

WAYZATA PLANNING COMMISSION

Meeting Agenda

Wayzata City Hall Community Room, 600 Rice Street

Monday, April 4, 2022

6:30 PM

HYBRID MEETING INFORMATION

[Click here to join Zoom Meeting](#)

Meeting ID: 871 6560 1063 Passcode: 242087

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



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.

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, 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 of March 21, 2022
 - b. Approval of Planning Commission Report and Recommendation of Denial for Development Application at 1022 Wayzata Blvd
 - c. Acknowledgement of Development Application Withdrawal for 150 Broadway Avenue South
5. **Public Hearing Items**
 - a. Consider Development Application for Highcroft Enclave located at 301 Peavey Lane
6. **Old Business Items**
 - a. Approval of Planning Commission Report and Recommendation for Changes to Residential and Commercial Zoning Districts
7. **Other Items**
 - a. Review of Development Activities
 - b. Planning Commission Meeting Schedule
8. **Adjournment**

Upcoming Meetings:
City Council - April 5, 2022
Planning Commission - April 18, 2022

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

MEETING DATE: April 4, 2022	AGENDA ITEM: 4.a
TITLE: Approval of Meeting Minutes of March 21, 2022	
PREPARED BY: Valerie Quarles, Assistant Planner	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: N/A	

BACKGROUND:

See attached Meeting Minutes of March 21, 2022.

ACTION REQUESTED:

Staff recommends approval of the attached regular meeting minutes of March 21, 2022.

ATTACHMENTS:

1. PC.03.21.2022 Meeting Minutes - Draft

**WAYZATA PLANNING COMMISSION
MEETING MINUTES
MARCH 21, 2022**

AGENDA ITEM 1. Call to Order

Vice-Chair Stockton called the meeting to order at 6:30 p.m.

Vice-Chair Stockton read a prepared statement regarding the hybrid meeting format, including information on attending in person, viewing online, and providing public comments.

AGENDA ITEM 2. Roll Call

Vice-Chair Stockton asked Community Development Director Goellner to take roll call.

Present at roll call were Commissioners: Merriam, Stockton, Sorensen, Schwalbe, and Severson. Community Development Director Emily Goellner, Planning Consultant Eric Zweber, Assistant Planner Valerie Quarles, and City Attorney David Schelzel were also present.

AGENDA ITEM 3. Approval of Agenda

Vice-Chair Stockton asked for a motion to approve the agenda for the meeting.

Commissioner Schwalbe made a motion, seconded by Commissioner Severson, to approve the March 21, 2022 agenda as presented.

The motion carried unanimously.

AGENDA ITEM 4. Consent Agenda

- a.) Approval of the February 28, 2022 Planning Commission Meeting Minutes
- b.) Approval of the March 7, 2022 Planning Commission Meeting Minutes

Vice-Chair Stockton read the items on the consent agenda and asked if any Commissioner wished to pull an item for further discussion.

Commissioner Merriam asked for a change to be made to the March 7, 2022 minutes on page 34 of the packet, to change her statement to, "...didn't think it needed to be higher than 10,000 square feet."

Hearing no further changes, Vice-Chair Stockton asked for a motion to approve the Consent Agenda as amended by Commissioner Merriam.

Commissioner Merriam made a motion, seconded by Commissioner Sorensen, to approve the Consent Agenda as amended.

1 The motion carried unanimously.

2
3 **AGENDA ITEM 5. Public Hearing Items**

4
5 **a) Planned Unit Development Concept Plan at 150 Broadway Avenue South**

6
7 Assistant Planner, Valerie Quarles, reviewed a proposed concept plan for 150 Broadway Avenue
8 South, known as the Sathre-Bergquist building. She reviewed the surrounding
9 neighborhood zoning and land uses, the existing conditions and site history. She gave an overview
10 of the proposed project to construct a new building with five residential, for-sale units, one ground
11 floor guest suite, and one ground floor commercial office space within a 3-story building with
12 underground parking and balconies on the second and third floors on the Broadway Avenue side.
13 The applicant has requested approval of a PUD concept plan which would allow flexibility from
14 the C-1 zoning standards. She reviewed the floor plan for the first floor that would include a living
15 space, guest suite, and office space. She gave an overview of the renderings for the structure and
16 the proposed building materials. She reviewed the zoning requirements related to building height,
17 setbacks, lot area, lot coverage, impervious surface, parking, and density. She stated that the
18 applicant is proposing a single access off of Broadway Avenue, and noted that the current building
19 has two accesses. She noted that the applicant has also included information about their tree
20 removal plan, but noted that there are only two trees on the site. She explained that both trees
21 would be removed but the developer has plans to replace them. She explained that a neighborhood
22 meeting was held on February 24, 2022 where the primary concerns expressed related to building
23 size, lot coverage, and the impact on the current commercial street parking in the area. She noted
24 that there was also one public comment submitted in advance that was included in the packet that
25 raised concerns about the basis for a PUD, the Rice Street setback, and the neighborhood impacts.

26
27 At the conclusion of the staff presentation, Vice-Chair Stockton invited the Applicant to address
28 the Commission.

29
30 Brian Benson, principal of Applicant Langdon View, LLC, gave a brief project summary, and
31 noted that the proposed building is a nearly identical building to that allowed under the current
32 zoning. He stated that while it meets current code and setbacks, they are asking for a third floor
33 design deviation for decreased setback to accommodate the more narrow site. He stated that it was
34 noted by Assistant Planner Quarles that their balconies exceeded the applicable setback in the
35 zoning code by one foot, which he said can easily be adjusted and fixed. He stated that they feel
36 this proposal is a more suitable use for the City, and reviewed what they see as benefits to their
37 proposal on items such as reducing street parking, lowering daily traffic, an increased setback off
38 of Rice Street, and more green space with less parking lot pavement.

39
40 Tim Whitten, Whitten Architects, Applicant's architect for the proposal, gave an overview of
41 recent projects they have been involved with in the City. He explained that this project
42 incorporates the City's design standards with the exception of the third floor setback deviation
43 request. He noted that they feel their proposed design blends well with the surrounding structures,
44 and noted that in addition to following the City's design standards, they also took into account the
45 City's visual preference survey. He stated that the site is narrow, and taking a 12 foot setback all
46 the way across the third story would be awkward. He noted that they believe they understand the

1 intent of the third floor setback and their building does not overpower the sidewalk and the street
2 visually or physically. He explained that their proposed building is 40 feet from the street and 21
3 feet from the sidewalk. He stated that he believes that if the City would allow for a little bit of
4 flexibility, they will be able to create something that can be extraordinary.

5
6 Vice-Chair Stockton asked if the Commission had any questions for Staff or the applicant.

7
8 Commissioner Merriam asked about the purpose of the guest suite on the first floor.

9
10 Mr. Benson stated that it would be available for the residents, and noted that there is a similar guest
11 suite at Garrison Landings which has been very popular with the owners when they have out of
12 town guests.

13
14 Commissioner Merriam noted that there are elevator shafts from the underground parking, and
15 asked about plans for roof overruns related to the elevator.

16
17 Mr. Whitten stated that should have been shown on the plans, and explained that they have the
18 opportunity to have overruns that are 5 or 6 foot higher than the top floor to be able to handle the
19 elevator shafts, but noted that they have not yet selected their elevator.

20
21 Commissioner Merriam asked if they had planned to have rooftop mechanicals, because nothing
22 was shown.

23
24 Mr. Whitten explained that per code and design standards, they could not have any rooftop
25 mechanicals, but will have minor things like exhaust piping.

26
27 Commissioner Schwalbe asked if the office space would be used for the residents or leased out.

28
29 Mr. Benson noted that he has already had two parties express interest in this office space, one was
30 a potential residential buyer that was interested in setting up their money management business in
31 this location, and the other was a builder interested in having a showroom/meeting room. He stated
32 that his plans would be to lease it or sell it as an office shell.

33
34 Commissioner Schwalbe asked if the five residences would have an HOA.

35
36 Mr. Benson stated that there would be an HOA, and noted that the office would not have access to
37 the exercise room, but would have access to the bathroom; so he did not think they would be part
38 of the HOA.

39
40 Commissioner Sorensen asked about the building materials and their compatibility with the
41 surrounding area. He stated that the buildings surrounding this site are pretty consistently old brick
42 type architecture.

43
44 Mr. Whitten explained that there is a recess at the main entrance of the building that is planned to
45 separate the building by using colors and massing. He stated that for the top floor, they wanted it
46 to look like it had its own identity and brings down the scale of the building. He noted that the

1 outdoor terraces are light in color so the area doesn't get overheated. He stated that he felt an all-
2 brick building would look very massive, but that there are some things they could do, such as
3 switching out the charcoal panels for charcoal brick that could be added to the design.
4

5 Commissioner Schwalbe asked about the two entrances.
6

7 Mr. Whitten explained that the center entrance is for access to the common area for the
8 condominiums, and the other is for the office space.
9

10 Commissioner Schwalbe asked about the square footage of the outdoor terrace spaces.
11

12 Mr. Whitten stated that they are about 10 feet by 20 feet.
13

14 Commissioner Schwalbe asked what impact there may be on parking if the office space is used for
15 bringing in customers to, for example, look at building plans.
16

17 Mr. Benson stated that there is a builder's satellite office at Garrison Landings, but noted that it is
18 never that busy where occasional meetings are held. He stated that he could see this space being
19 a really good spot for a Wayzata builder, something that would occasionally have clients coming
20 to the space, and he would not see this space being a very active office with people coming and
21 going.
22

23 Commissioner Merriam asked about the distance between the east wall of the building and the
24 home next door.
25

26 Mr. Benson stated that he believes that it will be the same as the current building, and noted that
27 it does match the code.
28

29 Commissioner Merriam asked what the distance is between the property line and the house next
30 door to the east.
31

32 Mr. Benson stated that he believes it is 10 feet so there would be 20 feet between the two buildings,
33 and reiterated that their proposal matches the code.
34

35 Commissioner Merriam stated that she believed that the PUD code stated that you add the two
36 buildings heights together, divide that in half, and that is the distance it should be from the adjacent
37 buildings. She asked staff if her interpretation of this was correct.
38

39 Assistant Planner Quarles explained that staff's interpretation of that Code provision was that it
40 applied to multiple buildings within a PUD.
41

42 Commissioner Merriam noted that she had wondered about that, but noted that she did not feel
43 that was how it read because it says adjacent building, and does not say within the PUD. She
44 asked if the developer had perspective views for the east elevation because that had not been
45 included in the packet.
46

1 Mr. Whitten noted that they can get a perspective from any angle but had only chosen to include
2 the two most visible perspectives.

3
4 Vice-Chair Stockton asked what percentage of the ground floor would be dedicated to commercial
5 use.

6
7 Mr. Benson explained that there is 330 square feet of office, plus a bathroom, which is a little less
8 than 10%.

9
10 There being no further questions from the Commission for the applicant or staff, Vice-Chair
11 Stockton opened the public hearing on the application at 7:12 pm.

12
13 Bill Cooley, 715 Rice Street East, explained that his home is immediately east of the subject
14 property. He stated that the building being proposed is 14,791 square feet on three floors plus
15 underground parking with 97.8% housing and 2.2% of office space. He stated that in order to
16 qualify for a PUD, it must be mixed use, and he feels this is a misuse of the PUD ordinance, and
17 is just an attempt to use the PUD to change the zoning from Commercial to Residential. He stated
18 that a PUD is not intended as a means to avoid applicable planning and zoning principals. He
19 stated that in addition to this, he feels there are several other valid reasons that this project should
20 be voted down by the City. He referenced Ordinance 975.02 and noted that this project does not
21 conform to the neighborhood based on setbacks. He stated that he feels the project fails to meet
22 the requirements of the City PUD ordinance 933.02A, 13(c) which states that no building within
23 the project shall be nearer to another building than one-half the sum of the building heights of the
24 two buildings, and noted that it does not state another building within the project. He stated that
25 in order to meet this ordinance, the building will need to be moved 12 feet 6 inches to the west.
26 He reiterated that he feels the City should turn down this project or make them amend their
27 proposal. He noted that his home is for sale and had a buyer that rescinded their offer because of
28 the 'monster' going in next door, which has caused a great economic hardship for he and his wife.

29
30 Brian Huntington, attorney with Larkin Hoffman, stated that the Commission should have received
31 a letter from his office regarding this project. He stated that he is here on behalf of Mr. Cooley
32 and stated that it is clear that the principal use of this proposal is for residential use. He noted that
33 he would disagree with the staff report when they say there is no density standard in the C-1 zoning
34 district because the City Code says that when the principal use is residential, it is subject to the
35 density standards of the R-3 district. He stated that this proposal is for a multi-family building,
36 but the developer cannot meet the requirements of the zoning and is attempting to use the PUD to
37 get around that requirement. He stated that this is the first time in his career where he has seen a
38 PUD for an individual building, on an individual parcel. He stated that the purpose for a PUD and
39 the intent from the City Code is for a community of buildings which share common features and
40 differences from local zoning. He stated that this is a request for spot zoning which is illegal in
41 Minnesota. He stated as Mr. Cooley has already pointed out, this project is already having a
42 deleterious affect on him, and noted that he would also point out that the third story will cast that
43 residence in a perpetual shadow. He stated that he feels the Planning Commission has a complete
44 and unfettered right to deny this application because the Code is very clear that the developer never
45 had entitlement for a PUD. He stated that they are respectfully requesting that the Commission
46 deny this proposal.

1
2 James. R. Dorsey, 729 Rice Street, stated that his comments are essentially neutral because they
3 are not necessarily in 'love' with what is currently on the subject property, but were subject to a
4 lot of parking issues along Rice Street. He stated that between what would be allowed under the
5 existing zoning ordinance and the proposed project, he and his wife would prefer the proposed
6 PUD project. He stated that he can understand Mr. Cooley's objection because the building will
7 be a wall along his property and noted that even if it was developed as zoned, he believes there
8 would still be a wall along his property.
9

10 Director Goellner stated there were no people that called in to the meeting that have asked to speak
11 at the public hearing.
12

13 There being no additional persons wishing to provide public comment on the application, Vice-
14 Chair Stockton closed the public hearing at 7:21 pm.
15

16 Vice-Chair Stockton asked for the Commission to share their questions and feedback on the
17 application.
18

19 Commissioner Schwalbe asked about the comments made that this is an attempt at 'spot zoning'
20 and asked for staff's opinion. She stated that it does appear that putting in one small office in the
21 building in order to be a PUD is a bit of a stretch.
22

23 Community Development Director Goellner referenced a slide within the presentation, and noted
24 that she would like the Commission to focus on whether this PUD meets the criteria for a Planned
25 Unit Development, including whether this PUD is calling for a higher standard of site and building
26 design than would be seen in the current zoning, and if they feel this PUD is intended as a means
27 to vary from the applicable zoning.
28

29 Vice-Chair Stockton asked whether the design standards, with regard to the setback, was limited
30 to Lake Street only.
31

32 Community Development Director Goellner explained that her understanding is that requirement
33 is for the Bluff District and Lake District, but would need to double check if it was required for
34 the Wayzata Boulevard District as well.
35

36 Assistant Planner Quarles noted that they are technically not considering the design deviation
37 tonight because that is noted as a future PUD General Plan request, and the Commission is just
38 being asked to consider the concept level plan.
39

40 Commissioner Sorensen asked if this proposal had all commercial on the first floor whether it
41 would comply with the C-1 zoning and whether this hearing would be necessary.
42

43 Assistant Planner Quarles stated that if the first floor was all commercial, then a public hearing
44 would not be necessary because it would comply with C-1 zoning.
45

1 Commissioner Severson noted that the applicant had mentioned that they could have just applied
2 for a building permit, and asked staff to confirm that this was what they were referring to in that
3 they could have made it all commercial on the first floor, and none of this application would have
4 been necessary.

5
6 Community Development Director Goellner stated that this was correct, and noted that typically
7 when there is an applicant that really struggles to meet zoning restrictions, that is why a PUD
8 comes forward. She stated that it is rare to see an applicant say that they can meet the code
9 requirements with adjustments that would not be major to the building footprint.

10
11 Commissioner Severson asked if the existing building was currently all commercial use, or if it
12 included some residential.

13
14 Community Development Director Goellner stated that there is currently no residential use on the
15 site, and it is fully commercial.

16
17 Commissioner Merriam asked for staff's thoughts on the PUD setback language issue she had
18 mentioned earlier.

19
20 Community Development Director Goellner stated that in the discussion earlier, staff was referring
21 to Chapter 933 Section 2.13 which is about different requirements for setbacks. She stated that
22 there is a note within that saying no building within the project shall be nearer to another building
23 than one-half the sum of the building heights of the two buildings. She stated that in the time she
24 has been with the City, they have always interpreted that provision to mean buildings 'within' the
25 PUD. She stated that there are setback requirements within a zoning district to manage setbacks
26 within properties that are adjacent. She stated that it can be difficult for the city to verify the height
27 of neighboring buildings in a systematic and consistent way because they would typically obtain
28 that information from property owner/architect. She reiterated that staff has always interpreted
29 this language to mean it applies to buildings within the project, and it has not been their practice
30 to measure the setback of buildings on the neighboring properties.

31
32 Commissioner Merriam stated that she is having a difficult time with this proposal because she
33 believes residential use is more appropriate for that location than commercial. She noted it would
34 reduce the amount of parking and the traffic, and would be more complimentary to the setting, but
35 she is having a difficult time with the setback issue. She stated that it is unfortunate that the zoning
36 in C-1 is written the way it is in this location. She stated that she thinks there should be a greater
37 setback off of Rice Street so it is more in line with the houses to the east. She stated that she would
38 like there to be more of a setback on the third floor from Rice Street if this moves forward, and
39 would also like to ask for an increased setback off of Rice Street so it is more in line with the
40 homes.

41
42 Community Development Director Goellner explained that she had not worked through the exact
43 scenario where the City has requested larger setbacks in a PUD, and would like to verify that
44 within City Code.

1 Vice-Chair Stockton stated that there is no impervious surface requirement for the project because
2 of how this is zoned, which she feels is odd. She asked under what zoning there would be an
3 impervious surface requirement, and it would be for this lot.

4
5 Assistant Planner Quarles stated that PUD District specifically does not set an impervious surface
6 limit nor does C-1. She stated that in the staff report, she had included R-5 standard as a
7 comparison, which typically has an impervious surface limit of 35%. She stated that would not
8 technically be applicable to this project because of the office, but explained that she had included
9 it for comparison purposes.

10
11 Vice-Chair Stockton stated that she feels the project needs to decide if it is residential or if it is
12 complying, because of the various impositions it makes on the City Code in ways that feel
13 detrimental to residents or the City's intent.

14
15 Commissioner Schwalbe stated that she feels there is a lot to like about this project because she
16 likes how it looks. She stated that the setbacks didn't bother her too much but could see if you
17 were on Rice Street, you may want it moved over a bit. She stated that she likes the architecture
18 and noted that she feels like it looks like it belongs there. She stated that she is concerned about
19 the first floor office space just being something that got put there so the PUD would work.

20
21 Mr. Benson stated that Commissioner Merriam brought up the setback along Rice Street and after
22 speaking with his architect, and as a potential condition, they would be open to exploring pushing
23 the building further north in order to get it further away from Rice Street. He stated that they can
24 also add more office space on the first floor if the City would like, but his goal was to have more
25 green space on the site, and noted that more office space would require more parking. He reiterated
26 that they feel having this parcel as a PUD would be of benefit to the City over its current zoning.

27
28 Vice-Chair Stockton asked if they would also be open to changing the setback on the third floor
29 from Rice Street as mentioned.

30
31 Mr. Benson stated that they can look at it, but asked for consideration of the recess in the front of
32 the building.

33
34 Commissioner Sorensen stated that many of his thoughts are similar to Commissioner Merriam's.
35 He stated that he thinks this is a very thoughtful application and feels the proposal for a more
36 residential nature to the building and how it deals with parking, is an improvement over the C-1
37 requirements. He stated that as they look at the criteria of a PUD, the two things that, to him, are
38 a bit concerning are first, the architectural nature of the building and how it fits in with the
39 surrounding neighborhood. He noted he understands that is subjective, but he would encourage a
40 bit more thought and compatibility with the surrounding neighbors. He stated that the other issue
41 he sees is the setback from Rice Street. He stated that if the applicant was willing to push the
42 building north and increase that distance off of Rice Street, it would be much more appealing. He
43 reiterated that generally they have done a lot of things well with their proposal.

44
45 Commissioner Severson stated that she would echo what has already been said. She stated that it
46 is a nice design and she likes a lot of it, but has similar concerns to what has been raised already.

1 She stated that if this will be mostly residential, she does not feel it really fits in with the other
2 residential properties, primarily along Rice Street. She explained that she was inclined to ask the
3 applicant to come back and make some of the adjustments that have been talked about, and see if
4 those will meet more of what the Commission is thinking.

5
6 Commissioner Merriam reiterated that she would like to see more of a setback along Rice Street,
7 as well as the third level setback. She stated that she would also like to ensure that the east side of
8 the building looks appealing for the neighbors. She stated that she feels having the PUD in order
9 to have residential rather than commercial makes sense.

10
11 Vice-Chair Stockton stated that she feels the project, architecturally, is a nice looking building and
12 does consider the elements of the design standards. She stated that her concern is the same as the
13 rest of the Commission about the setback and impervious areas. She noted that she thinks moving
14 the building, may potentially be part of the solution.

15
16 Mr. Benson confirmed that they are open to a PUD with conditions, including a larger setback off
17 of Rice Street, more in line with the adjacent residential homes to the east. He stated that they
18 may be able to bring the entrance onto Rice Street, like the homes, and could look at the third floor
19 on the Rice Street side to see if it would be pushed back a bit. He reiterated that if the City wants
20 more commercial on the main level, they could also consider that as well. He stated that they would
21 appreciate sticking with the Broadway side third floor elevation, as proposed. He stated that he
22 could modify the building and construct it according to the code, but explained that he would much
23 rather do the project that is being proposed.

24
25 Community Development Director Goellner reviewed the options available to the Commission in
26 making a recommendation on the Application, including approving the PUD with conditions
27 related to the front yard setback along Rice Street, entrance off of Rice Street, and more
28 commercial space. She explained that approval recommendation could be given with conditions,
29 but noted that there is a tipping point where the conditions ultimately show you a very different
30 site plan than what is currently seen. She explained that sometimes recommended changes are so
31 small that everyone can just imagine them, however sometimes they are more significant than that.
32 She stated that she is starting to see some gray areas in some of the possible conditions, for
33 example, the front yard setback since the R-3 setback is 20 feet, but many of the homes exceed
34 that, so having the setback be more 'in line' with the homes on Rice Street is a bit unclear. She
35 stated that the amount of commercial space is also a gray area because she is not sure that the
36 Commission can envision that without seeing a new site plan. She stated that when that is the
37 case, she would recommend a denial recommendation so the applicant can return with a new
38 application after a new neighborhood meeting, hold a new public hearing all with the new site
39 plans.

40
41 City Attorney Schelzel stated that this is a PUD application, which is a two stage approval process,
42 and noted that this is at the first concept plan stage. He explained that if the Commission
43 recommended approval with conditions, the applicants will have to come back with a more fleshed
44 out plan at the general plan stage. He also noted that there is nothing binding about approval of a
45 PUD concept plan, but noted that Community Development Director Goellner's point is well

1 taken, that if the conditions are so significant that a new plan is needed, then it is easier for all
2 concerned to recommend denial.

3
4 Commissioner Merriam asked if the other Commissioners were thinking that there needed to be a
5 larger percentage of office space, and asked why the City would want to see more office space in
6 this building. She stated that in her mind, that would just create more traffic, and she wasn't sure
7 that was what the City really wanted.

8
9 Commissioner Severson stated that this parcel is zoned C-1, but agrees that it would create more
10 traffic. She explained that she is wrestling with this because if it is zoned C-1, it should have more
11 commercial space, but acknowledged that will create more traffic, more parking, and less green
12 space.

13
14 Commissioner Merriam noted that this is where she feels the PUD comes into this, because it gives
15 them more flexibility to not have all the office space. She stated that she thinks it would be
16 acceptable to not add any additional office space to the project.

17
18 Vice-Chair Stockton stated that if it has the entrance off of Rice Street, it would also be more
19 consistent with the residential access points.

20
21 Commissioner Schwalbe asked about the separate application that Community Development
22 Director Goellner had mentioned that could come forward in the future.

23
24 Community Development Director Goellner stated that it could be more detailed version of what
25 they are seeing today, or it could be a completely different application. She stated that this property
26 is guided for Mixed Use, and is zoned for commercial use on the first floor in the long-term with
27 residential above. She stated that she believes the origin of this zoning is that Broadway is meant
28 to have a commercial look and feel south of Wayzata Boulevard to support the commerce that
29 exists on Lake Street and Wayzata Boulevard.

30
31 Commissioner Schwalbe asked if 330 square feet of office space on the first floor met the City's
32 requirements.

33
34 Community Development Director Goellner stated that it did not meet the current zoning because
35 the City requires commercial on the entire ground floor, with residential above.

36
37 Commissioner Sorensen stated that it appears as though the conditions that have been discussed
38 are relatively minor, but agrees that they may be a bit vague. He stated that the applicant seems
39 willing to compromise on some of the issues that have been raised. He stated that he is not
40 uncomfortable with the amount of commercial space for this building, and thinks the setbacks
41 along Broadway are better than they are now, rather than making them all 10 feet.

42
43 Mr. Whitten stated that they did a sketch of how the building could shift back from the setback on
44 Rice Street, but had not submitted it. He noted that they have that sketch with them if that would
45 help the Commission understand what that would look like.

1 Vice-Chair Stockton thanked Mr. Whitten for offering, but explained that the material needed to
2 be submitted prior to the meeting.

3
4 Commissioner Sorensen stated that he thinks they are very close, and does not want the
5 Commission to 'throw away the baby along with the bath water'.

6
7 Vice-Chair Stockton stated that overall, she feels the proposal has a lot of positives but lacks some
8 clarity.

9
10 There being no further discussion, Vice-Chair Stockton asked for a motion on the application.

11
12 Commissioner Severson made a motion, seconded by Commissioner Schwalbe, to direct staff to
13 prepare a draft Planning Commission Report and Recommendation with appropriate findings
14 reflecting a recommendation of denial of the Planned Unit Development Concept Plan at 150
15 Broadway Avenue South for review and adoption at the next Planning Commission meeting.

16
17 Director Goellner completed a roll call vote on the motion. The motion carried 4-1 (Merriam
18 opposed).

19
20 Commissioner Merriam stated that she voted in opposition to the motion because she sees
21 residential as more appropriate in that location, and because the building could be exactly the same
22 and not require any approvals, and she does not think that is what the neighbors are looking for
23 either.

24 25 **b) Development Application for 1022 Wayzata Boulevard East**

26
27 Consultant Planner Eric Zweber introduced the application for 1022 Wayzata Boulevard East, that
28 would involve demolishing the existing building and constructing a new two tenant commercial
29 building to be occupied by Caribou Cabin and Urban Wok. He stated that the applicant is
30 requesting a lot combination, a Comprehensive Plan amendment, a zoning map amendment, and
31 a Conditional Use Permit for the project. He reviewed the surrounding neighborhood zoning, and
32 noted that this request involves two parcels, one of which is zoned C-3 and the other R-3A. He
33 reviewed the land use guidance from the Comprehensive Plan, and noted that one of the parcels is
34 guided for Mixed Use Commercial-Residential and the other Central Core Residential. He
35 reviewed an aerial photo of the lots with the existing structure and the failing retaining wall, and
36 reviewed the existing conditions on the two parcels. He stated that the southern parcel is
37 considered a non-conforming lot because of its size. He reviewed the proposed site plan and
38 building renderings, and explained that the proposed project would be accessed from the
39 Huntington Avenue right-of-way. He gave details surrounding the lot combination and explained
40 that both parcels are under common ownership. He noted that a combination would eliminate the
41 non-conforming southern parcel and would meet the standards of the C-3 district. He reviewed
42 the details surrounding the Comprehensive Plan amendment and goals, the zoning map
43 amendment, parking plan, access and circulation plans, drive-thru stacking plans, and the potential
44 noise from noise and operation. He gave an overview of the design, landscape, fencing, and tree
45 preservation plans, and noted that no deviations have been requested. He noted that the applicant
46 is planning on installing a new retaining wall to replace the failing retaining wall that is on the

1 southern parcel. He noted that there was a neighborhood meeting held on March 3, 2022 with 10
2 neighbors in attendance. He explained that there were also two letters included in the packet, as
3 well as two others that were provided to the Commission today, and gave a brief overview of some
4 of the concerns and questions raised by residents in those letters and at the meeting. He reviewed
5 the key questions for the Commission to consider in reviewing this application.

6
7 At the conclusion of Mr. Zweber's presentation, Vice-Chair Stockton asked if the Commission
8 had any questions for Staff.

9
10 Commissioner Schwalbe asked if the applicant was the current owner of the southern parcel.

11
12 Planning Consultant Zweber confirmed that the applicant currently owns both parcels that are part
13 of the application.

14
15 Commissioner Schwalbe stated that there is a wooden fence that is currently in place on the
16 southern lot, and asked if that would be replaced as well as a stone fence installed.

17
18 Planning Consultant Zweber explained that it was actually a retaining wall, and the failing wall
19 would be replaced with a stone retaining wall and then a 6 foot opaque fence would be installed
20 on top of the wall.

21
22 Commissioner Schwalbe asked how far this will go.

23
24 Planning Consultant Zweber stated that the distance between the nearby driveway and the retaining
25 wall may be less than 20 feet because according to the survey provided by the applicant, the
26 driveway to the south encroaches on the southern parcel. He stated that it is about 20 feet from
27 the retaining wall to the property line of the house to the south.

28
29 Commissioner Merriam asked about Lot 2 and its history. She stated that both parcels are owned
30 by the same entity but are two completely different zoning designations, and asked how that came
31 about.

32
33 Planning Consultant Zweber gave a brief overview of the history of the area and the conditions in
34 the area.

35
36 Commissioner Merriam stated that the southern parcel seems to provide a nice buffer between the
37 commercial property and the residential property. She asked if the parcel would remain in its
38 current state because it is unbuildable, if the City did not allow the lot combination.

39
40 Planning Consultant Zweber stated that the City Code does not call that lot 'unbuildable' because
41 it is a lot of record, so it is possible the City would receive a request to develop that property with
42 its current Comprehensive Plan land guidance and zoning in the future.

43
44 Commissioner Severson stated that it appears as though you cannot take a left hand turn out of this
45 property, and asked what would happen if people are leaving and want to go west on Wayzata
46 Boulevard.

1
2 Planning Consultant Zweber stated that the traffic pattern would be the same as it is today.
3

4 Commissioner Severson stated that she thought you could take a left out of there when it was a gas
5 station, and noted that traffic from an Urban Wok and Caribou will be more traffic than they have
6 seen since the new road was constructed. She asked if there were any concerns about U-turns at
7 Wayzata Boulevard and 101, or if the dry cleaner had concerns about traffic.
8

9 Planning Consultant Zweber stated that the applicant has provided a traffic study that shows the
10 traffic that would be generated, and it is all considered 'passing'. He stated that the City Engineer
11 and traffic consultant have reviewed the study, and agreed with the conclusion that all the access
12 movements would continue to 'pass'.
13

14 Commissioner Severson asked if there had been complaints from neighbors around parking or
15 traffic issues for other areas in the City where commercial abuts residential, such as near Walgreens
16 or McDonalds.
17

18 Planning Consultant Zweber stated that the City has heard some concerns and at the time of
19 approval of that project, the applicant tried to mitigate those concerns with design features. He
20 stated that similar to tonight's request, staff is asking the Commission to determine if the applicant
21 has provided the appropriate design and mitigation because it is located adjacent to a residential
22 neighborhood.
23

24 Vice-Chair Stockton stated that walkability and connectivity are primary goals of the City, and
25 asked to what extent pedestrian 'traffic' had been considered in this very dense area.
26

27 Planning Consultant Zweber noted that the applicant will remove the existing 5 foot sidewalk and
28 install a 7 foot sidewalk. He also noted the applicant has included a bike rack in their plans, and
29 that there will be sidewalks on three sides of the proposed building. He stated that there is currently
30 a staircase between the cul-de-sac for Huntington Avenue to the south and the Huntington Avenue
31 right-of-way, which provides a pedestrian connection. He stated that the vehicular traffic on
32 Huntington Avenue has been separated, but the pedestrian connection is still maintained through
33 the staircase.
34

35 Community Development Director Goellner noted that walkability is important to the City's vision
36 for Wayzata Boulevard and the City at large. She stated that was one of the first discussions staff
37 had with the applicant when they mentioned having a coffee business that is solely for vehicle
38 traffic, due to the fact that serving people in vehicles does not necessarily seem consistent with a
39 walkable type business. She stated that there will be a pedestrian pick-up window offered with
40 this business on the back side of the building.
41

42 There being no further questions for staff, Vice-Chair Stockton invited the applicant to address the
43 commission.
44

45 Applicant's representative, Farhad Akim, 1022 Wayzata Boulevard, explained that he is one of the
46 owners of this property. He noted that when they bought the two properties they had noticed the

1 two different zonings, and had originally thought about attempting to put a residence on the
2 southern parcel. He stated that since he lives in the neighborhood, they had also thought about
3 putting in condominiums, but after speaking with the neighbors they changed their plans. He
4 stated that they found out about the medical building going in nearby and changed their plans to
5 an office building, which then created concerns about it being intrusive. He stated that when they
6 went back to the drawing board this time, they came up with the concept in front of the
7 Commission tonight with Caribou and Urban Wok.

8
9 Applicant's designer, Corey Englund, Reprise Design, reviewed some of the technical aspects of
10 their design. He stated that the Caribou Cabin is a unique concept, and noted that while it is
11 considered a drive-thru only concept, it does have a walk-up window that will be in the shared
12 corridor between the tenants. He stated that the concept is focused on speed and fast service, so
13 the menu is limited to the quick serve type items. He explained that the turn around time for this
14 concept is one minute faster than a traditional drive-thru operation. He stated that he believes their
15 stacking plans are more than sufficient, and feels that the traffic study supports this conclusion.
16 He noted that Caribou's peak hours will be in the morning and Urban Wok's will be opposite, with
17 the peak hours at dinner time, so the traffic demands will not be overlapping. He noted that Urban
18 Wok focuses on fresh ingredients that are delivered daily, which means they utilize small vans,
19 called Pronto service, for their deliveries. He reviewed some of their traffic impact information
20 and noted that their proposal will obviously create more traffic than an empty, abandoned building,
21 but the number of daily trips between their proposal and an operating gas station will be
22 considerably less. He showed a picture of the proposed Trex fencing, and explained that it is has
23 a shiplap style that will eliminate the possibility of headlights shining through the fence and will
24 also substantially mitigate the noise from the cars. He stated that because of the grade in the area,
25 people will not be able to see the drive-thru operations from their homes.

26
27 Commissioner Sorensen asked how long the current property owners have owned these parcels.

28
29 Mr. Akim stated that they have owned them for a little over two years.

30
31 Applicant's potential tenant representative, Paul Guidera, of Caribou Coffee, stated that he
32 currently lives in Plymouth, but lived in Wayzata for 20 years and considers it his hometown. He
33 stated that this would be the third Caribou location in the City, and views it as very complimentary
34 to the other two locations with the benefit of the first Caribou with a drive-thru. He noted that they
35 had opened their first Cabin business in December of 2019 and since then have opened 30 more.
36 He explained that their average drive through time is 2 minutes and 20 seconds, which is the
37 equivalent of two cars going through this drive-thru in the time one car goes through a traditional
38 drive-thru. He stated that the walk-up window provides service to the order ahead customers,
39 which is about 25% of their business in the cabin locations. He explained that generally about
40 45% of their business occurs between 5:00 a.m. and 9:00 a.m. which he feels is very
41 complimentary with the Urban Wok concept, but the trend has moved towards more iced beverages
42 which has helped them increase their business in the afternoons, so there may be a bit of overlap
43 with Urban Wok because of that trend.

44
45 Commissioner Severson asked about the time to serve the walk-up traffic customers, as well as
46 signage for them to know where to come.

1
2 Mr. Guidera stated that with the cabins, the drive-thru and walk-up windows are on opposite sides
3 of the building and the way this building happens to layout means the walk-up window is in the
4 back. He stated that this is unique, so they will have to figure out what that means for signage.
5 He stated that service times for walk-ups are generally fast, however one of the issues they have
6 run into with order ahead customers is they do not have a way to determine when they will arrive.
7 He stated that for most walk-up customers the service will be in the 2-2.5 minutes time frame.
8

9 There being no additional questions from the Commission for the applicant, Vice-Chair Stockton
10 opened the public hearing on the application at 8:55 pm.
11

12 Glen Schumann, attorney, Moss and Barnett, stated that he was here on behalf of Radiation
13 Protection Products, Inc. who owns the building to the immediate west of this parcel. He suggested
14 that this is a unique property, and noted that he had submitted a letter to the City today that had an
15 attached drawing, and asked that they reference that while he shares some information. He stated
16 that Huntington Avenue has been converted to space that is largely used by his client because it
17 has parking spaces and driving patterns within it. He noted that his client has been paying for the
18 maintenance of this area and through an agreement with the City, it has been developed into a
19 parking area. He reviewed the current and future traffic patterns and parking in this area. He noted
20 that the peak times for Caribou will overlap with the peak times of their tenant, Edina Realty, and
21 feels it will be difficult for pedestrians and vehicles to cross this area safely during peak times. He
22 stated that this area is very tight, and noted that he feels the R-1 parcel does not add anything
23 because there is a steep slope and it is substandard. He stated that they have concerns about
24 deliveries, and are not sure if Caribou and Urban Wok have control over the vehicles used for
25 vendor deliveries. He stated that they feel there are a combination of factors that will change the
26 safety and use of his client's parcel by running this much traffic in this many different directions
27 through the same portal. He stated that this is not the only possible use for this property, and there
28 are a lot of things required in order to make it work, including revision of the Comprehensive Plan,
29 zoning, lot combination, and a CUP. He stated that all of the vehicles will be pushed to the
30 periphery of this property, and right next to the adjacent properties. He stated that there are other
31 uses that would immediately conform to the zoning and plans, and would ask that the Commission
32 recommend denial of the application in order for there to be a more appropriate fit for this site.
33

34 Gordy Straka, 130 Huntington Avenue, distributed a hand out to the Commission and explained
35 that that he would like to point out a few things that were presented to the Commission that he
36 feels were incorrect. He stated that Huntington Avenue was not always a cul-de-sac, and gave an
37 overview of the history of the towing business at the former gas station. He stated that the
38 neighborhood worked for about two years and finally got the City Council to agree to close off
39 Huntington Avenue. He stated that the neighborhood was assessed for putting the cul-de-sac and
40 new fire hydrant in. He stated that when the building that Edina Realty is located in was built,
41 they wanted the whole cul-de-sac moved to the south because they wanted more room and the City
42 said no. He stated that they also said when they were building the cul-de-sac, that the neighborhood
43 wanted a stairway which did happen and is still there. The 35 feet wide residential property was
44 originally part of his property before he lived there and believes it was taken off around 1948 when
45 the Pickett family lived there. He explained that property was deeded off at that time to the dry
46 cleaners because he was planning on bringing a driveway in from Huntington. He noted that he

1 used to work at the gas station and noted that there used to be a tuck under garage at the gas station
2 before it was filled in. He noted that he has lived in his home for 52 years and the southern parcel
3 has been residential the entire time which is how they want it to be kept because it is a buffer
4 between them and a commercial property. He stated that they are completely against the lot
5 combination and a zoning change. He stated that he would also like object to a CUP for a drive-
6 thru.

7
8 Vice-Chair Stockton reminded Mr. Straka that they were trying to keep comments to around three
9 minutes, and asked him to wrap up his comments.

10
11 Mr. Straka presented Vice-Chair Stockton with a note from another neighbor, and Community
12 Development Director Goellner suggested that the best thing may be for staff to scan the note and
13 include it in the public record.

14
15 Mr. Straka stated that, Mr. Akim, the property owner, has a Wayzata mailing address, but does
16 not live in Wayzata, and he asked the Commission to listen to the concerns of the people who
17 actually live in the City regarding noise and the drive-thru speaker. He stated that the note he
18 passed along was from Marty Johnson at 117 Central who was at the meeting earlier but had to
19 leave.

20
21 Tom Kraus, 137 Huntington Avenue, noted that one of the goals in the Comprehensive Plan that
22 was mentioned by Planning Consultant Zweber was to protect property values through consistent
23 relationships of land use and the need to enforce transitional uses or buffers between incompatible
24 uses. He urged the Commission to consider the impact on the neighborhood because the drive-
25 thru will be between 50-100 feet from a number of people's backyards and with the menu board
26 and microphone, he assumes that at 5:00 a.m. everyone that lives there will know and hear every
27 order that comes through. He noted that he had sent in a Power Point presentation with a few
28 pictures for the Commission to consider. He stated that the applicant seems very proud of the fact
29 that they can stack 17 cars in the drive-thru even though it is 50 feet from someone's home. He
30 stated that the neighbors are not very excited about this beginning at 5:00 or 6:00 a.m., and noted
31 that they are also concerned about the potential smells from cooking at the Urban Wok. He urged
32 the Commission to protect the adjoining neighborhood from traffic, pollution, drive-up customer
33 noise, light pollution from parking lot lights, and to keep the residential buffer. He stated that he
34 agreed with the statement made by one of the other neighbors tonight that there are better uses for
35 this land and would ask that the Commission recommend denial of this application.

36
37 Nancy Sloan, 144 Huntington Avenue S, stated that she feels this proposal will cause an adverse
38 impact on their lovely neighborhood because of the noise of the cars idling, radios, noise of the
39 speaker, and the lights. She stated that she is a Caribou fan, but she can already walk to the one at
40 Lund's or the one Downtown. She stated that discussing walkability on the Huntington right-of-
41 way does not make sense because it is a parking lot and is not a safe place to be walking. She
42 explained that her biggest concern is the volume of traffic that will be increased and noted that in
43 the morning there are school buses out there stopping traffic and now there will be 17 or more cars
44 coming through the drive-thru which will just increase the traffic and potential safety issues. She
45 stated that she is concerned for the kids standing there, that you can only make a right turn to get
46 out of there, and feels this tiny lot will just create a traffic nightmare. She stated that she thinks

1 the residential buffer absolutely needs to be preserved. She stated that when the gas station was
2 in operation, there may have been eight cars at a time there and this proposal talks about 17 cars
3 plus the parking spots. She stated that she would question the slide that was presented that stated
4 that the traffic would be improved from what it was with the gas station. She stated that there has
5 to be another business that doesn't include a drive-thru, and noted that she thinks that a drive-thru
6 is the worst concept that could be put in this spot and does not want to bring more traffic into an
7 already congested area.

8
9 Teresa Fisher, 127 Central Avenue S, stated that the slope is more substantial than can be seen in
10 any of the renderings. She stated that the wall that was put up a short time ago does nothing to
11 block her residential experience from the commercial area, and that is with a quiet building that
12 has had nothing going on since about 2008. She stated that she empathizes with the property
13 owners and wants them to be able to develop their property, but asked them to see this from her
14 side of the fence. She stated that they did not come to her door and see her back deck and her view
15 of the Edina Realty lights, which are already annoying and intrusive and make it look like she lives
16 in a commercial zone. She stated that she cannot imagine having lights coming through her
17 backyard at all hours of the morning, especially because she is not a morning person. She asked
18 the applicant and the Commission to imagine car lights going through their backyards for hours
19 every day, and understand the impact that would have on the neighborhood and consider doing
20 something else.

21
22 Bruno Silikowski, 173 Huntington Avenue, stated that he is against this proposal, but is not against
23 repurposing the site because he thinks that makes a lot of sense. He noted that he and his wife did
24 some research along with some of the neighbors and found that the Council, last year, reconfirmed
25 that the 4,000 square feet of land should remain as residential. He stated that this makes sense
26 because it is a buffer from the commercial side. He stated that where he lives, the street comes up
27 so from his front step, he is literally looking at the cars on Wayzata Boulevard. He stated that he
28 understands the applicants are trying to protect the neighbors from light pollution, but he feels they
29 will see everything and doesn't feel the fence will do anything. He stated that one thing that
30 nobody has talked about yet is carbon monoxide which is heavier than air. He stated that many of
31 the neighbors in the area will be the recipient of all that carbon monoxide dropping down from
32 cars idling waiting in the drive-thru lane. He stated that traffic congestion has been talked about
33 quite a bit and noted that he realizes the City has tried to improve that intersection, but it is slowed
34 there more than it was before and this project will not help. He stated that the biggest thing in his
35 mind is the unfairness of the property value impact for those who live very close by when they try
36 to sell their property. He stated that having said all of this, he wants to make it clear that he wishes
37 the applicants well, and hopes they find a way to repurpose the lot to something more appropriate
38 and less impactful to the neighborhood. He stated that perhaps it is something as simple as moving
39 forward with Urban Wok but not the Caribou Coffee shop.

40
41 Bob Fisher, 127 Central Avenue S, stated that their home faces east toward the senior apartment
42 building, and explained that the traffic gets stuck on the hill all winter long. He stated that because
43 there is only one way people are supposed to get into this lot, he thinks people will be cutting
44 through, come north on Central Avenue and then turning left by the dry cleaners. He stated that
45 he also knows that there will be a lot of people that have not had their caffeine waiting in line, and
46 expects horns honking if things don't move as quickly as they would like, which is another noise

1 pollution issue that the neighbors will have to put up with. He stated that he would also like to see
2 something happen on this property, but does not think this proposal is a wise and proper use for
3 the land. He stated that he feels this use would also decrease property values in his area and
4 reiterated that he would like to see something else happen in this location.

5
6 Charles Gustafson, 109 Central Avenue S, stated that his backyard is very near this project and the
7 menu board and audio speaker will basically be in his backyard on his patio. He stated that he can
8 see above the fence, and with his two story house will be looking down into that property and
9 lights will be shining into their bedrooms. He stated that the truck that comes through to pick up
10 the garbage wakes them up at 6:00 a.m., but if a business is opening at 5:00 a.m. and there are
11 vehicles including motorcycles and big trucks or anybody playing music coming through, they
12 will also hear them because they will be within 50 feet of their deck. He stated that they are very
13 concerned about the noise. He explained that the retaining wall was built about three or Four years
14 ago and did not follow code and fell down shortly after there was a rainfall. He noted that they
15 had rebuilt it the following year but about two weeks later, it fell down again. He stated that he
16 would like to see an engineering study to be done in the area if they consider any kind of retaining
17 wall. He stated that regardless of what is done on this parcel, he would like to see something done
18 about the retaining wall, and noted that water mitigation is another issue that concerns him. He
19 explained that what is currently happening is washing his property away and noted that he feels
20 there may be some serious environmental pollution control issues with the run off from the oil and
21 past gas station use. He stated that he is a huge fan of Caribou Coffee, but as mentioned earlier,
22 they can already walk to the nearby Caribou locations. He stated that he thinks there could be some
23 other use for this parcel that is less invasive for the neighborhood. He suggested that they consider
24 something more like a park that would be socially available for people to stop and gather.

25
26 Dexter Andrews, 161 Huntington Avenue, stated that he has been in this neighborhood for 43 years
27 and feels it is a gem. He stated that it is one of the few that is left, and noted that his home is 115
28 years old. He stated that he feels this area needs to be preserved, and that they shouldn't encroach
29 more on the properties. He stated that he has liked one thing that has happened with the pandemic
30 because people are getting out and walking around more. He stated that there has been a lot of
31 foot traffic on Huntington with dogs and kids, and he worries what would happen if it gets crowded
32 from this proposal.

33
34 Greg Boeder, 123 Benton Avenue, stated that he can see the gas station from his driveway and has
35 been looking at that eyesore for 26 years. He stated that anything to get rid of the gas station would
36 be great. He stated that he understands that there are concerns about more traffic and lights, but
37 he feels that is what Wayzata is. He stated that he lives next to the Legion, and he gets noise
38 sometimes at 2:00 a.m. He stated he loves the City and doesn't buy into the concern that one more
39 place is going to add more lights, traffic and noise, because there is already traffic all the time, and
40 did not think one additional place is would make a difference. He reiterated that he supports doing
41 something to this lot in order to make it not an eyesore that gives people a stopping point between
42 Lund's and Downtown. He stated that he is agnostic about the issue of the drive-thru, but does
43 support the project.

44
45 Community Director Goellner stated there was one person that called in to the meeting that has
46 asked to speak at the public hearing.

1
2 Steve Storrie, 138 Huntington Avenue S, stated that he is out of town for business and expressed
3 his appreciation that technology has allowed him to participate. He stated that he has lived in this
4 location since 2014, and feels it is a wonderful neighborhood with wonderful neighbors. He stated
5 that he would like to see a perspective from 130 Huntington Avenue which is the parcel just south
6 of the subject property. He stated that he feels the difference in elevations makes this project
7 problematic. He stated that his house has a similar design with a walk out basement, 3-stories with
8 a screened in porch on the second story and they would look down on the vehicles from there. He
9 stated that the statement made that they would not be able to see the drive-thru is not accurate. He
10 invited the Commission members to come to his home and take a look at what their view is from
11 their house. He stated that he agrees that there are better uses for this property and feels everyone
12 would agree that they would like to see something happen. He noted that the plans for a zipper
13 merge are not going to go well with 17 non-caffeinated people before they can place their order
14 for coffee. He stated that he thinks the right business could fit on the commercially zoned lot just
15 fine, and noted that this proposal seems like a stretch and will add more congestion and chaos to
16 an already busy area. He asked the Commission to consider the neighbors due south of the
17 mountain and think of their future property values if this were to move forward, as proposed.
18

19 There being no one wishing to provide additional public comments on the application, Vice-Chair
20 Stockton closed the public hearing at 9:37pm.
21

22 Vice-Chair Stockton asked for the Commission to share their questions and feedback on the
23 application.
24

25 Commissioner Schwalbe asked if the comment made by one of the residents was accurate that the
26 Council, one year ago, made a determination that they wanted the southern parcel to remain as
27 residential.
28

29 Community Development Director Goellner explained that was related to how the property was
30 qualifying for its taxing classification. She stated that there was an error made on a zoning map
31 that showed the property as commercial. She stated that the City Assessor took that information
32 and thought the property had been rezoned as commercial, and so assessed it as commercial. The
33 error was caught and brought to the Council's attention so it could be corrected back to a residential
34 parcel. She stated that it is guided and zoned for residential use and is taxed that way. She stated
35 that the Council was just acknowledging that was an error made on a map at some point which
36 was corrected. She stated that it was not really a statement about how to develop the lot and was
37 just about its tax classification at the time.
38

39 Commissioner Schwalbe stated that she has spent a lot of time looking at the picture of the gas
40 station, and noted that it appears as though there is a car wash to one side and a repair area to the
41 other, which had to have been very noisy when they were in operation. She stated that she has
42 been in a lot of coffee car lines, and they have always been very quiet and respectful and has not
43 heard a lot of loud noise. She stated that she doesn't think the noise thing will be a big issue and
44 noted that many times she, in her car, has trouble hearing the person speaking to her through the
45 drive-thru so she questioned how far that sound could really travel.
46

1 Commissioner Sorensen stated that he is glad to see so many from the community engaged and
2 sharing their concerns about this situation. He stated that most of the concerns are centered around
3 the drive-thru nature of this proposal, and the effect on the neighborhood. He stated that the
4 Commission's job is to look at the criteria, and review the details of the proposal for consideration.
5 He stated that he would agree that the performance standards discussed, including traffic, is an
6 issue that will have a detrimental effect on the neighborhood. He stated that he thinks noise will
7 likely also be an issue. He stated that the proposed fence is composite and is not designed as a
8 sound barrier fence, and the neighbors above that elevation will definitely hear some noise. He
9 stated that the proposed plans indicated that trees would not be removed, but noted that some of
10 the trees are extremely close to the retaining wall and feels that will be very challenging when the
11 new wall is built. He stated that the bigger issue may be that by combining these lots there is now
12 a situation where the drive-thru is even closer to the Huntington property than if the lots were not
13 combined. He stated that, to him, it feels like there are too many issues and concerns to ignore.

14
15 Commissioner Severson asked if the current existing fence would be moved further back.

16
17 Planning Consultant Zweber referenced page 110 of the packet which shows the existing
18 condition, and agreed that it was generally how Commissioner Sorensen described it. He stated
19 that the curb line of the existing parking area is on the property line and the surface of where the
20 cars could go is on the northern parcel. He stated that the proposed drive-thru lane would straddle
21 the property line, and some cars could then come onto the southern parcel if they were combined,
22 so the surface area is expanding.

23
24 Community Development Director Goellner clarified that the rear yard setback for the commercial
25 property is 50 feet, so combining the parcel just allows the setback to be 50 feet but would be
26 further south.

27
28 Vice-Chair Stockton explained that when she thinks about the Comprehensive Plan and better
29 connections between the residential neighborhoods, she thinks about it for driving and with foot
30 traffic. She stated that this location is in between two traffic lights, is on a one-way street, with a
31 bus stop and is the main thoroughfare, so using plain logic, it would seem that turning into this
32 parking lot at whatever pace, would add congestion to the road and form a stopping area right in
33 the middle of town. She stated that she does not think the drive-thru aspect lends itself to
34 connectivity from a foot traffic point of view, because she thinks the goal is to connect the upper
35 part of the City to the lower part. She stated that she also did not find walking in front of the drive-
36 thru very safe at the Starbucks and while this is different, it is also a very focused part of town.
37 She does not see this helping the City achieve that goal, and sees it more like a cork right in the
38 middle of the town. She stated that the proposal is for a lot to happen with the restaurant and drive-
39 thru in a high impact area, and she would be concerned for both pedestrians and drivers with this
40 proposal. She stated that she was almost in a head on collision with a truck going the wrong way
41 on Superior Boulevard, so she knows that intersection is already a bit confusing.

42
43 Commissioner Merriam stated that once this lot is combined, it is forever one lot with its own
44 zoning as commercial and then the buffer would be lost. She asked if there would be a way to do
45 the lot combination but still provide that lot as a buffer area and not have it be used for the project.
46 She stated that a big concern is that the drive-thru lane would go onto that parcel. She stated that

1 it seems like it could really create issues related to drainage, and just brings it closer to the
2 neighborhood and creates the noise nuisance that has been discussed. She stated that she agrees
3 with Commissioner Schwalbe that drive-thru coffee lanes are not generally all that loud, but they
4 could be. She reiterated her question on whether that lot could still be used as a buffer if they were
5 combined.

6
7 Community Development Director Goellner explained that the way that would typically happen
8 would be with an easement that would be at the applicant's discretion and accepted by the City as
9 part of the platting process. She clarified that there could be a no-build easement on the southern
10 portion, but that would be something they would need to discuss with the applicant.

11
12 Commissioner Schwalbe stated that when she first saw this proposal, she thought the neighbors
13 were going to love it because they could just walk up every morning and get a cup of coffee. She
14 stated that she is a bit surprised, but they are a cohesive group and seem to be totally in agreement
15 about the negative effect this proposal could have on their neighborhood. She stated that she is
16 bothered by traffic coming in on the Huntington area, and agreed it does seem tight. She stated
17 that she does have concerns, but would like to see the owner have another go at it and perhaps
18 come up with another idea that would address some of the concerns raised by the neighbors and
19 she could support.

20
21 Commissioner Severson explained that for her, there are two separate issues to consider. She
22 explained that she is more in favor of the request to combine the parcels, because having a piece
23 of property means that you should be able to do something with it. She stated that if this is an
24 unbuildable parcel from a residential standpoint, the question is how can it be made useable for
25 the property owner. She stated that she does have concerns about what the property owner is
26 proposing for this parcel. She stated that she shares Vice-Chair Stockton's concern about
27 pedestrian safety, and noted that you cannot walk any farther easy because there is no sidewalk to
28 get you across Central Avenue. She gave the example that if you wanted to take your coffee down
29 to Heritage Park, there is not a great way to do that. She stated that she also has concerns about
30 the traffic, and imagines that the traffic will go through the parking lot in front of the dry cleaners.
31 She stated that their proposal, at first blush, sounded like a great idea until you start digging into
32 more of the details, because there are concerns for walkability and traffic. She reiterated that she
33 does not dislike the idea of combining the two pieces of property and giving the owner the ability
34 to fully develop it, but does not feel this is the proper concept.

35
36 Commissioner Merriam reviewed the criteria that should be considered with this request and noted
37 that for her, looking at it from those perspectives, she would not be in support of this application.

38
39 Commissioner Schwalbe stated that she would agree that the lots should be combined in order for
40 the property owner to come up with a suitable, agreeable project that can be built.

41
42 Commissioner Sorensen stated that southern lot has existed as a buffer for a long time, and he feels
43 combining them would have a potential adverse effect on the neighborhood. He stated that he
44 thinks the concept of this project is great but if they went farther east on Wayzata Boulevard near
45 Bushaway Road, they would avoid many of the drive-thru issues. He stated that he thinks the

1 concerns being raised have nothing to do with the concept because he thinks that is attractive but
2 in this location, is a challenge.

3
4 Vice-Chair Stockton stated that she would agree that this is an attractive concept, but the location
5 and the challenges associated with that seem to outweigh the benefits.

6
7 Commissioner Merriam stated that she also feels it is an attractive concept.

8
9 There being no further discussion, Vice-Chair Stockton asked for a motion on the application.

10
11 Commissioner Sorensen made a motion, seconded by Commissioner Severson, to direct staff to
12 prepare a draft Planning Commission Report and Recommendation with appropriate findings
13 reflecting a recommendation of denial of the Development Application for 1022 Wayzata
14 Boulevard East application for review and adoption at the next Planning Commission meeting.

15
16 Community Development Director Goellner completed a roll call vote on the motion. The motion
17 carried unanimously.

18
19 Vice-Chair Stockton recessed the meeting at 10:03 p.m. and reconvened at 10:08 p.m.

20
21 **c) Consider Zoning Ordinance Text Amendments to Definitions, Single-Family**
22 **Detached Uses, Off-Street Parking Restrictions and Shoreland Overlay District**
23 **Sections**
24

25 Planning Consultant Zweber stated that this application is separate and distinct from the residential
26 and commercial zoning text amendments that the Commission has been discussing over the last
27 few months. He stated that these amendments are things that staff has identified in the code that
28 are either not compliant with state statutes, or puts limitations on the way people use their property
29 that they did not believe was the intent of the code. He reviewed the proposed amendments to
30 Chapters 902, 917, 920, and 991 and answered questions from Commission. He stated that the key
31 question for the Commission to consider is whether the amendments are consistent with the
32 Comprehensive Plan. He noted that because staff would like to move this process along, it has
33 prepared a draft Report and Recommendation with appropriate findings, and a draft Amending
34 Ordinance, if the Commission is comfortable approving it to send to the Council at their next
35 meeting.

36
37 Commissioner Schwalbe stated that she is a bit concerned with the language on what you can park
38 in your garage. She gave the example of having a Mary Kay car or a catering van.

39
40 Planning Consultant Zweber noted that the Mary Kay car could be parked in the driveway or the
41 garage, and for the catering van, it would come down to its size and if it would be big enough that
42 the state would require it to be licensed as a commercial vehicle.

43
44 Community Development Director Goellner noted that they would also respond on a complaint
45 basis and would look at the impact in each case.

1 City Attorney Schelzel clarified that the only thing that would change in the definition of garage
2 under the proposed amendments has to do with how garages are used. He stated that the language
3 changes address the fact people may store other things in their garage besides vehicles, and the
4 amendments have changed the references to just passenger vehicles of a certain weight, and
5 recognize that a garage is also for storage for the families that have the garage, and their vehicles.
6

7 Commissioner Merriam asked about a situation where people would put junk in their garage and
8 not close the door.
9

10 Community Development Director Goellner stated that it would be unlikely that the City would
11 do something in that situation.
12

13 City Attorney Schelzel stated that it would depend on what it was and if it started to become a
14 nuisance or a public health issue, then the City may be able to do something, but in general, they
15 would not.
16

17 There being no additional questions from the Commission for the applicant, Vice-Chair Stockton
18 opened the public hearing on the application at 10:27 pm.
19

20 Community Development Director Goellner stated there were no people that called in to the
21 meeting, nor was there any member of the public present in the chambers to speak at the public
22 hearing.
23

24 There being no one wishing to comment on the application, Vice-Chair Stockton closed the public
25 hearing at 10:28 pm.
26

27 Hearing that the Commissioners did not have any further questions or discussion, Vice-Chair
28 Stockton asked for a motion on the application.
29

30 Commissioner Merriam made a motion, seconded by Commissioner Schwalbe, to adopt the draft
31 Planning Commission Report and Recommendation with appropriate findings reflecting a
32 recommending approval of the Zoning Ordinance Text Amendments to Definitions, Single-Family
33 Detached Uses, Off-Street Parking Restrictions, and Shoreland Overlay District Sections.
34

35 The motion carried unanimously.
36

37 **AGENDA ITEM 6. Other Items:**
38

39 **a) Review of Development Activities**
40

41 Community Development Director Goellner stated that at the April 4, 2022 meeting a public
42 hearing is scheduled for a project at 301 Peavey Lane, the redevelopment proposal for Blake
43 School. She noted that the plans for this proposal are on the City website if anyone would like to
44 view them prior to the public hearing.
45

46 **b) Planning Commission Meeting Schedule**

1
2 **AGENDA ITEM 7. Adjournment.**
3

4 There being no further business on the agenda, Vice-Chair Stockton asked for a motion to adjourn.
5

6 Commissioner Stockton made a motion, seconded by Commissioner Severson, to adjourn the
7 Planning Commission meeting.
8

9 The motion carried unanimously.
10

11 The Planning Commission meeting was adjourned at 10:31 p.m.
12

13 Respectfully submitted,
14

15 Kayla Atkins Rokosz
16

TimeSaver Off Site Secretarial, Inc.



