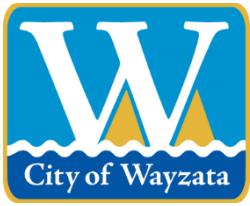




**Wayzata City Council Workshop Meeting Agenda
Wayzata City Hall Community Room, 600 Rice Street
TUESDAY, MAY 16, 2023**

WORKSHOP TOPICS FOR DISCUSSION:

1. Discussion of Boat Slip Ordinance and Policy (5:15-5:45 p.m.)
2. Update of Zoning Study Status and Discussion of Future Priorities (5:45-6:30 p.m.)



City Council Workshop City Council Agenda Report

MEETING DATE: May 16, 2023	WORKSHOP AGENDA ITEM: 1
TITLE: Discussion of Boat Slip Ordinance and Policy (5:15-5:45 p.m.)	
PREPARED BY: Kathy Leervig, City Clerk	
REVIEWED BY: Jeffrey Dahl, City Manager	

DISCUSSION OBJECTIVE:

To Review the Boat Slip Ordinance and Policy.

BACKGROUND:

Chapter 311 of the City Code states that the Ordinance and Policy for Boat Slips should be reviewed periodically. The Ordinance and Policy were last updated in 2019. At the workshop, staff will go through the ordinance and policy, answer questions, and gather consensus on any future updates to be considered.

The boat slip policy spells out the details of administering an annual boat slip lottery. On average there are 2-5 slips open each year with an average of 135-150 residents that apply annually for the lottery. The City also receives lottery applications from non-residents (approx 10-15 annually), but due to the demand from residents, Class 2-4 applicants (non-residents) are not awarded slips.

Wait times to obtain a slip are determined by the randomized lottery and the number of chances based on consecutive years participating in the lottery.

2023 Lottery Stats:

- 5 slips open
- 138 Wayzata residents applied
- Number of Chances in the Lottery—1,347
- 3 awarded to the Priority Group (Year 8)
- 2 awarded to general lottery (Awarded to a Year 6 & Year 7 applicant)

General information on neighboring cities and their process for marina management includes:

City	Tenure Limits (years)	Residency Requirements	Lottery/Wait List	Notes
Minnetonka	8	Yes (Non-Residents not allowed)	Wait List = 125	
Deephaven	10	Yes (Priority to Residents, Next Renters)	Wait List = 450	
Tonka Bay	No	Yes. Resident=Owner/Renter with City Address	Wait List = 35-50	
Mound	No	Yes (Non-Residents not allowed)	Both, Wait list = 200	
Spring Park	NA	Not Available	Wait List = 247	Slip rights will be revoked immediately if past due water/sewer bills, property

				taxes or delinquent dock program fees or penalties are not paid by April 15th.
Excelsior	No	Yes	Wait list >100	Snowbirds allowed if they reside in City from May-Oct

ATTACHMENTS:

1. Ordinance & Policy 2019

- CHAPTER 311 -

MUNICIPAL BOAT SLIPS

311.01. Permit required. No person shall moor, dock, maintain or place any boat or other watercraft upon, in or adjacent to any part of the shoreline of the marina owned and maintained by the City adjacent to the municipal beach without first having secured a valid permit as provided in this Chapter.

311.02. Application for permit. Any person desiring to use a municipal boat slip in the City marina may apply for a permit using an application form supplied by the City. A completed application must contain the applicant's name, address, type of boat to be moored, State boat license number and all other information requested on the application.

311.03. Permit restrictions. A permit for a municipal boat slip shall authorize the person to whom it is issued to moor and store the boat or other watercraft described on the permit in the boat slip assigned by the City, for the current year's boating season. No such permit shall be assignable or transferable by the permit holder to another person or boat. As a condition of being issued a permit, the permit holder must hold the City harmless from any and all damage or loss whatsoever arising from the use of the slip authorized by the permit.

311.04. Policy and priority for issuing permits. The City Manager shall prepare and review periodically a policy to carry out the provisions of this Chapter. The number of permits issued annually shall be limited to the number of slips available in the marina, and the permits shall be issued in the following order of priority:

- 1) Class 1: residents of the City of Wayzata.
- 2) Class 2: persons owning real property in Wayzata who do not reside in Wayzata
- 3) Class 3: persons who work in Wayzata.
- 4) Class 4: all other applicants

Applications for permits under this Chapter will be processed annually.

