controlled multiple dwelling building or portion thereof, designated with open occupancy limited to persons over 62 years of age.~~

~~**"Dwellings, Multiple Family."** A building designed with three or more dwelling units exclusively for residential occupancy, including one family, two family, and multiple family dwellings, but not including hotels, motels, boarding houses, or manufactured housing occupancy by three or more families living independently of each other, either wholly attached or partially detached with separate housekeeping and kitchen facilities for each unit.~~

~~**"Dwelling Dwellings, Multiple (Apartment Building). Family, Upper Stories.** A building designed with three or more dwelling units exclusively for occupancy by three or more families living independently of each other, but sharing hallways and main entrances and exits, either wholly attached or partially detached with separate housekeeping and kitchen facilities for each unit on the upper level of a mixed-use structure.~~

**"Dwelling, Single-Family Detached."** A dwelling unit designed exclusively for occupancy by one family-

A. ~~**"Attached."** A dwelling which is joined to another at one or more sides by a party wall.~~

B. ~~**"Detached."** A dwelling unit and is not attached to another dwelling or structure or is entirely surrounded by open space.~~

~~**"Dwellings, Townhomes."** A residential structure housing three or more dwelling units contiguous to each other only by the sharing a common wall(s), each such unit having a separate primary entrance to the~~

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exterior of the building at or near grade level, such structures to be of the townhome type as contrasted to multiple apartment structures. The term townhome is synonymous with the term townhouse.

**" Dwelling, Two Family Detached."** A residence designed for or occupied by two families only, with separate housekeeping and cooking facilities for each. ~~A two family dwelling with a separate rooming unit(s) shall be considered and classified as a multi-family dwelling, unless specifically noted.~~

A. ~~"Double Bungalow." A two family dwelling with two units side by side.~~

B. ~~"Duplex." A two family dwelling unit with one unit above the other.~~

**" Dwelling Unit."** A residential building or portion thereof intended for occupancy by one or more persons with facilities for living, sleeping, cooking and eating, but not including hotels, motels, nursing homes, seasonal cabins, boarding or rooming houses, motor homes or travel trailers.

~~" Dwelling Unit Occupancy." Occupancy of a dwelling unit for the purpose of enforcing provisions of this Ordinance shall be limited by restrictions as included in the definition of family in this Section.~~

**"Earth Berm."** (House Construction) An earth covering on the above grade portions of the building walls.

**"Earth Sheltered Building."** A building so constructed that 50 percent or more of the completed structure is covered with earth. Earth covering is measured from the lowest level of the livable space in residential units and of usable space in non-residential buildings. An earth sheltered building is a complete structure that does not serve just as a foundation or sub-structure for above grade construction. A partially covered building shall not be considered earth sheltered.

**"Easement."** A grant by an owner of land for a specific use by persons other than the owner.

~~"Efficiency Apartment ( Dwelling Unit)." A one room dwelling unit, exclusive of bathroom, consisting of one principal room having cooking facilities and used for combined living, dining and sleeping purposes.~~

~~"Elderly (Senior Citizen) Housing." "Educational Facilities". A public agency owned or controlled multiple dwelling building with open occupancy limited to persons over 62 years of age. private establishment for educational instruction not providing residential accommodation.~~

**"Elevator Penthouse."** An enclosure located on the top of a building which houses the working mechanisms of an elevator.

**"Engineer."** The registered engineer employed or retained by the City, unless otherwise stated.

**"Erosion."** The wearing away of land surface by the action of natural elements.

**"Essential Services."** The erection, construction, alteration or maintenance by public utilities or Municipal departments of underground or overhead telephone, gas, electrical, steam, hot water, communication or water transmission, distribution, collection, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith for the furnishing of adequate service by such private or public utilities or Municipal departments.

~~"Essential Service Structures." Structures and buildings necessary for the operation of essential services, including, but not limited to, telephone buildings, telephone booths, gas regulator stations, substations, electrical stations, water tanks, lift stations.~~

~~"Exterior Storage." The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building.~~

**"Family."** An individual or two or more persons related by blood, marriage, adoption or a group of not more than six persons who need not be related by blood or marriage living together in a dwelling unit.

**"Fence Related."**

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- A. **"Fence"** shall mean a partition, wall, hedge, row(s) of continuous plantings, or gate erected as a dividing marker, visual or physical barrier, or enclosure.
    - 1. **"Man Made Fence"** shall mean a partition or wall constructed of wood, metal, masonry, brick, stone, concrete, and the like.
    - 2. **"Natural Hedge or Planting"** shall mean a divider or barrier comprised of vegetation materials.
  - B. **"Fence Height"** shall mean the distance from the adjacent finished grade to the highest projection of a fence structure, not including support posts, provided that the support posts are no more than four inches above the fence structure.

**"Filling."** The act of depositing any rock, soil, gravel, sand or other material so as to fill a waterbody, watercourse, or wetland.

**"Floodplain Overlay District Related."**

- A. **"Base Flood Elevation."** The elevation of the regional flood. The term base flood elevation is used in the flood insurance survey.
- B. **"Basement."** Any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.
- C. **"Development."** Any manmade change to improved or unimproved real estate, including buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations, or storage of equipment or materials.
- D. **"Equal Degree of Encroachment."** Method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.
- E. **"Flood."** A temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.
- F. **"Flood Frequency."** The frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.
- G. **"Flood Fringe."** That portion of the Special Flood Hazard Area (one percent annual chance flood) located outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study for the City.
- H. **"Flood Insurance Rate Map (FIRM)."** An official map on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).
- I. **"Floodplain."** The beds proper and the areas adjoining a wetland, lake, or watercourse which have been or hereafter may be covered by the regional flood.
- J. **"Flood-Proofing."** A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.
- K. **"Floodway."** The bed of a wetland or lake and the channel of a watercourse, and those portions of the adjoining floodplains which are reasonably required to carry or store the regional flood discharge.
- L. **"Lowest Floor."** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR Part 60.3.

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- M. **"Manufactured Home."** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include the term "recreational vehicle."
- N. **"New Construction."** Structures, including additions and improvements, and placement of manufactured homes, for which the start of construction commenced on or after the effective date of this Ordinance.
- O. **"Obstruction."** Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure or matter in, along across, or projecting into any channel, watercourse, or regulatory floodplain which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.
- P. **"One Hundred Year Floodplain."** Lands inundated by the regional flood.
- Q. **"Reach."** A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or manmade obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.
- R. **"Recreational Vehicle."** A vehicle that is built on a single chassis, is 40 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this Ordinance, the term recreational vehicle is synonymous with the term "travel trailer/travel vehicle."
- S. **"Regional Flood."** A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the one percent chance or 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in a Flood Insurance Study.
- T. **"Regulatory Flood Protection Elevation."** An elevation not less than one foot above the elevation of the regional flood plus any increase in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.
- U. **"Repetitive Loss."** Flood related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25 percent of the market value of the structure before the damage occurred.
- V. **"Special Flood Hazard Area."** A term used for flood insurance purposes synonymous with "One Hundred Year Floodplain."
- W. **"Start of Construction."** Substantial improvement, and means the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement that occurred before the permit's expiration date. The actual start is either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- X. **"Structure."** Anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins,

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manufactured homes, recreational vehicles not meeting the exemption criteria specified in Chapter 993 of this Ordinance, and other similar items.

- Y. **"Substantial Damage."** Damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- Z. **"Substantial Improvement."** Within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:
1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to ensure safe living conditions.
  2. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure." For the purpose of this Ordinance, "historic structure" is as defined in 44 CFR part 59.1.

**"Floor Area, Gross."** The sum of the gross horizontal areas of all floors of the building or portion thereof devoted to a particular use, including accessory storage areas located within selling or working space such as activities to the production or processing of goods, or to business or professional offices. However, the floor area shall not include basement or cellar floor area other than area devoted to retailing activities, the production or processing of goods, or to business or professional offices. The floor area of a residence shall not include the cellar area.

**"Floor Area Ratio (F.A.R.)."** The floor area of a building or buildings on any lot divided by the area of such lot, or in the case of planned developments by the net site area. The floor area ratio requirements as set forth under each zoning district shall determine the maximum floor area allowable for a building or buildings (total floor area of both principal and accessory buildings) in direct ratio to the gross area of the zoning lot.

**"Food and Beverage Establishment"**. A building, structure, enclosure or any part of a building, structure or enclosure used as, maintained as, advertised as, or held out to be an operation that prepares, services or otherwise provides food, beverages, or both for human consumption.

**"Footprint."** The outline of the foundation of a building, including that portion of an upper story that is occupied and/or actively utilized.

**"Frontage."** That boundary of a lot which abuts an existing or dedicated public street, watercourse or similar barrier.

**"Garage, Private (Residential)."** An accessory building or accessory portion of the principal building which is intended for and used for storage for the family or families resident upon the premises, and in which no business service or industry is carried on.

~~**"Garage, Public."** Any garage other than a private garage. May also mean parking ramp.~~

~~**"Gas Station."** See "Motor Fuel Station."~~

~~**"Grade Plane."** A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six feet from the building, between the building and a point six feet from the building.~~

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**"Grading."** Changing the natural or existing topography of land.

~~**"Group Day Care Center."** Any location which provides care for six or more unrelated children at one time, for compensation, and which is licensed to provide such services by the Minnesota Department of Public Welfare. This term shall include, but is not limited to, uses such as nursery schools, day nurseries, child care centers and drop-in care centers.~~

~~**"Greenhouse, Residential"** A structure that is constructed primarily of glass, glass-like or translucent material which is devoted to the protection of cultivation of food or ornamental crops to be located on residential properties.~~

**"Growler."** A specially designed 64-ounce beer container for exclusive off-sale of micro-production facility beer. A growler shall have the following packaging requirements:

- A. Growlers shall bear a twist-type closure, cork, stopper or plug.
- B. At the time of sale, paper or plastic adhesive band, strip, or sleeve shall be applied to the container and extended over the top of the closure, forming a seal.
- C. The growler and/or band, strip or sleeve shall bear the name and address of the brewer, and the container shall be identified as malt liquor, contain the name of the malt liquor, and shall be considered intoxicating liquor unless labeled otherwise.

~~**"Health Club."** A facility of over 3,000 square feet which provides athletic activities such as tennis, handball, racquetball, track, basketball, exercise devices, etc. and such incidental amenities and services such as a whirlpool, sauna or massage service for members and guests.~~

~~**"Halfway House."** See "Residential Care Facility." A facility licensed by the State Department of Health or Department of Public Welfare, public or private, which for gain or otherwise regularly provides one or more persons with 24 hour per day substitute for care, food, lodging, training, education, supervision, habilitation, rehabilitation and treatment they need, but which for any reason cannot be furnished in the person's own home.~~

**"Hardship."** A situation where property in question cannot be put to a reasonable use under the conditions allowed by the official controls; the plight of the landowner is due to circumstances unique to his property, not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship if a reasonable use for the property exists under terms of the official controls.

~~**"Health Club."** A facility which provides athletic activities such as tennis, handball, racquetball, track, basketball, exercise devices, etc.~~

~~**"Health Clinics"**. A structure for providing medical, dental and other health services for examination and services available to the public. The service is provided without overnight care available.~~

**"Home Occupation."** Any occupation or profession engaged in by the occupant of a residential dwelling unit, which is clearly incidental and secondary to the residential use of the premises and does not change the character of said premises.

~~**"Hotel."** Any building or portion thereof occupied as the more or less temporary abiding place of individuals and containing more than ten guest rooms, used, designated, or intended to be used, let or hired out to be occupied, or which are occupied by more than ten individuals for compensation, whether the compensation be paid directly or indirectly.~~

~~**"Horses, Keeping of"**. Maintenance of horses on the property as an accessory use to the principal use.~~

~~**"Hospitals, Residential Care Facilities, Extended Care Facilities, Rest Homes and other Elderly Care Facilities"**. Licensed establishments where patients are admitted for medical, surgical, or psychiatric treatment for outpatient and/or inpatient, overnight accommodation. A licensed facility that provides~~

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medical, nutritional, or housekeeping services for the elderly on a periodic or permanent basis. A facility licensed by the State Department of Health or Department of Public Welfare, public or private, which for gain or otherwise regularly provides one or more persons with 24 hour per day substitute for care, food, lodging, training, education, supervision, habilitation, rehabilitation, and treatment they need, but which for any reason cannot be furnished in the person's own home.

**"Impervious Surface."** A constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increase rate of flow than prior to development. Examples include rooftops, sidewalks, patios, driveways, parking lots, storage areas, and concrete, asphalt, or gravel roads.

~~"Inn Establishment." A building, other than a hotel, whose use includes the renting of rooms at a transient daily rate (whether or not billed or paid daily), and wherein a dining room and other facilities are operated on the premises. A maximum of ten guestrooms may be operated within the principal structure.~~

~~"Junk Yard." An open area where waste, used, or second hand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled; including, but not limited to, scrap iron and other materials, paper, rags, rubber, tires, lumber, and bottles. A junk yard includes an auto wrecking yard, but does not include uses established entirely within closed buildings.~~

**"Landscaping."** Plantings such as trees, flowers, grass and shrubs and improvements directly related thereto.

**"Land Reclamation."** The process of the re-establishment of acceptable topography (i.e. slopes), vegetative cover, soil stability and the establishment of safe conditions appropriate to the subsequent use of the land.

"Liquor Store". An off- or on-sale retail establishment that sells alcoholic beverages.

**"Loading Space (Off-Street)."** A space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a vehicle or truck while loading or unloading merchandise or materials and which abuts upon a street, alley or other appropriate means of access.

"Lodging." Any building or portion thereof occupied as the more or less temporary abiding place of individuals used, designated or intended to be used, let or hired out to be occupied, whether the compensation be paid directly or indirectly.

**"Lot."** A parcel or portion of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street.

**"Lot (of Record)."** Any lot which is one unit of a plat heretofore duly approved and filed, or one unit of an auditor's outlot or a registered land survey, or a parcel of land not so platted, subdivided or registered but for which a deed, auditor's subdivision or registered land survey has been recorded in the Office of the Register of Deeds or Registrar of Titles for Hennepin County, Minnesota, prior to the effective date of this Ordinance.

**"Lot Area."** The total land area of a horizontal plane within the lot lines.

**"Lot, Base."** Lots meeting all specifications in the zoning district prior to being subdivided into a two-family dwelling ~~or quadraminium~~ subdivision.

**"Lot, Corner."** A lot situated at the intersection of two streets, the interior angle of such intersection not exceeding 135 degrees.

**"Lot Coverage."** The area of a lot occupied by the principal building or buildings and all accessory buildings.

**"Lot Depth."** The shortest horizontal distance between the front lot line and the rear lot line measured from a 90 degree angle from the street right-of-way within the lot boundaries.

**"Lot, Double Frontage."** An interior lot having frontage on two streets.

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**"Lot, Front."** The front of a lot shall be considered to be that boundary abutting a public right-of-way having the least width.

**"Lot Improvement."** Any building, structure, place, work of art, or other object, or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment.

**"Lot, Interior."** A lot, other than a corner lot, including through or double frontage lots.

**"Lot Line."** A property boundary line of any lot held in single or separate ownership; except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley right-of-way.

**"Lot Line, Rear."** That boundary of a lot which is opposite the front lot line. If the rear lot line is less than ten feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten (10') feet in length within the lot, parallel to and at the maximum distance from the front lot line.

**"Lot, Reversed Frontage."** A lot in which the frontage is at right angles, or approximately right angles, to the general pattern in the area involved. A reversed frontage lot may be a corner lot or an interior lot.

**"Lot, Substandard."** A lot or parcel of land for which a deed has been recorded in the Office of the Hennepin County Recorder upon or prior to the effective date of this Ordinance which does not meet the minimum lot area, structure setbacks or other dimensional standards of this Ordinance.

**"Lot, Through."** A lot fronting on two parallel streets.

**"Lot, Unit."** Lots created from the subdivisions of a two-family dwelling ~~or quadraminium~~ having different minimum lot size requirements than the conventional base lots within the zoning district.

**"Lot Width."** The minimum required horizontal distance between the side lot lines measured at right angles to the lot depth, at the minimum building setback line. If no setback line is established, the distance between the side lot lines measured along the public right-of-way.

**"Malt Liquor."** Any beverage made from malt by fermentation and containing not less than one-half of one percent alcohol by volume.

~~**"Manor Home."** A residential structure with five to eight units with each unit having a separate entrance/exit. There may be more than one floor and an attached garage space.~~

~~**"Manufacturing".** A building where compounding, assembly, packaging, treatment or storage of products and materials occurs.~~

**"Medical and Dental Clinic."** A structure intended for providing medical and dental examinations and service available to the public. This service is provided without overnight care available.

**"Metes and Bounds Description."** A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearings and distances of the lines forming the boundaries of the property or delineating a fractional portion of a section, lot or area by described lines or portions thereof.

**"Micro-Production Facility/Facilities."** A facility in which beer, wine, or other alcoholic beverages are brewed, fermented, or distilled for distribution and consumption. Micro-production facilities include breweries, brewpubs, wineries, and distilleries.

**"Minerals."** Soil, clay, stone, sand and gravel and other similar solid material or substance to be mined from natural deposits.

**"Mixed-Use Buildings."** A building with multiple principal uses.

**"Model Home."** A home which is similar to others in a development and which is open to public inspection for the purpose of selling said other homes.

**"Monument Sales, excluding Processing".** An establishment that sells and displays a statue or structure that is installed in memory of the dead, excluding processing and manufacturing of the statue or structure.

**"Mortuaries or Funeral Homes".** An establishment that provides a variety of uses for funeral services as defined in state statutes.

**"Motel/Motor Hotel."** A building or group of detached, semi-detached or attached buildings containing guest rooms or units, each of which has a separate entrance directly from the outside of the building, or corridor, with garage or parking space conveniently located to each unit, and which is designed, used or intended to be used primarily for the accommodation of transient guests traveling by automobile.

**"Motor Fuel Station."** A place where gasoline is stored only in underground tanks, kerosene or motor oil and lubricants or grease, for operation of automobiles, are retailed directly to the public on premises, and including minor accessories and services for automobiles, but not including automobile major repairs and rebuilding.

**"Motor Vehicle Rental and Sales".** An establishment where motor vehicles that are licensed by the Minnesota Department of Natural Resources or the Minnesota Department of Motor Vehicles and are stored and displayed for rent or sale.

**"Motor Vehicle Service."** An establishment where general repair, including rebuilding or reconditioning engines, motor vehicles or trailers; collision service, including body, frame or fender straightening or repair; overall painting or paint job; vehicle steam cleaning, installation of audio system, painting and upholstering, replacement of parts, tires, and glass, and other associated repair to passenger automobiles and trucks not exceeding 12,000 pounds gross weight.

**"Non-Conforming Structure, Use, or Lot, Illegal."** A lot, building, structure, premises, or use illegally established when it was initiated, created, or constructed, which did not conform with the applicable conditions or provisions of the City Code for the district in which the structure or use is located.

**"Non-Conforming Structure, Use, or Lot, Legal."** A lot, building, structure, premises, or use lawfully established when it was initiated, created, or constructed, which does not now conform with the applicable conditions or provisions of this Ordinance for the district in which the structure or use is located.

**"Noxious Matter or Material."** Material capable of causing injury to living organisms by chemical reaction, or capable of causing detrimental effects on the physical or economic well-being of individuals.

~~**"Nursing Home."** A private building with facilities for the care of children, the aged, or the infirm, or a place of rest for those suffering bodily disorders, but not containing equipment for surgical care or for treatment of disease or injury. The nursing home shall be licensed by the State Board of Health as provided for in Minnesota State Statutes.~~

**"Obstruction."** Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse or regulatory floodplain which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

**"Occupancy."** The purpose for which a building is used or intended to be used. The term shall also include the building or room housing such use. Change of occupancy is not intended to include change of tenants or proprietors.

~~**"Open Sales Lot."** Land devoted to the display of goods for purchase, sale, rent, lease or trade where such goods are not enclosed within a building, and for the storage of same prior to sale.~~

**"Open Space."** Any open area not covered by structures, including, but not limited to, the following uses, required or established yard areas, parking areas, sidewalks, school walks, trails, recreation areas, water bodies, shorelands, watercourses, wetlands, groundwater recharge areas, floodplain, floodway, flood fringe, erodible slopes, woodland, and soils with severe limitation for development.

~~**"Open Storage."** Storage of material outside of a building.~~

~~"Out Patient Care." Medical examination or service available to the public in a hospital. This service is provided without overnight care and shall be considered a separate, independent, principal use when combined or operated in conjunction with a hospital.~~

"Overburden." The earth, rock and other materials that lie above a natural deposit of mineral.

"Outlot." A lot remnant or parcel of land left over after platting, which is intended as open space or other future use, and upon which no structure is to be located and for which no building permit shall be issued.

"Owner." An individual, association, syndicate, partnership, corporation, trust or any other legal entity holding an equitable or legal ownership interest in land, buildings, structures, dwelling unit(s) or other property.

"Parcel." An individual lot or tract of land.

"Parking Garages/Lots." Any off-street area that is surfaced or any structure that is designed for the temporary location and parking of vehicles.

"Parking and Loading Areas and Structures". A space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of a vehicles or truck while loading or unloading merchandise or materials.

"Parking Space (Off-Street)." An area of such shape and dimensions as provided by this Ordinance, enclosed in the principal building, in an accessory building, or unenclosed, sufficient in size to store one motor vehicle, which has adequate access to a public street or alley and permitting satisfactory ingress and egress of an automobile.

"Performance Standard." Criterion established for setbacks, fencing, landscaping, screening, drainage, accessory buildings, outside storage and to control noise, odor, toxic or noxious matter, vibration, fire and explosive hazards, or glare or heat or other nuisance elements generated by or inherent in uses of land or buildings.

"Permitted Use." A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and performance standards (if any) of such districts.

"Person." Any individual or legal entity.

"Personal Fitness Club." A facility that provides personal fitness classes with a floor area of under 3,000 square feet. These facilities include yoga and pilates studios, small gym facilities and similar boutique classes.

"Personal Services." Commercial services that result in the physical delivery of a process to a person or group of less than ten (10) people to whom it is directed rather than a salable product. Personal services include hair and nail salons, therapeutic massage spas, tanning spas and similar uses.

"Places of Assembly." A building or portion of a building used or designed for the gathering together of 50 or more persons for such purposes as meetings, conferences, celebration, worship, entertainment, and/or amusement.

"Planned Unit Development."

- A. As a conditional use permit, a development procedure whereby internal site design standard deviations from this Ordinance may be allowed in order to accommodate two or more principal structures, and/or facilitates improved site design and operation.
- B. As a zoning district, a development procedure whereby a mixing of buildings and uses can occur which cannot be otherwise addressed under this Ordinance, and/or whereby internal site design standard deviations from this Ordinance may be allowed to improve site design and operation.

"Planning Commission." The Wayzata Planning Commission.

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"Post Offices." A structure that houses the establishment that is a public department responsible for the mail services

"Principal Use." The main use of land or buildings as distinguished from subordinate or accessory uses. A "principal use" may be either permitted or conditional.

"Professional Services (inc. Finance and Office Uses)". An establishment for the purposes of providing services in which the practitioner must have special training, a professional degree, or license in a particular profession such as accountant or engineer.

"Protective Covenants." Contracts entered into between all owners and holders of mortgage constituting a restriction on the use of property within a subdivision for the benefit of the property owners, and providing mutual protection against undesirable aspects of property value and economic integrity of any given area.

"Public Uses." Uses owned or operated by municipal, school districts, county, state, or other governmental units.

~~"Public Utility." Any person, firm, corporation, municipal department or board fully authorized and furnishing under municipal regulation to the public electricity, gas, steam, communication services, cable television, telegraph services, transportation, water or the like.~~

"Public Services and Utilities." Government and public utility buildings and structures necessary for the health, safety, and general welfare of the city. This includes all public infrastructure and private services for small utilities services and does not include equipment, infrastructure or structures for distribution lines.

"Publication." Notice placed in the official City newspaper stating time, location and date of meeting and description of the topic.

~~"Quadraminiums." Single structures which contain four subdivided dwelling units all of which have individually separate entrances from the exterior of the structure.~~

"Publicly Owned Civic or Cultural Building." Buildings such as Libraries, City Offices, Auditoriums, Public Administration Buildings, Public Parking Structures as a Principal and Sole Use, and Historical Developments.