City of Wayzata Planning Commission Agenda Report

MEETING DATE: April 4, 2022	AGENDA ITEM: 4.b
TITLE: Approval of Planning Commission Report and Recommendation of Denial for Development Application at 1022 Wayzata Blvd	
PREPARED BY: Eric Zweber, Planning Consultant	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: April 19, 2022	

BACKGROUND:

The applicant, Reprise Design, has submitted a development application requesting approval of a lot combination of two parcels through a preliminary and final plat, a Comprehensive Plan Amendment for the southern parcel, Zoning Map Amendment for the southern parcel, and a Conditional Use Permit (CUP) for the demolition existing building and construction of a two-tenant retail building containing two convenience food restaurants and one drive-through located at 1022 Wayzata Boulevard.

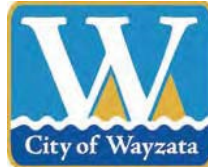
A public hearing was conducted at the Planning Commission meeting on March 21, 2022. The Planning Commission recommended (5-0) that staff prepare a Report and Recommendation of denial for review at the next Planning Commission meeting. If the draft Report and Recommendation is approved by the Planning Commission, the application would likely be scheduled for review by the City Council on April 19, 2022.

ACTION REQUESTED:

Staff recommends approval of the Planning Commission Report and Recommendation.

ATTACHMENTS:

1. 1022 Wayzata PC Report and Recommendation



WAYZATA PLANNING COMMISSION

April 4, 2022

REPORT AND RECOMMENDATION OF DENIAL OF LOT COMBINATION, COMP PLAN AMENDMENT, ZONING MAP AMENDMENT, AND CUP AT 1022 WAYZATA BLVD E

DRAFT

SUMMARY OF RECOMMENDATION

1. Denial of Lot Combination
 2. Denial of Comprehensive Plan (Comp Plan) Amendment
 3. Denial of Zoning Ordinance Map Amendment
 4. Denial of Conditional Use Permit (CUP) for Drive Through
-

REPORT AND RECOMMENDATION

Section 1. BACKGROUND

- 1.1 **Project.** Reprise Design on behalf of M & Z Holdings, owner of the subject property, (the “Applicant”) has submitted a development application requesting approval of (i) Lot Combination; (ii) Comprehensive Plan (Comp Plan) Amendment; (iii) Zoning Map Amendment; and (iv) Conditional Use Permit (CUP) to redevelop the property located at 1022 Wayzata Boulevard E (the “Property”) that would demolish the existing building on the Property, and construct a new two-tenant retail building for two convenience food restaurants and one drive-through (the “Project”).
- 1.2 **Application Requests.** The Application includes the following four approval requests:
 - A. **Lot Combination:** Preliminary and Final Plats under Sec. 1003.02 and 1003.03 to combine the two lots that comprise the Property—the smaller southern parcel (“Parcel 0016”) with the larger northern parcel (“Parcel 0015”) that fronts Wayzata Boulevard (the “Lot Combination”).
 - B. **Comp Plan Amendment:** A Comprehensive Plan Amendment to change the land use designation for Parcel 0016 of the Property in the Comp Plan’s 2040

Land Use Plan Map from Central Core Residential to Mixed Use Commercial/Residential (the “Comprehensive Plan Amendment”).

- C. Zoning Map Amendment: A Zoning Ordinance amendment under Sec. 903.02.F to change the zoning of Parcel 0016 from R3-A Single and Two Family Residential to C-3 Service District (the “Zoning Map Amendment”).
- D. Drive Through CUP: A Conditional Use Permit under Sec. 904.02.F and 977.05.G for a drive-through restaurant/convenience food establishment for a "Caribou Cabin" coffee shop in the C-3 Service District (the “Drive Through CUP”)

- 1.3 Property. The street address, property identification numbers and owner of the parcels that comprise the Property are:

Address	PID	Owner
1022 Wayzata Boulevard E	06-117-22-41-0015	M&Z Property Holdings LLC and LN REI LLC
1022 Wayzata Boulevard E	06-117-22-41-0016	M&Z Property Holdings LLC and LN REI LLC

- 1.4 Land Use. Parcel 0015 of the Property is zoned C-3 Service District and guided Mixed Use Commercial/Residential Parcel under the 2040 Wayzata Comprehensive Plan. Parcel 0016 is zoned R3-A Single and Central Core Residential under the 2040 Wayzata Comprehensive Plan.
- 1.5 Neighborhood Meeting; Notice and Public Hearing. A neighborhood meeting on the Application was held on March 3, 2022 in accordance with City policy. Notice of a public hearing on the Application was published in the *Sun Sailor* on March 10, 2022. The public hearing notice was also mailed to all property owners located within 500 feet of the Property on March 9, 2022. The public hearing on the Application was held at the March 21, 2022 Planning Commission meeting.

Section 2. STANDARDS

- 2.1 Subdivision / Preliminary Plat. Review and approval of lot combinations and subdivisions of property are governed by the City’s Subdivision Ordinance, Part X of City Code. In reviewing such requests, the Planning Commission shall consider possible adverse effects of the preliminary plat. Its judgment shall be based upon, but not limited to, the following factors found in Section 1003.02.E:

1. The proposed subdivision or lot combination shall be consistent with the Wayzata Comprehensive Plan.
2. Building pads that result from a subdivision or lot combination shall preserve sensitive areas such as lakes, streams, wetlands, wildlife habitat, trees and vegetation, scenic points, historical locations, or similar community assets.
3. Building pads that result from subdivision or lot combination shall be selected and located with respect to natural topography to minimize filing or grading.
4. Existing stands of significant trees shall be retained where possible. Building pads that result from a subdivision or lot combination shall be sensitively integrated into existing trees.
5. The creation of a lot or lots shall not adversely impact the scale, pattern or character of the City, its neighborhoods, or its commercial areas.
6. The design of a lot, the building pad, and the site layout shall respond to and be reflective of the surrounding lots and neighborhood character.
7. The lot size that results from a subdivision or lot combination shall not be dissimilar from adjacent lots or lots found in the surrounding neighborhood or commercial area.
8. The architectural appearance, scale, mass, construction materials, proportion and scale of roof line and functional plan of a building proposed on a lot to be divided or combined shall be similar to the characteristics and quality of existing development in the City, a neighborhood or commercial area.
9. The design, scale and massing of buildings proposed on a subdivided or combined lot shall be subject to the architectural guidelines and criteria for the Downtown Architectural District, Commercial and Institutional Architectural Districts, and Residential Architectural Districts and the Design Review Board/City Council review process outline in Section 9 of the Wayzata Zoning Ordinance.
10. The proposed lot layout and building pads shall conform with all performance standards contained herein.
11. The proposed subdivision or lot combination shall not tend to or

actually depreciate the values of neighboring properties in the area in which the subdivision or lot combination is proposed.

12. The proposed subdivision or lot combination shall be accommodated with existing public services, primarily related to transportation and utility systems, and will not overburden the City's service capacity.

2.2 Comprehensive Plan Amendment.

- A. Amending the Comprehensive Plan. The Planning Commission may recommend to City Council amendments to City's Comprehensive Plan, and City Council may propose amendments to the Planning Commission for review. Before adopting an amendment, the Planning Commission must hold at least one public hearing on the proposed amendment. A proposed amendment may not be acted upon by the City Council until it has received the recommendation of the Planning Commission or until 60 days have elapsed from the date an amendment proposed by the City Council has been submitted to the Planning Commission for its recommendation. A resolution to amend the Comprehensive Plan must be approved by a two-thirds vote of all of the members of City Council. Minn. Stat. Sec. 462.355, subd. 2 and 3. Comprehensive Plan amendments must be submitted to the Metropolitan Council for review of their compatibility and conformity with the Met Council's regional system plans. Minn. Stat. Ch. 473.
- B. Comprehensive Plan Goals and Policies. The Comprehensive Plan has general and specific statements related to neighborhoods, residential, commercial, and institutional land uses. A listing of the vision, principles, and goals of the City's 2040 Comprehensive Plan that are relevant to the Comp Plan Amendment requested include:

1) Land Use

- As the community continues to support a variety of housing types, access to amenities and services throughout the community should also be monitored.
- Although viewed as primarily a residential community, the working day population welcomes a large number to the community. This commercial tax base helps offset the large percentage of residential land uses. Commercial areas are generally well defined along Lake Street and Wayzata Boulevard.
- Throughout the visioning process of the Comprehensive Plan update, the community emphasized the need for a connected community. Mixed-use nodes were identified as a way to strengthen the sense of

community and increase walkability throughout the City and provide enhanced connections between the residential neighborhoods and the commercial and recreational areas.

- Create connected neighborhoods that provide access to services, housing and recreation for all ages and mobility types.
- Promote a diversity of retail, office, service and residential land uses at a high level of development quality to enhance Wayzata as a regional destination and provide services for residents.
- Provide connectivity within new developments and between existing neighborhoods to promote a sense of community and encourage mobility of all types.
- Support the existing commercial core within the community, and encourage business retention and reinvestment.

2) Housing

- Protect and maintain the character of the existing established neighborhoods within the City, while recognizing that certain areas of the community are more suitable for infill developments.

2.3 Zoning Ordinance Amendment. City Council has the discretion and authority under state law and City Code to amend the City's Zoning Ordinance (Text or Zoning Map). In considering a proposed amendment to the Zoning Ordinance under Sec. 903.02.F of the Zoning Ordinance, the Planning Commission and City Council must consider the possible adverse effects of the proposed amendment. Their judgment shall be based upon (but not limited to) the following factors:

- A. The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.
- B. The proposed use's conformity with present and future land uses of the area.
- C. The proposed use's conformity with all performance standards contained in the Zoning Ordinance (i.e., parking, loading, noise, etc.).
- D. The proposed use's effect on the area in which it is proposed.
- E. The proposed use's impact upon property value in the area in which it is proposed.
- F. Traffic generation by the proposed use in relation to capabilities of streets serving the property.

- G. The proposed use's impact upon existing public services and facilities including parks, schools, streets, and utilities, and the City's service capacity.

2.4 Drive Through CUP. A drive-through restaurant/convenience food establishments may be approved as a conditional use in the C-3 Service District. Sec. 977.05.G provided that:

- A. Compatibility. The architectural appearance, scale, construction materials, and functional plan of the building and site shall not be dissimilar to the existing nearby commercial buildings, and shall not cause impairment in property values, or constitute a blighting influence within a reasonable distance of the site.
- B. Green Strip. At any common boundary shared with a residential district, a strip of not less than five feet shall be landscaped and screened so as to create an effective visual and sound buffer and separation of uses.
- C. Lighting. Each light standard base island and all islands in the parking lot landscaped or covered. The light source is hooded to prevent glare onto adjoining property and the public right-of-way.
- D. Curbing. Parking areas and driveways shall be curbed with continuous concrete curbs not less than six inches high above the parking lot or driveway grade.
- D. Vehicle Access. Vehicular access points shall be limited and shall create a minimum of conflict with through traffic movements.
- E. Drainage. The entire area shall have a drainage system which is subject to the approval of the City Engineer.
- F. Surfacing. The entire area other than that portion occupied by buildings or structures or plantings shall be surfaced with a material which will control dust and drainage and which is subject to the approval of the City.
- G. Loading Berth. Adequate space shall be provided on the site for a loading berth to accommodate the parking and maneuvering of semi-tractor trailers.
- H. Refuse Storage. All refuse shall be stored in containers as specified by City Code. Said containers are to be screened and enclosed by a fence or similar structure.
- I. Litter Control. The operation shall be responsible for litter control within 500 feet of the property line and is to occur on a daily basis.
- J. Drive-Through Windows. Service windows shall be allowed if the following additional criteria are satisfied:

- i) Stacking. Not less than 180 feet of segregated automobile stacking lane must be provided for the service window.
 - b) Traffic Control. The stacking lane and its access must be designed to control traffic in a manner to protect the pedestrians, buildings and green area on the site.
 - ii) Use of Street. No part of the public street or boulevard may be used for stacking of automobiles.
 - iii) Noise. The stacking lane, order board intercom, and service window shall be designed and located in such a manner as to minimize automobile and communication noises, emissions, and headlight glare upon adjacent premises, particularly residential premises, and to maximize maneuverability of vehicles on the site. Levels of noise, light, and air quality shall be measured at property lines and shall satisfy established state regulations.
 - iv) Hours. Hours of operation shall be limited as necessary to minimize the effect of nuisance factors such as traffic, noise and glare upon any existing neighboring residential uses.
- J. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met. Section 904.2.F of the Zoning Ordinance requires City Council to consider possible adverse effects of the proposed conditional use. Council's 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 compatibility with present and future 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 values in the area in which it is developed.
 - 6. Traffic generated by the proposed use is 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.

Section 3. FINDINGS

Based on the Application materials, additional materials submitted by the Applicant, staff reports, public comment and information presented at the public hearing, and the standards of the Wayzata Subdivision and Zoning Ordinances, and Comprehensive Plan, the Planning Commission of the City of Wayzata makes the following findings of fact:

3.1 Subdivision / Preliminary Plat. The adverse effects of the proposed Preliminary Plat and Subdivision include:

- A. The building pad, parking stalls, loading area, and drive-through stacking lanes that result from the Lot Combination would have negative impacts on sensitive areas of the Property and surrounding neighborhood, including streetscape, scenic points and open areas of the surrounding neighborhood.
- B. The design of the lots and the site layout reflected in the Preliminary Plat does not respond to and nor is it reflective of the surrounding lots and neighborhood character.

3.2 Comprehensive Plan Amendment. Comp Plan Amendment does not reflect the overall policy goals of the Comprehensive Plan noted in Section 2.2 of this Report, and will not promote the welfare of the City of Wayzata, in that:

- A. The proposal does not strengthen the sense of community, increase walkability throughout the City nor provide enhanced connections between residential neighborhoods and commercial areas.
- B. The proposal does not create connected neighborhoods that provide access to services, housing and recreation for all ages and mobility types.
- C. The proposal does not promote a sense of community and encourage mobility of all types.
- D. The proposal does not protect and maintain the character of the existing established neighborhoods within the City.

3.3 Zoning Map Amendment.

- A. The proposal does not conform with present and future land uses of the area.
- B. The proposal does not conform with the loading standards contained within the Zoning Ordinance.
- C. The proposal will have negative effects on the area in which it is proposed.

3.4 Drive Through CUP.

- A. Compatibility. The proposed drive-through operation and its setback from the adjacent residential properties will create a blighting influence within a reasonable distance of the site.
- B. Loading Berth. The proposed parking and maneuvering of semi-tractor trailers will impact the parking spaces and drive-through lane.
- C. Noise. The proposed stacking lane, order board intercom, and service window will create levels of noise, light, and air quality that will impact the adjacent residential properties.
- D. Hours. The proposed hours of operation will create traffic, noise and glare impacts upon the adjacent residential properties.
- E. The proposal does not conform with present and future land uses of the area.
- F. The proposal does not conform with the loading standard contained within the Zoning Ordinance.
- G. The proposal will have negative effects on the area in which it is proposed.

Section 4. **RECOMMENDATION**

- 4.1 Planning Commission Recommendation. Based on the findings in section 3 of this Report, the Planning Commission recommends **DENIAL** of the (i) Lot Combination; (ii) Comprehensive Plan Amendment; (iii) Zoning Map Amendment; and (iv) Conditional Use Permit requested in the Application.

Adopted by the Wayzata Planning Commission this 4th day of April 2022.

Attachments:

Attachment A: Legal Description of Property

Attachment A
Information and Legal Description of Property





City of Wayzata Planning Commission Agenda Report

MEETING DATE: April 4, 2022	AGENDA ITEM: 4.c
TITLE: Acknowledgement of Development Application Withdrawal for 150 Broadway Avenue South	
PREPARED BY: Valerie Quarles, Assistant Planner	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: N/A	

BACKGROUND:

Applicant Langdon View, LLC has formally withdrawn their development application in order to work through additional options for the site.

ACTION REQUESTED:

Acknowledgement of withdrawal letter from applicant Langdon View, LLC for the Planned Unit Development Concept Plan at 150 Broadway Avenue South.

ATTACHMENTS:

1. Letter Withdrawing 150 Broadway PUD Application

From: [Brian Benson](#)
To: [Valerie Quarles](#)
Subject: Re: Withdrawing 150 Broadway for Resubmittal
Date: Friday, March 25, 2022 12:16:35 PM
Attachments: [image002.png](#)
[image003.png](#)

Hi Val,

My application for 150 Broadway Ave S is officially withdrawn.

Thank you,

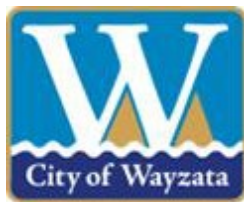
Brian Benson
Founding Agent / Developer
Compass
315 East Lake Street
Wayzata, MN 55391
612-227-8629
www.Brian-Benson.com

On Mar 25, 2022, at 11:31 AM, Valerie Quarles <vquarles@wayzata.org> wrote:

Hi Brian,

Can you send an email formally withdrawing your first application for 150 Broadway? I need that for our records. Then we'll work through resubmittal later.

Thanks,
Val



Valerie Quarles

Assistant Planner

vquarles@wayzata.org | 952-404-5323 ext. 323

600 Rice St E | Wayzata, MN 55391

www.wayzata.org





City of Wayzata Planning Commission Agenda Report

MEETING DATE: April 4, 2022	AGENDA ITEM: 5.a
TITLE: Consider Development Application for Highcroft Enclave located at 301 Peavey Lane	
PREPARED BY: Eric Zweber, Planning Consultant	
REVIEWED BY: Emily Goellner, Community Development Director, Valerie Quarles, Assistant Planner	
60 DAY DEADLINE: May 8, 2022	

BACKGROUND:

The applicants, BohLand Development and Highcroft LLC, have submitted a development application requesting approval of a Comprehensive Plan Amendment, Zoning Map Amendment, Subdivision, and two variances for 301 Peavey Lane. Approval of the requests would allow the demolition of the existing school and the creation of 15 single-family residential lots.

Four public comments were received and are attached to this report.

ACTION REQUESTED:

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:

1. Highcroft Enclave Staff Report
2. Highcroft Enclave Attachments
3. Public Comments Received by April 1 - 301 Peavey Lane



**Staff Report
Wayzata Planning Commission
April 4, 2022**

Project Name: Highcroft Enclave

Requests: Comprehensive Plan Amendment
Zoning Map Amendment
Subdivision
Variance for driveway setback
Variance for cul-de-sac length and width or radius

Applicant: BohLand Development & Highcroft LLC

Addresses of Request: 301 Peavey Lane

Prepared by: Eric Zweber, Consulting Planner
Emily Goellner, Community Development Director

“60 Day” Deadline: May 8, 2022

Development Application Introduction

The applicants, BohLand Development and Highcroft LLC, have submitted a development application requesting approval of a Comprehensive Plan Amendment, Zoning Map Amendment, Subdivision, and two variances for 301 Peavey Lane. Approval of the requests would allow the demolition of the existing school and the creation of 15 single-family residential lots.

Property Information

The property identification number and owner of the property are as follows:

Address	PID	Owner
301 Peavey Lane	01-117-23-42-0019	The Blake School

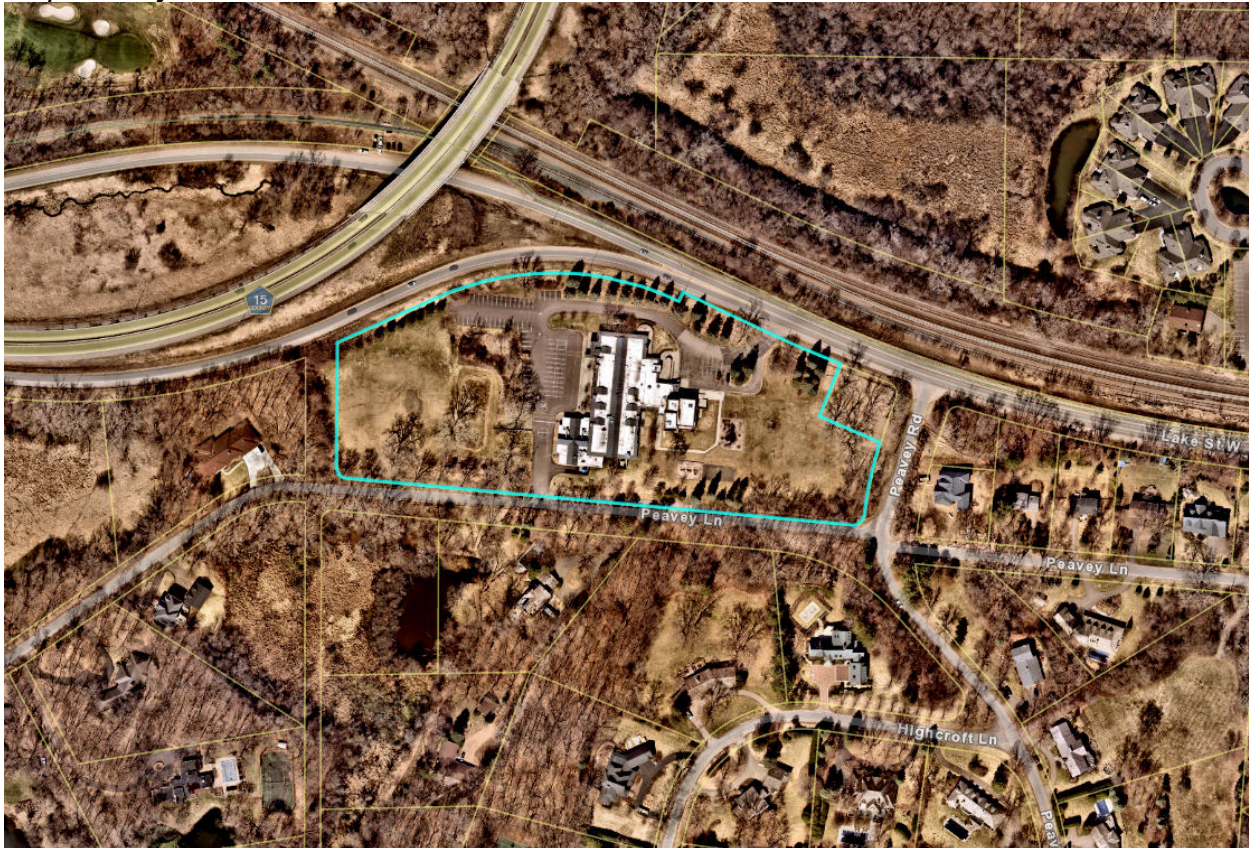
The current zoning and comprehensive plan land use designation for the property are as follows:

	301 Peavey Lane
Current Zoning:	Institutional
Comprehensive Plan Designation:	Institutional/Public

Project Location

The property is located along Peavey Lane, south of Lake Street and Shoreline Drive.

Map 1: Project Location



Source: Hennepin County

Application Requests

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

- A. Subdivision - Preliminary Plat (§ 1003.02 & 1003.03): The applicant has proposed to subdivide the property into 15 single family lots and three outlots.
- B. Comprehensive Plan Amendment: The applicant has proposed to change the property from Institutional/Public to Low Density Residential.
- C. Zoning Map Amendment (§ 903.02.F): The applicant has proposed to rezone the property from Institutional to R-2 Medium Density Single Family Residential.

- D. Variance for Driveway Setback for Lot 1 (§ 920.05.E.8): The applicant has requested a variance for a side yard driveway setback of zero (0) feet for both side yards of Lot 1.
- E. Variance for Cul-De-Sac Length and Width of Radius (§ 1006.06 and 1006.07): The applicant has requested a variance of 186 feet to increase the cul-de-sac length to 786 feet from the City Code requirement of 600 feet.

Public Hearing Notice

Notice of the public hearing on the Application was published in the *Sun Sailor* on March 24, 2022. The public hearing notice was also mailed to all property owners located within 500 feet of the subject property on March 23, 2022.

Neighborhood Notification

The applicant held a neighborhood meeting on March 17, 2022, to discuss their proposed plans. The meeting was attended by 29 people. The following primary concerns were discussed:

- The need for a Comprehensive Plan Amendment
- The need for the two variances
- Zoning Map Amendment denser than R-1A would not match the surrounding neighborhood to the south and west
- Change in neighborhood feel
- Impact on trees and the wetland
- Appearance from Peavey Lane
- Driveway locations
- Construction issues
- Neighborhood access and the proximity to County Road 15
- Whether other neighborhoods in Wayzata are similar to this proposal
- Whether other development offers were received by Blake School for the site

A summary of the meeting has been provided by the applicant and is attached to this report.

Existing Conditions

The existing 8.04-acre site contains the Blake School's Highcroft Campus (Blake School). The school was built in 1958 with additions in 1991 and 2006. The building is 63,000 square feet with two floors and 83 parking stalls.

The parcel is located at the northwest corner of Peavey Lane and Peavey Road. Shoreline Drive also abuts the northern side of the property. There are two access points for the site, one off Peavey Lane and the other off Shoreline Drive. There is a small, city owned parcel, with a landscaping easement, that abuts the northeast corner of the site.

There are low density, single-family estate homes located to the south and west of the site, across from Peavey Lane, generally ranging from 65,000 square feet to 120,000

square feet in size. These properties are zoned R-1A, which requires a minimum lot size of 80,000 square feet. To the east of the site, across from Peavey Road, are denser single-family home lots, generally range from 11,000 square feet and 25,000 square feet in size. These properties and are zoned R-3, which requires a minimum lot size of 9,000 square feet. County Road 15 and Lake Street right of way are located to the north of the site along with train tracks owned by Burlington Northern.

Topography

The elevation on the site increases from west to east across the property. Elevation on the western end starts at 946 feet and increases to 966 feet at the eastern end. The western end of the site contains a playground and flat open space. The middle of the property contains the school and parking lot. There is a wetland located directly west of the parking lot. Trees are located adjacent to the parking lot and along the north and south side of the property. The school sits in a small hill as the elevation gets slightly higher, roughly 10 feet, from the western edge of the property to the eastern side of the school. There are two additional playgrounds and a basketball court on the southeastern side of the school. There is additional open space on the eastern side. There is a small steep slope at the southeast corner of the lot, near the intersection of Peavey Lane and Peavey Road, where the elevation increases vertically roughly 10 feet.

Proposed Changes

The applicant proposes to demolish the existing school and create 15 single family lots and three outlots. Blake School would continue to run the school through June of 2023. Site development would not occur until after that time (if approved).

The development proposes one access from the on and off-ramps connecting Lake St to Shoreline Drive (County Road 15). Proposed plans show a cul-de-sac street design with a loop road creating a 13,199 square foot central area/open space (Outlot C), which will be dedicated to the public, in the middle of the development. There is a cul-de-sac bulb created on the west end of the looped street proposed to be named "Peavey Place".

Outlot A, a narrow 2,131 square foot lot in between Lots 7 and 8, contains a sidewalk to provide connection from inside the development to Peavey Lane and the surrounding neighborhood.

Outlot B, the most western lot and the largest at 30,264 square feet, is proposed to contain a stormwater basin for stormwater management for the development.

The size of the single family home lots are in between 0.35 to 0.45 acres except for Lot 1 which is the largest lot at 0.58 acres.

Proposed Lot Sizes		
Lot 1	25,050 sq. ft.	0.58 acres
Lot 2	19,620 sq. ft.	0.45 acres
Lot 3	16,434 sq. ft.	0.38 acres
Lot 4	17,483 sq. ft.	0.40 acres
Lot 5	16,286 sq. ft.	0.37 acres
Lot 6	17,305 sq. ft.	0.40 acres
Lot 7	15,035 sq. ft.	0.35 acres
Lot 8	16,936 sq. ft.	0.39 acres
Lot 9	16,085 sq. ft.	0.37 acres
Lot 10	15,611 sq. ft.	0.36 acres
Lot 11	17,826 sq. ft.	0.41 acres
Lot 12	18,226 sq. ft.	0.42 acres
Lot 13	17,399 sq. ft.	0.40 acres
Lot 14	18,472 sq. ft.	0.42 acres
Lot 15	15,791 sq. ft.	0.36 acres

The applicant states that long term maintenance of the common areas, like Outlot C, would be managed by a homeowners association.

Analysis of Application

City staff has reviewed the pertinent information and City Code requirements for the proposed project, and provides the following analysis and information:

Comprehensive Plan Amendment

The Comprehensive Plan land use designation for the subject property is Institutional/Public. The applicant would like to change the Institutional designation to Low Density Residential.

Direction	Adjacent Use	Zoning	2040 Comprehensive Plan Designation
North	Railroad and Townhomes	Planned Unit Development (PUD) and R-1 Low Density Single Family Residential District	Public Open Space
East	Single Family Homes	R-3 Single and Two Family Residential District	Low Density Residential (1 to 3 units/acre)
South	Estate Single Family Homes	R-1A Low Density Single Family Estate District	Estate Single Family (0.25 to 0.5 unit/acre)
West	Estate Single Family Homes	R-1A Low Density Single Family Estate District	Estate Single Family (0.25 to 0.5 unit/acre)

In the Low Density Residential designation, densities range from 1 to 3 units per acre. The lots located to the east are guided for Low Density Residential.

The neighborhoods to the south and west are guided for Estate Single Family. Directly to the north of the development is the Lake Street West on and off-ramps to Shoreline Drive (County Road 15) and the railroad tracks.

The redevelopment of this parcel was not anticipated in the 2040 Comprehensive Plan.

Changing the designation of the site to create 15 single-family lots must adhere with applicable principles and goals of the Comprehensive Plan and make sure the Comprehensive Plan amendment would not negatively affect these goals:

Residential Goals and Policies

- Goal: Maintain and enhance the character, diversity and livability of all residential neighborhoods.
- Goal: Create connected neighborhoods that provide access to services, housing and recreation for all ages and mobility types.
- Consider enhancements to the individual character elements of residential neighborhoods through public improvements and private investment.
- Identify opportunities to protect property values through the consistent relationship of land uses, streets, sidewalks, natural features, and the maintenance of properties.
- Monitor the need and enforce transitional uses or buffers between incompatible uses when infill or redevelopment is proposed.
- Consider the review, updating and enforcement of zoning, subdivision, and design standards to ensure high standards of planning and design.
- Encourage and promote a balanced housing supply

Future Land Use

- The Land Use Plan looks 20 years into the future and represents the direction endorsed by the City at the time of adoption. The City recognizes that the plan may evolve and change in the coming years and that the City should engage in regular reviews, ideally on an annual basis, to ensure the plan is kept current.
- The Low-Density Residential category represents the single-family home developments within and in close proximity to the community core. Densities within the category range from 1 to 3 units per acre. The primary residential structure of this category is single-family units.

Housing

Introduction and Situation Analysis

- Quality housing is at the core of a prosperous community. At its most basic level, housing serves several vital functions, ranging from shelter from the elements to a

form of investment and financial security. Attractive housing is a key component of both neighborhood and community wide character, while new housing developments may serve to revitalize portions of the community. Wayzata has a variety of housing types that provide an array of options for current and future residents.

Strengths

- One of Wayzata's greatest strengths and assets is its unique single-family residential neighborhoods and individual estates, which are a vital component to the community's sense of identity. As the City continues to manage infill development, the maintenance and preservation of these existing single-family neighborhoods is one of the most important values of the community.
- Another important strength of the community is its reputation for quality, in both materials and overall design of residential structures. Design is an important component of Wayzata's sense of place, and the City strives to encourage the highest quality housing stock within the community. The selection of the highest quality building materials is encouraged, as well as the continued maintenance of all residential properties within the City.

Challenges

- One of the greatest challenges facing Wayzata is the economic reality of rapidly increasing land values. As a fully built out community, developable land is scarce, which when combined with the City's proximity to the lake, has driven up the value of land.
- The housing types within the community also continue to diversify, including an increase in the number of multi-family units since 2010. This increase in varied housing type welcomes a range of individuals and provides options for life cycle housing. Continued support of this diversification of units can support housing options for a range of residents, from young families to seniors.

Housing Goals and Policies

- Goal: Protect and maintain the character of the existing established neighborhoods within the City, while recognizing that certain areas of the community are more suitable for infill developments
- Encourage a mixture of redevelopment and new development opportunities for additional housing units that supports the existing character of neighborhoods throughout the community. Review and evaluate site design standards within each of the residential zoning districts to ensure that regulations do not hinder the development of a housing stock that meets the goals of Wayzata. Examples include height restrictions and unit square footage requirements
- Evaluate and adopt policies and zoning ordinance amendments that would encourage new single family residential developments to conform with the mass

and scale of existing residences within their neighborhood. Consider requiring that housing developments include site design consideration that preserve and protect the community's natural amenities, including tree coverage, wildlife habitats, steep slopes and wetlands.

The criteria for evaluating a Comprehensive Plan Amendment are provided at the end of this report.

Zoning Amendment

The parcel is zoned INS-Institutional. The applicant is requesting a zoning amendment to change the parcel from INS-Institutional to R-2 Medium Density Residential.

The existing INS-Institutional zoning would allow pre-school through senior high schools, religious institutions and publicly owned civic or cultural buildings, such as libraries, City offices, auditoriums, public administration buildings, public parking structures as a permitted uses. Additionally, through a conditional use permit, cemeteries or memorial gardens; colleges, seminaries and other institutions of higher education; community centers; hospitals and residential care facilities; housing for the elderly; halfway houses; governmental and public related utility buildings; public recreational facilities; or single family or two family residential dwellings as allowed as conditional uses.

The neighborhoods to the south and west are zoned R-1A Single Family Estate District. The double frontage lots located to the east between Lake Street West and Peavey Lane are zoned R-3 Single and Two Family Residential District even though the majority of these lots meet the R-2 zoning standards. Directly to the north of the development is the Lake Street West on and off-ramps to Shoreline Drive (County Road 15) and the railroad tracks.

The following table outlines the standards compared with the proposal:

Regulation	R-2	Proposed
Lot Area	Minimum of 15,000 square-feet	Min: 15,057 sq ft. (Lot 7)
Lot Width	100 feet	Min: 100 ft. (Lot 7 & 8)
Building Setbacks (min.)	Front: 25 ft Rear: 20 ft Sides: 10 ft	Front (Lots 9-14, 1, 2, 15): 25 ft. (interior) Front (Lots 3-8): 40 ft (Peavey Ln) Side (all lots): 10 ft Rear (Lots 9-14): 20 ft. (Shoreline Dr) Rear (Lots 1, 2, 15): 40 ft. (Peavey Ln) Rear (Lots 3-8): 25 ft. (interior)

Regulation	R-2	Proposed
Driveway Setbacks (min.)	Front: 10 ft Rear: 10 ft Sides: 10 ft	Lot 1: 0 ft. (rear) Variance Other Lots: 10 ft

The criteria to evaluate a Zoning Map Amendment are listed within City Code Section 903.02, which is included within the summary at the end of this report. Those criteria include evaluating if the request is in conformance with the present and future uses of the area, conformance with the performance standards of the City Code (i.e. the variance requests), and if the development would affect the area in which the development is proposed.

Subdivision - Preliminary Plat

The applicant is requesting to subdivide the site once the demolition of the school occurs into 15 single family lots and three outlots.

The orientation of the homes varies in the development.

Lots 9 through 14 will be double frontage lots with the driveways accessing Peavey Place and the other frontage facing Shoreline Drive.

Lots 1, 2, and 15 will also have internal facing front yards but their rear yards will face Peavey Lane and Peavey Road.

Lots 3 through 8 will be double frontage lots with the driveways accessing Peavey Place and the other frontage facing Peavey Lane.

Outlot A is a sidewalk access from Peavey Place to Peavey Lane in-between Lots 7 and 8.

Outlot B contains the stormwater pond on the western boundary of the property.

Outlot C contains an island in the middle of Peavey Place that would contain a recreational area for the neighborhood.

Neighborhood Design

The common space in the center of the development is proposed to be called “Highcroft Park”. The applicant proposes a children’s play area, creative landscape design, and sculptures recognizing the history of the property. The proposed pedestrian trail network would allow access for surrounding neighborhoods and the public to access the park.

Each home would be required to have unique architecture and custom designs, through the covenants of a homeowners association (HOA), so that no two homes are alike.

Landscaping plans will also be required to be unique. All natural materials and substantial use of stone and brick would dominate the exterior of the homes.

Homes on the south side of the development would have the front of their home facing Peavey Lane with garage access from Peavey Place within the proposed development. Homes on the north side would face towards Peavey Place with garages along the back toward Shoreline Drive. Homes abutting Shoreland Drive are intentionally designed toward the back of the lot to create a more useful and open front yard facing the park.

Lots 1 through 3, as mentioned above, have front yards facing Peavey Lane rather than Peavey Place. Due to the elevation change along the corner of Peavey Lane and Peavey Road, the front yards will lie 5 to 6 feet below Peavey Lane. This creates a unique and atypical front yard. The Planning Commission should consider if these designs will have an effect on the area in which the development is proposed.

Home Design

General sizes for the homes are anticipated to be between 3,500-5,000 square feet. Each home will have a full basement or crawl space (non-walkout) to minimize scale of three-story homes. The applicant wants to create a high degree of architecture without creating mansion homes that have large scale and mass.

Lots 7, 8, and 9 would not have basements but crawl spaces instead. Lots 6 and 10 would have the building code minimum 7-foot basements. All other lots would have full basements of at least 8 feet basements. The Planning Commission should consider if the basement designs in conformance with the present and future uses in the area.

Average Grade Change

To accomplish the grading and basement designs, the entire development will require a change of existing grade of an average of almost 3 feet. City Code Section 916.04.D. requires that a change in average grade of more than 2 feet requires the approval of City Council.

Driveway Variance (§ 920.05.D)

The applicant is requesting a 10-foot driveway setback variance for Lot 1. Approval of the request would allow the driveway to be built along the southern lot line of Lot 15. Lot 1 is the largest lot in the development but has a narrow access to Peavey Place.

The applicant has stated several reasons for the request. There is a 15-foot stormwater easement on the southern line of Lot 15 that would make the driveway for Lot 1 feel separated from Lot 15. The applicant also states this is not an uncommon application throughout Wayzata. The driveway would still have 8 feet of landscaping space combined with the 15-foot stormwater easement. The applicant believes the variance would allow the driveway to be very desirable and would not be uncommon from other lots in Wayzata. The impacts on abutting properties of a 0-foot setback for the driveway should be discussed by the Planning Commission. Drainage and snow removal from the driveway on Lot 1 could directly affect Lots 2 and 15.

The applicant believes the request is consistent with the comprehensive plan for instituting charm in the design of neighborhoods. The applicant states there are similar lot conditions in Wayzata.

The applicant states that if the driveway access for Lots 1 and 2 was forced to be off of Peavey Lane, the home site would need to be raised 6 to 7 feet to accommodate the elevation change. This would require a significant amount of fill and would take months for the soil to be compacted enough to support a building. Access from Peavey Place would alleviate this need for additional grading.

Cul-de-sac Variance (§ 1006.07)

The applicant is requesting a variance for the size of the cul-de-sac that extends off the looped street in the western end of the development. Peavey Place is not proposed to have a second access, therefore creating a bulb of cul-de-sac furthest from the entrance off of Shoreline Drive. City Code Section 1006.06.A requires cul-de-sacs to be a maximum of 600 feet. The applicant is proposing a 786-foot-long cul-de-sac. City Code Section 1006.07 requires cul-de-sacs to have a 60-foot turnaround radius for right-of-way width and a 48-foot turnaround radius for pavement width. The applicant is proposing a 50-foot right-of-way turnaround radius and a 40-foot pavement turnaround radius.

The Wayzata Fire Chief has reviewed the design of Peavey Place. The Fire Chief does not support any cul-de-sac radius of less than the City Code requirement. The Fire Chief has stated that the Fire Department could live with the extra length of the cul-de-sac if they had to but would much prefer that there not be a cul-de-sac and Peavey Place connect to both Peavey Lane and Shoreline Drive.

The applicant has stated several reasons for their request. The intent of the applicant with the cul-de-sac design is to bring a more charming streetscape that creates low traffic and encourages pedestrian traffic and a quiet neighborhood.

The applicant states there is not enough room along Peavey Road to add an access and the only other option would be to loop back out onto Shoreline Drive on the northwest side of the development. Access here would be difficult as there is a 10-foot elevation change between the development and Shoreline Drive. Additional tree removal would also be required.

The applicant also has stated that surrounding neighbors do not support a secondary access off Peavey Lane. The Planning Commission should discuss if creating a second access from Peavey Lane meets the “hardship” criteria required for a variance to the Subdivision Ordinance. The applicant stated that a significant amount of materials would need to be imported in order to change the overall topography of the site if a secondary access was provided.

The applicant has provided turn movement exhibits for emergency and bus vehicle access in the cul-de-sac. Bus movements show a tight turnaround radius without

impacting the curb and placement of fire hydrants and also that mailboxes should be considered. Turning movements for fire trucks are shown as a hammerhead movement requiring a fire truck to back up on the trail within Outlot A and then traveling back onto the cul-de-sac to turn around. The Fire Chief does not support this variance request. The Fire Chief states that the Wayzata Fire Department supports a cul-de-sac designed to the City Code requirement of a 48 foot pavement radius and a 60 foot right-of-way radius.

The Planning Commission should discuss if the size of the cul-de-sac allows for adequate turning movements for emergency and bus vehicle access.

Access and Circulation

One access into the development is proposed off Shoreline Drive, called Peavey Place. Peavey Place is a looped road that circles the central common area before looping back to the entrance and back onto Shoreline Drive.

The Fire Chief is concerned about the single access to this neighborhood with cul-de-sac length and radius variance when Peavey Place could be extended to Peavey Lane.

The Planning Commission should decide whether the access and circulation of the development is sufficient for residents and emergency access.

Traffic

Currently, the existing school serves 240 students and 40 employees. The bulk of the traffic generated on the site comes from the morning drop-off and afternoon pickup of students. The trip generation memorandum provided by the applicant and attached to the report states that Blake School creates 704 average daily trips.

The trip generation memorandum states that the proposed 15 lot single-family neighborhood would generate 141 average trips per day.

Utilities

Preliminary utility plans show new sanitary sewer lines serving each lot and being received in the middle of the development with a single sanitary sewer line then going in between Lots 11 and 12 and connecting into the sanitary sewer line along Shoreline Drive.

Watermains are proposed to serve each house from a new tie into a watermain valve to the east of the subdivision along Peavey Road. Fire hydrants are proposed at the east and west ends of Outlot C and between Lots 11 and 12 located north of Outlot C. The Fire Chief recommends that the fire hydrant between Lots 11 and 12 be relocated to the entrance of Peavey Place.

New stormwater management would also be implemented on the site. Ten catch basins are proposed along Peavey Place. There are three backyard catch basins proposed, two on Lot 15 and one in between Lots 10 and 11. Lots 11 and 14 are proposed to have rip-rap as well. The whole connected storm sewer system would eventually drain into a proposed stormwater pond located on the west end of the site (Outlot B).

Tree Preservation Plan

The applicant submitted a preliminary tree survey. There is a total of 2,101 caliper inches of trees on the property. The applicant proposes saving 320 caliper inches and removing 1,781 caliper inches.

The 1,781 caliper inches proposed for removal include 324 caliper inches of heritage trees and the remaining 1,457 caliper inches are significant. The 320 caliper inches proposed to be saved include 25 caliper inches of heritage trees and 295 caliper inches of significant trees

City Code requires heritage trees be replaced at the ratio of 2 caliper inches per 1 caliper inch removed. The applicant will need to replace 648 caliper inches of heritage trees.

City Code allows up to 25% of significant trees to be removed without being replaced. The applicant can remove 525.4 caliper inches of significant trees. The remaining 932.2 caliper inches need to be replaced at a ratio of 1:1.

The total tree replacement is 1581 caliper inches of replacement. This replacement is equal to approximately 35 trees of three caliper inches in size for each of the 15 lots. Trees planted on Outlots B or C would also count towards the tree replacement requirement.

As required in City Code Section 918.03, the applicant must submit a landscape plan showing the required tree replacement prior to building permits.

Landscape Plan

The Subdivision Ordinance does not require the submittal of a landscape plan during the preliminary plat review. City Code Section 918.03 states that a landscape plan be submitted and approved by the Zoning Administrator before the building permit. Section 918.03 also states the minimum size of the landscaping, the landscape spacing, species of landscaping allowed, landscape guarantees, and requirements regarding existing trees.

Park Dedication

Section 1006.15 of the Subdivision Ordinance regulations states that new subdivision shall dedicate ten percent (10%) of the gross acre of the subdivision for public recreation. The applicant has proposed the 10,087 square foot Outlot C to the City for recreation and open space for the development. The subdivision has a total of 363,469 gross square feet which would result in a public recreation requirement of 36,347 square feet. Should the proposed preliminary plat be approved, the remaining deficiency of 26,267 square feet would need to be paid through a fee-in-lieu of dedication as allowed by Section 1006.15.I.

Environmental Considerations

There is a small wetland located near a depression area next to the parking lot. It is undecided if this depression area was intentionally made or if it is a result of natural conditions. The applicant has submitted a wetland application and is working with appropriate local governing units (LGUs) for review. The proposed project will require 0.11 acres of impact to the wetland. Wetland impacts are proposed to be replaced via purchase of wetland bank credits from the City.

Engineering Review

- The proposed street and cul-de-sac do not meet the City's requirements for minimum width, requiring a variance.
- The applicant must get approval from MCES to connect directly to their sanitary sewer system.
- Sanitary sewer pipes shall be PVC material. SDR 26 shall be used when depth exceeds 12 feet.
- The City prefers water mains and service connections to be constructed with HDPE pipe material. The applicant should show the existing water mains at Peavey Lane and Peavey Road on the utility plans.
- Preliminary plat shows "Vacated Bovey Road", and references document no. 1079620, which requires additional review and confirmation. Hennepin County parcel maps do not show this area tied to the existing 301 Peavey Lane parcel.
- The storm sewer system should be extended beneath Peavey Lane, discharging at the edge of the wetland on the south side of Peavey Lane.
- The grading plan shows the combined cut and fill quantities approaching an average of 3 feet of grade change across the site. Average grade changes of 2 feet or more require approval of the City Council per City Code Section 916.04.D.
- The City's Parks & Trails Board should provide guidance on whether sidewalks along Shoreline Drive, Peavey Road, and Peavey Lane are appropriate, given that there are no sidewalks adjacent to the site on those streets.

Fire Department Review:

- Cul-de-sac radius: The Wayzata Fire Department does not support anything less than the City Code requirement of a 48 foot wide pavement width and a 60 foot wide right-of-way width. While not all Wayzata Fire vehicles can maneuver within a 48 foot pavement radius, the Wayzata Fire Department can support the minimum cul-de-sac radius of the City Code.
- Cul-de-sac length: The proposed cul-de-sac exceeds the City Code requirement of a 600 foot cul-de-sac length by 177 feet. The Fire Department could live with the extra length of the cul-de-sac if we had to but would much prefer that there not be a cul-de-sac and Peavey Place connect to both Peavey Lane and Shoreline Drive.

- Fire Hydrant locations: The Wayzata Fire Department requests that the fire hydrant between Lots 11 and 12 be relocated towards the entrance(s) of Peavey Place.
- Addressing: The Wayzata Fire Department supports the addressing of the lots based on where the driveways would address (i.e. Peavey Place). The Fire Department does not support the addressing of Lots 1 through 8 with Peavey Lane.

Standards of Planning Commission Review of Application Requests

The applicant's Comprehensive Plan Amendment and Zoning Map Amendment requests are legislative reviews and decisions, 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 application's subdivision and variance requests are a quasi-judicial review and decision, meaning that the Planning Commission acts similar to a judge in a courtroom and applies the relevant rules of the Zoning Ordinance to this particular property and proposed development.

The Planning Commission should recommend approval of the Comprehensive Plan amendment if the Commission determines the amendment set appropriate policy to enforce, amend, and administrate the Zoning Ordinance in City Code § 901.04.

The Planning Commission should recommend approval of the zoning map amendment if the Commission determines that there are no substantial adverse effects of the amendment in City Code § 903.02.F

The Planning Commission should recommend approval of the preliminary plat requested by the applicant if the Commission determines that they meet all criteria for platting standards in City Code § 1003.

The Planning Commission should recommend approval of the driveway setback variance request by the applicant if the Commission determines that they meet all criteria for granting a variance in City Code § 905.01.C.

The Planning Commission should recommend approval of the cul-de-sac width and length of radius variance request by the applicant if the Commission determines that they meet all criteria for granting a variance in City Code § 905.01.C.

Primary Questions to Consider

- Will the comprehensive plan amendment create a charming neighborhood?
- Will the comprehensive plan amendment create a well connected neighborhood?
- Will the comprehensive plan amendment help balance the housing stock within the city?
- Will the comprehensive plan amendment allow for a high quality residential neighborhood?

- Will the comprehensive plan amendment support the existing residential areas while recognizing some areas of the city are more suitable for infill development?
- Is the zoning map amendment consistent with the comprehensive plan?
- Will the zoning map amendment have an effect on the surrounding neighborhood?
- Is the proposed subdivision consistent with the comprehensive plan?
- Is there a practical difficulty with the driveway variance request?
- Is there a hardship with the cul-de-sac variance request?
- Does the size of the cul-de-sac allow for adequate movement of bus and emergency vehicles?
- Is the property owner's proposal for the property reasonable?
- For the driveway setback variance request, is the plight of the landowner due to circumstances unique to the property, and not created by the landowner?
- Do the variances, if granted, alter the essential character of the locality?

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

Applicant's Narrative Dated March 9, 2022
Preliminary Plat
Lot Tabulation
Civil Plans
Renderings
Trip Generation Memorandum
Summary of March 17, 2022 Neighborhood Meeting
Fire Department Memorandum

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.

2040 Comprehensive Plan Amendment

Guiding Principles of the Comprehensive Plan

Charming

- **Fostering charm in a community known for its small-town character requires intentionality and purpose. A stronger focus on design – sending developers back to the proverbial drawing table to bring a more tasteful proposal – is a check that would go a long way.** City residents want to connect to the City's shared spaces. City spaces can be plain, or they can be charming – it is just a question of thoughtfulness. **Visitors and residents connect to places that evoke a sense of belonging, and a sense of nostalgia.** Wayzata – by nature, as it is located on the shore of Lake Minnetonka – evokes these feelings. **The challenge for the City is to make charm an utmost priority not only in new developments but in every aspect of the City's lifecycle.** Placing emphasis on the arts, for example, is something that allows passers-by and visitors to slow down and enjoy the City. **Development should be small and intimate, creating room for “randomness.”**

City Nodes with Greater Housing Diversity

- Housing availability and affordability were key themes throughout the engagement process. **The current Wayzata reality is that single family homes are expensive,** pricing young families out of Wayzata. **Additionally, most higher density development has been in the form of condos by the lake with price tags sometimes much higher than the City's single-family residences, which attract an older and more financially stable demographic. Higher density, for Wayzata, would mean City pockets with townhome developments, and housing developments in traditionally commercial areas.** This higher density, combined with pointed efforts to make Wayzata walkable, multi-generational, and connected could bring liveliness to nodes within the City.

Land Use

- **Within the context of this Comprehensive Plan, this Land Use chapter helps to promote strong residential neighborhoods, enhance a vibrant downtown core and other commercial areas, protect natural areas, and encourage recreational opportunities.** The 2040 Land Use Plan for Wayzata, reflected in this chapter, captures **the community's past and looks forward to the future.**

- Wayzata is a geographically small but mature community. Land use has evolved from a recreational destination after incorporation to a well-balanced place to live, work, and play. **Wayzata is constantly challenged with balancing the preservation of its traditional roots and confronting the realities of being part of a major metropolitan area and big city development dynamics.**
- Wayzata's residential neighborhoods are generally strong. Wayzata neighborhoods are desirable for families young and old. A wide variety of single and multiple family housing exists. Housing development over the last 10 years has made multifamily units the predominate housing type within the community.
- The following goals and policies provide the framework for guiding future development decision within the City of Wayzata. **These goals and policies should be referenced regularly by City staff, elected and appointed officials, developers, stakeholders and property owners as development is pursued.** The statements provided in this section **reflect the traditional policies of the City regarding land use and growth management, while addressing recent trends** and issues encountered during the visioning phase of the Comprehensive Plan. Each goal statement provides the desired condition that the community strives to achieve or maintain. Each policy statement provides guidance and direction that can be used to guide decision making.

Residential Goals and Policies

- **Goal: Maintain and enhance the character, diversity and livability of all residential neighborhoods.**
- **Goal: Create connected neighborhoods that provide access to services, housing and recreation for all ages and mobility types.**
- **Consider enhancements to the individual character elements of residential neighborhoods through public improvements and private investment.**
- **Identify opportunities to protect property values through the consistent relationship of land uses, streets, sidewalks, natural features, and the maintenance of properties.**
- **Monitor the need and enforce transitional uses or buffers between incompatible uses when infill or redevelopment is proposed.**
- **Consider the review, updating and enforcement of zoning, subdivision, and design standards to ensure high standards of planning and design.**
- **Encourage and promote a balanced housing supply**

Future Land Use

- **The Land Use Plan looks 20 years into the future and represents the direction endorsed by the City at the time of adoption. The City recognizes that the plan may evolve and change in the coming years and that the City should engage in regular reviews, ideally on an annual basis, to ensure the plan is kept current.**

- The Low-Density Residential category represents the single-family home developments within and in close proximity to the community core. Densities within the category range from 1 to 3 units per acre. The primary residential structure of this category is single-family units.

Housing

Introduction and Situation Analysis

- Quality housing is at the core of a prosperous community. At its most basic level, housing serves several vital functions, ranging from shelter from the elements to a form of investment and financial security. **Attractive housing is a key component of both neighborhood and community wide character, while new housing developments may serve to revitalize portions of the community.** Wayzata has a variety of housing types that provide an array of options for current and future residents. Recent redevelopment opportunities within the community have added additional housing and diversity to the City's housing stock, as shown in Table 4-1. **The 2017 housing estimates grow the overall housing stock to just over 2,500 units, an increase of nearly 24 percent from 2010. Multifamily dwelling types, or structures with five or more units, grew the highest over this time period, now representing the greatest number of units across all housing types.**

Strengths

- One of Wayzata's greatest strengths and assets is its unique single-family residential neighborhoods and individual estates, which are a vital component to the community's sense of identity. **As the City continues to manage infill development, the maintenance and preservation of these existing single-family neighborhoods is one of the most important values of the community.**
- Another important strength of the community is its reputation for quality, in both materials and overall design of residential structures. Design is an important component of Wayzata's sense of place, and the City strives to encourage the highest quality housing stock within the community. The selection of the highest quality building materials is encouraged, as well as the continued maintenance of all residential properties within the City.

Challenges

- One of the greatest challenges facing Wayzata is the economic reality of rapidly increasing land values. As a fully built out community, developable land is scarce, which when combined with the City's proximity to the lake, has driven up the value of land.
- The housing types within the community also continue to diversify, including an increase in the number of multi-family units since 2010. This increase in varied housing type welcomes a range of individuals and provides options for life cycle

housing. **Continued support of this diversification of units can support housing options for a range of residents, from young families to seniors.**

Housing Goals and Policies

- **Goal: Protect and maintain the character of the existing established neighborhoods within the City, while recognizing that certain areas of the community are more suitable for infill developments**
- **Encourage a mixture of redevelopment and new development opportunities for additional housing units that supports the existing character of neighborhoods throughout the community. Review and evaluate site design standards within each of the residential zoning districts to ensure that regulations do not hinder the development of a housing stock that meets the goals of Wayzata.** Examples include height restrictions and unit square footage requirements
- **Evaluate and adopt policies and zoning ordinance amendments that would encourage new single family residential developments to conform with the mass and scale of existing residences within their neighborhood. Consider requiring that housing developments include site design consideration that preserve and protect the community's natural amenities, including tree coverage, wildlife habitats, steep slopes and wetlands.**

Zoning Map 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.

Subdivision - Preliminary Plat (1003.02)

The Planning Commission shall consider possible adverse effects of the preliminary plat. Its judgment shall be based upon, but not limited to, the following factors:

- 1.The proposed subdivision or lot combination shall be consistent with the Wayzata Comprehensive Plan.**

2. Building pads that result from a subdivision or lot combination shall preserve sensitive areas such as lakes, streams, wetlands, wildlife habitat, trees and vegetation, scenic points, historical locations, or similar community assets.

3. Building pads that result from subdivision or lot combination shall be selected and located with respect to natural topography to minimize filling or grading.

4. Existing stands of significant trees shall be retained where possible. Building pads that result from a subdivision or lot combination shall be sensitively integrated into existing trees.

5. The creation of a lot or lots shall not adversely impact the scale, pattern or character of the City, its neighborhoods, or its commercial areas.

6. The design of a lot, the building pad, and the site layout shall respond to and be reflective of the surrounding lots and neighborhood character.

7. The lot size that results from a subdivision or lot combination shall not be dissimilar from adjacent lots or lots found in the surrounding neighborhood or commercial area.

8. The architectural appearance, scale, mass, construction materials, proportion and scale of roof line and functional plan of a building proposed on a lot to be divided or combined shall be similar to the characteristics and quality of existing development in the City, a neighborhood or commercial area.

9. The design, scale and massing of buildings proposed on a subdivided or combined lot shall be subject to the architectural guidelines and criteria for the Downtown Architectural District, Commercial and Institutional Architectural Districts, and Residential Architectural Districts and the Design Review Board/City Council review process outline in [Chapter 909](#) of the Wayzata Zoning Ordinance.

10. The proposed lot layout and building pads shall conform with all performance standards contained herein.

11. The proposed subdivision or lot combination shall not tend to or actually depreciate the values of neighboring properties in the area in which the subdivision or lot combination is proposed.

12. The proposed subdivision or lot combination shall be accommodated with existing public services, primarily related to transportation and utility systems, and will not overburden the City's service capacity.

Variance Criteria for driveway setback (905)

Variances may be granted by the City Council in accordance with Chapter 905 of this Ordinance.

1. Variances shall only be permitted when they are:

- a) In harmony with the general purposes and intent of this Ordinance; and**
- b) Consistent with the Comprehensive Plan.**

2. Variances may be granted when the Applicant for the variance establishes that there are practical difficulties in complying with this Ordinance.

3. "Practical difficulties," as used in connection with the granting of a variance, means that:

- a) **The property owner's proposal for the property is reasonable but not permitted by this Ordinance;**
 - b) **The plight of the landowner is due to circumstances unique to the property, and not created by the landowner; and**
 - c) The variance, if granted, will not alter the essential character of the locality.
4. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
5. Variances shall be granted for earth sheltered construction as defined in Minn. Stats. § 216C.06, Subd. 14, when in harmony with this Ordinance.
6. The City Council shall not permit as a variance any use that is not allowed under this Ordinance for property in the zoning district where the affected person's land is located, except the City Council may permit as a variance the temporary use of a one family dwelling as a two family dwelling.
7. The City Council may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.
8. An application for a variance shall set forth reasons that the variance is justified under the criteria of this section in order to make reasonable use of the land, structure or building.

Variance Criteria for cul-de-sac width and length of radius (1009.04.A)

Variances may be granted by the City Council in accordance with Chapter 1009 of this ordinance if:

- 1. That there are special circumstances or highly unique conditions affecting the property such that the strict application of the provisions of this Chapter would deprive the applicant of the reasonable use of his land.**
- 2. That the granting of the variance will not be detrimental to the public health, safety and welfare or injurious to other property in the territory in which property is situated.
- 3. That the variance is to correct inequities resulting from an extreme physical hardship such as topography.**
- 4. Hardship relating to economic difficulties shall not be considered for the purpose of granting a variance.
- 5. That the hardship is not a result of an action or actions by the owner, applicant, developer or any agent thereof.**



Highcroft Enclave Neighborhood

Development Application
City of Wayzata

Draft
March 9, 2022

BOHLAND
HOMES



Contents:

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- Alta Survey**
- Preliminary Plat**
- Preliminary Street Plan**
- Preliminary Sewer & Water Plan**
- Preliminary Storm Water Plan**
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- Preliminary Tree Plan**
- Highcroft Enclave 3D Conceptual Illustration**
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1. Introduction

Blake Highcroft Legacy

From Frank Hutchinson Peavey's 111-acre estate, coined Highcroft in 1895, to the founding of the Highcroft Country Day School in 1958, to the legacy of the Blake School from 1974 to today.

With its remarkable reputation and longstanding history, the Blake School has created a legacy for the Highcroft campus. It is upon this foundation that we believe the Highcroft campus, as it once again takes on a new purpose, will create a new legacy by identifying the most appropriate use for the future - Homeownership. A neighborhood for the future reflective of the goals of the 2040 Comprehensive Plan and the future of Wayzata.

Becoming A New Legacy

"Charm in the Heart of Wayzata"



One of the most important themes "utmost priorities" in Wayzata is the continuous desire toward finding the meaning of "Charming" and often this has been difficult to describe.

Unlike any other recent development opportunity in Wayzata, there is no better land use plan that completely aligns with this Vision of Charming. Our understanding of the Wayzata Community, and our Vision for this unique property, along with very thoughtful design and planning, creates a residential neighborhood that is all about Charm.

A property as unique as the Highcroft site along with the importance of layering a new neighborhood into the Wayzata community, requires a never-before-seen level of planning,

environmental sensitivity, design, and architecture. We know our discerning Home Buyers will expect the highest level of quality and design. From the site planning through the final details of each home and property, creating low-impact housing, sensitivity to the environment, and the interaction between neighbors within Highcroft Enclave and the neighborhood appearance for those driving by will be our highest priority.