311.05. Limitations on use of boat slips. The City shall provide all mooring structures and slips within the City-owned marina, and no person may construct a dock, lift or any other attachment to any part of the marina or related structures. Each boat slip shall be numbered, and no permit holder may use any other slip than the one assigned to that person by the City as indicated on the permit. Only one permit for a municipal boat slip may be issued to applicants sharing a common address.

311.06. Cancellation of permits. Any boat slip for which a permit has been issued that is not used by June 1st in the year in which it is issued shall be declared vacated, the permit for such slip shall be canceled, and the fee paid for the permit shall not be refundable.

The City Council, by resolution, may set further restrictions on the types of watercraft for which permits may be issued under this Chapter and the fees to be charged for such permits.

311.07. Parking permits. A permit for the parking of an automobile or other motorized vehicle in the public marina or grounds adjacent to or in the neighborhood of the municipal beach between the hours of 10:30 P.M. and 5:00 A.M. shall be issued by the City Manager to each person to whom a permit for municipal boat slip is issued. Such parking permit shall not be assignable or transferable.

**CITY OF WAYZATA
BOAT SLIP POLICY**

(Adopted Pursuant to City Code 311 Updated October 2019)

1. New Boat Slip Permit Applications.
 - a) Applications for a boat slip must be submitted to the City Clerk no later than the close of business on the first Tuesday of February.
 - b) Applications are limited to one per residence.
 - c) Applications will be considered in order of priority class as specified in City Code and permits issued through a lottery process, as further specified in this policy, on the first Tuesday in March until all boat slips in the City Marina have been filled.
 - d) Multiple chances will be given for each consecutive year the applicant has applied for a boat slip permit. See the table in the General Lottery section for more details.
 - e) Any applicant who has not been issued a boat slip permit for at least seven consecutive years as a Class 1 applicant shall be placed in a *Priority Group*. See the Boat Slip Selection Process section for more details.

2. Renewing Boat Slip Permit Applications.
 - a) Previous year's permit holders must submit the required fees and a completed renewal application by the close of business on the first Tuesday of February. Failure to pay the required fee and submit a completed application by such date may result in forfeiture of the boat slip permit.
 - b) Any permit holder desiring a change in location within the marina, must first submit their renewal application and applicable fees. The City will then provide a move request application. Once submitted, all requests will be fulfilled in the order received.
 - c) Permit holders in priority Class 1 from the previous year who have moved out of Wayzata, or sold their Wayzata property, or no longer have Wayzata as their primary residence, will lose their priority Class 1 status and must reapply under another priority class if they wish to obtain a new slip permit.

3. Permitted Watercraft. The following restrictions shall apply to the type of watercraft eligible for a municipal boat slip permit.
 - 1) Only one watercraft shall be allowed in any assigned slip, as specified under Lake Minnetonka Conservation District (LMCD) rules.
 - 2) No watercraft shall have a beam/width exceeding eight and one-half (8 1/2) feet.
 - 3) No watercraft shall have a draft in excess of thirty-six (36) inches.
 - 4) No watercraft shall exceed twenty-six (26) feet in length
 - 5) All watercraft shall be subject to design and seasonal water limits of the lagoon and associated parking facilities.

4. The following shall apply to all boat slip permits:
 - a) Any open boat slips will be available through a lottery on the first Tuesday of March and will be assigned based on results of the lottery and by priority class.
 - b) Applicants shall be required to provide all information requested on the City-provided application form, including a copy of the MN DNR boat registration card and current certificate of insurance. Failure to comply with all of these requirements may result in rejection of an application and/or forfeiture of current slip permit and priority Class.
 - c) The boat within the slip must match the boat specified on the permit for such boat slip.
 - d) Applicants that are issued a boat slip permit and did not provide a spouse/partner name on the original application, may submit the spouse/partner name in writing to the City Clerk at any time so that the spouse may be added to the permit.
 - e) Boats covered by a slip permit must be registered with the MN DNR, and insured to the person holding the permit. The applicant for a permit must be the principal operator of the boat. If a boat is owned by more than one persons, all owners must be residents of Wayzata in order to qualify for priority Class 1.
 - f) All boats, including rowboats, canoes, kayaks and paddleboards, must be out of the City Marina and off City property by November 1 of each year or the permit holder may be subject to an administrative citation.
 - g) The boat slip permit holder must provide the City with updated MN DNR registration information and insurance information or coverage within 30 days of a change in the registration of the boat moored and and/or insurance coverage.
 - h) Non-resident applicants cannot use the address of a parent or friend owning property in Wayzata to qualify for priority Class 1 or 2. To qualify for priority Class 1, proof of residency must be established by submitting a copy of one of the following with the application: (1) a valid Minnesota driver's license with