"Railroad Right-of-Way." A strip of land with railway tracks and auxiliary facilities for track operation.

"Recreation, Outdoor Private". An area of land, water, or development where amusement, recreation or outdoor athletic sports are provided, whether temporary or permanent, except a theater, whether provision is made for the accommodation of an assembly or not. The definition may include golf courses, arenas, stadiums, gymnasiums, soccer fields, multi-purpose athletic fields, and similar uses.

~~"Recreation, Field or Building-Outdoor Public." An area of land, water, or any building in which amusement, recreation or athletic sports are provided for public or semi-public use, whether temporary or permanent, except a theatre, whether provision is made for the accommodation of an assembly or not. The definition may include a golf courses, arenas, baseball park, stadiums, circus or gymnasiums, is a recreation field or buildingsoccer fields, multi-purpose athletic fields, and similar uses.~~

"Recreation, Outdoor Residential, Accessory." Private recreational facilities accessory to an existing principal permitted use on the same lot which is operated for the purpose enjoyment and convenience of the residents of the principal use and their occasional guests.

"Recreation, Outdoor Residential, Principal." Private recreational facilities that are the primary or principal use on a property and located off-site from the residents it serves.

"Recreational Vehicle." Includes manufactured homes less than 30 feet in overall length, including those with telescope or fold down, chassis, mounted campers, house cars, motor homes, tent trailers, slip-in-campers (those mounted in a pickup truck or similar vehicle), converted buses, and converted vans used primarily for recreational purposes. Cars utilized for racing shall not be included in this definition.

"Repair of Home, Garden or Personal Appliances" An establishment that provides restoration of equipment to proper functioning for equipment associated with a persons residence, lawn and garden, or personal use.

**"Research".** An establishment or facility that studies, experiments, and investigates material and sources aimed at discovery and interpretation of facts, typically for new methods, materials or products.

**"Residential Care Facility, 6 or Fewer Residents."** Any facility having 6 or fewer residents licensed by the State ~~Department of Health or Department of Public Welfare~~ of Minnesota, public or private, which for gain or otherwise regularly provides one or more persons with 24 hour per day substitute for care, food, lodging, training, education, supervision, habilitation, rehabilitation and treatment they need, but which for any reason cannot be furnished in the person's own home. Residential facilities include, but are not limited to ~~State institutions under the control of the Commissioner of Public Welfare,~~ foster homes, halfway houses, residential treatment centers, maternity shelters, group homes, residential programs or schools for handicapped children.

~~**"Restaurant."** An establishment which serves food in or on non-disposable dishes to be consumed primarily while seated at tables or booths within the building.~~

**"Retail Residential Care Facility, 16 or Fewer Residents".** Any facility having 16 or fewer residents, licensed by the State of Minnesota, public or private, which for gain or otherwise regularly provides one or more persons with 24 hour per day substitute for care, food, lodging, training, education, supervision, habilitation, rehabilitation and treatment they need, but which for any reason cannot be furnished in the person's own home. Residential facilities include but are not limited to foster homes, halfway houses, residential treatment centers, maternity shelters, group homes, residential programs or schools for handicapped children.

**"Retail Sales, Limited."** The sale of items in small quantities directly to the consumer.

**"Retail Sales, General".** Any establishment, occupation, employment or enterprise where merchandise is exhibited or sold, or where incidental and related small-scale manufacturing or services are offered for compensation.

**"Roof Line."** Is defined as the top of the coping; or, when the building has a pitched roof, at the intersection of the outside wall with the roof.

**"Roomer."** One who rents a room and eats meals elsewhere.

**"Sailing School".** A private establishment for teaching sailing.

**"Sales; Garden, Greenhouses or Nursery".** An establishment that sells goods associated with lawn and garden care which can include maintaining -live landscape material in an enclosed structure or greenhouse, or outdoors.

**Sales, Service, or Rental; Outdoors".** Land devoted to the display of goods for purchase, sale, rent, lease or trade where such goods are not enclosed within a building, and for the storage of same prior to sale.

**Sales, Service, or Rental; Accessory".** An establishment that sells, repairs or rents products accessory or subordinate to the principal use on the property

**"Satellite Dish."** Shall mean a combination of:

- A. Antenna or dish antenna whose purpose is to receive communication or other signals from orbiting satellites and other extraterrestrial sources;
- B. A low-noise amplifier (LNA) which is situated at the focal point of the receiving component and whose purpose is to magnify and transfer signals;
- C. A coaxial cable whose purpose is to carry the signals into the interior of the building.

**"Satellite Dish Height."** Shall mean the height of the antenna or dish measured vertically from the highest point of the antenna or dish when positioned for operation, to the top of the foundation which supports the antenna.

~~"School." A building used for the purpose of elementary or secondary education, which meets all the requirements of compulsory education laws of the State of Minnesota, and not providing residential accommodations.~~

**"Semi-Public Use."** Uses owned by private or private non-profit organizations which are open to some, but not all, of the public, such as denominational cemeteries, private schools, clubs, lodges, recreation facilities, churches, etc.

**"Septic Sewer System."** A septic sewer disposal system consists of. septic tank, absorption field of standard trenches or a dry well, house sewer and outlet sewer. In the septic tank, bacterial action breaks down sewage. Standard trenches or a dry well handles final disposal of liquid from the septic tank. The house sewer brings wastes to the tank and the outlet sewer carries sewage liquids (effluent) from the absorption field.

**"Service Commercial."** The sale of services, which may include the limited sale of related goods, on the premises to the general public by appointment or by walk-in.

**"Setback."** The minimum horizontal distance between a structure and the property line nearest thereto; within Shoreland Districts it shall also mean the minimum horizontal distance between a structure or a sewage treatment system and the ordinary high water level. For purposes of earth shelter buildings only, above grade portions shall be used in determining setback requirements. Distances are to be measured from the most outwardly extended portion of the structure at ground level, except as provided herein after.

**"Shopping Center."** An integrated grouping of commercial stores, under single ownership or control.

**"Shoreland Related."**

- A. **"Bluff."** A topographic feature such as a hill, cliff, or embankment having the following characteristics (an area with an average slope of less than 18 percent over a distance for 50 feet or more shall not be considered part of the bluff):
  - 1. Part of all of the feature is located in a shoreland area.
  - 2. The slope rises at least 25 feet above the ordinary high-water level of the waterbody.
  - 3. The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater.
  - 4. The slope must drain toward the waterbody.
- B. **"Bluff Impact Zone."** A bluff and land located within 20 feet from the top of a bluff.
- C. **"Boathouse."** A structure designed and used primarily for the storage of boats or boating equipment.
- D. **"Commercial Planned Unit Development."** Uses that provide transient, short-term loading spaces, rooms, or parcels and their operations are essentially service-oriented. For example, hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are commercial planned unit developments.
- E. **"Commissioner."** The Commissioner of the Department of Natural Resources.
- F. **"Deck."** A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than three feet above ground.
- G. **"Guest Cottage."** A structure used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.
- H. **"Intensive Vegetation Clearing."** The complete removal of trees or shrubs in a contiguous patch, strip, row or block.

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- I. **"Ordinary High-Water Level."** The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high-water level is the elevation of the top of the bank of the channel. For reservoirs and flowage, the ordinary high-water level is the operating elevation of the normal summer pool.
  - J. **"Public Waters."** Any waters as defined in Minn. Stats. § 103G.005, Subdivisions 14 and 15. However, no lake, pond, or flowage of less than ten acres in size in municipalities and 25 acres in size in unincorporated areas need be regulated for the purposes of Minn. R., parts 6120.2500 to 6120.3900. A body of water created by a private user where there was no previous shoreland may, at the discretion of the local government, be exempted from Minn. R., parts 6120.2500 to 6120.2900.
  - K. **"Public Waters—General Development (GD)."** Large, deep lakes or lakes of varying sizes and depths with high levels and mixes of existing development. These lakes often are extensively used for recreation and, except for the very large lakes, are heavily developed around the shore. Second and third tiers of development are fairly common. The larger examples in this class can accommodate additional development and use.
  - L. **"Public Waters—Recreational Development (RD)."** Medium sized lakes of varying depths and shapes with a variety of landform, soil, and ground water situations on the lands around them. They often are characterized by moderate levels of recreational use and existing development. Development consists mainly of seasonal and year-round residences and recreationally-oriented commercial uses. Many of these lakes have capacities for accommodating additional development and use.
  - M. **"Sensitive Resource Management."** The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over ground water or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.
  - N. **"Sewer System."** Pipelines or conduits, pumping stations, and force main, and all other constructions, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.
  - O. **"Shore Impact Zone."** Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the structure setback.
  - P. **"Shoreland."** Land located within the following distances from public waters. One thousand feet from the ordinary high water level of a lake, pond, or flowage; and 300 feet from a river or stream, or the landward extent of a floodplain designated by Ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the commissioner.
  - Q. **"Significant Historic Site."** Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minn. Stats. § 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota State Archaeologist or the Director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.
  - R. **"Steep Slope."** Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this

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Ordinance. Where specific information is not available, steep slopes are lands having slopes over 12 percent, as measured over horizontal distances of 50 feet or more, that are not bluffs.

- S. **"Surface Water-Oriented Commercial Use."** The use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.
- T. **"Toe of the Bluff."** The point on a bluff that is 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.
- U. **"Top of the Bluff."** The point on a bluff that is the upper end of a 50-foot segment, measured on the ground, with an average slope exceeding 18 percent.
- V. **"Water-Oriented Accessory Structure or Facility."** A small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks.

**"Sidewalk Café, Outdoors."** A food and beverage establishment that provides outdoor seating or dining area within the public right of way with City license.

**"Sign Related."**

- A. **"Artificial light."** Illumination resulting from internal or external artificial light sources, including glare and reflected light byproducts of artificial light sources.
- B. **"Address Sign."** A sign communicating only a street address.
- C. **"Advertising Sign."** Any permanent non-governmental sign advertising products, services, commodities, entertainment or other activity not offered at the location of the sign or not exclusively related to the premises on which the sign is located.
- D. **"Alteration."** Any change to a sign excluding routine maintenance, repair, painting or change of copy of any existing sign.
- E. **"Awning, Canopy or Marquee Sign."** A sign that is permanently or semi-permanently affixed to an awning, canopy, marquee or other similar device.
- F. **"Banners."** Attention getting devices which resemble flags and are of a paper, cloth or plastic-like consistency.
- G. **"Building Facade."** That portion of any exterior elevation of a building extending from grade to the top of the parapet wall or eaves and the entire width of the building elevation.
- H. **"Copy."** The wording on a sign surface either permanent or removable letter form.
- I. **"Directional Sign."** An on-site sign for the purpose of making specific locations known and to assist in finding these locations (e.g. "Parking," "Shipping Receiving Area").
- J. **"Directory Sign, Private."** An exterior information wall sign, or a free-standing sign identifying the names of residences, businesses or professional offices served by a common public entrance such as an apartment complex, shopping center, or office building.
- K. **"Directory Sign, Public."** A sign, group of signs on a sign panel or any identifiable object intended to communicate a public message or direction when located on public property as may be approved by the Wayzata City Council.
- L. **"District."** A specific zoning district as defined in the City Zoning Ordinance.

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- M. **"Flashing Sign."** Any sign which contains an intermittent or flashing light source or which includes the illusion of intermittent or flashing light by means of animation, or an externally-mounted intermittent light source.
- N. **"Freestanding Sign."** A self-supporting sign affixed to a freestanding frame structure not attached to a building.
- O. **"Gross Surface Area."** The entire area in square feet within a single continuous perimeter enclosing the extreme limits of the complete message of any sign, which limits shall include the surface on which the message is affixed, except that if individual letters of the message are affixed directly to the surface of a wall the maximum height and width of the message shall apply. Such perimeter shall not include any structural elements lying outside the limits of the sign surface which do not form an integral part of the sign message, except where the sign structure is held by the City Manager to be larger than is required for structural strength.
- P. **"Ground or Low Profile Sing."** A sign not supported by exposed posts or poles which is architecturally designed and located directly at grade, and where the base width dimension is 50 percent more of the greatest width of the sign. Also called monument sign. Also called a Low Profile Sign.
- Q. **"Holiday or Seasonal Sign."** Signs such as religious decorations, etc. or those used for a historic holiday or special event and displayed for a limited period of time.
- R. **"Identification Sign."** A sign which identifies the business, owner, manager, resident or address of the premises where the sign is located and which contains no other material.
- S. **"Illuminated Sign."** A sign illuminated by an artificial light source either directed upon it or illuminated from an interior source.
- T. **"Integral Sign."** A sign carrying the name of a building, its date of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or made of bronze, aluminum or other permanent type of construction and made an integral part of the structure.
- U. **"Monument Sign."** A sign not supported by exposed posts or poles which is architecturally designed and located directly at grade, and where the base width dimension is 50 percent more of the greatest width of the sign. Also called a ground sign or low profile sign.
- V. **"Parapet."** A low wall which is located on a roof of a building.
- W. **"Political Sign."** A sign used exclusively to call attention to the candidacy of any individual or party for elective office which appears on the official ballot to be voted upon by the citizens of the City.
- X. **"Portable Sign."** A sign advertising a product or service so designed as to be movable from one location to another and not permanently attached to the ground or a structure.
- Y. **"Principal Frontage."** The wall of the principal building on a lot which fronts toward the principal public streets.
- Z. **"Projecting Sign."** Any sign which projects over 12 inches from the front edge of a roof structure and/or building facade.
- AA. **"Pylon Sign."** A sign supported by a column-type structure that is set firmly in or below ground surface and finished in a material consistent with the sign.
- BB. **"Real Estate Sign."** A business sign placed only upon a property advertising that particular property for sale, for rent or for lease.
- CC. **"Roof Sign."** A sign erected upon or against a sloping roof but no extending above or beyond the roof line.
- DD. **"Setback Line."** The minimum horizontal distance between a property line and the nearest edge of the sign, base or support structure.

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- EE. **"Sign."** A name, identification, description, display or illustration which is affixed to or represented directly or indirectly upon an awning, canopy, marquee, building, structure or piece of land which directs attention to an object, product, place, activity, person, institution, organization or business, a "sign" shall not include any official court or other public notices, nor shall it include the flag, emblem or insignia of a nation, political unit, school or religious, service or fraternal group.
- FF. **"Sign Height."** Sign height shall be determined from the base of the sign structure to the peak of the sign.
- GG. **"Sign Structure."** The supports, uprights, bracing, foundations and framework of any structure which supports or is capable of supporting any sign as defined herein.
- HH. **"Swinging Sign."** A sign installed on an arm or spar, that is not, in addition, permanently fastened to an adjacent wall or upright pole.
- II. **"Temporary Sign."** A sign erected or displayed for a specific period of time.
- JJ. **"Time and/or Temperature Sign."** A sign that displays the current time and/or temperature without advertising material, company name, logo or other identifying marks.
- KK. **"Total Allowable Sign Area."** The maximum allowable gross surface area in square feet of a sign or signs. The maximum number of signs cannot be arranged and integrated so as to create a surface area in excess of this requirement.
- LL. **"Traffic Sign."** A sign which is erected by a governmental unit for the purpose of directing or guiding traffic.
- MM. **"UL Approved."** A device which has been approved by the "Underwriters' Laboratories (48)," a U.S. non-profit organization which establishes standards for electrical equipment.
- NN. **"Wall Sign."** A single-faced sign attached to or painted on an exterior wall of a building, parallel to the building wall and which does not project more than 12 inches from the plane of the building.
- OO. **"Window Sign."** A sign that is placed inside a window or upon the window or upon the windowpanes or glass and is visible from the exterior of the window. This does not include merchandise on display.
- "Site Plan."** A map drawn to scale depicting the development of a tract of land, including, but not limited to, the location and relationship of structures, streets, driveways, recreation areas, parking areas, easements, utilities, landscaping, and walkways, as related to a proposed development.
- "Slope."** Means the degree of deviation of a surface from the horizontal, usually, expressed in percent of degrees.
- "Solar Energy System."** Any solar collector or other solar device or any structural design of a building whose primary purpose is to collect, convert and store solar energy for useful purposes including heating and cooling of buildings, domestic water heating, electric power generation and other energy using processes.
- "Spot Zoning."** A zoning situation where a property or group of properties is unjustifiably zoned differently from adjacent properties, and is not sufficiently unique from such adjacent properties to justify a different zoning classification, nor is such action in compliance with the Comprehensive Plan.
- "Stacking Area."** That area which allows for a line of automobiles in such instances as drive-up tellers and other vehicle service areas.
- "Storage, Indoor."** An establishment that has enclosed storage of merchandise in either a principal or accessory structure.
- "Storage, Outdoor."** The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building and accessory or subordinate to the principal use.
- "Story."** That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, including below ground portions of earth sheltered buildings, except that the topmost

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story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, or unused under floor space is more than six feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 20 feet above grade as defined herein at any point, such basement or unused under floor space shall be considered as a story.

**"Story, First."** The lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than four feet below grade, as defined herein, for more than 50 percent of the total perimeter or not more than eight feet below grade, as defined herein, at any point.

**"Story, Half."** The portion of a building immediately under a sloping roof which has the point of intersection of the top line of the rafters and the face of the walls not to exceed three (3) feet above the floor of such story.

**"Street."** A public right-of-way for vehicular traffic, whether designated as a highway, thoroughfare, arterial, parkway, collector, through-way, road, avenue, boulevard, lane, place, drive, court or otherwise designated, which has been dedicated or deeded to the public for public use and which affords principal means of access to abutting property.

**"Street—Collector."** Collector roadways provide a balance between land access and mobility. Their primary function is to move traffic from the local street system to the arterial system. When collectors intersect with arterials, traffic signals generally control traffic. Intersections with local streets are usually under stop sign control with collector streets having their right-of-way.

**"Street—Local."** Local streets provide local land access with limited emphasis on mobility. Local streets account for 65 percent to 80 percent of the total road system mileage but carry only ten percent to 30 percent of the total traffic. In a residential setting, driveways are freely permitted and intersections of local streets are often uncontrolled. Stop signs are usually installed where traffic control is required such as at intersections with collector streets.

**"Street—Minor Arterial."** Minor arterials make up the class of roadways including other state highways, certain county roads and major city streets. These roads primarily provide mobility, carrying short to medium length trips (two to six miles), and have controlled land access. Minor arterials as a group account for about 15 percent to 25 percent of the total mileage and carry roughly one-fourth of all traffic for the metropolitan roadway system. Minor arterials generally are given the traffic right-of-way over local streets and they usually have traffic signals at intersections with other minor arterials and some collector streets.

**"Street—Intermediate Arterial."** The intermediate arterial category was developed by the City of Wayzata and is not included in the Metropolitan Council's Development Guide. Intermediate arterials function at a level between the minor arterial and major arterial categories. Intermediate arterials are not limited access facilities but serve primarily trips between rather than within subregions.

**"Street—Principal (Major) Arterial."** Major arterials provide a high level of mobility between subregions, serving medium to long distance trips. Principal arterials are grade separated or have high capacity controlled at-grade intersections. No parking is permitted, the posted speed limit is typically 40—55 mph and traffic volumes range from 10,000 to 50,000 ADT. The Metropolitan Council recommends that major arterials be spaced one to three miles apart.

**"Street Pavement."** The wearing or exposed surface of a street or roadway used by vehicular traffic.

**"Street Width."** The shortest distance between the lines delineating the right-of-way of a street.

**"Structure."** Anything ~~which is built~~manufactured, constructed or erected; ~~an edifice which is normally attached to~~ or ~~building of any kind;~~ ~~or any piece of work artificially built up and/or composed of parts joined together in some definite manner whether temporary or permanent in character. Among other things, positioned on land, including portable~~ structures ~~including, but not limited to, buildings, decks, walls, fences, and swimming pools.~~

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**"Structural Alteration."** Any change, other than incidental repairs, which would prolong, or modify the life of the supporting members of a building, such as bearing walls, columns, beams, girders, or foundations.

**"Surveyor."** A land surveyor registered under Minnesota State laws.

**"Swimming Pool."** A structure designed to be used for swimming which has a capacity of 3,000 gallons or more or which has a depth of over 36 inches.

**"Taproom (Brewery)."** An area for the on-sale consumption of malt liquor produced by the brewer for consumption on the premises of a brewery. A taproom may also include sale for off-premises consumption of malt liquor produced at the brewery location or adjacent taproom and owned by the brewery for off-premises consumption, packaged subject to Minn. Stats. § 240A.301, Subd. 7(b), or its successor.

**"Tasting Room (Winery/Distillery)."** An area for the on-sale consumption of distilled spirits or wine produced on the premises of one winery or one distillery and in common ownership to the producer of the wine or distilled spirits.

~~**"Townhouses."** Structure housing four or more dwelling units contiguous to each other only by the sharing a common wall(s), each such unit having a separate primary entrance to the exterior of the building at or near grade level, such structures to be of the town or row houses type as contrasted to multiple apartment structures.~~

~~**"Theaters, excluding Drive-Ins".** An establishment in which plays or movies are shown to an audience while inside an enclosed building. A theater where movies are watched while sitting in a vehicle is prohibited.~~

**"Travel Trailer."** Any vehicle or structure designed and used for human living quarters which meets all of the following qualifications.

- A. Is not used as the permanent residence of the owner or occupant.
- B. Is used for temporary living quarters by the owner or occupant while engaged in recreational or vacation activities.
- C. Is towed or otherwise transported by its own or by other motive power, on the public streets or highways incidental to such recreational or vacation activity.

The term "travel trailer" shall not include manufactured home. The term "travel trailer" shall include, but not be limited to, campers, camper tents, house trailers, camping trailers, travel trailers, tent trailers and any other self-propelled vehicle constructed to provide living accommodations. (See also the definition of "Recreation Vehicle.")

**"Use."** The purpose or activity for which the land or building thereon is designated, arranged, or intended or for which it is occupied, utilized or maintained, and shall include the performance of such activity as defined by the performance standards of this Ordinance. Uses are classified as principal or accessory and as permitted conditional, and prohibited.

**"Usable Open Space."** A required ground area or terrace area on a lot which is graded, developed, landscaped and equipped and intended and maintained for either active or passive recreation or both, available and accessible to and usable by all persons occupying a dwelling unit or rooming unit on the lot and their guests. Such areas shall be grassed and landscaped or covered only for a recreational purpose. Roofs, driveways and parking areas shall not constitute usable open space.

**"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.

~~**"Veterinary Clinic."** Those uses concerned with the diagnosis, treatment and medical care of animals including animal or pet hospitals.~~

~~**"Warehousing."** The storage of materials or equipment within an enclosed building.~~

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**"Waterbody."** Means a body of water (lake, pond) or a depression of land or expanded part of a river, or an enclosed basin that holds water and is surrounded by land.

**"Watercourse."** A channel or depression through which water flows, such as rivers, streams, creeks, and may flow year-round or intermittently.

**"Watershed."** The area drained by the natural and artificial drainage system, bounded peripherally by a bridge or stretch of high land dividing drainage areas.

**"Wetlands Related."**

A. **"Wetland."** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support and that in normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands have the following general diagnostic environmental conditions:

1. **"Vegetation."** The prevalent vegetation consists of macrophytes that are typically adapted to areas having hydrologic and soil conditions described above. Hydrophytic species, due to morphological, physiological, and/or reproductive adaptation(s), have the ability to grow, effectively compete, reproduce, and/or persist in anaerobic soil conditions. The period of inundation or soil saturation varies according to the hydrologic/soil moisture regime.
2. **"Soil."** Soils are present and have been classified as hydric, or they possess characteristics that are associated with reducing soil conditions.
3. **"Hydrology."** The area is inundated either permanently or periodically at mean water depths less than two meters (6.6 feet), or the soil is saturated to the surface at some time during the growing season of the prevalent vegetation. The period of inundation or soil saturation varies according to the hydrologic/soil moisture regime.

Indicators of vegetation associated with wetlands, of developed under reducing conditions, and of hydrologic conditions that occur in wetlands are listed in the "Corps of Engineers Wetlands Delineation Manual" (U.S.-ACOE, Environmental Laboratory, 1987. Technical Report Y-87-1, U.S. Army Engineer Waterways Experiment Station, Vicksburg, Miss.). As defined here, wetlands also include any watercourse, natural drainage system, water body, stormwater detention basin or wetland that may be subject to periodic flooding, overflow, and/or seasonal high water table.