Blake and BohLand Collaboration

“Early in 2021, a Board subcommittee of trustees and school leaders was formed to oversee the Highcroft campus sale. Partnering with Colliers International, a leading real estate brokerage and professional services firm, they engaged in a thoughtful and exhaustive process, seeking competitive bids from reputable buyers.”

Blake offered the property to the market and received numerous responses with varied potential uses. Based on what the market was most willing to offer included more density, scale, and mass. The goal of Blake was to create reasonable market value while aware of the sensitivity of the Wayzata Community and to be aligned with the 2040 Comprehensive Plan.

Blake and BohLand with their combined understanding of the Wayzata community have aligned and are collaborating on this rare “50 year” opportunity. Blake is available to answer questions about the past and future for this property and can bring a clear understanding of why this property along with a changed educational model no longer make sense as a school or other use for the existing building. BohLand can answer questions about the market, design, amenities and benefits of the residential neighborhood and the plan to successfully redevelop into something Wayzata will experience as “Charming”.

Blake will continue to run the school uninterrupted on the Highcroft campus through June 2023. Transfer of ownership is planned for August 2023. Site Development will begin following the 2023 school year with single family homes starting construction by year end 2023.

BohLand Development Highcroft, LLC, a division of BohLand Development will be the Developer of the property and BohLand Homes will be the Builder for the Custom Homes.



2. Highcroft Enclave Neighborhood & Architectural Considerations

Our Lifestyle concept for the Highcroft Enclave Neighborhood includes luxury homes built for an owner that has experienced the best in home architectural design, home amenities, ultimate craftsmanship, and stunning landscapes. These owners, who likely were in a previous larger property, would expect the same level of quality and experience in a “right-sized” new home. It has long been voiced that “McMansions” in the wrong setting is an inappropriate use and, in this case, would not meet the market.

The appeal of Highcroft Enclave will draw families with children, singles & couples, and “Empty Nesters” seeking a new home neighborhood nearly impossible to find in Wayzata.

In a small, yet highly designed neighborhood, there will be a soft touch of amenities with a focus on perimeter landscaping, interior orientation, quiet transitions between surrounding homes and the neighboring homes. Long term maintenance of the common areas will be managed by the Neighborhood Homeowners Association.

General Neighborhood Design Guidelines



“Highcroft Park”, a Public Park within the core of the neighborhood offers a unique opportunity for a children’s play area, creative landscape design, and sculpture recognizing the history of the property. Along with it being an inviting public park, it also

offers a unique Common Core area for the neighborhood similar to “pocket-parks” in many communities. A sidewalk along Peavey and a signed pathway leading into the Highcroft Park will become part of the sense of neighborhood for both the Highcroft Enclave neighbors and inviting for the general public for pedestrians and bicycles.

 Each home will be required to have an architecturally significant and unique custom design so that no two homes look alike.

 Each home on the south side of the commons will have the front facing of the home toward Peavey with garage access from commons. This will provide a true feeling of neighborhood along with best views when looking at homes from Peavey Ln and Peavey Rd. Homes on the north side of the commons will be facing “inward” toward the commons with garages along the back toward Shoreline Dr. Many of the homes abutting on Shoreline Drive will be intentionally designed toward the back of the lot, creating a more useful and desirable front yard facing the Park.

 Comfort & Security in the neighborhood will be monitored for those that may be away and live in other places throughout the year.

 Similar to the level of the home architectural design, each homesite will be required to have a landscape study with unique features, including a plan presented for approvals. The creativity to each design will blend with each home site and complete the overall neighborhood.

 View-scapes between the homes and views externally looking at site will be of utmost importance.

 All-natural exterior materials and a substantial use of stone and brick or equivalent exterior material

 Driveways of paver material or cement inlay accents

 Each lot will have a distinguishing stone address column curbside

 Custom street lighting throughout the neighborhood



Options for Sculpture by local artist in neighborhood commons



3. Existing Neighborhood - Peavey Lane

The streetscape along Peavey Lane in Wayzata begins near Shaver Park and Wayzata Beach and moves to the west. From east to west the property types begin with an apartment building vintage 1960's and eight single family homes on the north side of the street. On the south side of the street are five backyards from homes along Ferndale S and Peavey Rd. On the corner of Peavey Ln. and Peavey Rd are two new construction homes built over the last two years.

The property then changes zoning from Residential to Institutional based on a 50+ year old history as a school. Peavey Ln. west from Peavey Rd has two homes that have backyards from Highcroft Ln. and a home across the street from Blake to the south. Next to that is a lot owned by the City of Wayzata. Further west are single family homes.

The proposed Highcroft Enclave single-family homes all sit at an elevation approximately 40 feet below from the homes that sit on top of the bluff in Highcroft. The proximity to Shoreline Dr, the railroad tracks, and the street elevation of Peavey Ln. suggests that our proposed use matches most closely to Peavey Ln. to the east and less compared to the homes that sit above on the bluff.

The homesites west of the Blake property are larger lots primarily due to the significant wetlands with many ranging from 1 – 1.25 acres of “non-wetland” with many built in the 1980’s.

Unsure of why the Blake property was overlooked during the 2040 Comprehensive Plan review, it may be due to an anticipated continued use as a school and will now need to be considered as to how it complies with the intent of the 2040 Comprehensive Plan.

Institutional Zoning Summary – Permitted and Conditional Uses:

- Automobile Parking
- Cemeteries or memorial gardens
- Colleges, seminaries, and other institutions of higher education
- Community centers
- Hospitals and residential care facilities including extended care for mentally handicapped, rest homes and care for the aged, ill and infirmed.
- Housing for the elderly
- Halfway houses
- Governmental and public related utility buildings and structures necessary for the health safety and general welfare of the City
- Public recreational facilities
- Single family and two-family residential dwellings, provided that: the development shall follow the provisions of the R-3 Zoning District

This unique “west edge” of Wayzata location and a “50 year” opportunity to create a residential neighborhood will redefine the western entrance of Wayzata into a “charming”, welcoming neighborhood community.

Assuming that we are comparable zoning to the rest of properties along Peavey Ln. to the east, our proposed plan of eight single-family homes fronting Peavey Ln in Highcroft Enclave will have a similar feeling to the homes along Peavey Ln.. The other seven homes on the northern side bordering Shoreline Dr will have a streetscape visual only along Shoreline Dr with no visual impact on Peavey Ln.

4. Existing Site Conditions

The Blake Highcroft campus was originally built in 1958 and significant additions were done in 1991 and 2006.

Land: 8.04 Acres

Building: 63,000 SF with two floors. Parking: 83 parking Stalls.

5. Highcroft Enclave - Development Plan

Site Plan Layout

The site plan creates traditional lot sizes within the R-2 zoning and applies creativity and design for a more desirable land plan for the homeowners and the adjoining neighbors.

Because of the surrounding traffic and railroad impacts to the north, to create a sense of neighborhood within the Enclave, and to offer a feeling of integrating into the adjoining neighborhood, the orientation of each individual home allows for architectural creativity and exciting design.

Streets, Park, and Utility

The Highcroft Enclave streets, park, and utility will be public upon completion of the construction.

We have created architectural design and home placement with a focus on the common area “core” in the center of the neighborhood. The homes on the south side will be fronting Peavey Ln. and the homes on the north will face inward toward the common area. The corner lot on Peavey Rd and Peavey Ln. will have the backyard facing the corner to give more distance from the back of the home to the corner.

It has been suggested to vary the size of the lots facing Peavey Ln. and we have configured so that those facing Peavey will have varied lot sizes and orientation that create *charming* character. The lot sizes that will be facing Peavey are on average significantly larger (in most cases twice the front lot widths) than most new construction in all of Wayzata over the last 7 years and larger lot areas than along the existing Peavey Ln to the east.

Defining the front, back, and side yard setbacks are important to understand the relationship to the zoning codes and home building design, but also for a long-term understanding with the Highcroft neighborhood HOA. It is important to distinguish the lot descriptions so that no future remodeling or landscaping can alter the original intent and, this can be accomplished with a Development Agreement with the City and as part of the HOA documents. All of the lots along Peavey Lane and Peavey Road have the front of the homes facing those streets.

The creative site plan with an internal park creates an appearance of only eight homes fronting Peavey Ln. and Peavey Rd. Likewise, because there are only seven homes along Shoreline Drive, you will only see those homes when coming off the highway and Shoreline Dr. You will not see these homes from along Peavey Ln..

The internal roads and infrastructure comply and are designed to meet public design and standards and will become public upon completion of construction. We are requesting variance for the design of the cul-de-sac.

Any property on the western part of Wayzata that borders a main street and railroad track is either high-density or commercial. An important aspect of the Comprehensive Plan suggests a “transition” between uses and Highcroft Enclave is a great example of blending or transitioning uses.

Existing older homes along Peavey Ln. to the east - lot fronts are 114’ and approx. 22,800 SF. Highcroft - 6 of our lots along Peavey are larger @ 120’ and the average of all eight along Peavey are 115’. (Gross area of Highcroft 8.04 acres/15 = 23,348 SF.)

Gross Site Area:	8.04 acres, 350,279 ft
Gross Lots/per acre:	.53 acres ½ acre, net .38 acre
Size of lot:	Minimum 15,000 SF (Average including common area 16,477)

Individual lots

We are also showing setbacks per R2 zoning, and in some cases exceeding minimums.

- Front Yard for lots 9-14 & 1, 2,15: 25ft interior street side.
- Rear Yard for lots 9-14 20ft Shoreline Dr side
- Rear Yard for lots 1, 2,15 40ft Peavey Ln. side
- Front Yard for lots 8-3 40ft Peavey Ln. side
- Rear Yard for lots 8-3 25ft interior street side (increased from 20ft to match setbacks of lots 9-14 & 1,2,15)
- Side Yards 10ft for all lots
- Lot Widths 100' - 120' frontage for lots along Peavey Ln.

Lot Size: 15,000 sq ft minimum for all lots

BLOCK 1	GROSS AREA				WETLAND		NET AREA			WIDTH
Lot 1	25,050	s.f.	0.58	acres	0	s.f.	25,050	s.f.	0.58	120
Lot 2	19,620	s.f.	0.45	acres	0	s.f.	19,620	s.f.	0.45	120
Lot 3	16,434	s.f.	0.38	acres	0	s.f.	16,434	s.f.	0.38	120
Lot 4	17,483	s.f.	0.40	acres	0	s.f.	17,483	s.f.	0.40	120
Lot 5	16,286	s.f.	0.37	acres	0	s.f.	16,286	s.f.	0.37	120
Lot 6	17,305	s.f.	0.40	acres	0	s.f.	17,305	s.f.	0.40	120
Lot 7	15,057	s.f.	0.35	acres	0	s.f.	15,057	s.f.	0.35	100
Lot 8	17,808	s.f.	0.41	acres	0	s.f.	17,808	s.f.	0.41	100
Lot 9	15,401	s.f.	0.35	acres	0	s.f.	15,401	s.f.	0.35	151.5
Lot 10	15,187	s.f.	0.35	acres	0	s.f.	15,187	s.f.	0.35	105.3
Lot 11	17,826	s.f.	0.41	acres	0	s.f.	17,826	s.f.	0.41	101.2
Lot 12	18,226	s.f.	0.42	acres	0	s.f.	18,226	s.f.	0.42	101.6
Lot 13	17,399	s.f.	0.40	acres	0	s.f.	17,399	s.f.	0.40	101.2
Lot 14	18,472	s.f.	0.42	acres	0	s.f.	18,472	s.f.	0.42	123.3
Lot 15	15,791	s.f.	0.36	acres	0	s.f.	15,791	s.f.	0.36	120
Total	263,345	s.f.	6.05	acres	0	s.f.	263,345	s.f.	6.05	
OUTLOT	GROSS AREA				WETLAND		NET AREA			
A	2,131	s.f.	0.05	acres	0	s.f.	2,131	s.f.	0.05	
B	30,264	s.f.	0.69	acres	0	s.f.	30,264	s.f.	0.69	
C	13,199	s.f.	0.30	acres	0	s.f.	13,199	s.f.	0.30	
Total	45,594	s.f.	1.05	acres	0	s.f.	45,594	s.f.	1.05	
R/W	GROSS AREA				WETLAND		NET AREA			
	54,641	s.f.	1.25	acres	0	s.f.	54,641	s.f.	1.25	
TOTAL	GROSS AREA				WETLAND		NET AREA			
	363,580	s.f.	8.35	acres	0	s.f.	363,580	s.f.	8.35	

Home Designs

The general size for the square footage is anticipated that each home will have between 3,500 – 5,000 SF above grade.

Each home will have either have a full basement or a crawl space (non-walkout) to minimize scale usually that comes with a 3-story appearance; instead, utilizing second floor bonus room spaces.

The design intent is to create a high degree of architecture without creating “McMansion” scale & mass that contradicts the goal of “Wayzata Charm”.

Landscaping

BohLand and its Landscape Architecture Team will emphasize the perimeter landscaping when the site is developed and blend with each individual lot when the homes are built. Because of the uniqueness of the Architectural Home Design, each individual lot landscape design will be required to meet certain expectations and approvals that meet the overall neighborhood goals. These will be prepared along with each home architectural design and submitted to the neighborhood ARC architectural control committee. The illustrations included in our proposal are examples of the level of design intended for each individual lot.

Tree Replacement: We acknowledge the Tree preservation Plan and our intent is to comply according to the tree replacement requirements and recommended tree replacement species. Obviously, there are significant trees that will be removed in the core and the best long-term growth solution will be the replacement of shade and screening trees that will improve the perimeter and internal landscaping. The perimeter of the site will have a significant improvement over the existing conditions following the successful landscaping completion. The perimeter landscape will allow screening from the roadway and highway light and traffic. Also, the core park will allow the site to carefully place new trees for a long-term impact.

Environmental

Currently the site has significant hard surface coverage that is not managed at a “best practices” level. An environmentally sensitive approach to storm water and other benefits will be applied with the new development.

In the event there are any hazardous waste components to the site, or in the building, those will be removed and disposed of in accordance with required government standards.

Wetland - There is a small wetland located near a depression area by the parking area. We are assuming this was created by the parking and topography draining onto this area. We

are unable to prove that this was a site improvement vs. natural condition so we have engaged a Wetland Consultant and will be working through the appropriate LGU's to propose a wetland mitigation by acquiring wetland credits within the City of Wayzata or elsewhere.

Visual impact

Any views from the existing neighbors looking directly at Highcroft Enclave will only be from the two new construction homes along Peavey Rd, and possibly two up on the bluff, and two from the west. All other visual impact will be from road traffic. There are only a few new homes in Highcroft Enclave that will impact any views beyond the current visual impact of the school building and parking lot. The streetscape will be similar to lot widths that run along Peavey Ln. to the east.

Traffic

The change in use will dramatically reduce the amount of traffic and activity on the site. Blake's Highcroft campus serves 240 students and has 40 employees plus a number of outside contractors. The school has 83 parking stalls which are often full. There is a great deal of traffic each day from 8AM to 8:30AM for morning drop-off and from 2:30PM to 6:00PM for after school pickup and after care pickup. Pickup and drop-off involve 6 school buses and about 150 parent cars twice a day and five times a week. The parent car line often extends from the school parking lot along Peavey Lane as far back as Peavey Road. The school also receives frequent food service deliveries on large trucks and visits from various outside contractors. In addition, Blake's Highcroft campus hosts a number of annual school community events that draw as many as 200 cars to the campus and surrounding neighborhood streets.

A single-family neighborhood generates significantly less traffic and distributes it in a passive way throughout any daytime period. It also brings additional security to a site with single-family homes when owned by homeowners. The Enclave removes any current traffic away from Peavey Ln. onto Shoreline Drive and will eliminate the current traffic from the school onto Peavey Ln..

A Trip Generation Analysis was completed by S2Traffic Consultants and is attached to this application.

Conclusions:

The anticipated trip generation for the Proposed Project is significantly lower than the existing school trip generation. Specifically, there will likely be a reduction of approximately 302 AM trips, 86 PM trips and 563 daily trips with the redevelopment of the school site and no adverse traffic operations are anticipated. Additionally, a field review of available sight distance on Shoreline Dr at the proposed access roadway (Peavey Pl) indicates that there is adequate distance per AASHTO standards for both stopping sight distance and intersection sight distance.

6. Construction Schedule and Staging:

We understand the impact of construction and will do our absolute best to keep the site internal, clean, and safe. We will install a perimeter chain link fence around the site with the appropriate signage. We will also have safety protocols to limit trespassing and adhere to all noise ordinances. In addition, while the neighborhood is under construction, we will focus on staging the construction from the west to east as new owners move into the homes while the remaining homes are completed.

During the home construction all access will be from the entrance off Shoreline Dr.

Site Development: Start of demolition, site grading and street construction - August 2023 through year end 2023.

Home construction: Beginning in late 2023 and we anticipate it will be 2 ½ years of home construction.

During the site grading through street construction all construction traffic will be managed onsite, with the exception of any necessary infrastructure to be upgraded or brought to the site.

7. Market Conditions - Comparable Developments:

Locust Hills Neighborhood

The most similar neighborhood in the Wayzata specific market, and in a location that “bookends” Wayzata, Locust Hills is a highly thought of neighborhood with a creative land plan and architecturally designed homes and landscaping. Home values would be comparable, and our Architectural and Landscape Design would be even more particular for the individual home/lot designs. The Locust Hills neighborhood location also borders two busier roadways and has substantial Lake Minnetonka properties across the street.

Locust Hill - General Neighborhood Conditions:

- Most lots average .25 quarter - .33 acres third. Many are platted with adjoining open spaces behind each home.
- Front lot widths: Most range from 60’ – 80’. Average street fronts (not counting cul-de-sacs and flag lots) are around 76’ in widths.
- Flag lots are very acceptable when efforts are made to keep individual lots inside the neighborhood.

This neighborhood has proven to be one of Wayzata’s most successful developments. The resales and market conditions reveal the demand for the luxury “right sized” lots in Wayzata.

What makes it comparable is that lot widths from 70’ – 80” work remarkably well with upper bracket single family homes when done thoughtfully. Highcroft Enclave lot widths all exceed 100’.

The location bordering the edges of Wayzata creates an example of what works well for an appropriate use.

Both sites are neighbors to expensive lakefront properties.

Throughout Wayzata - New Construction Single Family Homes:

Because Wayzata is an “infill” community, the greatest demand for single family homes has been to seek older homes, remove them, and build new or significant remodels. Over the last 10 years Wayzata’s greatest demand has been for “right sized” single family homesites.

We have prepared a separate market study showing the single-family new construction market in Wayzata that has proven the demand. (Separate Market Study available)

- Typical Lot Sizes range from 55 - 65' in width and 9,000 – 11,000 SF.
- New construction home values range from \$1.4M to \$2.0M+

The Highcroft Enclave neighborhood lots would exceed these lots on average over 30% in lot size and in most cases double the lot widths.



8. Highcroft Enclave Talking Points:

- Finally... an opportunity to create “Charming” in Wayzata.
- We have heard from many that have seen our proposal that the idea of a charming neighborhood at the west entrance into Wayzata is the most desirable and welcoming use for this property and the community.
- This proposal meets the intent and goals of the 2040 Comprehensive Plan.
- The circular road with an internal pocket park – “Highcroft Park” will bring a feel of neighborhood and open space. This will attract families and children to the playground. This type of park is similar to many neighborhood parks that offer safety, quaint and useful amenities for both the adjoining homes, and also inviting to the public.
- Passive less impact use compared to other options within the Institutional Zoning District.
- Quiet single-family Neighborhood on 8-acre site.
- Each lot at Highcroft would be larger than almost all other new construction homes (approx. 50 homes) in Wayzata over the last 7 years.
- Absolutely the greatest demand in the Wayzata market. It is well documented and proven that the market for single family homes within the R-2 zoning is absolutely the greatest demand.
- Emphasis on “Charm” - Not multi-family, Not “McMansions”
- Less traffic, less noise impact to adjoining neighborhood
- Buffer between neighborhood and significant highway and active railroad tracks.
- Architecture - character and charm with street facing fronts of homes along Peavey (all driveways accessed off Shoreline Drive), wrought iron fencing, paver driveway and sidewalks, strict and thoughtful architectural design standards, etc.
- All minimum 15,000 SF Lots. Avg 16,477/lot including the common area.

- Why not another School or Parochial School? The Blake school has the history, experience, leadership, and private funding incomparable to most other schools. It is unexpected that any other private school or available funding for public education could find a way to continue this site as a school.
- Our study of the market in Wayzata proves that the most desirable residential use for the property would-be single-family homes on “right sized” lots.
- Because of the significant multi-family projects developed over the last 7 years, a higher density multifamily development would not meet the market and certainly does not fit the style and feel for this property.
- The future Highcroft Enclave Residents will enjoy the walkability and proximity to Shaver Park, Wayzata Beach, the Dakota Trail, and other nearby community amenities. This aligns with creating neighborhoods that encourage pedestrian activity and interaction within the community.
- In a letter from the neighbors, they requested only one curb cut onto Peavey Ln. for each home. We have improved this site plan to not have any homes accessed from Peavey.
- Creating charm and stylish character in a single-family development requires creativity in the site plan and a functional house placement and landscape design.
- The single-family homes along Peavey Lane to the east are in the Low-Density Residential Zoning and we are most comparable to those properties; even though our front yard widths along Peavey Ln. are wider.
- Compared to possibilities for other uses within the Institutional Zoning District, a single-family residential neighborhood has significantly less impact on neighbors, traffic, noise, light, and more environmental sensitive.
- Blake will continue to run the school uninterrupted on the Highcroft campus through June 2023. Transfer of ownership is planned for August 2023. Site Development will begin following the 2023 school year with single family homes starting construction by year end 2023.

9. Comprehensive Plan and Zoning Considerations

The 2040 City of Wayzata Comprehensive Plan

What is a Comprehensive Plan?

The Comprehensive Plan is a tool for guiding the growth, redevelopment and improvement of Wayzata. The Comprehensive Plan consists of a compilation of goals, objectives, policy statements, standards, and maps for guiding the physical, social, and economic development of the City and its environs. The Comprehensive Plan applies to the development of both public and private property. The Comprehensive Plan is made up of a series of sections, each relating to a major subject area.

Role of the Comprehensive Plan

The Comprehensive Plan serves several important practical and legal functions. The Comprehensive Plan presents a vision for the future of Wayzata. In both words and illustrations, the Plan describes aspirations for community development. The Plan seeks to guide public and private actions to achieve results that move Wayzata closer to its vision for the future.

The Low Density Residential category represents the single-family home developments within and in close proximity to the community core. Densities within the category range from 1 to 3 units per acre. The primary residential structure of this category is single-family units.

Comprehensive Plan Amendment from Institutional to Low Density Residential, Subdivision, Zoning Amendment to R-2 Zoning District, Variance Request.

The Blake Highcroft property was overlooked in the most recent study for the 2040 Comprehensive Plan. We do, however, believe that the Highcroft Enclave proposal absolutely meets the intent of the 2040 Comprehensive Plan.

When reviewing the 2040 Comprehensive Plan and considering the possibilities for other types of properties under the current Institutional Zoning, our proposed new use for the property blends and meets most of the intent for redevelopment and fits well into a residential R-2 zoning use. Equally important, the demand for this type of neighborhood both now and long-term creating a balanced low-impact neighborhood absolutely meets the real estate market.

Most importantly, the desire for Charming in Wayzata is what has driven the vision and design for Highcroft Enclave.

There is additional information below and are excerpts copied from the Comprehensive Plan and are shown in italics. The highlights below are where we saw an emphasis on the intent and approach for our proposed redevelopment.

Following a meeting with Staff and their recommendation; this is submitted as a Comprehensive Plan Amendment (Re-guiding), Subdivision (Plat), and Zoning Map R-2 Residential Amendment (rezoning), Variance Requests.

Rezoning Request R-2 Zoning District - Subdivision 903.02.F:

1. The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.

Our plan meets the objectives of the Comprehensive Plan.

- *A stronger focus on design – sending developers back to the proverbial drawing table to bring a more tasteful proposal – is a check that would go a long way*
- *Consider enhancements to the individual character elements of residential neighborhoods through public improvements and private investment.*
- *Identify opportunities to protect property values through the consistent relationship of land uses, streets, sidewalks, natural features, and the maintenance of properties.*
- *Monitor the need and enforce transitional uses or buffers between incompatible uses when infill or redevelopment is proposed.*
- *Consider the review, updating and enforcement of zoning, subdivision, and design standards to ensure high standards of planning and design.*
- *Identify ecological and water quality impacts on the lake and other water bodies caused by proposed land use developments, for example stormwater runoff, and work to mitigate these impacts.*

2. The proposed use's compatibility with present and future uses of the area.

Our plan meets this condition.

- The proposed single-family neighborhood is surrounded by other single-family homes. Most of the properties along Peavey Lane that are at a similar elevation and along Shoreline Dr. and the railroad are single family homes are of similar density.

The new homes in Highcroft Enclave will be more expensive similar to those up on the bluff area.

3. The proposed use's conformity with all performance standards contained herein (i.e., parking, loading, noise, etc.).

Our plan meets this condition.

- The proposed plan meets the conditions of parking, loading, noise etc. and the lower impact use will substantially decrease parking, loading, noise etc.

4. The proposed use's effect on the area in which it is proposed.

Our plan meets this condition.

- The change to a significantly lower impact site meets the intent of the Comprehensive Plan and the city's desire for Charming and the design of neighborhoods.

5. The proposed use's impact upon property values in the area in which it is developed.

Our plan meets this condition.

- It is our opinion that all the lots allow for the construction for single family homes and do not have any adverse effect on any neighboring values. To the contrary, the future values of the single-family homes may be significantly greater than the many of the neighboring properties. It is estimated that the values for the Highcroft Enclave homes (including the lot) will be in the mid to upper \$2M range.
- The market desire for above grade square footage, including bonus rooms and main level living outweigh the desire for basement finished square footage. Therefore, our experience has proven that the greatest value is above grade square footage and either 7' basements or a few plans with crawl spaces will not have any negative impact on values.

6. Traffic generated by the proposed use is in relation to capabilities of streets serving the property.

- Our plan meets this condition. The cul-de-sac design "significantly" improves the existing conditions for traffic on the property and the adjoining neighborhood.

7. The proposed use's impact upon existing public services and facilities including parks, schools, streets and utilities, and the City's service capacity.

- Our plan meets this condition.

Variance Considerations 1009.04:

A. Cul-de-sac Code 1006.07

B. Driveway Setback

A. Cul-de-sac variance request: Cul-de-sac length and width of radius.

1. That there are special circumstances or highly unique conditions affecting the property such that the strict application of the provisions of this Chapter would deprive the applicant of the reasonable use of his land.

Our intent with the cul-de-sac design is to bring a more charming street-scape, planning and design that creates a low traffic pattern with a non-through street. This encourages pedestrian traffic and a quiet neighborhood.

There is not enough room along Peavey Road to add an access and the only other option would be to loop back out to Shoreline Drive. Access to Shoreline Drive on the west end of this development would be difficult as there is a 10ft elevation change between Shoreline Drive and the development in this area. A second access to Shoreline Drive here would also require additional tree removal to provide adequate site lines.

Although Peavey Place is proposed as a 7+77 ft long cul-de-sac street, a loop road that circulates traffic from 3+00 to 6+75 has been proposed. Additionally, there will be a dual-purpose trail / emergency access route constructed on the west end of the street. This will allow pedestrian connectivity to the surrounding neighborhoods as well as provide emergency access to and from the development.

Because of the loop design and the uniqueness of the cul-de-sac and “bubble” location at the west end, we have shown that there is an adequate turning radius for fire safety and bus vehicles.

No permanent secondary access is proposed for this site as neighboring residents have indicated they do not support another access off Peavy Lane. The design of the

neighborhood creates a feeling of charm with the new homes fronting Peavey Ln. without all of the additional driveway traffic onto that street.

2. That the granting of the variance will not be detrimental to the public health, safety and welfare or injurious to other property in the territory in which property is situated.

- This variance will not be detrimental to the public health, safety and welfare or injurious to other property. In contrast, the improved street pattern will create a safer use for pedestrians and reduce additional traffic within this neighborhood, alongside the park, and on Peavey Rd and Peavey Lane.

3. That the variance is to correct inequities resulting from an extreme physical hardship such as topography.

- Due to the existing topography being well below Peavey Ln, Peavy Rd and Shoreline Dr., a very significant amount of importing materials would be required to change the overall topography of the site.

4. Hardship relating to economic difficulties shall not be considered for the purpose of granting a variance.

- There is not an economic difficulty for this request.

5. That the hardship is not a result of an action or actions by the owner, applicant, developer or any agent thereof.

- The hardship due to the existing topography was not created by the owner or applicant. Although it may not be a hardship, we have listened to then neighbors suggesting no driveway access onto Peavey Ln.

B. 920.05.E.8 Driveway Setback

We are requesting a driveway setback variance for Lot 1. This is primarily requested due to the unique orientation and existing elevations of the lot. This is the largest of the lots and the neighborhood design is to have all of the homes along Peavey Ln. and Peavey Rd. to face the front of the homes toward those streets.

It is only the narrow section coming into the lot that would have a 10' driveway setback variance. Lot 15 to the north has a 15' stormwater easement along the southerly lot line that will make the driveway on Lot 1 feel separated.

This is not an uncommon application throughout Wayzata.

C. Criteria for Granting. Conditions governing considerations of variance requests.

1. Variances shall only be permitted when they are:
 - a) In harmony with the general purposes and intent of this Ordinance
 - This type of condition is not uncommon for lots throughout Wayzata. Lot 1 is the largest lot and has a 20' wide entrance that could have a 12' wide driveway with a remaining 8' for landscaping, combined with a 15' stormwater setback on Lot 15, this lot will have a feel consistence and common with other properties throughout Wayzata.. In a new neighborhood we believe that this will be a very desirable part of the landscaping.
 - b) Consistent with the Comprehensive Plan.
 - We believe this condition meets the intent of the Comprehensive Plan and the City's desire for Charming in the design of neighborhoods. We recognize similar conditions in many other properties in Wayzata.
 - Lot 1 would have "alley" access and driveway would be from the rear.
2. – 3. Practical Difficulties:
 - If the driveway access to these lots were off Peavey Lane, the home sites would need to be raised 6 to 7 ft. This would require significant fills to accomplish and would likely require the pads be surcharge for some time prior to home construction. This would require large mounds of material be stacked here for months to provide the needed compaction of the soils to support a building. By allowing access from the rear this can be avoided.
 - Additionally, the home sites can be set down lower to help provide some screening for the existing homes across the street.
4. Hardship relating to economic difficulties shall not be considered for the purpose of granting a variance.
 - There is not an economic difficulty for this request.
5. That the hardship is not a result of an action or actions by the owner, applicant, developer or any agent thereof.
 - The hardship due to the existing topography was not created by the owner or applicant.

City of Wayzata 2040 Comprehensive Plan

Chapter 1 – Introduction

Evolution of a Small Town

A “charming small town” was a phrase commonly used by many to describe the community fabric and culture.

As the community evolved, additional density found its place in seams between traditional single-family neighborhoods and highway arteries. Modest lake homes gave way to larger and more prominent estate style homes somewhat reflective of the Lake Minnetonka estate properties of the late 1800’s and early 1900’s.

During the mid-1990’s, I-394 opened with Wayzata and downtown Minneapolis on either end. Travel time to downtown jobs was significantly decreased. These physical connections to Wayzata created a more mobile community. It also brought a workforce population to the community on a daily basis. This mobility adds pressure to high property values that continue to climb at a faster pace than most communities in the Twin Cities. The freeway also makes Lake Minnetonka more convenient as a natural and recreational amenity of regional significance.

Community Engagement in the Comprehensive Planning Process

In 2017, the City of Wayzata embarked on a comprehensive visioning project which formed the foundation and framework for the City’s 2040 Comprehensive Plan. The visioning project was named Wayzata 2040, Sailing Ahead, and was dedicated to strong community engagement. The main goal of Wayzata 2040 Sailing Ahead was to engage with City residents and stakeholders in order to determine where they would like to see Wayzata in 10-, 20- and 30-years’ time. The process enabled the community to take control and provide input into a process that allowed them to shape their own future.

Engagement Approach

The City used a people-focused community engagement approach that emphasized broad and deep participatory engagement methods to create collaborative environments that

produce aligned visions for the future. The overall vision development process included several major principles: • Future Oriented. The objective was to ‘peer’ into the future and design a process that drew together strategic foresight and identification of preferred future outcomes in Wayzata. • People Focused. The process aimed to offer maximum opportunity for local stakeholders and community members to engage in meaningful and thoughtful discussion about the future. A series of workshops and surveys were conducted to provide structured input.

Guiding Principles of the Comprehensive Plan

Charming

Fostering charm in a community known for its small-town character requires intentionality and purpose. A stronger focus on design – sending developers back to the proverbial drawing table to bring a more tasteful proposal – is a check that would go a long way. City residents want to connect to the City’s shared spaces. City spaces can be plain, or they can be charming – it is just a question of thoughtfulness. Visitors and residents connect to places that evoke a sense of belonging, and a sense of nostalgia. Wayzata – by nature, as it is located on the shore of Lake Minnetonka – evokes these feelings. The challenge for the City is to make charm an utmost priority not only in new developments but in every aspect of the City’s lifecycle. Placing emphasis on the arts, for example, is something that allows passers-by and visitors to slow down and enjoy the City. Development should be small and intimate, creating room for “randomness.”

Walkable and Pedestrian Friendly

Vibrant Parks and City Spaces

Environmental Sustainability

City Nodes with Greater Housing Diversity Housing availability and affordability were key themes throughout the engagement process. The current Wayzata reality is that single family homes are expensive, pricing young families out of Wayzata. Additionally, most higher density development has been in the form of condos by the lake with price tags sometimes much higher than the City’s single-family residences, which attract an older

and more financially stable demographic. Higher density, for Wayzata, would mean City pockets with townhome developments, and housing developments in traditionally commercial areas. This higher density, combined with pointed efforts to make Wayzata walkable, multi-generational, and connected could bring liveliness to nodes within the City.

Chapter 3 - Land Use

Within the context of this Comprehensive Plan, this Land Use chapter helps to promote strong residential neighborhoods, enhance a vibrant downtown core and other commercial areas, protect natural areas, and encourage recreational opportunities. The 2040 Land Use Plan for Wayzata, reflected in this chapter, captures the community's past and looks forward to the future.

Wayzata is a geographically small but mature community. Land use has evolved from a recreational destination after incorporation to a well-balanced place to live, work, and play. Wayzata is constantly challenged with balancing the preservation of its traditional roots and confronting the realities of being part of a major metropolitan area and big city development dynamics.

Wayzata's residential neighborhoods are generally strong. Wayzata neighborhoods are desirable for families young and old. A wide variety of single and multiple family housing exists. Housing development over the last 10 years has made multifamily units the predominate housing type within the community.

The following goals and policies provide the framework for guiding future development decision within the City of Wayzata. These goals and policies should be referenced regularly by City staff, elected and appointed officials, developers, stakeholders and property owners as development is pursued. The statements provided in this section reflect the traditional policies of the City regarding land use and growth management, while addressing recent trends and issues encountered during the visioning phase of the Comprehensive Plan. Each goal statement provides the desired condition that the community strives to achieve or maintain. Each policy statement provides guidance and direction that can be used to guide decision making.

Residential Goals and Policies

Goal: Maintain and enhance the character, diversity and livability of all residential neighborhoods.

Goal: Create connected neighborhoods that provide access to services, housing and recreation for all ages and mobility types.

- Consider enhancements to the individual character elements of residential neighborhoods through public improvements and private investment.
- Identify opportunities to protect property values through the consistent relationship of land uses, streets, sidewalks, natural features, and the maintenance of properties.
- Monitor the need and enforce transitional uses or buffers between incompatible uses when infill or redevelopment is proposed.
- Consider the review, updating and enforcement of zoning, subdivision, and design standards to ensure high standards of planning and design.
- Identify ecological and water quality impacts on the lake and other water bodies caused by proposed land use developments, for example stormwater runoff, and work to mitigate these impacts.
- Encourage and promote a balanced housing supply

Future Land Use

The Land Use Plan looks 20 years into the future and represents the direction endorsed by the City at the time of adoption. The City recognizes that the plan may evolve and change in the coming years and that the City should engage in regular reviews, ideally on an annual basis, to ensure the plan is kept current.

The Low-Density Residential category represents the single-family home developments within and in close proximity to the community core. Densities within the category range from 1 to 3 units per acre. The primary residential structure of this category is single-family units.

Chapter 4 - Housing

Introduction and Situation Analysis

Quality housing is at the core of a prosperous community. At its most basic level, housing serves several vital functions, ranging from shelter from the elements to a form of investment and financial security. Attractive housing is a key component of both neighborhood and community wide character, while new housing developments may serve to revitalize portions of the community. Wayzata has a variety of housing types that provide an array of options for current and future residents. Recent redevelopment opportunities within the community have added additional housing and diversity to the City's housing stock, as shown in Table 4-1. The 2017 housing estimates grow the overall housing stock to just over 2,500 units, an increase of nearly 24 percent from 2010. Multifamily dwelling types, or structures with five or more units, grew the highest over this time period, now representing the greatest number of units across all housing types.

Strengths

One of Wayzata's greatest strengths and assets is its unique single-family residential neighborhoods and individual estates, which are a vital component to the community's sense of identity. As the City continues to manage infill development, the maintenance and preservation of these existing single-family neighborhoods is one of the most important values of the community.

Another important strength of the community is its reputation for quality, in both materials and overall design of residential structures. Design is an important component of Wayzata's sense of place, and the City strives to encourage the highest quality housing stock within the community. The selection of the highest quality building materials is encouraged, as well as the continued maintenance of all residential properties within the City.

Challenges

One of the greatest challenges facing Wayzata is the economic reality of rapidly increasing land values. As a fully built out community, developable land is scarce, which when combined with the City's proximity to the lake, has driven up the value of land.

The housing types within the community also continue to diversify, including an increase in the number of multi-family units since 2010. This increase in varied housing type welcomes a range of individuals and provides options for life cycle housing. Continued support of this diversification of units can support housing options for a range of residents, from young families to seniors.

Housing Goals and Policies

Goal: Protect and maintain the character of the existing established neighborhoods within the City, while recognizing that certain areas of the community are more suitable for infill developments

Encourage a mixture of redevelopment and new development opportunities for additional housing units that supports the existing character of neighborhoods throughout the community. Review and evaluate site design standards within each of the residential zoning districts to ensure that regulations do not hinder the development of a housing stock that meets the goals of Wayzata. Examples include height restrictions and unit square footage requirements

Evaluate and adopt policies and zoning ordinance amendments that would encourage new single family residential developments to conform with the mass and scale of existing residences within their neighborhood. Consider requiring that housing developments include site design consideration that preserve and protect the community's natural amenities, including tree coverage, wildlife habitats, steep slopes and wetlands.

Consider the enforcement of violations of property maintenance, which infringe upon residential neighborhood quality, pose public health and safety problems, or threaten neighboring property values. Provide for continuing review, updating, and enforcement of zoning, subdivision, and design standards to ensure high standards of planning and design for residential structures within the community.

HIGHCROFT ENCLAVE

Wayzata, Minnesota

Project # 7806-046

Date March 24, 2022

Prepared for: Bohland Development

Prepared by: Sathre-Bergquist, Inc.

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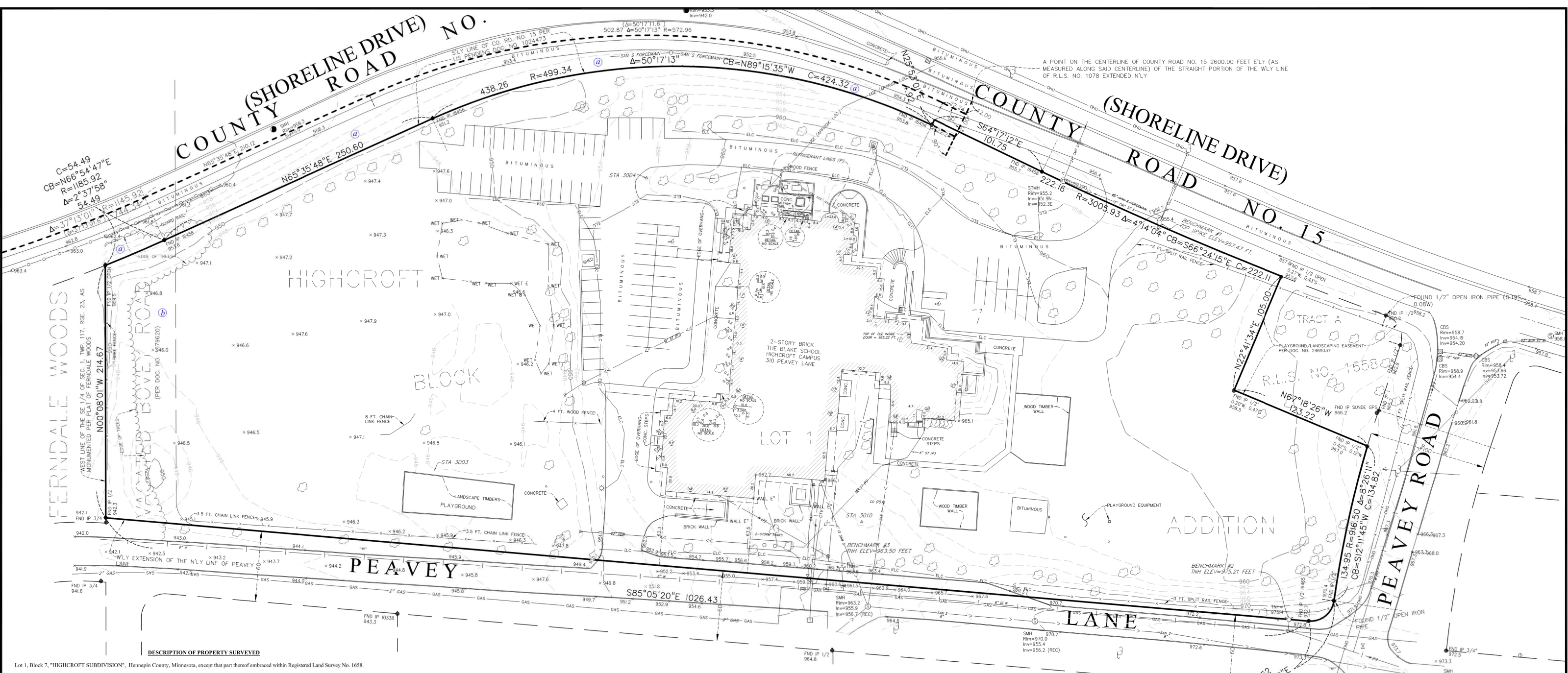
tel: 952-476-6000

BLOCK 1	GROSS AREA				WETLAND AREA		NET AREA				WIDTH @ SETBACK		
Lot 1	25,050	s.f.	0.58	acres	0	s.f.	25,050	s.f.	0.58	acres	120	+/-	1.f.
Lot 2	19,620	s.f.	0.45	acres	0	s.f.	19,620	s.f.	0.45	acres	120	+/-	1.f.
Lot 3	16,434	s.f.	0.38	acres	0	s.f.	16,434	s.f.	0.38	acres	120	+/-	1.f.
Lot 4	17,483	s.f.	0.40	acres	0	s.f.	17,483	s.f.	0.40	acres	120	+/-	1.f.
Lot 5	16,286	s.f.	0.37	acres	0	s.f.	16,286	s.f.	0.37	acres	120	+/-	1.f.
Lot 6	17,305	s.f.	0.40	acres	0	s.f.	17,305	s.f.	0.40	acres	120	+/-	1.f.
Lot 7	15,035	s.f.	0.35	acres	0	s.f.	15,035	s.f.	0.35	acres	102.2	+/-	1.f.
Lot 8	16,936	s.f.	0.39	acres	0	s.f.	16,936	s.f.	0.39	acres	100	+/-	1.f.
Lot 9	16,085	s.f.	0.37	acres	0	s.f.	16,085	s.f.	0.37	acres	144.7	+/-	1.f.
Lot 10	15,611	s.f.	0.36	acres	0	s.f.	15,611	s.f.	0.36	acres	102	+/-	1.f.
Lot 11	17,826	s.f.	0.41	acres	0	s.f.	17,826	s.f.	0.41	acres	101.2	+/-	1.f.
Lot 12	18,226	s.f.	0.42	acres	0	s.f.	18,226	s.f.	0.42	acres	101.6	+/-	1.f.
Lot 13	17,399	s.f.	0.40	acres	0	s.f.	17,399	s.f.	0.40	acres	101.2	+/-	1.f.
Lot 14	18,472	s.f.	0.42	acres	0	s.f.	18,472	s.f.	0.42	acres	123.3	+/-	1.f.
Lot 15	15,791	s.f.	0.36	acres	0	s.f.	15,791	s.f.	0.36	acres	120.1	+/-	1.f.
Total	263,559	s.f.	6.05	acres	0	s.f.	263,559	s.f.	6.05	acres			

OUTLOT	GROSS AREA				WETLAND AREA		NET AREA			
A	1,940	s.f.	0.04	acres	0	s.f.	1,940	s.f.	0.04	acres
B	29,878	s.f.	0.69	acres	0	s.f.	29,878	s.f.	0.69	acres
C	10,087	s.f.	0.23	acres	0	s.f.	10,087	s.f.	0.23	acres
Total	41,905	s.f.	0.96	acres	0	s.f.	41,905	s.f.	0.96	acres

R/W	GROSS AREA				WETLAND AREA		NET AREA			
	58,005	s.f.	1.33	acres	0	s.f.	58,005	s.f.	1.33	acres

TOTAL	GROSS AREA				WETLAND AREA		NET AREA			
	363,469	s.f.	8.34	acres	0	s.f.	363,469	s.f.	8.34	acres



DESCRIPTION OF PROPERTY SURVEYED

Lot 1, Block 7, "HIGHCROFT SUBDIVISION", Hennepin County, Minnesota, except that part thereof embraced within Registered Land Survey No. 1658.

STANDARD NOTES

2) **Site Address:** 301 Peavey Lane, Wayzata, MN 55391

3) **Flood Zone Information:** X (area determined to be outside of the 0.2% annual chance floodplain and 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X) per Flood Insurance Rate Map, Community Panel No. 27053C0307F effective date of November 4th, 2016.

4) **Parcel Area Information:** Gross Area: 363,580 s.f. ~ 8.35 acres
*We do not affirmatively insure the quantity of acreage set forth in the description

5) **Benchmark:** Elevations are based on Top of top nut of fire hydrant northwest quadrant of Peavey Lane and Peavey Road. Ion# 975.21 feet which has an elevation of: 975.21 feet (NGVD29).

6) **Zoning Information:** The current Zoning for the subject property is INS (Institutional) per the City of Wayzata's zoning map dated May 18, 2021. The setback, height, and floor space area restrictions for said zoning designation are as follows:

Principal Structure Setbacks -

Front: 50 feet
Side: 100 feet
Rear: 100 feet
Height: 40 feet & 3 stories
Hardcover: 30 percent of lot area

Please note that the zoning information shown hereon may have been amended through a city process. We recommend that a zoning letter be obtained from the Zoning Administrator for the current restrictions for this site. All setback information and hardcover data for planning and design must be verified by all parties involved in the design and planning process.

We have not received the current zoning classification and building setback requirements from the insurer.

11) **Utilities:** We have shown the location of utilities to the best of our ability based on observed evidence together with evidence from the following sources: plans obtained from utility companies, plans provided by client, markings by utility companies and other appropriate sources. We have used this information to develop a view of the underground utilities for this site. However, lacking excavation, the exact location of underground features cannot be accurately, completely and reliably depicted. Where additional or more detailed information is required, the client is advised that excavation may be necessary. Also, please note that Seasonal conditions may inhibit our ability to visibly observe all the utilities located on the subject property. A Gopher State One Call was submitted for this survey. Please reference Ticket No. 210540283 & 210540267 for a list of utility operators in this area.

SURVEY REPORT

This map and report was prepared with the benefit of a Commitment for Title Insurance issued by Old Republic National Title Insurance Company, File No. PRE238656 dated September 20, 2021.

1) We note the following with regards to Schedule B of the herein referenced Title Commitment:

a) Item no.'s 1-4 & 7-8 are not surveyed related

b) Item no. 5 - Subject to restrictions a shown in deed Doc. No. 647189, - *Subject to restriction that said premises shall be used only for construction of school buildings and for school related purposes or for construction of private one-family residences upon lots consisting of not less than 40,000 square feet each.*

c) Item no. 6 - The following Memorial(s) presently appear(s) on the Certificate of Title and will be carried forward to any new Certificate:

Notice of Lis Pendens for highway purposes as shown as Document No. 1024473. - *Shown hereon.* ⑤
Ordinance No. 309 vacating a portion of Bovey Road as shown as Document No. 1079620. - *Shown hereon.* ⑥

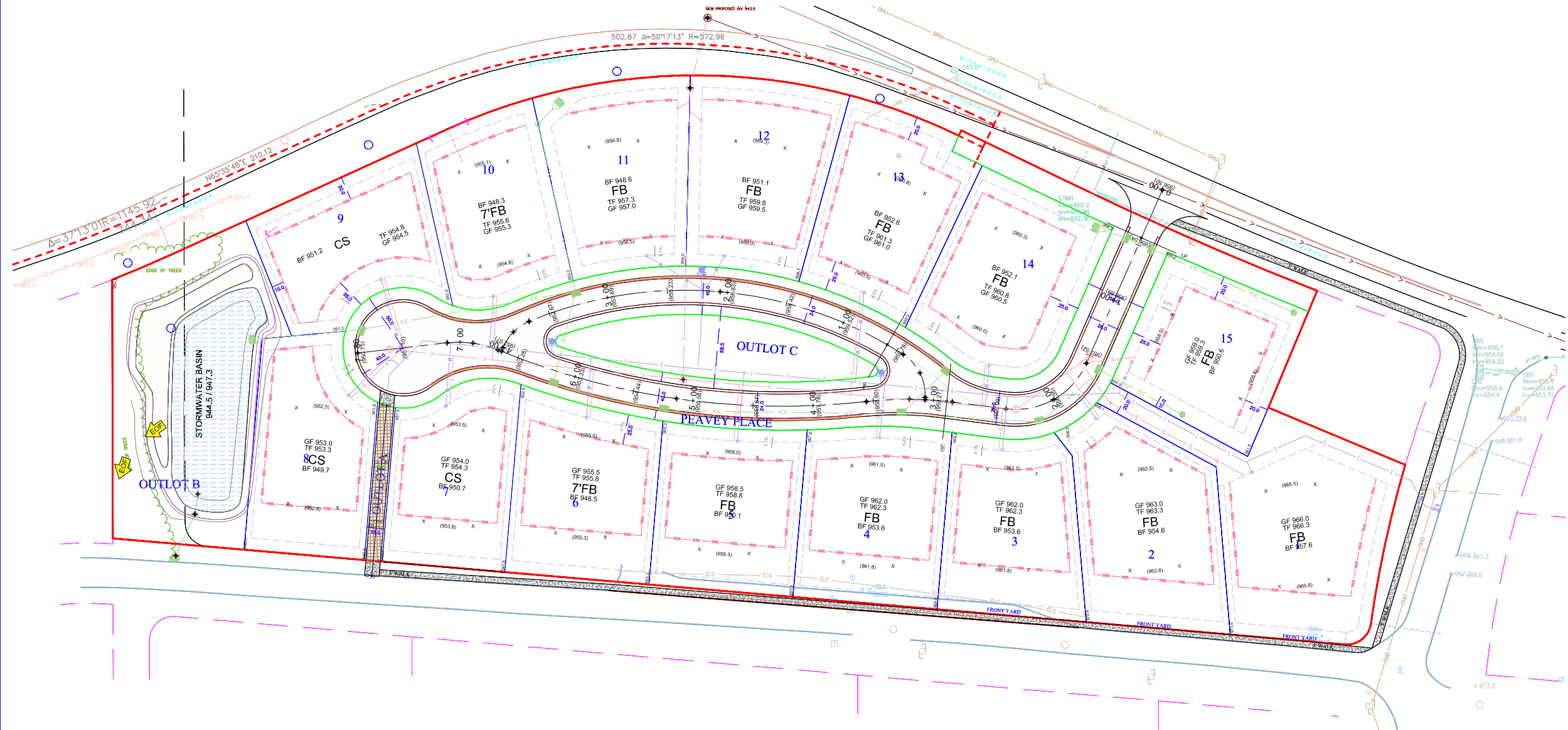
Beatings are based on the Hennepin County Coordinate System (NAD 83 - 1986 adj.)

SCALE IN FEET

VICINITY MAP

SURVEY LEGEND

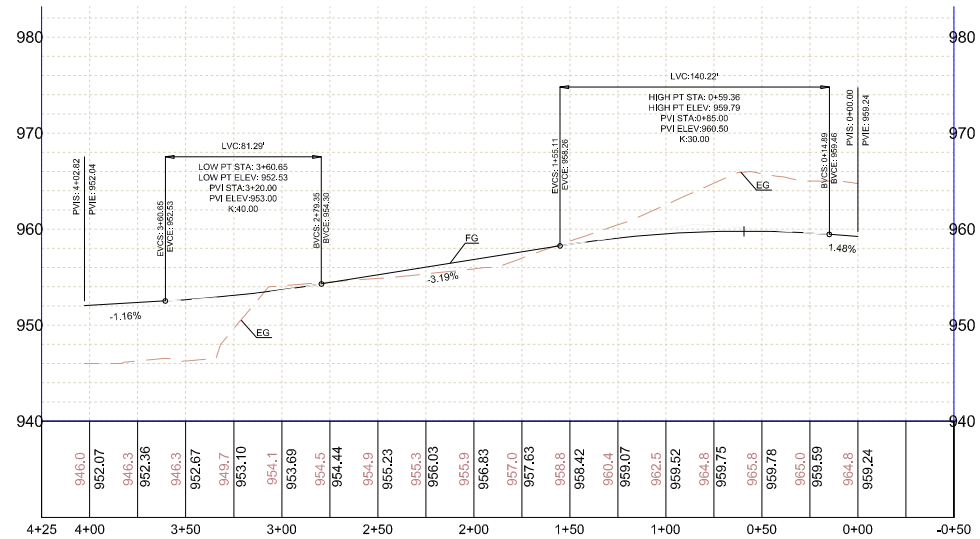
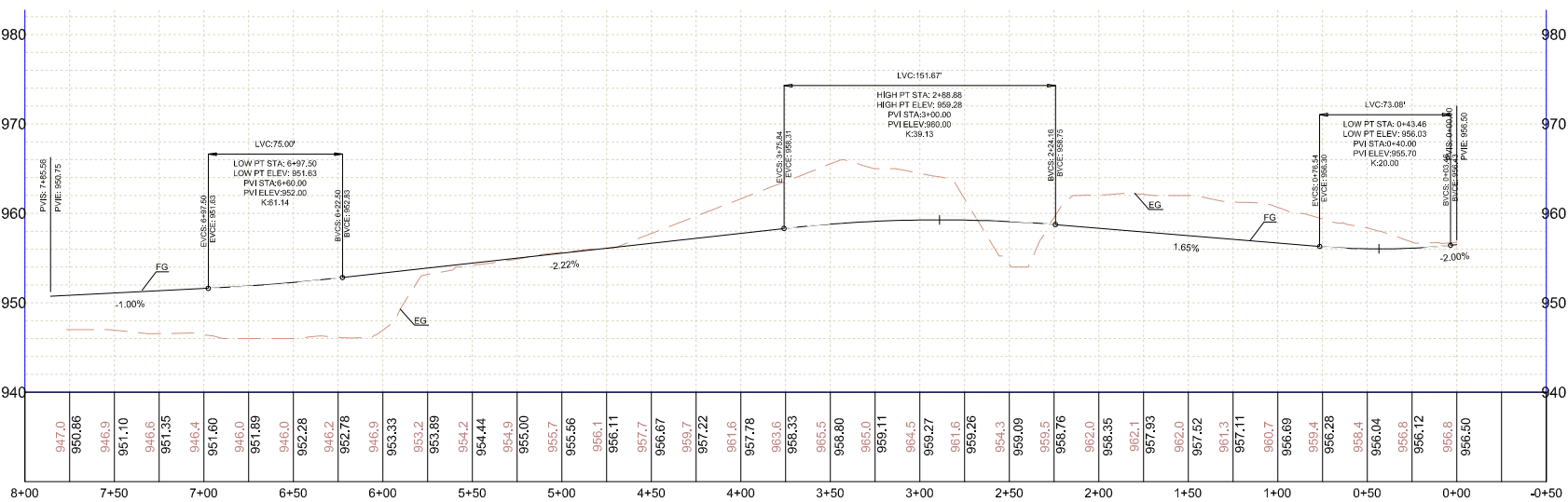
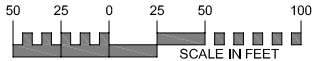
CAST IRON MONUMENT	PIEZOMETER	WOE WALKOUT ELEVATION
IRON PIPE MONUMENT SET	POWER POLE	FFE FIRST FLOOR ELEVATION
IRON PIPE MONUMENT FOUND	GUY WIRE	GFE GARAGE FLOOR ELEVATION
DRILL HOLE FOUND	ROOF DRAIN	TOF TOP OF FOUNDATION ELEV.
CHISELED "X" MONUMENT SET	GATE VALVE	LOE LOWEST OPENING ELEV.
CHISELED "X" MONUMENT FOUND	SANITARY MANHOLE	CONCRETE
REBAR MONUMENT FOUND	SANITARY CLEANOUT	BITUMINOUS
PK NAIL MONUMENT SET	STORM MANHOLE	BUILDING SETBACK LINE
PK NAIL MONUMENT FOUND	STORM DRAIN	CABLE TV
PK NAIL W/ ALUMINUM DISC	CATCH BASIN	CONCRETE CURB
SURVEY CONTROL POINT	FLARED END SECTION	CONTOUR EXISTING
A/O UNIT	TREE CONIFEROUS	CONTOUR PROPOSED
CABLE TV PEDESTAL	TREE DECIDUOUS	GUARD RAIL
ELECTRIC TRANSFORMER	TREE CONIFEROUS REMOVED	DRAIN TILE
ELECTRIC MANHOLE	TREE DECIDUOUS REMOVED	ELC ELECTRIC UNDERGROUND
ELECTRIC METER	TELEPHONE MANHOLE	FENCE
ELECTRIC OUTLET	TELEPHONE PEDESTAL	FO FIBER OPTIC UNDERGROUND
YARD LIGHT	UTILITY MANHOLE	GAS UNDERGROUND
LIGHT POLE	UTILITY PEDESTAL	OVERHEAD UTILITY
FIBER OPTIC MANHOLE	UTILITY VAULT	TREE LINE
FIRE DEPT. HOOK UP	WATERMAIN MANHOLE	SANITARY SEWER
FLAG POLE	WATER METER	STORM SEWER
FUEL PUMP	WATER SPIGOT	TELEPHONE UNDERGROUND
FUEL TANK	WELL	RETAINING WALL
PROPANE TANK	MONITORING WELL	UTILITY UNDERGROUND
GAS METER	CURB STOP	WATERMAIN
GAS VALVE	GATE VALVE	TRAFFIC SIGNAL
GAS MANHOLE	HYDRANT	RAILROAD TRACKS
GENERATOR	IRRIGATION VALVE	RAILROAD SIGNAL
GUARD POST	POST INDICATOR VALVE	RAILROAD SWITCH
HAND HOLE	SIGN	SATELLITE DISH
MAIL BOX	SOIL BORING	WETLAND BUFFER SIGN



LEGEND		
DESCRIPTION	PROPOSED	EXISTING
BUILDING SETBACK LINE	BSBL	BSBL
GARAGE SETBACK LINE	GSBL	GSBL
PARCEL BOUNDARY LINE		
DRAINAGE AND UTILITY EASEMENTS		
CURB AND GUTTER		
RIGHT-OF-WAY		
SANWM SERVICE		
BACKYARD CATCH BASIN		
CATCH BASIN		
STORM SEWER MANHOLE		
FLARED END SECTION WRAP-RAP		
STORM STRUCTURE LABEL	CB H3	CB H3
SANITARY STRUCTURE LABEL		
SANITARY SEWER MANHOLE		
WATERMAIN		
HYDRANT		
GATE VALVE		

PROPOSED DRIVE SECTION
1.5" WEAR COURSE
2.0" BASE COURSE
6" CLASS 5
12" SELECT GRANULAR BORROW - CHECK WITH CITY AND
GEOTECHNICAL ENGINEER TO VERIFY IF EXISTING SOILS ARE
ACCEPTABLE

- CONSTRUCTION NOTES:
- ALL CURB TO BE SURMOUNTABLE UNLESS OTHERWISE NOTED
 - CENTER ISLAND TO BE TIP OUT CURB
 - ALL STREETS SHALL BE PUBLIC



EXISTING UTILITIES SHOWN ARE SHOWN IN AN APPROXIMATE WAY ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ANY AND ALL EXISTING UTILITIES BEFORE COMMENCING WORK. HE AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES ARISING OUT OF HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL EXISTING UTILITIES.