an address within the City of Wayzata; (2) proof of voter registration with an address in the City of Wayzata; or (3) proof of homestead in the City of Wayzata.

Boat Slip Selection Process (Revised November 2019)

A. Applicant Classes and Eligibility

1. Applications for boat slips shall be reviewed for completeness and, for those that are complete and qualified under the requirements of this policy (Eligible Applicants), sorted according to the following priority Classes: (1. Residents of the City of Wayzata, 2. owners of property in the City of Wayzata, 3. persons who work in the City of Wayzata, 4. others) each as defined in the City's Boat Slips Ordinance and this Policy. No applications shall be taken after the close of business on the first Tuesday of February.
2. Subject to part B below, new slip permits shall be issued first to Eligible Applicants in Class 1, according to lottery if the number of new slip permit applications exceeds the available number of boat slips; then to Class 2, according to lottery if the number of applications exceeds the available number of boat slips; then to Class 3, according to lottery if the number of applications exceeds the available number of boat slips; and then to Class 4, according to lottery if the number of applications exceeds the available number of boat slips.

B. Priority Group

Any Eligible Applicant who has applied unsuccessfully for a boat slip for at least seven consecutive years as a Class 1 applicant shall be in a *Priority Group*. The Priority Group shall operate as follows:

- 1) Each year, one half of the available number of slips (rounding up for odd numbers) shall be available to the Priority Group. Such number of slips is referred to as the "*Priority Pool*".
- 2) Prior to any General Lottery drawing, each Priority Group applicant shall be eligible to receive a new slip permit from the Priority Pool.
- 3) If the number of slips available in the Priority Pool in any year exceeds the number of Priority Group applicants for that year, each such Priority Group applicant shall receive a slip and the excess number of slips shall be included in the pool of slips available in the General Lottery.
- 4) If there are insufficient slips available in the Priority Pool to accommodate all Priority Group applicants, a lottery shall be conducted (prior to any General Lottery drawing) solely relating to the Priority Pool. The only applicants eligible to participate in such "*Priority Lottery*" shall be Priority Group applicants. Priority Group applicants shall receive one chance in the Priority Lottery equal to the number of consecutive years the applicant has applied for a boat slip permit since and including the year 2002.

- 5) Any Priority Group applicant who participates in a Priority Lottery and is unsuccessful in such lottery shall be then included in the General Lottery in the same manner as any other applicant.

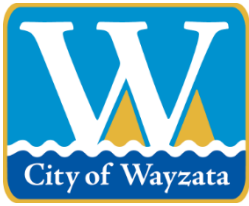
C. General Lottery

1. After allocation of boat slips to any Priority Group applicants pursuant to part B above (and after conducting a Priority Lottery if needed), the remaining number of boat slips available (to the extent they are less than the total number of remaining boat slip applicants) shall be administered by a “*General Lottery*” as follows: One chance in the lottery will be given to each Eligible Applicant for first year applicants. Multi chances will be given for each consecutive year the applicant has applied for a boat slip permit. See the table below on chances assigned to applicants who have been unsuccessful in previous lotteries.

Number of Consecutive Year(s)	Chances
1	1
2	4
3	9
4	16
5	25
6	36
7	49

2. If a Priority Lottery or General Lottery is needed, each such lottery drawing shall be held on the first Tuesday in March to determine the issuance of available boat slips.