B. **"Wetlands Overlay District."** The area containing the wetlands within the City of Wayzata, such wetlands being defined as any watercourse, natural drainage system, water body, stormwater detention basin or wetland that may be subject to periodic flooding, overflow, or seasonal high water table.

C. **"Accessory Structure."** A structure not intended for human habitation, the structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

D. **"Wetland District Boundary."** That area located between the calculated 100-year frequency flood elevation and 2½ feet above the 100-year frequency flood elevation.

E. **"Essential Services."** Those services deemed by the City Council to be necessary for the health, safety and general welfare of residents of the community and surrounding area.

F. **"Flood Envelope."** Represents the boundary of the Wayzata Overlay District, such boundary being defined as that area located between the calculated 100-year frequency flood elevation and 2½ feet above the 100-year frequency flood elevation.

G. **"Flood Envelope of a Wetland/Detention Basin."** Represents the boundary of the detention basin, such boundary being defined as that area located between the calculated 100-year frequency flood elevation and 2½ feet above the 100-year frequency flood elevation.

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- H. **"Stormwater Detention Basin."** A basin, depression or holding area which is intended or used for the detention or storage of stormwater runoff.
  - I. **"Wetland System District Map."** That map showing the wetland districts within the City of Wayzata. The wetlands are classified pursuant to the "Corps of Engineer Wetlands Delineation Manual" (U.S. ACOE, Environmental Laboratory, 1987. Technical Report Y-87-1, U.S. Army Engineer Waterways Experiment Station, Vicksburg, Miss.), and the "Stormwater Management Plan for the City of Wayzata."
  - J. **"Wetland Systems Impact Plan."** Plan for development of any area within the Wayzata Wetlands Overlay District.

~~"Wholesaling." The selling of goods, equipment and materials by bulk to another business that in turn sells to the final customer.~~

**"Winery."** A facility operated by the owner of a Minnesota farm and producing table, sparkling, or fortified wines from grapes, grape juice, other fruit bases, or honey with a majority of the ingredients grown or produced in Minnesota. A winery may include a tasting room.

**"Yard."** An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.

**"Yard, Depth of."** The mean horizontal distance between the line of a building and the lot line.

**"Yard, Front."** The front yard of a lot shall be considered to be the area extending along the full length of a front lot line between side lot lines and to the depth required in the yard regulations for the district in which it is located.

**"Yard, Rear."** A space extending between the rear line of the principal building and the rear line of the lot and extending the full width of the lot.

**"Yard, Required."** That distance specified in the yard requirements pertaining to setbacks. Setbacks and required yards are used interchangeably.

**"Yard, Side."** A yard between the principal building and the side line of the lot extending from the front to the rear building lines.

**"Zero Lot Line."** The reduction of side yard setback requirements to zero, permitting the placement of a structure near or adjacent to the side yard lot line. With zero lot line, no portion of the structure or accessory appurtenance shall project over the lot line.

**"Zoning Administrator."** The duly appointed officer charged with the administration and enforcement of this Ordinance.

**"Zoning Amendment."** A change authorized by the City Council either in the allowed use within a district or in the boundaries of the district.

**"Zoning District."** An area or areas of the City (as delineated on the Zoning Map) set aside for specific uses with specific regulations and provisions for use and development as defined by this Ordinance.

**"Zoning District Overlay."** A zoning district containing regulations superimposed upon other zoning district regulations and superseding the underlying zoning district use regulations.

**"Zoning District Underlying (Base)."** All zoning districts except overlay zoning districts.

**"Zoning Map."** The map or maps incorporated into this Ordinance as part thereof, designating the zoning districts.

## CHAPTER 916 GENERAL BUILDING AND PERFORMANCE REQUIREMENTS

### 916.01 Purpose.

The purpose of this Section of the Zoning Ordinance is to establish general development performance standards. These standards are intended and designed to ensure compatibility of uses; to prevent urban blight, deterioration and decay; and to enhance the health, safety and general welfare of the residents of the community.

### 916.02 Dwelling Unit Restriction.

- A. No garage, tent, accessory building (excluding accessory dwelling units), travel trailer or motor home shall at any time be used as living quarters, temporarily or permanently.
- B. Tents, play houses or similar structures may be used for play or recreational purposes: only and may not be used as a dwelling unit.
- C. Basements and cellars may be used as living quarters or rooms as a portion of the principal residential dwelling. ~~Energy conserving designs in housing are not prohibited by this provision of the Ordinance, provided that a conditional use permit is approved by the City Council and the structure complies with standards imposed by the State Building Code. as per Section 937.03A.~~

### 916.03 Platted and Unplatted Property.

- A. Any person desiring to improve property shall submit to the Building Official a survey of said premises and information on the location and dimension of existing and proposed buildings, location of easements crossing the property, encroachments, and any other information which may be necessary to ensure conformance to City Ordinances.
- B. All buildings shall be so placed so that they will not obstruct future streets which may be constructed by the City in conformity with existing streets, adopted plans, and according to the system and standards employed by the City.
- C. Substandard lots of record shall be governed by Chapter 915 of this Ordinance.
- D. Except in the case of planned unit development as provided for in Chapter 933 of this Ordinance, not more than one principal building shall be located on a lot. The words "principal building" shall be given their common, ordinary meaning as defined in Chapter 902 of this Ordinance, ~~in.~~ In the case of doubt or on any questions or interpretation, the decision of the Zoning Aadministrator shall be final, subject to the right to appeal to the Planning Commission and City Council. Except in the C-2 District, shopping centers shall be interpreted as having more than one principal building.
- E. On a through lot (a lot fronting on two parallel streets), both street lines shall be front lot lines for applying the yard and parking setback regulations of this Ordinance. In addition, no home on a through lot or corner lot in any residential zone shall maintain direct access to any arterial street designated as such by the Comprehensive Plan.
- F. When a development is proposed which is to be located on two or more lots, and such lots are required to meet the minimum district area and frontage requirement and/or are required to accommodate the use, the lots shall be combined in accordance with the City's Subdivision Ordinance, prior to the issuing of a building permit.
- G. When two or more lots are located in the same residential district, one or more of which lack adequate area or dimensions to qualify for residential use under the current Ordinance requirements and are contiguous and held in one ownership, they shall be combined for use in order to meet the lot requirements by subdividing the property in accordance with the Subdivision Ordinance.

#### 916.04 Grading and Drainage.

- A. No land shall be developed and no use shall be permitted that results in water runoff causing flooding, erosion, or deposit of minerals on adjacent properties. Such runoff shall be properly channeled into a storm drain, water course, ponding area, or other public facilities subject to ~~the review and approval of a permit issued through~~ the City ~~Engineer-Engineer's office.~~
- B. In the case of all residential subdivisions, multiple family, and business developments, the grading and drainage plans shall be submitted to the City Engineer for review and the final drainage plan shall be subject to ~~the Engineer's written approval, a permit issued through the City Engineer's office.~~ In the case of such uses, no modification in grade and drainage flow through fill, erection of retaining walls or other such actions shall be allowed until such plans have been reviewed and received written approval from the City Engineer.
- C. ~~Except for written authorization of the~~The City Engineer, the top of the foundation and garage floor of all structures shall be one foot above the grade of the crown of the abutting street upon which the property fronts-, ~~except for permits issued through the City Engineer's office.~~
- D. Modifications which serve to alter the average and typical natural grade of an individual lot more than two feet shall require the approval of the City Council.

#### 916.05 Traffic Sight Visibility Triangle.

~~Except for a governmental agency for the purpose of screening, no wall, fence, structure, tree, shrub, vegetation or other obstruction shall be placed on or extend into any yard or right-of-way area so as to pose a danger to traffic by obscuring the view of approaching vehicular traffic or pedestrians from any street or driveway. Visibility from any street or driveway shall be unobstructed between the height of three feet and six feet, measured from where both street, driveway or railway center lines intersect within the triangle described as beginning at the intersection of the projected curb line of two intersecting streets or drives, thence 30 feet along one curb line, thence diagonally to a point 30 feet from the point of beginning along the other curb line (see attached drawing). The exception to this requirement shall be where there is a tree, planting or landscape arrangement within such area that will not create a total obstruction wider than two feet. No fences, structures, or plantings shall be permitted to exceed 30 inches in height within any front or side yard areas on a corner lot which may interfere with the visibility across the corner. A minimum sight triangle shall be established on each corner lot at every street intersection through which motorists shall have an unobstructed view. The minimum sight triangle is a triangle located at the corner of intersecting streets. The adjacent sides shall be located along the curb line or along the gutter line of streets without curb and gutter and shall be 60 feet in length. The third side shall be a straight line joining the end points of the adjacent sides. The City may order removal of vision obstructions located within the minimum sight triangle. These requirements shall not apply to conditions that legally exist prior to the effective date of this Ordinance unless such conditions are determined to constitute a safety hazard by the Zoning Administrator. ~~a safety hazard by the Zoning Administrator.~~~~

#### 916.06 Glare.

Any lighting used to illuminate an off-street parking area, sign or other structure, shall be arranged as to deflect light away from any adjoining residential property, over public water or from the public streets-, ~~and it shall~~ comply with Section 909.24 of the zoning ordinance. Direct or sky-reflected glare, where from floodlights or from high temperature processes such as combustion or welding shall not be directed into any adjoining property or over public water. The source of lights shall be hooded or controlled in some manner so as not to direct light to the sky, adjacent property or over public water. Bare incandescent light bulbs shall not be permitted in view of adjacent property, over public water, or public right-of-way. Any light or combination of lights which cast light on a public street shall not exceed one-foot candle (meter reading) as measured from the center line of said street. Any light or combination of lights which case light on residential property or over public water shall not exceed four-- foot candles (meter reading) as measured from said property.

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Where used LED (Light Emitting Diode) luminaires shall have a minimum Color Rendering Index (CRI) of 80 and a Correlated Color Temperature (CCT) between 2700-3500K.

### **916.07 Smoke.**

The emission of smoke by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulation APC 7005, as amended.

### **916.08 Dust and Other Particulated Matter.**

The emission of dust, fly ash or other particulated matter by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulation APC 7005, as amended.

### **916.09 Odors.**

The emission of odor by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulation APC 7005, as amended.

### **916.10 Noise.**

Noises emanating from any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulations NCP 7010, and Chapter 708 of city code as amended.

### **916.11 Refuse.**

- A. Passenger automobiles and trucks not currently licensed by the State, or which are because of mechanical deficiency incapable of movement under their own power, parked or stored outside for a period in excess of 72 hours, and all materials stored outside in violation of the City Ordinances are considered refuse or junk and shall be disposed of.
- B. Any accumulation of refuse on any premises not stored in containers which comply with City Code, or any accumulation of refuse including car parts on any premises which has remained thereon for more than one week is hereby declared to be a nuisance and may be abated by order of the City Health Officer, as provided by Minnesota Statutes and the cost of abatement may be assessed on the property where the nuisance was found, as provided by law.

### **916.12 Exterior Storage/Display.**

- A. **Exterior Storage.** In all zoning districts, all materials and equipment except as specifically noted and as provided for in Chapters ~~951 through 990~~937 of this Ordinance shall be stored within a building or fully screened so as not to be visible from adjoining properties and the public right-of-way, except for the following:
  - 1. ~~Clothes line~~Clothesline pole and wires.
  - 2. Not more than two recreational vehicles and equipment ~~(not including race cars)~~. Refer to Section 920.08.A of the Zoning Ordinance regarding Off-Street-Parking.
  - 3. Construction and landscaping material currently being used on the premises.
  - 4. Off-street parking of passenger vehicles and non-commercial trucks not exceeding a gross weight of 12,000 pounds in residential areas (both on and off-street).

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B. **Outdoor Display.** In C-2 and C-3 Zoning Districts, merchandise which is offered for sale may be displayed beyond the confines of a building, but the area occupied by such outdoor display shall not constitute a greater number of square feet than ten percent of the ground floor area of the building housing the principal use, ~~unless such merchandise is of a type customarily displayed outdoors.~~ No storage of any type shall be permitted within the one-half of the required setback nearest a street nor within any required interior side yard or rear yard setback. Additional parking spaces shall be provided pursuant to Chapter 920 of this Ordinance for any such permanent display space based upon the square footage of the area involved.

### **916.13 Sewage Disposal.**

Once available, all on-site sewage disposal systems shall be connected to the public sanitary system within two years.

### **916.14 Waste Material.**

~~Waste material resulting from or used in industrial or commercial manufacturing, fabricating, servicing, processing or trimming shall not be washed into the public storm sewer system nor the sanitary sewer system or any public water body, but shall be disposed of in a manner approved by the Minnesota State Fire Marshall, the Pollution Control Agency, and the Department of Natural Resources.~~

~~Waste material is regulated under Chapter 410 of the City Code of Ordinances.~~

### **916.15 Bulk Storage (Liquid).**

All uses associated with the bulk storage of all gasoline, liquid fertilizer, chemical, flammable and similar liquids shall comply with requirements of the Minnesota State Fire Marshall's and Minnesota Department of Agriculture Offices and have documents from those offices stating the use is in compliance.

### **916.16 Radiation Emission.**

All activities that emit radioactivity shall comply with the minimum requirements of the Minnesota Pollution Control Agency.

### **916.17 Electrical Emission.**

All activities which create electrical emissions shall comply with the minimum requirements of the Federal Communications Commission.

### **916.18 Building Security.**

All multiple family buildings shall be provided with security systems subject to comment of the Chief of Police and the Building Official.

### **916.19 Sales in Residential Areas.**

#### **A. Personal Vehicles.**

1. Vehicles sold in residential areas shall be the personal property of the property owner or occupant.
2. Sales of personal vehicles shall be limited to no more than one vehicle per calendar year, unless approved by the Zoning Administrator.
3. Vehicles for sale shall not be parked in any portion of the public right-of-way, public boulevard, or required front yard except a designated, improved driveway.

4. For sale signs on or in such vehicles shall be limited to two square feet.

**B. Garage or Rummage Sales.**

1. Merchandise offered for sale shall be the personal property of the property owner or occupant.
2. Sales shall be limited to a maximum of four consecutive days and occurring no more than two times within one calendar year per property.
3. All goods shall be confined within a building and improved driveway with no display occurring within other portions of the front yard.
4. Signs shall be governed by Chapter 927 of this Ordinance.

## **CHAPTER 917 ACCESSORY BUILDINGS, STRUCTURES, USES AND EQUIPMENT**

### **917.01 Single Family Detached StructureUses.**

~~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 an attached garage servicing 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.

~~B. Within the R-1A, R-1, R-2A and R-2 Zoning Districts, a garage not exceeding 1,000 square feet shall be considered an integral part of the principal building if it is attached to the principal building or is connected to it by a covered passageway and such garages are exempt from the provisions of this Subsection~~

~~BC. In those residential zoning districts which are not specified in subsection B above~~ Within the R-3 and R-3A Zoning Districts, the total floor area of either an attached garage or a detached garage for a single family detached dwelling shall not exceed 750 square feet of floor area and not exceed the ground coverage of the dwelling, ~~except by conditional use.~~

~~CD. No accessory building, structure, and/or detached garage or combination thereof for a single-family dwelling shall occupy more than 25 percent of the area of the rear yard.~~

~~DE. Except in the R-1A and R-1 Zoning Districts, no building permit shall be issued for more than one detached or attached private garage for each single-family dwelling, except by conditional use permit.~~

~~F. With the exception of the R-1A and R-1 Zoning Districts, no building permit shall be issued for the construction of an accessory building for a single family dwelling when an existing detached garage is located on the same lot, except by conditional use permit.~~

~~E. \_\_\_\_\_~~

~~G. With the exception of the R-1A and R-1 Zoning Districts, no building permit shall be issued for the construction of more than one accessory building and/or structure, except by conditional use permit.~~

~~H. Accessory buildings may encroach into the required rear yard setbacks within the rear yard of a lot, except, however, that no such encroachment may occur on required easement, or in a required side yard setback abutting a street in the case of a corner lot.~~

### **917.02 Garages with Alley Access.**

Private garages having direct access onto an alley shall be setback 20 feet from the alley lot line. ~~In cases where reasonable difficulty is encountered in meeting this requirement, deviations to the setback standard may be approved by conditional use permit.~~

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### **917.03 Accessory Building Size.**

~~Except in the case of single family detached dwellings, the total of all~~ accessory buildings shall not exceed ~~530~~ percent of the gross floor area of the principal buildings. In those cases where the standards are exceeded, ~~a planned unit development conditional use permit shall be required.~~

### **917.04 Setbacks.**

Accessory buildings shall be setback from adjoining lots as prescribed in the applicable district and shall not be located within a utility easement.

### **917.05 Time of Construction.**

No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.

### **917.06 Building Materials.**

The same or similar quality exterior material shall be used in the accessory building and in the principal building. All accessory buildings shall also be compatible with the principal building on the lot. "Compatible" means that the exterior appearance of the accessory building is not at variance with the principal building from an aesthetic and architectural standpoint as to cause:

- A. A difference to a degree to cause incongruity.
- B. A depreciation of neighborhood values or adjacent property values.
- C. A nuisance. Types of nuisance characteristics include unsightly building exterior.

### **917.07 Trash Receptacles.**

All buildings, ~~with the exception of single-family homes,~~ having exterior trash receptacles shall provide an enclosed area in conformance with the following:

- A. Exterior wall treatment shall be similar and/or complement the principal building.
- B. The enclosed trash receptacle area shall be located in the rear or side yard.
- C. The trash enclosure must be in an accessible location for pick-up hauling vehicles.
- D. The trash receptacles must be fully screened from view of adjacent properties and the public right-of-way.
- E. The design and construction of the trash enclosure shall be subject to the approval of the Building Official.
- F. Recycling space must be provided as required by the State Building Code.

### **917.08 Conditional Use Permits.**

~~Application for a conditional use permit under this Subsection shall be regulated by Chapter 904 of this Ordinance. Such a conditional use permit may be granted, provided that:~~

- ~~A. There is a demonstrated need and potential for continued use of the structure for the purpose stated.~~
- ~~B. In the case of residential uses, no commercial or home occupation activities are conducted on the property.~~
- ~~C. The building has an evident re-use or function related to the principal use.~~

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~~D. Accessory building shall be maintained in a manner that is compatible with the adjacent residential uses and does not present a hazard to public health, safety and general welfare.~~

~~E. The provisions of Section 904.02.F of this Ordinance shall be considered and a determination made that the proposed activity is in compliance with such criteria.~~

**917.09 Opt-Out of Minn. Stats. § 462.3593.**

Pursuant to authority granted by Minn. Stats. § 462.3593, Subd. 9, the City of Wayzata opts-out of the requirements of Minn. Stats. § 462.3593, which defines and regulates Temporary Family Health Care Dwellings.

~~2.~~

## CHAPTER 919 GENERAL YARD, LOT AREA AND BUILDING REGULATIONS

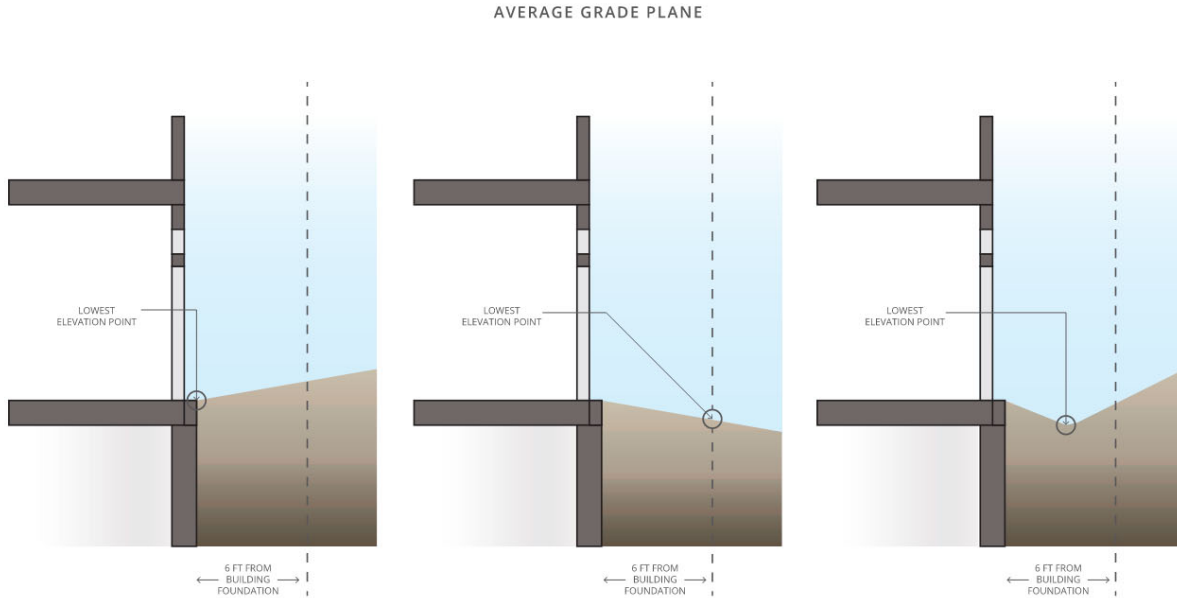
### 919.01 Purpose.

This Section identifies yard, lot area, building size, and building type and height requirements in each zoning district.

### 919.02 Height Requirements.

- A. A building which actual height from the foundation to the top peak of any portion of the roof exceeds the allowable building height in the applicable zoning district by more than five feet or roof pitches of more than a 45-degree angle for those structures at the building height limitation may be allowed as a conditional use permit, provided that:
1. The architectural appearance of the building shall not be so dissimilar to the existing neighboring buildings as to ~~cause impairments in property values~~ or constitute a blighting influence within a reasonable distance of the lot.
  - ~~2. For each additional five feet in allowable, actual, roof height as calculated by the Building Code, which is above the maximum building height allowed by the respective zoning district; front and side yard setback requirements shall be increased by one foot.~~
  23. The construction does not limit solar access to abutting and/or neighboring properties.
  34. The provisions of Section 904.02.F, Conditional Uses, are considered and satisfactorily met.
- B. The building height limits established in each zoning district shall not apply to the following list of uninhabitable items, except that no such structural element may exceed 40 feet in total height or exceed the maximum height of the building by more than five feet, whichever is greater, except by conditional use permit:
1. Belfries.
  2. Chimneys or flues.
  3. ~~Church~~Minarets or spires.
  4. Cooling towers.
  5. Communication reception/transmission devices.
  6. Cupolas and domes which do not contain usable space.
  7. Elevator penthouses.
  8. Flag poles.
  9. Monuments.
  10. Parapet walls.
  11. Necessary mechanical and electrical appurtenances.
- C. Modifications to the site grading of a lot may not be undertaken as a means of achieving increased building height, unless approved by the City ~~Council~~Engineer through the permit process as outlined in Section 916.04.D.
- D. As may be appropriate, applicants shall be required to submit a detailed survey for all new residential and non-residential structures ~~including topographical information at two foot contours signed by a licensed~~

surveyor depicting elevations (existing and proposed) at the corners of the building footprint and within a radius of five feet to verify the calculation of the datum point for determination of the building height to determine the Average Grade Plane. The Average Grade Plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six feet from the building, between the building and a point six feet from the building. The lowest elevation points for this calculation should be no more than 20 feet apart horizontally.



### 919.03 Building Type and Construction.

- A.A. The requirements of the Design Standards shall be applied to properties located in the Lake Street District, Bluff District, and Wayzata Boulevard District, and Wayzata Boulevard as defined in Chapter 909 of this Ordinance.
- B. No galvanized or unfinished steel, galvalume or unfinished aluminum buildings (walls or roofs), except those specifically intended to have a corrosive designed finish such as corten steel shall be permitted in any zoning district.
- B. Buildings in all zoning districts shall maintain a high standard of architectural and aesthetic compatibility with surrounding properties to ensure that they will not adversely impact the property values of the abutting properties or adversely impact the ~~community's~~ community's public health, safety and general welfare.
- C. Exterior building finishes shall consist of materials comparable in grade and quality to the following:

1. Brick.
2. Natural stone.
3. Decorative concrete block.
4. Cast in place concrete or precast concrete panels.
5. Wood, provided the surfaces are finished for exterior use and wood of proven exterior durability is used, such as cedar, redwood, cypress.
6. Curtain wall panels of steel, fiberglass and aluminum (non-structural, non-load bearing), provided such panels are factory fabricated and finished with a durable non-fade surface and their fasteners are of a corrosion resistant design.
7. Glass curtain wall panels.
8. Stucco.
9. Vinyl.
10. Other materials as determined by the Zoning Administrator, but not including galvanized or unfinished metal.