DRAWING NAME	NO.	BY	DATE	REVISIONS
STRT	01	CAW	01/14/22	REVISE STREET-SIDEWALK-LOT FRONTS
DRAWN BY	02	CAW	02/09/22	UPDATE HWL - HIGHLIGHT EOF - MODIFY L10-TRUCKS
CAW	03	CAW	03/04/22	OUTLOT C LABEL, PUBLIC INFRASTRUCTURE NOTES
CHECKED BY	04	CAW	03/24/22	REVISE LOT 9
RSM				
DATE				
12/09/21				

USE (INCLUDING COPYING, DISTRIBUTION, AND/OR CONVEYANCE OF INFORMATION) OF THIS PRODUCT IS STRICTLY PROHIBITED WITHOUT SATHRE-BERGQUIST, INC.'S EXPRESS WRITTEN AUTHORIZATION. USE WITHOUT SAID AUTHORIZATION CONSTITUTES AN ILLEGITIMATE USE AND SHALL THEREBY INDEMNIFY SATHRE-BERGQUIST, INC. OF ALL RESPONSIBILITY. SATHRE-BERGQUIST, INC. RESERVES THE RIGHT TO HOLD ANY ILLEGITIMATE USER OR PARTY LEGALLY RESPONSIBLE FOR DAMAGES OR LOSSES RESULTING FROM ILLEGITIMATE USE.

I HEREBY CERTIFY THAT THIS PLAN OR SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

Charles A. Womersley
Charles A. Womersley, P.E.
Date: 12/09/21 Lic. No. 49180

ENGINEERS
SURVEYORS
DESIGNERS
PLANNERS

SATHRE-BERGQUIST, INC.
150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-6000

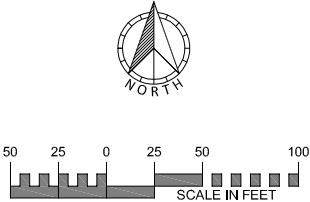
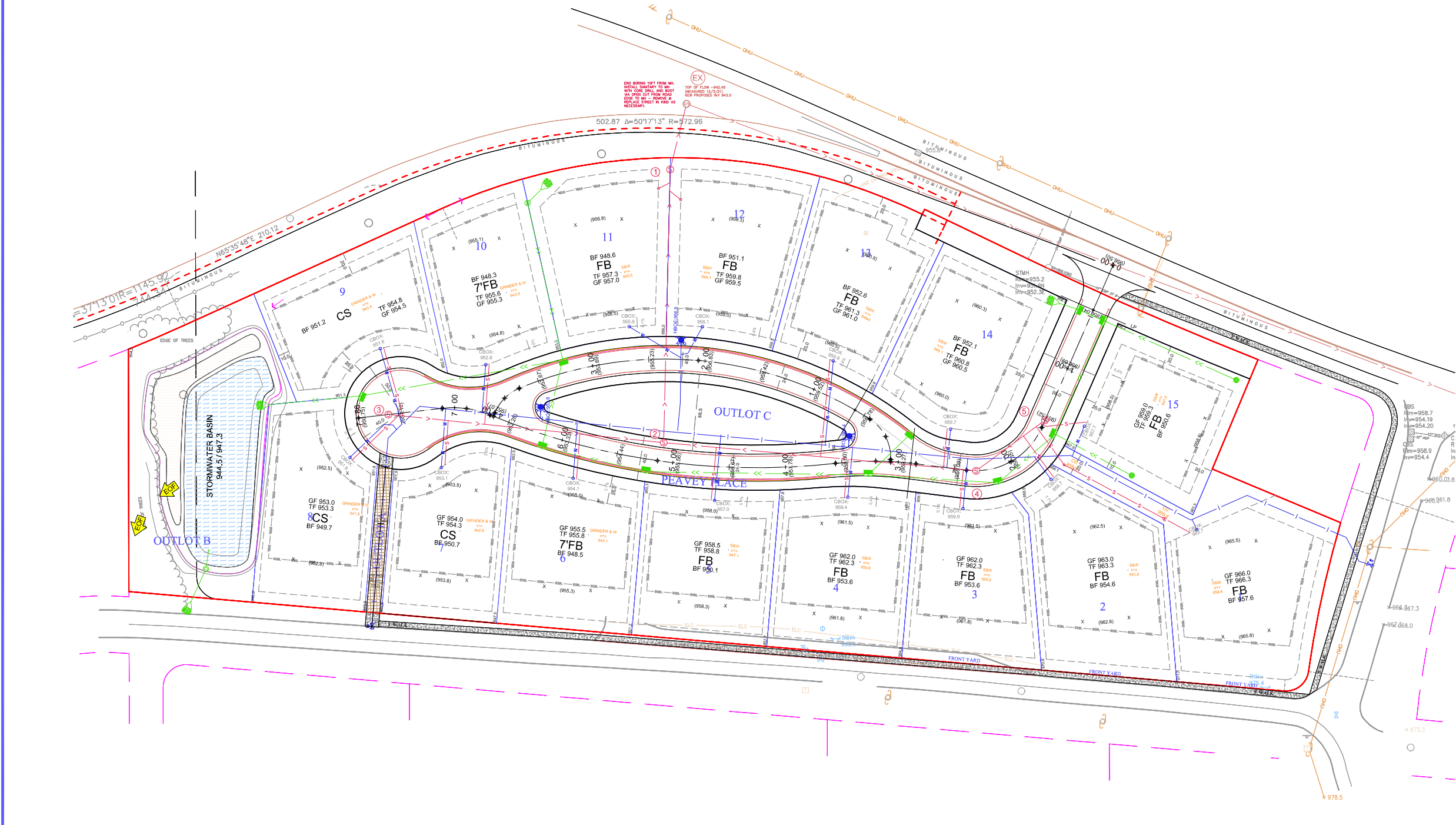
CITY PROJECT NO.
--
**WAYZATA,
MINNESOTA**

PRELIMINARY STREET PLAN
HIGHCROFT ENCLAVE
BOHLAND DEVELOPMENT,
HIGHCROFT, LLC

FILE NO.
7806-046-01
ST
ST

LEGEND		
DESCRIPTION	PROPOSED	EXISTING
BUILDING SETBACK LINE	BSL	BSL
GARAGE SETBACK LINE	GSL	GSL
PARCEL BOUNDARY LINE		
DRAINAGE AND UTILITY EASEMENTS		
CURB AND GUTTER		
RIGHT-OF-WAY		
SANITARY SERVICE		
BACKYARD CATCH BASIN		
CATCH BASIN		
STORM SEWER MANHOLE		
FLARED END SECTION WRP-RAP		
STORM STRUCTURE LABEL	CB H3	CB H3
SANITARY STRUCTURE LABEL		
SANITARY SEWER MANHOLE		
WATERMAIN		
HYDRANT		
GATE VALVE		

- NOTES
- ALL DIP FOR SANITARY SEWER LINES SHALL BE POLY-WRAPPED AND ALL BOLTS USED SHALL BE STAINLESS STEEL.
 - ALL HYDRANT BENCHMARKS ARE TOP NUT OF HYDRANT.
 - ALL VALVES ON THE WATERMAIN FOR THIS PROJECT SHALL BE GATE VALVES. NO BUTTERFLY VALVES SHALL BE USED ON THE WATERMAIN FOR THIS PROJECT.
 - THE CITY OF WAYZATA CURRENT "ENGINEERING GUIDELINES" AND "SPECIFICATIONS" SHALL GOVERN.
 - ALL WATERMAIN SHALL HAVE A MINIMUM OF 7.5' COVER.
 - THE WATER SERVICE AT THE STORM SEWER SHALL BE INSULATED.
 - INSTALL HYDRANTS 5' BEHIND CURB (TYPICAL).
 - VERIFY MATERIAL & ELEVATION OF EXISTING WATERMAIN AT THE CONNECTION POINT.
 - NO EXCAVATION SHALL BE ALLOWED ON ADJACENT PROPERTY.
 - ALL UTILITIES SHALL BE PUBLIC



EXISTING UTILITIES SHOWN ARE SHOWN IN AN APPROXIMATE WAY ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ANY AND ALL EXISTING UTILITIES BEFORE COMMENCING WORK. HE AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES ARISING OUT OF HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL EXISTING UTILITIES.

DRAWING NAME	NO.	BY	DATE	REVISIONS
SW	01	CAW	01/14/22	REVISE STREET-SIDEWALK-LOT FRONTS
DRAWN BY	02	CAW	02/09/22	UPDATE HWL - HIGHLIGHT EOF - MODIFY L10-TRUCKS
CAW	03	CAW	03/04/22	OUTLOT C LABEL, PUBLIC INFRASTRUCTURE NOTES
CHECKED BY	04	CAW	03/24/22	REVISE LOT 9
RSM				
DATE				
12/09/21				

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Charles A. Womersley
Charles A. Womersley, P.E.
Date: 12/09/21 Lic. No. 49180

ENGINEERS SURVEYORS DESIGNERS PLANNERS

SATHRE-BERGQUIST, INC.
150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-6000

CITY PROJECT NO.
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WAYZATA, MINNESOTA

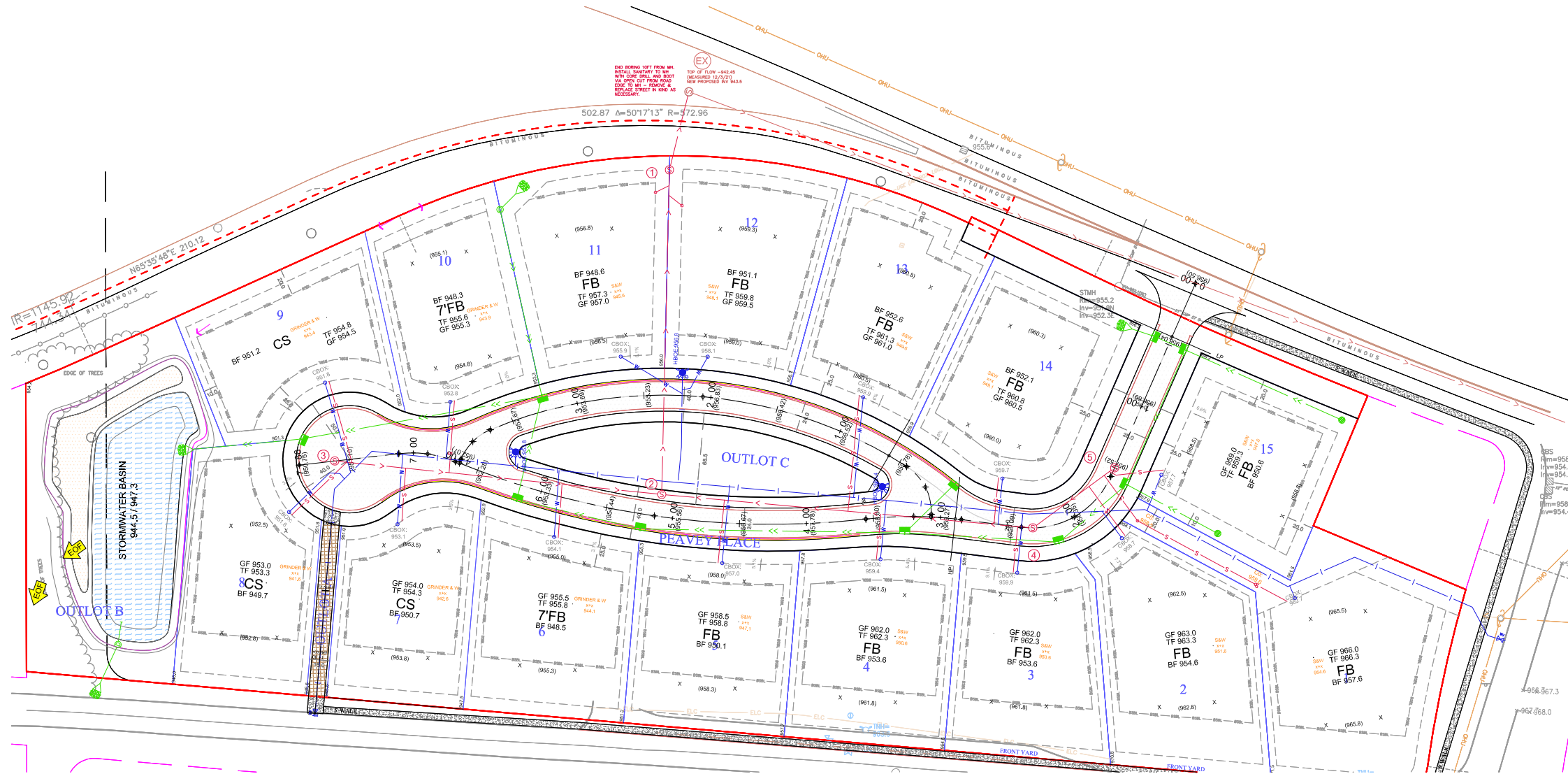
PRELIMINARY SEWER & WATER PLAN

HIGHCROFT ENCLAVE
BOHLAND DEVELOPMENT,
HIGHCROFT, LLC

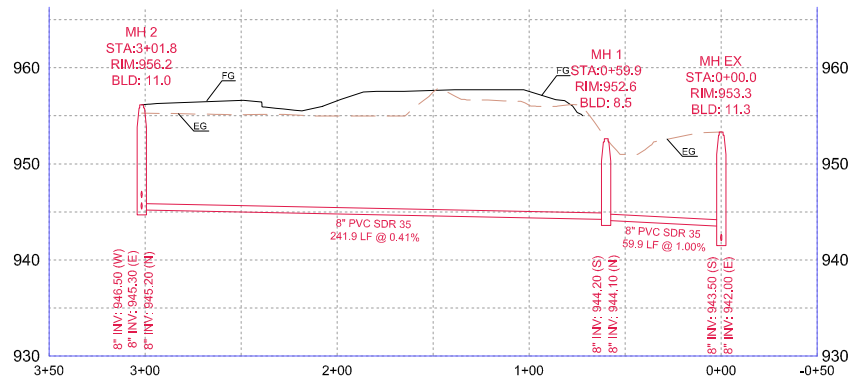
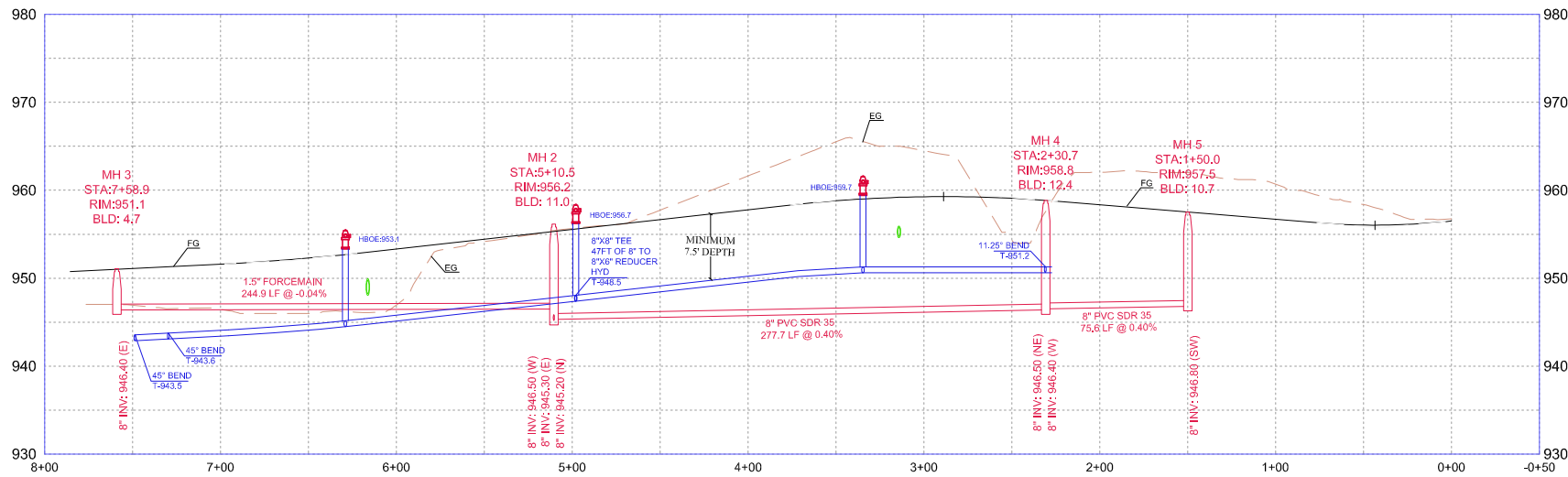
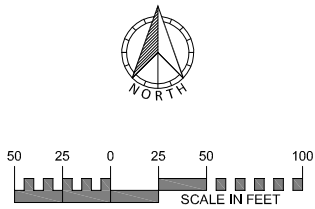
FILE NO.
7806-046-01

SW1

SW3



LEGEND		
DESCRIPTION	PROPOSED	EXISTING
BUILDING SETBACK LINE	BSBL	BSBL
GARAGE SETBACK LINE	GSL	GSL
PARCEL BOUNDARY LINE		
DRAINAGE AND UTILITY EASEMENTS		
CURB AND GUTTER		
RIGHT-OF-WAY		
SANWV SERVICE		
BACKYARD CATCH BASIN		
CATCH BASIN		
STORM SEWER MANHOLE		
FLARED END SECTION WRP-RAP		
STORM STRUCTURE LABEL	CB H3	CB H3
SANITARY STRUCTURE LABEL		
SANITARY SEWER MANHOLE		
WATERMAIN		
HYDRANT		
GATE VALVE		



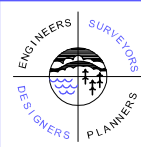
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DRAWING NAME	NO.	BY	DATE	REVISIONS
SW	01	CAW	01/14/22	REVISE STREET-SIDEWALK-LOT FRONTS
DRAWN BY	02	CAW	02/09/22	UPDATE HWL - HIGHLIGHT EOF - MODIFY L10-TRUCKS
CAW	03	CAW	03/04/22	OUTLOT C LABEL, PUBLIC INFRASTRUCTURE NOTES
CHECKED BY	04	CAW	03/24/22	REVISE LOT 9
RSM				
DATE				
12/09/21				

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Charles A. Wilmerslage, P.E.
Date: 12/09/21 Lic. No. 49180



SATHRE-BERGQUIST, INC.
150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-6000

CITY PROJECT NO.

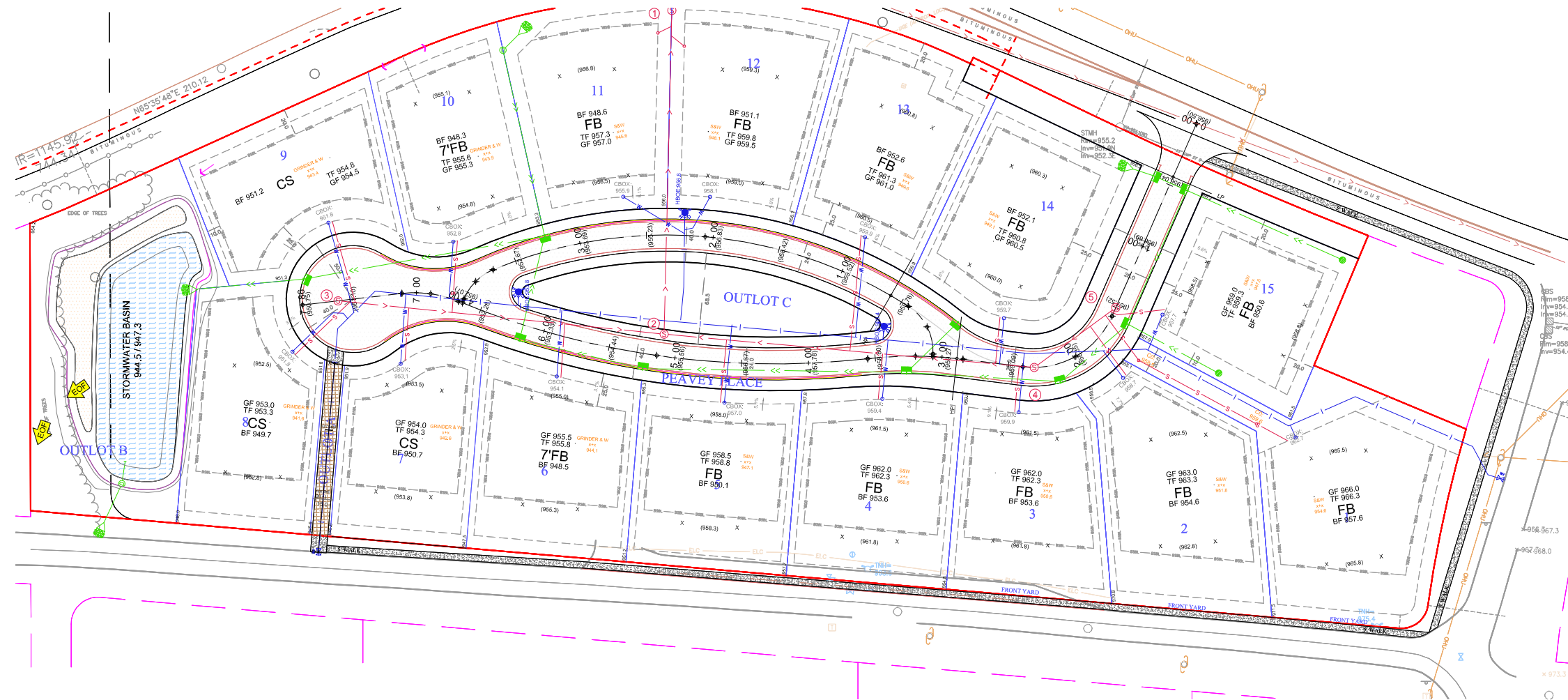
WAYZATA,
MINNESOTA

PRELIMINARY SEWER & WATER PLAN

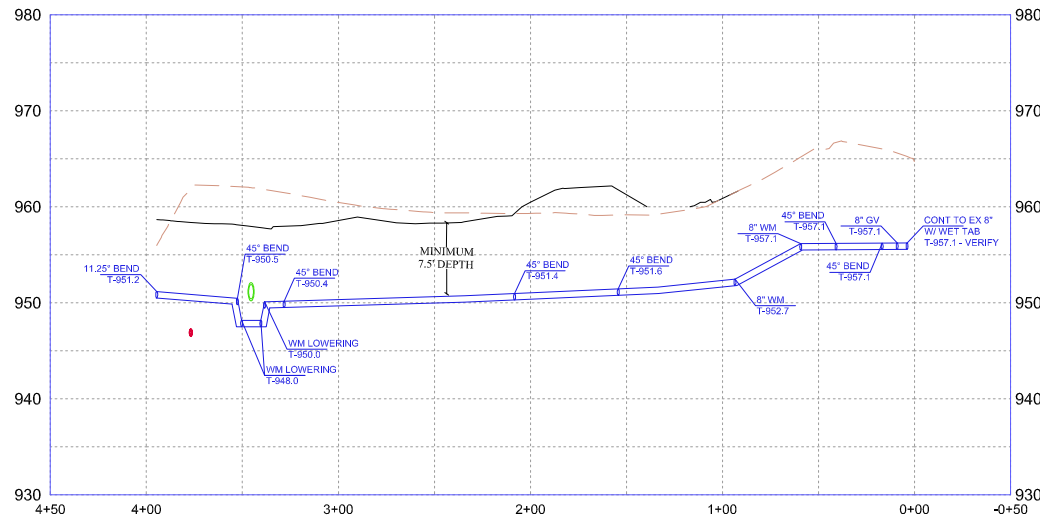
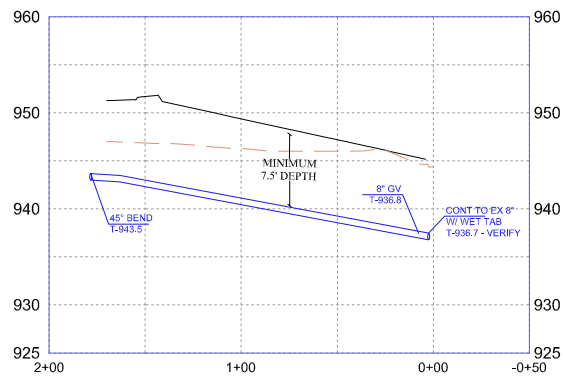
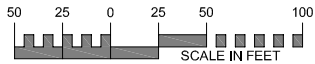
HIGHCROFT ENCLAVE
BOHLAND DEVELOPMENT,
HIGHCROFT, LLC

FILE NO.
7806-046-01

SW2
SW3



LEGEND		
DESCRIPTION	PROPOSED	EXISTING
BUILDING SETBACK LINE	BSL	BSL
GARAGE SETBACK LINE	GSL	GSL
PARCEL BOUNDARY LINE		
DRAINAGE AND UTILITY EASEMENTS		
CURB AND GUTTER		
RIGHT-OF-WAY		
SANITARY SERVICE		
BACKYARD CATCH BASIN		
CATCH BASIN		
STORM SEWER MANHOLE		
FLARED END SECTION WRP-RAP		
STORM STRUCTURE LABEL	CB H3	CB H3
SANITARY STRUCTURE LABEL		
SANITARY SEWER MANHOLE		
WATERMAIN		
HYDRANT		
GATE VALVE		



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DRAWING NAME	NO.	BY	DATE	REVISIONS
SW	01	CAW	01/14/22	REVISE STREET-SIDEWALK-LOT FRONTS
DRAWN BY	02	CAW	02/09/22	UPDATE HWL - HIGHLIGHT EOF - MODIFY L10-TRUCKS
CAW	03	CAW	03/04/22	OUTLOT C LABEL, PUBLIC INFRASTRUCTURE NOTES
CHECKED BY	04	CAW	03/24/22	REVISE LOT 9
RSM				
DATE				
12/09/21				

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Charles A. Womerslage
Charles A. Womerslage, P.E.
Date: 12/09/21 Lic. No. 49180



SATHRE-BERGQUIST, INC.
150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-6000

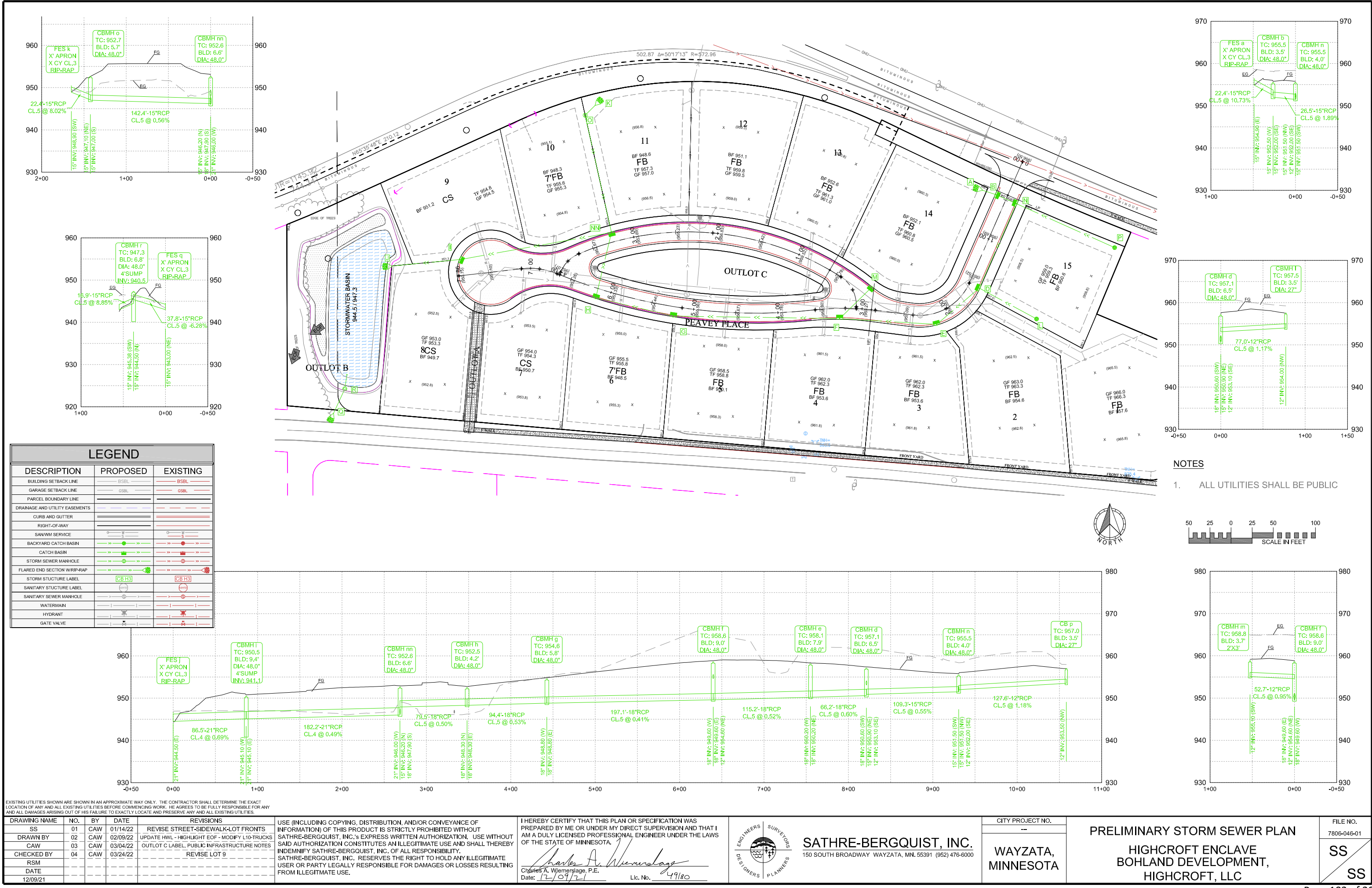
CITY PROJECT NO.

WAYZATA,
MINNESOTA

PRELIMINARY SEWER & WATER PLAN
HIGHCROFT ENCLAVE
BOHLAND DEVELOPMENT,
HIGHCROFT, LLC

FILE NO.
7806-046-01

SW3
SW3



LEGEND		
DESCRIPTION	PROPOSED	EXISTING
BUILDING SETBACK LINE	BSBL	BSBL
GARAGE SETBACK LINE	GSBL	GSBL
PARCEL BOUNDARY LINE		
DRAINAGE AND UTILITY EASEMENTS		
CURB AND GUTTER		
RIGHT-OF-WAY		
SANITARY SERVICE		
BACKYARD CATCH BASIN		
CATCH BASIN		
STORM SEWER MANHOLE		
FLARED END SECTION W/IRIP-RAP		
STORM STRUCTURE LABEL	[CBH3]	[CBH3]
SANITARY STRUCTURE LABEL		
SANITARY SEWER MANHOLE		
WATERMAIN		
HYDRANT		
GATE VALVE		

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DRAWING NAME	NO.	BY	DATE	REVISIONS
SS	01	CAW	01/14/22	REVISE STREET-SIDEWALK-LOT FRONTS
DRAWN BY	02	CAW	02/09/22	UPDATE HWL - HIGHLIGHT EOF - MODIFY L10-TRUCKS
CAW	03	CAW	03/04/22	OUTLOT C LABEL, PUBLIC INFRASTRUCTURE NOTES
CHECKED BY	04	CAW	03/24/22	REVISE LOT 9
RSM				
DATE				
12/09/21				

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Charles A. Womerslage
Charles A. Womerslage, P.E.
Date: 12/09/21 Lic. No. 49180

ENGINEERS
SURVEYORS
DESIGNERS
PLANNERS

SATHRE-BERGQUIST, INC.
150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-6000

CITY PROJECT NO.

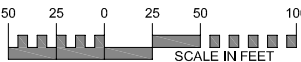
WAYZATA, MINNESOTA

PRELIMINARY STORM SEWER PLAN
HIGHCROFT ENCLAVE
BOHLAND DEVELOPMENT,
HIGHCROFT, LLC

FILE NO.
7806-046-01
SS
SS

NOTES

1. ALL UTILITIES SHALL BE PUBLIC

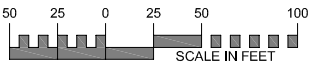


SYMBOL LEGEND		
DESCRIPTION	PROPOSED	EXISTING
MINOR CONTOUR		
MAJOR CONTOUR		
LOT LINE		
BUILDING SETBACK LINE		
GARAGE SETBACK LINE		
PARCEL BOUNDARY LINE		
DRAINAGE AND UTILITY EASEMENTS		
CURB AND GUTTER		
RIGHT-OF-WAY		
BACKYARD CATCH BASIN		
CATCH BASIN		
STORM SEWER MANHOLE		
FLARED END SECTION WRAP-UP		
SANITARY SEWER MANHOLE		
HYDRANT		
GATE VALVE		
DRAIN FLOW/RUNOFF ARROW		
EMERGENCY OVERFLOW SWALE		
SILT FENCE - PRE CONSTRUCTION		
SILT FENCE - POST CONSTRUCTION		
SPOT ELEVATION		
TBC SPOT ELEVATION		

CONSTRUCTION NOTES

1. INSTALL SILT FENCE AS SHOWN ON PLAN, AS REQUIRED BY THE CITY OF WAYZATA OR DIRECTED BY THE ENGINEER.
2. A TEMPORARY SEDIMENTATION BASIN MUST BE EXCAVATED AT THE BEGINNING OF GRADING OPERATIONS TO PROVIDE TEMPORARY STORM WATER DETENTION DURING CONSTRUCTION. THE LOCATION MAY NEED TO BE RELOCATED AS THE PROJECT PROGRESSES.
3. BEGIN GRADING, INSTALL PERFORATED RISER PIPE IN PONDS WHEN POND GRADING IS COMPLETE. TEMPORARY DRAINAGE PIPE SHALL BE USED FOR INTERMEDIATE DRAINAGE DURING THE CONSTRUCTION PERIOD AS NECESSARY AND DIRECTED BY THE ENGINEER. INSTALL SILT FENCE AROUND EXCAVATED PONDS.
4. INSPECT PONDS, SILT FENCE, AND ROCK ENTRANCE BERM AFTER ALL RAINFALL EVENTS AS REQUIRED BY THE NPDES PERMIT.
5. LINE ALL PONDS WITH A MINIMUM 3" ORGANIC SOILS & SEED SLOPES BETWEEN NWL AND 100 YR HWL WITH A WATER TOLERANT MIX.
6. REMOVE PERFORATED RISER PIPE WHEN STORM SEWER AND OUTLET STRUCTURE FOR PONDS ARE INSTALLED.
7. STREET SECTION -
1.5" WEAR COURSE
2.0" BASE COURSE
8" CLASS 5
12" SELECT GRANULAR BORROW - CHECK WITH CITY TO SEE IF EXISTING SOILS ARE ACCEPTABLE
8. DRIVEWAY SLOPES-
MINIMUM-2.0%
MAXIMUM-10.0%
9. POND - 10:1 BENCH (1 FOOT) THEN 3:1 MAX
10. LO, SEWO, WO PADS 3:1 MAX. ALL OTHER SLOPES 4:1 MAX (UNLESS NOTED)
11. DEVELOPER WILL BE RESPONSIBLE FOR TEMPORARY DUST AND EROSION CONTROL UNTIL TURF IS ESTABLISHED. IF YARDS ARE ADJACENT TO A DITCH SWALE, THEN EROSION CONTROL MUST REMAIN UNTIL ALL ADJACENT PROPERTY HAS TURF ESTABLISHMENT.
12. RESTORATION -2.0 ACRES
A. RESTORE ALL DISTURBED AREAS WITH A MINIMUM OF 6" OF TOPSOIL.
B. SEED POND SLOPES AND DETENTION AREAS WITH MN/DOT 310 OR BWSR P8 SEED MIX AT A RATE OF 100 LBS./ACRE AND FERTILIZE WITH 20-0-10 AT 100 LBS./ACRE.
C. SEED ALL OTHER DISTURBED AREAS WITH MNDOT 250 AND BWSR SEED MIX FOR WETLANDS AT A RATE OF 100 LBS./ACRE AND FERTILIZE WITH 20-0-10 AT 100 LBS./ACRE. (UNLESS OTHERWISE NOTED)
D. ONLY PHOSPHOROUS FREE FERTILIZER IS TO BE USED ON SITE.
E. MULCH WITH TYPE 1 AT A RATE OF 2 TONS/ACRE AND DISC ANCHOR IMMEDIATELY AFTER PLACEMENT. USE WOODFIBER BLANKET ON ALL SLOPES 3:1 (FT) OR GREATER.
F. PLACE APPROVED STORM SEWER INLET PROTECTION IN OR AROUND ALL STORM SEWER INLETS AND MAINTAIN UNTIL STREET CONSTRUCTION IS COMPLETED. REFER TO CITY FOR APPROVED DEVICES.
G. MAINTAIN ALL SILT FENCE UNTIL TURF HAS BEEN ESTABLISHED.
H. RESTORATION WORK WILL BE COMPLETED WITHIN 72 HOURS OF GRADING COMPLETION.
13. MATERIALS THAT ARE PROHIBITED FROM RETAINING WALL CONSTRUCTION INCLUDE SMOOTH FACE CONCRETE, POURED IN PLACE CONCRETE, MASONRY, RAILROAD TIES, OR TIMBER. STAMPED OR PATTERNED CONCRETE IS ALLOWED IN RETAINING WALL CONSTRUCTION.
14. BOULDERS MAY NOT BE USED ON WALLS TALLER THAN 6' IN HEIGHT.
15. SILT FENCE: BEFORE GRADING - 2,635 LF
16. WOODFIBER BLANKET - 0 SY
17. GRADING QUANTITIES
CUT - 13,265 C.Y.
FILL - 26,137 C.Y.

PROVIDED VIA APPROXIMATELY 8 TRUCKS AT 10 C.Y. EACH - (~ 160 TRUCK TRIPS)
18. TRUCKING HOURS OF OPERATION PER CITY REQUIREMENTS MONDAYS THROUGH SATURDAYS 7:00AM TO 6:00PM.



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DRAWING NAME	NO.	BY	DATE	REVISIONS
GP	01	CAW	01/14/22	REVISE STREET-SIDEWALK-LOT FRONTS
DRAWN BY	02	CAW	02/09/22	UPDATE HWL - HIGHLIGHT EOF - MODIFY L10-TRUCKS
CAW	03	CAW	03/04/22	OUTLOT C LABEL, PUBLIC INFRASTRUCTURE NOTES
CHECKED BY	04	CAW	03/24/22	REVISE LOT 9
RSM				
DATE				
12/09/21				

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Charles A. Womerslage
Charles A. Womerslage, P.E.
Date: 12/09/21 Lic. No. 49180



SATHRE-BERGQUIST, INC.
150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-6000

CITY PROJECT NO.

--

**WAYZATA,
MINNESOTA**

**PRELIMINARY GRADING & EROSION
CONTROL PLAN**
HIGHCROFT ENCLAVE
BOHLAND DEVELOPMENT,
HIGHCROFT, LLC

FILE NO.

7806-046-01

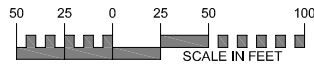
GP1

GP2



SYMBOL LEGEND		
DESCRIPTION	PROPOSED	EXISTING
MINOR CONTOUR		
MAJOR CONTOUR		
LOT LINE		
BUILDING SETBACK LINE		
GARAGE SETBACK LINE		
PARCEL BOUNDARY LINE		
DRAINAGE AND UTILITY EASEMENTS		
CURB AND GUTTER		
RIGHT-OF-WAY		
BACKYARD CATCH BASIN		
CATCH BASIN		
STORM SEWER MANHOLE		
FLARED END SECTION WRAP-UP		
SANITARY SEWER MANHOLE		
HYDRANT		
GATE VALVE		
DRAIN FLOW/ROFF ARROW		
EMERGENCY OVERFLOW SWALE		
SILT FENCE (PRE CONSTRUCTION)		
SILT FENCE (POST CONSTRUCTION)		
SPOT ELEVATION		
TIC SPOT ELEVATION		

	ROCK ENTRANCE BERM
	SILT FENCE
	POST GRADING SILT FENCE
	BIO-ROLL
	CONCRETE WASHOUT
	INLET PROTECTION
	WOODFIBER BLANKET
	POND ACCESS



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DRAWN BY	02	CAW	02/09/22	UPDATE HWL - HIGHLIGHT EOF - MODIFY L10-TRUCKS
CAW	03	CAW	03/04/22	OUTLOT C LABEL, PUBLIC INFRASTRUCTURE NOTES
CHECKED BY	04	CAW	03/24/22	REVISE LOT 9
RSM				
DATE				
12/09/21				

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Charles A. Womersley
Charles A. Womersley, P.E.
Date: 12/09/21 Lic. No. 49180

ENGINEERS
SURVEYORS
DESIGNERS
PLANNERS

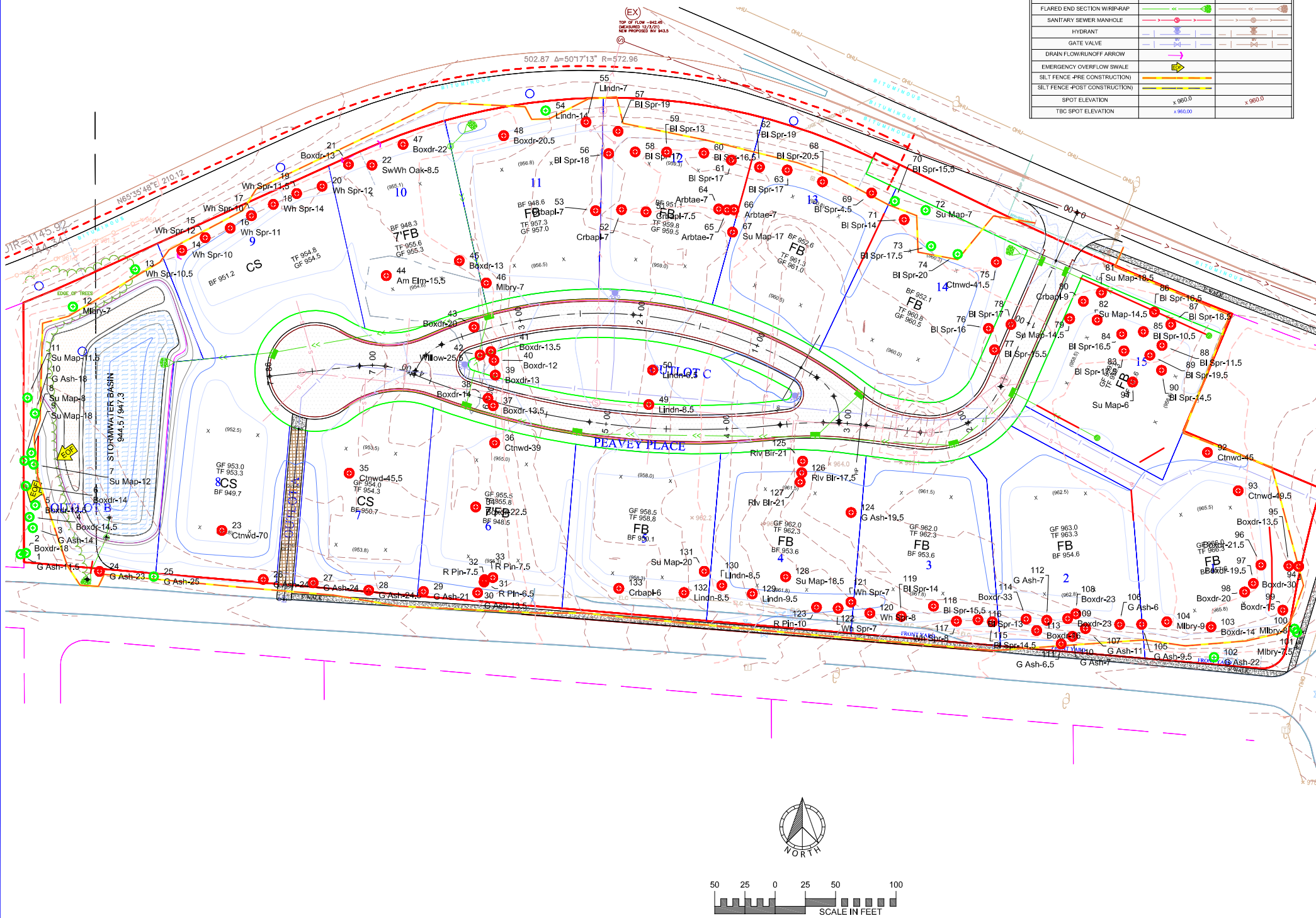
SATHRE-BERGQUIST, INC.
150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-6000

CITY PROJECT NO.

WAYZATA, MINNESOTA

**PRELIMINARY GRADING & EROSION
CONTROL PLAN**
HIGHCROFT ENCLAVE
**BOHLAND DEVELOPMENT,
HIGHCROFT, LLC**

FILE NO. 7806-046-01
GP2
GP2

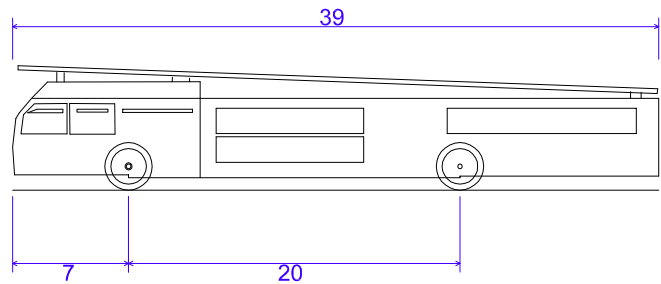


SYMBOL LEGEND		
DESCRIPTION	PROPOSED	EXISTING
MINOR CONTOUR		
MAJOR CONTOUR		
LOT LINE		
BUILDING SETBACK LINE		
GARAGE SETBACK LINE		
PARCEL BOUNDARY LINE		
DRAINAGE AND UTILITY EASEMENTS		
CURB AND GUTTER		
RIGHT-OF-WAY		
BACKYARD CATCH BASIN		
CATCH BASIN		
STORM SEWER MANHOLE		
FLARED END SECTION WHIRL-RAP		
SANITARY SEWER MANHOLE		
HYDRANT		
GATE VALVE		
DRAIN FLOW/UNFLOW ARROW		
EMERGENCY OVERFLOW SWALE		
SILT FENCE - PRE CONSTRUCTION		
SILT FENCE - POST CONSTRUCTION		
SPOT ELEVATION		
TBC SPOT ELEVATION		

Tree #	Species	Saved	Removed	Heritage			
1	Ash, green	11.5			78	Spruce, blue	17.0
2	Boxelder	18.0			79	Maple, sugar	14.5
3	Ash, green	14.0			80	Crabapple	9.0
4	Boxelder	14.5			81	Maple, sugar	18.5
5	Boxelder	12.5			82	Maple, sugar	14.5
6	Boxelder	14.0			83	Spruce, blue	17.5
7	Maple, sugar	12.0			84	Spruce, blue	16.5
8	Maple, sugar	8.0			85	Spruce, blue	10.5
9	Maple, sugar	18.0			86	Spruce, blue	16.5
10	Ash, green	18.0			87	Spruce, blue	18.5
11	Maple, sugar	11.5			88	Spruce, blue	11.5
12	Mulberry	7.0			89	Spruce, blue	19.5
13	Spruce, white	10.5			90	Spruce, blue	14.5
14	Spruce, white		10.0		91	Maple, sugar	6.0
15	Spruce, white		12.0		92	Cottonwood	45.0
16	Spruce, white		11.0		93	Cottonwood	49.9
17	Spruce, white		10.0		94	Boxelder	30.0
18	Spruce, white		14.0		95	Boxelder	13.5
19	Spruce, white		11.5		96	Boxelder	21.5
20	Spruce, white		12.0		97	Boxelder	19.5
21	Boxelder		13.0		98	Boxelder	20.0
22	Oak, swamp white		8.5		99	Boxelder	15.0
23	Cottonwood		70.0		100	Mulberry	8.0
24	Ash, green		23.0		101	Mulberry	7.5
25	Ash, green	25.0		Yes	102	Ash, green	22.0
26	Ash, green		24.5		103	Boxelder	14.0
27	Ash, green		24.0		104	Mulberry	9.0
28	Ash, green		24.5		105	Ash, green	9.5
29	Ash, green		21.0		106	Ash, green	6.0
30	Ash, green		13.5		107	Ash, green	11.0
31	Pine, red		6.5		108	Boxelder	23.0
32	Pine, red		7.5		109	Boxelder	23.0
33	Pine, red		7.5		110	Ash, green	7.0
34	Boxelder		22.5		111	Ash, green	6.5
35	Cottonwood		45.5	45.5	112	Ash, green	7.0
36	Cottonwood		39.0	39.0	113	Boxelder	16.0
37	Boxelder		13.5		114	Boxelder	33.0
38	Boxelder		14.0		115	Spruce, blue	14.5
39	Boxelder		13.0		116	Spruce, blue	13.0
40	Boxelder		12.0		117	Spruce, white	8.0
41	Boxelder		13.5		118	Spruce, blue	15.5
42	Willow		25.5		119	Spruce, blue	14.0
43	Boxelder		20.0		120	Spruce, white	8.0
44	Elm, American		15.5		121	Spruce, white	7.0
45	Boxelder		13.0		122	Spruce, white	7.0
46	Mulberry		7.0		123	Pine, red	10.0
47	Boxelder		22.0		124	Ash, green	19.5
48	Boxelder		20.5		125	Birch, river	21.0
49	Linden		8.5		126	Birch, river	17.5
50	Linden		6.5		127	Birch, river	21.0
51	Crabapple		7.5		128	Maple, sugar	18.5
52	Crabapple		7.0		129	Linden	9.5
53	Crabapple		7.0		130	Linden	8.5
54	Linden	14.0			131	Maple, sugar	20.0
55	Linden		7.0		132	Linden	8.5
56	Spruce, blue		18.0		133	Crabapple	6.0
57	Spruce, blue		19.0				320.0
58	Spruce, blue		17.0				1781.4
59	Spruce, blue		13.0				323.9
60	Spruce, blue		16.5				
61	Spruce, blue		17.0				
62	Spruce, blue		19.0				
63	Spruce, blue		17.0				
64	Arborvitae		7.0				
65	Arborvitae		7.0				
66	Arborvitae		7.0				
67	Maple, sugar		17.0				
68	Spruce, blue		20.5				
69	Spruce, blue		4.5				
70	Spruce, blue	15.5					
71	Spruce, blue	14.0	14.0				
72	Maple, sugar	7.0					
73	Spruce, blue	17.5					
74	Spruce, blue	20.0					
75	Cottonwood		41.5	41.5			
76	Spruce, blue	16.0					
77	Spruce, blue	15.5					
					Total		2101 Cal in
					Saved		320 Cal in
					Removed		1781 Cal in
					Heritage Removed		324 Cal in
					Heritage saved		25 Cal in
					Removed Trees Allowed (25%)		525.4 Cal in
					Tree Replacement Constant		1.0
					Replacement Required		932.2 Cal in
					2.5" Trees Required		372.9
					Heritage Tree Replacement		
					Removed Heritage Tree		323.9
					Heritage Tree Replacement Constant		2.0
					Heritage Tree Replacement		647.8
					2.5" Trees Required		259.1
					Total Tree Replacement		632.0

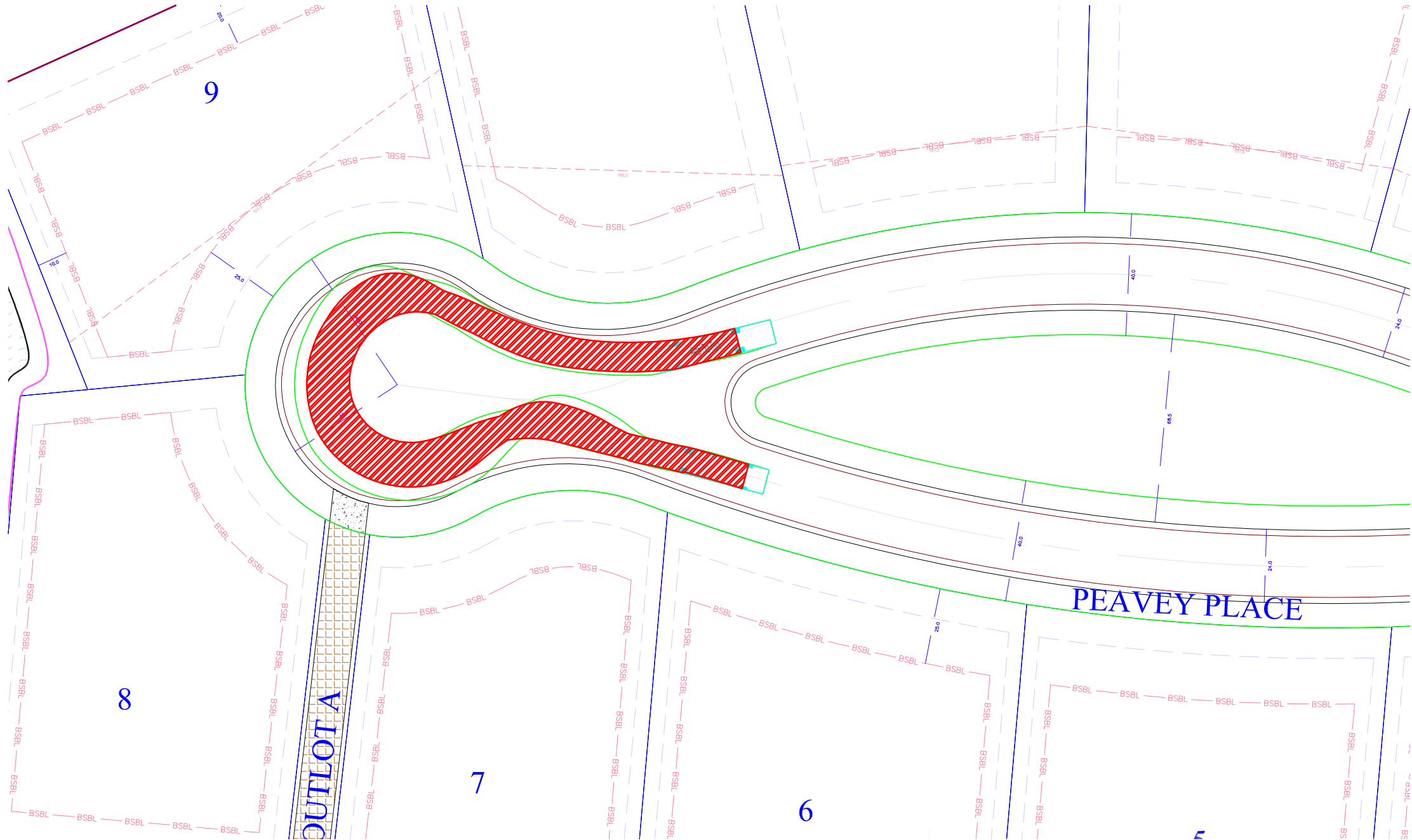
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TS	01	CAW	01/14/22	REVISE STREET-SIDEWALK-LOT FRONTS						
DRAWN BY	02	CAW	02/09/22	UPDATE HWL - HIGHLIGHT EOF - MODIFY L10-TRUCKS						
CAW	03	CAW	03/04/22	OUTLOT C LABEL, PUBLIC INFRASTRUCTURE NOTES						
CHECKED BY	04	CAW	03/24/22	REVISE LOT 9						
RSM										
DATE										
12/09/21										



Aerial Fire Truck
Overall Length
Overall Width
Overall Body Height
Min Body Ground Clearance
Track Width
Lock-to-lock time
Max Wheel Angle

39.000ft
8.167ft
7.500ft
0.750ft
8.167ft
5.00s
45.00°



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Charles A. Wiemerslage
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Date: 12/09/21 Lic. No. 49180

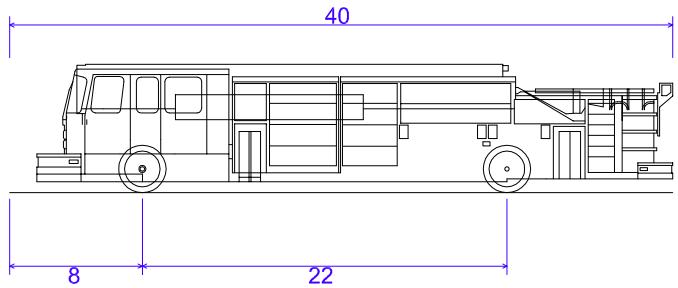
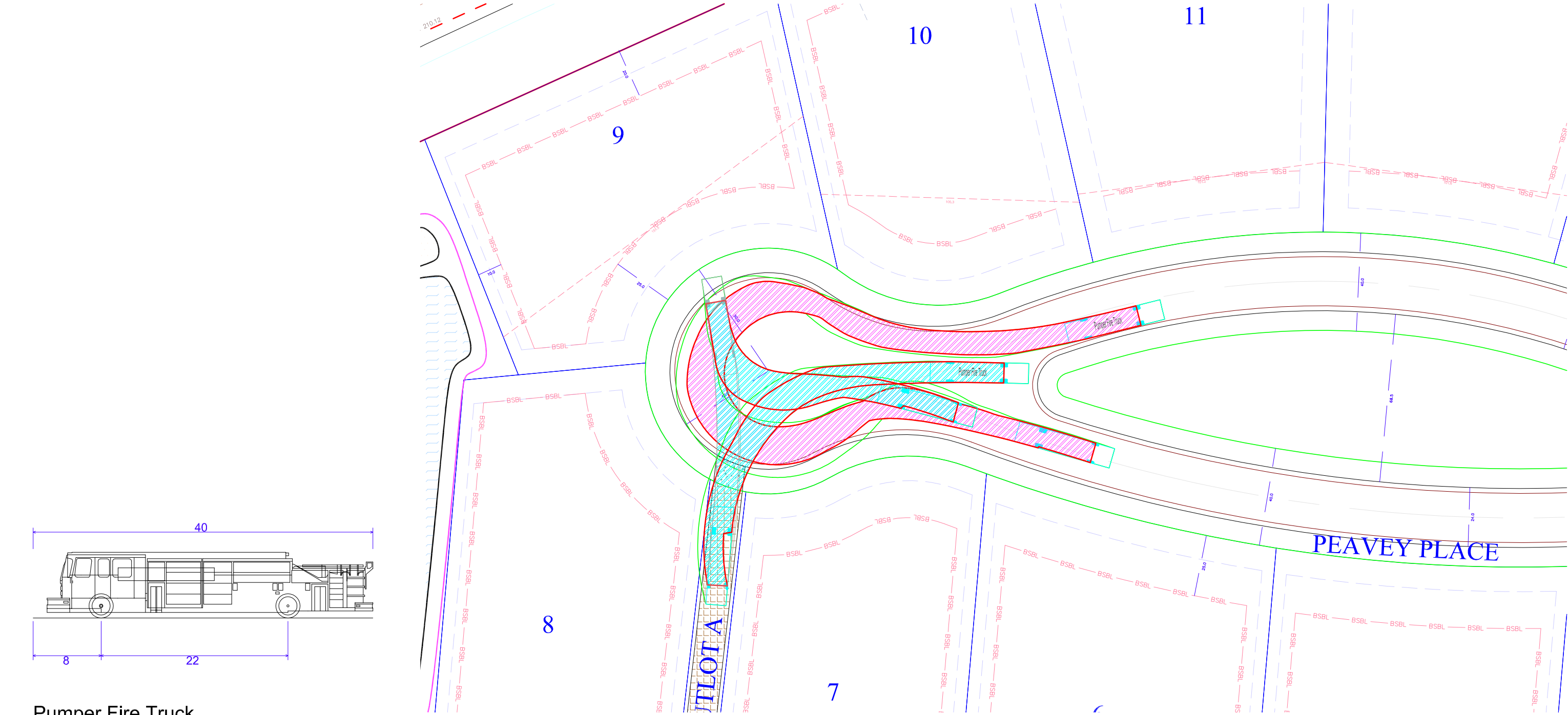


SATHRE-BERGQUIST, INC.
150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-6000

CITY PROJECT NO.
--
**WAYZATA,
MINNESOTA**

TURNING EXHIBIT - AERIAL FIRE TRUCK
HIGHCROFT ENCLAVE
BOHLAND DEVELOPMENT,
HIGHCROFT, LLC

FILE NO.
7806-046-01
1
3



Pumper Fire Truck
Overall Length 40.000ft
Overall Width 8.167ft
Overall Body Height 7.745ft
Min Body Ground Clearance 0.656ft
Track Width 8.167ft
Lock-to-lock time 5.00s
Max Wheel Angle 45.00°

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ENGINEERS
DESIGNERS
SURVEYORS
PLANNERS

SATHRE-BERGQUIST, INC.
150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-6000

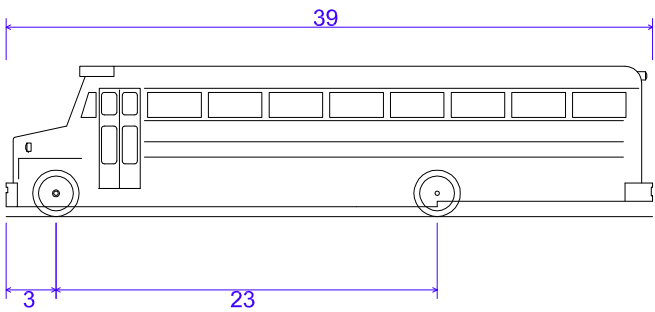
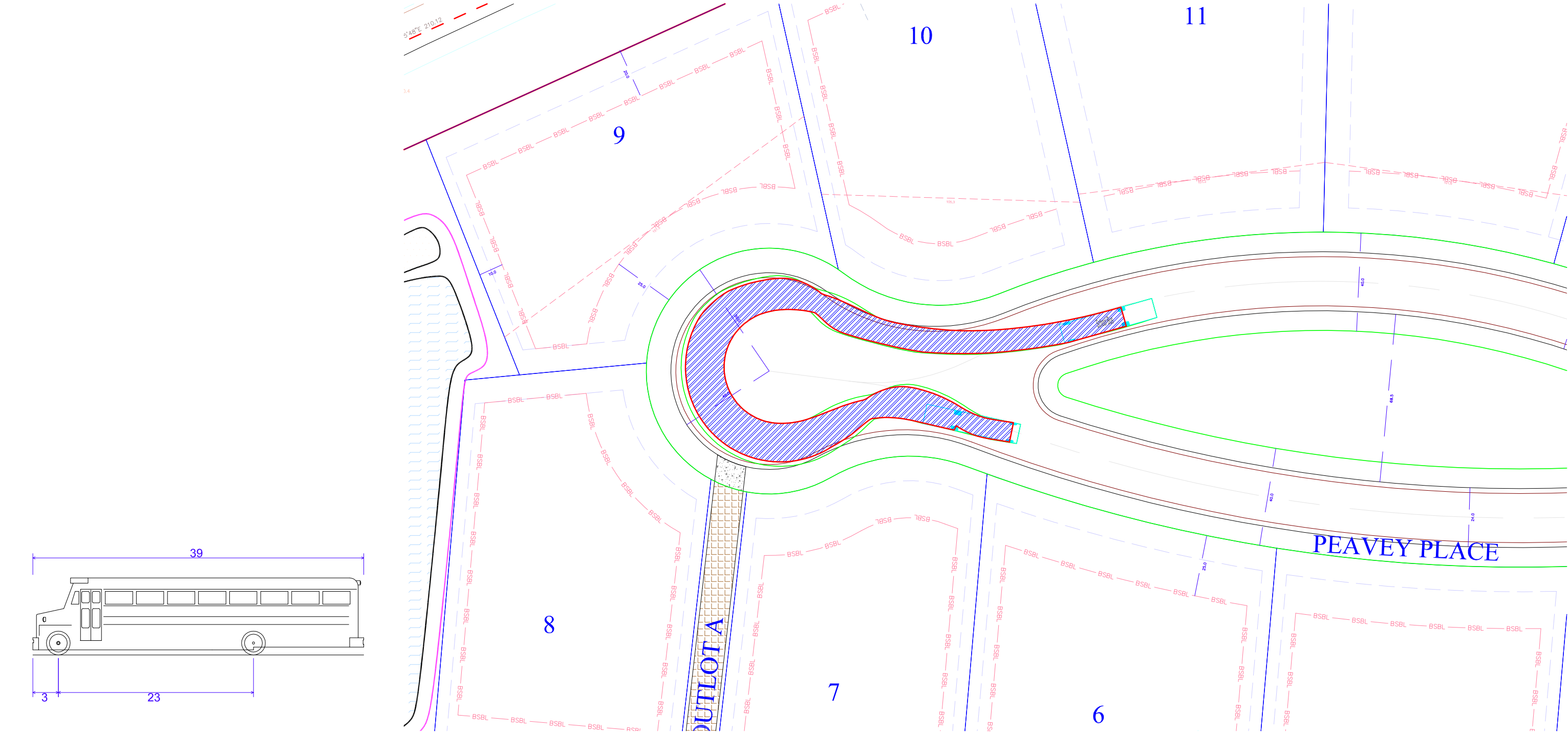
CITY PROJECT NO.