Adopted by the Wayzata City Council on November 6, 2019



City Council Workshop City Council Agenda Report

MEETING DATE: May 16, 2023	WORKSHOP AGENDA ITEM: 2
TITLE: Update of Zoning Study Status and Discussion of Future Priorities (5:45-6:30 p.m.)	
PREPARED BY: Emily Goellner, Community Development Director, Valerie Quarles, Assistant Planner	
REVIEWED BY: Jeffrey Dahl, City Manager	

DISCUSSION OBJECTIVE:

To discuss progress on Zoning Study, confirm priorities, timeline, and resources needed to complete all topics of interest.

BACKGROUND:

The purpose of this memo is to outline completed, in-progress, and remaining work for the Zoning Study and to review the financial and time investments associated with each portion of the study. Over the last three years, CIP requests were granted for \$20,600 (2020), \$61,800 (2021), and \$100,000 (2022), totaling \$182,400.

Summary of Completed Work

To date, \$156,100 has been spent. After processing current invoices, the remaining budget for 2023 is \$26,217.71. This does not include anticipated invoices for April and May to come from Best and Flanagan and WSB for legal consultation and work on the Tree Preservation updates and Definitions and Performance Requirements updates, which will reduce that number further.

Topic	Time Spent	Funds Spent (approx.)	Detail
Design Standards	10 months (mo)	\$75,400	\$61,505 - Van Meter Williams Pollack \$8,311.25 - Best & Flanagan
Residential and Commercial Zoning Districts ("Phase I")	18 mo	\$41,200	\$32,483 - WSB \$8,195 - Best & Flanagan
Tree Preservation	18 mo (2021-2022) 2 mo (2023)	\$6,000*	Best & Flanagan
Chickens	5 mo	\$3,100	Best & Flanagan
Shoreland Updates	3 mo	\$5,000	WSB Best & Flanagan
Parks and Open Space Rezoning	4 mo	\$8,300	Best & Flanagan
Definitions, Performance Requirements, and Parking Updates ("Phase II")	11 mo	\$11,300*	WSB Best & Flanagan
Solar Energy Systems	9 mo	\$5,800	Van Meter Williams Pollack Best & Flanagan
8 topics	2.5 yrs (32 mo) September 2020 – May 2023	\$156,100	

**Final invoicing is not complete.*

Remaining 2023, 2024, and 2025 Topics

The following is a list of topics for the zoning study that have either been previously reviewed by Council as part of overall Zoning Study approvals or are the result of express Council direction for staff. Estimated costs are included. The attached spreadsheet shows when each of these topics are planned to or could be studied.

Topic	Time	Projected Cost	Issues to Address
Fences	4 mo.	\$1,500 – legal	Height, opacity, consistency
PUDs and Subdivisions	9 mo.	\$40,000 – consultant and legal	Criteria for review, required application materials, PUD/CUP compliance with Shoreland Ordinance, purpose statement, public benefit definition, dimensional and design standards
Shoreland, Floodplain, and Wetland Overlay Districts	10 mo	\$60,000 – consultant and legal	Alignment with Model Ordinances, density tiers, lot and density standards, alignment of district-specific definitions with similar zoning definitions
Cannabis	7 mo	\$15,000 – legal	Align with new state law
Chickens*	4 mo	\$2,500 – legal	Consider permitting the keeping of chickens in some zoning districts
Signs	6 mo	\$25,000 – consultant \$10,000 – legal	Federal law regarding content, temporary signs, definitions, create electronic sign regulations, update table
Use Table Updates, C-3A District (Corridor Study Implementation)	7 mo	\$30,000 - consultant and legal	Ensure all defined land uses and uses in parking table are within the use table, create standards for C-3A, complete map amendments to rezone some Wayzata Blvd properties in C-3A, other zoning implementation steps found in the Corridor Study
Repeat Application Standards	4 mo	\$2,500 – legal	General clean-up, criteria for text amendments, alignment of material requirements for land use requests, alignment with state statutes
Outdoor Storage*	4 mo	\$2,500 – legal	RV and boat storage
Setbacks in All Zoning Districts*	5 mo	\$2,500 – legal	Side yard setbacks on narrow lots, including allowed encroachments
Roof Types*	4 mo	\$2,500 – legal	Permit additional roof materials
Bees	7 mo	\$2,500 – legal	Consider permitting the keeping of bees in some zoning districts as suggested by Energy & Environment Committee
12 topics	2.5-4 years	\$196,500	

**These are topics that have recently been raised by the Council as potential areas of exploration.*

Considerations

The timeline presented (see attached) is dependent upon staff capacity, which is heavily affected by the

volume of development applications, consultant involvement, and other initiatives in process such as affordable housing, Wayzata Boulevard Corridor Study, etc. The timeline could slow significantly if changes to staff occur or if multiple challenging development applications are in the review process.