~~D. The additional requirements of the Design Guidelines shall be applied to properties located in the Lake District, Bluff Neighborhood District, and Wayzata Boulevard District, and Wayzata Boulevard as defined in Chapter 909 of this Ordinance.~~

#### **919.04 Yards.**

Except as provided below, no lot, yard or other open space shall be reduced in area or dimension so as to make such lot, yard or open space less than the minimum required by this Ordinance. No required open space provided ~~about for~~ any building or structure shall be included as part of any open space required for another structure.

- A. The following shall not be considered as encroachments on yard setback requirements:
  1. Cantilevers up to ~~10~~<sup>ten</sup> feet in width, chimneys, flues, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, gutters, and the like, provided they do not project more than 2½ feet into a required yard. Each cantilever must be separated by at least 10 feet.
  2. ~~Terraces~~Uncovered terraces, steps, decks, ~~uncovered~~ porches, stoops or similar features provided they do not extend above the height of the ground floor level of the principal structure or to a distance less than five feet from a side yard and rear lot lines, or more than five feet into a required front yard. No encroachment shall be permitted in existing or required drainage and utility easements.
  3. In rear yards, recreational and laundry drying equipment, arbors and trellises, detached outdoor living rooms, and air conditioning or heating equipment not exceeding established State noise levels, provided they are at a distance of ten feet from any lot line. No encroachment shall be permitted in existing or required drainage and utility easements.
  4. A one story entrance for a detached single family or duplex dwelling constructed prior to January 1, 1975, may extend into the front yard setback not exceeding five feet subject to the approval of a conditional use permit.
- B. Required Front Yard Setback Exceptions. In the case of lots platted prior to the date of this Ordinance, the required front yard setback as established by the respective zoning districts may be reduced, upon the approval of the Zoning Administrator, to a distance equaling the average setback of principal buildings within the block frontage in which the lot is located. In no case shall this distance be less than 15 feet, nor shall a principal structure be placed more than five feet beyond the setback of any principal structure on a directly abutting lot. The Zoning ~~Administrator's~~Administrator's approval shall be given as a matter of right if there is compliance with this Ordinance and any other applicable Ordinance.

- C. Corner Lots. Front yard requirements shall be observed on each street frontage of a corner lot. Where the rear boundary line of a corner lot is part of the side boundary of a residential lot no part of any structure or building on the corner lot shall ~~be nearer its street side lot line than the minimum depth of any front yard required along such side street. In the case of a narrow corner lot where compliance with this requirement should give an impractical depth to a structure or building, the City Council may allow the construction of such structure as near to the street side lot line as will give a practicable depth by approval of a conditional use permit.~~ exceed the front yard building setback required in that residential zoning district.
- D. ~~In the case of a residential lot in an R-2A, R-2, R-3A, R-3, R-4A, R-4 and R-5 District siding or backing onto a dedicated limited access highway, a flood plain, a public park or trail, or other such similar publicly reserved and development restricted areas (excluding shorelands or wetlands), the required side and/or rear yard setback may be reduced one foot for each foot of public space, but in no case shall the rear yard requirement be reduced more than ten feet nor the side yard less than five feet.~~
- E. ~~Required Side or Rear Yard Reduction. A required yard on a lot may be reduced by a conditional use permit if the following conditions are met:~~
1. ~~The reduction of setback requirements is based upon a specific need or circumstance which is unique to the property in question and which, if appropriate, will not set a precedent which is contrary to the intent of this Ordinance.~~
  2. ~~Property line drainage and utility easements as required by the City's Subdivision Ordinance are provided and no building will occur upon this reserved space.~~
  3. ~~The reduction will work towards the preservation of trees or unique physical features of the lot or area.~~
  4. ~~If affecting a north lot line, the reduction will not restrict sun access from the abutting lots.~~
  5. ~~The reduction will not obstruct traffic visibility, cause a public safety problem and complies with Section 916.05 of this Ordinance.~~
  6. ~~The conditions of Section 916.05.F of this Ordinance are considered and satisfactorily met.~~

### 919.05 Residential Standards in Non-Residential Districts.

~~Whenever any single family or two family residential dwelling is proposed to be constructed within an R-4A, R-4, R-5, INS or C-1 District it shall conform with R-3 District standards.~~ Existing single family or two-family residential uses within R-4, R-5, INS, C-1, C-2, C-3 and C-4 Districts ~~also~~ shall conform with R-3 District standards.

### 919.06 Minimum Floor Area Per Dwelling Unit.

- A. **Single Family Dwelling Units.** Except as otherwise specified in the zoning district provisions ~~or as allowed by conditional use permit~~, single family homes as classified below shall have the following minimum floor areas per unit:
- One Bedroom: 880 square feet above grade.
- Two Bedroom. 960 square feet above grade.
- Three Bedroom. 1040 square feet above grade.
- B. **Multiple Dwelling Units.** Except for elderly housing units ~~or as allowed by conditional use permit~~, living units classified as multiple dwelling shall have the following minimum floor areas per unit:
- Efficiency Units. 500 square feet.
- One Bedroom Units. 700 square feet.
- Two Bedroom Units. 900 square feet.
- More than two-bedroom units. An additional 150 square feet for each additional bedroom.

- 
- C. **Elderly (Senior Citizen) Housing.** Living units classified as elderly (senior citizen) housing units shall have the following minimum floor areas per unit:

Efficiency Units. 440 square feet.

One Bedroom Units. 520 square feet.

More than one-bedroom units. An additional 80 square feet for each additional bedroom.

- D. **Two Family, ~~Quadraminiums and Townhouses Dwelling Units and Manor Homes.~~** Except as otherwise specified in the zoning district provisions ~~or as allowed by conditional use permit~~, two family, ~~quadraminiums, and~~ townhouses ~~dwelling units and manor homes~~, as classified below, shall have the following minimum floor area per one bedroom unit:

Two Family. 650 square feet first floor above grade, plus 100 additional square feet for each additional bedroom.

~~Quadraminiums, Townhouses and Manor Homes.~~ 600 square feet first floor above grade, plus 100 additional square feet for each additional bedroom.

- ~~E. **Efficient Apartments.** Except for elderly (senior citizen) housing, the number of efficiency apartments in a multiple dwelling shall not exceed ten percent of the total number of apartments. In the case of elderly (senior citizen) housing, efficiency apartments shall not exceed 30 percent of the total number of apartments.~~

- ~~E. **Assisted Living or Memory Care Dwelling Units.** Except as otherwise specified in the zoning district provisions, assisted living and memory care units as classified below shall have the following minimum floor areas per unit:~~

~~Units without Kitchen Facilities: 330 square feet~~

~~Units with Kitchen Facilities: 370 square feet~~

### 919.07 Minimum Lot Area Per Unit.

The lot area per unit requirement for two family, townhouses, ~~quadraminiums, manor homes, apartment multiple family dwelling units~~ and planned unit developments shall be calculated on the basis of the total area in the project and as controlled by an individual and joint ownership as per the specific zoning district regulation. ~~Unless approved by conditional use permits or a variance, areas~~ qualifying as wetlands pursuant to this Ordinance, shall not be included in the calculation of total area.

### 919.08 Usable Open Space.

Except in the case of elderly (senior citizen) housing, ~~memory care, or assisted living~~, each multiple family dwelling site shall contain at least ~~500~~250 square feet of usable ~~open~~ space as defined in Section 902.02 of this Ordinance for each dwelling unit contained thereof.

### 919.09 Two Family, Townhouse, ~~Quadraminium, Manor Home~~, Multiple Family Uses.

- A. No single townhouse structure shall contain more than five dwelling units.
- B. Minimum unit lot frontage for townhouses shall be not less than 20 feet.
- C. Subdivision of Two Family ~~Double Bungalows, or~~ Townhouse ~~or Quadraminium~~ Lots. The subdivision of base lots containing two family dwellings, ~~or~~ townhouses, ~~or quadraminiums~~ to permit individual private

ownership of a single dwelling within such a structure is acceptable upon the approval by the City. Approval of a subdivision request is contingent on the following requirements:

1. Two ~~family, townhouses, and quadraminiums~~ family and townhouse lots, intended for owner occupancy shall be subdivided on an individual lot basis ~~according to the provisions of Chapter 933 (Planned Unit Development) of this Ordinance.~~
  2. Prior to a two family ~~double bungalow~~ dwelling, or townhouse ~~or quadraminium~~ subdivision, the base lot must meet all the requirements of the zoning district.
  3. Except for planned unit developments, there shall be no more than one principal structure on a base lot in all residential districts. The principal structure on the base lot created in a two family, or townhouse ~~or quadraminium~~ subdivision will be the portion of the attached dwelling existing or constructed on the platted unit lot.
  4. Permitted accessory uses as defined by the zoning districts are acceptable, provided they meet all the zoning requirements.
  5. A property maintenance agreement must be arranged by the applicant and submitted to the City Attorney for review and approval. The agreement shall ensure the maintenance and upkeep of the structure and lots to meet minimum City standards. The agreement is to be filed with the Hennepin County ~~Recorder's~~ Recorder's Office as a deed restriction against the title of each unit lot.
  6. Separate public utility service shall be provided to each subdivided unit and shall be subject to the review and approval of the City Engineer.
  7. The subdivision is to be platted and recorded in conformance to the requirements of the Subdivision Regulations of the City.
  8. Structural requirements of the Uniform Building Code at the time of subdivision are complied with.
- D. Subdivision of multiple family, two family duplex, ~~manor homes~~ and other such units.
1. The subdivision is to be platted and recorded in conformance with the requirements of the Subdivision Regulations of the City as applicable.
  2. The subdivision shall comply with applicable cooperative or condominium laws of the State of Minnesota.

### **919.10 Minimum Lot Area, Unsewered Lots.**

Lot sizes where public sewer is not available shall conform to the minimum requirements set forth below:

- A. The minimum single family lot size is five acres. This minimum lot size shall not apply to smaller separate parcels of record in separate ownership lawfully existing prior to July 1, 1990, provided that it can be demonstrated by means satisfactory to the City that the small parcels will not result in groundwater, soil or other contamination which may endanger the public health.
- B. Commercial developments and multiple family dwellings are not allowable uses.
- C. Subject to the other provisions of the Zoning Ordinance other uses may be allowed by conditional use permit. The minimum lot size for each principal use is five acres. A conditional use permit shall not be granted unless it can be demonstrated by means satisfactory to the City that the use:
  1. Will not result in groundwater, soil or other contamination which may endanger the public health.
  2. Will not increase future City utility service demands and expense.
  3. Will not jeopardize public safety and general welfare.

### **919.11 Single Family Dwellings.**

All single family detached homes shall.

- A. Be constructed upon a continuous perimeter foundation that meets the requirements of this Ordinance and Uniform Building Code.
- B. Shall not be less than 30 feet in length and not less than 22 feet in width over that entire minimum length. Width measurements shall not take account of overhang and other projections beyond the principal walls. Dwelling shall also meet the minimum floor area requirements as set out in this Ordinance.
- C. Have an earth covered, composition, shingled or tiled roof.
- D. Receive a building permit. The application for a building permit in addition to other information required shall indicate the height, size, design and the appearance of all elevations of the proposed building and a description of the construction materials proposed to be used. The exterior architectural design of a proposed dwelling may not be so at variance with, nor so similar to, the exterior architectural design of any structure or structures already constructed or in the course of construction in the immediate neighborhood, nor so at variance with the character of the surrounding neighborhood as to ~~cause a significant depreciation in the property values of the neighborhood or~~ adversely affect the public health, safety or general welfare.
- E. Meet the requirements of the State Uniform Building Code or the applicable manufactured housing code.

**919.12 Elevator Service.**

Any multiple family dwelling over two stories in height shall be provided with elevator service.

**920.11 Off-Street Parking and Loading Requirements.**

**A. Calculating Space.**

1. Floor Area. The term “floor area” for the purpose of calculating the number of off-street parking spaces required shall be determined based on the Gross Floor Area minus ten percent, except as may be hereinafter modified.
2. Computation. When in the process of determining the required number of off-street parking spaces, there occurs a fraction of a space, such fraction shall be deemed as the requirement for an additional parking space. Parking spaces shall not be counted toward meeting a parking requirement when they are sufficiently inconvenient to be of questionable use.
3. Places of Public Assembly. In stadiums, sports arenas, churches and other places of public assembly in which patrons or spectators occupy benches, pews or other similar seating facilities, each 18 inches of such seating facilities shall be counted as one seat for the purpose of determining requirements.
- ~~4. Floor Area. The term “floor area” for the purpose of calculating the number of off-street parking spaces required shall be determined based on the Gross Floor Area minus ten percent, except as may be hereinafter modified.~~
4. More than One Use. Except for a shopping center, should a structure contain two or more types of uses, the Gross Floor Area of each use shall be calculated and a ten percent reduction shall be made for non-productive space. For mixed-use buildings, the reduction may be increased to up to 20% subject to review of a floor plan that demonstrates no additional impact on parking demand, as determined by the Zoning Administrator. The resulting net usable floor space figure shall be utilized to determine the off-street parking requirement.

**B. Minimum Number of Spaces.** The minimum number of off-street parking and loading spaces for each use shall be as follows:

	Use	Number of Parking Spaces Required	Off-St. Loading Spaces Required
1.	Animal <del>Clinics</del> , Hospitals or Kennels	Six spaces plus one for each 200 sq. ft. of floor area over 10,000 sq. ft.	One space per structure
2.	<del>Auditoriums</del> <u>Places of Assembly</u> , Theaters, <del>Religious Institutions</del> <u>Excluding Drive-Ins</u>	One space for each three permanent seats based on the design capacity of the main assembly hall. Facilities as may be provided in conjunction with such buildings or uses shall be subject to additional requirements	One space for each structure with over 100,000 sq. ft. of gross floor area

		which are imposed by this Code.	
3.	<del>Automobile Car Washes</del> <u>Wash, Principal</u>	<del>Shall</del> <u>Four spaces per bay or stall be determined by the type of car wash plus recommended stacking spaces as determined under 920.11.B.4 of this Section</u>	One space per facility
4.	<del>Automatic Drive Through Service</del>	<del>Two spaces for each bay plus stacking equivalent to five spaces for each bay.</del>	<del>One space per facility</del>
5.	<del>Self-Service Car Wash</del>	<del>Four spaces per bay.</del>	<del>One space per facility</del>
46.	<del>Motor Fuel Station</del> <u>Car Wash Accessory</u>	One space in addition to that required for the station.	N.A. in addition to that required for the station.
57.	<del>Automobile</del> <u>Motor Vehicle Service Stations</u>	Five spaces plus three spaces for each service stall. Those facilities designed for sale of other items than strictly automobile products, parts or service shall be required to provide additional parking in compliance with other applicable sections of this Code.	One space
68.	<del>Beauty of Barber Shops</del> <u>Personal Services including hair and nail salons, therapeutic massage spa, tanning spa, and similar uses</u>	<del>One space for each 200 sq. ft. Two spaces for each working station, plus two spaces for each three employees. of floor area.</del>	N.A.
79.	<del>Boat</del> <u>Motor Vehicle Rental and Marine Sales</u>	One space for each 400 sq. ft. of floor area for the first 25,000 sq. ft., plus one space for each 600 sq. ft. thereafter.	One space, plus one additional space for each 25,000 sq. ft. of gross floor area
10.	<del>Boating Marinas and Yacht Clubs</del>	<del>Seven spaces for each ten boat or mooring spaces.</del>	<del>One space for each 20,000 square feet.</del>
11.	<del>Bowling Alleys</del>	<del>Five spaces for each lane or alley, plus additional spaces as may be required herein for related uses contained</del>	<del>One space for each structure with over 20,000 sq. ft. of gross floor area</del>

		<del>within the principal structure.</del>	
<del>812.</del>	<del>Community Center, Physical Culture Studio, Libraries, Museums-Places of Assembly</del>	Ten spaces plus one space for each 150 square feet in excess of 2,000 sq. ft. of floor area in the principal structure.	One space for each structure with over 100,000 sq. ft. of gross floor area.
<del>913.</del>	<del>Drive-in Convenience Food Establishment</del>	<del>One space for each 15 sq. ft. of service floor area, one space for each 80 sq. ft. of kitchen floor area and one space for each 40 sq. ft. of seating floor area, but not less than 15 spaces, plus two spaces per drive-thru window.</del>	<del>One space</del>
<del>14.9.</del>	<del>Drive-in Banks-Professional Services (Inc. Finance and Office Uses)</del>	<del>One space</del> Three spaces for every <del>350</del> each <del>1,000</del> sq. ft. of floor area <del>plus stacking requirements determined under 715.31 of this section.</del>	One space for buildings between 30,000 sq. ft. and 100,000 sq. ft. in gross floor area, plus one space for each additional 100,000 sq. ft.
<del>1510.</del>	Furniture Sales	One space for each 400 sq. ft. of floor area for the first 25,000 sq. ft., plus one space for each 600 sq. ft. thereafter.	One space plus one additional space for each 25,000 sq. ft. of gross floor area.
<del>1611.</del>	<del>Group</del> Child Day Care Centers Facility, General.	One space for each employee, plus one space for each four children.	One space
<del>1712.</del>	<del>Housing for the Elderly</del> Care Facility	One space for each 1.5 dwelling units.	One space
<del>1813.</del>	Manufacturing	One space for each employee on the major shift or one space for each 300 sq. ft., whichever is greater.	One space for each 50,000 sq. ft. of gross floor area.
<del>1914.</del>	<del>Medical or Dental Offices or</del> Health Clinics	Six spaces for each doctor or dentist	One space per building
<del>1215.</del>	<del>Motels, Hotels, Lodging or Boarding Houses</del>	One space per Lodging unit, plus spaces equal to 25	One space per building

		percent capacity of any club or lodge.	
<del>1216.</del>	<del>Dwellings, Multiple Family Dwellings, Townhouses</del>	Two fee free spaces for each living unit, of which one is to be enclosed.	One space for each multiple family building over four units.
<del>22.</del>	<del>Nursing Homes, Rest Homes</del>	<del>One space for each four beds.</del>	<del>One space plus one additional space each 100,000 sq. ft. of gross floor area.</del>
<del>2317.</del>	Office Buildings and Professional Offices, Other than Any Area for Doctors or Dentists; Banks, Public Administration Offices. <u>Professional Services (Inc. Finance and Office Uses)</u>	Three spaces for each 1,000 sq. ft. of floor area.	One space for buildings between over 10,000 sq. ft. and 100,000 sq. ft. in gross floor area, plus one space for each additional 100,000 sq. ft.
<del>24.</del>	<del>Private or Private Non-Profit Baseball Fields, Stadiums</del>	<del>One space for each eight seats of design capacity.</del>	<del>One space for each structure with over 100,000 sq. ft. of gross floor area.</del>
<del>25-18.</del>	<del>Restaurants, Private Clubs, Lodges, Food Dispensing and Beverage Establishments (Except Drive-In Restaurants)</del>	<del>15.2 spaces for each 1,000 sq. ft. of floor area Seating Area: One space per 75 sq. ft. Bar Area: One space per 40 sq. ft. Kitchen Area and all other areas: One space per 150 sq. ft.</del>	One space for each 10,000 sq. ft. of gross floor area.
<del>2619.</del>	<del>Retail Commercial Uses, Except as Prescribed Herein. Retail</del>	Three spaces for each 1,000 sq. ft. of floor area	One space for the first over 10,000 sq. ft. of gross floor area, plus one space for each additional 50,000 sq. ft.
<del>2720.</del>	<del>Retail Sales and Service Business With (50 percent or More of Gross Floor Area Devoted to Storage, Warehouses and/or Industry)</del>	Eight spaces or one space for each 200 sq. ft. devoted to public sales or service plus one space for each 500 sq. ft. of storage area.	One space for the first over 10,000 sq. ft. of gross floor area, plus one space for each additional 50,000 sq. ft.
<del>2821.</del>	<del>School, Elementary and Junior High, (Public or Private) Educational Facilities that are</del>	One space for each classroom plus one space for each 50 students <u>of</u>	One space for each structure with over 100,000 sq. ft. of gross floor area.

	<u>less than 5,000 square feet. This includes tutoring facilities.</u>	capacity. Adequate space shall be allowed for the dropping off and/or picking up of students as determined by the City <del>Council</del> <u>Engineer.</u>	
<del>2922.</del>	School, <del>High School</del> (Public or Private) <del>including: elementary schools, junior high/middle schools, high schools and college/trade schools</del>	<del>One</del> <u>Elementary and junior high/middle schools: 1 space for each five students based per staff member on design capacity. Adequate the largest shift, plus 1 space shall be allowed for the dropping off and/or picking up of per 2 classrooms.</u> <u>High schools: 1 space per staff member on the largest shift, plus 1 space per 5 students.</u> <u>College/trade schools: 1 space per staff member on the largest shift, plus 1 space per 2 students as determined by of the City Council. largest class attendance period.</u>	One space for each structure with over <del>and</del> 100,000 sq. ft. of gross floor area.
<del>2323.</del>	Shopping Center	One space for each 150 sq. ft. of floor area.	One space or the first 10,000 sq. ft. of gross leasable area plus one space for each additional 50,000 sq. ft. or part thereof.
<del>2324.</del>	<u>Dwellings, Single Family, or Two-Family Dwellings Detached</u>	Two spaces per family unit.	N.A.
<del>32.</del>	<del>Warehousing</del>	<del>One space for each 1,000 sq. ft. of floor area. That space which is solely used as office shall comply with the office use.</del>	<del>Determined by the Zoning Administrator</del>

<u>3325.</u>	Micro-production Facility	One space for each 1,000 sq. ft. of floor area.	
<u>3426.</u>	Taproom/Tasting Room	One space for each 40 sq. ft. of floor area.	
<u>3527.</u>	Brewpub	One space for each 1,000 sq. ft. of Micro-brewing production floor area; one space for each 40 sq. ft. of floor area of dining and bar area; and one space for each 80 sq. ft. of floor area of kitchen area.	
<u>28.</u>	<u>Personal fitness clubs and health clubs</u>	<u>Personal fitness club: 1 stall per 300 sq. ft.</u>  <u>Health Club: 1 stall per 100 sq. ft.</u>	

- C. **Non-Specified Uses.** For uses not specifically listed above, off-street parking and loading requirements shall be computed by the Zoning Administrator on the same basis as required for the most similar listed uses, building occupancy, projected demand, or parking study. (N.A. = Not Applicable).

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## 902.02 Definitions.

The following words and terms, wherever they occur in this Ordinance, shall be interpreted as herein defined:

**"Abutting"** means making direct contact with or immediately bordering.

**"Accessory Structure"** means a subordinate building, item, or structure which is located on the same lot on which the main building is situated and which is reasonably necessary, appropriate and incidental to the conduct of the primary use of such building. Accessory structures include pools, pergolas, play structures, gazebos and similar structures.

**"Accessory Use"** A use on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure. Accessory uses are listed in corresponding zoning district standards.

**"Addition"** means a physical enlargement of an existing structure.

**"Adjacent"** means in close proximity to or neighboring, not necessarily abutting.

**"Adult Day Care"** means a program operating less than twenty-four (24) hours per day that provides functionally impaired adults with an individualized and coordinated set of services including health services, social services, and nutritional services that are directed at maintain or improving the participants capabilities for self-care.

**"Adult Uses"** include adult bookstores, adult motion picture theatres, adult motion picture sales/rentals, adult mini-motion picture theatres, adult massage parlors, adult steam room/bathhouse/sauna facilities, adult companionship establishments, adult rap/conversation parlors, adult health/sport clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotels/motels, adult body painting studios, and other premises, enterprises, establishments, businesses or places open to some or all members of the public, at or in which there is an emphasis on the presentation, display, depiction or description of "specified sexual activities" or "specified anatomical areas" which are capable of being seen by members of the public. Activities classified as obscene as defined by Minn. Stats. § 617.241, as may be amended, are not included.