WAYZATA, MINNESOTA

TURNING EXHIBIT - PUMPER TRUCK

HIGHCROFT ENCLAVE
BOHLAND DEVELOPMENT,
HIGHCROFT, LLC

FILE NO.
7806-046-01
2
3



School Bus
Overall Length 39.000ft
Overall Width 8.000ft
Overall Body Height 9.063ft
Min Body Ground Clearance 0.583ft
Track Width 8.000ft
Lock-to-lock time 5.00s
Curb to Curb Turning Radius 38.600ft

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SATHRE-BERGQUIST, INC.
150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-6000

CITY PROJECT NO.

WAYZATA, MINNESOTA

TURNING EXHIBIT - SCHOOL BUS

HIGHCROFT ENCLAVE
BOHLAND DEVELOPMENT,
HIGHCROFT, LLC

FILE NO.
7806-046-01
3
3

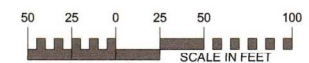




PROPOSED DEVELOPMENT
INFORMATION (R-2)

Minimum Lot Area: 15,000 square feet minimum
Minimum Lot Width: 100 feet

Fysb: 25 feet
Sysb: 10 feet
Rysb: 20 feet
Driveway: 10 feet



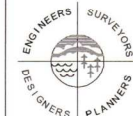
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DRAWING NAME	NO.	BY	DATE	REVISIONS
BLAKE-LAYOUT				
DRAWN BY				
CAW				
CHECKED BY				
RSM				
DATE				
02/17/21				

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Name, P.E. _____
Date: _____ Lic. No. _____



SATHRE-BERGQUIST, INC.
150 SOUTH BROADWAY WAYZATA, MN 55391 (952) 476-6000

CITY PROJECT NO. _____

WAYZATA, MINNESOTA

CONCEPT PLAN 070821
BLAKE SCHOOL CONCEPT
BOHLAND DEVELOPMENT

FILE NO.
7806-046

1

3



February 4th, 2022

To: Steve Bohl, BohLand Development

From: Katie Schmidt, PE

Re: Trip Generation Memorandum – Highcroft Enclave, Wayzata, MN

Per your request, S² Traffic Solutions, LLC has conducted a trip generation study for the proposed Highcroft Enclave Development (termed “Proposed Project” in this memo) in Wayzata, Hennepin County, MN. The Proposed Project consists of the redevelopment of Blake’s Highcroft School Campus into a residential development with 15 single family homes. The Proposed Project is located on the south side of Shoreline Dr (CSAH 15), on the north side on Peavey Ln, and on the west side of Peavey Rd. Access to the Proposed Project will be provided via one access roadway, Peavey Pl. **Figure 1**, Vicinity Map, and **Figure 2**, Site Plan, depict the project location, site layout and access roadway.

This memo provides a trip generation comparison of existing school traffic versus proposed traffic related to the 15-home residential development. Additionally, intersection sight distance for turning maneuvers at the proposed residential access (Peavey Pl) on Shoreline Dr is reviewed.

Trip Generation – Existing School

The volume of vehicle trips generated by the existing Blake Highcroft School has been estimated for the weekday AM and PM peak hours and on a daily basis using the following data provided by the school:

- The school has 240 Students and 40 employees and school hours are from 8:30 AM to 3:30 PM.
- Pick-up and Drop-off traffic includes 6 busses and 150 vehicle drop-offs coming in and out of the school.
- The AM peak of school traffic occurs between 8:00 AM and 8:30 AM with 6 busses and 150 vehicle drop-offs. It is assumed that employees arrive before the peak.
- The PM peak of school traffic is more spread out as there is after school care and activities. At school dismissal there are 6 busses and approximately half the vehicle pick-ups (75 vehicles.)
- The parent car drop-off and pick-up line often extends from the school parking lot along Peavey Lane and sometimes as far back as Peavey Road.
- The school often hosts a number of community events that draw as many as 200 cars to the campus and surrounding neighborhood streets.

Based on the provided student, bus and drop-off data, the existing trip generation for the school is summarized in Table 1.

Table 1 - Trip Generation for Existing School

Land Use	ITE Land Use Code	Size		Trips Generated:				
				AM Peak		PM Peak		Weekday ADT
				Enter	Exit	Enter	Exit	
Existing School	**	240	Students	156	156	81	81	704
				312		162		

- AM peak includes 6 buses and 150 drop-offs both entering and exiting.
- PM peak includes 6 buses and 75 pick-ups both entering and exiting.
- Daily traffic includes all employee, bus, and drop-off/pick-up traffic.

The existing school generates 312 trips (156 entering and 156 exiting) during the morning traffic peak hour, 162 trips (81 entering and 81 exiting) during the afternoon traffic peak hour and 740 daily trips.

Trip Generation – Proposed Project

The volume of vehicle trips generated by the Proposed Project has been estimated for the weekday AM and PM peak hours and on a daily basis using the data methodology described in the ***Trip Generation Manual***¹. Table 2 summarizes the trip generation estimates for the proposed residential land use.

Table 2 - Trip Generation for Proposed Project

Land Use	ITE Land Use Code	Size		Trips Generated:				Weekday ADT
				AM Peak		PM Peak		
				Enter	Exit	Enter	Exit	
Single Family Homes	210	15	Units	3	8	9	5	141
				11		14		

- Per ITE's Trip Generation Manual, 11th Edition.

The Proposed Project is estimated to generate 11 trips (3 entering and 8 exiting) during the morning traffic peak hour, 14 trips (9 entering and 5 exiting) during the evening traffic peak hour and 141 daily trips. The intensity of estimated trips for the Proposed Project is significantly less than the existing traffic being generated by the school. Table 3 notes the difference in trip generation estimates.

Table 3 - Trip Generation Difference

Land Use	ITE Land Use Code	Size		Trips Generated:				
				AM Peak		PM Peak		Weekday ADT
				Enter	Exit	Enter	Exit	
Existing Land Use								
School	**	240	Students	156	156	50	50	704
				312		100		
Proposed Land Use								
Single Family Homes	210	15	Units	3	8	9	5	141
				11		14		
Difference								
				-302		-86		-563

¹ Trip Generation Manual, Institute of Transportation Engineers (ITE), 11th Edition

Access Sight Distance Review

The available sight distance on Shoreline Dr at the proposed access roadway (Peavey Pl) was reviewed to determine if there is adequate distance to safely maneuver left and right turns from the minor road stop condition. The measured sight distance should be equal to or greater than the recommended stopping sight distance and, ideally, equal to or greater than the intersection sight distance from data in *AASHTO's - A Policy on Geometric Design of Highways and Streets* for a 45-mph roadway. The following notes AASHTO's recommended stopping and intersection sight distance:

- Stopping Sight Distance for a 45-mph Roadway – 360'
- Case B1, Left Turn from Stop – 500'. This would be the distance required looking to the right.
- Case B2, Right Turn from Stop – 430'. This would be the distance required looking to the left.

The proposed access roadway is in the same location as the existing school access driveway on Shoreline Dr and a site visit was conducted in February 2022 to document existing available sight distance at the access point. Figure 3 illustrates observed available distance. For a left turn from stop the available sight distance looking to the right is 500'. For a right turn from stop the available sight distance looking to the left is 460'. Stopping sight distance and intersection sight distance recommendations for Cases B1 and B2 are satisfied and adequate distance will be provided at proposed access roadway.

Conclusions

The anticipated trip generation for the Proposed Project is significantly lower than the existing school trip generation. Specifically, there will likely be a reduction of approximately 302 AM trips, 86 PM trips and 563 daily trips with the redevelopment of the school site and no adverse traffic operations are anticipated. Additionally, a field review of available sight distance on Shoreline Dr at the proposed access roadway (Peavey Pl) indicates that there is adequate distance per AASHTO standards for both stopping sight distance and intersection sight distance.

Please contact Katie Schmidt at katie@s2traffic.com or 952-212-7625 with any questions.

Attachments: Figures 1-3



Figure 1 - Vicinity Map

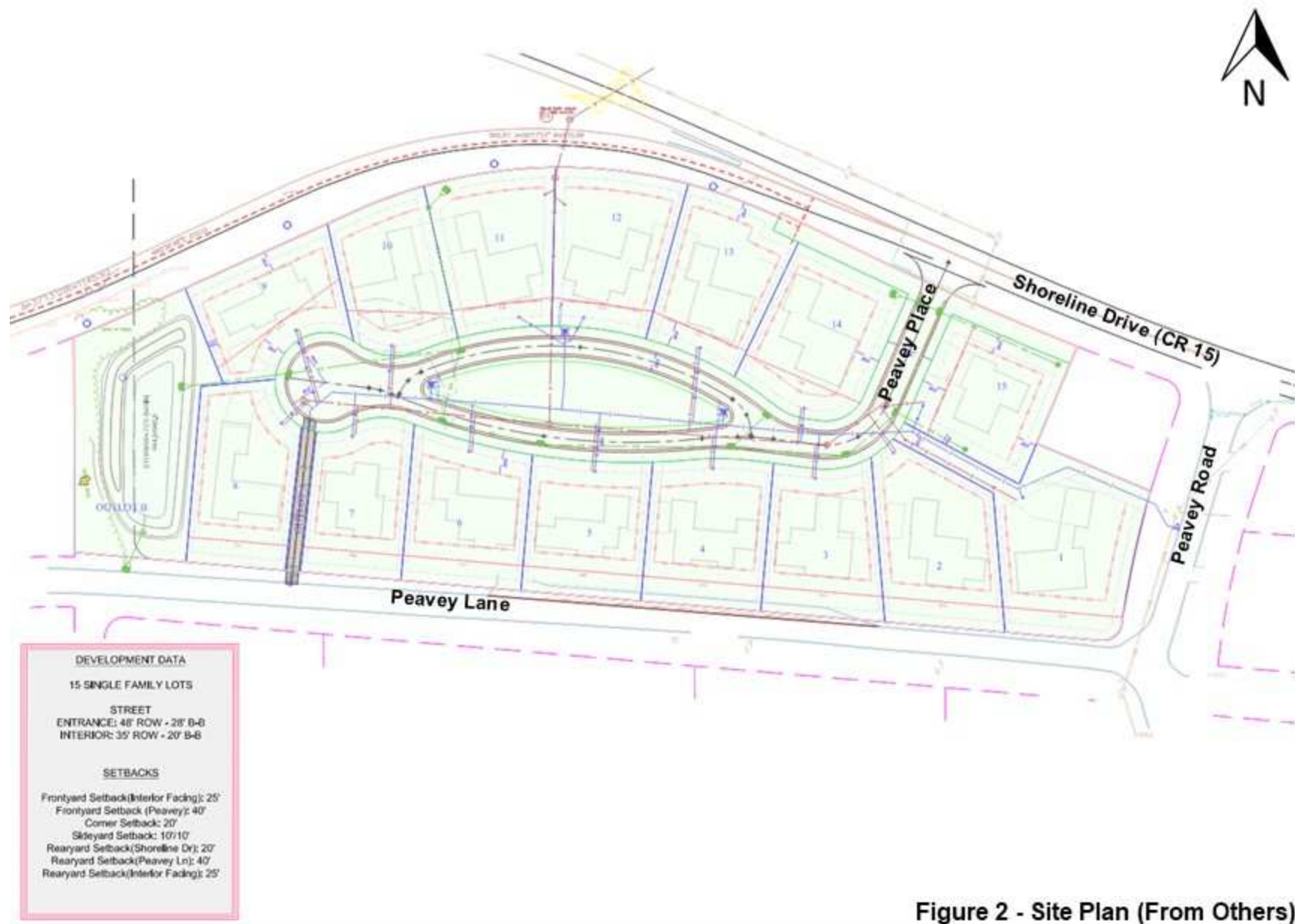


Figure 2 - Site Plan (From Others)



DISTANCE LOOKING LEFT - 460'



DISTANCE LOOKING RIGHT - 500'



Figure 3 - Sight Distance Evaluation

Highcroft Enclave – Blake School
Neighborhood meeting
March 17th, 2022
Wayzata community room
5:00pm-6:30pm

Meeting started with applicant welcoming everyone and letting them know that packets were available for their review and that he would provide a brief explanation of his narrative and then would have a question-and-answer session between him and representative from Blake.

Applicant started off explaining how the Blake school came to market and the process that the school used to find a buyer for the site, whether as is or for development. Applicant went further into the vision of a charming single-family neighborhood within the city of Wayzata that he envisions for the site and apply for with the City. Applicant then explained a high-level layout of the application and how it would be intertwined within the current neighborhood.

First question from an attendee was why the homes along Peavy Lane faced South and the homes along Shoreline would face South as well into their backyard. Neighbor kept calling them “backwards home”

- Applicant responded that this was to create an appealing landscaping and front to Peavy Lane

Next comment from attendee is that this proposed application would change the feel of the neighborhood from a “almost park or nature like feel”

Attendee question about another development in Wayzata that applicant had completed that was similar.

- Applicant responded that Rusten Woods off 101 on Hadley Lake

Attendee commented on the feeling that the site currently like a nature conservancy feel, and concern that the getting rid of the wetland and trees would affect the wildlife around and runoff would then go into Peavy Lake which then drains into Lake Minnetonka

- Applicant explained that the wastewater management plan would be approved by all proper authorities and would most likely help with runoff
- Wetland replacement credits within the City of Wayzata
 - Attendee commented on replacing wetland is disingenuous

Comment on that the comp plan needs to be reflective of the amendment

Attendee asked if it true there is three variances being applied for the application

- Applicant responded no, there was a flag lot and cul de sac size variance
- Due to topography of land?

Attendee portrayed that comp plan requires that changes from institutional zoning would require a change to R1A to match the community around it

- Applicant responded that the proposed development matches the community to the east and was larger than most of the home sites in Wayzata
 - Attendee still said that it didn’t fit with the homes to the west

Attendee posed question about trying to creative engineer lots to save larger mature trees

Attendee had two global observations that the traffic off Highway 15 would be a problem than its current use and asked if applicant would consider doing the project if there was less homes

- Applicant replied that traffic study was completed, and the amount of traffic was to be reduced by approximately 60-70%
- Applicant would not consider project if variances weren't approved and had 3 less lots

Same attendee had personal observation, I have lived in Wayzata since 2011 and only two out of the last 11 years have not had construction traffic. Continued that they just bought a house on Peavy Lane and have deal with construction traffic. Attendee just wanted their remodels and landscaping finishing to enjoy their home

Attendee concerned about the parking for construction traffic

- Applicant communicated that the start of the project would focus on grading and getting a road established off shoreline. Fence to be put up around site and all access off shoreline once road is complete
- Applicant would consider adding in development agreement for construction traffic and diligent in enforcing no parking outside of internal road
- Applicant would manage the construction buyer process to have homes close from west to east

Attendee asked if there was a way to creatively have the project that is sympathetic to the neighborhood

- Does the market bear lot costs with 6 homes at \$5 million purchase price
- Applicant responded he is of the opinion that the market does not bear that price and "McMansions" would not sell well due to the proximity of the railroad and shoreline drive
- Attendee responded that the condos around town sell well despite the railroad

Attendee wanted to know what the developer thought the financial impacts for the R1A homeowner values around the neighborhood

- Developer said he could not predict but would anticipate that home values would most likely be improved and not decreased but could not be certain

Attendee asked if there was potential that Developer could get cheaper value from seller to minimize number of lots

Attendee asked if the property has been purchased or under contract

Attendee asked question to Blake representative if there had been other contact from another school to purchase and use the existing site

- Representative responded that there were three offers considered
- One existing use for a church congregation
 - 500-600 people
 - Significant increase in the size of the parking lot
- One for a large complex multifamily housing facility
- One for single family development (BohLand)

- Blake considered other offers but determined that the appetite of surrounding neighborhood and city would have not been a viable option.
- Attendee made comment that church is one day a week

Attendee asked if there were any other lot sizes of the lots being considered, how they could guarantee charm and that lot size would fit

Attendee asked why driveways couldn't come off Peavy

- Applicant responded that prior development talks had issues with that proposal from neighborhood



WAYZATA FIRE DEPARTMENT

600 RICE STREET
WAYZATA, MN 55391
(952) 404-5337
FAX (952) 404-5336
fire@wayzata.org

Peavey Place

Cul-de-sac radius: The Wayzata Fire Department does not support anything less than the City Code requirement of a 48 foot wide pavement width and a 60 foot wide right-of-way width. While not all Wayzata Fire vehicles can maneuver within a 48 foot pavement radius, the Wayzata Fire Department can support the minimum cul-de-sac radius of the City Code.

Cul-de-sac length: The proposed cul-de-sac exceeds the City Code requirement of a 600 foot cul-de-sac length by 177 feet. The Fire Department could live with the extra length of the cul-de-sac if we had to but would much prefer that there not be a cul-de-sac and Peavey Place connect to both Peavey Lane and Shoreline Drive.

Fire Hydrant locations: The Wayzata Fire Department requests that the fire hydrant between Lots 11 and 12 be relocated towards the entrance of Peavey Place.

Addressing: The Wayzata Fire Department supports the addressing of the lots based on where the driveways would address (i.e. Peavey Place). The Fire Department does not support the addressing of Lots 1 through 8 with Peavey Lane.

From: [David Nitz](#)
To: [Emily Goellner](#)
Cc: [Public Comment](#); [Valerie Quarles](#); [Jeffrey Dahl](#)
Subject: BOHL BLAKE SCHOOL PROPERTY DEVELOPMENT PROPOSAL
Date: Thursday, March 31, 2022 3:19:50 PM

I am out of town and unable to attend next week's Planning Commission meeting and so I would appreciate it if you would copy and send this message to all members of the Wayzata Planning Commission ASAP.

I believe that it is necessary for the Wayzata Planning Commission to disapprove the Bohl proposal to subdivide the Blake School property into 15 building sites. Here are reasons to deny approval for the Bohl 15 lot plan:

- The Blake School property fills the northeast corner of the Ferndale Woods and Highcroft subdivisions which are zoned for 80,000 square foot homesites. Approving 1/2 acre zoning for the Blake School property is inconsistent with the zoning of Ferndale Woods and Highcroft.
- Building 15 houses on fifteen 1/2 acre lots degrades the environment, allure and attractiveness of Ferndale Woods and Highcroft estates adjacent the Blake School property.
- It makes no sense to me that 15 buyers would be interested in purchasing a 22,000 square foot 1/2 acre lot for \$750,000 and then building a \$1-\$2 million house on the property when he/she could buy any house on Peavey Lane — built on 80,000 to 150,000 square foot lots — for less than \$2 million.
- Building a new street with 15 homes and driveways with footpads of 4,000+ square feet creates an unreasonable amount of hardcover which eliminates needed water filtration and detrimentally affects the quality of water running off into Lake Minnetonka.
- Adding 30 to 40 vehicles in 15 double and triple garages will add 100 to 200 daily round-trip car journeys on Wayzata's already overcrowded main street thoroughfare.
- Adding guest visitations, landscape trucks, garbage trucks, snow plows, house service trucks and mail & package delivery trucks to the equation needlessly creates even more traffic on Wayzata's Lake Street and residential streets.
- It is totally irrational to degrade Wayzata's quality of life by adding dozens of condominiums and 15 houses and hundreds of personal and service vehicles to Wayzata without building more and wider streets to handle additional traffic.
- More and wider streets and traffic added to existing Wayzata streets translate to increased traffic noise, vehicle/bicycle/pedestrian collisions, air pollution, street maintenance costs and higher taxes.
- Constructing a new 15-lot-subdivision street, sewer, water, gas, electric and internet/tv cable utilities and 15 houses will probably take five years. All of this will add to the Wayzata traffic mess and will negatively affect — mud, dust, noise, traffic — the lives of Peavey Lane families, students and Wayzata neighbors who walk on Peavey Lane.
- Why should Ferndale Woods and Highcroft homeowners bear the burdens of construction noise and mud and increased traffic simply to enrich Steve Bohl and the Blake School owners through Planning Commission approval of a 15 lot subdivision plan?

David Nitz

To: Wayzata Planning Commission and Wayzata City Council
From: Steve and Judy Shank
Subject: Comment on Proposed 301 Peavey Lane - Highcroft Enclave
Date: March 30, 2022

We are the owners of the house at 330 Peavey Lane. Our house is located directly across Peavey Lane from the existing Blake School building, parking lot and playground. Our home sits on an elevation above the proposed development site, looking directly at the site.

Our property will be negatively impacted by the density and environmental disruption proposed for this development. The proposal embodies a building density and environmental intervention which is unacceptably disruptive to the existing neighbors and environment. We urge the Planning Commission and City Council to deny the builder's application.

1. We agree with and join in the more detailed comments on this proposal submitted by Barry Pettit on behalf of some of our neighbors.
2. The density of houses in this proposal is totally inconsistent with the adjacent neighborhood. 15 houses are squeezed into the small buildable area of the property using tortured lot configurations. Approval of the BohLand proposal would be inconsistent with the Comprehensive Plan.
3. The proposal to clear cut the existing old growth trees and to substantially drain the existing wetland on the site would have a negative impact on the neighborhood and the local environment. Approval would be contrary to the Comprehensive Plan.
4. The BohLand proposal should be rejected.

If, in the future, a proposal for this site is submitted to the City Council for a project which is more suitable for the existing neighborhood, then we urge that the City require the following essential elements of any project to be approved.

- A. The density of any such project should be substantially less than that of the BohLand proposal.
 - B. The construction plan should minimize the destruction of old growth trees and of the existing wetland in keeping with the existing nature of the neighborhood and the direction of the the Comprehensive Plan.
 - C. Any such project should not be configured in a way that would cause a buildup of parking along the two lane segments of Peavey Lane. The street is very hazardous to navigate when cars are parked on the road. This is essential.
5. Any approval should require that all user access to the development be from County Road 15.
 6. Any approval should require that all construction access to the site be from County Road 15.

In summary, the BohLand development proposal would have substantial negative impact on the existing neighborhood and the local environment. We respectfully urge that the City respect the strong concerns of the neighborhood and deny this application.

From: [Dick & Karen Lueders](#)
To: [Valerie Quarles](#); [Jeffrey Dahl](#)
Cc: [Lindsay Bashoum](#); [barry petit](#); [David Nitz](#); [Steve Shank](#); [Carter Peterson](#); [Gregg Peterson](#); [Juliana Batista](#); [Jason Mikunda](#); [Jan Evans](#)
Subject: Bohl Blake School Property Development Proposal
Date: Friday, April 1, 2022 7:43:08 AM

Valerie Quarles, City of Wayzata Assistant Planner
Jeffrey Dahl, Wayzata City Manager

We are the owners and residents of the residential property at 481 Peavey Lane. While we are currently out of town and unable to attend the April 4th Planning Commission meeting, we believe strongly that the Wayzata Planning Commission should disapprove the Bohl proposal to subdivide the Blake school property into 15 building sites. We are aligned with the outline of concerns shared by our other neighbors, specifically:

1. We understand that the proposal does not comply with the 2040 Comprehensive Plan.
2. The density is inconsistent with the Ferndale Woods/Highcroft neighborhood and would have an undue negative impact.
3. We are opposed to sidewalks leading to Peavey Lane that would encourage resident/guest street parking on Peavey Lane.
4. The minimum lot size for the subdivision should be 80,000 square feet.
5. The entrance to the proposed subdivision should be off of County Road 15 and not Peavey Lane.

Please share our strong opposition to the proposal with all members of the Wayzata Planning Commission.

Thank you for your consideration.

--

Dick & Karen Lueders
Mailing Address
8193 Xenia Lane
Naples, FL 34114
Dick's Cell (952) 358-0778
Karen's Cell (952) 465-2931

SUBJECT: THE BLAKE SCHOOL REDEVELOPMENT PROPOSAL

Mayor, City Council, Planning Commission, Mr. Bohls and City staff;

I believe that the Blake School proposal represents a very complicated challenge because, 1) it's a large site, 2) it's entirely within a long established residential neighborhood and 3) the re-zoning constitutes **spot zoning**. This change has no precedent in Wayzata.

I have reviewed the proposal with our City codes and ordinances. The conflicting issues are outlined below.

PART 1 - OUTLINE OF CORE CONFLICTS

Comprehensive Plan:

- *Housing Goals and Policies* states new developments should be consistent with the [existing R1-A] neighborhood with respect to lot size, scale, massing and density. This is a dramatic departure,
- The site virtually clear-cuts all trees,
- The wetlands are altered by exchanging for city-owned wetlands suggesting a conflict between private and public purposes,
- The existing topography of several of the lots is substantially altered.

Zoning Ordinance:

The concerns are best defined up by **Section 1003.02 Preliminary Plat** review.

1. The proposed subdivision or lot combination shall be consistent with the Wayzata Comprehensive Plan. **Review our Comp Plan issues.**
2. Building pads . . . shall preserve sensitive areas such as lakes, streams, wetlands, wildlife habitat, trees and vegetation, scenic points, historical locations, or similar community assets. **The proposal clear-cuts old growth trees and the wetlands are altered.**
3. Building pads . . . shall be selected and located with respect to natural topography to minimize filing or grading. **Grading for lots 1, 2 and 3 are raised 7.5 feet, 5.5 feet and 4.5 feet respectively.**
4. Existing stands of significant trees shall be retained where possible. Building pads that result from a subdivision or lot combination shall be sensitively integrated into existing trees. **The site is virtually clear-cut.**

5. The creation of lots shall not adversely impact the scale, pattern or character of the City its neighborhoods . . . **Neighboring lots are required to be 80,000 SF. The average proposed lot size is 17,550 SF – 22% of the R1-A district.**

6. The design of a lot, the building pad, and the site layout shall respond to and be reflective of the surrounding lots and neighborhood character. **See the note above.**

7. The lot size that results from a subdivision or lot combination shall not be dissimilar from adjacent lots or lots found in the surrounding neighborhood . . . **See the note in #5 above.**

I'm also fascinated by the odd way used to define front yards in order to squeeze in more lots around the Peavey Place circle and also allowing a discouraged if not illegal flag lot.

PART II A COMPROMISE:

1. Accepting eight new homes. This will allow for more room to save substantial trees, create lots more in line with the neighborhood though still quite short of the 80,000 SF minimum.

2. All construction equipment, site visits during construction by vendor's, designers, suppliers, owners, future deliveries of all kinds, ongoing yard maintenance, home repairs, etc. will access the site from CTY Rd 15

3. All sidewalks to Peavey Lane will be eliminated because it does not match the character of the street – we have no sidewalks. Sidewalks will promote parking on Peavey Lane meaning our rural-like street becomes the defacto parking lot for the eight homes. That's not fair.

4. The hours of all associated construction will be limited to 7:00 AM to 4:30 PM. Monday through Friday. No weekend work.

5. The 'Front-yard' designation for all lots along Peavey Lane will be eliminated ensuring that front yards, access and addresses to the new homes will be from Peavey Place – common planning practices.

6. Add substantial landscape screening along Peavey Lane that would create a buffer as well as establish privacy into the back yards of the homes. Back yards should be private; front yards are public. That is the reality of virtually any development whether it's in south Minneapolis or Burnsville.

7. Ensuring a substantial landscape buffer between the Mikunda's lot and the redevelopment is critical.

Part VI Appendix

The following information includes the study of City documents used to substantiate the neighborhood issues.

WAYZATA CITY CHARTER

CHAPTER VI - Public Improvements Section 51 – City Plans

The city council shall, prepare, amend and adopt action plans for the future physical development and redevelopment of the city consistent with the city's Comprehensive Plan. [Please review our section defining Comp Plan conflicts](#)

THE COMPREHENSIVE PLAN

CHAPTER 1 - Introduction

Community Engagement in the Comprehensive Planning:

. . . Wayzata 2040 Sailing Ahead was dedicated to strong community engagement... The process enabled the community to take control and provide input into a process that allowed [us] to shape their own future.

Environmental Sustainability:

. . . Wayzata has an opportunity to take the lead on sustainability goals and objectives. In the Vision Survey, 68 percent of respondents believe that Wayzata should 'Aggressively pursue new sustainability actions and focus.' The health of Lake Minnetonka's ecosystem, a City free of visual and noise pollution, and a City that cares about fostering a healthy, vibrant, and sustainable environment should be Wayzata's priorities.

[We would suggest that clear-cutting an 8 acre parcel and filling in wetlands are not compatible with the community's vision. Several of the trees, for example, are heritage trees - some over 100 year old - and will be removed. We're not certain this proposal is consistent with being good stewards of the environment.](#)

CHAPTER 3 – Land Use

Introduction and Analysis:

. . . Within the context of this Comp Plan, this Land Use chapter helps promote strong residential neighborhoods. . .

The Land Use chapter is a major component of the Comp Plan because it is the basis the controlling document for the City's Zoning ordinance

Estate Single Family Residential:

The location of the Estate Single Family category (Highcroft Neighborhood and environs) remains consistent between the existing and future land use plan, including the western portion of the city, south of Shoreline Drive and CSAH 15 and the residential areas along Bushaway Road. These areas contain important natural resources, such as mature tree coverage, wetlands, and steep slopes. The larger lot sizes of this district are conducive to the preservation of the resources.

CHAPTER 4 - Housing

Introduction and Situation Analysis – Strengths:

One of Wayzata's greatest strengths and assets is its unique single-family residential neighborhoods and individual estates which are a vital component to the community's sense on identity. As the City continues to manage infill development, the maintenance and preservation of these single-family neighborhoods is one of the most important vales of the community.

Housing Goals and Policies:

. . . Evaluate and adopt policies and zoning ordinance amendments that would encourage new single family residential developments to conform with the mass and scale of existing residences within their neighborhood.

Consider requiring that housing developments include site design consideration that preserve and protect the community's natural amenities, including tree coverage, wildlife habitats, steep slopes and wetlands. **The tree removal, wetland infill and the substantial re-grading are inconsistent with this goal.**

Preferred Future:

The vision development process [was] aimed at creating a consensus-based vision.

Vision Statement:

The Vision Statement provides a broad view of Wayzata and inspires the community to move forward. The Vision serves the following purposes:

Bullet points five and six:

- Provides an anchor in times of conflict and change – a way of finding common ground and shared values **This is a statement about compromise.**
- Creates energy and enthusiasm for maintaining the commitment to the Comp Plan

ZONING ORDINANCE

CHAPTER 808 – CITY DEVELOPMENT

We included this section to ensure the front yard is appropriately established using traditional planning tools. There seems to be a strategy to reorient some of the sites in order to modify the minimal lot dimensions.

808.01 – Address Numbers Required:

It shall be the duty of the owner or occupant of each residential . . . building within the City to place address numbers on the front of each such building, in accordance with the requirements of this Chapter.

808.03 – Location of Numbers:

Address numbers and other identification shall be placed so as to be directly and conveniently visible from public access to the building, in accordance with the following requirements:

- A. In the case of [a single] family residences the numbers shall be attached to the building at the front entrance or at such other location(s) as is approved or required by the Building Inspector. **Defining the front yard: addresses and access are in the front yard.**

814.04 Variances

The City Council may approve a variance from this Chapter upon finding that the requested variance **will** meet each of the following criteria, although it shall not be required to do so: **(please explain this section: may approve... will meet... shall not be required. Makes very little sense)?**

Shall vs. Will:

From the reams of pronouncements written about the distinction between *shall* and *will*—dating back as far as the 17th century—it is clear that the rules laid down have never very accurately reflected actual usage. Ergo *will* and *shall* have the same meaning.

- A. There are exceptional or extraordinary circumstances or conditions applying to the property and/or structure(s) in question, which circumstances or conditions do not apply generally to other property and/or structures. **All conditions were visible and none were out of the ordinary for this geographical region.**
- B. The variance is necessary for the preservation of substantial property rights of the applicant. **There are numerous options for the redevelopment and it is not the responsibility of the council to approve the proposal solely due to financial issues.**
- C. Under the circumstances of the particular situation the variance will not adversely affect the health, safety or general welfare of residents of the surrounding area or of the community as a whole.
- D. The variance will not conflict with the Comprehensive Guide Plan. **The proposal has several conflicts with our Comp Plan.**

FYI: Included this definition because it's typically used to justify a variance.

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.

CHAPTER 901 - TITLE AND APPLICATION

901.04 – Relation to the Comp Municipal Plan:

. . . The Council recognizes the City Comprehensive Plan as the policy to regulate land use and development in accordance with the policies and purpose herein set forth.

CHAPTER 902 – RULES AND REGULATIONS

902.02 Definitions:

This is very crucial to the proposal. Please review carefully. The proposal appears to be using a very unorthodox way for determining which edge of the properties are front yards. This is extremely important because the front yard determines lot width and therefore which lots are substandard. The proposed plans appear to have uncharacteristically designated the front yards for Lots 1, 2 and 3 along Peavey Lane not along Peavey Place. The standard almost universal practice is that the access and the address determine the front yard. (Please review this with our Fire Chief). Since all lots will have Peavey Place addresses the front yards, by long standing planning practices, abut Peavey Place. Directions by owners, mapquest and emergency calls will naturally reference Peavey Place not Peavey Lane.

The following definitions from the Zoning Ordinance locate the front-yard establishing the starting point for measuring the depth and width.

Frontage. That boundary of a lot which abuts an existing or dedicated public street, watercourse or similar barrier. **This has no bearing on determining the front yard.**

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 **This indicates that Lot 9 is substandard.**

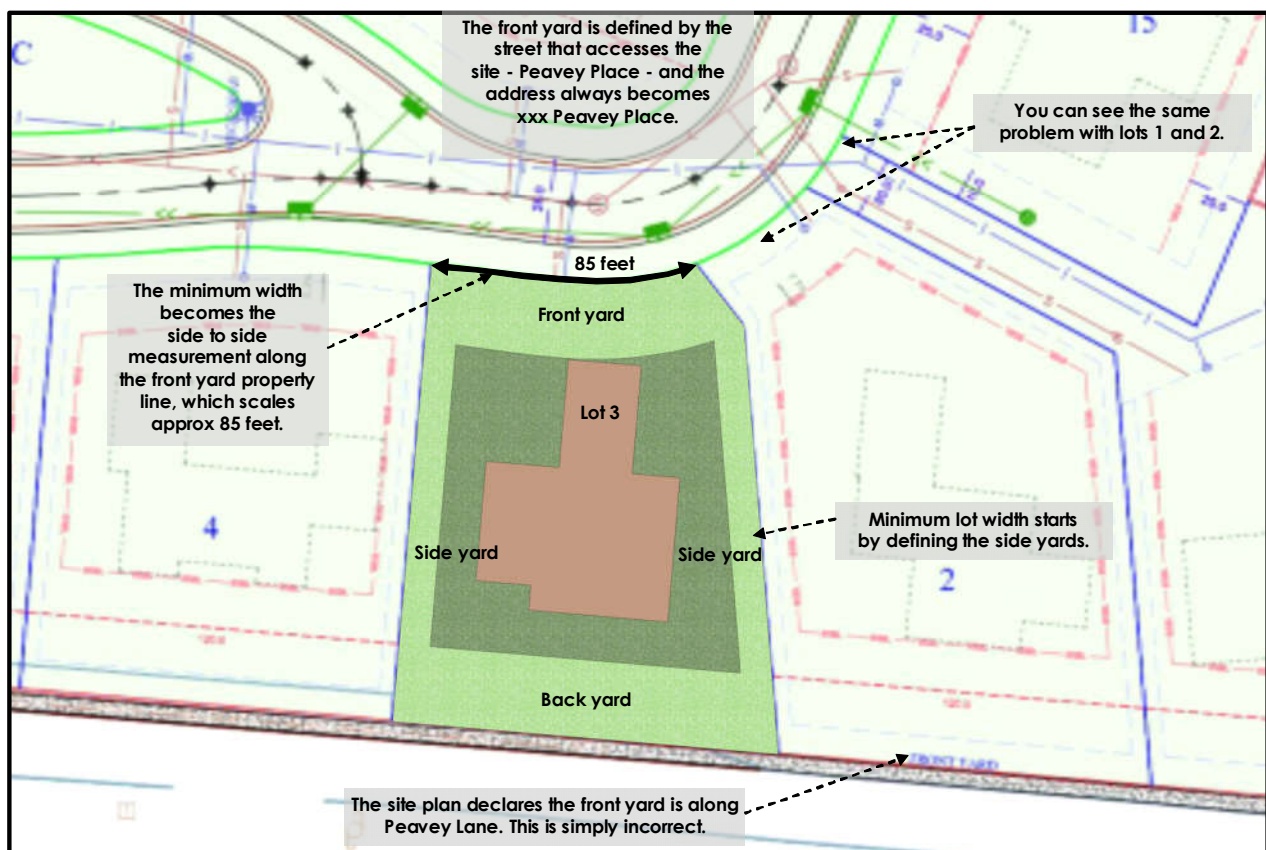
Lot Line, Rear. That boundary of a lot which is opposite the front lot line. If the rear lot line is less than ten feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten (10') feet in length within the lot, parallel to and at the maximum distance from the front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

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 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. **Establishing the appropriate front yard is essential in determining the width. The public right-of-way is Peavey Place.**

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

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. **This is the key factor that impacts seven of the eight lots. The liberal definition of the front yard implies Peavey Place is an alley.**



936.01 - Purpose and Intent:

The Wayzata City Council finds it is in the best interest of the City to protect, preserve, and enhance the natural environment of the community and to encourage a resourceful and prudent approach to the development and alteration of wooded areas. . . . the City has established the comprehensive tree preservation regulations herein to promote the furtherance of the following:

- B. Assurance of orderly development within wooded areas to minimize tree and habitat loss; **The lion's share of the trees are removed including some over 100 years old.**
- F. Enforcement of tree preservation standards to promote and protect the public health, safety and welfare of the community. **The proposal focuses on replacement not preservation.**

CHAPTER 954 - R-2 MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT

954.06 - Lot Area and Setback Requirements: The following minimum requirements shall be observed in an "R-2" District subject to additional requirements, exceptions and modifications set forth in this Ordinance: **Please see Definitions 902.02 above**

- A. Minimum Lot Requirements:
 - Lot Area: 15,000 square feet.
 - Lot Width: 100 feet.
 - Lot Depth: 100 feet.

Lot 1:	Flag lot with 20' width	required 100'
Lot 2:	lot width 42'	required 100'
Lot 3:	lot width 85'	required 100'
Lot 8	lot width 60'	required 100'
Lot 9	lot depth 92'	required 100'
Lot 11	lot width 95'	required 100'
Lot 12	lot width 95'	required 100'
Lot 13	lot width 97'	required 100,

It appears that eight of the fifteen lots are substandard. An R-2 zone requires the minimum lot width of 100 feet, and a minimum lot depth of 100 feet. Lots 1, 2, 3, 8, 11, 12 and 13 fall short of the minimum 100' lot width. Lot 9 has a depth less than 100'.

CHAPTER 992 – WETLAND OVERLAY DISTRICT

992.08 - Variances to the Provisions of Wetland Overlay District:

- B. The City Council may grant a variance from the requirements of this Ordinance if the proposed plan of the applicant provides mitigative measures to recreate, to an equal or greater degree, of the environmental and hydrological function of the wetland area that is altered. **Not certain how the wetlands exchange happens. I'm not sure that trading City wetlands for private developments is appropriate where's there's literally no public benefit.**

CHAPTER 1001 - GENERAL SUBDIVISION PROVISIONS

1001.02 – Purpose and Goals.

This Chapter is adopted for the following purposes:

B. Goals. Subdivisions approved under this Ordinance shall be guided by the following:

1. Preserve and enhance Wayzata's "small town" character (Comprehensive Plan). **Please review our section defining Comp Plan conflicts**
2. Respect the existing scale, character and pattern of the City, recognizing existing neighborhoods . . . (Wayzata Physical Plan). **Scale character and pattern are in opposition to the neighborhood.**

1001.08 – Definitions:

Q. Double Frontage Lot means a lot which has a property line abutting on one street and an opposite property line abutting on another street. **This says nothing about how the front yard is determined.**

U. Flag Lot means an L shaped lot utilizing a minimum frontage on a public street (Peavey Place) in order to facilitate back or rear property and development. **‘ . . . to facilitate developing the back property.’ The 20’ wide access lane comes from a public street in order to develop a house in the back of the property. This is a Flag lot...! Regardless of where you define the front and back yard a house will be built in the back part of the site.**

CHAPTER 1003 - -PROCEDURES FOR FILING AND REVIEW

1003.02 – Preliminary Plat.

E. Planning Commission Criteria. . . . The PC shall consider possible adverse effects of the preliminary plat. Its judgment shall be based upon, but not limited to the following factors:

1. The proposed subdivision or lot combination shall be consistent with the Wayzata Comprehensive Plan. **Review our Comp Plan issues.**
2. Building pads that result from a subdivision or lot combination shall preserve sensitive areas such as lakes, streams, wetlands, wildlife habitat, trees and vegetation, scenic points, historical locations, or similar community assets. **Effectively the site is clear-cut of its old growth tree and the wetlands are altered.**
3. Building pads that result from subdivision or lot combination shall be selected and located with respect to natural topography to minimize filing or grading. **Grading changes for lots 1, 2 and 3 are raised 7.5 feet, 5.5 feet and 4.5 feet respectively. This constitutes a substantial change in topography.**
4. Existing stands of significant trees shall be retained where possible.

Building pads that result from a subdivision or lot combination shall be sensitively integrated into existing trees. **The site is virtually clear-cut.**

5. The creation of a lot or lots shall not adversely impact the scale, pattern or character of the City its neighborhoods . . . **Neighboring lots are required to be 80,000 SF. The average proposed lot size is 17,550 SF – 22% of the R1-A district.**

6. The design of a lot, the building pad, and the site layout shall respond to and be reflective of the surrounding lots and neighborhood character. **See the note above.**

7. The lot size that results from a subdivision or lot combination shall not be dissimilar from adjacent lots or lots found in the surrounding neighborhood . . . **Also see the note in #5 above.**



City of Wayzata Planning Commission Agenda Report

MEETING DATE: April 4, 2022	AGENDA ITEM: 6.a
TITLE: Approval of Planning Commission Report and Recommendation for Changes to Residential and Commercial Zoning Districts	
PREPARED BY: Eric Zweber, Planning Consultant, Valerie Quarles, Assistant Planner	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: N/A	

BACKGROUND:

In 2019, the City's Strategic Plan was updated to prioritize updates to the Zoning Ordinance. In 2020, the City launched a multi-year Zoning Study with an appointed Zoning Study Task Force. Design Standards were updated in 2021 and Tree Preservation Ordinance updates are underway. Simultaneously, City staff have been working with WSB & Associates on updates to all Residential and Commercial Zoning Districts.

The Planning Commission is being asked to consider text amendments. They are being proposed in order to simplify the zoning code and make it easier to use for the public and applicants; to streamline staff administration of the code; and to bring the results of code-compliant development in line with the objectives of the Comprehensive Plan. Changes include. Before the Planning Commission public hearing process began, these changes were discussed by the Zoning Study Task Force for over a year, then advanced to two prior workshops with the Commission. Community engagement on these changes was conducted through the Comprehensive Plan process, through the Task Force, through various digital methods of community outreach and will be conducted at an Accessory Dwelling Unit informational meeting on March 1. The public hearing is intended to continue from this meeting through the next Planning Commission meeting on March 7 in order to account for the ADU informational meeting, and to give enough time for all changes to be considered together.

Section 903.01 of the Wayzata Zoning Ordinance states that the regulations, restrictions and boundaries set forth in the Ordinance may from time to time be amended, supplemented, changed or repealed.

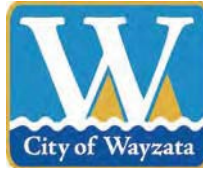
A public hearing was opened on February 28, 2022 and continued to March 7, 2022. No residents testified at the public hearings. Following the public hearing, the Planning Commission arrived at a consensus on a number of additional amendments that should be included within the draft Ordinance. Those changes are included within the attached draft Ordinance and described within the attached staff report.

ACTION REQUESTED:

Staff recommends approval of the Planning Commission Report and Recommendation.

ATTACHMENTS:

1. PC Report and Recommendation - Zoning Amendments - Residential and Commercial Districts
2. Clean Zoning Ordinance (Amendments Accepted) - Residential and Commercial Districts
3. Redline Zoning Ordinance - Residential and Commercial Districts
4. April 4, 2022 Staff Report - Zoning Amendments - Residential and Commercial Districts
5. February 28, 2022 Staff Report - Zoning Amendments - Residential and Commercial Districts
6. ADU Infographic



WAYZATA PLANNING COMMISSION

April 4, 2022

REPORT AND RECOMMENDATION OF APPROVAL OF ZONING ORDINANCE AMENDMENTS

DRAFT

SUMMARY OF RECOMMENDATION

Approval of Amendments to Chapters 937, 951, 952, 953, 954, 955, 956, 957, 958, 959, 970, 974, 975, 975.5, 976, 977, 977.5, 978, 979, 980, 985 and 986 of the Zoning Ordinance

REPORT AND RECOMMENDATION

Section 1. BACKGROUND

- 1.1 Zoning Ordinance Amendments (text). City planning staff has reviewed existing language of the Zoning Ordinance related to residential, institutional, and commercial zoning districts, and recommends certain amendments to better clarify and streamline the language of the Zoning Ordinance (Part IX of City Code), and to bring it more in line with the goals and guidance of the 2040 Comprehensive Plan. A draft amendment to the Zoning Ordinance has been prepared by City Staff and is attached to this Report as Attachment A (the “Zoning Ordinance Amendments”).
- 1.2 Notice and Public Hearing. Notice of the public hearing on the Zoning Ordinance Amendment was published in the *Sun Sailor* on February 17, 2022 and on the City’s website. The public hearing on the Zoning Ordinance Amendment was held at the February 28 and March 7, 2022 Planning Commission meetings.

Section 2. STANDARDS

- 2.1 Zoning Ordinance Amendments. City Council has the discretion and authority under state law and City Code to amend the City's Zoning Ordinance (Text or Zoning Map). In considering a proposed amendment to the Zoning Ordinance under Sec. 903.02.F of the Zoning Ordinance, the Planning Commission and City Council must consider the possible adverse effects of the proposed amendment. Their judgment shall be based upon (but not limited to) the following factors:
- A. The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.
 - B. The proposed use's conformity with present and future land uses of the area.
 - C. The proposed use's conformity with all performance standards contained in the Zoning Ordinance (i.e., parking, loading, noise, etc.).
 - D. The proposed use's effect on the area in which it is proposed.
 - E. The proposed use's impact upon property value in the area in which it is proposed.
 - F. Traffic generation by the proposed use in relation to capabilities of streets serving the property.
 - G. The proposed use's impact upon existing public services and facilities including parks, schools, streets, and utilities, and the City's service capacity.

Section 3. FINDINGS OF FACT

Based on the materials submitted by City Staff, the Staff report, comment and information presented at the public hearing, and the standards of the Wayzata Zoning Ordinance, the Planning Commission of the City of Wayzata makes the following findings of fact:

- 3.1 Zoning Ordinance Amendments. The Planning Commission has considered all of the factors of Sec. 903.02.F of the Zoning Ordinance and finds that the proposed Zoning Ordinance Amendments would not have any adverse effects, and would better clarify and streamline the definitions and existing language of the Zoning Ordinance, and bring the language of the Zoning Ordinance more in line with the goals and guidance of the 2040 Comprehensive Plan. The Zoning Ordinance Amendments meet the applicable standards in that:
- A. The Zoning Ordinance Amendments do not contravene any policies and provisions of the official City Comprehensive Plan, and would instead help implement them in a clearer and more efficient manner.

- B. The Zoning Ordinance Amendments would conform with the present and future land uses within the City as set for in the City's Comprehensive Plan.
- C. The Zoning Ordinance Amendments would conform with all performance standards contained in the Zoning Ordinance, and improve the clarity of several standards, making them easier to understand and apply.
- D. The Zoning Ordinance Amendments would not have a negative effect on any areas of the City, including residential, institutional, and commercial areas.
- E. The Zoning Ordinance Amendments would not have any known detrimental effect on property values in the City.
- F. The Zoning Ordinance Amendments would not have any known detrimental effect on traffic.
- G. The Zoning Ordinance Amendments would not negatively impact existing public services and facilities including parks, schools, streets, and utilities, and the City's service capacity.

Section 4. RECOMMENDATION

- 4.1 Planning Commission Recommendation. Based on the findings in section 3 of this Report, the Planning Commission recommends **APPROVAL** of the Zoning Ordinance Amendments.

Adopted by the Wayzata Planning Commission this 4th day of April 2022.

Attachments:

Attachment A: Zoning Ordinance Amendments

CHAPTER 937 – ZONING DISTRICTS USE TABLE AND PERFORMANCE STANDARDS

937.01 – Purpose

The purpose of this Chapter is to specify and define the types of uses allowed within each zoning district, provided the uses meet the standards specified in this Chapter and elsewhere in the Zoning Ordinance.

937.02 – Use Table

The following table specifies what Permitted Uses (P), Conditional Uses (C), Interim Uses (I), Permitted Accessory Uses (A/P), Conditional Accessory Uses (A/C) and Interim Accessory Uses (A/I) are allowed in each zoning district.

Residential and Institutional Districts Uses										
	R-1A	R-1	R-2A	R-2	R-3A	R-3	R-4A	R-4	R-5	INS
Accessory Structure or Use, Residential	A/P	A/P	A/P	A/P	A/P	A/P	A/P	A/P	A/P	
Cemeteries and Memorial Gardens	C	C	C	C						C
Child Day Care Facility, General	C	C	C	C	C	C	C	C	C	
Child Day Care Facility, 12 or Fewer Children	P	P	P	P	P	P	P	P	P	
Institutions of Higher Education										C
Dwellings, Accessory Units	A/P	A/P	A/P	A/P	A/P	A/P			-	C
Dwellings, Housing for the Elderly								C	C	C
Dwellings, Multiple Family								C	P	
Dwellings, Single Family Detached	P	P	P	P	P	P				
Dwellings, Single Family or Two Family Detached										A/C
Dwellings, Townhomes							P	P		
Dwellings, Two Family Detached					C	C	P	P		
Educational Facilities										P
Essential Services	P	P	P	P	P	P	P	P	P	P

Greenhouse, Residential	A/P	A/P	A/P	A/P	A/P	A/P				
Halfway Houses									C	C
Hospitals, Residential Care Facilities, and Elderly Care Facilities										C
Horses, Keeping of	A/C	A/C								
Parking Garages/Lots										C
Parking and Loading Areas and Structures	A/P	A/P	A/P	A/P	A/P	A/P	A/P	A/P	A/P	A/P
Personal Services										
Post offices										P
Publicly owned Civic or Cultural Buildings										P
Public Services and Utilities	C	C	C	C	C	C	C	C	C	C
Recreation, Outdoor Commercial	C	C								
Recreation, Outdoor Residential, Accessory	A/P	A/P	A/P	A/P	A/P	A/P	A/P	A/P	A/P	
Recreation, Outdoor Residential, Principal	C	C	C	C						
Recreation, Outdoor Public	C	C	C	C	P	P	P	P	P	A/P
Places of Assembly										P
Residential Care Facility, Six or Fewer Residents	P	P	P	P	P	P	P	P		
Residential Care Facility, 16 or Fewer Residents									P	
	Commercial Districts Uses									
	C-1A	C-1	C-1B	C-2	C-3	C-3A	C-4A	C-4	C-4B	
Adult Day Care	P		P	P	P	P				
Amusement, Indoor				C	C	C				
	C-1A	C-1	C-1B	C-2	C-3	C-3	C-4A	C-4	C-4B	
Animal Clinic				C						

Animal Clinics, Hospitals or Kennels					C	C			
Car Wash, Accessory				A/C	A/C	A/C			
Car Wash, Principal					C	C	I		
Clubs or Lodges, Existing	C						C	C	C
Child Day Care Facility, General	C	C	C	C	C	C	C	C	C
Child Day Care Facility, 12 or Fewer Children	P		P						
Convenience or Grocery Store with Gasoline	-	-	-	C	C	-	-	-	-
Dry Cleaning or Laundry		C		P	P	P	P	P	P
Drive-Thru Sales and Service				C	C	C			
Dwellings, Multiple Family							C	C	C
Dwellings, Multiple Family, Upper Story				P	P	P	P	P	P
Dwellings, Single Family Detached	P	P	P						
Dwellings, Two Family Detached	C	C	C						
Educational Facilities				P	P	P	P	P	P
Food and Beverage Establishment				P	P	P	P	P	P
Health Clinics	C	P		P	P	P	P	P	P
Liquor Store				P	P	P	P	P	P
Lodging					C	C			
Manufacturing					C	C			
Micro-production facilities				C	C	C	C	C	C
Mixed-Use Buildings	P	P	P						A/P
Monument Sales, excluding Processing					P	P			
Mortuaries or Funeral Homes		P			P	P			
Motor Vehicle Rental and Sales					C	C			
Motor Vehicle Service				C	C	C			
Parking Garages/Lots	C	C		C	C	C	P	P	A/I

Parking and Loading Areas and Structures	A/P	A/P	A/P	A/P	A/P	A/P	A/P	A/P	A/P
Personal Services	P	P		P	P	P	P	P	P
Post offices				P	P	P	P	P	P
Professional Services (inc. Finance and Office Uses)	P	P	P	P	P	P	P	P	P
Public Services and Utilities	C	C	C	C	C	C	C	C	C
Recreation, Indoor		-		P	P	P	C	C	C
Recreation, Outdoor Commercial					C	C			
Recreation, Outdoor Public	P	P	P	P	P	P	P	P	P
Places of Assembly	-	-	-	C	C	C	C	C	C
Repair of Home, Garden or Personal Appliances				C	C	C			
Retail Sales, Limited	P		P	P	P	P	P	P	P
Retail Sales, General	P			P	P	P	P	P	P
Sailing School					C	C			
Sales; Garden, Greenhouses or Nursery					C	C			
Sales, Service, or Rental; Outdoors				A/C	A/C	A/C	A/C	A/C	A/C
Sales, Service, or Rental; Accessory							A/C	A/C	A/C
Sidewalk Café, Outdoors				A/P	A/P	A/P	A/P	A/P	A/P
Storage, Indoor	A/P	A/P	A/P	A/P	A/P	A/P	A/P	A/P	A/P
Storage, Outdoor				A/C	A/C	A/C	A/C	A/C	A/C
Theaters, excluding Drive-Ins				P	P	P	P	P	P

937.03 – Permitted Uses with Restrictions

The following uses are permitted where indicated in the Table shown in Sec. 937.02, provided they comply with the additional standards specified in this Section and elsewhere in this Ordinance for each use.

- A. Dwellings, accessory units (ADU), defined as habitable dwelling unit subordinate to a primary residence that provides the basic requirements of shelter, heating, cooking and sanitation
 1. Area. An ADU 's total floor area may be no more than 33% of the primary residence's gross habitual space. The minimum ADU size is 300 square feet. Within the R-2A, R-2, R-3A, and R-3 districts, the maximum ADU size may be no more than 960 square feet.
 2. Minimum Lot Size. Within the R-3A and R-3 districts, detached ADUs are prohibited on lots smaller than 10,000 square feet in area.
 3. Architecture. An ADU must be designed and maintained as to be consistent with the architectural design, style, appearance and character of the primary residence. If an ADU

extends beyond the current footprint or existing height of the primary residence, such an addition must be consistent with the existing facade, roof pitch, siding and windows.

4. Parking. One off-street parking space must be available exclusively for the ADU, in addition to the two off street parking spaces required for the primary residence.
 5. Owner-Occupied. The principal structure or ADU must be owner-occupied.
 6. Licensing. Any principal structure or ADU that is renter-occupied must have a current rental license in compliance with Chapter 815 of City Code.
 7. One per Lot. No more than one ADU shall be permitted on a single lot or parcel.
- B. Food and beverage establishments
1. Garden Strip. At any common boundary shared with a residential district, a strip of not less than five feet must be landscaped and maintained so as to create an effective visual screen and sound buffer and separation of uses.
 2. Hours. The hours of operation must be limited as necessary to minimize the effect of nuisance factors such as traffic, noise and glare upon any existing neighboring residential uses.
 3. Landscaping. Landscaping and screening shall be present in accordance with Chapter 918 of this Ordinance.
 4. Licensing. All local, state and federal food and beverage handling licenses and/or permits must be obtained for the establishment.
 5. Litter Control. The establishment shall be responsible for litter control within 500 feet of the property line, which must occur on a daily basis.
 6. Loading Berth. Adequate space must be provided on the site for a loading berth to accommodate the parking and maneuvering of semi-tractor trailers.
 7. Outdoor Storage. No outdoor storage is permitted.
 8. Vehicle Access. Vehicular access points are limited and shall create a minimum of conflict with through traffic movements.
 9. Baking. The room or rooms containing the preparation and baking process for bakeries may not have a gross floor area in excess of 2,400 square feet.
- C. Retail Sales, Limited
1. The gross square area of each limited retail sales business may not exceed 2,000 square feet.

937.04 – Conditional Residential Land Uses.

The following conditional uses as indicated in Sec. 937.02, shall comply with the additional standards specified in this Section and elsewhere in this Ordinance for each use, and a conditional use permit is approved under the procedures and standards set forth in Chapter 904 of this Ordinance.

- A. Dwelling, Multiple-family
1. The residential units do not front or border Lake Street.
 2. The development does not conflict with existing or potential future commercial uses and activities.
 3. The density meets the standards of the R-5 District.
 4. Adequate open space and recreational space is provided on site for the benefit of the occupants.
- B. Recreation, outdoor residential, principal
1. Such use is accessory to at least one existing permitted principal use on an abutting lot or lot only separated by a public right-of-way. Said properties must be under the same ownership and tied together by a deed restriction recorded with the City and Hennepin County.
 2. The uses and activities are operated only for the enjoyment and convenience of the residents of the principal use to which the property is tied and their occasional guests.
- C. Swimming pools as an outdoor residential recreation accessory use

1. The use is fenced in accordance with Chapter 918 of this Ordinance.
 2. The use is not located within the required front yard.
 3. The use meets setbacks for accessory structures.
- D. Tennis and pickleball courts as an outdoor residential recreation accessory use
1. The use is not located within the front yard.
 2. The courts are fenced in accordance with Chapter 918 of this Ordinance.
 3. The courts meet the setback requirements for an accessory structure.
 4. Any lighting used does not allow the light to spread to adjoining properties.
 5. A grading and drainage plan is submitted and approved by the City Engineer.
- E. Recreation, outdoor public, cemeteries, and memorial gardens
1. The site is landscaped.
 2. The use is available and open to the "public."
 3. The land area of the property containing such use or activity meets the minimum established for the district.
 4. The use meets the minimum setback requirements for accessory structures.
 5. The site accesses on a collector or arterial street.
- F. Public services and utilities
1. When abutting a residential use or a residential use district, the property is screened and landscaped in compliance with Chapter 918 of this Ordinance.
- G. Horses, keeping of
1. The minimum lot size for accommodating one horse is three acres, and the minimum lot size for two horses is five acres. No more than two horses may be accommodated on any one property within the City.
 2. All stables are to be located a minimum distance of 300 feet from any adjacent residential structure, excluding the structure of the applicant, and all corral areas are to be located a minimum distance of 200 feet from any adjacent residential structure, excluding the residence of the owner.
 3. All accommodations for horses occur within the rear yard of a residential lot only.
 4. The City Council shall take into account a proper location of a future residence on adjacent lots when considering the application.