The Zoning Study Task Force was originally slated to meet for two years. Given that the study has and will stretch beyond that period, staff recommends that the appointment process be reopened in order to relieve some current members and fill a few vacancies.

Questions to Discuss

- Would the Council recommend further investment in the 2024 and 2025 CIPs for consultant and legal costs in order to complete some or all of the code amendments?
- From Council's vantage point, are some of these topics more pressing than others?

ATTACHMENTS:

1. Proposed Zoning Study Timeline_2023_5_11

Wayzata Zoning Study Timeline

(Updated May 11, 2023)

	Aug. 2020	Sept. 2020	Oct. 2020	Nov. 2020	Dec. 2020
Zoning Study Task Force Topics					
Task Force Meetings					
Design Standards					

Key	
	Topics included in original scope of work (focused on implementation of 2040 Comprehensive Plan)
	Topics added to scope of work

	Jan. 2021	Feb. 2021	Mar. 2021	Apr. 2021	May 2021	June 2021	July 2021	Aug. 2021	Sept. 2021	Oct. 2021	Nov. 2021	Dec. 2021
Zoning Study Task Force Topics												
Task Force Meetings												
Design Standards												
Tree Preservation												
Residential and Commercial Zoning Districts												
Chickens												

	Jan. 2022	Feb. 2022	Mar. 2022	Apr. 2022	May 2022	June 2022	July 2022	Aug. 2022	Sept. 2022	Oct. 2022	Nov. 2022	Dec. 2022
Zoning Study Task Force Topics												
Task Force Meetings												
Tree Preservation												
Residential and Commercial Zoning Districts												
Parks and Open Space Zoning												
Definitions, Performance Requirements, and Parking												
Solar Energy Systems												

	Jan. 2023	Feb. 2023	Mar. 2023	Apr. 2023	May 2023	June 2023	July 2023	Aug. 2023	Sept. 2023	Oct. 2023	Nov. 2023	Dec. 2023
Zoning Study Task Force Topics												
Task Force Meetings												
Tree Preservation												
Solar Energy Systems												
Definitions, Performance Requirements, and Parking												
Select consultant for PUD and Subdivision												
Planned Unit Development Zoning District												
Subdivision Ordinance												
Fence Ordinance												
Use Table Updates & C-3A District (Wayzata Blvd Study Implementation)												

	Jan. 2024	Feb. 2024	Mar. 2024	Apr. 2024	May 2024	June 2024	July 2024	Aug. 2024	Sept. 2024	Oct. 2024	Nov. 2024	Dec. 2024
Zoning Study Task Force Topics												
Task Force Meetings												
Chickens												
Select consultant for PUD and Subdivision												
Planned Unit Development Zoning District												
Subdivision Ordinance (Part X)												
Select Consultant for Floodplain, Wetland, and Shoreland Chapters												
Floodplain, Shoreland, and Wetland Chapters												
Cannabis												
Use Table Updates & C-3A District (Wayzata Blvd Study Implementation)												

	Jan. 2025	Feb. 2025	Mar. 2025	Apr. 2025	May 2025	June 2025	July 2025	Aug. 2025	Sept. 2025	Oct. 2025	Nov. 2025	Dec. 2025
Zoning Study Task Force Topics												
Task Force Meetings												
Floodplain, Shoreland, and Wetland Chapters												
Repeat Application Request Standards (Chps. 903, 904, 905, 923)												
Select consultant for Sign Ordinance												
Sign Ordinance												

Outdoor Storage*	4 mo
Setbacks in All Zoning Districts*	5 mo
Roof Types*	4 mo
Bees	7 mo

*These are topics that have recently been raised by the Council as potential areas of exploration.