A. **"Specified Anatomical Areas"** means:

1. Less than completely and opaquely covered human genitals, pubic region, buttock, anus, or female breast(s) below a point immediately above the top of the areola; and
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

B. **"Specified Sexual Activities"** means:

1. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexually-oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zoerasty; or
2. Clearly depicted human genitals in the state of sexual stimulation, arousal or tumescence; or
3. Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or
4. Fondling or touching of nude human genitals, pubic region, buttocks, or female breast; or
5. Situations involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering, binding or other physical restraint of any such persons; or
6. Erotic or lewd touching, fondling or other sexually-oriented contact with an animal by a human being; or

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7. Human excretion, urination, menstruation, vaginal or anal irrigation.
- C. **"Adult Uses—Accessory"** means the offering of retail goods for sale which are classified as adult uses on a limited scale and which are incidental to the primary activity and goods and/or services offered by the establishment. Examples of such items include the sale of adult magazines, the sale and/or rental of adult motion pictures, the sale of adult novelties, and the like.
- D. **"Adult Uses—Principal."** means the offering of goods and/or services which are classified as adult uses as a primary or sole activity of a business or establishment and include, but are not limited to, the following:
1. **"Adult Use—Body Painting Studio."** An establishment or business which provides the service of applying paint or other substance, whether transparent or non-transparent, to or on the body of a patron when such body is wholly or partially nude in terms of "specified anatomical areas."
  2. **"Adult Use—Bookstore."** A building or portion of a building used for the barter, rental or sale of items consisting of printed matter, pictures, slides, records, audio tape, videotape, or motion picture film if such building or portion of a building is not open to the public generally but only to one or more classes of the public extending any minor by reason of age or if a substantial or significant portion of such items are distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas."
  3. **"Adult Use—Cabaret."** A building or portion of a building used for providing dancing or other live entertainment, if such building or portion of a building excludes minors by virtue of age or if such dancing or other live entertainment is distinguished or characterized by an emphasis on the presentation, display, depiction of "specified sexual activities" or "specified anatomical areas."
  4. **"Adult Use—Companionship Establishment."** A companionship establishment which excludes minors by reason of age, or which provides the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."
  5. **"Adult Use—Conversation/Rap Parlor."** A conversation/rap parlor which excludes minors by reason of age, or which provides the service of engaging in or listening to conversation, talk, or discussion, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."
  6. **"Adult Use—Health/Sport Club."** A health/sport club which excludes minors by reason of age, or if such club is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."
  7. **"Adult Use—Hotel or Motel."** Adult hotel or motel means a hotel or motel from which minors are specifically excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexually activities" or "specified anatomical areas."
  8. **"Adult Use—Massage Parlor, Health Club."** A massage parlor or health club which restricts minors by reason of age, and which provides the services of massage, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."
  9. **"Adult Use—Mini-Motion Picture Theatre."** A building or portion of a building with a capacity for less than 50 persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by virtue of age, or if such material is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

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10. **"Adult Use—Modeling Studio."** An establishment whose major business is the provision, to customers, of figure models who are so provided with the intent of providing sexual stimulation or sexual gratification to such customers and who engage in "specified sexual activities" or display "specified anatomical areas" while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted by such customers.
  11. **"Adult Use—Motion Picture Arcade."** Any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled or operated still or motor picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas."
  12. **"Adult Use—Motion Picture Theatre."** A building or portion of a building with a capacity of 50 or more persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by virtue of age or if such material is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
  13. **"Adult Use—Novelty Business."** A business which has as a principal activity the sale of devices which stimulate human genitals or devices which are designed for sexual stimulation.
  14. **"Adult Use—Sauna."** A sauna which excludes minors by reason of age, or which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."
  15. **"Adult Use—Steam Room/Bathhouse Facility."** A building or portion of a building used for providing a steam bath or heat bathing room used for the purpose of pleasure, bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent if such building or portion of a building restricts minors by reason of age or if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

**"Alley."** A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a street.

**"Amusement, Indoor"** An establishment with recreational or entertainment activities housed within a structure. The activities may include commercial bowling alleys, billiard halls, game centers, and swimming pools.

**"Animal Clinic."** A medical veterinary facility licensed by the State of Minnesota for the treatment, but not grooming or day care, of household pets, and operated only during daytime and evening business hours (not overnight) by a licensed veterinarian for diagnosis, treatment, correction, relief, or prevention of animal disease, deformity, defect, injury, or other physical or mental conditions; the performance of obstetrical procedures for animals, including determination of pregnancy and correction of sterility or infertility; and the rendering of advice or recommendations with regard to any of the above.

**"Animal Clinics, Hospitals or Kennels."** A medical veterinary facility or hospital licensed by the State of Minnesota for the treatment, of household pets, and operated by a licensed veterinarian for diagnosis, treatment, correction, relief, or prevention of animal disease, deformity, defect, injury, or other physical or mental conditions; the performance of obstetrical procedures for animals, including determination of pregnancy and correction of sterility or infertility; and the rendering of advice or recommendations with regard to any of the above. Accessory activities such as boarding, grooming or daycare are permitted.

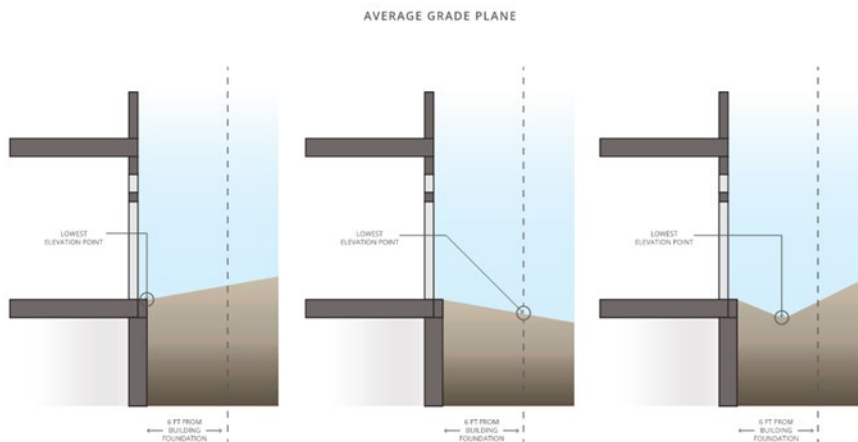
**"Animals, Domestic."** For purposes of this Ordinance, domestic animal shall be defined as house pets such as dogs, cats, and birds which can be contained within a principal structure throughout the entire year,

provided that the containment can be accomplished without special modification to the structure requiring a building permit from the City.

**“Applicant.”** The owner, their agent or person having legal control, ownership and/or interest in land which the provisions of this Ordinance are being considered for or reviewed.

**“Attic.”** Space of a building located directly under a roof which is not directly free and open to the public and is unfinished or finished only to a limited degree to provide for inactive storage and/or mechanical equipment. Said space shall not be occupied or actively utilized. Under the provision of this Ordinance, said space shall not constitute a story, and shall not be included in space calculations for parking.

**“Average Grade Plane.”** A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six feet from the building, between the building and a point six feet from the building, whichever is closer.



**“Basement.”** Any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein.

**“Bay.”** Cantilevered area of a room.

**“Block.”** A tract of land bounded by streets, or a combination of streets and public parks, railroad rights-of-way, shorelines, waterways or boundary lines of the corporate limits of the City.

**“Boarder.”** One who receives regular meals and/or regular meals and lodging for pay.

**“Boundary Lines.”** Any line indicating the bounds or limits of any tract or parcel of land; also a line separating the various use districts as shown on the City's Zoning Map.

**“Brewery.”** A facility that produces for sale beer, ale, malt liquor, or other beverages made from malt by fermentation and containing not less than one-half of one percent alcohol by volume. A brewery may include a taproom.

**“Brewpub.”** A Brewery that operates a restaurant on the same premises as the Brewery, whose malt liquor production per calendar year may be limited by Minnesota State Statute.

**“Buffer.”** The use of land, topography (difference in elevation), space, fences or landscape plantings to screen or partially screen a use or property from the vision of another use or property.

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**"Buildable Area."** The space remaining on a lot after the minimum setback and open space requirements of this Ordinance have been met.

**"Building."** Any structure having a roof which may provide shelter or enclosure of persons, animals or chattels, and when said structure is divided by party walls without opening, each portion of such building so separated shall be deemed a separate building.

**"Building Height."** The vertical distance above a Grade Plane measured to the highest point of the coping of a flat roof, to the deck line of a mansard roof, to the uppermost point on a shed, round or arch type roof, or to the average height of the highest gable of a pitched, hipped or gambrel roof. Modifications to the site grading that would affect the grade plane of a lot shall not be undertaken as a means of achieving increased building height, unless approved by the City Council. The height of a stepped or terrace building is the maximum height of any segment of the building.

**"Building Line."** A line parallel to the street right-of-way or ordinary high water level at any story level of a building and representing the minimum distance which all or any part of the building is set back from said right-of-way or ordinary high water level.

**"Building Setback."** The minimum horizontal distance between the building and the lot line.

**"Car Wash, Accessory"**. A structure or portion of a structure where customers can wash vehicles indoors and the use is subordinate to the principal use on the property.

**"Car Wash, Principal"**. A structure where customers can wash vehicles indoors and the use is the only land use, or principal use, on the property.

**"Cellar."** That portion of a building between the floor and ceiling which is wholly or partly below grade and is so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling.

**"Cemeteries and Memorial Gardens."** A site or property set apart for the burial or interment of the human dead.

**"Channel."** A natural or artificial depression of perceptible extent, with definite bed and banks to confine and conduct water either continuously or periodically.

**"Child Day Care Facility, General."** Any facility licensed by the State of Minnesota, public or private, which provides the care of a child in a building outside the child's own home for gain or otherwise on a regular basis, for any part of a 24 hour day. Day care facilities include, but are not limited to, family day care homes, group family day care homes, day care centers, day nurseries, nursery schools, daytime activity centers, day treatment programs and day services as defined by Minn. Stats 245A.

**"Child Day Care Facility, 12 or Fewer Children"**. Any private facility licensed by the State of Minnesota, which provides the care of a child in a residence outside the child's own home located within a private residence, for gain or otherwise on a regular basis, for any part of a 24 hour day.

**"City Council."** The governing body for the City of Wayzata.

**"Clear Cutting."** The removal of an entire stand of trees and/or vegetation.

**"Clubs or Lodges."** A non-profit association of persons who are bona fide members paying annual dues, with the use of the premises being restricted to members and their guests.

**"Cluster Development."** The development pattern and technique whereby structures are arranged in closely related groups to make the most efficient use of the natural amenities of the land as accomplished through a planned unit development.

**"Common Open Space."** Any privately owned open space including private parks, nature areas, playgrounds, trails, and recreational buildings and structures which is an integral part of a development and is not owned on an individual basis by each owner of the dwelling unit.

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**"Colleges, Seminaries and other Institutions of Higher Education."** A public or private accredited school that provides an educational program or specialized instruction for persons who have graduated from 12<sup>th</sup> grade.

**"Community Center."** A building or a room or group of rooms within a building designed specifically as a gathering place for the general public or for a specific segment of the general public and operated on a non-profit basis.

**"Comprehensive Plan."** A comprehensive long-range plan prepared and approved by the City, including a compilation of policy statements, goals, standards, fiscal guidelines, and maps indicating the general locations recommended for the various functional classes of land use, places and structures, and for the general physical development of the City, including any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

**"Concept Plan."** A report in map and text form submitted as the first stage of a Planned Unit Development (PUD) proposal, depicting the location, general purpose, general type of land use and circulation patterns, primary relationships between site elements and between the proposed development and surrounding development, proposed general schedule of development, and information on the applicant.

**"Conditional Use."** Those occupations, vocations, skills, arts, businesses, professions, or uses specifically designated in each zoning district, which for the respective conduct or performance in such designated districts may require reasonable, but special, unusual or extraordinary limitations peculiar to the use for the protection, promotion and preservation of the general public welfare, health, and safety, and the integrity of the City Comprehensive Plan.

**"Conditional Use Permit."** A permit issued by the City Council in accordance with procedures specified in this Ordinance, as a flexibility device to enable the City Council to assign dimensions to a proposed use or conditions surrounding it after consideration of adjacent uses and their functions and the special problems which the proposed use presents.

**"Curb Level."** The elevation of the established curb in front of a building measured at the center of such front. Where no curb level has been established, the engineering staff shall determine a curb level or its equivalent for the purpose of this Ordinance.

**"Density, Residential."** A number expressing the relationship of the number of dwelling units to an acre of land as established in the Comprehensive Plan.

**"Deposition."** Any rock, soil, gravel, sand or other material deposited naturally or by man into a waterbody, watercourse, floodplains or wetlands.

**"Design Guidelines."** The Wayzata Design Guidelines as amended.

**"Distillery."** A facility that produces Ethyl Alcohol, hydrated oxide of ethyl, spirits of wine, rum, brandy, gin, or other distilled spirits, including all dilutions and mixtures thereof, for non-industrial use. A distillery may include a tasting room.

**"Diversion."** A channel that intercepts surface water runoff and that changes the accustomed course of all or part of a stream.

**"Draining."** The removal of surface water or groundwater from land.

**"Dredging."** To enlarge or clean-out a waterbody, watercourse, or wetland.

**"Drive-Thru Sales and Service".** A facility which accommodates automobiles and from which the occupants of the automobiles may make purchases or transact business, including the stacking spaces in which automobiles wait.

**"Dry Cleaning or Laundry."** A use involving the cleaning or dyeing of fabrics with the use of mechanical appliances.

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**"Dwellings, Accessory Units."** A living unit that can be located within the walls of an existing or newly constructed home, or that can be an addition to an existing home. It can also be contained within a freestanding structure on the same lot as the principal residence or structure.

**"Dwellings, Detached."** Three or more separate units located on one parcel.

**"Dwelling, Housing for the Elderly"**. A public agency owned or controlled multiple dwelling building with open occupancy limited to persons over 62 years of age.

**"Dwellings, Multiple Family."** A building designed with three or more dwelling units exclusively for occupancy by three or more families living independently of each other, either wholly attached or partially detached with separate housekeeping and kitchen facilities for each unit.

**Dwellings, Multiple Family, Upper Stories.** A building designed with three or more dwelling units exclusively for occupancy by three or more families living independently of each other, either wholly attached or partially detached with separate housekeeping and kitchen facilities for each unit on the upper level of a mixed-use structure.

**"Dwelling, Single-Family Detached."** A dwelling unit designed exclusively for occupancy by one family and is not attached to another dwelling or structure.

**"Dwellings, Townhomes."** A residential structure housing three or more dwelling units contiguous to each other only by the sharing a common wall(s), each such unit having a separate primary entrance to the exterior of the building at or near grade level, such structures to be of the townhome type as contrasted to multiple apartment structures. The term townhome is synonymous with the term townhouse.

**"Dwelling, Two Family Detached."** A residence designed for or occupied by two families only, with separate housekeeping and cooking facilities for each.

**"Dwelling Unit."** A residential building or portion thereof intended for occupancy by one or more persons with facilities for living, sleeping, cooking and eating, but not including hotels, motels, nursing homes, seasonal cabins, boarding or rooming houses, motor homes or travel trailers.

**"Earth Berm."** (House Construction) An earth covering on the above grade portions of the building walls.

**"Earth Sheltered Building."** A building so constructed that 50 percent or more of the completed structure is covered with earth. Earth covering is measured from the lowest level of the livable space in residential units and of usable space in non-residential buildings. An earth sheltered building is a complete structure that does not serve just as a foundation or sub-structure for above grade construction. A partially covered building shall not be considered earth sheltered.

**"Easement."** A grant by an owner of land for a specific use by persons other than the owner.

**"Educational Facilities"**. A public or private establishment for educational instruction not providing residential accommodation.

**"Elevator Penthouse."** An enclosure located on the top of a building which houses the working mechanisms of an elevator.

**"Engineer."** The registered engineer employed or retained by the City, unless otherwise stated.

**"Erosion."** The wearing away of land surface by the action of natural elements.

**"Essential Services."** The erection, construction, alteration or maintenance by public utilities or Municipal departments of underground or overhead telephone, gas, electrical, steam, hot water, communication or water transmission, distribution, collection, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith for the furnishing of adequate service by such private or public utilities or Municipal departments.

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**"Family."** An individual or two or more persons related by blood, marriage, adoption or a group of not more than six persons who need not be related by blood or marriage living together in a dwelling unit.

**"Fence Related."**

- A. **"Fence"** shall mean a partition, wall, hedge, row(s) of continuous plantings, or gate erected as a dividing marker, visual or physical barrier, or enclosure.
  - 1. **"Man Made Fence"** shall mean a partition or wall constructed of wood, metal, masonry, brick, stone, concrete, and the like.
  - 2. **"Natural Hedge or Planting"** shall mean a divider or barrier comprised of vegetation materials.
- B. **"Fence Height"** shall mean the distance from the adjacent finished grade to the highest projection of a fence structure, not including support posts, provided that the support posts are no more than four inches above the fence structure.

**"Filling."** The act of depositing any rock, soil, gravel, sand or other material so as to fill a waterbody, watercourse, or wetland.

**"Floodplain Overlay District Related."**

- A. **"Base Flood Elevation."** The elevation of the regional flood. The term base flood elevation is used in the flood insurance survey.
- B. **"Basement."** Any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.
- C. **"Development."** Any manmade change to improved or unimproved real estate, including buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations, or storage of equipment or materials.
- D. **"Equal Degree of Encroachment."** Method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.
- E. **"Flood."** A temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.
- F. **"Flood Frequency."** The frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.
- G. **"Flood Fringe."** That portion of the Special Flood Hazard Area (one percent annual chance flood) located outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study for the City.
- H. **"Flood Insurance Rate Map (FIRM)."** An official map on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).
- I. **"Floodplain."** The beds proper and the areas adjoining a wetland, lake, or watercourse which have been or hereafter may be covered by the regional flood.
- J. **"Flood-Proofing."** A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.
- K. **"Floodway."** The bed of a wetland or lake and the channel of a watercourse, and those portions of the adjoining floodplains which are reasonably required to carry or store the regional flood discharge.
- L. **"Lowest Floor."** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is

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not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR Part 60.3.

- M. **"Manufactured Home."** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include the term "recreational vehicle."
- N. **"New Construction."** Structures, including additions and improvements, and placement of manufactured homes, for which the start of construction commenced on or after the effective date of this Ordinance.
- O. **"Obstruction."** Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure or matter in, along across, or projecting into any channel, watercourse, or regulatory floodplain which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.
- P. **"One Hundred Year Floodplain."** Lands inundated by the regional flood.
- Q. **"Reach."** A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or manmade obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.
- R. **"Recreational Vehicle."** A vehicle that is built on a single chassis, is 40 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this Ordinance, the term recreational vehicle is synonymous with the term "travel trailer/travel vehicle."
- S. **"Regional Flood."** A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the one percent chance or 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in a Flood Insurance Study.
- T. **"Regulatory Flood Protection Elevation."** An elevation not less than one foot above the elevation of the regional flood plus any increase in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.
- U. **"Repetitive Loss."** Flood related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25 percent of the market value of the structure before the damage occurred.
- V. **"Special Flood Hazard Area."** A term used for flood insurance purposes synonymous with "One Hundred Year Floodplain."
- W. **"Start of Construction."** Substantial improvement, and means the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement that occurred before the permit's expiration date. The actual start is either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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- X. **"Structure."** Anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, recreational vehicles not meeting the exemption criteria specified in Chapter 993 of this Ordinance, and other similar items.
- Y. **"Substantial Damage."** Damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- Z. **"Substantial Improvement."** Within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:
1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to ensure safe living conditions.
  2. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure." For the purpose of this Ordinance, "historic structure" is as defined in 44 CFR part 59.1.

**"Floor Area, Gross."** The sum of the gross horizontal areas of all floors of the building or portion thereof devoted to a particular use, including accessory storage areas located within selling or working space such as activities to the production or processing of goods, or to business or professional offices. However, the floor area shall not include basement or cellar floor area other than area devoted to retailing activities, the production or processing of goods, or to business or professional offices. The floor area of a residence shall not include the cellar area.

**"Floor Area Ratio (F.A.R.)."** The floor area of a building or buildings on any lot divided by the area of such lot, or in the case of planned developments by the net site area. The floor area ratio requirements as set forth under each zoning district shall determine the maximum floor area allowable for a building or buildings (total floor area of both principal and accessory buildings) in direct ratio to the gross area of the zoning lot.

**"Food and Beverage Establishment"**. A building, structure, enclosure or any part of a building, structure or enclosure used as, maintained as, advertised as, or held out to be an operation that prepares, services or otherwise provides food, beverages, or both for human consumption.

**"Footprint."** The outline of the foundation of a building, including that portion of an upper story that is occupied and/or actively utilized.

**"Frontage."** That boundary of a lot which abuts an existing or dedicated public street, watercourse or similar barrier.

**"Garage, Private (Residential)."** An accessory building or accessory portion of the principal building which is intended for and used for storage for the family or families resident upon the premises, and in which no business service or industry is carried on.

**"Grading."** Changing the natural or existing topography of land.

**"Greenhouse, Residential"** A structure that is constructed primarily of glass, glass-like or translucent material which is devoted to the protection of cultivation of food or ornamental crops to be located on residential properties.

**"Growler."** A specially designed 64-ounce beer container for exclusive off-sale of micro-production facility beer. A growler shall have the following packaging requirements:

- A. Growlers shall bear a twist-type closure, cork, stopper or plug.

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- B. At the time of sale, paper or plastic adhesive band, strip, or sleeve shall be applied to the container and extended over the top of the closure, forming a seal.
- C. The growler and/or band, strip or sleeve shall bear the name and address of the brewer, and the container shall be identified as malt liquor, contain the name of the malt liquor, and shall be considered intoxicating liquor unless labeled otherwise.

**"Health Club."** A facility of over 3,000 square feet which provides athletic activities such as tennis, handball, racquetball, track, basketball, exercise devices, etc. and such incidental amenities and services such as a whirlpool, sauna or massage service for members and guests.

**"Halfway House."** A facility licensed by the State Department of Health or Department of Public Welfare, public or private, which for gain or otherwise regularly provides one or more persons with 24 hour per day substitute for care, food, lodging, training, education, supervision, habilitation, rehabilitation and treatment they need, but which for any reason cannot be furnished in the person's own home.

**"Hardship."** A situation where property in question cannot be put to a reasonable use under the conditions allowed by the official controls; the plight of the landowner is due to circumstances unique to his property, not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship if a reasonable use for the property exists under terms of the official controls.

**"Health Clinics"**. A structure for providing medical, dental and other health services for examination and services available to the public. The service is provided without overnight care available.

**"Home Occupation."** Any occupation or profession engaged in by the occupant of a residential dwelling unit, which is clearly incidental and secondary to the residential use of the premises and does not change the character of said premises.

**"Horses, Keeping of"**. Maintenance of horses on the property as an accessory use to the principal use.

**"Hospitals, Residential Care Facilities, Extended Care Facilities, Rest Homes and other Elderly Care Facilities"**. Licensed establishments where patients are admitted for medical, surgical, or psychiatric treatment for outpatient and/or inpatient, overnight accommodation. A licensed facility that provides medical, nutritional, or housekeeping services for the elderly on a periodic or permanent basis. A facility licensed by the State Department of Health or Department of Public Welfare, public or private, which for gain or otherwise regularly provides one or more persons with 24 hour per day substitute for care, food, lodging, training, education, supervision, habilitation, rehabilitation, and treatment they need, but which for any reason cannot be furnished in the person's own home.

**"Impervious Surface."** A constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increase rate of flow than prior to development. Examples include rooftops, sidewalks, patios, driveways, parking lots, storage areas, and concrete, asphalt, or gravel roads.

**"Landscaping."** Plantings such as trees, flowers, grass and shrubs and improvements directly related thereto.

**"Land Reclamation."** The process of the re-establishment of acceptable topography (i.e. slopes), vegetative cover, soil stability and the establishment of safe conditions appropriate to the subsequent use of the land.

**"Liquor Store"**. An off- or on-sale retail establishment that sells alcoholic beverages.

**"Loading Space (Off-Street)."** A space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a vehicle or truck while loading or unloading merchandise or materials and which abuts upon a street, alley or other appropriate means of access.

**"Lodging."** Any building or portion thereof occupied as the more or less temporary abiding place of individuals used, designated or intended to be used, let or hired out to be occupied, whether the compensation be paid directly or indirectly.