937.05 – Conditional Commercial Land Uses.

The following conditional uses are permitted where indicated in the Table shown in Sec. 937.02, provided they comply with the additional standards specified in this Section and elsewhere in this Ordinance for each use, and a conditional use permit is approved under the procedures and standards set forth in Chapter 904 of this Ordinance.

- A. Child day care facility, general
1. Compliance with Chapter 924.02.
- B. Animal Clinics,
1. The size of the clinic does not exceed 4,000 square feet.
 2. The clinic does not provide animal boarding services, kenneling or overnight stays for patients.
 3. The hours of operation coincide with those of the businesses in the area or complex in which the clinic is located.
 4. The clinic does not provide services or treatment of exotic animals (such as reptiles, amphibians, birds, and most mammals).
 5. The clinic does not share a common demising wall and is not located directly adjacent to a restaurant.
 6. The clinic is not to be located on the same property or in the same shopping area where another clinic exists.

7. The clinic must comply with all other applicable state, local and federal regulation, including those that pertain to animal clinics and to nuisance, health, sanitation, and safety conditions.

C. Animal Clinics, Hospitals or Kennels

1. Any building in which animals are kept, whether a roofed, sheltered, or enclosed structure, must be located a distance of 100 feet or more from any lot line.
2. All animals must, at a minimum, be kept in an enclosed pen or corral of sufficient height and strength to retain such animals. Said pen or corral may not be located closer than 100 feet from a lot line.
3. The clinic must comply with all other applicable state, local and federal regulation, including those that pertain to animal clinics and to nuisance, health, sanitation and safety conditions.

D. Drive-Thru Sales and Service.

1. Drive-thru, sales and services

- a. Access. The driveway access is not on a residential street. The curb cut setbacks and parking must be in conformance with Chapter 920.
- b. Compatibility. The service windows and driveway are be screened from view if adjacent to a residentially used property.
- c. Green Strip. At any common boundary shared with a residential district, a strip of not less than five feet is landscaped and maintained so as to create an effective visual screen and sound buffer and separation of uses.
- d. Hours. Hours of operation are be limited as necessary to minimize the effect of nuisance factors such as traffic, noise and glare upon any existing neighboring residential uses.
- e. Noise. The stacking lane, order board intercom, and service window are designed and located in such a manner as to minimize automobile and communication noises, emissions, and headlight glare upon adjacent premises, particularly residential premises, and to maximize maneuverability of vehicles on the site. Levels of noise, light, and air quality shall be measured at property lines and satisfy established state regulations.
- f. Stacking. Not less than 180 feet of segregated automobile stacking lane is provided for the service window.
- g. Traffic Control. The stacking lane and its access is designed to control traffic in a manner to protect the pedestrians, buildings and green area on the site.
- h. Use of Street. No part of the public street or boulevard is used for stacking of automobiles.

E. Dry cleaning or laundry

1. The outside storage of materials and equipment is prohibited.
2. Operations with the primary function of in-store retail and general public customer contact are permitted.

F. Lodging

1. The parking and loading spaces are not located within the front yard of a lot and meet all applicable provisions of the parking and loading ordinance.

G. Professional services

1. The traffic generated does not raise traffic volumes beyond the capacity of the surrounding streets.

H. Micro-production facilities

1. Licensing. The owner of the micro-production facility must qualify for and receive all federal, state and city licenses necessary for the operation of the micro-production facility, including a brewer license and a malt liquor wholesale license (if wholesale of

malt liquor is an intended activity); winery license; and/or a distiller's license from the State of Minnesota, issued under Minn. Stats. § 340A.

2. Taproom/Tasting Room License. An accessory taproom or tasting room for the on-sale of beer, wine, or spirits produced on-site requires a taproom/tasting room license from the City of Wayzata, issued under City Code Section 524.02.
 3. Off-sale. On-site sale of beer in the form of growlers require a Brewery License for Off-Sale of Malt Liquor, issued under City Code Section 524.02. On-site sale of wine or spirits, other than samples as governed under Minnesota State Statutes, are prohibited.
 4. Production of Beer. Total production of malt liquor may not exceed 5,000 barrels annually. Micro-production Facilities with a taproom license may not exceed 3,500 barrels annually, and only 500 barrels may be sold off-sale as growlers. Any micro-production facility operating as a brewery must annually submit production reports to the City with the request to renew a brewery taproom or off-sale malt liquor license.
 5. Off-street Loading. The micro-production facility must provide adequate space for off-street loading and unloading of all trucks greater than 22 feet in length. In the absence of off-street loading, the City may impose limits on deliveries or shipments using the public rights of ways, including regulating the number of trucks per day and the hours that deliveries are permitted.
 6. Outdoor Storage. No outdoor storage is permitted on the site, with the exception that waste handling (refuse and/or recycling) may occur in an enclosure that is fully screened from adjoining streets and residentially zoned properties.
 7. Odors. No odors from the micro-production facility may be perceptible beyond the property line. The micro-production facility operator must take appropriate measures to reduce or mitigate any odors generated from the operation and be in compliance with any applicable Minnesota Pollution Control Standards.
 8. Waste. Waste products must be disposed of in a timely manner and in such a way to reduce odors.
 9. Exterior Lighting. All exterior lighting must be designed in such a way as to have no source of light visible from adjacent property, and must comply with the requirements of Section 916.06 of the Wayzata Zoning Ordinance.
 10. Hours of Operation. Micro-production facility operation hours must be limited to the hours specified in Minn. Stats. Ch. 340A for off-sale intoxicating liquor unless further limited by the City Council as part of a Conditional Use Permit.
- I. Sales, garden, greenhouses or nursery
1. There are no outdoor growing fields on the site.
 2. Outdoor sales/display area is limited to 30 percent of the gross lot area and is in conformance with the performance standards of Section 916.12 of this Ordinance.
- J. Repair of home, garden or personal appliances
1. The use is conducted completely indoors.
- L. Sales, service or rental; outdoors
1. Outside services, sales and equipment rental connected with the principal use is limited to 30 percent of the gross floor area of the principal use. Uses specified as requiring a separate conditional use permit are exempted from this provision.
 1. Outside sales areas are landscaped and fenced or screened from view of neighboring residential uses or an abutting residential zoning district.
 2. All lighting is hooded and so directed that the light source may not be visible from the public right-of-way or from neighboring residences.
 3. Sales, service or rental areas are asphalt or concrete surfaced.
 4. The use does not take up parking space or loading areas as required for conformity to this Ordinance.
 5. Additional parking, pursuant to Chapter 920 of this Ordinance is provided for said space.

937.06 – Conditional Automobile Orientated Uses

The following conditional uses are permitted where indicated in the Table shown in Sec. 937.02, provided they comply with the additional standards specified in this Section and elsewhere in this Ordinance for each use, and a conditional use permit is approved under the procedures and standards set forth in Chapter 904 of this Ordinance.

A. Motor vehicle rental and sales

1. The use is adequately screened from view of neighboring residential uses or an abutting Residential zoning district.
2. Adequate measures are taken to control pollution and emissions exhaust.
3. Hours of operation are limited as necessary to minimize the effect of nuisance factors such as traffic noise and glare upon any existing neighboring residential uses.
4. Vehicle Access. Vehicular access points are limited and shall create a minimum of conflict with through traffic movements.
5. Lighting. Each light standard base island and all islands in the parking lot are landscaped or covered. The light sources are hooded to prevent glare onto adjoining property and the public right-of-way.
6. Green Strip. At any common boundary shared with a residential district, a strip of not less than five feet are landscaped and screened so as to create an effective visual and sound buffer and separation of uses.
7. Surfacing. The entire area other than that portion occupied by buildings or structures or plantings are surfaced with a material which will control dust and drainage and which is subject to the approval of the City.
8. Refuse Storage. All refuse is stored in containers as specified by the City Code. Said containers are fully screened and enclosed by a fence or similar structure.

B. Car washes, principal

1. Stacking space is constructed to accommodate that number of vehicles which can be washed during a maximum 30-minute period and meets with the approval of the City Engineer.
2. At the boundaries of a residential district, a strip of not less than five feet are landscaped and screened in compliance with Chapter 918 of this Ordinance.
3. Each light standard island and all islands in the parking lot are landscaped or covered.
4. Parking or car storage space are screened from view of abutting residential districts in compliance with Chapter 918 of this Ordinance.
5. All lighting is hooded and so directed that the light source is not visible from the public right-of-way or from an abutting residence and is in compliance with Section 916.06 of this Ordinance.
6. All signing and information or visual communication devices are in compliance with the applicable provisions of Chapter 927 of this Ordinance.
7. Provisions are made to control and reduce noise.

C. Convenience or Grocery Store with Gasoline

1. Permitted Uses. The retail sales involve uses or activities which are allowed in a C-1, C-2 or C-3 District.
2. Take-Out Food. Convenience/deli food is of the take-out type only and that no provision for seating or consumption on the premises is provided. Furthermore, that the enclosed area devoted to such activity, use and merchandise shall not exceed 15 percent of the gross floor area.
3. Sanitation. That any sale of food items is subject to the approval of the City Health Inspector who shall provide specific written sanitary requirements for each proposed sale location based upon applicable State and County regulations.
4. Litter Control. The operation must be responsible for litter control within 500 feet of the property line and is to occur on a daily basis.

5. Area. That the approximate area and location devoted to non-automatic merchandise sales must be specified in general terms in the application and in the conditional use permit.
6. Hours of Operation. The hours of operation must be limited to 6.00 a.m. to 12.00 p.m., or as otherwise specified in the approval of the CUP.
7. Motor Fuel Facilities. Adequate space must be provided to access gas pumps and allow maneuverability around the pumps. Underground fuel storage tanks must be positioned to allow adequate access by motor fuel transports and unloading operations do not conflict with circulation, access and other activities on the site. Fuel pumps must be installed on pump islands.
8. Canopy. A protective canopy located over pump island(s) may be an accessory structure on the property and may be located 20 feet or more from the front lot line, provided adequate visibility both on and off-site is maintained.
9. Compatibility. All sides of the principal and accessory structures must have essentially the same or a coordinated, harmonious finish treatment.
10. Area. Lot area must be at least 20,000 square feet and lot frontage must be at least 125 feet. The City Council may exempt previously developed or previously platted property from this requirement, provided that the site is capable of adequately and safely handling all activities and required facilities.
11. Curb Separation. A continuous and permanent concrete curb not less than six inches above grade must separate the public sidewalk from motor vehicle areas, pursuant to the provisions of Chapter 920.
12. Landscaping. At the boundaries of the lot, a strip of not less than five feet must be landscaped and provide screening in compliance with Chapter 918 of this Ordinance, pursuant to the provisions of Chapter 920.
13. Light Standards Base Landscaped. Each light standard base must be landscaped.
14. Pedestrian Traffic. An internal site pedestrian circulation system must be defined and appropriate provisions made to protect such areas from encroachments by parked cars or moving vehicles.
15. Outside Storage and Sales. No outside storage is permitted except as allowed under Section 916.12. An enclosed screened area must be provided for trash and dumpsters.
16. Vehicle repair and service may not occur on the site.

D. Motor vehicle service

1. No building or structure, permanent or temporary, driveway surfaces, parking areas, advertising devices or other similar site improvements, except driveways traversing a public road boulevard, must be located within 110 feet of any part of a residential district which is separated from the automobile service station by a public right-of-way or within 50 feet of a residential district if they are not separated by a public right-of-way.
2. Sites for such facilities are freestanding and not part of a principal shopping center structure and must have not less than 125 feet of frontage on the side or sides of the site to or from which access or egress at two or more locations is possible and not less than 120 feet of frontage if there is only one point of access. The total site area must be not less than 20,000 square feet for each service bay, to a maximum of 60,000 total square feet.
3. Pump islands must be set back not less than 30 feet from any property line and not less than 50 feet from any residential district boundary.
4. Hydraulic hoists or pits and all lubrication, greasing, washing, repair or diagnostic equipment must be used totally within an enclosed building.
5. Facilities on a site from contiguous to any neighboring residential uses or an abutting residential zoning district must not be operated between the hours of 11:00 p.m. and 6:00 a.m. or as otherwise specified in the approval of the CUP.
6. Facilities may offer minor auto repairs, but they must not offer major auto repairs, the sale or storage of junked cars, or automobile wrecking.
7. Safety. Regardless of whether the dispensing, sale or offering for sale of motor fuels and/or oil is incidental to the conduct of the use or business, the standards and

requirements imposed by this Ordinance for motor fuel stations must apply. These standards and requirements are, however, in addition to other requirements which are imposed for other uses of the property.

8. Pump Islands. Wherever fuel pumps are to be installed, pump islands must be installed.
9. Green Strip. At the boundaries of a residential district, a strip of not less than five feet must be landscaped and screened in compliance with Chapter 918.
10. Lighting Standard Base Landscaped. Each light standard base must be landscaped.
11. Stacking, parking or car storage space must be screened from view of abutting residential districts in compliance with Chapter 918.
12. Vehicle Circulation. Vehicular access points must create a minimum of conflict with through traffic movement. Provisions must be made for transport delivery of fuel which will not conflict with pump island service.
13. Outside Storage. No outside storage except as allowed in compliance with Section 916.12 of this Ordinance.
14. Litter Control. The operation must be responsible for litter control within 500 feet of the property line and is to occur on a daily basis.
15. Sales Limitations. Sale of products other than those specifically necessary for motor vehicle repair must be subject to a conditional use permit and be in compliance with Section 916.12 of this Ordinance.

937.07 – Conditional Institutional Land Uses.

The following conditional uses are permitted where indicated in the Table shown in Sec. 937.02, provided they comply with the additional standards specified in this Section and elsewhere in this Ordinance for each use, and a conditional use permit is approved under the procedures and standards set forth in Chapter 904 of this Ordinance.

- A. Colleges, seminaries and other institutions of higher education.
 1. Provisions are made to buffer and screen from view of neighboring residential uses or an abutting residential zoning district.
 2. The site is served by an arterial or collector street of sufficient capacity to accommodate traffic which will be generated.
- B. Places of Assembly.
 1. Provisions are made to buffer and screen from view of neighboring residential uses or an abutting residential zoning district.
 2. Adequate off-street parking and access is provided, and such parking is adequately screened and landscaped from adjoining and abutting residential uses or residential zoning districts.
- C. Hospitals, residential care facilities, extended care facilities; rest homes and other elderly care facilities
 1. Interior side yards are screened.
 2. Only the rear yard is used for play or recreational areas. Said area must be fenced and controlled and screened in compliance with Chapter 918 of this Ordinance.
 3. The site is served by an arterial or collector street of sufficient capacity to accommodate traffic which will be generated.
 4. All signing and informational or visual communication devices are in compliance with Chapter 927 of this Ordinance.

937.08 – Conditional Recreational Land Uses.

The following conditional uses are permitted where indicated in the Table shown in Sec. 937.02, provided they comply with the additional standards specified in this Section and elsewhere in this Ordinance for each use, and a conditional use permit is approved under the procedures and standards set forth in Chapter 904 of this Ordinance.

- A. Clubs or Lodges, Existing.
 - 1. The parking and loading spaces are located within the front yard of a lot and meet all applicable provisions of Chapter 920.
- B. Amusement, indoor
 - 1. If located within a shopping center, the use has its own exclusive exterior access.
 - 2. The use is located and developed so as not to create an incompatible operation problem with adjoining and neighboring commercial and/or residential uses.
 - 3. The hours of operation are specified in the CUP as a means to maintain compatibility of uses and activities.
- C. Recreation, indoor
 - 1. If located within a shopping center, the use has its own exclusive exterior access.
 - 2. The use is located and developed so as not to create an incompatible operation problem with adjoining and neighboring commercial and/or residential uses.
- D. Recreation, outdoor commercial
 - 1. The entire perimeter of the site is fenced in accordance with Chapter 918 of this Ordinance.
 - 2. The hours of operation are limited as necessary to minimize the effect of traffic noise and glare upon any existing neighboring residential uses or abutting and residential zoning district.
 - 3. The principal use, function or activity is outdoor in character.
 - 4. Not more than five percent of the land area of site shall be covered by buildings or structures.
 - 5. Lighting. All lighting is hooded and so directed to prevent glare onto adjacent properties and/or roads.
 - 6. The site is well maintained, landscaped and screened in accordance with Chapter 918 of this Ordinance. When abutting a residential use or a residential zoning district, the property is screened and landscaped for the protection of the abutting use.
 - 7. The land area of the property containing such use or activity meets the minimum established for the district.

937.09 – Conditional Manufacturing.

The following conditional uses are permitted where indicated in the Table shown in Sec. 937.02, provided they comply with the additional standards specified in this Section and elsewhere in this Ordinance for each use, and a conditional use permit is approved under the procedures and standards set forth in Chapter 904 of this Ordinance.

- A. Manufacturing
 - 1. The use complies with the performance standards outlined in Chapters 916, 917, 918, 919, 920 and all other applicable provisions of this Ordinance.

937.10 – Accessory Uses with Restrictions

The following accessory uses are permitted where indicated in the Table shown in Sec. 937.02, provided they comply with the additional standards specified in this Section and elsewhere in this Ordinance for each use.

- A. Sales, service or rental, accessory
 - 1. Such use is allowed as a permitted use in a C-1 or C-2 District.
 - 2. Such use does not constitute more than 30 percent of the lot area and not more than 50 percent of the gross floor area of the principal use.
 - 3. All signing and informational or visual communication devices is in compliance with Chapter 927 this Ordinance.

- B. Sidewalk cafe, outdoors
 - 1. A permit pursuant to City Code Ch. 315 is obtained if the café is in the City Right of Way.
- C. Storage, indoor,
 - 1. The indoor storage of merchandise in either principal or accessory building is solely intended to be retailed by a related and established principal use.
- D. Storage, outdoor
 - 1. The storage area is landscaped, fenced, and screened from view of neighboring uses if abutting a residential use or a residential use district.
 - 2. Storage is landscaped and screened from view from the public right-of-way.
 - 3. Storage area is blacktopped or concrete surfaced.
 - 4. All lighting is hooded and so directed that the light source will not be visible from the public right-of-way or from neighboring residences.
 - 5. The storage area does not take up parking space or loading space as required for conformity to this Ordinance.

937.11 – Interim Uses

The following interim uses are permitted where indicated in the Table shown in Sec. 937.02, provided they comply with the additional standards specified in this Section and elsewhere in this Ordinance for each use, including Ch. 934.

- A. Existing car wash and dispensing operations
 - 1. All proposed alterations and/or modifications to the building and site are subject to the issuance of a conditional use permit as set forth in Chapter 904 and conformity to Chapter 934 of the Zoning Ordinance.

CHAPTER 951 R-1A LOW DENSITY SINGLE FAMILY ESTATE DISTRICT

951.01 Purpose.

The R-1A Low Density Single Family Estate District is to provide a district for existing large low density residential and estate-type properties. These properties are distinctive in that they are unusually large in size and frequently include accessory structures, such as accessory dwelling units. This district also allows recreational uses.

951.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the permitted uses in the R-1A District are listed in the Table shown in Section 937.02 of this Ordinance.

951.03 Interim Uses.

No interim uses are allowed in the R-1A District.

951.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the accessory uses allowed in the R-1A District are listed in the Table shown in Section 937.02 of this Ordinance.

951.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the conditional uses in the R-1A District are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require a conditional use permit approved under the procedures and standards set forth in Chapter 904 of this Ordinance.

951.06 Lot Size and Setbacks.

The following minimum requirements must be met for all lots and structures in the R-1A District, subject to additional requirements, exceptions and modifications set forth in this Ordinance:

A. Minimum Lot Size:

1. Lot Area: 80,000 square feet.
2. Lot Width: 200 feet.
3. Lot Depth: 200 feet.

B. Minimum Setbacks:

1. Principal Structure:

- a) Front Yard: 45 feet.
- b) Side Yard: 20 feet.
- c) Rear Yard: 50 feet.

2. Accessory Structure(s):

- a) Front Yard: 50 feet.
- b) Side Yard: 10 feet.
- c) Rear Yard: 10 feet.

C. Water-Oriented Accessory Structures or Facility:

1. Side Yard: 10 feet.
2. Rear Yard: None required.

951.07 Lot Coverage, Impervious Surfaces and Height.

The following limits apply in the R-1A District:

- A. Lot coverage may not exceed ten percent of lot area.
- B. Impervious surfaces on a lot may not exceed 20 percent of lot area.
- C. Single family residences may not exceed a height of three stories or 40 feet.
- D. Accessory buildings may not exceed a height of two stories or 25 feet.

CHAPTER 952 R-1 LOW DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT

952.01 Purpose.

The purpose of the R-1 Low Density Single Family District is to provide a district for low density single family detached residential dwelling units and directly related, complementary uses. These properties are large in size and commonly have accessory structures, such as accessory dwelling units. This district also allows limited recreational uses.

952.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the permitted uses in an R-1 District are listed in the Table shown in Section 937.02 of this Ordinance.

952.03 Interim Uses.

No interim uses are allowed in the R-1 District.

952.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the accessory uses allowed in the R-1 District are listed in the Table shown in Section 937.02 of this Ordinance.

952.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the conditional uses in the R-1 District are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require a conditional use permit approved under the procedures and standards set forth in Chapter 904 of this Ordinance.

952.06 Lot Size and Setbacks.

The following minimum requirements must be met for all lots and structures in the R-1 District, subject to additional requirements, exceptions and modifications set forth in this Ordinance:

A. Minimum Lot Size:

1. Lot Area: 40,000 square feet.
2. Lot Width: 150 feet.
3. Lot Depth: 150 feet.

B. Minimum Setbacks:

1. Principal Structure:
 - a) Front Yard: 45 feet.
 - b) Side Yard: 20 feet.
 - c) Rear Yard: 50 feet.
2. Accessory Structure(s):
 - a) Front Yard: 50 feet.
 - b) Side Yard: 10 feet.
 - c) Rear Yard: 10 feet.

C. Water-Oriented Accessory Structures or Facility:

1. Side Yard: 10 feet.
2. Rear Yard: None required.

952.07 Lot Coverage, Impervious Surfaces and Height.

The following limits apply in the R-1 District:

- A. Lot coverage may not exceed 15 percent of lot area.
- B. Impervious surfaces on a lot may not exceed 25 percent of lot area.
- C. Single family residences may not exceed a height of three stories or 40 feet.
- D. Accessory buildings may not exceed a height of two stories or 25 feet.

CHAPTER 953 R-2A SINGLE FAMILY RESIDENTIAL DISTRICT

953.01 Purpose.

The purpose of the R-2A Single Family Residential District is to provide a district for low to medium density single family detached dwelling units, accessory dwelling units, and directly related, complementary uses.

953.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the permitted uses in the R-2A District are listed in the Table shown in Section 937.02 of this Ordinance.

953.03 Interim Uses.

No interim uses are allowed in the R-2A District.

953.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the accessory uses allowed in the R-2A District are listed in the Table shown in Section 937.02 of this Ordinance.

953.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the conditional uses in the R-2A District are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require a conditional use permit approved under the procedures and standards set forth in Chapter 904 of this Ordinance.

953.06 Lot Size and Setbacks.

The following minimum requirements must be met for all lots and structures in the R-2A District, subject to additional requirements, exceptions and modifications set forth in this Ordinance:

A. Minimum Lot Size:

1. Lot Area: 25,000 square feet.
2. Lot Width: 100 feet.
3. Lot Depth: 100 feet.

B. Minimum Setbacks:

1. Principal Structure:
 - a) Front Yard: 30 feet.
 - b) Side Yard: 15 feet.
 - c) Rear Yard: 20 feet.
2. Accessory Structure(s):
 - a) Front Yard: 35 feet.
 - b) Side Yard: 15 feet.
 - c) Rear Yard: 5 feet.

953.07 Lot Coverage, Impervious Surfaces and Height.

The following limits apply in the R-2A District:

- A. Lot coverage may not exceed 20 percent of lot area.
- B. Impervious surfaces on a lot may not exceed 30 percent of lot area.
- C. Single family residences may not exceed a height of three stories or 40 feet.
- D. Accessory buildings, except for accessory dwelling units, may not exceed a height of 20 feet.
- E. Detached accessory dwelling units may not exceed two stories or 25 feet.

CHAPTER 954 R-2 MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT

954.01 Purpose.

The purpose of the R-2 Medium Density Single Family Residential District is to provide a district for medium density single family detached dwelling units, accessory dwelling units, and directly related, complementary uses.

954.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the permitted uses in the R-2 District are listed in the Table shown in Section 937.02 of this Ordinance.

954.03 Interim Uses.

No interim uses are allowed in the R-2 District.

954.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the accessory uses allowed in the R-2 District are listed in the Table shown in Section 937.02 of this Ordinance.

954.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the conditional uses in the R-2 District are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require a conditional use permit approved under procedures and standards set forth in Chapter 904 of this Ordinance.

954.06 Lot Size and Setbacks.

The following minimum requirements must be met for all lots and structures in the R-2 District, subject to additional requirements, exceptions and modifications set forth in this Ordinance:

A. Minimum Lot Size:

1. Lot Area: 15,000 square feet.
2. Lot Width: 100 feet.
3. Lot Depth: 100 feet.

B. Minimum Setbacks:

1. Principal Structure:
 - a) Front Yard: 25 feet.
 - b) Side Yard: 10 feet.
 - c) Rear Yard: 20 feet.
2. Accessory Structure(s):
 - a) Front Yard: 30 feet.
 - b) Side Yard: 5 feet.
 - c) Rear Yard: 5 feet.

954.07 Lot Coverage, Impervious Surfaces and Height.

The following limits apply in the R-2 District:

- A. Lot coverage may not exceed 20 percent of lot area.
- B. Impervious surfaces on a lot may not exceed 30 percent of lot area.
- C. Single family residences may not exceed a height of 2½ stories or 30 feet.
- D. Accessory buildings, except for accessory dwelling units, may not exceed a height of 20 feet.
- E. All detached accessory dwelling units may not exceed two stories or 25 feet.

CHAPTER 955 R-3A SINGLE AND TWO FAMILY RESIDENTIAL DISTRICT

955.01 Purpose.

The purpose of the R-3A Single and Two Family Residential District is to provide a district for high density single family dwelling units in older neighborhoods, and to introduce on a restricted basis, two family dwelling units, accessory dwelling units, and directly related, complementary uses.

955.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the permitted uses in the R-3A District are listed in the Table shown in Section 937.02 of this Ordinance.

955.03 Interim Uses.

No interim uses are allowed in the R-3A District.

955.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the accessory uses allowed in the R-3A District are listed in the Table shown in Section 937.02 of this Ordinance.

955.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the conditional uses in the R-3A District are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require a conditional use permit approved under procedures and standards set forth Chapter 904 of this Ordinance.

955.06 Lot Size and Setbacks.

The following minimum requirements must be met for all lots and structures in the R-3A District, subject to additional requirements, exceptions and modifications set forth in this Ordinance:

A. Minimum Lot Size:

1. Single Family:
 - a) Minimum Lot Area: 9,000 square feet.
 - b) Minimum Lot Width: 60 feet.
 - c) Minimum Lot Depth: 100 feet.
2. Two Family:
 - a) Minimum Lot Area: 18,000 square feet.
 - b) Minimum Lot Area Per Unit: 9,000 square feet.
 - c) Minimum Lot Width: 100 feet.
 - d) Minimum Lot Depth: 100 feet.

B. Minimum Setbacks:

1. Principal Structure:
 - a) Front Yard: 20 feet.
 - b) Side Yard: 10 feet.
 - c) Rear Yard: 20 feet.
 - d) Corner Lots: Lots fronting two principal streets shall be considered corner lots, and shall have a minimum of a 20 foot setback for both the front yard and side yard which abut a principal street. For corner lots that are less than 60 feet in width, the rear yard setback shall be 10 feet, and the inside side yard (non-principal street fronting) shall be 5 feet.
2. Accessory Structure(s):
 - a) Front Yard: 20 feet.
 - b) Side Yard: 5 feet.

- c) Rear Yard: 5 feet.

955.07 Lot Coverage, Impervious Surfaces and Height.

The following limits apply in the R-3A District:

- A. Lot coverage may not exceed 30 percent of lot area.
- B. Impervious surfaces on a lot may not exceed 35 percent of lot area.
- C. Residences may not exceed a height of two stories or 32 feet in vertical distance above the Grade Plane, as measured to the peak of the roof,
- D. Accessory buildings, except for accessory dwelling units, may not exceed a height of 20 feet.
- E. Detached accessory dwelling units may not exceed two stories or 25 feet.

CHAPTER 956 R-3 SINGLE AND TWO FAMILY RESIDENTIAL DISTRICT

956.01 Purpose.

The purpose of the R-3 Single Family and Two Family Residential District is to provide a district for high density single family dwelling units and to introduce on a restricted basis, two family dwelling units, accessory dwelling units, and directly related, complementary uses.

956.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the permitted uses in the R-3 District are listed in the Table shown in Section 937.02 of this Ordinance.

956.03 Interim Uses.

No interim uses are allowed in the R-3 District.

956.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the accessory uses allowed in the R-3 District are listed in the Table shown in Section 937.02 of this Ordinance.

956.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the conditional uses in the R-3 District are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require a conditional use permit approved under procedures and standards set forth Chapter 904 of this Ordinance.

956.06 Lot Size and Setbacks.

The following minimum requirements must be met for all lots and structures in the R-3 District, subject to additional requirements, exceptions and modifications set forth in this Ordinance:

A. Minimum Lot Size:

1. Single Family:
 - a) Minimum Lot Area: 9,000 square feet.
 - b) Minimum Lot Width: 60 feet.
 - c) Minimum Lot Depth: 100 feet.
2. Two Family:
 - a) Minimum Lot Area: 18,000 square feet.
 - b) Minimum Lot Area Per Unit: 9,000 square feet.
 - c) Minimum Lot Width: 100 feet.
 - d) Minimum Lot Depth: 100 feet.

B. Minimum Setbacks:

1. Single Family, Two Family:
 - a) Front Yard: 20 feet.
 - b) Side Yard: 10 feet.
 - c) Rear Yard: 20 feet.
2. Accessory Structure(s):
 - a) Front Yard: 20 feet.
 - b) Side Yard: 5 feet.
 - c) Rear Yard: 5 feet.

956.07 Lot Coverage, Impervious Surfaces and Height.

The following limits apply in the R-3 District:

- A. Lot coverage may not exceed 30 percent of lot area.
- B. Impervious surfaces on a lot may not exceed 35 percent of lot area.
- C. Residences may not exceed a height of 2½ stories or 30 feet.

- D. Accessory buildings, except for accessory dwelling units, may not exceed a height of 20 feet.
- E. Detached accessory dwelling units may not exceed two stories or 25 feet.

CHAPTER 957 R-4A LOW TO MEDIUM DENSITY MULTIPLE RESIDENTIAL DISTRICT

957.01 Purpose.

The purpose of the R-4A Low to Medium Density Multiple Residential District is to provide a district for low to medium density two family dwellings, townhouses and cluster housing in those areas where such development properly relates to other land uses and major streets, or where such uses act as a transition between different types of land uses.

957.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the permitted uses in the R-4A District are listed in the Table shown in Section 937.02 of this Ordinance.

957.03 Interim Uses.

No interim uses are allowed in the R-4A District.

957.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the accessory uses allowed in the R-4A District are listed in the Table shown in Section 937.02 of this Ordinance.

957.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the conditional uses in the R-4A District are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require a conditional use approved under procedures and standards set forth in Chapter 904 of this Ordinance.

957.06 Lot Size and Setbacks.

The following minimum requirements must be met for all lots and structures in the R-4A District, subject to additional requirements, exceptions and modifications set forth in this Ordinance:

A. Minimum Lot Size:

1. Two Family:

- a) Minimum Total Lot Area: 18,000 square feet.
- b) Minimum Lot Area Per Dwelling Unit: 9,000 square feet.

2. Townhouses:

- a) Minimum Total Lot Area: 21,000 square feet.
- b) Minimum Lot Area Per Dwelling Unit: 7,000 square feet.

B. Minimum Setbacks:

1. Principal Structure(s):

- a) Front Yard: 30 feet.
- b) Side Yard: 10 feet.
- c) Rear Yard: 20 feet.

2. Accessory Structure(s):

- a) Front Yard Setback: 40 feet.
- b) Side Yard Setback: 10 feet.
- c) Rear Yard Setback: 10 feet.

C. Should a structure containing four or more units be built on a property which abuts another property that is zoned and used for a less intensive use, the yard and setback requirements where the properties are contiguous shall conform to those which would be required in the zoning district which requires the greater setbacks.

957.07 Lot Coverage, Impervious Surfaces and Height.

The following limits apply in the R-4A District:

- A. Lot coverage may not exceed 35 percent of lot area.
- B. Impervious surfaces may not exceed 35 percent of lot area.
- C. Buildings may not exceed a height of 2½ stories or 30 feet.

CHAPTER 958 R-4 MEDIUM DENSITY MULTIPLE RESIDENTIAL DISTRICT

958.01 Purpose.

The purpose of the R-4 Medium Density Multiple Residential District is to provide a district for medium density two family dwellings, townhouses and multiple dwelling housing in those areas where such development relates well to other land uses and thoroughfares, or where such uses act as a transition between different types of land uses.

958.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the permitted uses in the R-4 District are listed in the Table shown in Section 937.02 of this Ordinance.

958.03 Interim Uses.

No interim uses are allowed in the R-4 District.

958.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the accessory uses allowed in the R-4 District are listed in the Table shown in Section 937.02 of this Ordinance.

958.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the conditional uses in the R-4 District are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require a conditional use approved under procedures set forth in Chapter 904 of this Ordinance.

958.06 Lot Size and Setbacks.

The following minimum requirements must be met for all lots and structures in the R-4 District, subject to additional requirements, exceptions and modifications set forth in this Ordinance:

A. Minimum Lot Size:

1. Two Family:
 - a) Minimum Total Lot Area: 14,000 square feet.
 - b) Minimum Lot Area Per Dwelling Unit: 7,000 square feet.
2. Townhouses:
 - a) Minimum Total Lot Area: 15,000 square feet.
 - b) Minimum Lot Area Per Dwelling Unit: 5,000 square feet.
3. Multiple Family Dwellings:
 - a) Minimum Total Lot Area: 30,000 square feet.
 - b) Minimum Lot Area per Dwelling Unit: 3,750 square feet.
4. Multiple Family Dwelling-Elderly Housing:
 - a) Minimum Total Lot Area: 30,000 square feet.
 - b) Minimum Lot Area per Dwelling Unit: 3,750 square feet.

B. Minimum Setbacks:

1. Principal Structure(s):
 - a) Front Yard: 20 feet.
 - b) Side Yard: 10 feet.
 - c) Rear Yard: 10 feet.
2. Accessory Structure(s):
 - a) Front Yard Setback: 20 feet.
 - b) Side Yard Setback: 5 feet.

- c) Rear Yard Setback: 5 feet
- C. Should a structure containing six or more units be built on a property which abuts another property that is zoned R-1A, R-1, R-2A, R-2, R-3A or R-3, the yard and setback requirements where the properties are contiguous shall conform to those which would be required in the zoning district which requires the greater setbacks.

958.07 Lot Coverage, Impervious Surfaces and Height.

The following limits apply in the R-4 District:

- A. Lot coverage may not exceed 35 percent of lot area.
- B. Impervious surfaces may not exceed 45 percent of the lot area.
- C. Buildings may not exceed a height of 3 stories or 35 feet.

CHAPTER 959 R-5 HIGH DENSITY MULTIPLE RESIDENTIAL DISTRICT

959.01 Purpose.

The purpose of the R-5 High Density Multiple Residential District is to provide a district for high density residential uses in those areas where such development relates well to other land uses and thoroughfares, or where such use may act as a transition between different types of land uses.

959.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the permitted uses in the R-5 District are listed in the Table shown in Section 937.02 of this Ordinance.

959.03 Interim Uses.

No interim uses are allowed in the R-5 District.

959.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the accessory uses allowed in the R-5 District are listed in the Table shown in Section 937.02 of this Ordinance.

959.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the conditional uses in an R-5 District are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require a conditional use permit approved under procedures set forth in Chapter 904 of this Ordinance.

959.06 Lot Size and Setbacks.

The following minimum requirements must be met for all lots and structures in the R-5 District, subject to additional requirements, exceptions and modifications set forth in this Ordinance:

A. Minimum Lot Size:

1. Multiple Family Dwellings:

- a) Minimum Lot Area Per Dwelling Unit: 2,175 square feet.
- b) Minimum Total Lot Area: 20,000 square feet.

2. Multiple Family Dwelling-Elderly Housing:

- a) Minimum Lot Area Per Dwelling Unit: 1,000 square feet per unit.
- b) Minimum Total Lot Area: 20,000 square feet.

B. Minimum Setbacks:

1. Principal Structure(s):

- a) Front Yard: 20 feet.
- b) Side Yard: 10 feet.
- c) Rear Yard: 10 feet.

2. Accessory Structure(s):

- a) Front Yard: 20 feet.
- b) Side Yard: 5 feet.
- c) Rear Yard: 5 feet.

959.07 Schedule of Allowances for Minimum Lot Area.

Except for elderly housing, the lot areas per multiple family dwelling unit that are required above shall be increased or reduced as follows:

- A. For each parking space provided under the living area of a building or underground, subtract 300 square feet.

- B. If the project includes a renewable energy component or meets a sufficient energy certification as defined by the City's Sustainability Policy that produces 100% of the energy usage per unit, subtract 300 square feet per unit.
- C. For each 1,000 square feet of privately owned, publicly accessible open space, subtract 100 square feet.
- D. If the project includes affordable housing units as defined by the City's Affordable Housing Policy, subtract 300 square feet per unit.
- E. The maximum allowance which may be subtracted under Section 959.07.A, B and C shall be 675 square feet per unit.

959.08 Lot Coverage, Impervious Surfaces and Height.

The following limits apply in the R-5 District:

- A. Lot coverage may not exceed 40 percent of lot area.
- B. Impervious surfaces on a lot may not exceed 50 percent of the lot area.
- C. Buildings may not exceed a height of three stories or 35 feet.

CHAPTER 970 INS INSTITUTIONAL DISTRICT

970.01 - Purpose.

The purpose of the INS Institutional District is to provide a district for facilities that provide public services and places of assembly, as opposed to commercial or residential uses. It is intended that uses within this district be compatible with adjoining districts and uses, and that property within this district generally be located on an arterial street or thoroughfare.

970.02 - Permitted Uses.

Subject to applicable provisions of this Ordinance, the permitted uses in the INS District are listed in the Table shown in Section 937.02 of this Ordinance.

970.03 - Interim Uses.

No interim uses are allowed in the INS District.

970.04 - Accessory Uses.

Subject to applicable provisions of this Ordinance, the accessory uses allowed in the INS District are listed in the Table shown in Section 937.02 of this Ordinance.

970.05 - Conditional Uses.

Subject to applicable provisions of this Ordinance, the conditional uses in an INS District are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require a conditional use permit approved under procedures set forth in Chapter 904 of this Ordinance.

970.06 - Lot Size and Setbacks.

The following minimum requirements must be met for all lots and structures in the INS District, subject to additional requirements, exceptions, modifications set forth in this Ordinance:

A. Lot Area:

1. Minimum Lot Area:

- a) Places of Assembly: 3 acres.
- b) Hospitals: 10 acres.
- c)
- d) Public Parking Structure: 1 acre.

2. All area requirements for Places of Assembly prescribed above may be reduced if the site is combined with or included within a neighborhood park.

B. Minimum Setbacks:

1. Schools:

- a) Front Yard: 50 feet.
- b) Side Yard: 100 feet.
- c) Rear Yard: 100 feet.

2. Hospitals:

- a) Front Yard: 50 feet.
- b) Side Yard: 100 feet.
- c) Rear Yard: 100 feet.

3. Public Works Facilities:

- a) Front Yard: 50 feet.
- b) Side Yard: 100 feet.
- c) Rear Yard: 100 feet.

4. Public Parking Structures: No minimum front yard, side yard or rear yard setback requirements unless adjacent to a residential district, in which case the minimum setback shall be the same as the setback for the adjacent residential district. In addition, the minimum requirements of Section 970.06.B.6 do not apply to a public parking structure.
5. All Other Institutional Uses:
 - a) Front Yard: 50 feet.
 - b) Side Yard: 50 feet.
 - c) Rear Yard: 50 feet.
6. In addition to these minimum requirements, setbacks of buildings located within the Institutional District shall be at least equal to the height of such buildings.

970.07 - Lot Coverage and Height.

The following limits apply in the INS District:

- A. The total lot coverage of all buildings may not exceed 30 percent, except that rest homes and housing for the elderly may not exceed a lot coverage of 40 percent, and public parking structures may not exceed a lot coverage of 60 percent.
- B. Principal structures and their accessory buildings may not exceed a height of three stories or 40 feet.

CHAPTER 974 C-1A NEIGHBORHOOD OFFICE AND LIMITED COMMERCIAL DISTRICT

974.01 Purpose.

The purpose of the C-1A Neighborhood Office and Limited Commercial District is to provide a district which is related to and compatible with adjoining residential districts, and which uses may include limited office, service, and retail uses where there is limited contact with the public. Mixed commercial and residential uses are permitted.

974.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the permitted uses in the C-1A District are listed in the Table shown in Section 937.02 of this Ordinance.

974.03 Interim Uses.

No interim uses are allowed in the C-1A District.

974.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the accessory uses allowed in the C-1A District are listed in the Table shown in Section 937.02 of this Ordinance.

974.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the conditional uses in a C-1A District are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require a conditional use permit approved under procedures and standards set forth in Chapter 904 of this Ordinance.

974.06 Setbacks.

The following minimum setback requirements must be met for all lots and structures in the C-1A District:

- A. Front Yard: 20 feet.
- B. Side Yard: 10 feet.
- C. Side Yard directly abutting an R District: 20 feet.
- D. Rear Yard: 20 feet.

974.07 Lot Coverage, F.A.R., Height and Lot Area.

The following standards apply to all lots and buildings in the C-1A District:

- A. Lot coverage may not exceed 30 percent of lot area.
- B. Floor area ratio (F.A.R.) may not exceed 2.0.
- C. Buildings may not exceed a height of 2.5 stories or 30 feet.
- D. The lot area must be at least 9,000 square feet.

CHAPTER 975 C-1 OFFICE AND LIMITED COMMERCIAL DISTRICT

975.01 Purpose.

The purpose of the C-1 Office and Limited Commercial District is to provide a district which is related to and may reasonably adjoin high density or residential districts, and include administrative office buildings and related office uses which are subject to more restrictive controls. The office uses allowed in this district are those in which there is limited contact with the public.

975.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the permitted uses in the C-1 District are listed in the Table shown in Section 937.02 of this Ordinance.

975.03 Interim Uses.

No interim uses are allowed in the C-1 District.

975.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the accessory uses allowed in the C-1 District are listed in the Table shown in Section 937.02 of this Ordinance.

975.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the conditional uses in the C-1 District are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require a conditional use permit approved under procedures and standards set forth in Chapter 904 of this Ordinance.

975.06 Setbacks.

Front yard, side yard and rear yard setbacks must be a minimum distance of 10 feet for all structures on lots in a C-1 District, subject to additional requirements, exceptions, and modifications set forth in this Ordinance setbacks.

975.07 Lot Coverage, F.A.R., Height and Lot Area.

The following standards apply to all lots and buildings in the C-1 District:

- A. The lot coverage of all buildings may not exceed 50 percent.
- B. The floor area ratio (F.A.R.) may not exceed 2.0.
- C. Buildings may not exceed a height of three stories or 35 feet.
- D. The lot area must be at least 9,000 square feet.

CHAPTER 975.5 C-1B MIXED USE RESIDENTIAL DISTRICT

975.5.01 Purpose.

The purpose of the C-1B Mixed Use Residential District is to provide a district which is related to and may reasonably adjoin residential districts, and where mixed use buildings with residential use as the predominant use may be located, in addition to limited office, service, and retail uses.

975.5.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the permitted uses in the C-1B District are listed in the Table shown in Section 937.02 of this Ordinance.

975.5.03 Interim Uses.

No interim uses are allowed in the C-1B District.

975.5.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the accessory uses allowed in the C-1B District are listed in the Table shown in Section 937.02 of this Ordinance.

975.5.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the conditional uses in the C-1B District are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require a conditional use permit approved under the procedures and standards set forth in Section 904 of this Ordinance.

975.5.06 Yard and Setbacks.

The following minimum setback requirements must be met for all lots and structures in the C-1B District, subject to additional requirements, exceptions, and modifications set forth in this Ordinance.

A. Principal Structures.

1. Front Yard: 10 feet.
2. Side Yard: 10 feet.
3. Rear Yard: 20 feet.

B. Accessory Structure(s).

1. Front Yard: 20 feet.
2. Side Yard: 5 feet.
3. Rear Yard: 5 feet.

975.5.07 Lot Coverage, F.A.R., Height and Lot Area.

The following standards apply to all lots and buildings in the C-1B District:

- A. Lot coverage may not exceed 30 percent of lot area.
- B. Floor area ratio (F.A.R.) may not exceed 2.0.
- C. Buildings may not exceed a height of two and one-half stories or 30 feet in vertical distance above the Grade Plane to the highest point of a flat, mansard, shed, round or arch type roof, or 32 feet in vertical distance above the Grade Plane, as measured to the highest peak of a pitched, hipped, or gambrel roof.
- D. The lot area must be at least 7,000 square feet.

CHAPTER 976 C-2 SHOPPING CENTER BUSINESS DISTRICT

976.01 Purpose.

The purpose of the C-2 District is to provide a district for shopping centers under single ownership or unified control.

976.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the permitted uses in the C-2 District are listed in the Table shown in Section 937.02 of this Ordinance.

976.03 Interim Uses.

No interim uses are allowed in the C-2 District.

976.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the accessory uses allowed in the C-2 District are listed in the Table shown in Section 937.02 of this Ordinance.

976.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the conditional uses in a C-2 District are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require a conditional use permit approved under the procedures and standards set forth Chapter 904 of this Ordinance.

976.06 Special Limitations and Conditions on All Uses.

A. Each business establishment must be operated as a separate and distinct business entity. Each business establishment shall be physically separate from other establishments by solid walls, partitions or windows, although both common ownership and free pedestrian movement from one establishment to another through either an area commonly owned or leased by all adjoining establishments or through direct doorway connections is allowed. All business establishments must be accessible from the exterior of the building in which they are located by either a direct door to the exterior or by direct access to a "common area" which in turn has adequate access to the exterior of the building without passing through another business establishment.

976.07 Height, Setbacks, F.A.R., Lot Area, Lot Coverage, Impervious Surfaces and Landscaping.

The following standards apply to all lots and buildings in the C-2 District:

A. Buildings may not exceed a height of two stories or 30 feet.

B. Minimum Setbacks.

1. There must be a side yard on each side of any building having a width of not less than 20 feet, except that no building may be located within 50 feet of any side lot line abutting a lot in any residential district.
2. There must be a rear yard having a depth of not less than 20 feet, except that no buildings may be located within 50 feet of any residential district.
3. The minimum building setback from any commercial district boundary must be as set forth herein or the average height of the building, whichever is greater.

C. Floor area ratio (F.A.R.) may not exceed 1.0.

D. The lot area must be at least 20,000 square feet.

E. Lot coverage may not exceed 50 percent of lot area.

F. Impervious surfaces may not exceed 75 percent of lot area.

G. Required Landscaping. A minimum of 20 percent of the total lot area must be landscaped. A landscaped buffer strip of at least eight feet wide must be provided between parking areas and adjacent streets or sidewalks. The buffer strip shall consist of shade trees at maximum intervals of 30 feet, and a decorative fence, masonry wall, or hedge.

CHAPTER 977 C-3 SERVICE DISTRICT

977.01 Purpose.

The purpose of the C-3 Service District is to provide a district for service facilities orientated to vehicular traffic and access. Because of the unique character of this type of commercial activity and its great dependence upon transient trade and traffic, and because of the greater than normal adverse effects created by the uses within this district, the location of such activities are critical and should be developed either within other commercial spheres adjacent to arterial traffic routes or as well-buffered areas adjacent to major streets. This district also is intended as a business district which may be located adjacent to shopping centers or other retail business districts, thus keeping the basic retail areas compact and convenient, or in separate areas which may be located in close proximity to a major street or highway, in order that highway service types of land uses can be provided.

977.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the permitted uses in the C-3 District are listed in the Table shown in Section 937.02 of this Ordinance.

977.03 Interim Uses.

No interim uses are allowed in the C-3 District.

977.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the accessory uses allowed in the C-3 District are listed in the Table shown in Section 937.02 of this Ordinance.

977.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the conditional uses in a C-3 District are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require a conditional use permit approved under the procedures and standards set forth in Chapter 904 of this Ordinance.

977.06 Height, Setbacks, F.A.R., Lot Area, Lot Coverage, Impervious Surfaces and Landscaping Standards.

The following standards apply to all lots and buildings in the C-3 District:

- A. Buildings may not exceed a height of two stories or 30 feet.
- B. Minimum Setbacks.
 - 1. Front. There must be a front yard having a depth of not less than ten feet.
 - 2. Side. There must be a side yard on each side of any building having a width of not less than ten feet, except where a greater side yard is required to provide parking and loading, as required by Chapters 914 and 915, and except that no building may be located within 50 feet of any side lot line abutting a residential district.
 - 3. Rear. There must be a rear yard having a depth of not less than ten feet, except where a greater rear yard is required to provide parking and loading, as required by Chapters 914 and 915, and except that no building may be located within 50 feet of any rear lot line abutting a residential district.
- C. The floor area ratio (F.A.R.) may not exceed 1.5.
- D. The lot area must be at least 15,000 square feet.
- E. The lot coverage of may not exceed 50 percent of lot area.
- F. The impervious surfaces may not exceed 75 percent of lot area.
- G. Required Landscaping. A minimum of 20 percent of the total lot must be landscaped and maintained. A landscaped buffer strip of at least eight feet wide must be provided between parking areas and adjacent streets or sidewalks. The buffer strip must consist of shade trees at maximum intervals of 30 feet and a decorative fence, masonry wall, or hedge.

CHAPTER 977.5 C-3A SERVICE DISTRICT

977.5.01 Purpose.

The purpose of the C-3A Service District is to provide a district for service facilities orientated to vehicular traffic and access near Wayzata Boulevard. Because of the unique character of this type of commercial activity and its great dependence upon transient trade and traffic, and because of the greater than normal adverse effects created by the uses within this district, the location of such activities are critical and should be developed either within other commercial spheres adjacent to arterial traffic routes or as well-buffered areas adjacent to major streets. This district also is intended as a mixed-use district which may be located adjacent to shopping centers or other retail business districts, thus keeping the basic retail areas compact and convenient, or in separate areas which may be located in close proximity to a major street or highway, in order that highway service types of land uses can be provided.

977.5.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the permitted uses in the C-3 District are listed in the Table shown in Section 937.02 of this Ordinance.

977.5.03 Interim Uses.

No interim uses are allowed in the C-3 District.

977.5.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the accessory uses allowed in the C-3 District are listed in the Table shown in Section 937.02 of this Ordinance.

977.5.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the conditional uses in a C-3 District are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require a conditional use permit approved under the procedures and standards set forth in Chapter 904 of this Ordinance.

977.5.06 Height, Setbacks, F.A.R., Lot Area, Lot Coverage, Impervious Surfaces and Landscaping Standards.

The following standards apply to all lots and buildings in the C-3 District:

- A. Buildings may not exceed a height of three stories or 35 feet.
- B. Minimum Setbacks.
 - 1. Front. There must be a front yard having a depth of not less than ten feet.
 - 2. Side. There must be a side yard on each side of any building having a width of not less than ten feet, except where a greater side yard is required to provide parking and loading, as required by Chapters 914 and 915, and except that no building may be located within 50 feet of any side lot line abutting a residential district.
 - 3. Rear. There must be a rear yard having a depth of not less than ten feet, except where a greater rear yard is required to provide parking and loading, as required by Chapters 914 and 915, and except that no building may be located within 50 feet of any rear lot line abutting a residential district.
- C. The floor area ratio (F.A.R.) may not exceed 1.5.
- D. The lot area must be at least 15,000 square feet.
- E. The lot coverage of may not exceed 50 percent of lot area.
- F. The impervious surfaces may not exceed 75 percent of lot area.
- G. Required Landscaping. A minimum of 20 percent of the total lot must be landscaped and maintained. A landscaped buffer strip of at least eight feet wide must be provided between parking

areas and adjacent streets or sidewalks. The buffer strip must consist of shade trees at maximum intervals of 30 feet and a decorative fence, masonry wall, or hedge.

CHAPTER 978 C-4 CENTRAL BUSINESS DISTRICT

978.01 Purpose.

The purpose of the C-4 Central Business District is to provide a district for retail, service and office uses which are characteristic of a "downtown" area.

978.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the permitted uses in the C-4 District are listed in the Table shown in Section 937.02 of this Ordinance.

978.03 Interim Uses.

No interim uses are allowed in the C-4 District.

978.04 Accessory Uses.

Subject to applicable provisions of the Ordinance, the accessory uses allowed in the C-4 District are listed in the Table shown in Section 937.02 of this Ordinance.

978.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the conditional uses in a C-4 District are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require a conditional use permit approved under the procedures and standards set forth in 904 of this Ordinance.

978.06 Special Limitations and Conditions.

A. Each business establishment shall be operated as a separate and distinct business entity. Each business establishment shall be physically separate from any other such establishment by solid walls, partitions or windows, although nothing in this paragraph is intended to prevent either common ownership or free pedestrian movement from one establishment to another through either an area commonly owned or leased by all adjoining establishments or through direct doorway connections. All business establishments shall be accessible from the exterior of the building in which they are located by either a direct door to the exterior or by direct access to a "common area" which in turn has adequate access to the exterior of the building without passing through another business establishment

B. Retail or Commercial Use. 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 should comprise at least 50 percent of the ground floor building footprint.

C. New Lake Street Buildings. All new buildings along Lake Street with a building footprint of 4,000 square feet or more shall be developed with more than one of the following uses. retail, service, residential, and office. Upper floors may be used for any permitted use including residential.

D. All buildings shall meet the defined sidewalk line except for small setbacks to provide outdoor seating, plazas or recess entries.

E. Parking in the front yard is prohibited.

978.07 Height, Setbacks, F.A.R. and Lot Area.

The following standards to all lots and buildings in the C-4 District:

A. Buildings may not exceed the height of three stories or 35 feet. Three story buildings are subject to the additional standards of Chapter 909.

B. Minimum Setbacks.

1. There must be no front yard, exterior side yard or rear yard requirements, except that there must be a required setback from C-4 District boundaries when such boundaries are adjacent to a residential district the same as the setback for the adjacent district.

C. The floor area ratio (F.A.R.) may not exceed 2.0.

D. The lot area must be at least 8,000 square feet.

CHAPTER 979 C-4A LIMITED CENTRAL BUSINESS DISTRICT

979.01 Purpose.

The purpose of the C-4A Limited Central Business District is to provide a district for those retail, service, office and residential functions which are characteristic of a "downtown" area and to allow the present downtown area to expand, develop and redevelop, with emphasis on specialty shops and office uses with continuous linear low level building designs. Such areas are to be characterized by individual store fronts with public sidewalk access, as contrasted to shopping mall type development. Planned commercial development as provided for in this Ordinance will be encouraged, so as to provide a cohesive and unified central business district in general accordance with the Comprehensive Plan.

979.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the permitted uses within the C-4A District are listed in the Table shown in Section 937.02 of this Ordinance.

979.03 Interim Uses.

Subject to applicable provisions of this Ordinance, the interim uses allowed in the C-4A District are listed in the Table shown in Section 937.02 of this Ordinance, and are governed by Chapter 934 of this Ordinance.

979.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the accessory uses allowed in the C-4A District are listed in the Table shown in Section 937.02 of this Ordinance.

979.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the conditional uses in a C-4A District are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require a conditional use permit approved under the procedures and standards set forth in Chapter 904 of this Ordinance.

979.06 Special Limitations and Conditions.

A. Each business establishment shall be operated as a separate and distinct business entity. Each business establishment shall be physically separate from any other such establishment by solid walls, partitions or windows, although nothing in this paragraph is intended to prevent either common ownership or free pedestrian movement from one establishment to another through either an area commonly owned or leased by all adjoining establishments or through direct doorway connections. All business establishments shall be accessible from the exterior of the building in which they are located by either a direct door to the exterior or by direct access to a "common area" which in turn has adequate access to the exterior of the building without passing through another business establishment.

B. Retail or Commercial Use. 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.

C. New Lake Street Buildings. All new buildings along Lake Street with a building footprint of 4,000 square feet or more must be developed with more than one of the following uses: retail, service, residential and office. Upper floors may be used for any permitted use including residential.

D. All buildings shall meet the defined sidewalk line except for small setbacks to provide outdoor Seating, plazas, or recessed entries.

E. Parking in the front yard is prohibited.

979.07 Height, Setbacks, F.A.R. and Lot Area.

The following standards apply to all lots and buildings in the C-4A District:

A. Buildings may not exceed the height of two stories or 30 feet.

B. Minimum Setbacks. There must be no front yard, exterior side yard or rear yard requirements, except that there must be a required setback within C-4A District boundaries when such boundaries are adjacent to a residential district. In such cases, the setback must be the same as the setback for the adjacent district.

C. The floor area ratio (F.A.R.) may not exceed 2.0.

D. The lot area must be at least 12,000 square feet.

CHAPTER 980 C-4B CENTRAL BUSINESS DISTRICT

980.01 Purpose.

The purpose of the C-4B District is to provide a district for those retail sales, service, office and residential functions which are characteristic of a "downtown" area and to allow the present downtown area to expand, develop and redevelop, with emphasis on specialty shops and retail uses with continuous linear low level building designs, while maintaining this desired character. Such areas are to be characterized by individual storefronts with public sidewalk access, as contrasted to shopping mall type development. The district requires retail use at street grade.

980.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the permitted uses in the C-4B District are listed in the Table shown in Section 937.02 of this Ordinance.

980.03 Interim Uses.

Subject to applicable provisions of this Ordinance, the interim uses in the C-4B District listed in the Table shown in Section 937.02 of this Ordinance, and are governed by Chapter 934 of this Ordinance:

980.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the accessory uses allowed in the C-4B District are listed in the Table shown in Section 937.02 of this Ordinance.

980.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the conditional uses in a C-4B District are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require a conditional use permit approved under the procedures and standards set forth in Chapter 904 of this Ordinance.

980.07 Special Limitations and Conditions.

A. All business establishments at street grade shall be complementary to the retail character of the district and enhance pedestrian traffic.

B. Each business establishment shall be operated as a separate and distinct business entity. Each business establishment shall be physically separate from any other such establishment by solid walls, partitions or windows, although nothing in this paragraph is intended to prevent either common ownership or free pedestrian movement from one establishment to another through either an area commonly owned or through direct doorway connections. All business establishments shall be accessible from the exterior of the building in which they are located either by a direct door to the exterior or by direct access to a "common area" which in turn has adequate access to the exterior of the building without passing through another business establishment.

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.

D. New Lake Street Buildings. All new buildings along Lake Street with a building footprint of 4,000 square feet or more must be developed with more than one of the following uses: retail, service, residential, and office. Upper floors may be used for any permitted use including residential.

E. All buildings shall meet the defined sidewalk line except for small setbacks to provide outdoor seating, plazas, or recessed entries.

F. Parking is prohibited in the front yard is prohibited.

980.08 Height, Setbacks, F.A.R. and Lot Area.

The following standards apply to all lots and buildings in the C-4B District:

A. Buildings may not exceed the height of two stories or 30 feet.

B. Minimum Setbacks. There must be no front yard, exterior side yard or rear yard requirements, except that there must be a required setback within C-4B District boundaries when such boundaries are adjacent to a residential district. In such cases, the setback must be the same as the setback for the adjacent district.

C. The floor area ratio (F.A.R.) may not exceed 2.0.

D. The lot area must be at least 6,000 square feet.

CHAPTER 937 – ZONING DISTRICTS USE TABLE AND PERFORMANCE STANDARDS**937.01 – Purpose**

The purpose of this Chapter is to specify and define the types of uses allowed within each zoning district, provided the uses meet the standards specified in this Chapter and elsewhere in the Zoning Ordinance.

937.02 – Use Table

The following table specifies what Permitted Uses (P), Conditional Uses (C), Interim Uses (I), Permitted Accessory Uses (A/P), Conditional Accessory Uses (A/C) and Interim Accessory Uses (A/I) are allowed in each zoning district.