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**"Lot."** A parcel or portion of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street.

**"Lot (of Record)."** Any lot which is one unit of a plat heretofore duly approved and filed, or one unit of an auditor's outlot or a registered land survey, or a parcel of land not so platted, subdivided or registered but for which a deed, auditor's subdivision or registered land survey has been recorded in the Office of the Register of Deeds or Registrar of Titles for Hennepin County, Minnesota, prior to the effective date of this Ordinance.

**"Lot Area."** The total land area of a horizontal plane within the lot lines.

**"Lot, Base."** Lots meeting all specifications in the zoning district prior to being subdivided into a two-family dwelling subdivision.

**"Lot, Corner."** A lot situated at the intersection of two streets, the interior angle of such intersection not exceeding 135 degrees.

**"Lot Coverage."** The area of a lot occupied by the principal building or buildings and all accessory buildings.

**"Lot Depth."** The shortest horizontal distance between the front lot line and the rear lot line measured from a 90 degree angle from the street right-of-way within the lot boundaries.

**"Lot, Double Frontage."** An interior lot having frontage on two streets.

**"Lot, Front."** The front of a lot shall be considered to be that boundary abutting a public right-of-way having the least width.

**"Lot Improvement."** Any building, structure, place, work of art, or other object, or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment.

**"Lot, Interior."** A lot, other than a corner lot, including through or double frontage lots.

**"Lot Line."** A property boundary line of any lot held in single or separate ownership; except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley right-of-way.

**"Lot Line, Rear."** That boundary of a lot which is opposite the front lot line. If the rear lot line is less than ten feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten (10') feet in length within the lot, parallel to and at the maximum distance from the front lot line.

**"Lot, Reversed Frontage."** A lot in which the frontage is at right angles, or approximately right angles, to the general pattern in the area involved. A reversed frontage lot may be a corner lot or an interior lot.

**"Lot, Substandard."** A lot or parcel of land for which a deed has been recorded in the Office of the Hennepin County Recorder upon or prior to the effective date of this Ordinance which does not meet the minimum lot area, structure setbacks or other dimensional standards of this Ordinance.

**"Lot, Through."** A lot fronting on two parallel streets.

**"Lot, Unit."** Lots created from the subdivisions of a two-family dwelling having different minimum lot size requirements than the conventional base lots within the zoning district.

**"Lot Width."** The minimum required horizontal distance between the side lot lines measured at right angles to the lot depth, at the minimum building setback line. If no setback line is established, the distance between the side lot lines measured along the public right-of-way.

**"Malt Liquor."** Any beverage made from malt by fermentation and containing not less than one-half of one percent alcohol by volume.

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**"Manufacturing"**. A building where compounding, assembly, packaging, treatment or storage of products and materials occurs.

**"Medical and Dental Clinic."** A structure intended for providing medical and dental examinations and service available to the public. This service is provided without overnight care available.

**"Metes and Bounds Description."** A description of real property which is not described by reference to a lot or block shown on a map but is described by starting at a known point and describing the bearings and distances of the lines forming the boundaries of the property or delineating a fractional portion of a section, lot or area by described lines or portions thereof.

**"Micro-Production Facilities."** A facility in which beer, wine, or other alcoholic beverages are brewed, fermented, or distilled for distribution and consumption. Micro-production facilities include breweries, brewpubs, wineries, and distilleries.

**"Minerals."** Soil, clay, stone, sand and gravel and other similar solid material or substance to be mined from natural deposits.

**"Mixed-Use Buildings."** A building with multiple principal uses.

**"Model Home."** A home which is similar to others in a development and which is open to public inspection for the purpose of selling said other homes.

**"Monument Sales, excluding Processing"**. An establishment that sells and displays a statue or structure that is installed in memory of the dead, excluding processing and manufacturing of the statue or structure.

**"Mortuaries or Funeral Homes"**. An establishment that provides a variety of uses for funeral services as defined in state statutes.

**"Motel/Motor Hotel."** A building or group of detached, semi-detached or attached buildings containing guest rooms or units, each of which has a separate entrance directly from the outside of the building, or corridor, with garage or parking space conveniently located to each unit, and which is designed, used or intended to be used primarily for the accommodation of transient guests traveling by automobile.

**"Motor Fuel Station."** A place where gasoline is stored only in underground tanks, kerosene or motor oil and lubricants or grease, for operation of automobiles, are retailed directly to the public on premises, and including minor accessories and services for automobiles, but not including automobile major repairs and rebuilding.

**"Motor Vehicle Rental and Sales"**. An establishment where motor vehicles that are licensed by the Minnesota Department of Natural Resources or the Minnesota Department of Motor Vehicles and are stored and displayed for rent or sale.

**"Motor Vehicle Service."** An establishment where general repair, including rebuilding or reconditioning engines, motor vehicles or trailers; collision service, including body, frame or fender straightening or repair; overall painting or paint job; vehicle steam cleaning, installation of audio system, painting and upholstery, replacement of parts, tires, and glass, and other associated repair to passenger automobiles and trucks not exceeding 12,000 pounds gross weight.

**"Non-Conforming Structure, Use, or Lot, Illegal."** A lot, building, structure, premises, or use illegally established when it was initiated, created, or constructed, which did not conform with the applicable conditions or provisions of the City Code for the district in which the structure or use is located.

**"Non-Conforming Structure, Use, or Lot, Legal."** A lot, building, structure, premises, or use lawfully established when it was initiated, created, or constructed, which does not now conform with the applicable conditions or provisions of this Ordinance for the district in which the structure or use is located.

**"Noxious Matter or Material."** Material capable of causing injury to living organisms by chemical reaction, or capable of causing detrimental effects on the physical or economic well-being of individuals.

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**"Obstruction."** Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse or regulatory floodplain which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

**"Occupancy."** The purpose for which a building is used or intended to be used. The term shall also include the building or room housing such use. Change of occupancy is not intended to include change of tenants or proprietors.

**"Open Space."** Any open area not covered by structures, including, but not limited to, the following uses, required or established yard areas, parking areas, sidewalks, school walks, trails, recreation areas, water bodies, shorelands, watercourses, wetlands, groundwater recharge areas, floodplain, floodway, flood fringe, erodible slopes, woodland, and soils with severe limitation for development.

**"Overburden."** The earth, rock and other materials that lie above a natural deposit of mineral.

**"Outlot."** A lot remnant or parcel of land left over after platting, which is intended as open space or other future use, and upon which no structure is to be located and for which no building permit shall be issued.

**"Owner."** An individual, association, syndicate, partnership, corporation, trust or any other legal entity holding an equitable or legal ownership interest in land, buildings, structures, dwelling unit(s) or other property.

**"Parcel."** An individual lot or tract of land.

**"Parking Garages/Lots."** Any off-street area that is surfaced or any structure that is designed for the temporary location and parking of vehicles.

**"Parking and Loading Areas and Structures"**. A space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of a vehicles or truck while loading or unloading merchandise or materials.

**"Parking Space (Off-Street)."** An area of such shape and dimensions as provided by this Ordinance, enclosed in the principal building, in an accessory building, or unenclosed, sufficient in size to store one motor vehicle, which has adequate access to a public street or alley and permitting satisfactory ingress and egress of an automobile.

**"Performance Standard."** Criterion established for setbacks, fencing, landscaping, screening, drainage, accessory buildings, outside storage and to control noise, odor, toxic or noxious matter, vibration, fire and explosive hazards, or glare or heat or other nuisance elements generated by or inherent in uses of land or buildings.

**"Permitted Use."** A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and performance standards (if any) of such districts.

**"Person."** Any individual or legal entity.

**"Personal Fitness Club."** A facility that provides personal fitness classes with a floor area of under 3,000 square feet. These facilities include yoga and pilates studios, small gym facilities and similar boutique classes.

**"Personal Services."** Commercial services that result in the physical delivery of a process to a person or group of less than ten (10) people to whom it is directed rather than a salable product. Personal services include hair and nail salons, therapeutic massage spas, tanning spas and similar uses.

**"Places of Assembly."** A building or portion of a building used or designed for the gathering together of 50 or more persons for such purposes as meetings, conferences, celebration, worship, entertainment, and/or amusement.

**"Planned Unit Development."**

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- A. As a conditional use permit, a development procedure whereby internal site design standard deviations from this Ordinance may be allowed in order to accommodate two or more principal structures, and/or facilitates improved site design and operation.
  - B. As a zoning district, a development procedure whereby a mixing of buildings and uses can occur which cannot be otherwise addressed under this Ordinance, and/or whereby internal site design standard deviations from this Ordinance may be allowed to improve site design and operation.

**"Planning Commission."** The Wayzata Planning Commission.

**"Post Offices."** A structure that houses the establishment that is a public department responsible for the mail services

**"Principal Use."** The main use of land or buildings as distinguished from subordinate or accessory uses. A "principal use" may be either permitted or conditional.

**"Professional Services (inc. Finance and Office Uses)".** An establishment for the purposes of providing services in which the practitioner must have special training, a professional degree, or license in a particular profession such as accountant or engineer.

**"Protective Covenants."** Contracts entered into between all owners and holders of mortgage constituting a restriction on the use of property within a subdivision for the benefit of the property owners and providing mutual protection against undesirable aspects of property value and economic integrity of any given area.

**"Public Uses."** Uses owned or operated by municipal, school districts, county, state, or other governmental units.

**"Public Services and Utilities."** Government and public utility buildings and structures necessary for the health, safety, and general welfare of the city. This includes all public infrastructure and private services for small utilities services and does not include equipment, infrastructure or structures for distribution lines.

**"Publication."** Notice placed in the official City newspaper stating time, location and date of meeting and description of the topic.

**"Publicly Owned Civic or Cultural Building."** Buildings such as Libraries, City Offices, Auditoriums, Public Administration Buildings, Public Parking Structures as a Principal and Sole Use, and Historical Developments.

**"Railroad Right-of-Way."** A strip of land with railway tracks and auxiliary facilities for track operation.

**"Recreation, Outdoor Private".** An area of land, water, or development where amusement, recreation or outdoor athletic sports are provided, whether temporary or permanent, except a theater, whether provision is made for the accommodation of an assembly or not. The definition may include golf courses, arenas, stadiums, gymnasiums, soccer fields, multi-purpose athletic fields, and similar uses.

**"Recreation, Outdoor Public."** An area of land, water, or any building in which amusement, recreation or athletic sports are provided for public or semi-public use, whether temporary or permanent, except a theatre, whether provision is made for the accommodation of an assembly or not. The definition may include a golf courses, arenas, stadiums, gymnasiums, soccer fields, multi-purpose athletic fields, and similar uses.

**"Recreation, Outdoor Residential, Accessory."** Private recreational facilities accessory to an existing principal permitted use on the same lot which is operated for the enjoyment and convenience of the residents of the principal use and their occasional guests.

**"Recreation, Outdoor Residential, Principal."** Private recreational facilities that are the primary or principal use on a property and located off-site from the residents it serves.

**"Recreational Vehicle."** Includes manufactured homes less than 30 feet in overall length, including those with telescope or fold down, chassis, mounted campers, house cars, motor homes, tent trailers, slip-in-campers (those mounted in a pickup truck or similar vehicle), converted buses, and converted vans used primarily for recreational purposes. Cars utilized for racing shall not be included in this definition.

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**“Repair of Home, Garden or Personal Appliances”** An establishment that provides restoration of equipment to proper functioning for equipment associated with a persons residence, lawn and garden, or personal use.

**“Research”**. An establishment or facility that studies, experiments, and investigates material and sources aimed at discovery and interpretation of facts, typically for new methods, materials or products.

**"Residential Care Facility, 6 or Fewer Residents."** Any facility having 6 or fewer residents licensed by the State of Minnesota, public or private, which for gain or otherwise regularly provides one or more persons with 24 hour per day substitute for care, food, lodging, training, education, supervision, habilitation, rehabilitation and treatment they need, but which for any reason cannot be furnished in the person's own home. Residential facilities include, but are not limited to, foster homes, halfway houses, residential treatment centers, maternity shelters, group homes, residential programs or schools for handicapped children.

**"Residential Care Facility, 16 or Fewer Residents”**. Any facility having 16 or fewer residents, licensed by the State of Minnesota, public or private, which for gain or otherwise regularly provides one or more persons with 24 hour per day substitute for care, food, lodging, training, education, supervision, habilitation, rehabilitation and treatment they need, but which for any reason cannot be furnished in the person's own home. Residential facilities include but are not limited to foster homes, halfway houses, residential treatment centers, maternity shelters, group homes, residential programs or schools for handicapped children.

**"Retail Sales, Limited."** The sale of items in small quantities directly to the consumer.

**“Retail Sales, General”**. Any establishment, occupation, employment or enterprise where merchandise is exhibited or sold, or where incidental and related small-scale manufacturing or services are offered for compensation.

**"Roof Line."** Is defined as the top of the coping; or, when the building has a pitched roof, at the intersection of the outside wall with the roof.

**"Roomer."** One who rents a room and eats meals elsewhere.

**“Sailing School”**. A private establishment for teaching sailing.

**“Sales; Garden, Greenhouses or Nursery”**. An establishment that sells goods associated with lawn and garden care which can include maintaining live landscape material in an enclosed structure or greenhouse, or outdoors.

**Sales, Service, or Rental; Outdoors”**. Land devoted to the display of goods for purchase, sale, rent, lease or trade where such goods are not enclosed within a building, and for the storage of same prior to sale.

**Sales, Service, or Rental; Accessory”**. An establishment that sells, repairs or rents products accessory or subordinate to the principal use on the property

**"Satellite Dish."** Shall mean a combination of:

- A. Antenna or dish antenna whose purpose is to receive communication or other signals from orbiting satellites and other extraterrestrial sources;
- B. A low-noise amplifier (LNA) which is situated at the focal point of the receiving component and whose purpose is to magnify and transfer signals;
- C. A coaxial cable whose purpose is to carry the signals into the interior of the building.

**"Satellite Dish Height."** Shall mean the height of the antenna or dish measured vertically from the highest point of the antenna or dish when positioned for operation, to the top of the foundation which supports the antenna.

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**"Semi-Public Use."** Uses owned by private or private non-profit organizations which are open to some, but not all, of the public, such as denominational cemeteries, private schools, clubs, lodges, recreation facilities, churches, etc.

**"Septic Sewer System."** A septic sewer disposal system consists of. septic tank, absorption field of standard trenches or a dry well, house sewer and outlet sewer. In the septic tank, bacterial action breaks down sewage. Standard trenches or a dry well handles final disposal of liquid from the septic tank. The house sewer brings wastes to the tank and the outlet sewer carries sewage liquids (effluent) from the absorption field.

**"Service Commercial."** The sale of services, which may include the limited sale of related goods, on the premises to the general public by appointment or by walk-in.

**"Setback."** The minimum horizontal distance between a structure and the property line nearest thereto; within Shoreland Districts it shall also mean the minimum horizontal distance between a structure or a sewage treatment system and the ordinary high water level. For purposes of earth shelter buildings only, above grade portions shall be used in determining setback requirements. Distances are to be measured from the most outwardly extended portion of the structure at ground level, except as provided herein after.

**"Shopping Center."** An integrated grouping of commercial stores, under single ownership or control.

**"Shoreland Related."**

- A. **"Bluff."** A topographic feature such as a hill, cliff, or embankment having the following characteristics (an area with an average slope of less than 18 percent over a distance for 50 feet or more shall not be considered part of the bluff):
  - 1. Part of all of the feature is located in a shoreland area.
  - 2. The slope rises at least 25 feet above the ordinary high-water level of the waterbody.
  - 3. The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater.
  - 4. The slope must drain toward the waterbody.
- B. **"Bluff Impact Zone."** A bluff and land located within 20 feet from the top of a bluff.
- C. **"Boathouse."** A structure designed and used primarily for the storage of boats or boating equipment.
- D. **"Commercial Planned Unit Development."** Uses that provide transient, short-term loading spaces, rooms, or parcels and their operations are essentially service-oriented. For example, hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are commercial planned unit developments.
- E. **"Commissioner."** The Commissioner of the Department of Natural Resources.
- F. **"Deck."** A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than three feet above ground.
- G. **"Guest Cottage."** A structure used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.
- H. **"Intensive Vegetation Clearing."** The complete removal of trees or shrubs in a contiguous patch, strip, row or block.
- I. **"Ordinary High-Water Level."** The boundary of public waters and wetlands and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high-water level is

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the elevation of the top of the bank of the channel. For reservoirs and flowage, the ordinary high-water level is the operating elevation of the normal summer pool.

- J. **"Public Waters."** Any waters as defined in Minn. Stats. § 103G.005, Subdivisions 14 and 15. However, no lake, pond, or flowage of less than ten acres in size in municipalities and 25 acres in size in unincorporated areas need be regulated for the purposes of Minn. R., parts 6120.2500 to 6120.3900. A body of water created by a private user where there was no previous shoreland may, at the discretion of the local government, be exempted from Minn. R., parts 6120.2500 to 6120.2900.
- K. **"Public Waters—General Development (GD)."** Large, deep lakes or lakes of varying sizes and depths with high levels and mixes of existing development. These lakes often are extensively used for recreation and, except for the very large lakes, are heavily developed around the shore. Second and third tiers of development are fairly common. The larger examples in this class can accommodate additional development and use.
- L. **"Public Waters—Recreational Development (RD)."** Medium sized lakes of varying depths and shapes with a variety of landform, soil, and ground water situations on the lands around them. They often are characterized by moderate levels of recreational use and existing development. Development consists mainly of seasonal and year-round residences and recreationally-oriented commercial uses. Many of these lakes have capacities for accommodating additional development and use.
- M. **"Sensitive Resource Management."** The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over ground water or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.
- N. **"Sewer System."** Pipelines or conduits, pumping stations, and force main, and all other constructions, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.
- O. **"Shore Impact Zone."** Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the structure setback.
- P. **"Shoreland."** Land located within the following distances from public waters. One thousand feet from the ordinary high water level of a lake, pond, or flowage; and 300 feet from a river or stream, or the landward extent of a floodplain designated by Ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the commissioner.
- Q. **"Significant Historic Site."** Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minn. Stats. § 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota State Archaeologist or the Director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.
- R. **"Steep Slope."** Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this Ordinance. Where specific information is not available, steep slopes are lands having slopes over 12 percent, as measured over horizontal distances of 50 feet or more, that are not bluffs.
- S. **"Surface Water-Oriented Commercial Use."** The use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.

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- T. **"Toe of the Bluff."** The point on a bluff that is 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.
  - U. **"Top of the Bluff."** The point on a bluff that is the upper end of a 50-foot segment, measured on the ground, with an average slope exceeding 18 percent.
  - V. **"Water-Oriented Accessory Structure or Facility."** A small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks.

**"Sidewalk Café, Outdoors."** A food and beverage establishment that provides outdoor seating or dining area within the public right of way with City license.

**"Sign Related."**

- A. **"Artificial light."** Illumination resulting from internal or external artificial light sources, including glare and reflected light byproducts of artificial light sources.
- B. **"Address Sign."** A sign communicating only a street address.
- C. **"Advertising Sign."** Any permanent non-governmental sign advertising products, services, commodities, entertainment or other activity not offered at the location of the sign or not exclusively related to the premises on which the sign is located.
- D. **"Alteration."** Any change to a sign excluding routine maintenance, repair, painting or change of copy of any existing sign.
- E. **"Awning, Canopy or Marquee Sign."** A sign that is permanently or semi-permanently affixed to an awning, canopy, marquee or other similar device.
- F. **"Banners."** Attention getting devices which resemble flags and are of a paper, cloth or plastic-like consistency.
- G. **"Building Facade."** That portion of any exterior elevation of a building extending from grade to the top of the parapet wall or eaves and the entire width of the building elevation.
- H. **"Copy."** The wording on a sign surface either permanent or removable letter form.
- I. **"Directional Sign."** An on-site sign for the purpose of making specific locations known and to assist in finding these locations (e.g. "Parking," "Shipping Receiving Area").
- J. **"Directory Sign, Private."** An exterior information wall sign, or a free-standing sign identifying the names of residences, businesses or professional offices served by a common public entrance such as an apartment complex, shopping center, or office building.
- K. **"Directory Sign, Public."** A sign, group of signs on a sign panel or any identifiable object intended to communicate a public message or direction when located on public property as may be approved by the Wayzata City Council.
- L. **"District."** A specific zoning district as defined in the City Zoning Ordinance.
- M. **"Flashing Sign."** Any sign which contains an intermittent or flashing light source or which includes the illusion of intermittent or flashing light by means of animation, or an externally-mounted intermittent light source.
- N. **"Freestanding Sign."** A self-supporting sign affixed to a freestanding frame structure not attached to a building.

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- O. **"Gross Surface Area."** The entire area in square feet within a single continuous perimeter enclosing the extreme limits of the complete message of any sign, which limits shall include the surface on which the message is affixed, except that if individual letters of the message are affixed directly to the surface of a wall the maximum height and width of the message shall apply. Such perimeter shall not include any structural elements lying outside the limits of the sign surface which do not form an integral part of the sign message, except where the sign structure is held by the City Manager to be larger than is required for structural strength.
- P. **"Ground or Low Profile Sing."** A sign not supported by exposed posts or poles which is architecturally designed and located directly at grade, and where the base width dimension is 50 percent more of the greatest width of the sign. Also called monument sign. Also called a Low Profile Sign.
- Q. **"Holiday or Seasonal Sign."** Signs such as religious decorations, etc. or those used for a historic holiday or special event and displayed for a limited period of time.
- R. **"Identification Sign."** A sign which identifies the business, owner, manager, resident or address of the premises where the sign is located and which contains no other material.
- S. **"Illuminated Sign."** A sign illuminated by an artificial light source either directed upon it or illuminated from an interior source.
- T. **"Integral Sign."** A sign carrying the name of a building, its date of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or made of bronze, aluminum or other permanent type of construction and made an integral part of the structure.
- U. **"Monument Sign."** A sign not supported by exposed posts or poles which is architecturally designed and located directly at grade, and where the base width dimension is 50 percent more of the greatest width of the sign. Also called a ground sign or low profile sign.
- V. **"Parapet."** A low wall which is located on a roof of a building.
- W. **"Political Sign."** A sign used exclusively to call attention to the candidacy of any individual or party for elective office which appears on the official ballot to be voted upon by the citizens of the City.
- X. **"Portable Sign."** A sign advertising a product or service so designed as to be movable from one location to another and not permanently attached to the ground or a structure.
- Y. **"Principal Frontage."** The wall of the principal building on a lot which fronts toward the principal public streets.
- Z. **"Projecting Sign."** Any sign which projects over 12 inches from the front edge of a roof structure and/or building facade.
- AA. **"Pylon Sign."** A sign supported by a column-type structure that is set firmly in or below ground surface and finished in a material consistent with the sign.
- BB. **"Real Estate Sign."** A business sign placed only upon a property advertising that particular property for sale, for rent or for lease.
- CC. **"Roof Sign."** A sign erected upon or against a sloping roof but no extending above or beyond the roof line.
- DD. **"Setback Line."** The minimum horizontal distance between a property line and the nearest edge of the sign, base or support structure.
- EE. **"Sign."** A name, identification, description, display or illustration which is affixed to or represented directly or indirectly upon an awning, canopy, marquee, building, structure or piece of land which directs attention to an object, product, place, activity, person, institution, organization or business, a "sign" shall not include any official court or other public notices, nor shall it include the flag, emblem or insignia of a nation, political unit, school or religious, service or fraternal group.

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- FF. **"Sign Height."** Sign height shall be determined from the base of the sign structure to the peak of the sign.
- GG. **"Sign Structure."** The supports, uprights, bracing, foundations and framework of any structure which supports or is capable of supporting any sign as defined herein.
- HH. **"Swinging Sign."** A sign installed on an arm or spar, that is not, in addition, permanently fastened to an adjacent wall or upright pole.
- II. **"Temporary Sign."** A sign erected or displayed for a specific period of time.
- JJ. **"Time and/or Temperature Sign."** A sign that displays the current time and/or temperature without advertising material, company name, logo or other identifying marks.
- KK. **"Total Allowable Sign Area."** The maximum allowable gross surface area in square feet of a sign or signs. The maximum number of signs cannot be arranged and integrated so as to create a surface area in excess of this requirement.
- LL. **"Traffic Sign."** A sign which is erected by a governmental unit for the purpose of directing or guiding traffic.
- MM. **"UL Approved."** A device which has been approved by the "Underwriters' Laboratories (48)," a U.S. non-profit organization which establishes standards for electrical equipment.
- NN. **"Wall Sign."** A single-faced sign attached to or painted on an exterior wall of a building, parallel to the building wall and which does not project more than 12 inches from the plane of the building.
- OO. **"Window Sign."** A sign that is placed inside a window or upon the window or upon the windowpanes or glass and is visible from the exterior of the window. This does not include merchandise on display.
- "Site Plan."** A map drawn to scale depicting the development of a tract of land, including, but not limited to, the location and relationship of structures, streets, driveways, recreation areas, parking areas, easements, utilities, landscaping, and walkways, as related to a proposed development.
- "Slope."** Means the degree of deviation of a surface from the horizontal, usually, expressed in percent of degrees.
- "Solar Energy System."** Any solar collector or other solar device or any structural design of a building whose primary purpose is to collect, convert and store solar energy for useful purposes including heating and cooling of buildings, domestic water heating, electric power generation and other energy using processes.
- "Spot Zoning."** A zoning situation where a property or group of properties is unjustifiably zoned differently from adjacent properties and is not sufficiently unique from such adjacent properties to justify a different zoning classification, nor is such action in compliance with the Comprehensive Plan.
- "Stacking Area."** That area which allows for a line of automobiles in such instances as drive-up tellers and other vehicle service areas.
- "Storage, Indoor."** An establishment that has enclosed storage of merchandise in either a principal or accessory structure.
- "Storage, Outdoor."** The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building and accessory or subordinate to the principal use.
- "Story."** That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, including below ground portions of earth sheltered buildings, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, or unused under floor space is more than six feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 20 feet above grade as defined herein at any point, such basement or unused under floor space shall be considered as a story.

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**"Story, First."** The lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than four feet below grade, as defined herein, for more than 50 percent of the total perimeter or not more than eight feet below grade, as defined herein, at any point.

**"Story, Half."** The portion of a building immediately under a sloping roof which has the point of intersection of the top line of the rafters and the face of the walls not to exceed three (3) feet above the floor of such story.

**"Street."** A public right-of-way for vehicular traffic, whether designated as a highway, thoroughfare, arterial, parkway, collector, through-way, road, avenue, boulevard, lane, place, drive, court or otherwise designated, which has been dedicated or deeded to the public for public use and which affords principal means of access to abutting property.

**"Street—Collector."** Collector roadways provide a balance between land access and mobility. Their primary function is to move traffic from the local street system to the arterial system. When collectors intersect with arterials, traffic signals generally control traffic. Intersections with local streets are usually under stop sign control with collector streets having their right-of-way.

**"Street—Local."** Local streets provide local land access with limited emphasis on mobility. Local streets account for 65 percent to 80 percent of the total road system mileage but carry only ten percent to 30 percent of the total traffic. In a residential setting, driveways are freely permitted and intersections of local streets are often uncontrolled. Stop signs are usually installed where traffic control is required such as at intersections with collector streets.

**"Street—Minor Arterial."** Minor arterials make up the class of roadways including other state highways, certain county roads and major city streets. These roads primarily provide mobility, carrying short to medium length trips (two to six miles), and have controlled land access. Minor arterials as a group account for about 15 percent to 25 percent of the total mileage and carry roughly one-fourth of all traffic for the metropolitan roadway system. Minor arterials generally are given the traffic right-of-way over local streets and they usually have traffic signals at intersections with other minor arterials and some collector streets.

**"Street—Intermediate Arterial."** The intermediate arterial category was developed by the City of Wayzata and is not included in the Metropolitan Council's Development Guide. Intermediate arterials function at a level between the minor arterial and major arterial categories. Intermediate arterials are not limited access facilities but serve primarily trips between rather than within subregions.

**"Street—Principal (Major) Arterial."** Major arterials provide a high level of mobility between subregions, serving medium to long distance trips. Principal arterials are grade separated or have high capacity controlled at-grade intersections. No parking is permitted, the posted speed limit is typically 40—55 mph and traffic volumes range from 10,000 to 50,000 ADT. The Metropolitan Council recommends that major arterials be spaced one to three miles apart.

**"Street Pavement."** The wearing or exposed surface of a street or roadway used by vehicular traffic.

**"Street Width."** The shortest distance between the lines delineating the right-of-way of a street.

**"Structure."** Anything manufactured, constructed or erected which is normally attached to or positioned on land, including portable structures.

**"Structural Alteration."** Any change, other than incidental repairs, which would prolong, or modify the life of the supporting members of a building, such as bearing walls, columns, beams, girders, or foundations.

**"Surveyor."** A land surveyor registered under Minnesota State laws.

**"Swimming Pool."** A structure designed to be used for swimming which has a capacity of 3,000 gallons or more or which has a depth of over 36 inches.

**"Taproom (Brewery)."** An area for the on-sale consumption of malt liquor produced by the brewer for consumption on the premises of a brewery. A taproom may also include sale for off-premises consumption

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of malt liquor produced at the brewery location or adjacent taproom and owned by the brewery for off-premises consumption, packaged subject to Minn. Stats. § 240A.301, Subd. 7(b), or its successor.

**"Tasting Room (Winery/Distillery)."** An area for the on-sale consumption of distilled spirits or wine produced on the premises of one winery or one distillery and in common ownership to the producer of the wine or distilled spirits.

**"Theaters, excluding Drive-Ins"**. An establishment in which plays or movies are shown to an audience while inside an enclosed building. A theater where movies are watched while sitting in a vehicle is prohibited.

**"Travel Trailer."** Any vehicle or structure designed and used for human living quarters which meets all of the following qualifications.

- A. Is not used as the permanent residence of the owner or occupant.
- B. Is used for temporary living quarters by the owner or occupant while engaged in recreational or vacation activities.
- C. Is towed or otherwise transported by its own or by other motive power, on the public streets or highways incidental to such recreational or vacation activity.

The term "travel trailer" shall not include manufactured home. The term "travel trailer" shall include, but not be limited to, campers, camper tents, house trailers, camping trailers, travel trailers, tent trailers and any other self-propelled vehicle constructed to provide living accommodations. (See also the definition of "Recreation Vehicle.")

**"Use."** The purpose or activity for which the land or building thereon is designated, arranged, or intended or for which it is occupied, utilized or maintained, and shall include the performance of such activity as defined by the performance standards of this Ordinance. Uses are classified as principal or accessory and as permitted conditional, and prohibited.

**"Usable Open Space."** A required ground area or terrace area on a lot which is graded, developed, landscaped and equipped and intended and maintained for either active or passive recreation or both, available and accessible to and usable by all persons occupying a dwelling unit or rooming unit on the lot and their guests. Such areas shall be grassed and landscaped or covered only for a recreational purpose. Roofs, driveways and parking areas shall not constitute usable open space.

**"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.

**"Waterbody."** Means a body of water (lake, pond) or a depression of land or expanded part of a river, or an enclosed basin that holds water and is surrounded by land.

**"Watercourse."** A channel or depression through which water flows, such as rivers, streams, creeks, and may flow year-round or intermittently.

**"Watershed."** The area drained by the natural and artificial drainage system, bounded peripherally by a bridge or stretch of high land dividing drainage areas.

**"Wetlands Related."**

- A. **"Wetland."** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support and that in normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands have the following general diagnostic environmental conditions:
  - 1. **"Vegetation."** The prevalent vegetation consists of macrophytes that are typically adapted to areas having hydrologic and soil conditions described above. Hydrophytic species, due to morphological, physiological, and/or reproductive adaptation(s), have the ability to grow, effectively compete, reproduce, and/or persist in anaerobic soil conditions. The period of inundation or soil saturation varies according to the hydrologic/soil moisture regime.

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2. **"Soil."** Soils are present and have been classified as hydric, or they possess characteristics that are associated with reducing soil conditions.
  3. **"Hydrology."** The area is inundated either permanently or periodically at mean water depths less than two meters (6.6 feet), or the soil is saturated to the surface at some time during the growing season of the prevalent vegetation. The period of inundation or soil saturation varies according to the hydrologic/soil moisture regime.

Indicators of vegetation associated with wetlands, of developed under reducing conditions, and of hydrologic conditions that occur in wetlands are listed in the "Corps of Engineers Wetlands Delineation Manual" (U.S.-ACOE, Environmental Laboratory, 1987. Technical Report Y-87-1, U.S. Army Engineer Waterways Experiment Station, Vicksburg, Miss.). As defined here, wetlands also include any watercourse, natural drainage system, water body, stormwater detention basin or wetland that may be subject to periodic flooding, overflow, and/or seasonal high water table.

- B. **"Wetlands Overlay District."** The area containing the wetlands within the City of Wayzata, such wetlands being defined as any watercourse, natural drainage system, water body, stormwater detention basin or wetland that may be subject to periodic flooding, overflow, or seasonal high water table.
- C. **"Accessory Structure."** A structure not intended for human habitation, the structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
- D. **"Wetland District Boundary."** That area located between the calculated 100-year frequency flood elevation and 2½ feet above the 100-year frequency flood elevation.
- E. **"Essential Services."** Those services deemed by the City Council to be necessary for the health, safety and general welfare of residents of the community and surrounding area.
- F. **"Flood Envelope."** Represents the boundary of the Wayzata Overlay District, such boundary being defined as that area located between the calculated 100-year frequency flood elevation and 2½ feet above the 100-year frequency flood elevation.
- G. **"Flood Envelope of a Wetland/Detention Basin."** Represents the boundary of the detention basin, such boundary being defined as that area located between the calculated 100-year frequency flood elevation and 2½ feet above the 100-year frequency flood elevation.
- H. **"Stormwater Detention Basin."** A basin, depression or holding area which is intended or used for the detention or storage of stormwater runoff.
- I. **"Wetland System District Map."** That map showing the wetland districts within the City of Wayzata. The wetlands are classified pursuant to the "Corps of Engineer Wetlands Delineation Manual" (U.S. ACOE, Environmental Laboratory, 1987. Technical Report Y-87-1, U.S. Army Engineer Waterways Experiment Station, Vicksburg, Miss.), and the "Stormwater Management Plan for the City of Wayzata."
- J. **"Wetland Systems Impact Plan."** Plan for development of any area within the Wayzata Wetlands Overlay District.

**"Winery."** A facility operated by the owner of a Minnesota farm and producing table, sparkling, or fortified wines from grapes, grape juice, other fruit bases, or honey with a majority of the ingredients grown or produced in Minnesota. A winery may include a tasting room.

**"Yard."** An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.

**"Yard, Depth of."** The mean horizontal distance between the line of a building and the lot line.

**"Yard, Front."** The front yard of a lot shall be considered to be the area extending along the full length of a front lot line between side lot lines and to the depth required in the yard regulations for the district in which it is located.

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**"Yard, Rear."** A space extending between the rear line of the principal building and the rear line of the lot and extending the full width of the lot.

**"Yard, Required."** That distance specified in the yard requirements pertaining to setbacks. Setbacks and required yards are used interchangeably.

**"Yard, Side."** A yard between the principal building and the side line of the lot extending from the front to the rear building lines.

**"Zero Lot Line."** The reduction of side yard setback requirements to zero, permitting the placement of a structure near or adjacent to the side yard lot line. With zero lot line, no portion of the structure or accessory appurtenance shall project over the lot line.

**"Zoning Administrator."** The duly appointed officer charged with the administration and enforcement of this Ordinance.

**"Zoning Amendment."** A change authorized by the City Council either in the allowed use within a district or in the boundaries of the district.

**"Zoning District."** An area or areas of the City (as delineated on the Zoning Map) set aside for specific uses with specific regulations and provisions for use and development as defined by this Ordinance.

**"Zoning District Overlay."** A zoning district containing regulations superimposed upon other zoning district regulations and superseding the underlying zoning district use regulations.

**"Zoning District Underlying (Base)."** All zoning districts except overlay zoning districts.

**"Zoning Map."** The map or maps incorporated into this Ordinance as part thereof, designating the zoning districts.

## **CHAPTER 916 GENERAL BUILDING AND PERFORMANCE REQUIREMENTS**

### **916.01 Purpose.**

The purpose of this Section of the Zoning Ordinance is to establish general development performance standards. These standards are intended and designed to ensure compatibility of uses; to prevent urban blight, deterioration and decay; and to enhance the health, safety and general welfare of the residents of the community.

### **916.02 Dwelling Unit Restriction.**

- A. No garage, tent, accessory building (excluding accessory dwelling units), travel trailer or motor home shall at any time be used as living quarters, temporarily or permanently.
- B. Tents, play houses or similar structures may be used for play or recreational purposes only and may not be used as a dwelling unit.
- C. Basements and cellars may be used as living quarters or rooms as a portion of the principal residential dwelling as per Section 937.03A.

### **916.03 Platted and Unplatted Property.**

- A. Any person desiring to improve property shall submit to the Building Official a survey of said premises and information on the location and dimension of existing and proposed buildings, location of easements crossing the property, encroachments, and any other information which may be necessary to ensure conformance to City Ordinances.
- B. All buildings shall be so placed so that they will not obstruct future streets which may be constructed by the City in conformity with existing streets, adopted plans, and according to the system and standards employed by the City.
- C. Substandard lots of record shall be governed by Chapter 915 of this Ordinance.
- D. Except in the case of planned unit development as provided for in Chapter 933 of this Ordinance, not more than one principal building shall be located on a lot. The words "principal building" shall be given their common, ordinary meaning as defined in Chapter 902 of this Ordinance. In the case of doubt or on any questions or interpretation, the decision of the Zoning Administrator shall be final, subject to the right to appeal to the Planning Commission and City Council. Except in the C-2 District, shopping centers shall be interpreted as having more than one principal building.
- E. On a through lot (a lot fronting on two parallel streets), both street lines shall be front lot lines for applying the yard and parking setback regulations of this Ordinance. In addition, no home on a through lot or corner lot in any residential zone shall maintain direct access to any arterial street designated as such by the Comprehensive Plan.
- F. When a development is proposed which is to be located on two or more lots, and such lots are required to meet the minimum district area and frontage requirement and/or are required to accommodate the use, the lots shall be combined in accordance with the City's Subdivision Ordinance, prior to the issuing of a building permit.
- G. When two or more lots are located in the same residential district, one or more of which lack adequate area or dimensions to qualify for residential use under the current Ordinance requirements and are contiguous and held in one ownership, they shall be combined for use in order to meet the lot requirements by subdividing the property in accordance with the Subdivision Ordinance.

#### **916.04 Grading and Drainage.**

- A. No land shall be developed and no use shall be permitted that results in water runoff causing flooding, erosion, or deposit of minerals on adjacent properties. Such runoff shall be properly channeled into a storm drain, water course, ponding area, or other public facilities subject to a permit issued through the City Engineer's office.
- B. In the case of all residential subdivisions, multiple family, and business developments, the grading and drainage plans shall be submitted to the City Engineer for review and the final drainage plan shall be subject to a permit issued through the City Engineer's office. In the case of such uses, no modification in grade and drainage flow through fill, erection of retaining walls or other such actions shall be allowed until such plans have been reviewed and received written approval from the City Engineer.
- C. The City Engineer, the top of the foundation and garage floor of all structures shall be one foot above the grade of the crown of the abutting street upon which the property fronts, except for permits issued through the City Engineer's office.
- D. Modifications which serve to alter the average and typical natural grade of an individual lot more than two feet shall require the approval of the City Council.

#### **916.05 Traffic Sight Visibility Triangle.**

No fences, structures, or plantings shall be permitted to exceed 30 inches in height within any front or side yard areas on a corner lot which may interfere with the visibility across the corner. A minimum sight triangle shall be established on each corner lot at every street intersection through which motorists shall have an unobstructed view. The minimum sight triangle is a triangle located at the corner of intersecting streets. The adjacent sides shall be located along the curb line or along the gutter line of streets without curb and gutter and shall be 60 feet in length. The third side shall be a straight line joining the end points of the adjacent sides. The City may order removal of vision obstructions located within the minimum sight triangle. These requirements shall not apply to conditions that legally exist prior to the effective date of this Ordinance unless such conditions are determined to constitute a safety hazard by the Zoning Administrator.

#### **916.06 Glare.**

Any lighting used to illuminate an off-street parking area, sign or other structure, shall be arranged as to deflect light away from any adjoining residential property, over public water or from the public streets, and it shall comply with Section 909.24 of the zoning ordinance. Direct or sky-reflected glare, where from floodlights or from high temperature processes such as combustion or welding shall not be directed into any adjoining property or over public water. The source of lights shall be hooded or controlled in some manner so as not to direct light to the sky, adjacent property or over public water. Bare incandescent light bulbs shall not be permitted in view of adjacent property, over public water, or public right-of-way. Any light or combination of lights which cast light on a public street shall not exceed one-foot candle (meter reading) as measured from the center line of said street. Any light or combination of lights which cast light on residential property or over public water shall not exceed four-foot candles (meter reading) as measured from said property. Where used LED (Light Emitting Diode) luminaires shall have a minimum Color Rendering Index (CRI) of 80 and a Correlated Color Temperature (CCT) between 2700-3500K.

#### **916.07 Smoke.**

The emission of smoke by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulation APC 7005, as amended.

### **916.08 Dust and Other Particulate Matter.**

The emission of dust, fly ash or other particulate matter by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulation APC 7005, as amended.

### **916.09 Odors.**

The emission of odor by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulation APC 7005, as amended.

### **916.10 Noise.**

Noises emanating from any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulations NCP 7010, and Chapter 708 of city code as amended.

### **916.11 Refuse.**

- A. Passenger automobiles and trucks not currently licensed by the State, or which are because of mechanical deficiency incapable of movement under their own power, parked or stored outside for a period in excess of 72 hours, and all materials stored outside in violation of the City Ordinances are considered refuse or junk and shall be disposed of.
- B. Any accumulation of refuse on any premises not stored in containers which comply with City Code, or any accumulation of refuse including car parts on any premises which has remained thereon for more than one week is hereby declared to be a nuisance and may be abated by order of the City Health Officer, as provided by Minnesota Statutes and the cost of abatement may be assessed on the property where the nuisance was found, as provided by law.

### **916.12 Exterior Storage/Display.**

- A. **Exterior Storage.** In all zoning districts, all materials and equipment except as specifically noted and as provided for in Chapter 937 of this Ordinance shall be stored within a building or fully screened so as not to be visible from adjoining properties and the public right-of-way, except for the following:
  - 1. Clothesline pole and wires.
  - 2. Not more than two recreational vehicles and equipment. Refer to Section 920.08.A of the Zoning Ordinance regarding Off-Street-Parking.
  - 3. Construction and landscaping material currently being used on the premises.
  - 4. Off-street parking of passenger vehicles and non-commercial trucks not exceeding a gross weight of 12,000 pounds in residential areas (both on and off-street).
- B. **Outdoor Display.** In C-2 and C-3 Zoning Districts, merchandise which is offered for sale may be displayed beyond the confines of a building, but the area occupied by such outdoor display shall not constitute a greater number of square feet than ten percent of the ground floor area of the building housing the principal use. No storage of any type shall be permitted within the one-half of the required setback nearest a street nor within any required interior side yard or rear yard setback. Additional parking spaces shall be provided pursuant to Chapter 920 of this Ordinance for any such permanent display space based upon the square footage of the area involved.

### **916.13 Sewage Disposal.**

Once available, all on-site sewage disposal systems shall be connected to the public sanitary system within two years.

### **916.14 Waste Material.**

Waste material is regulated under Chapter 410 of the City Code of Ordinances.

### **916.15 Bulk Storage (Liquid).**

All uses associated with the bulk storage of all gasoline, liquid fertilizer, chemical, flammable and similar liquids shall comply with requirements of the Minnesota State Fire Marshall's and Minnesota Department of Agriculture Offices and have documents from those offices stating the use is in compliance.

### **916.16 Radiation Emission.**

All activities that emit radioactivity shall comply with the minimum requirements of the Minnesota Pollution Control Agency.

### **916.17 Electrical Emission.**

All activities which create electrical emissions shall comply with the minimum requirements of the Federal Communications Commission.

### **916.18 Building Security.**

All multiple family buildings shall be provided with security systems subject to comment of the Chief of Police and the Building Official.

### **916.19 Sales in Residential Areas.**

#### **A. Personal Vehicles.**

1. Vehicles sold in residential areas shall be the personal property of the property owner or occupant.
2. Sales of personal vehicles shall be limited to no more than one vehicle per calendar year, unless approved by the Zoning Administrator.
3. Vehicles for sale shall not be parked in any portion of the public right-of-way, public boulevard, or required front yard except a designated, improved driveway.
4. For sale signs on or in such vehicles shall be limited to two square feet.

#### **B. Garage or Rummage Sales.**

1. Merchandise offered for sale shall be the personal property of the property owner or occupant.
2. Sales shall be limited to a maximum of four consecutive days and occurring no more than two times within one calendar year per property.
3. All goods shall be confined within a building and improved driveway with no display occurring within other portions of the front yard.
4. Signs shall be governed by Chapter 927 of this Ordinance.

## **CHAPTER 917 ACCESSORY BUILDINGS, STRUCTURES, USES AND EQUIPMENT**

### **917.01 Single Family Detached Structures.**

- A. With the exception of an attached garage servicing 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.
- B. Within the R-3 and R-3A Zoning Districts, the total floor area of either an attached garage or a detached garage for a single family detached dwelling shall not exceed 750 square feet of floor area and not exceed the ground coverage of the dwelling.
- C. No accessory building, structure, and/or detached garage or combination thereof for a single-family dwelling shall occupy more than 25 percent of the area of the rear yard.
- D. Except in the R-1A and R-1 Zoning Districts, no building permit shall be issued for more than one detached or attached private garage for each single-family dwelling.
- E. With the exception of the R-1A and R-1 Zoning Districts, no building permit shall be issued for the construction of more than one accessory building and/or structure.

### **917.02 Garages with Alley Access.**

Private garages having direct access onto an alley shall be setback 20 feet from the alley lot line.

### **917.03 Accessory Building Size.**

The total of all accessory buildings shall not exceed 50 percent of the gross floor area of the principal buildings. In those cases where the standards are exceeded .

### **917.04 Setbacks.**

Accessory buildings shall be setback from adjoining lots as prescribed in the applicable district and shall not be located within a utility easement.

### **917.05 Time of Construction.**

No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.

### **917.06 Building Materials.**

The same or similar quality exterior material shall be used in the accessory building and in the principal building. All accessory buildings shall also be compatible with the principal building on the lot. "Compatible" means that the exterior appearance of the accessory building is not at variance with the principal building from an aesthetic and architectural standpoint as to cause:

- A. A difference to a degree to cause incongruity.
- B. A depreciation of neighborhood values or adjacent property values.
- C. A nuisance. Types of nuisance characteristics include unsightly building exterior.

### **917.07 Trash Receptacles.**

All buildings, with the exception of single-family homes, having exterior trash receptacles shall provide an enclosed area in conformance with the following:

- A. Exterior wall treatment shall be similar and/or complement the principal building.
- B. The enclosed trash receptacle area shall be located in the rear or side yard.
- C. The trash enclosure must be in an accessible location for pick-up hauling vehicles.
- D. The trash receptacles must be fully screened from view of adjacent properties and the public right-of-way.
- E. The design and construction of the trash enclosure shall be subject to the approval of the Building Official.
- F. Recycling space must be provided as required by the State Building Code.

### **917.09 Opt-Out of Minn. Stats. § 462.3593.**

Pursuant to authority granted by Minn. Stats. § 462.3593, Subd. 9, the City of Wayzata opts-out of the requirements of Minn. Stats. § 462.3593, which defines and regulates Temporary Family Health Care Dwellings.