Residential and Institutional Districts Uses										
-	<u>R-1A</u>	<u>R-1</u>	<u>R-2A</u>	<u>R-2</u>	<u>R-3A</u>	<u>R-3</u>	<u>R-4A</u>	<u>R-4</u>	<u>R-5</u>	<u>INS</u>
<u>Accessory Structure or Use, Residential</u>	<u>A/P</u>	<u>A/P</u>	<u>A/P</u>	<u>A/P</u>	<u>A/P</u>	<u>A/P</u>	<u>A/P</u>	<u>A/P</u>	<u>A/P</u>	-
<u>Cemeteries and Memorial Gardens</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	-	-	-	-	-	<u>C</u>
<u>Child Day Care Facility, General</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	-
<u>Child Day Care Facility, 12 or Fewer Children</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	-
<u>Institutions of Higher Education</u>	-	-	-	-	-	-	-	-	-	<u>C</u>
<u>Dwellings, Accessory Units</u>	<u>A/P</u>	<u>A/P</u>	<u>A/P</u>	<u>A/P</u>	<u>A/P</u>	<u>A/P</u>	-	-	-	<u>C</u>
<u>Dwellings, Housing for the Elderly</u>	-	-	-	-	-	-	-	<u>C</u>	<u>C</u>	<u>C</u>
<u>Dwellings, Multiple Family</u>	-	-	-	-	-	-	-	<u>C</u>	<u>P</u>	-
<u>Dwellings, Single Family Detached</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	-	-	-	-
<u>Dwellings, Single Family or Two Family Detached</u>	-	-	-	-	-	-	-	-	-	<u>A/C</u>
<u>Dwellings, Townhomes</u>	-	-	-	-	-	-	<u>P</u>	<u>P</u>	-	-
<u>Dwellings, Two Family Detached</u>	-	-	-	-	<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>	-	-

CHAPTER 951 R-1A LOW DENSITY SINGLE FAMILY ESTATE DISTRICT

<u>Educational Facilities</u>	-	-	-	-	-	-	-	-	-	<u>P</u>
<u>Essential Services</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Greenhouse, Residential</u>	<u>A/P</u>	<u>A/P</u>	<u>A/P</u>	<u>A/P</u>	<u>A/P</u>	<u>A/P</u>	-	-	-	-
<u>Halfway Houses</u>	-	-	-	-	-	-	-	-	<u>C</u>	<u>C</u>
<u>Hospitals, Residential Care Facilities, and Elderly Care Facilities</u>	-	-	-	-	-	-	-	-	-	<u>C</u>
<u>Horses, Keeping of</u>	<u>A/C</u>	<u>A/C</u>	-	-	-	-	-	-	-	-
<u>Parking Garages/Lots</u>	-	-	-	-	-	-	-	-	-	<u>C</u>
<u>Parking and Loading Areas and Structures</u>	<u>A/P</u>	<u>A/P</u>	<u>A/P</u>	<u>A/P</u>	<u>A/P</u>	<u>A/P</u>	<u>A/P</u>	<u>A/P</u>	<u>A/P</u>	<u>A/P</u>
<u>Personal Services</u>	-	-	-	-	-	-	-	-	-	-
<u>Post offices</u>	-	-	-	-	-	-	-	-	-	<u>P</u>
<u>Publicly owned Civic or Cultural Buildings</u>	-	-	-	-	-	-	-	-	-	<u>P</u>
<u>Public Services and Utilities</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Recreation, Outdoor Commercial</u>	<u>C</u>	<u>C</u>	-	-	-	-	-	-	-	-
<u>Recreation, Outdoor Residential, Accessory</u>	<u>A/P</u>	<u>A/P</u>	<u>A/P</u>	<u>A/P</u>	<u>A/P</u>	<u>A/P</u>	<u>A/P</u>	<u>A/P</u>	<u>A/P</u>	-
<u>Recreation, Outdoor Residential, Principal</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	-	-	-	-	-	-
<u>Recreation, Outdoor Public</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>A/P</u>
<u>Places of Assembly</u>	-	-	-	-	-	-	-	-	-	<u>P</u>
<u>Residential Care Facility, Six or Fewer Residents</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	-	-
<u>Residential Care Facility, 16 or Fewer Residents</u>	-	-	-	-	-	-	-	-	<u>P</u>	-
	<u>Commercial Districts Uses</u>									

CHAPTER 951 R-1A LOW DENSITY SINGLE FAMILY ESTATE DISTRICT

-	<u>C-1A</u>	<u>C-1</u>	<u>C-1B</u>	<u>C-2</u>	<u>C-3</u>	<u>C-3A</u>	<u>C-4A</u>	<u>C-4</u>	<u>C-4B</u>
<u>Adult Day Care</u>	<u>P</u>	-	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	-	-	-
<u>Amusement, Indoor</u>	-	-	-	<u>C</u>	<u>C</u>	<u>C</u>	-	-	-
	<u>C-1A</u>	<u>C-1</u>	<u>C-1B</u>	<u>C-2</u>	<u>C-3</u>	<u>C-3</u>	<u>C-4A</u>	<u>C-4</u>	<u>C-4B</u>
<u>Animal Clinic</u>	-	-	-	<u>C</u>	-	-	-	-	-
<u>Animal Clinics, Hospitals or Kennels</u>	-	-	-	-	<u>C</u>	<u>C</u>	-	-	-
<u>Car Wash, Accessory</u>	-	-	-	<u>A/C</u>	<u>A/C</u>	<u>A/C</u>	-	-	-
<u>Car Wash, Principal</u>	-	-	-	-	<u>C</u>	<u>C</u>	<u>I</u>	-	-
<u>Clubs or Lodges, Existing</u>	<u>C</u>	-	-	-	-	-	<u>C</u>	<u>C</u>	<u>C</u>
<u>Child Day Care Facility, General</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Child Day Care Facility, 12 or Fewer Children</u>	<u>P</u>	-	<u>P</u>	-	-	-	-	-	-
<u>Convenience or Grocery Store with Gasoline</u>	-	-	-	<u>C</u>	<u>C</u>	-	-	-	-
<u>Dry Cleaning or Laundry</u>	-	<u>C</u>	-	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Drive-Thru Sales and Service</u>	-	-	-	<u>C</u>	<u>C</u>	<u>C</u>	-	-	-
<u>Dwellings, Multiple Family</u>	-	-	-	-	-	-	<u>C</u>	<u>C</u>	<u>C</u>
<u>Dwellings, Multiple Family, Upper Story</u>	-	-	-	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Dwellings, Single Family Detached</u>	<u>P</u>	<u>P</u>	<u>P</u>	-	-	-	-	-	-
<u>Dwellings, Two Family Detached</u>	<u>C</u>	<u>C</u>	<u>C</u>	-	-	-	-	-	-
<u>Educational Facilities</u>	-	-	-	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Food and Beverage Establishment</u>	-	-	-	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Health Clinics</u>	<u>C</u>	<u>P</u>	-	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Liquor Store</u>	-	-	-	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Lodging</u>	-	-	-	-	<u>C</u>	<u>C</u>	-	-	-
<u>Manufacturing</u>	-	-	-	-	<u>C</u>	<u>C</u>	-	-	-
<u>Micro-production facilities</u>	-	-	-	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Mixed-Use Buildings</u>	<u>P</u>	<u>P</u>	<u>P</u>	-	-	-	-	-	<u>A/P</u>
<u>Monument Sales, excluding Processing</u>	-	-	-	-	<u>P</u>	<u>P</u>	-	-	-

CHAPTER 951 R-1A LOW DENSITY SINGLE FAMILY ESTATE DISTRICT

<u>Mortuaries or Funeral Homes</u>	-	<u>P</u>	-	-	<u>P</u>	<u>P</u>	-	-	-
<u>Motor Vehicle Rental and Sales</u>	-	-	-	-	<u>C</u>	<u>C</u>	-	-	-
<u>Motor Vehicle Service</u>	-	-	-	<u>C</u>	<u>C</u>	<u>C</u>	-	-	-
<u>Parking Garages/Lots</u>	<u>C</u>	<u>C</u>	-	<u>C</u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>A/I</u>
<u>Parking and Loading Areas and Structures</u>	<u>A/P</u>	<u>A/P</u>	<u>A/P</u>	<u>A/P</u>	<u>A/P</u>	<u>A/P</u>	<u>A/P</u>	<u>A/P</u>	<u>A/P</u>
<u>Personal Services</u>	<u>P</u>	<u>P</u>	-	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Post offices</u>	-	-	-	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Professional Services (inc. Finance and Office Uses)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Public Services and Utilities</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Recreation, Indoor</u>	-	-	-	<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Recreation, Outdoor Commercial</u>	-	-	-	-	<u>C</u>	<u>C</u>	-	-	-
<u>Recreation, Outdoor Public</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Places of Assembly</u>	-	-	-	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Repair of Home, Garden or Personal Appliances</u>	-	-	-	<u>C</u>	<u>C</u>	<u>C</u>	-	-	-
<u>Retail Sales, Limited</u>	<u>P</u>	-	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Retail Sales, General</u>	<u>P</u>	-	-	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Sailing School</u>	-	-	-	-	<u>C</u>	<u>C</u>	-	-	-
<u>Sales, Garden, Greenhouses or Nursery</u>	-	-	-	-	<u>C</u>	<u>C</u>	-	-	-
<u>Sales, Service, or Rental, Outdoors</u>	-	-	-	<u>A/C</u>	<u>A/C</u>	<u>A/C</u>	<u>A/C</u>	<u>A/C</u>	<u>A/C</u>
<u>Sales, Service, or Rental, Accessory</u>	-	-	-	-	-	-	<u>A/C</u>	<u>A/C</u>	<u>A/C</u>
<u>Sidewalk Café, Outdoors</u>	-	-	-	<u>A/P</u>	<u>A/P</u>	<u>A/P</u>	<u>A/P</u>	<u>A/P</u>	<u>A/P</u>
<u>Storage, Indoor</u>	<u>A/P</u>	<u>A/P</u>	<u>A/P</u>	<u>A/P</u>	<u>A/P</u>	<u>A/P</u>	<u>A/P</u>	<u>A/P</u>	<u>A/P</u>
<u>Storage, Outdoor</u>	-	-	-	<u>A/C</u>	<u>A/C</u>	<u>A/C</u>	<u>A/C</u>	<u>A/C</u>	<u>A/C</u>
<u>Theaters, excluding Drive-Ins</u>	-	-	-	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

937.03 – Permitted Uses with Restrictions

The following uses are permitted where indicated in the Table shown in Sec. 937.02, provided they comply with the additional standards specified in this Section and elsewhere in this Ordinance for each use.

- A. Dwellings, accessory units (ADU), defined as habitable dwelling unit subordinate to a primary residence that provides the basic requirements of shelter, heating, cooking and sanitation
 - 1. Area. An ADU's total floor area may be no more than 33% of the primary residence's gross habitual space. The minimum ADU size is 300 square feet. Within the R-2A, R-2, R-3A, and R-3 districts, the maximum ADU size may be no more than 960 square feet.
 - 2. Minimum Lot Size. Within the R-3A and R-3 districts, detached ADUs are prohibited on lots smaller than 10,000 square feet in area.
 - 3. Architecture. An ADU must be designed and maintained as to be consistent with the architectural design, style, appearance and character of the primary residence. If an ADU extends beyond the current footprint or existing height of the primary residence, such an addition must be consistent with the existing facade, roof pitch, siding and windows.
 - 4. Parking. One off-street parking space must be available exclusively for the ADU, in addition to the two off street parking spaces required for the primary residence.
 - 5. Owner-Occupied. The principal structure or ADU must be owner-occupied.
 - 6. Licensing. Any principal structure or ADU that is renter-occupied must have a current rental license in compliance with Chapter 815 of City Code.
 - 7. One per Lot. No more than one ADU shall be permitted on a single lot or parcel.
- B. Food and beverage establishments
 - 1. Garden Strip. At any common boundary shared with a residential district, a strip of not less than five feet must be landscaped and maintained so as to create an effective visual screen and sound buffer and separation of uses.
 - 2. Hours. The hours of operation must be limited as necessary to minimize the effect of nuisance factors such as traffic, noise and glare upon any existing neighboring residential uses.
 - 3. Landscaping. Landscaping and screening shall be present in accordance with Chapter 918 of this Ordinance.
 - 4. Licensing. All local, state and federal food and beverage handling licenses and/or permits must be obtained for the establishment.
 - 5. Litter Control. The establishment shall be responsible for litter control within 500 feet of the property line, which must occur on a daily basis.
 - 6. Loading Berth. Adequate space must be provided on the site for a loading berth to accommodate the parking and maneuvering of semi-tractor trailers.
 - 7. Outdoor Storage. No outdoor storage is permitted.
 - 8. Vehicle Access. Vehicular access points are limited and shall create a minimum of conflict with through traffic movements.
 - 9. Baking. The room or rooms containing the preparation and baking process for bakeries may not have a gross floor area in excess of 2,400 square feet.
- C. Retail Sales, Limited
 - 1. The gross square area of each limited retail sales business may not exceed 2,000 square feet.

937.04 – Conditional Residential Land Uses.

The following conditional uses as indicated in Sec. 937.02, shall comply with the additional standards specified in this Section and elsewhere in this Ordinance for each use, and a conditional use permit is approved under the procedures and standards set forth in Chapter 904 of this Ordinance.

A. Dwelling, Multiple-family

1. The residential units do not front or border Lake Street.
2. The development does not conflict with existing or potential future commercial uses and activities.
3. The density meets the standards of the R-5 District.
4. Adequate open space and recreational space is provided on site for the benefit of the occupants.

B. Recreation, outdoor residential, principal

1. Such use is accessory to at least one existing permitted principal use on an abutting lot or lot only separated by a public right-of-way. Said properties must be under the same ownership and tied together by a deed restriction recorded with the City and Hennepin County.
2. The uses and activities are operated only for the enjoyment and convenience of the residents of the principal use to which the property is tied and their occasional guests.

C. Swimming pools as an outdoor residential recreation accessory use

1. The use is fenced in accordance with Chapter 918 of this Ordinance.
2. The use is not located within the required front yard.
3. The use meets setbacks for accessory structures.

D. Tennis and pickleball courts as an outdoor residential recreation accessory use

1. The use is not located within the front yard.
2. The courts are fenced in accordance with Chapter 918 of this Ordinance.
3. The courts meet the setback requirements for an accessory structure.
4. Any lighting used does not allow the light to spread to adjoining properties.
5. A grading and drainage plan is submitted and approved by the City Engineer.

E. Recreation, outdoor public, cemeteries, and memorial gardens

1. The site is landscaped.
2. The use is available and open to the "public."
3. The land area of the property containing such use or activity meets the minimum established for the district.
4. The use meets the minimum setback requirements for accessory structures.
5. The site accesses on a collector or arterial street.

F. Public services and utilities

1. When abutting a residential use or a residential use district, the property is screened and landscaped in compliance with Chapter 918 of this Ordinance.

G. Horses, keeping of

1. The minimum lot size for accommodating one horse is three acres, and the minimum lot size for two horses is five acres. No more than two horses may be accommodated on any one property within the City.
2. All stables are be located a minimum distance of 300 feet from any adjacent residential structure, excluding the structure of the applicant, and all corral areas are be located a minimum distance of 200 feet from any adjacent residential structure, excluding the residence of the owner.
3. All accommodations for horses occur within the rear yard of a residential lot only.
4. The City Council shall take into account a proper location of a future residence on adjacent lots when considering the application.

937.05 – Conditional Commercial Land Uses.

The following conditional uses are permitted where indicated in the Table shown in Sec. 937.02, provided they comply with the additional standards specified in this Section and elsewhere in this Ordinance for each use, and a conditional use permit is approved under the procedures and standards set forth in Chapter 904 of this Ordinance.

A. Child day care facility, general

1. Compliance with Chapter 924.02.

B. Animal Clinics.

1. The size of the clinic does not exceed 4,000 square feet.
2. The clinic does not provide animal boarding services, kenneling or overnight stays for patients.
3. The hours of operation coincide with those of the businesses in the area or complex in which the clinic is located.
4. The clinic does not provide services or treatment of exotic animals (such as reptiles, amphibians, birds, and most mammals).
5. The clinic does not share a common demising wall and is not located directly adjacent to a restaurant.
6. The clinic is not be located on the same property or in the same shopping area where another clinic exists.
7. The clinic must comply with all other applicable state, local and federal regulation, including those that pertain to animal clinics and to nuisance, health, sanitation, and safety conditions.

C. Animal Clinics, Hospitals or Kennels

1. Any building in which animals are kept, whether a roofed, sheltered, or enclosed structure, must be located a distance of 100 feet or more from any lot line.
2. All animals must, at a minimum, be kept in an enclosed pen or corral of sufficient height and strength to retain such animals. Said pen or corral may not be located closer than 100 feet from a lot line.
3. The clinic must comply with all other applicable state, local and federal regulation, including those that pertain to animal clinics and to nuisance, health, sanitation and safety conditions.

D. Drive-Thru Sales and Service.

1. Drive-thru, sales and services

- a. Access. The driveway access is not on a residential street. The curb cut setbacks and parking must be in conformance with Chapter 920.
- b. Compatibility. The service windows and driveway are be screened from view if adjacent to a residentially used property.
- c. Green Strip. At any common boundary shared with a residential district, a strip of not less than five feet is landscaped and maintained so as to create an effective visual screen and sound buffer and separation of uses.
- d. Hours. Hours of operation are be limited as necessary to minimize the effect of nuisance factors such as traffic, noise and glare upon any existing neighboring residential uses.
- e. Noise. The stacking lane, order board intercom, and service window are designed and located in such a manner as to minimize automobile and communication noises, emissions, and headlight glare upon adjacent premises, particularly residential premises, and to maximize maneuverability of vehicles on the site. Levels of noise, light, and air quality shall be measured at property lines and satisfy established state regulations.

- f. Stacking. Not less than 180 feet of segregated automobile stacking lane is provided for the service window.
- g. Traffic Control. The stacking lane and its access is designed to control traffic in a manner to protect the pedestrians, buildings and green area on the site.
- h. Use of Street. No part of the public street or boulevard is used for stacking of automobiles.

E. Dry cleaning or laundry

- 1. The outside storage of materials and equipment is prohibited.
- 2. Operations with the primary function of in-store retail and general public customer contact are permitted.

F. Lodging

- 1. The parking and loading spaces are not located within the front yard of a lot and meet all applicable provisions of the parking and loading ordinance.

G. Professional services

- 1. The traffic generated does not raise traffic volumes beyond the capacity of the surrounding streets.

H. Micro-production facilities

- 1. Licensing. The owner of the micro-production facility must qualify for and receive all federal, state and city licenses necessary for the operation of the micro-production facility, including a brewer license and a malt liquor wholesale license (if wholesale of malt liquor is an intended activity); winery license; and/or a distiller's license from the State of Minnesota, issued under Minn. Stats. § 340A.
- 2. Taproom/Tasting Room License. An accessory taproom or tasting room for the on-sale of beer, wine, or spirits produced on-site requires a taproom/tasting room license from the City of Wayzata, issued under City Code Section 524.02.
- 3. Off-sale. On-site sale of beer in the form of growlers require a Brewery License for Off-Sale of Malt Liquor, issued under City Code Section 524.02. On-site sale of wine or spirits, other than samples as governed under Minnesota State Statutes, are prohibited.
- 4. Production of Beer. Total production of malt liquor may not exceed 5,000 barrels annually. Micro-production Facilities with a taproom license may not exceed 3,500 barrels annually, and only 500 barrels may be sold off-sale as growlers. Any micro-production facility operating as a brewery must annually submit production reports to the City with the request to renew a brewery taproom or off-sale malt liquor license.
- 5. Off-street Loading. The micro-production facility must provide adequate space for off-street loading and unloading of all trucks greater than 22 feet in length. In the absence of off-street loading, the City may impose limits on deliveries or shipments using the public rights of ways, including regulating the number of trucks per day and the hours that deliveries are permitted.
- 6. Outdoor Storage. No outdoor storage is permitted on the site, with the exception that waste handling (refuse and/or recycling) may occur in an enclosure that is fully screened from adjoining streets and residentially zoned properties.
- 7. Odors. No odors from the micro-production facility may be perceptible beyond the property line. The micro-production facility operator must take appropriate measures to reduce or mitigate any odors generated from the operation and be in compliance with any applicable Minnesota Pollution Control Standards.
- 8. Waste. Waste products must be disposed of in a timely manner and in such a way to reduce odors.

9. Exterior Lighting. All exterior lighting must be designed in such a way as to have no source of light visible from adjacent property, and must comply with the requirements of Section 916.06 of the Wayzata Zoning Ordinance.
 10. Hours of Operation. Micro-production facility operation hours must be limited to the hours specified in Minn. Stats. Ch. 340A for off-sale intoxicating liquor unless further limited by the City Council as part of a Conditional Use Permit.
- I. Sales, garden, greenhouses or nursery
 1. There are no outdoor growing fields on the site.
 2. Outdoor sales/display area is limited to 30 percent of the gross lot area and is in conformance with the performance standards of Section 916.12 of this Ordinance.
 - J. Repair of home, garden or personal appliances
 1. The use is conducted completely indoors.
 - L. Sales, service or rental; outdoors
 1. Outside services, sales and equipment rental connected with the principal use is limited to 30 percent of the gross floor area of the principal use. Uses specified as requiring a separate conditional use permit are exempted from this provision.
 1. Outside sales areas are landscaped and fenced or screened from view of neighboring residential uses or an abutting residential zoning district.
 2. All lighting is hooded and so directed that the light source may not be visible from the public right-of-way or from neighboring residences.
 3. Sales, service or rental areas are asphalt or concrete surfaced.
 4. The use does not take up parking space or loading areas as required for conformity to this Ordinance.
 5. Additional parking, pursuant to Chapter 920 of this Ordinance is provided for said space.

937.06 – Conditional Automobile Orientated Uses

The following conditional uses are permitted where indicated in the Table shown in Sec. 937.02, provided they comply with the additional standards specified in this Section and elsewhere in this Ordinance for each use, and a conditional use permit is approved under the procedures and standards set forth in Chapter 904 of this Ordinance.

- A. Motor vehicle rental and sales
 1. The use is adequately screened from view of neighboring residential uses or an abutting Residential zoning district.
 2. Adequate measures are taken to control pollution and emissions exhaust.
 3. Hours of operation are limited as necessary to minimize the effect of nuisance factors such as traffic noise and glare upon any existing neighboring residential uses.
 4. Vehicle Access. Vehicular access points are limited and shall create a minimum of conflict with through traffic movements.
 5. Lighting. Each light standard base island and all islands in the parking lot are landscaped or covered. The light sources are hooded to prevent glare onto adjoining property and the public right-of-way.
 6. Green Strip. At any common boundary shared with a residential district, a strip of not less than five feet are landscaped and screened so as to create an effective visual and sound buffer and separation of uses.
 7. Surfacing. The entire area other than that portion occupied by buildings or structures or plantings are surfaced with a material which will control dust and drainage and which is subject to the approval of the City.

8. Refuse Storage. All refuse is stored in containers as specified by the City Code. Said containers are fully screened and enclosed by a fence or similar structure.

B. Car washes, principal

1. Stacking space is constructed to accommodate that number of vehicles which can be washed during a maximum 30-minute period and meets with the approval of the City Engineer.
2. At the boundaries of a residential district, a strip of not less than five feet are landscaped and screened in compliance with Chapter 918 of this Ordinance.
3. Each light standard island and all islands in the parking lot are landscaped or covered.
4. Parking or car storage space are screened from view of abutting residential districts in compliance with Chapter 918 of this Ordinance.
5. All lighting is hooded and so directed that the light source is not visible from the public right-of-way or from an abutting residence and is in compliance with Section 916.06 of this Ordinance.
6. All signing and information or visual communication devices are in compliance with the applicable provisions of Chapter 927 of this Ordinance.
7. Provisions are made to control and reduce noise.

C. Convenience or Grocery Store with Gasoline

1. Permitted Uses. The retail sales involve uses or activities which are allowed in a C-1, C-2 or C-3 District.
2. Take-Out Food. Convenience/deli food is of the take-out type only and that no provision for seating or consumption on the premises is provided. Furthermore, that the enclosed area devoted to such activity, use and merchandise shall not exceed 15 percent of the gross floor area.
3. Sanitation. That any sale of food items is subject to the approval of the City Health Inspector who shall provide specific written sanitary requirements for each proposed sale location based upon applicable State and County regulations.
4. Litter Control. The operation must be responsible for litter control within 500 feet of the property line and is to occur on a daily basis.
5. Area. That the approximate area and location devoted to non-automatic merchandise sales must be specified in general terms in the application and in the conditional use permit.
6. Hours of Operation. The hours of operation must be limited to 6.00 a.m. to 12.00 p.m., or as otherwise specified in the approval of the CUP.
7. Motor Fuel Facilities. Adequate space must be provided to access gas pumps and allow maneuverability around the pumps. Underground fuel storage tanks must be positioned to allow adequate access by motor fuel transports and unloading operations do not conflict with circulation, access and other activities on the site. Fuel pumps must be installed on pump islands.
8. Canopy. A protective canopy located over pump island(s) may be an accessory structure on the property and may be located 20 feet or more from the front lot line, provided adequate visibility both on and off-site is maintained.
9. Compatibility. All sides of the principal and accessory structures must have essentially the same or a coordinated, harmonious finish treatment.
10. Area. Lot area must be at least 20,000 square feet and lot frontage must be at least 125 feet. The City Council may exempt previously developed or previously platted property from this requirement, provided that the site is capable of adequately and safely handling all activities and required facilities.
11. Curb Separation. A continuous and permanent concrete curb not less than six inches above grade must separate the public sidewalk from motor vehicle areas, pursuant to the provisions of Chapter 920.

12. Landscaping. At the boundaries of the lot, a strip of not less than five feet must be landscaped and provide screening in compliance with Chapter 918 of this Ordinance, pursuant to the provisions of Chapter 920.
13. Light Standards Base Landscaped. Each light standard base must be landscaped.
14. Pedestrian Traffic. An internal site pedestrian circulation system must be defined and appropriate provisions made to protect such areas from encroachments by parked cars or moving vehicles.
15. Outside Storage and Sales. No outside storage is permitted except as allowed under Section 916.12. An enclosed screened area must be provided for trash and dumpsters.
16. Vehicle repair and service may not occur on the site.

D. Motor vehicle service

1. No building or structure, permanent or temporary, driveway surfaces, parking areas, advertising devices or other similar site improvements, except driveways traversing a public road boulevard, must be located within 110 feet of any part of a residential district which is separated from the automobile service station by a public right-of-way or within 50 feet of a residential district if they are not separated by a public right-of-way.
2. Sites for such facilities are freestanding and not part of a principal shopping center structure and must have not less than 125 feet of frontage on the side or sides of the site to or from which access or egress at two or more locations is possible and not less than 120 feet of frontage if there is only one point of access. The total site area must be not less than 20,000 square feet for each service bay, to a maximum of 60,000 total square feet.
3. Pump islands must be set back not less than 30 feet from any property line and not less than 50 feet from any residential district boundary.
4. Hydraulic hoists or pits and all lubrication, greasing, washing, repair or diagnostic equipment must be used totally within an enclosed building.
5. Facilities on a site from contiguous to any neighboring residential uses or an abutting residential zoning district must not be operated between the hours of 11:00 p.m. and 6:00 a.m. or as otherwise specified in the approval of the CUP.
6. Facilities may offer minor auto repairs, but they must not offer major auto repairs, the sale or storage of junked cars, or automobile wrecking.
7. Safety. Regardless of whether the dispensing, sale or offering for sale of motor fuels and/or oil is incidental to the conduct of the use or business, the standards and requirements imposed by this Ordinance for motor fuel stations must apply. These standards and requirements are, however, in addition to other requirements which are imposed for other uses of the property.
8. Pump Islands. Wherever fuel pumps are to be installed, pump islands must be installed.
9. Green Strip. At the boundaries of a residential district, a strip of not less than five feet must be landscaped and screened in compliance with Chapter 918.
10. Lighting Standard Base Landscaped. Each light standard base must be landscaped.
11. Stacking, parking or car storage space must be screened from view of abutting residential districts in compliance with Chapter 918.
12. Vehicle Circulation. Vehicular access points must create a minimum of conflict with through traffic movement. Provisions must be made for transport delivery of fuel which will not conflict with pump island service.
13. Outside Storage. No outside storage except as allowed in compliance with Section 916.12 of this Ordinance.
14. Litter Control. The operation must be responsible for litter control within 500 feet of the property line and is to occur on a daily basis.
15. Sales Limitations. Sale of products other than those specifically necessary for motor vehicle repair must be subject to a conditional use permit and be in compliance with Section 916.12 of this Ordinance.

937.07 – Conditional Institutional Land Uses.

The following conditional uses are permitted where indicated in the Table shown in Sec. 937.02, provided they comply with the additional standards specified in this Section and elsewhere in this Ordinance for each use, and a conditional use permit is approved under the procedures and standards set forth in Chapter 904 of this Ordinance.

A. Colleges, seminaries and other institutions of higher education.

1. Provisions are made to buffer and screen from view of neighboring residential uses or an abutting residential zoning district.
2. The site is served by an arterial or collector street of sufficient capacity to accommodate traffic which will be generated.

B. Places of Assembly.

1. Provisions are made to buffer and screen from view of neighboring residential uses or an abutting residential zoning district.
2. Adequate off-street parking and access is provided, and such parking is adequately screened and landscaped from adjoining and abutting residential uses or residential zoning districts.

C. Hospitals, residential care facilities, extended care facilities; rest homes and other elderly care facilities

1. Interior side yards are screened.
2. Only the rear yard is used for play or recreational areas. Said area must be fenced and controlled and screened in compliance with Chapter 918 of this Ordinance.
3. The site is served by an arterial or collector street of sufficient capacity to accommodate traffic which will be generated.
4. All signing and informational or visual communication devices are in compliance with Chapter 927 of this Ordinance.

937.08 – Conditional Recreational Land Uses.

The following conditional uses are permitted where indicated in the Table shown in Sec. 937.02, provided they comply with the additional standards specified in this Section and elsewhere in this Ordinance for each use, and a conditional use permit is approved under the procedures and standards set forth in Chapter 904 of this Ordinance.

A. Clubs or Lodges, Existing.

1. The parking and loading spaces are located within the front yard of a lot and meet all applicable provisions of Chapter 920.

B. Amusement, indoor

1. If located within a shopping center, the use has its own exclusive exterior access.
2. The use is located and developed so as not to create an incompatible operation problem with adjoining and neighboring commercial and/or residential uses.
3. The hours of operation are specified in the CUP as a means to maintain compatibility of uses and activities.

C. Recreation, indoor

1. If located within a shopping center, the use has its own exclusive exterior access.
2. The use is located and developed so as not to create an incompatible operation problem with adjoining and neighboring commercial and/or residential uses.

D. Recreation, outdoor commercial

1. The entire perimeter of the site is fenced in accordance with Chapter 918 of this Ordinance.
2. The hours of operation are limited as necessary to minimize the effect of traffic noise and glare upon any existing neighboring residential uses or abutting and residential zoning district.
3. The principal use, function or activity is outdoor in character.
4. Not more than five percent of the land area of site shall be covered by buildings or structures.
5. Lighting. All lighting is hooded and so directed to prevent glare onto adjacent properties and/or roads.
6. The site is well maintained, landscaped and screened in accordance with Chapter 918 of this Ordinance. When abutting a residential use or a residential zoning district, the property is screened and landscaped for the protection of the abutting use.
7. The land area of the property containing such use or activity meets the minimum established for the district.

937.09 – Conditional Manufacturing.

The following conditional uses are permitted where indicated in the Table shown in Sec. 937.02, provided they comply with the additional standards specified in this Section and elsewhere in this Ordinance for each use, and a conditional use permit is approved under the procedures and standards set forth in Chapter 904 of this Ordinance.

A. Manufacturing

1. The use complies with the performance standards outlined in Chapters 916, 917, 918, 919, 920 and all other applicable provisions of this Ordinance.

937.10 – Accessory Uses with Restrictions

The following accessory uses are permitted where indicated in the Table shown in Sec. 937.02, provided they comply with the additional standards specified in this Section and elsewhere in this Ordinance for each use.

A. Sales, service or rental, accessory

1. Such use is allowed as a permitted use in a C-1 or C-2 District.
2. Such use does not constitute more than 30 percent of the lot area and not more than 50 percent of the gross floor area of the principal use.
3. All signing and informational or visual communication devices is in compliance with Chapter 927 this Ordinance.

B. Sidewalk cafe, outdoors

1. A permit pursuant to City Code Ch. 315 is obtained if the café is in the City Right of Way.

C. Storage, indoor,

1. The indoor storage of merchandise in either principal or accessory building is solely intended to be retailed by a related and established principal use.

D. Storage, outdoor

1. The storage area is landscaped, fenced, and screened from view of neighboring uses if abutting a residential use or a residential use district.
2. Storage is landscaped and screened from view from the public right-of-way.
3. Storage area is blacktopped or concrete surfaced.

4. All lighting is hooded and so directed that the light source will not be visible from the public right-of-way or from neighboring residences.
5. The storage area does not take up parking space or loading space as required for conformity to this Ordinance.

937.11 – Interim Uses

The following interim uses are permitted where indicated in the Table shown in Sec. 937.02, provided they comply with the additional standards specified in this Section and elsewhere in this Ordinance for each use, including Ch. 934.

A. Existing car wash and dispensing operations

1. All proposed alterations and/or modifications to the building and site are subject to the issuance of a conditional use permit as set forth in Chapter 904 and conformity to Chapter 934 of the Zoning Ordinance.

CHAPTER 951 R-1A LOW DENSITY SINGLE FAMILY ESTATE DISTRICT

951.01 Purpose.

The R-1A Low Density Single Family Estate District is ~~intended~~ to provide a ~~low density residential~~ district for existing large low density residential and estate-type properties. These properties are unique/distinctive in that they are unusually large in size and frequently include accessory structures, such as ~~guest houses and employees' quarters~~ accessory dwelling units. This district also allows recreational uses.

951.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ permitted uses in the "R-1A" District: are listed in the Table shown in Section 937.02 of this Ordinance.

- ~~A. Single family detached dwellings.~~
- ~~B. Essential services.~~
- ~~C. Day care facilities serving 12 or fewer persons.~~
- ~~D. Residential care facilities serving six or fewer persons.~~

951.03 Interim Uses.

~~Subject to applicable provisions of this Ordinance, the following are~~ No interim uses are allowed in the R-1A District ~~and are governed by Chapter 934 of this Ordinance.~~

- ~~A. None.~~

951.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the ~~following are permitted~~ accessory uses allowed in the "R-1A" District:

- ~~A. Tool houses, sheds and other such structures for~~ are listed in the ~~storage of domestic supplies and equipment.~~
- ~~B. Private garages and off street parking.~~
- ~~C. Greenhouses, provided they do not exceed 200 square feet in area.~~
- ~~D. Swimming pools.~~
- ~~E. Tennis courts.~~
- ~~F. Living quarters within the principal structure of persons employed on the premises.~~
- ~~G. Except as otherwise limited, private recreational facilities, only accessory to an existing principal permitted use on the same lot and which are operated for the enjoyment and convenience of the residents of the principal use and their occasional guests.~~
- ~~H. Accessory uses customarily incidental to the uses permitted~~ Table shown in Sections 951 Section 937.02 and 951.05 of this Ordinance.

951.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ conditional uses in ~~an~~ "the R-1A" District: ~~(Requires~~ are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require a conditional use permit based upon approved under the procedures and standards set forth in ~~and regulated by Chapter 904 of this Ordinance.)~~

- ~~A. One guest, carriage, or caretaker's house as an accessory use, provided that:~~

1. ~~The structure will not~~ 951.06 Lot Size and Setbacks.

The following minimum requirements must be used~~met~~ for rental purposes.

- ~~2. The structure, design, building materials and color are compatible with the principal structure~~all lots and surrounding land uses.
- ~~3. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

B. Off-site private recreational facilities, provided that:

- ~~1. Such use is accessory to one existing permitted principal use on an abutting lot or lot only separated by a public right-of-way. Said properties are tied together by a deed restriction recorded with the City and Hennepin County.~~
- ~~2. The properties upon which the private recreational facilities are to be located and upon which the permitted principal use is located, are under the same ownership. Said properties are tied together by a deed restriction recorded with the City and Hennepin County.~~
- ~~3. The uses and activities are operated only for the enjoyment and convenience of the residents of the principal use to which the property is tied and their occasional guests.~~
- ~~4. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

C. Public parks, playgrounds, cemeteries and memorial gardens, provided that:

- ~~1. The site is landscaped.~~
- ~~2. The use is available to the "public."~~
- ~~3. The land area of the property containing such use or activity meets the minimum established for the district.~~
- ~~4. The use meets the minimum setback requirements for accessory structures.~~
- ~~5. The site accesses on a collector or arterial street.~~
- ~~6. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

D. Accommodations for horses as an accessory use, in accordance with the following provisions:

- ~~1. The minimum lot size for accommodating one horse shall be three acres, and the minimum lot size for two horses shall be five acres. No more than two horses may be accommodated on any one property within the City.~~
- ~~2. All stables shall be located a minimum distance of 300 feet from any adjacent residential structure, excluding the structure of the applicant, and all corral areas shall be located a minimum distance of 200 feet from any adjacent residential structure, excluding the residence of the applicant.~~
- ~~3. All accommodations for horses shall occur within the rear yard of a residential lot.~~
- ~~4. Where an application for the boarding of a horse shall occur adjacent to a vacant lot, the City Council shall take into account a proper location of a future residence in considering the application.~~
- ~~5. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

E. Commercial outdoor recreational areas including golf courses and country clubs, swimming pools and similar facilities, provided that:

- ~~1. The principal use, function or activity is open, outdoor in character.~~
- ~~2. Not more than five percent of the land area of the site shall be covered by buildings or structures.~~

3. ~~When abutting a residential use or a residential use district, the property is screened and landscaped for the protection of the abutting use.~~
 4. ~~The land area of the property containing such use or activity meets the minimum established for the district.~~
 5. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- F. ~~Governmental and public related utility buildings and structures necessary for the health, safety and general welfare of the City, provided that:~~
1. ~~When abutting a residential use or a residential use district, the property is screened and landscaped in compliance with Chapter 918 of this Ordinance.~~
 2. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
 3. ~~Planned unit development as regulated by Chapter 933 of this Ordinance.~~

951.06 Lot Area and Setback Requirements: ~~the~~

~~The following minimum requirements shall be observed in an "R-1A" District,~~ subject to additional requirements, exceptions and modifications set forth in this Ordinance:

A. Minimum Lot ~~Requirements~~Size:

1. Lot Area: 80,000 square feet.
2. Lot Width: 200 feet.
3. Lot Depth: 200 feet.

B. ~~Minimum~~ Setbacks:

1. Principal Structure:
 - a) Front Yard: 45 feet.
 - b) Side Yard: 20 feet.
 - c) Rear Yard: 50 feet.
2. Accessory Structure(s):
 - a) Front Yard: 50 feet.
 - b) Side Yard: ~~Ten~~10 feet.
 - c) Rear Yard: ~~Ten~~10 feet.

C. ~~Water-Oriented Accessory~~ Structures ~~Adjacent to a Shoreline Used Exclusively for the Storage of Watercraft or Facility:~~

1. Side Yard: ~~Ten~~10 feet.
2. ~~Rear Yard: None required.~~
2. Rear Yard: None required.

951.07 Lot Coverage, ~~Impervious Surfaces~~ and Height.

The following ~~requirements shall be observed~~limits apply in an ~~the~~ "R-1A" District:

- A. ~~A.~~ Lot coverage ~~shall~~may not exceed ten percent of lot area.
- B. Impervious surfaces on a lot ~~shall~~may not exceed 20 percent of ~~the~~ lot area.
- C. ~~B.~~ All singleSingle family residences ~~shall be limited to a maximum~~may not exceed a height of three stories ~~and/or~~ 40 feet, ~~whichever is lesser.~~
- D. ~~C.~~ All accessoryAccessory buildings ~~shall be limited to a maximum~~may not exceed a height of two stories ~~and/or~~ 25 feet, ~~whichever is lesser.~~

CHAPTER 952 R-1 LOW DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT

952.01 Purpose.

The purpose of the R-1 Low Density Single Family District is to provide a district for ~~exclusive~~ low density single family detached residential dwelling units and directly related, complementary uses. These properties are large in size and commonly have accessory structures, such as guest houses and employees' quarters ~~accessory dwelling units~~. This district also allows limited recreational uses.

952.02 Permitted ~~Use~~Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ permitted uses in an "R-1" District:

~~A. Single family detached dwellings.~~

~~B. Essential services.~~

~~C. Day care facilities serving 12 or fewer persons are listed in the Table shown in Section 937.02.~~

~~D. Residential care facilities serving six or fewer persons.~~

952.03 Interim ~~Use~~.

~~Subject to applicable provisions of this Ordinance, the following are:~~

952.03 Interim ~~Uses~~.

~~No interim uses are allowed in the R-1 District and are governed by Chapter 934 of this Ordinance.~~

~~A. None.~~

952.04 Accessory ~~Uses~~.

Subject to applicable provisions of this Ordinance, the ~~following are permitted~~ accessory uses allowed in the "R-1" District:

~~A. Tool houses, sheds and other such structures for are listed in the storage of domestic supplies and equipment.~~

~~B. Private garages and off street parking.~~

~~C. Greenhouses, provided they do not exceed 200 square feet in area.~~

~~D. Swimming pools.~~

~~E. Living quarters within the principal structure of persons employed on the premises Table shown.~~

~~F. Except as otherwise limited, private recreational facilities, only accessory to an existing principal permitted use on the same lot and which are operated for the enjoyment and convenience of the residents of the principal use and their occasional guests.~~

~~G. Accessory uses customarily incidental to the uses permitted in Sections 952 Section 937.02 and 952.05 of this Ordinance.~~

952.05 Conditional ~~Uses~~.

Subject to applicable provisions of this Ordinance, the ~~following are~~ conditional uses in an ~~"the R-1"~~ District: ~~(Requires are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require a conditional use permit based upon approved under the procedures and standards set forth in and regulated by Chapter 904 of this Ordinance.)~~

~~A. One guest, carriage, or caretaker's house as an accessory use, provided that:~~

~~1. The structure will not be used for rental purposes.~~

~~2. The structure, design, building materials and color are compatible with the principal structure and surrounding land uses.~~

3. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

B. ~~Off-site private recreational facilities, provided that:~~

1. ~~Such use is accessory to one existing permitted principal use on an abutting lot or lot only separated by a public right-of-way. Said properties are tied together by a deed restriction recorded with the City and Hennepin County.~~

2. ~~The properties upon which the private recreational facilities are to be located and upon which the permitted principal use is located, are under the same ownership. Said properties are tied together by a deed restriction recorded with the City and Hennepin County.~~

3. ~~The uses and activities are operated only for the enjoyment and convenience of the residents of the principal use to which the property is tied and their occasional guests.~~

4. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

C. ~~Public parks, playgrounds, cemeteries and memorial gardens, provided that:~~

1. ~~The site is landscaped.~~

2. ~~The use is available to the "public."~~

3. ~~The land area of the property containing such use or activity meets the minimum established for the district.~~

4. ~~The use meets the minimum setback~~ 952.06 Lot Size and Setbacks.

The following minimum requirements must be met for accessory structures.

5. ~~The site accesses on a collector or arterial street.~~

6. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

D. ~~Accommodations for horses as an accessory use, in accordance with the following provisions:~~

1. ~~The minimum lot size for accommodating one horse shall be three acres, and the minimum lot size for two horses shall be five acres. No more than two horses may be accommodated on any one property within the City.~~

2. ~~All stables shall be located a minimum distance of 300 feet from any adjacent residential structure, excluding the structure of the applicant, and all corral areas shall be located a minimum distance of 200 feet from any adjacent residential structure, excluding the residence of the applicant.~~

3. ~~All accommodations for horses shall occur within the rear yard of a residential lot.~~

4. ~~Where an application for the boarding of a horse shall occur adjacent to a vacant lot, the City Council shall take into account a proper location of a future residence in considering the application.~~

5. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

E. ~~Commercial outdoor recreational areas including golf courses and country clubs, swimming pools and similar facilities, provided that:~~

1. ~~The principal use, function or activity is open, outdoor lots and structures in character.~~

2. ~~Not more than five percent of the land area of the site shall be covered by buildings or structures.~~

3. ~~When abutting a residential use or a residential use district, the property is screened and landscaped for the protection of the abutting use.~~

4. ~~The land area of the property containing such use or activity meets the minimum established for the district.~~

-
5. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- F. ~~Governmental and public related utility buildings and structures necessary for the health, safety and general welfare of the City, provided that:~~
1. ~~When abutting a residential use or a residential use district, the property is screened and landscaped in compliance with Chapter 918 of this Ordinance.~~
2. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- G. ~~Planned unit development as regulated by Chapter 933 of this Ordinance.~~

952.06 Lot Area and Setback Requirements.

The following minimum requirements shall be observed in an ~~"the~~ R-1" District, subject to additional requirements, exceptions and modifications set forth in this Ordinance:

A. Minimum Lot ~~Requirements~~Size:

1. Lot Area: 40,000 square feet.
2. Lot Width: 150 feet.
3. Lot Depth: 150 feet.

B. Minimum Setbacks:

1. Principal Structure:

- a) Front Yard: 45 feet.
- b) Side Yard: 20 feet.
- c) Rear Yard: 50 feet.

2. Accessory Structure(s):

- a) Front Yard: 50 feet.
- b) Side Yard: ~~Ten~~10 feet.
- c) Rear Yard: ~~Ten~~10 feet.

C. Water-Oriented Accessory Structures ~~Adjacent to a Shoreline Used Exclusively for the Storage of Watercraft; or Facility:~~

1. Side Yard: ~~Ten~~10 feet.
2. Rear Yard: None required.
2. ~~Rear Yard: None required.~~

952.07 Lot Coverage, Impervious Surfaces and Height.

The following ~~lot coverage and height requirements shall be observed~~limits apply in an ~~"the~~ R-1" District:

- A. ~~A.~~ Lot coverage ~~shall~~may not exceed 15 percent of lot area.
- B. Impervious surfaces on a lot ~~shall~~may not exceed 25 percent of ~~the~~ lot area.
- C. ~~B.~~ All single~~Single~~ family residences ~~shall be limited to a maximum~~may not exceed a height of three stories ~~and/or~~ 40 feet, ~~whichever is lesser.~~
- D. ~~C.~~ All accessory~~Accessory~~ buildings ~~shall be limited to a maximum~~may not exceed a height of two stories ~~and/or~~ 25 feet, ~~whichever is lesser.~~

CHAPTER 953 R-2A SINGLE FAMILY RESIDENTIAL DISTRICT

953.01 Purpose.

The purpose of the R-2A Single Family Residential District is to provide a district for low to medium density single family detached dwelling ~~unit~~units, accessory dwelling units, and directly related, complementary uses.

953.02 Permitted ~~Use~~Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ permitted uses in the "R-2A" District:

- ~~A. — Single family detached dwellings.~~
- ~~B. — Essential services.~~
- ~~C. — Day care facilities serving 12 or fewer persons.~~
- ~~D. — Residential care facilities serving six or fewer persons.~~

~~953.03 Interim Use.~~

~~Subject to applicable provisions are listed in the Table shown in Section 937.02 of this Ordinance, the following are.~~

~~953.03 Interim Uses.~~

~~No~~ interim uses are allowed in the R-2A District ~~and are governed by Chapter 934 of this Ordinance.~~

- ~~A. — None.~~

953.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the ~~following are permitted~~ accessory uses allowed in ~~he~~ the "R-2A" District:

- ~~A. — Tool houses, sheds and other such structures for the storage of domestic supplies and equipment.~~
- ~~B. — Private garages and off-street parking.~~
- ~~C. — Greenhouses, provided they do not exceed 200 square feet are listed in area.~~
- ~~D. — Swimming pools.~~
- ~~E. — Except as otherwise limited, private recreational facilities, only accessory to an existing principal permitted use on the same lot and which are operated for the enjoyment and convenience of the residents of the principal use and their occasional guests.~~
- ~~F. Accessory uses customarily incidental to the uses permitted Table shown in Sections 953 Section 937.02 and 953.05 of this Ordinance.~~

953.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ conditional uses in ~~an~~ the "R-2A" District: ~~(Requires are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require~~ a conditional use permit ~~based upon approved under the procedures and standards set forth in and regulated by Chapter 904 of this Ordinance.)~~

- ~~A. — Off-site private recreational facilities, provided that:~~

1. ~~Such use is accessory to one existing permitted principal use on an abutting lot or lot only separated by a public right of way. Said properties are tied together by a deed restriction recorded with the City and Hennepin County.~~
2. ~~The properties upon which the private recreational facilities are to be located and upon which the permitted principal use is located, are under the same ownership. Said properties are tied together by a deed restriction recorded with the City and Hennepin County.~~
3. ~~The uses and activities are operated only for the enjoyment and convenience of the residents of the principal use to which the property is tied and their occasional guests.~~
4. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

B. ~~Public parks, playgrounds, cemeteries and memorial gardens, provided that:~~

1. ~~The site is landscaped~~953.06 Lot Size and Setbacks.

The following minimum =

- ~~2. The use is available to the "public."~~
3. ~~The land area of the property containing such use or activity meets the minimum established for the district.~~
4. ~~The use meets the minimum setback requirements for accessory structures.~~
5. ~~The site accesses on a collector or arterial street.~~
6. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

C. ~~Governmental and public related utility buildings and structures necessary for the health, safety and general welfare of the City, provided that:~~

1. ~~When abutting a residential use or a residential use district, the property is screened and landscaped in compliance with Chapter 918 of this Ordinance.~~
2. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

D. ~~Planned unit development as regulated by Chapter 933 of this Ordinance.~~

E. ~~Tennis courts as an accessory use, provided that:~~

1. ~~The use is not located within the front yard.~~
- ~~2. The courts shall be fenced in accordance with Chapter 918 of this Ordinance.~~
3. ~~The courts shall meet the setback requirements for an accessory structure.~~
4. ~~Any lighting used shall not allow the light to spread to adjoining properties.~~
5. ~~A grading and drainage plan must be submitted and approved by the City Engineer.~~
6. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

F. ~~Living quarters of persons employed on the premises, provided that:~~

1. ~~Occupancy is limited to the principal structure.~~
2. ~~Such accommodations are provided for no more than one family.~~
3. ~~Two extra off-street parking spaces are provided on the lot.~~
4. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

~~G. Sailing School, provided the provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

953.06 Lot Area and Setback Requirements.

~~The following minimum requirements shall be observed~~ met for all lots and structures in an "the R-2A" District, subject to additional requirements, exceptions and modifications set forth in this Ordinance:

A. Minimum Lot ~~Requirements~~ Size:

1. Lot Area: 25,000 square feet.
2. Lot Width: 100 feet.
3. Lot Depth: 100 feet.

B. Minimum Setbacks:

1. Principal Structure:

- a) Front Yard: 30 feet.
- b) Side Yard: 15 feet.
- c) Rear Yard: 20 feet.

2. Accessory Structure(s):

- a) Front Yard: 35 feet.
- b) Side Yard: 15 feet.
- c) Rear Yard: ~~five~~ 5 feet.

953.07 Lot Coverage, Impervious Surfaces and Height.

The following ~~requirements shall be observed~~ limits apply in an "the R-2A" District:

~~A. A.~~ Lot ~~average shall coverage may~~ not exceed 20 percent of lot area.

~~B.~~ Impervious surfaces on a lot ~~shall may~~ not exceed 30 percent of ~~the~~ lot area.

~~C. B.~~ All ~~single~~ Single family residences ~~shall be limited to may not exceed~~ a ~~maximum~~ height of three stories ~~and/or~~ 40 feet, ~~whichever is lesser~~.

~~D. C.~~ All ~~Accessory buildings, except for~~ accessory ~~buildings shall be limited to dwelling units, may~~ not exceed a ~~maximum~~ height of 20 feet.

E. Detached accessory dwelling units may not exceed two stories or 25 feet.

CHAPTER 954 R-2 MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT

954.01 Purpose.

The purpose of the R-2 Medium Density Single Family Residential District is to provide a district for medium density single family detached dwelling units, accessory dwelling units, and directly related, complementary uses.

954.02 Permitted Use Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ permitted uses in the "R-2" District:

~~A. Single family detached dwellings.~~

~~B. Essential services.~~

~~C. Day care facilities serving 12 or fewer persons.~~

~~D. Residential care facilities serving six or fewer persons.~~

954.03 Interim Use.

Subject to applicable provisions are listed in the Table shown in Section 937.02 of this Ordinance, the following are:

954.03 Interim Uses.

No interim uses are allowed in the R-2 District ~~and are governed by Chapter 934 of this Ordinance.~~

A. ~~None.~~

954.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the ~~following are permitted~~ accessory uses allowed in the "R-2" District:

A. ~~Tool houses, sheds and other such structures for~~ are listed in the storage of domestic supplies and equipment.

B. ~~Private garages and off-street parking.~~

C. ~~Greenhouses, provided they do not exceed 200 square feet in area.~~

D. ~~Swimming pools.~~

E. ~~Except as otherwise limited, private recreational facilities, only accessory to an existing principal permitted use on the same lot and which are operated for the enjoyment and convenience of the residents of the principal use and their occasional guests.~~

F. ~~Accessory uses customarily incidental to the uses permitted~~ Table shown in Sections 954 Section 937.02 and 954.05 of this Ordinance.

954.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ conditional uses in an ~~"the R-2" District.~~ Requires are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require a conditional use permit based upon approved under procedures and standards set forth in ~~and regulated by Chapter 904 of this Ordinance.~~

A. ~~Off-site private recreational facilities, provided that:~~

1. ~~Such use is accessory to one existing permitted principal use on an abutting lot or lot only separated by a public right-of-way. Said properties are tied together by a deed restriction recorded with the City and Hennepin County.~~

2. ~~The properties upon which the private recreational facilities are to be located and upon which the permitted principal use is located, are under the same ownership. Said properties are tied together by a deed restriction recorded with the City and Hennepin County.~~

3. ~~The uses and activities are operated only for the enjoyment and convenience of the residents of the principal use to which the property is tied and their occasional guests.~~

4. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

B. ~~Public parks, playgrounds, cemeteries and memorial gardens, provided that:~~

1. ~~The site is landscaped.~~

2. ~~The use is available to the "public."~~

-
3. ~~The land area of the property containing such use or activity meets the minimum established for the district.~~

4. ~~The use meets the minimum setback~~ 954.06 Lot Size and Setbacks.

~~The following minimum requirements for accessory structures:~~

5. ~~The site accesses on a minor arterial.~~
6. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- C. ~~Governmental and public related utility buildings and structures necessary for the health, safety and general welfare of the City, provided that:~~
1. ~~When abutting a residential use or a residential use district, the property is screened and landscaped in compliance with Chapter 918 of this Ordinance.~~
2. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- D. ~~Planned unit development as regulated by Section 801.33 of this Ordinance.~~
- E. ~~Tennis courts as an accessory use, provided that:~~
1. ~~The use is not located within the front yard.~~
2. ~~The courts shall be fenced in accordance with Chapter 918 of this Ordinance.~~
3. ~~The courts shall meet the setback requirements for an accessory structure.~~
4. ~~Any lighting used shall not allow the light to spread to adjoining properties.~~
5. ~~A grading and drainage plan must be submitted to and subject to approval of the City Engineer.~~
6. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- F. ~~Living quarters of persons employed on the premises, provided that:~~
1. ~~Occupancy is limited to the principal structure.~~
2. ~~Such accommodations are provided for no more than one family met for all lots and structures.~~
3. ~~Two extra off-street parking spaces are provided on the lot.~~
4. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

954.06 Lot Area and Setback Requirements.

~~The following minimum requirements shall be observed in an "the R-2" District, subject to additional requirements, exceptions and modifications set forth in this Ordinance:~~

A. Minimum Lot ~~Requirements~~ Size:

1. Lot Area: 15,000 square feet.
2. Lot Width: 100 feet.
3. Lot Depth: 100 feet.

B. Minimum Setbacks:

1. Principal Structure:

- a) Front Yard: 25 feet.
- b) Side Yard: ~~Ten~~ 10 feet.
- c) Rear Yard: 20 feet.

2. Accessory Structure(s):

- a) Front Yard: 30 feet.
- b) Side Yard: ~~Five~~5 feet.
- c) Rear Yard: ~~Five~~5 feet.

954.07 Lot Coverage, Impervious Surfaces and Height.

The following ~~requirements shall be observed~~limits apply in an ~~an~~the R-2" District:

A. A. Lot coverage ~~shall~~may not exceed 20 percent of lot area.

B. Impervious surfaces on a lot ~~shall~~may not exceed 30 percent of ~~the~~ lot area.

C. B. ~~All single~~Single family residences ~~shall be limited to~~may not exceed a ~~maximum~~ height of 2½ stories ~~and/or~~ 30 feet, ~~whichever is lesser.~~

D. C. ~~All~~Accessory buildings, except for accessory ~~buildings shall be limited to~~dwelling units, may ~~not exceed~~ a ~~maximum~~ height of 20 feet.

E. All detached accessory dwelling units may not exceed two stories or 25 feet.

CHAPTER 955 R-3A SINGLE AND TWO FAMILY RESIDENTIAL DISTRICT

955.01 Purpose.

The purpose of the R-3A Single and Two Family Residential District is to provide a district for high density single family dwelling units in the community's oldest older neighborhoods, and to introduce on a restricted basis, two family dwelling units, accessory dwelling units, and directly related, complementary uses.

955.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the following are permitted uses in the "R-3A" District:

- A. Single family detached dwellings.
- B. Essential services.
- C. Day care facilities serving 12 or fewer persons.
- D. Residential care facilities serving six or fewer persons.
- E. Public parks and playgrounds.

955.03 Interim Use.

Subject to applicable provisions are listed in the Table shown in Section 937.02 of this Ordinance, the following are.

955.03 Interim Uses.

No interim uses are allowed in the R-3A District and are governed by Chapter 934 of this Ordinance:

- A. None.

955.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the ~~following are permitted~~ accessory uses allowed in the "R-3A" District:

- A. ~~Tool houses, sheds and other such structures for~~ are listed in the storage of domestic supplies and equipment.
- B. ~~Private garages and off street parking.~~
- C. ~~Greenhouses, provided they do not exceed 200 square feet in area.~~
- D. ~~Swimming pools.~~
- E. ~~Except as otherwise limited, private recreational facilities, only accessory to an existing principal permitted use on the same lot and which are operated for the enjoyment and convenience of the residents of the principal use and their occasional guests.~~
- F. ~~Accessory uses customarily incidental to the uses permitted~~ Table shown in Sections 955 Section 937.02 and 955.05 of this Ordinance.

955.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the ~~following are conditional uses in an~~ "the R-3A" District: ~~(Requires are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require a conditional use permit based upon approved under procedures and standards set forth and regulated by Chapter 904 of this Ordinance.)~~

- A. ~~Governmental and public related utility buildings and structures necessary for the health, safety and general welfare of the City, provided that:~~
 - 1. ~~When abutting a residential use in a residential use district, the property is screened and landscaped in compliance with Chapter 918 of this Ordinance.~~
 - 2. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- B. ~~Planned unit development as regulated by Section 801.33 of this Ordinance.~~
- C. ~~Tennis courts as an accessory use, provided that:~~
 - 1. ~~The use is not located within the front yard.~~
 - 2. ~~The courts shall be fenced in accordance with Chapter 918 of this Ordinance.~~
 - 3. ~~The courts shall meet the setback requirements for an accessory structure.~~
 - 4. ~~Any lighting used shall not allow the light to spread to adjoining properties.~~
 - 5. ~~A grading and drainage plan must be submitted and approved by the City Engineer.~~
 - 6. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- D. ~~Two family detached dwellings, provided that:~~
 - 1. ~~They are located and designed so as to be compatible with the surrounding neighborhood.~~
 - 2. ~~The provisions of Section 904.02.F of this Ordinance are considered satisfactorily met.~~

955.06 Lot ~~Area~~Size and ~~Setback Requirements~~Setbacks.

The following minimum requirements ~~shall~~must be ~~observed~~met for all lots and structures in an "the R-3A" District, subject to additional requirements, exceptions and modifications set forth in this Ordinance:

A. Minimum Lot ~~Requirements~~Size:

1. Single Family:
 - a) Minimum Lot Area: 9,000 square feet.
 - b) Minimum Lot Width: 60 feet.
 - c) Minimum Lot Depth: 100 feet.
2. Two Family:
 - a) Minimum Lot Area: 18,000 square feet.
 - b) Minimum Lot Area Per Unit: 9,000 square feet.
 - c) Minimum Lot Width: 100 feet.
 - d) Minimum Lot Depth: 100 feet.

B. Minimum Setbacks:

1. Principal Structure:
 - a) Front Yard: 20 feet.
 - b) Side Yard: ~~Ten~~10 feet.
 - c) Rear Yard: 20 feet.
 - d) Corner Lots: Lots fronting two principal streets shall be considered corner lots, and shall have a minimum of a 20 foot setback for both the front yard and side yard which abut a principal street. For corner lots that ~~have~~are less than 60 feet in width, the rear yard setback ~~may~~shall be ~~reduced to ten~~10 feet, and the inside side yard (non-principal street fronting) ~~may~~shall be ~~reduced to five~~5 feet.
2. Accessory Structure(s):
 - a) Front Yard: 20 feet.
 - b) Side Yard: ~~Five~~5 feet.
 - c) Rear Yard: ~~Five~~5 feet.

955.07 Lot Coverage, Impervious Surfaces and Height.

The following ~~lot coverage and height requirements shall be observed~~limits apply in an "the R-3A" District:

- A. ~~A.~~ Lot coverage ~~shall~~may not exceed 30 percent of lot area.
- B. Impervious surfaces on a lot ~~shall~~may not exceed 35 percent of ~~the~~ lot area.
- C. ~~B.~~ ~~All residences shall be limited to~~Residences may not exceed a ~~maximum~~ height of two stories ~~and/or~~ 32 feet in vertical distance above the Grade Plane, as measured to the peak of the roof, ~~whichever is lesser.~~
- D. ~~C.~~ ~~All residential~~Accessory buildings, except for accessory ~~buildings shall be limited to~~dwelling units, may not exceed a ~~maximum~~ height of 20 feet.
- E. Detached accessory dwelling units may not exceed two stories or 25 feet.

CHAPTER 956 R-3 SINGLE AND TWO FAMILY RESIDENTIAL DISTRICT

956.01 Purpose.

The purpose of the R-3 Single Family and Two Family Residential District is to provide a district for high density single family dwelling units and to introduce on a restricted basis, two family dwelling units, accessory dwelling units, and directly related, complementary uses.