## **CHAPTER 919 GENERAL YARD, LOT AREA AND BUILDING REGULATIONS**

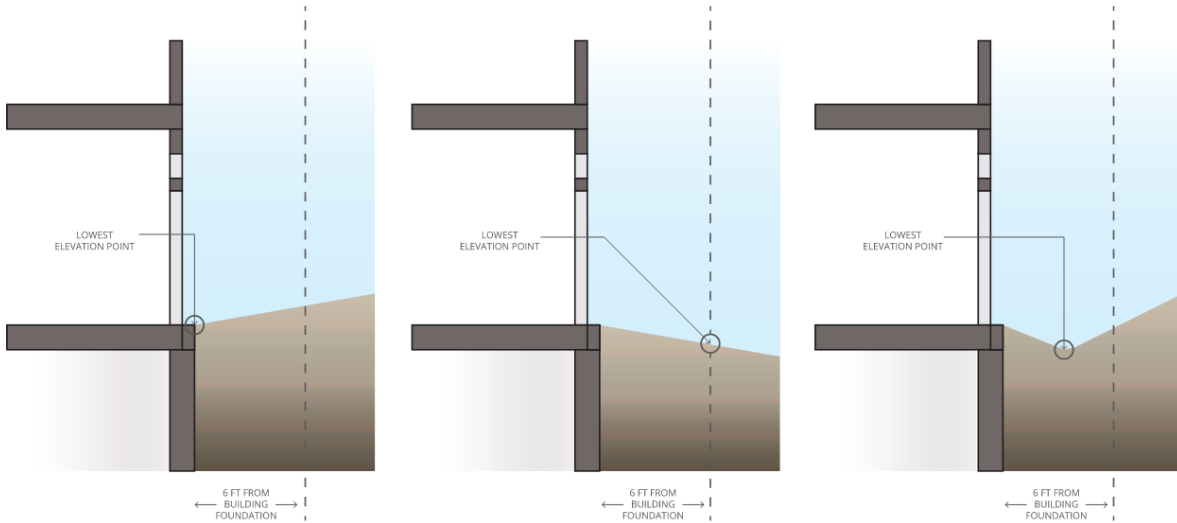
### **919.01 Purpose.**

This Section identifies yard, lot area, building size, and building type and height requirements in each zoning district.

### **919.02 Height Requirements.**

- A. A building which actual height from the foundation to the top peak of any portion of the roof exceeds the allowable building height in the applicable zoning district by more than five feet or roof pitches of more than a 45-degree angle for those structures at the building height limitation may be allowed as a conditional use permit, provided that:
  - 1. The architectural appearance of the building shall not be so dissimilar to the existing neighboring buildings as to constitute a blighting influence within a reasonable distance of the lot.
  - 2. The construction does not limit solar access to abutting and/or neighboring properties.
  - 3. The provisions of Section 904.02.F, Conditional Uses, are considered and satisfactorily met.
- B. The building height limits established in each zoning district shall not apply to the following list of uninhabitable items, except that no such structural element may exceed 40 feet in total height or exceed the maximum height of the building by more than five feet, whichever is greater, except by conditional use permit:
  - 1. Belfries.
  - 2. Chimneys or flues.
  - 3. Minarets or spires.
  - 4. Cooling towers.
  - 5. Communication reception/transmission devices.
  - 6. Cupolas and domes which do not contain usable space.
  - 7. Elevator penthouses.
  - 8. Flag poles.
  - 9. Monuments.
  - 10. Parapet walls.
  - 11. Necessary mechanical and electrical appurtenances.
- C. Modifications to the site grading of a lot may not be undertaken as a means of achieving increased building height, unless approved by the City Engineer through the permit process as outlined in Section 916.04.D.
- D. As may be appropriate, applicants shall be required to submit a detailed survey for all new residential and non-residential structures to determine the Average Grade Plane. The Average Grade Plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six feet from the building, between the building and a point six feet from the building. The lowest elevation points for this calculation should be no more than 20 feet apart horizontally.

AVERAGE GRADE PLANE



**919.03 Building Type and Construction.**

- A. The requirements of the Design Standards shall be applied to properties located in the Lake Street District, Bluff District, and Wayzata Boulevard District, and Wayzata Boulevard as defined in Chapter 909 of this Ordinance.
- B. No galvanized or unfinished steel, galvalume or unfinished aluminum buildings (walls or roofs), except those specifically intended to have a corrosive designed finish such as corten steel shall be permitted in any zoning district.
- B. Buildings in all zoning districts shall maintain a high standard of architectural and aesthetic compatibility with surrounding properties to ensure that they will not adversely impact the property values of the abutting properties or adversely impact the community's public health, safety and general welfare.
- C. Exterior building finishes shall consist of materials comparable in grade and quality to the following:
  - 1. Brick.
  - 2. Natural stone.
  - 3. Decorative concrete block.
  - 4. Cast in place concrete or precast concrete panels.
  - 5. Wood, provided the surfaces are finished for exterior use and wood of proven exterior durability is used, such as cedar, redwood, cypress.

6. Curtain wall panels of steel, fiberglass and aluminum (non-structural, non-load bearing), provided such panels are factory fabricated and finished with a durable non-fade surface and their fasteners are of a corrosion resistant design.
7. Glass curtain wall panels.
8. Stucco.
9. Vinyl.
10. Other materials as determined by the Zoning Administrator, but not including galvanized or unfinished metal.

#### **919.04 Yards.**

Except as provided below, no lot, yard or other open space shall be reduced in area or dimension so as to make such lot, yard or open space less than the minimum required by this Ordinance. No required open space provided for any building or structure shall be included as part of any open space required for another structure.

- A. The following shall not be considered as encroachments on yard setback requirements:
  1. Cantilevers up to 10 feet in width, chimneys, flues, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, gutters, and the like, provided they do not project more than 2½ feet into a required yard. Each cantilever must be separated by at least 10 feet.
  2. Uncovered terraces, steps, decks, porches, stoops or similar features provided they do not extend above the height of the ground floor level of the principal structure or to a distance less than five feet from a side yard and rear lot lines, or more than five feet into a required front yard. No encroachment shall be permitted in existing or required drainage and utility easements.
  3. In rear yards, recreational and laundry drying equipment, arbors and trellises, detached outdoor living rooms, and air conditioning or heating equipment not exceeding established State noise levels, provided they are at a distance of ten feet from any lot line. No encroachment shall be permitted in existing or required drainage and utility easements.
  4. A one story entrance for a detached single family or duplex dwelling constructed prior to January 1, 1975, may extend into the front yard setback not exceeding five feet subject to the approval of a conditional use permit.
- B. Required Front Yard Setback Exceptions. In the case of lots platted prior to the date of this Ordinance, the required front yard setback as established by the respective zoning districts may be reduced, upon the approval of the Zoning Administrator, to a distance equaling the average setback of principal buildings within the block frontage in which the lot is located. In no case shall this distance be less than 15 feet, nor shall a principal structure be placed more than five feet beyond the setback of any principal structure on a directly abutting lot. The Zoning Administrator's approval shall be given as a matter of right if there is compliance with this Ordinance and any other applicable Ordinance.
- C. Corner Lots. Front yard requirements shall be observed on each street frontage of a corner lot. Where the rear boundary line of a corner lot is part of the side boundary of a residential lot no part of any structure or building on the corner lot shall exceed the front yard building setback required in that residential zoning district.

#### **919.05 Residential Standards in Non-Residential Districts.**

Existing single family or two-family residential uses within R-4, R-5, INS, C-1, C-2, C-3 and C-4 Districts shall conform with R-3 District standards.

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### 919.06 Minimum Floor Area Per Dwelling Unit.

- A. **Single Family Dwelling Units.** Except as otherwise specified in the zoning district provisions, single family homes as classified below shall have the following minimum floor areas per unit:
- One Bedroom: 880 square feet above grade.
  - Two Bedroom. 960 square feet above grade.
  - Three Bedroom. 1040 square feet above grade.
- B. **Multiple Dwelling Units.** Except for elderly housing units, living units classified as multiple dwelling shall have the following minimum floor areas per unit:
- Efficiency Units. 500 square feet.
  - One Bedroom Units. 700 square feet.
  - Two Bedroom Units. 900 square feet.
  - More than two-bedroom units. An additional 150 square feet for each additional bedroom.
- C. **Elderly (Senior Citizen) Housing.** Living units classified as elderly (senior citizen) housing units shall have the following minimum floor areas per unit:
- Efficiency Units. 440 square feet.
  - One Bedroom Units. 520 square feet.
  - More than one-bedroom units. An additional 80 square feet for each additional bedroom.
- D. **Two Family and Townhouses Dwelling Units.** Except as otherwise specified in the zoning district provisions, two family, and townhouses dwelling units, as classified below, shall have the following minimum floor area per one bedroom unit:
- Two Family. 650 square feet first floor above grade, plus 100 additional square feet for each additional bedroom.
  - Townhouses. 600 square feet first floor above grade, plus 100 additional square feet for each additional bedroom.
- E. **Assisted Living or Memory Care Dwelling Units.** Except as otherwise specified in the zoning district provisions, assisted living and memory care units as classified below shall have the following minimum floor areas per unit:
- Units without Kitchen Facilities: 330 square feet
  - Units with Kitchen Facilities: 370 square feet

### 919.07 Minimum Lot Area Per Unit.

The lot area per unit requirement for two family, townhouses, multiple family dwelling units and planned unit developments shall be calculated on the basis of the total area in the project and as controlled by an individual and joint ownership as per the specific zoning district regulation. Areas qualifying as wetlands pursuant to this Ordinance shall not be included in the calculation of total area.

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### **919.08 Usable Open Space.**

Except in the case of elderly (senior citizen) housing, memory care, or assisted living, each multiple family dwelling site shall contain at least 250 square feet of usable open space as defined in Section 902.02 of this Ordinance for each dwelling unit contained thereof.

### **919.09 Two Family, Townhouse, Multiple Family Uses.**

- A. No single townhouse structure shall contain more than five dwelling units.
- B. Minimum unit lot frontage for townhouses shall be not less than 20 feet.
- C. Subdivision of Two Family or Townhouse Lots. The subdivision of base lots containing two family dwellings or townhouses to permit individual private ownership of a single dwelling within such a structure is acceptable upon the approval by the City. Approval of a subdivision request is contingent on the following requirements:
  - 1. Two family and townhouse lots intended for owner occupancy shall be subdivided on an individual lot basis .
  - 2. Prior to a two family dwelling or townhouse subdivision, the base lot must meet all the requirements of the zoning district.
  - 3. Except for planned unit developments, there shall be no more than one principal structure on a base lot in all residential districts. The principal structure on the base lot created in a two family or townhouse subdivision will be the portion of the attached dwelling existing or constructed on the platted unit lot.
  - 4. Permitted accessory uses as defined by the zoning districts are acceptable, provided they meet all the zoning requirements.
  - 5. A property maintenance agreement must be arranged by the applicant and submitted to the City Attorney for review and approval. The agreement shall ensure the maintenance and upkeep of the structure and lots to meet minimum City standards. The agreement is to be filed with the Hennepin County Recorder's Office as a deed restriction against the title of each unit lot.
  - 6. Separate public utility service shall be provided to each subdivided unit and shall be subject to the review and approval of the City Engineer.
  - 7. The subdivision is to be platted and recorded in conformance to the requirements of the Subdivision Regulations of the City.
  - 8. Structural requirements of the Uniform Building Code at the time of subdivision are complied with.
- D. Subdivision of multiple family, two family duplex and other such units.
  - 1. The subdivision is to be platted and recorded in conformance with the requirements of the Subdivision Regulations of the City as applicable.
  - 2. The subdivision shall comply with applicable cooperative or condominium laws of the State of Minnesota.

### **919.10 Minimum Lot Area, Unsewered Lots.**

Lot sizes where public sewer is not available shall conform to the minimum requirements set forth below:

- A. The minimum single family lot size is five acres. This minimum lot size shall not apply to smaller separate parcels of record in separate ownership lawfully existing prior to July 1, 1990, provided that it can be

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demonstrated by means satisfactory to the City that the small parcels will not result in groundwater, soil or other contamination which may endanger the public health.

- B. Commercial developments and multiple family dwellings are not allowable uses.
- C. Subject to the other provisions of the Zoning Ordinance other uses may be allowed by conditional use permit. The minimum lot size for each principal use is five acres. A conditional use permit shall not be granted unless it can be demonstrated by means satisfactory to the City that the use:
  - 1. Will not result in groundwater, soil or other contamination which may endanger the public health.
  - 2. Will not increase future City utility service demands and expense.
  - 3. Will not jeopardize public safety and general welfare.

### **919.11 Single Family Dwellings.**

All single family detached homes shall.

- A. Be constructed upon a continuous perimeter foundation that meets the requirements of this Ordinance and Uniform Building Code.
- B. Shall not be less than 30 feet in length and not less than 22 feet in width over that entire minimum length. Width measurements shall not take account of overhang and other projections beyond the principal walls. Dwelling shall also meet the minimum floor area requirements as set out in this Ordinance.
- C. Have an earth covered, composition, shingled or tiled roof.
- D. Receive a building permit. The application for a building permit in addition to other information required shall indicate the height, size, design and the appearance of all elevations of the proposed building and a description of the construction materials proposed to be used. The exterior architectural design of a proposed dwelling may not be so at variance with, nor so similar to, the exterior architectural design of any structure or structures already constructed or in the course of construction in the immediate neighborhood, nor so at variance with the character of the surrounding neighborhood as to adversely affect the public health, safety or general welfare.
- E. Meet the requirements of the State Uniform Building Code or the applicable manufactured housing code.

**919.12 Elevator Service.**

Any multiple family dwelling over two stories in height shall be provided with elevator service.

**920.11 Off-Street Parking and Loading Requirements.**

**A. Calculating Space.**

1. Floor Area. The term “floor area” for the purpose of calculating the number of off-street parking spaces required shall be determined based on the Gross Floor Area minus ten percent, except as may be hereinafter modified.
2. Computation. When in the process of determining the required number of off-street parking spaces, there occurs a fraction of a space, such fraction shall be deemed as the requirement for an additional parking space. Parking spaces shall not be counted toward meeting a parking requirement when they are sufficiently inconvenient to be of questionable use.
3. Places of Public Assembly. In stadiums, sports arenas, churches and other places of public assembly in which patrons or spectators occupy benches, pews or other similar seating facilities, each 18 inches of such seating facilities shall be counted as one seat for the purpose of determining requirements.
- 4.
4. More than One Use. Except for a shopping center, should a structure contain two or more types of uses, the Gross Floor Area of each use shall be calculated and a ten percent reduction shall be made for non-productive space. For mixed-use buildings, the reduction may be increased to up to 20% subject to review of a floor plan that demonstrates no additional impact on parking demand, as determined by the Zoning Administrator. The resulting net usable floor space figure shall be utilized to determine the off-street parking requirement.

**B. Minimum Number of Spaces.** The minimum number of off-street parking and loading spaces for each use shall be as follows:

	Use	Number of Parking Spaces Required	Off-St. Loading Spaces Required
1.	Animal Clinics, Hospitals or Kennels	Six spaces plus one for each 200 sq. ft. of floor area over 10,000 sq. ft.	One space per structure
2.	Places of Assembly, Theaters Excluding Drive-Ins	One space for each three permanent seats based on the design capacity of the main assembly hall. Facilities as may be provided in conjunction with such buildings or uses shall be subject to additional requirements which are imposed by this Code.	One space for each structure with over 100,000 sq. ft. of gross floor area

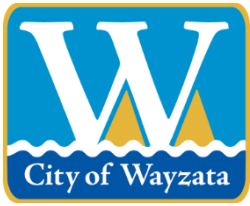
3.	Car Wash, Principal	Four spaces per bay or stall	One space per facility
4.	Car Wash Accessory	One space in addition to that required for the station.	N.A. in addition to that required for the station.
5.	Motor Vehicle Service	Five spaces plus three spaces for each service stall. Those facilities designed for sale of other items than strictly automobile products, parts or service shall be required to provide additional parking in compliance with other applicable sections of this Code.	One space
6.	Personal Services including hair and nail salons, therapeutic massage spa, tanning spa, and similar uses	One space for each 200 sq. ft. of floor area.	N.A.
7.	Motor Vehicle Rental and Sales	One space for each 400 sq. ft. of floor area for the first 25,000 sq. ft., plus one space for each 600 sq. ft. thereafter.	One space, plus one additional space for each 25,000 sq. ft. of gross floor area
8.	Places of Assembly	Ten spaces plus one space for each 150 square feet in excess of 2,000 sq. ft. of floor area in the principal structure.	One space for each structure with over 100,000 sq. ft. of gross floor area.
9.	Professional Services (Inc. Finance and Office Uses)	Three spaces for each 1,000 sq. ft. of floor area.	One space for buildings between 30,000 sq. ft. and 100,000 sq. ft. in gross floor area, plus one space for each additional 100,000 sq. ft.
10.	Furniture Sales	One space for each 400 sq. ft. of floor area for the first 25,000 sq. ft., plus one space for each 600 sq. ft. thereafter.	One space plus one additional space for each 25,000 sq. ft. of gross floor area.

11.	Child Day Care Facility, General.	One space for each employee, plus one space for each four children.	One space
12.	Elderly Care Facility	One space for each 1.5 dwelling units.	One space
13.	Manufacturing	One space for each employee on the major shift or one space for each 300 sq. ft., whichever is greater.	One space for each 50,000 sq. ft. of gross floor area.
14.	Health Clinics	Six spaces for each doctor or dentist	One space per building
15.	Lodging	One space per Lodging unit, plus spaces equal to 25 percent capacity of any club or lodge.	One space per building
16.	Dwellings, Multiple Family	Two fee free spaces for each living unit, of which one is to be enclosed.	One space for each multiple family building over four units.
17.	Office Buildings and Professional Offices, Other than Any Area for Doctors or Dentists; Banks, Public Administration Offices. Professional Services (Inc. Finance and Office Uses)	Three spaces for each 1,000 sq. ft. of floor area.	One space for buildings between over 10,000 sq. ft. and 100,000 sq. ft. in gross floor area, plus one space for each additional 100,000 sq. ft.
18.	Food and Beverage Establishments	Seating Area: One space per 75 sq. ft. Bar Area: One space per 40 sq. ft. Kitchen Area and all other areas: One space per 150 sq. ft.	One space for each 10,000 sq. ft. of gross floor area.
19.	Retail	Three spaces for each 1,000 sq. ft. of floor area	One space for the first over 10,000 sq. ft. of gross floor area, plus one space for each additional 50,000 sq. ft.
20.	Retail With (50 percent or More of Gross Floor Area	Eight spaces or one space for each 200 sq. ft. devoted to public sales or service	One space for the first over 10,000 sq. ft. of gross floor area, plus one space for

	Devoted to Storage, Warehouses and/or Industry)	plus one space for each 500 sq. ft. of storage area.	each additional 50,000 sq. ft.
21.	Educational Facilities that are less than 5,000 square feet. This includes tutoring facilities.	One space for each classroom plus one space for each 50 students of capacity. Adequate space shall be allowed for the dropping off and/or picking up of students as determined by the City Engineer.	One space for each structure with over 100,000 sq. ft. of gross floor area.
22.	School, Public or Private including: elementary schools, junior high/middle schools, high schools and college/trade schools	Elementary and junior high/middle schools: 1 space per staff member on the largest shift, plus 1 space per 2 classrooms.  High schools: 1 space per staff member on the largest shift, plus 1 space per 5 students.  College/trade schools: 1 space per staff member on the largest shift, plus 1 space per 2 students of the largest class attendance period.	One space for each structure with over and 100,000 sq. ft. of gross floor area.
23.	Shopping Center	One space for each 150 sq. ft. of floor area.	One space or the first 10,000 sq. ft. of gross leasable area plus one space for each additional 50,000 sq. ft. or part thereof.
24.	Dwellings, Single Family or Two-Family Detached	Two spaces per family unit.	N.A.
25.	Micro-production Facility	One space for each 1,000 sq. ft. of floor area.	
26.	Taproom/Tasting Room	One space for each 40 sq. ft. of floor area.	
27.	Brewpub	One space for each 1,000 sq. ft. of Micro-brewing production floor area; one space for each 40 sq. ft. of	

		floor area of dining and bar area; and one space for each 80 sq. ft. of floor area of kitchen area.	
28.	Personal fitness clubs and health clubs	Personal fitness club: 1 stall per 300 sq. ft. Health Club: 1 stall per 100 sq. ft.	

- C. **Non-Specified Uses.** For uses not specifically listed above, off-street parking and loading requirements shall be computed by the Zoning Administrator on the same basis as required for the most similar listed uses, building occupancy, projected demand, or parking study. (N.A. = Not Applicable).



**City of Wayzata  
Planning Commission  
Agenda Report**

<b>MEETING DATE:</b> April 3, 2023	<b>AGENDA ITEM:</b> 6.a
<b>TITLE:</b> Review of Development Activities	
<b>PREPARED BY:</b> Valerie Quarles, Assistant Planner	
<b>REVIEWED BY:</b> Emily Goellner, Community Development Director	
<b>60 DAY DEADLINE:</b> N/A	

**BACKGROUND:**

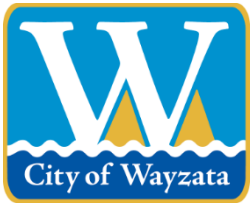
A verbal update will be provided at the meeting.

**ACTION REQUESTED:**

N/A

**ATTACHMENTS:**

None



## City of Wayzata Planning Commission Agenda Report

<b>MEETING DATE:</b> April 3, 2023	<b>AGENDA ITEM:</b> 6.b
<b>TITLE:</b> Planning Commission Meeting Schedule	
<b>PREPARED BY:</b> Valerie Quarles, Assistant Planner	
<b>REVIEWED BY:</b> Emily Goellner, Community Development Director	
<b>60 DAY DEADLINE:</b> N/A	

**BACKGROUND:**

The next Planning Commission meeting is on Monday, April 17, 2023. The 2023 City Meeting Calendar and Liaison Schedule are attached.

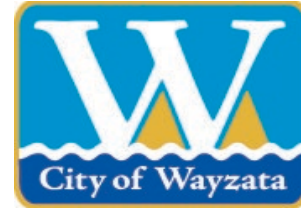
**ACTION REQUESTED:**

N/A

**ATTACHMENTS:**

1. 2023 Wayzata City Calendar
2. 2023 Planning Commission Liaison Schedule

# City of Wayzata 2023 Meeting Calendar



January 2023						
S	M	T	W	Th	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

February 2023						
S	M	T	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28				

March 2023						
S	M	T	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

April 2023						
S	M	T	W	Th	F	S
						1
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9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

May 2023						
S	M	T	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

June 2023						
S	M	T	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

July 2023						
S	M	T	W	Th	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

August 2023						
S	M	T	W	Th	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

September 2023						
S	M	T	W	Th	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

October 2023						
S	M	T	W	Th	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

November 2023						
S	M	T	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

December 2023						
S	M	T	W	Th	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

- Energy & Environment 5:00 PM
- Planning Commission - 6:30 PM
- City Council - 7:00 PM
- Wayzata School Board
- Lake Minnetonka Conservation District (LMCD)
- Heritage Preservation Board (HPB) - 5:00 PM
- Housing & Redevelopment Authority (HRA) - 7:30 AM
- Parks & Trails Board - 6:00 PM
- Charter Commission - 9:00 AM
- Elections (see below)
- Night to Unite

Meeting dates and times are subject to change. Dates can be confirmed by calling City Hall.

  Holiday Observed  
City Offices Closed

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Revised  
9/21/2022

## 2023 Planning Commission Assignments at Council Meetings

	<u>Meeting Date</u>	<u>Commission Representative</u>
Tuesday	January 10	Peggy Douglas
Tuesday	January 24	Adam Elg
Tuesday	February 7	Laura Merriam
Tuesday	February 21	Bonnie Schwalbe
Tuesday	March 7	Jennifer Severson
Tuesday	March 21	Ken Sorensen
Tuesday	April 4	Larissa Stockton
Tuesday	April 18	Peggy Douglas
Tuesday	May 2	Adam Elg
Tuesday	May 16	Laura Merriam
Tuesday	June 6	Bonnie Schwalbe
Tuesday	June 20	Jennifer Severson
<b>N/A</b>	<b>No meeting July 4<sup>th</sup> week</b>	
Tuesday	July 18	Ken Sorensen
Tuesday	August 8	Larissa Stockton
Tuesday	August 22	Peggy Douglas
Tuesday	September 5	Adam Elg
Tuesday	September 19	Laura Merriam
Tuesday	October 13	Bonnie Schwalbe
Tuesday	October 17	Jennifer Severson
Tuesday	November 7	Ken Sorensen
Tuesday	November 21	Larissa Stockton
Tuesday	December 5	Peggy Douglas
Tuesday	December 19	Adam Elg