956.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ permitted uses in the "R-3" District:

- ~~A. Single family detached dwellings.~~
- ~~B. Essential services.~~
- ~~C. Day care facilities serving 12 or fewer persons.~~
- ~~D. Residential care facilities serving six or fewer persons.~~
- ~~E. Public parks and playgrounds.~~

are listed in the Table shown in Section 937.02

~~956.03 Interim Use.~~

~~Subject to applicable provisions of this Ordinance,~~

956.03 Interim, the following are Uses.

No interim uses are allowed in the R-3 District ~~and are governed by Chapter 934 of this Ordinance:~~

- ~~A. None.~~

956.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the ~~following are permitted~~ accessory uses allowed in the "R-3" District:

- ~~A. Tool houses, sheds and other such structures for~~ are listed in the ~~storage of domestic supplies and equipment.~~
- ~~B. Private garages and off street parking.~~
- ~~C. Greenhouses, provided they do not exceed 200 square feet in area.~~
- ~~D. Except as otherwise limited, private recreational facilities, only accessory to an existing principal permitted use on the same lot and which are operated for the enjoyment and convenience of the residents of the principal use and their occasional guests.~~
- ~~E. Accessory uses customarily incidental to the uses permitted~~ Table shown ~~in Sections 956~~ Section 937.02 ~~and 956.05 of this Ordinance.~~

956.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ conditional uses in an ~~"the~~ "R-3" District: ~~(Requires~~ are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses

~~require~~ a conditional use permit ~~based upon~~approved under procedures and standards set forth ~~and regulated by~~ Chapter 904 of this Ordinance.)

A. ~~Governmental and public related utility buildings and structures necessary for the health, safety and general welfare of the City, provided that:~~

- ~~1. When abutting a residential use or a residential use district, the property is screened and landscaped in compliance with Chapter 918 of this Ordinance.~~
- ~~2. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

B. ~~Planned unit development as regulated by Chapter 933 of this Ordinance.~~

C. ~~Tennis courts as an accessory use, provided that:~~

- ~~1. The use is not located within the front yard.~~
- ~~2. The courts shall be fenced in accordance with Chapter 918 of this Ordinance.~~
- ~~3. The courts shall meet the setback requirements for an accessory structure.~~
- ~~4. Any lighting used shall not allow the light to spread to adjoining properties.~~
- ~~5. A grading and drainage plan must be submitted and approved by the City Engineer.~~
- ~~6. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

D. ~~Two family detached dwellings, provided that:~~

- ~~1. They are located and designed so as to be compatible with the surrounding neighborhood.~~
- ~~2. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

956.06 Lot AreaSize and Setback Requirements.Setbacks.

The following minimum requirements ~~shall be observed~~must be met for all lots and structures in an "the R-3" District, subject to additional requirements, exceptions and modifications set forth in this Ordinance:

A. Minimum Lot RequirementsSize:

1. Single Family:

- a) Minimum Lot Area: 9,000 square feet.
- b) Minimum Lot Width: 60 feet.
- c) Minimum Lot Depth: 100 feet.

2. Two Family:

- a) Minimum Lot Area: 18,000 square feet.
- b) Minimum Lot Area Per Unit: 9,000 square feet.
- c) Minimum Lot Width: 100 feet.
- d) Minimum Lot Depth: 100 feet.

B. Minimum Setbacks:

1. Single Family, Two Family:

- a) Front Yard: 20 feet.
- b) Side Yard: ~~Ten~~10 feet.
- c) Rear Yard: 20 feet.

2. Accessory Structure(s):

- a) Front Yard: 20 feet.
- b) Side Yard: ~~Five~~5 feet.
- c) Rear Yard: ~~Five~~5 feet.

956.07 Lot Coverage, Impervious Surfaces and Height.

The following ~~lot coverage and height requirements shall be observed~~limits apply in an ~~an~~"the R-3" District:

- A. ~~A.~~ Lot coverage ~~shall~~may not exceed 30 percent of lot area.
- B. Impervious surfaces on a lot ~~shall~~may not exceed 35 percent of ~~the~~ lot area.
- C. ~~B.~~ ~~All residences shall be limited to~~Residences may not exceed a ~~maximum~~ height of 2½ stories ~~and/or~~ 30 feet, ~~whichever is lesser.~~
- D. ~~C.~~ ~~All residential~~Accessory buildings, except for accessory ~~buildings shall be limited to~~dwelling units, may not exceed a ~~maximum~~ height of 20 feet.
- E. Detached accessory dwelling units may not exceed two stories or 25 feet.

CHAPTER 957 R-4A LOW TO MEDIUM DENSITY MULTIPLE RESIDENTIAL DISTRICT

957.01 Purpose.

The purpose of the R-4A Low to Medium Density Multiple Residential District is ~~intended~~ to provide a district ~~which will allow for~~ low to medium density ~~single family~~, two family dwellings, townhouses and cluster housing in those areas where such development properly relates to other land uses and major streets, or where ~~said use may~~ such uses act as a transition between different types of land uses.

957.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ permitted uses in the "R-4A" District:

- ~~A. — Single family detached dwellings.~~
- ~~B. — Essential services.~~
- ~~C. — Day care facilities serving 12 or fewer persons.~~
- ~~D. — Residential care facilities serving six or fewer persons.~~
- ~~E. — Public parks and playgrounds.~~
- ~~F. — Townhouses.~~
- ~~G. — Two family dwellings.~~

are listed in the Table shown in Section 937.02

~~957.03 Interim Use.~~

~~Subject to applicable provisions of this Ordinance,~~

957.03 Interim, the following are Uses.

No interim uses are allowed in the R-4A District ~~and are governed by Chapter 934 of this Ordinance:~~

- ~~A. — None.~~

~~-~~

957.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the ~~following are permitted~~ accessory uses allowed in an "the R-4A" District:

- ~~A. — Tool houses, sheds and other such structures for the storage of domestic supplies and equipment.~~
- ~~B. — Private garages and off street parking.~~
- ~~C. — Except as otherwise limited, private recreational facilities, only accessory to an existing principal permitted use on, are listed in the same lot and which are operated for the enjoyment and convenience of the residents of the principal use and their occasional guests.~~
- D. Accessory uses customarily incidental to the uses permitted in Sections 957.02 and 957.05 Table shown in Section 937.02 of this Ordinance.

~~E. Off street loading areas.~~

957.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ conditional uses in ~~an "the R-4A" District. (Requires are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require~~ a conditional use ~~based upon~~ approved under procedures and standards set forth in ~~and regulated by~~ Chapter 904 of this Ordinance.).

~~A. Swimming pools as an accessory use, provided that:~~

- ~~1. The use is fenced in accordance with Chapter 918 of this Ordinance.~~
- ~~2. The use is not located within the front yard.~~
- ~~3. The use shall meet setbacks for accessory structures.~~
- ~~4. All City permits are obtained for the use.~~
- ~~5. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

~~B. Tennis courts as an accessory use, provided that:~~

- ~~1. The use is not located within the front yard.~~
- ~~2. The courts shall be fenced in accordance with Chapter 918 of this Ordinance.~~
- ~~3. The courts shall meet the setback requirements for an accessory structure.~~
- ~~4. Any lighting used shall not allow the light to spread to adjoining properties.~~
- ~~5. A grading and drainage plan must be submitted and approved by the City Engineer.~~
- ~~6. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

~~C. Governmental and public related utility buildings and structures necessary for the health safety and general welfare of the City, provided that:~~

- ~~1. When abutting a residential use or a residential use district, the property is screened and landscaped in compliance with Chapter 918 of this Ordinance.~~
- ~~2. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

~~D. Planned unit development as regulated by Chapter 933 of this Ordinance.~~

957.06 Lot AreaSize and Setback Requirements.~~Setbacks.~~

The following minimum requirements ~~shall be observed~~ must be met for all lots and structures in ~~an "the R-4A" District,~~ subject to additional requirements, exceptions and modifications set forth in this Ordinance:

A. Minimum Lot ~~Requirements~~Size:

1. Single Family:
 - ~~a) Minimum Lot Area: 12,000 square feet.~~
 - ~~b) Minimum Lot Width: 80 feet.~~
 - ~~c) Minimum Lot Depth: 100 feet.~~
2. Two Family:
 - a) Minimum Total Lot Area: 2418,000 square feet.
 - b) Minimum Lot Area Per Dwelling Unit: 129,000 square feet.

c) ~~Minimum Lot Width: 100 feet.~~

~~32.~~ Townhouses:

- a) Minimum Total Lot Area: ~~3021~~,000 square feet.
- b) Minimum Lot Area Per Dwelling Unit: ~~107~~,000 square feet.
- c) ~~B. Minimum Lot Width: 120 feet.~~

~~B.~~ Setbacks:

1. ~~Single Family, Two Family~~ Principal Structure(s):

- a) Front Yard: 30 feet.
- b) Side Yard: ~~Ten~~10 feet.
- c) Rear Yard: 20 feet.

2. Accessory Structure(s):

- c) ~~Rear Yard: 20 feet.~~

~~2.~~ Townhouses:

- a) Front Yard Setback: ~~35~~40 feet.
- b) Side Yard Setback: ~~20~~10 feet.
- c) Rear Yard Setback: ~~40~~10 feet.

~~3.~~ Accessory Structure(s):

- a) ~~Front Yard Setback: 40 feet.~~
- b) ~~Side Yard Setback: Ten feet.~~
- c) ~~Rear Yard Setback: Ten feet.~~

C. Should a structure containing four or more units be built ~~upon on a~~ property which abuts another property that is zoned and used for a less intensive use, the yard and setback requirements where the properties are contiguous shall conform to those which would be required in the zoning district which ~~calls for~~requires the greater setbacks.

957.07 Lot Coverage, Impervious Surfaces and Height.

The following ~~lot coverage and height requirements shall be observed~~limits apply in an ~~an~~ "the R-4A" District:

- A. A. ~~Lot coverage and impervious surface shall~~may not exceed 35 percent of lot area.
- B. B. ~~All buildings shall be limited to~~Impervious surfaces may not exceed 35 percent of lot area.
- C. Buildings may not exceed a ~~maximum~~ height of 2½ stories ~~and 35 or 30 feet, whichever is lesser.~~

CHAPTER 958 R-4 MEDIUM DENSITY MULTIPLE RESIDENTIAL DISTRICT

958.01 Purpose.

The purpose of the R-4 Medium Density Multiple Residential District is ~~intended~~ to provide a district ~~which will allow for~~ medium density ~~one or~~ two family dwellings, townhouses and ~~cluster multiple dwelling~~ housing in those areas where such development ~~properly~~ relates well to other land uses and thoroughfares, or where ~~said use may such uses~~ act as a transition between different types of land uses.

958.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ permitted uses in the "R-4" District:

- ~~A. Single family detached dwellings.~~
- ~~B. Essential services.~~
- ~~C. Day care facilities serving 12 or fewer persons.~~
- ~~D. Residential care facilities serving six or fewer persons.~~
- ~~E. Public parks and playgrounds.~~
- ~~F. Townhouses.~~
- ~~G. Two family dwellings.~~

are listed in the Table shown in Section 937.02

~~958.03 Interim Use.~~

~~Subject to applicable provisions of this Ordinance.~~

958.03 Interim, the following are Uses.

No interim uses are allowed in the R-4 District ~~and are governed by Chapter 934 of this Ordinance:~~

- ~~A. None.~~

~~.~~

958.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the ~~following are permitted~~ accessory uses allowed in an "the R-4" District:

- ~~A. Tool houses, sheds and other such structures for the storage of domestic supplies and equipment.~~
- ~~B. Private garages and off street parking.~~
- ~~C. Except as otherwise limited, private recreational facilities, only accessory to an existing principal permitted use on the same lot and which are operated for the enjoyment and convenience of the residents of the principal use and their occasional guests.~~
- ~~D. Accessory uses customarily incidental to the uses permitted are listed in Sections 801.58.2 and 801.58.5 the Table shown in Section 937.02 of this Ordinance.~~
- ~~E. Off street loading areas.~~

958.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ conditional uses in an ~~"the R-4"~~ District. ~~(Requires are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require a conditional use based upon approved under procedures set forth in and regulated by Chapter 904 of this Ordinance.)~~

A. ~~Swimming pools as an accessory use, provided that:~~

- ~~1. The use is fenced in accordance with Chapter 918 of this Ordinance.~~
- ~~2. The use is not located within the front yard.~~
- ~~3. The use shall meet setbacks for accessory structures.~~
- ~~4. All City permits are obtained for the use.~~
- ~~5. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

B. ~~Tennis courts as an accessory use, provided that:~~

- ~~1. The use is not located within the front yard.~~
- ~~2. The courts shall be fenced in accordance with Chapter 918 of this Ordinance.~~
- ~~3. The courts shall meet the setback requirements for an accessory structure.~~
- ~~4. Any lighting used shall not allow the light to spread to adjoining properties.~~
- ~~5. A grading and drainage plan must be submitted and approved by the City Engineer.~~
- ~~6. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

C. ~~Governmental and public related utility buildings and structures necessary for the health safety and general welfare of the City, provided that:~~

- ~~1. When abutting a residential use or a residential use district, the property is screened and landscaped in compliance with Section 801.18 of this Ordinance.~~
- ~~2. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

D. ~~Planned unit development as regulated by Chapter 933 of this Ordinance.~~

958.06 Lot ~~Area~~Size and ~~Setback Requirements~~Setbacks.

The following minimum requirements ~~shall~~must be ~~observed~~met for all lots and structures in an ~~the~~ R-4 District, subject to additional requirements, exceptions and modifications set forth in this Ordinance:

A. Minimum Lot ~~Requirements~~Size:

- ~~1. Single Family:~~
 - ~~a) Minimum Lot Area: 9,000 square feet.~~
 - ~~b) Minimum Lot Width: 60 feet.~~
 - ~~c) Minimum Lot Depth: 100 feet.~~
- ~~2. Two Family:~~
 - ~~a) Minimum Total Lot Area: 1814,000 square feet.~~

b) Minimum Lot Area Per Dwelling Unit: 7,000 square feet.

2. Townhouses:

a) Minimum Total Lot Area: 15,000 square feet.

b) Minimum Lot Area Per Dwelling Unit: 95,000 square feet.

c) —

3. Multiple Family Dwellings:

a) Minimum Total Lot Width: 100 Area: 30,000 square feet.

3. Townhouses:

b) a) ~~Minimum Total Lot Area: 27~~ Minimum Lot Area per Dwelling Unit: 3,750 square feet.

4. Multiple Family Dwelling-Elderly Housing:

a) Minimum Total Lot Area: 30,000 square feet.

b) b) ~~Minimum Lot Area Per~~ Dwelling Unit: 9,000 3,750 square feet.

e) B. Minimum Lot Width: 100 feet. Setbacks:

B. ~~Setbacks:~~

1. Single Family, Two Family: Principal Structure(s):

a) Front Yard: 20 feet.

b) Side Yard: ~~Ten~~ 10 feet.

c) Rear Yard: ~~20~~ 10 feet.

2. Townhouses: Accessory Structure(s):

a) Front Yard Setback: ~~35~~ 20 feet.

b) Side Yard Setback: ~~20~~ 5 feet.

c) Rear Yard Setback: ~~40~~ feet.

3. ~~Accessory Structure(s):~~

a) ~~Front Yard Setback: 40 feet.~~

b) ~~Side Yard Setback: Ten feet.~~

c) ~~Rear Yard Setback: Ten~~ 5 feet

C. Should a structure containing four six or more units be built upon on a property which abuts another property that is zoned and used for a less intensive use, R-1A, R-1, R-2A, R-2, R-3A or R-3, the yard and setback requirements where the properties are contiguous shall conform to those which would be required in the zoning district which calls for requires the greater setbacks.

958.07 Lot Coverage, Impervious Surfaces and Height.

The following lot coverage and height requirements shall be observed limits apply in an "the R-4" District:

A. A. ~~Lot coverage and impervious surface shall~~ may not exceed 35 percent of lot area.

B. B. ~~All buildings shall be limited to a maximum height~~ Impervious surfaces may not exceed 45 percent of ~~24~~ the lot area.

C. Buildings may not exceed a height of 3 stories and of 35 feet, whichever is lesser.

CHAPTER 959 R-5 ~~AVERAGE~~HIGH DENSITY MULTIPLE RESIDENTIAL DISTRICT

959.01 Purpose.

The ~~purpose of the~~ R-5 High Density Multiple Residential District is ~~intended~~ to provide a ~~general multiple residence district of average~~for high density residential uses in those areas where such development ~~property~~ relates well to other land uses and ~~thorough fares~~thoroughfares, or where ~~said~~such use may act as a transition between different types of land uses.

959.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ permitted uses in the "R-5" District:

- A. ~~Single family detached dwellings.~~
- B. ~~Essential services.~~
- C. ~~Day care facilities serving 12 or fewer persons.~~
- D. ~~Residential care facilities serving six or fewer persons~~ are listed in single family detached dwellings.
- E. ~~Public parks and playgrounds.~~
- F. ~~Townhouses.~~
- G. ~~Two family dwellings.~~
- H. ~~Multiple family dwellings.~~
- I. ~~Manor homes.~~
- J. ~~Quadraminiums.~~
- K. ~~Residential care facilities~~ the Table shown in multiple family structures having 16 or fewer persons.

Section 937.02

~~959.03 Interim Use.~~

~~Subject to applicable provisions~~ of this Ordinance.

959.03 Interim, the following are Uses.

~~No~~ interim uses are allowed in the R-5 District ~~and are governed by Chapter 934 of this Ordinance:~~

- A. ~~None.~~

⋮

959.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the ~~following are permitted~~ accessory uses allowed in an ~~"the~~ R-5" District:

- A. ~~Tool houses, sheds and other such structures for the storage of domestic supplies and equipment.~~
- B. ~~Private garages and off street parking.~~
- C. ~~Living quarters of persons employed on~~ are listed in the premises.

~~D. Except as otherwise limited, private recreational facilities, only accessory to an existing principal permitted use on the same lot and which are operated for the enjoyment and convenience of the residents of the principal use and their occasional guests.~~

~~E. Accessory uses customarily incidental to the uses permitted in Sections 959.02 and 959.05 Table shown in Section 937.02 of this Ordinance.~~

~~F. Off street loading areas.~~

959.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ conditional uses in an "R-5" District: ~~(Requires are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require a conditional use permit based upon approved under procedures set forth in an regulated by Chapter 904 of this Ordinance.)~~

~~A. Swimming pools as an accessory use, provided that:~~

- ~~1. The use is fenced in accordance with Chapter 918 of this Ordinance.~~
- ~~2. The use is not located within the front yard.~~
- ~~3. The use shall meet setbacks for accessory structures.~~
- ~~4. All City permits are obtained for the use.~~
- ~~5. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

~~B. Halfway houses, as defined in Chapter 902 of this Ordinance, provided that:~~

- ~~1. The use is licensed by the State.~~
- ~~2. Provisions are made to ensure compatibility with surrounding uses.~~
- ~~3. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

~~C. Housing for the elderly, as defined by Section 902.02 of this Ordinance, in accordance with the following special provisions:~~

- ~~1. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

~~D. Governmental and public related utility buildings and structures necessary for the health safety and general welfare of the City, provided that:~~

- ~~1. When abutting a residential use or a residential use district, the property is screened and landscaped in compliance with Chapter 918 of this Ordinance.~~
- ~~2. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- ~~3. Planned unit development as regulated by Chapter 933 of this Ordinance.~~

959.06 Lot ~~Area~~Size and ~~Setback Requirements~~Setbacks.

The following minimum requirements ~~shall~~must be ~~observed in an~~met for all lots and structures in the R-5" District, subject to additional requirements, exceptions and modifications set forth in this Ordinance:

A. Minimum Lot ~~Requirements~~Size:

1. ~~Single~~Multiple Family:
 - a) ~~Minimum Lot Area: 9,000 square feet.~~
 - b) ~~Minimum Lot Width: 60 feet.~~

c) ~~Minimum Lot Depth: 100 feet.~~

~~2. Two Family Dwellings:~~

a) Minimum Lot Area Per Dwelling Unit: ~~5,300~~2,175 square feet.

b) ~~Minimum Total Lot Area: 10,600 square feet.~~

~~3. Townhouses, Quadraminiums, Manor Homes:~~

a) ~~Minimum Lot Area Per Dwelling Unit: 5,300 square feet.~~

b) ~~Minimum Total Lot Area: 10,600 square feet.~~

~~4. Multiple Family Dwellings:~~

a) ~~Minimum Lot Area Per Dwelling Unit: 2,500 square feet.~~

b) Minimum Total Lot Area: 20,000 square feet.

~~52.~~ Multiple Family Dwelling-Elderly Housing:

a) Minimum Lot Area Per Dwelling Unit: 1,000 square feet per unit.

b) Minimum Total Lot Area: 20,000 square feet.

B. Minimum Setbacks:

~~1. Single Family, Two Family:~~Principal Structure(s):

a) Front Yard: 20 feet.

b) Side Yard: ~~Ten~~10 feet.

c) ~~Rear Yard: 20 feet.~~

~~2. Accessory Structure(s):~~

c) Rear Yard: 10 feet.

~~2.~~Accessory Structure(s):

a) Front Yard: 20 feet.

b) Side Yard: ~~Five~~5 feet.

c) Rear Yard: ~~Five~~5 feet.

959.07 Schedule of Allowances for Minimum Lot Area.

Except for elderly housing, the lot areas per multiple family dwelling unit ~~prescribed that are required~~ above shall be ~~further subject to the following schedule of allowances, which shall be added to increased~~ or ~~subtracted from the minimum lot area per dwelling unit as prescribed, thereby relating density requirements to the location, use and access provided the property reduced as follows:~~

A. For each parking space provided under the living area of a building or underground, subtract 300 square feet.

B. If ~~an adjacent site is zoned R-1A, R-1, R-2A, R-2, R-3A~~the project includes a renewable energy component or ~~R-3 Residential use, add 300 square feet per unit for that portion of any building within 200 feet of said district.~~

~~C. If an adjacent site is zoned for commercial use meets a sufficient energy certification as defined by the City's Sustainability Policy that produces 100% of the energy usage per unit, subtract 300 square feet per unit for that portion of any building within 200 feet of said district.~~

~~D.~~ For each unit containing bedrooms in excess 1,000 square feet of ~~two~~add privately owned, publicly accessible open space, subtract 100 square feet.

D. If the project includes affordable housing units as defined by the City's Affordable Housing Policy, subtract 300 square feet. per unit.

~~E. E.~~ The maximum allowance which may be subtracted under Section 959.07.A, B and C shall be ~~500~~675 square feet per unit.

959.08 Lot Coverage, Impervious Surfaces and Height ~~and Bulk~~.

The following ~~lot coverage, height and bulk requirements shall be observed~~limits apply in the "R-5" District:

~~A. A.~~ Lot coverage ~~shall~~may not exceed ~~30~~40 percent of lot area.

~~B.~~ Impervious surfaces on a lot ~~shall~~may not exceed ~~35~~50 percent of the lot area.

~~B.~~ The maximum floor area ration (F.A.R.) shall be 0.7.

~~C. C.~~ All buildings ~~shall be limited to a maximum~~ Buildings may not exceed a height of three stories ~~and or~~ 35 feet, whichever is lesser.

CHAPTER 970- INS INSTITUTIONAL DISTRICT**970.01 ~~970.01-~~ Purpose.**

The ~~purpose of the~~ INS ~~Institutional~~ District is ~~intended to provide a district for facilities devoted to serving the that provide~~ public. ~~It is unique in that the primary objective of uses within this district is the provision of services, frequently on a non-profit basis, rather than the sale of goods or services, and places of assembly, as opposed to commercial or residential uses.~~ It is intended that uses within ~~such at this~~ district ~~will be compatible with adjoining development, and they normally will districts and uses, and that property within this district generally~~ be located on an arterial street or thoroughfare.

970.02- - Permitted Uses.

~~Subject to applicable provisions of this Ordinance, the following are permitted uses in the INS District:~~

- ~~A. — Pre-school, elementary, junior or senior high schools having a regular course of study accredited by the State of Minnesota.~~
- ~~B. — Religious institutions, such as churches, chapels, temples and synagogues.~~
- ~~C. — Publicly owned civic or cultural buildings, such as libraries, City offices, auditoriums, public administration buildings, public parking structures as a principal and sole use, and historical developments.~~

970.03 ~~Interim Use.~~

Subject to applicable provisions of this Ordinance, the ~~following permitted uses in the INS District~~ are ~~interim uses listed~~ in the ~~INS District and are governed by Chapter 934~~ Table shown in Section 937.02 of this Ordinance: ~~—~~

- ~~A. — None.~~

970.03 - Interim Uses.

No interim uses are allowed in the INS District.

970.04- - Accessory Uses.

Subject to applicable provisions of this Ordinance, the ~~following are permitted~~ accessory uses allowed in the INS District:

- ~~A. Accessory uses customarily incidental to the uses permitted in Sections 970.02 and 970.05 are listed in the Table shown in Section 937.02 of this Ordinance.~~
- ~~B. — Parks, playgrounds or athletic fields.~~
- ~~C. — Off-street parking and loading areas.~~

970.05- - Conditional Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ conditional uses in an INS District: ~~(Requires are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require a conditional use permit based upon approved under procedures set forth in and regulated by Chapter 904 of this Ordinance.)~~

- ~~A. — Automobile parking lots as a principal use, provided that:

 - ~~1. The use and design is in conformance with Chapter 920 of this Ordinance.~~
 - ~~2. — The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~~~
- ~~B. — Cemeteries or memorial gardens, provided that:~~

1. ~~The site is landscaped.~~
2. ~~The use is available to the "public."~~
3. ~~The land area of the property containing such use or activity meets the~~

970.06 - Lot Size and Setbacks.

The following minimum established for the district.

4. ~~The use meets the minimum setback requirements~~ must be met ~~for accessory~~ all lots and ~~structures.~~
 5. ~~The site accesses on a collector or arterial street.~~
 6. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- C. ~~Colleges, seminaries and other institutions of higher education, provided that:~~
1. ~~Adequate parking is provided in conformance with Chapter 920 of this Ordinance.~~
 2. ~~Provisions are made to buffer and screen any surrounding residential uses.~~
 3. ~~The site is served by an arterial or collector street of sufficient capacity to accommodate traffic which will be generated.~~
 4. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- D. ~~Community centers, provided that:~~
1. ~~Adequate screening from abutting and adjoining residential uses and landscaping is provided.~~
 2. ~~Adequate off-street parking and access is provided and that such parking is adequately screened and landscaped from adjoining and abutting residential uses.~~
 3. ~~Adequate off-street loading and service entrances are provided and regulated where applicable by Chapter 920 of this Ordinance.~~
 4. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- E. ~~Hospitals and residential care facilities including extended care facilities for mentally retarded, rest homes and care for the aged, ill and infirmed, provided that:~~
1. ~~the INS~~ interior side yards are screened.
 2. ~~Only the rear yard shall be used for play or recreational areas. Said area shall be fenced and controlled and screened in compliance with Chapter 918 of this Ordinance.~~
 3. ~~The site shall be served by an arterial or collector street of sufficient capacity to accommodate traffic which will be generated.~~
 4. ~~All signing and informational or visual communication devices shall be in compliance with Chapter 927 of this Ordinance.~~
 5. ~~All state laws and statutes governing such use are strictly adhered to and all required operating permits are secured.~~
 6. ~~Adequate off-street parking is provided in compliance with Chapter 920 of this Ordinance.~~
 7. ~~Off-street loading space in compliance with Chapter 920 of this Ordinance is provided.~~
 8. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- F. ~~Housing for the elderly, provided that:~~

-
1. ~~The development is in conformance to standards established in Section 959.06 of this Ordinance.~~
2. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- G. ~~Halfway houses, provided that:~~
1. ~~The use is licensed by the State.~~
2. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- H. ~~Living quarters which are provided as an accessory use to a principal use in Section 970.02 or to a conditional use in this Section, provided that:~~
1. ~~The use shall not be used as rental property.~~
2. ~~A maximum of one such dwelling shall be allowed.~~
3. ~~There shall be a demonstrated and documented need for such a facility.~~
4. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- I. ~~Governmental and public related utility buildings and structures necessary for the health safety and general welfare of the City, provided that:~~
1. ~~Equipment and vehicles are completely enclosed in a permanent structure or if stored outside, are screened and landscaped from neighboring uses as provided in Chapter 918 of this Ordinance.~~
2. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- J. ~~Public recreational facilities, provided that:~~
1. ~~The site is landscaped.~~
2. ~~The use is available to the "public."~~
3. ~~The land area of the property containing such use or activity meets the minimum established for the district.~~
4. ~~The use meets the minimum setback requirements for accessory structures.~~
5. ~~The site accesses on a minor arterial.~~
6. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- K. ~~Single family or two family residential dwellings, provided that:~~
1. ~~The development shall be in compliance with the provisions of the R-3 Zoning District.~~
2. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- L. ~~The lot area requirement for permitted uses may be reduced, provided that:~~
1. ~~The use existed prior to July 1, 1990.~~
2. ~~Compatibility with surrounding existing and potential uses is maintained.~~
3. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- M. ~~Other uses of the same general character as those listed in Sections 970.02, 970.04 and 970.05 of this Ordinance.~~
- N. ~~Planned unit development as regulated by Chapter 933 of this Ordinance.~~

970.06 Lot Area and Setback Requirements.

The following minimum requirements shall be observed in an "INS" District, subject to additional requirements, exceptions, modifications set forth in this Ordinance:

A. ~~A.~~ Lot Area:

1. ~~1.~~ Minimum ~~Site~~ Lot Area:

a) ~~a)~~ Religious Institutions: ~~Three~~ Places of Assembly: 3 acres.

b) ~~b)~~ Elementary Hospitals: ~~10~~ Schools: 15 acres.

c) ~~c)~~ Junior High Schools: 30 acres.

d) ~~d)~~ Senior High Schools: 50 acres.

c) ~~e)~~

~~Hospitals: Ten acres.~~

f) ~~f)~~ Community Centers: Three acres.

d) ~~g)~~ Public Parking Structure: ~~One~~ 1 acre.

2. ~~2.~~

2. All ~~school~~ area requirements for Places of Assembly prescribed above may be reduced if and when the site is combined with or included within a neighborhood park.

B. ~~B.~~

B. Minimum Setbacks:

Schools: ~~1. Schools:~~

1. ~~a)~~

a) ~~a)~~ Front Yard: 50 feet.

b) ~~b)~~ Side Yard: 100 feet.

c) ~~c)~~ Rear Yard: 100 feet.

2. ~~Hospitals:~~

a) ~~a)~~ ~~Front Yard: 50 feet.~~

b) ~~b)~~ Side Yard: 100 feet.

c) ~~c)~~ Rear Yard: 100 feet.

3. ~~3.~~

2. Hospitals:

a) Front Yard: 50 feet.

b) Side Yard: 100 feet.

c) Rear Yard: 100 feet.

3. Public Works Facilities:

a) ~~a)~~

a) Front Yard: 50 feet.

b) ~~b)~~ Side Yard: 100 feet.

c) ~~c)~~ Rear Yard: 100 feet.

4. ~~4.~~

4. Public Parking Structures: ~~There shall be no~~No minimum front yard, side yard or rear yard setback requirements, ~~except that there shall be a minimum required setback when such boundary is unless~~ adjacent to a residential district. ~~In, in~~ which case, the minimum ~~required~~ setback shall be the same as the setback for the adjacent residential district. In addition, the minimum requirements of Section 970.06.B.6 do not apply to a public parking structure.

5. _____

5. All Other Institutional Uses:

a) ~~a)~~ _____ Front Yard: 50 feet.

b) ~~b)~~ _____ Side Yard: 50 feet.

c) ~~c)~~ _____ Rear Yard: 50 feet.

6. _____

6. In addition to these minimum requirements, setbacks of buildings located within the Institutional District shall be at least equal to the height of such buildings.

970.07- - Lot Coverage and Height Requirements.

The following ~~lot coverage and height requirements shall be observed~~limits apply in the "INS" District:

A. ~~A.~~ _____ The total lot coverage of all buildings ~~shall~~may not exceed 30 percent, except that rest homes and housing for the elderly ~~shall~~may not exceed a lot coverage of 40 percent, and public parking structures ~~shall~~may not exceed a lot coverage of 60 percent.

B. ~~B.~~ _____ All ~~principal~~Principal structures and their accessory buildings ~~shall be limited to~~may not exceed a ~~maximum~~height of three stories ~~and/or~~ 40 feet.

CHAPTER 974 C-1A NEIGHBORHOOD OFFICE AND LIMITED COMMERCIAL DISTRICT

974.01 Purpose.

The purpose of the C-1A Neighborhood Office and Limited Commercial District is ~~intended~~ to provide a district which is related to and ~~may reasonably adjoin compatible with adjoining~~ residential districts ~~for the location, and development of which uses may include~~ limited office, service, and retail uses. ~~The uses allowed in this district are those in which where~~ there is limited contact with the public ~~and provide for mixed. Mixed commercial and residential uses are permitted.~~

974.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ permitted uses in the C-1A District:

- ~~A. — Art galleries or studios.~~
- ~~B. — Barber, beauty shops, and day spas.~~
- ~~C. — Commercial/professional offices.~~
- ~~D. — Day care facilities serving 12 or fewer persons.~~
- ~~E. — Florist shops.~~
- ~~F. — Interior decorating studios.~~
- ~~G. — Mixed use buildings with a combination of residential and allowable retail, office and service use.~~
- ~~H. — Municipal parks and playgrounds.~~
- ~~I. — Photographic studios.~~
- ~~J. — Residential use as a principal use subject to the density standards of the R-3 District.~~

~~All new residential buildings with a footprint of 3,000 square feet or more are encouraged to be developed with more than one use. are listed in the Table shown in Section 937.02~~

~~974.03 Interim Use.~~

~~Subject to applicable provisions of this Ordinance.~~

~~974.03 Interim, the following are Uses.~~

~~No~~ interim uses are allowed in the C-1A District ~~and are governed by Chapter 934 of this Ordinance:~~

- ~~A. — None.~~

~~-~~

974.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the ~~following are permitted~~ accessory uses allowed in ~~the~~ C-1A District:

- ~~A. Accessory uses and structures customarily incidental to the uses permitted are listed in the Table shown in Section 974~~937.02 and 974.05 of this Ordinance.
- ~~B. — Off Street Parking and Loading Areas and Structures. Parking of trucks used in the conduct of a permitted principal use, other than delivery trucks parked for not more than two consecutive hours, shall be limited to vehicles of not more than 12,000 pounds gross vehicle weight.~~

- C. ~~Enclosed storage of merchandise in either principal or accessory building, solely intended to be retailed by a related and established principal use.~~

974.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ conditional uses in a C-1A District: ~~(Requires are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require~~ a conditional use permit ~~based upon approved under~~ procedures and standards set forth in ~~and regulated by~~ Chapter 904 of this Ordinance.)

- A. ~~Automobile parking lots of four or more spaces as a principal use or other than those accessory to the principal use, provided that:~~
1. ~~The provisions of Chapter 920 of this Ordinance are considered and satisfactorily met.~~
 2. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- B. ~~Governmental and public related utility buildings and structures necessary for the health, safety, and general welfare of the City, provided that:~~
1. ~~When abutting a residential use or a residential use district, the property is screened and landscaped in compliance with Chapter 918 of this Ordinance.~~
 2. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- C. ~~Existing clubs or lodges, provided that:~~
1. ~~All State regulations are complied with including obtaining all required permits and/or licenses.~~
 2. ~~Parking and loading areas are in conformance with the parking and loading ordinances outlined in Chapter 920 of this Ordinance.~~
 3. ~~The parking and loading spaces shall not be located within the front yard of a lot and must meet all applicable provisions of the parking and loading ordinance.~~
 4. ~~The site shall be landscaped and screened in compliance with Chapter 918 of this Ordinance.~~
 5. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- D. ~~Planned unit development as regulated by Chapter 933 of this Ordinance.~~
- E. ~~Medical or Dental Clinics.~~

974.06 ~~Yard and Setback Requirements~~ Setbacks.

The following minimum setback requirements ~~shall~~ must be ~~observed~~ met for all lots and structures in ~~at the~~ C-1A District, ~~subject to additional requirements, exceptions, and modifications set forth in this Ordinance:~~

- A. Front Yard: 20 feet.
- B. Side Yard: ~~Ten~~ 10 feet.
- C. Side Yard: ~~Directly~~ directly abutting an R District: 20 feet.
- D. Rear Yard: 20 feet.

974.07 Lot Coverage, F.A.R., Height and ~~Bulk~~ Lot Area.

The following ~~lot coverage, height standards~~ apply to all lots and ~~bulk shall be observed~~ buildings in ~~at the~~ C-1A District:

- A. Lot ~~Coverage~~. ~~The maximum lot coverage of all buildings shall be~~ may not exceed 30 percent of lot area.
- B. Floor ~~Area Ratio~~. ~~The maximum floor area ratio (F.A.R.) shall be~~ may not exceed 2.0.

-
- C. ~~Height.~~ All buildings shall be limited to a maximum Buildings may not exceed a height of 2.5 stories and/or 30 feet, ~~whichever is lesser.~~
- D. ~~Lot Area.~~ The ~~minimum total~~ lot area ~~shall~~must be at least 9,000 square feet.

CHAPTER 975 C-1 OFFICE AND LIMITED COMMERCIAL DISTRICT

975.01 Purpose.

The purpose of the C-1 Office and Limited Commercial District is ~~intended~~ to provide a district which is related to and may reasonably adjoin high density or ~~other~~ residential districts ~~for the location,~~ and ~~development of~~ include administrative office buildings and related office uses which are subject to more restrictive controls. The office uses allowed in this district are those in which there is limited contact with the ~~public and no manufacture, exterior display or selling of merchandise to the general~~ public.

975.02 Permitted Uses.

~~975.02 Permitted Uses.~~

Subject to applicable provisions of this Ordinance, the ~~following are~~ permitted uses in the "C-1" District:

- ~~A. — Barber and beauty shops.~~
- ~~B. — Commercial offices.~~
- ~~C. — Interior decorating studios.~~
- ~~D. — Medical offices or clinics.~~
- ~~E. — Mortuaries or funeral homes.~~
- ~~F. — Music or dance studios.~~
- ~~G. — Photographic or art studios.~~
- ~~H. — Municipal parks and playgrounds.~~
- ~~I. — Residential use as a principal use subject to the density standards of the R-3 District.~~
- ~~J. — Mixed use buildings with upper story residential and ground floor office/service commercial use.~~
- ~~K. — All new residential buildings with a footprint of 3,000 square feet or more shall be developed with more than one use.~~

are listed in the Table shown in Section 937.02 of this Ordinance.

975.03 Interim ~~Use~~ Uses.

No interim uses are allowed in the C-1 District.

975.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the ~~following are interim~~ accessory uses allowed in the C-1 District ~~and are governed by Chapter 934 of this Ordinance:~~

- ~~A. — None.~~

~~975.04 Accessory Uses.~~

~~Subject to applicable provisions of this Ordinance, listed in the following are permitted accessory uses~~ Table shown in a "C-1" District:

- A. ~~Accessory uses and structures customarily incident to the uses permitted in Sections 975.02 and 975.05 of this Ordinance.~~
- B. ~~Off-Street Parking and Loading Areas and Structures. Parking of trucks used in the conduct of a permitted principal use, other than delivery trucks parked for not more than two consecutive hours, shall be limited to vehicles of not more than 12,000 pounds gross vehicle weight.~~
- C. ~~Enclosed storage of merchandise in either principal or accessory building, solely intended to be retailed by a related and established principal use.~~

975.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the ~~following are conditional uses in a "C-1" District:~~ (Requires the C-1 District are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require a conditional use permit based upon approved under procedures and standards set forth in and regulated by Chapter 904 of this Ordinance.)

- A. ~~Automobile parking lots of four or more spaces as a principal use or other than those accessory to the principal use, provided that:~~
 - 1. ~~The provisions of Chapter 920 of this Ordinance are considered and satisfactorily met.~~
 - 2. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- B. ~~Banks or savings and loan institutions, not including drive-in facilities, provided that:~~
 - 1. ~~The services which are provided are for the local area rather than the region.~~
 - 2. ~~The traffic generated will not raise traffic volumes beyond the capacity of the surrounding streets.~~
 - 3. ~~The architectural appearance and scale of the building shall reflect the building character of the area and shall not be so dissimilar as to cause impairment of property values or constitute a blighting influence within the neighborhood.~~
 - 4. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- C. ~~Dry cleaning or laundry establishments as a principal use, provided that:~~
 - 1. ~~The development meets all applicable performance standards of the C-1 Zoning District, including, but not limited to, all setbacks, screening and landscaping and parking requirements.~~
 - 2. ~~The emission of odor or noise by any use shall be in compliance with and regulated by applicable state of Minnesota pollution control standards, as amended.~~
 - 3. ~~The outside storage of materials and equipment is prohibited.~~
 - 4. ~~The location of exterior steam vents shall be such as to minimize the impacts on surrounding structures and uses. A plan demonstrating such shall be submitted to City staff for review.~~
 - 5. ~~The development is to be architecturally compatible with and sensitive to nearby structures.~~
 - 6. ~~The development does not conflict or result in incompatible land use arrangements as related to abutting land uses.~~
 - 7. ~~Operations with the primary function of in-store retail and general public customer contact are permitted. Operations which are primarily to serve other businesses on a wholesale level are prohibited.~~
 - 8. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

D. ~~Governmental and public related utility buildings and structures necessary for the health, safety and general welfare of the City, provided that:~~

1. ~~When abutting a residential use or a residential use district, the property is screened and landscaped in compliance with Chapter 918 of this Ordinance.~~
2. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

E. ~~Planned unit development as regulated by Chapter 933 of this Ordinance.~~

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975.06 ~~Yard and Setback Requirements~~ **Setbacks.**

~~The following Front yard, side yard and rear yard setbacks must be a minimum requirements shall be observed distance of 10 feet for all structures on lots in a "C-1" District, subject to additional requirements, exceptions, and modifications set forth in this Ordinance setbacks. Front yard, side yard and rear yard setbacks all shall be a minimum distance of ten feet.~~

975.07 Lot Coverage, **F.A.R.,** Height and ~~Bulk~~ **Lot Area.**

The following standards apply to all lots and buildings in the C-1 District:

A. The lot coverage, height and bulk shall be observed in a "C-1" District:

A. ~~Lot Coverage.~~ The maximum lot coverage of all buildings ~~shall be~~ may not exceed 50 percent.

B. ~~Floor Area Ratio.~~ The maximum floor area ratio (F.A.R.) ~~shall be~~ may not exceed 2.0.

C. ~~Height.~~ All buildings shall be limited to a maximum C. Buildings may not exceed a height of three stories ~~and or~~ 35 feet, ~~whichever is lesser.~~

D. ~~Lot Area.~~ The minimum total lot area ~~shall~~ must be at least 9,000 square feet.

CHAPTER 975.5 C-1B MIXED USE RESIDENTIAL DISTRICT

975.5.01 Purpose.

The purpose of the C-1B Mixed Use Residential District is ~~intended~~ to provide a district which is related to and may reasonably adjoin residential districts ~~for the location, and development of where~~ mixed use buildings with residential use as the predominant use may be located, in addition to limited office, service, and retail uses.

975.5.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ permitted uses in the C-1B District:

- ~~A. Mixed use buildings with no less than 60 percent of the building square footage (SF) comprising residential use, and the balance comprising of one or more of the following (or similar) type retail, office, or service use:~~
- ~~1. Art galleries or studios.~~
 - ~~2. Commercial/professional offices.~~
 - ~~3. Day care facilities serving 12 or fewer persons.~~
 - ~~4. Florist shops.~~
 - ~~5. Interior decorating studios.~~
 - ~~6. Photographic studios.~~
 - ~~7. Hobby Stores.~~
 - ~~8. Variety, gift, boutique, or soft goods stores.~~
 - ~~9. Wearing apparel stores.~~
- ~~B. Municipal parks and playgrounds.~~
- ~~C. Residential use as a principal use subject to the density standards of the R-3A District.~~

975.5.03 Interim Use.

~~Subject to applicable provisions are listed in the Table shown in Section 937.02 of this Ordinance, the following are:~~

975.5.03 Interim Uses.

~~No~~ interim uses are allowed in the C-1B District ~~and are governed by Section 801.34 of this Ordinance.~~

- ~~A. None.~~

~~2.~~

975.5.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the ~~following are permitted~~ accessory uses allowed in ~~the~~ C-1B District:

- ~~A. Accessory uses and structures customarily incidental to the uses permitted are listed in the Table shown in Section 801.81.2 and 801.81.5 937.02 of this Ordinance.~~

- ~~B. Off Street Parking and Loading Areas and Structures. Parking of trucks used in the conduct of a permitted principal use, other than delivery trucks parked for not more than two consecutive hours, shall be limited to vehicles of not more than 12,000 pounds gross vehicle weight.~~
- ~~C. Enclosed storage of merchandise in either principal or accessory building, solely intended to be retailed by a related and established principal use.~~

975.5.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ conditional uses in ~~at~~ the C-1B District. ~~(Requires are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require a conditional use permit based upon approved under the procedures and standards set forth in and regulated by Section 801.04 of this Ordinance.)~~

- ~~A. Governmental and public related utility buildings and structures necessary for the health, safety, and general welfare of the City, provided that:~~
- ~~1. When abutting a residential use or a residential use district, the property is screened and landscaped in compliance with Section 801.18904 of this Ordinance.~~
 - ~~2. The provisions of Section 801.04.2.F. of this Ordinance are considered and satisfactorily met.~~
- ~~B. Planned unit development as regulated by Section 801.33 of this Ordinance.~~

975.5.06 Yard and ~~Setback Requirements, Setbacks.~~

The following minimum setback requirements ~~shall be observed must be met for all lots and structures~~ in ~~at~~ the C-~~B1B~~ District, subject to additional requirements, exceptions, and modifications set forth in this Ordinance.

A. Principal Structures.

1. Front Yard: ~~Ten~~10 feet.
2. Side Yard: ~~Ten~~10 feet.
3. Rear Yard: 20 feet.

B. Accessory Structure(s).

1. Front Yard: 20 feet.
2. Side Yard: ~~Five~~5 feet.
3. Rear Yard: ~~Five~~5 feet.

975.5.07 Lot Coverage, ~~F.A.R., Height, Bulk, and Other Regulations~~Lot Area.

The following ~~lot coverage, height standards apply to all lots and bulk shall be observed buildings~~ in ~~at~~ the C-1B District:

- ~~A. Lot Coverage. The maximum lot coverage of all buildings shall be may not exceed 30 percent of lot area.~~
- ~~B. Impervious Surface. The maximum impervious surface coverage on a lot shall be 35 percent.~~
- ~~C. Floor Area Ratio. The maximum floor area ratio (F.A.R.) shall be may not exceed 2.0.~~
- ~~D. Height. All buildings shall be limited to a maximum C. Buildings may not exceed a~~ height of two and one-half stories ~~and/or~~ 30 feet in vertical distance above the Grade Plan to the highest point of a flat, mansard, shed, round or arch type roof, or 32 feet in vertical distance above the Grade Plane, as measured to the highest peak of a pitched, hipped, or gambrel roof.
- ~~E. Lot Area D. The minimum total lot area shall must be at least 7,000 square feet.~~
- ~~F. All accessory buildings shall be limited to a maximum height of 20 feet.~~

CHAPTER 976 C-2 SHOPPING CENTER BUSINESS DISTRICT

976.01 Purpose.

The purpose of the C-2 District is ~~intended~~ to provide a district ~~which may be applied to land in for shopping centers under~~ single ownership or unified control ~~for the purpose of developing a planned shopping center with a unified and organized arrangement of buildings and service facilities at locations which are suitable for such use. All of the following principal uses, except for required off-street parking facilities, shall be conducted wholly within an enclosed building.~~

976.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ permitted uses in a ~~"the~~ C-2" District:

- ~~A. — Adult Use — Principal and Accessory.~~
- ~~B. — Antique shops.~~
- ~~C. — Appliance sales or service stores.~~
- ~~D. — Art galleries or studios.~~
- ~~E. — Art supply, school supply, book or stationery stores.~~
- ~~F. — Automotive accessory stores.~~
- ~~G. — Bakeries, provided the room or rooms containing the preparation and baking process shall not have a gross floor area are listed in excess of 2,400 square feet.~~
- ~~H. — Banks, savings, lending or other financial institutions, excluding drive the Table shown in facilities.~~
- ~~I. — Barber shops.~~
- ~~J. — Beauty parlors.~~
- ~~K. — Bicycle stores, including bicycle rental, repair or sales.~~
- ~~L. — Blueprinting, photostatting or instant printing establishments under 2,000 square feet in gross floor area.~~
- ~~M. — Business machine sales or services stores.~~
- ~~N. — Camera and photo stores.~~
- ~~O. — Candy or ice cream stores.~~
- ~~P. — Carpet and rug stores.~~
- ~~Q. — Catering establishments.~~
- ~~R. — Clothes pressing or tailoring shops.~~
- ~~S. — Department stores.~~
- ~~T. — Drug stores.~~
- ~~U. — Dry cleaning or laundry establishments.~~
- ~~V. — Florist shops.~~
- ~~W. — Food, grocery, meat, fish, bakery or delicatessen stores.~~
- ~~X. — Furniture stores.~~

~~Y. — Hardware stores.~~

~~Z. — Hobby or toy stores.~~

~~AA. — Interior decorating studios.~~

~~BB. — Jewelry stores.~~

~~CC. — Laboratories (medical or dental).~~

~~DD. — Leather goods or luggage shops.~~

~~EE. — Libraries.~~

~~FF. — Locksmith shops.~~

~~GG. — Medical or dental clinics.~~

~~HH. — Newsstands.~~

~~II. — "Off-sale" liquor stores.~~

~~JJ. — Offices, including both business and professional uses.~~

~~KK. — "On-sale" liquor stores.~~

~~LL. — Optical stores.~~

~~MM. — Orthopedic or medical appliance stores.~~

~~NN. — Paint or wallpaper stores.~~

~~OO. — Pickup and delivery food establishments, provided that no seating is provided and that no facilities exist for customer dining on the premises.~~

~~PP. — Pet shops.~~

~~QQ. — Phonograph, record or sheet music stores.~~

~~RR. — Photography studios.~~

~~SS. — Physical fitness, health service establishments, or reducing salons.~~

~~TT. — Picture framing or picture stores.~~

~~UU. — Pipe or tobacco shops.~~

~~VV. — Post offices.~~

~~WW. — Plumbing sales.~~

~~XX. — Public utility service stores.~~

~~YY. — Schools, such as music, dance, business or vocational schools.~~

~~ZZ. — Sporting goods stores.~~

~~AAA. — Taxidermy shops.~~

~~BBB. — Theaters, excluding drive-ins.~~

~~CCC. — Variety, gift, notion or soft good stores.~~

~~DDD. — Wearing apparel stores.~~

~~EEE. — Coffee shops.~~

~~FFF. Municipal parks and playgrounds.~~

976.03 Interim Use.

~~Subject to applicable provisions~~Section 937.02 of this Ordinance, the following are interim uses in the C-2 district and are governed by Chapter 934 of this Ordinance:.

~~A. Auto glass installation, internal to a shopping center complex.~~

976.03 Interim Uses.

No interim uses are allowed in the C-2 District.

976.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the ~~following are permitted~~ accessory uses allowed in a ~~"the C-2"~~ District:

~~A. Accessory uses customarily incidental to the uses allowed in Sections 976 are listed in the Table shown in Section 937.02 and 976.05 of this Ordinance.~~

~~B. Off Street Parking and Loading Areas and Structures. Parking of trucks used in the conduct of a permitted principal use, other than delivery trucks parked for not more than two consecutive hours, shall be limited to vehicles of not more than 12,000 pounds gross vehicle weight.~~

~~C. Enclosed storage of merchandise in either principal or accessory building, solely intended to be retailed by a related and established principal use.~~

~~D. Bus or taxi loading and unloading facilities.~~

~~E. Outdoor sidewalk cafes in the public right of way for which a permit has been issued by the City pursuant to City Code Ch. 315.~~

~~{Ord.782[8-9-2018]}~~

976.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the ~~following are conditional uses in a "C-2" District. {Requires a~~ are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require a conditional use permit based upon approved under the procedures and standards set forth in and regulated by Chapter 904 of this Ordinance.}

~~A. Freestanding Automobile Service Station and/or Motor Repair Minor. Motor fuel station, auto repair—minor, tire and battery stores and service, and/or other such limited services, provided that:~~

~~1. No building or structure, permanent or temporary, driveway surfaces, parking areas, advertising devices or other similar site improvements, except driveways traversing a public road boulevard, shall be located within 110 feet of any part of a residential district which is separated from the automobile service station by a public right of way or within 50 feet of a residential district if they are not separated by a public right of way.~~

~~2. Sites for such facilities are freestanding and not part of a principal shopping center structure and shall have not less than 125 feet of frontage on the side or sides of the site to or from which access or egress at two or more locations is possible and not less than 120 feet of frontage if there is only one point of access. The total site area shall be not less than 20,000 square feet for each service bay, to a maximum of 60,000 total square feet.~~

3. ~~Pump islands shall be set back not less than 30 feet from any property line and not less than 50 feet from any residential district boundary.~~
4. ~~Hydraulic hoists or pits and all lubrication, greasing, washing, repair or diagnostic equipment shall be used totally enclosed within a building.~~
5. ~~Facilities on a site contiguous to any residential district shall not be operated between the hours of 11:00 p.m. and 6:00 a.m. unless otherwise allowed by formal action of the City Council.~~
6. ~~Facilities may offer minor auto repairs, but they shall not offer major auto repairs, the sale or storage of junked cars, or automobile wrecking.~~
7. ~~Safety. Regardless of whether the dispensing, sale or offering for sale of motor fuels and/or oil is incidental to the conduct of the use or business, the standards and requirements imposed by this Ordinance for motor fuel stations shall apply. These standards and requirements are, however, in addition to other requirements which are imposed for other uses of the property.~~
8. ~~Compatibility.~~ The architectural appearance, scale, and functional plan of the building and site shall not be so dissimilar to the existing buildings or areas to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot.
9. ~~Surfacing.~~ The entire site other than that taken up by a building, structure or plantings shall be surfaced with a material to control dust and drainage which is subject to the approval of the City.
10. ~~Drainage.~~ A drainage system subject to the approval of the City shall be installed.
11. ~~Curbing.~~ A concrete curb not less than six inches above grade shall separate the public sidewalk from motor vehicles service areas.
12. ~~Pump Islands.~~ Wherever fuel pumps are to be installed, pump islands shall be installed.
13. ~~Green Strip.~~ At the boundaries of a residential district, a strip of not less than five feet shall be landscaped and screened in compliance with Chapter 918.
14. ~~Lighting Standard Base Landscaped.~~ Each light standard base shall be landscaped.
15. ~~Stacking, parking or car magazine storage space shall be screened from view of a butting residential districts in compliance with Chapter 918.~~
16. ~~Vehicle Circulation.~~ Vehicular access points shall create a minimum of conflict with through traffic movement. Provisions shall be made for transport delivery of fuel which will not conflict with pump island service.
17. ~~Noise.~~ Provisions are made to control and reduce noise in accordance with the Noise Control Section of this Ordinance.
18. ~~Outside Storage.~~ ~~No outside storage except as allowed in compliance with Section 916.12 of this Ordinance.~~
19. ~~Litter Control.~~ The operation shall be responsible for litter control within 500 feet of the property line and is to occur on a daily basis.
20. ~~Sales Limitations.~~ Sale of products other than those specifically mentioned in this Section shall be subject to a conditional use permit and be in compliance with Section 976.05.I of this Ordinance.
21. ~~The provisions of Section 904.02.F are considered and satisfactorily met.~~

- B. ~~Convenience Store with Gasoline. Grocery and/or food operations, with convenience gas (no vehicle service or repair), provided that:~~
1. ~~Permitted Uses. The retail sales involve uses or activities which are allowed in a C-1, C-2 or C-3 District.~~
 2. ~~Take-Out Food. Convenience/deli food is of the take-out type only and that no provision for seating or consumption on the premises is provided. Furthermore, that the enclosed are devoted to such activity, use and merchandise shall not exceed 15 percent of the gross floor area.~~
 3. ~~Sanitation. That any sale of food items is subject to the approval of the City Health Inspector who shall provide specific written sanitary requirements for each proposed sale location based upon applicable State and County regulations.~~
 4. ~~Licenses. That the non-automotive sales shall qualify for and be granted an annual food handling, retail sales license or other license, as circumstances shall require, in addition to the conditional use permit.~~
 5. ~~Litter Control. The operation shall be responsible for litter control within 500 feet of the property line and is to occur on a daily basis.~~
 6. ~~Area. That the approximate area and location devoted to non-automatic merchandise sales shall be specified in general terms in the application and in the conditional use permit. Exterior sales shall be subject to a separate conditional use permit.~~
 7. ~~Hours of Operation. The hours of operation shall be limited to 6:00 a.m. to 12:00 p.m., unless extended by the City Council.~~
 8. ~~Motor Fuel Facilities. Motor fuel facilities are installed in accordance with State and City standards. Additionally, adequate space shall be provided to access gas pumps and allow maneuverability around the pumps. Underground fuel storage tanks are to be positioned to allow adequate access by motor fuel transports and unloading operations do not conflict with circulation, access and other activities on the site. Fuel pumps shall be installed on pump islands.~~
 9. ~~Canopy. A protective canopy located over pump island may be an accessory structure on the property and may be located 20 feet or more from the front lot line, provided adequate visibility both on and off-site is maintained.~~
 10. ~~Compatibility. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area as to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot. All sides of the principal and accessory structures are to have essentially the same or a coordinated, harmonious finish treatment.~~
 11. ~~Dust Control and Drainage. The entire site other than that taken up by a building, structure or plantings shall be surfaced with a material to control dust and drainage which is subject to the approval of the City.~~
 12. ~~Area. A minimum lot area of 20,000 square feet and minimum lot frontage of 125 feet. The City Council may exempt previously developed or previously platted property from this requirement, provided that the site is capable of adequately and safely handling all activities and required facilities.~~
 13. ~~Curb Separation. A continuous and permanent concrete curb not less than six inches above grade shall separate the public sidewalk from motor vehicle areas, pursuant to the provisions of Chapter 920.~~
 14. ~~Landscaping. At the boundaries of the lot, a strip of not less than five feet shall be landscaped and screened in compliance with Chapter 918 of this Ordinance, pursuant to the provisions of Chapter 920.~~
 15. ~~Light Standards Base Landscaped. Each light standard base shall be landscaped.~~

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16. ~~Access.~~ Vehicular access points shall create a minimum of conflict with through traffic movement, and shall be subject to the approval of the City.
17. ~~Pedestrian Traffic.~~ An internal site pedestrian circulation system shall be defined and appropriate provisions made to protect such areas from encroachments by parked cars or moving vehicles.
18. ~~Noise.~~ Noise control shall be as required in the Noise Control Section of this Ordinance.
19. ~~Outside Storage and Sales.~~ No outside storage except as allowed in compliance with Section 916.12. An enclosed screened area is to be provided for rubbish and dumpsters.
20. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

C. ~~Drive-in facilities for banks, or savings and loan associations, provided that:~~

1. ~~Compatibility.~~ The architectural appearance, scale, construction materials, and functional plan of the building and site shall not be dissimilar to the existing nearby commercial and residential buildings, and shall not cause impairment in property values, or constitute a blighting influence within a reasonable distance of the site.
2. ~~Vehicle Access.~~ Vehicular access points shall be limited, shall create a minimum of conflict with through traffic movements.
3. ~~Surfacing.~~ The entire area other than that portion occupied by buildings or structures or plantings shall be surfaced with a material which will control dust and drainage and which is subject to the approval of the City.
4. ~~Drive-through Windows.~~ Service windows shall be allowed if the following additional criteria are satisfied:
 - a) ~~Stacking.~~ Not less than 180 feet of segregated automobile stacking lane(s) must be provided for the service window.
 - b) ~~Traffic Control.~~ The stacking lane and its access must be designed to control traffic in a manner to protect the pedestrians, buildings and green area on the site.
 - c) ~~Use of Street.~~ No part of the public street or boulevard may be used for stacking of automobiles.
 - d) ~~Noise.~~ The stacking lane, service intercom, and service window shall be designed and located in such a manner as to minimize automobile and communication noises, emissions, and headlight glare upon adjacent premises, particularly residential premises, and to maximize maneuverability of vehicles on the site. Levels of noise, light, and air quality shall occur and be measured at property lines and shall satisfy established state regulations.
 - e) ~~Hours.~~ Hours of operation shall be limited as necessary to minimize the effect of nuisance factors such as traffic, noise and glare upon any existing neighboring residential uses.
 - f) ~~Green Strip.~~ At any common boundary shared with a residential district, a strip of not less than five feet shall be landscaped and screened so as to create an effective visual and sound buffer and separation of uses.
 - g) The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

D. ~~Indoor amusement or recreational establishments, such as commercial bowling alleys, billiard halls, game centers, swimming pools, skating rinks, or tennis courts as a principal use, provided that:~~

1. ~~If located within a shopping center, the use has its own exclusive exterior access.~~

2. Any and all applicable local, state and federal laws, permits licenses and operational regulations are complied with.
 3. ~~The use is located and developed so as not to create an incompatible operation problem with adjoining and neighboring commercial and/or residential uses.~~
 4. The hours of operation shall be subject to City Council control and change as a means to maintain compatibility of uses and activities.
 5. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.
- E. Repair stores or "fix it" shops which provide services for the repair of home, garden, yard or personal appliances, provided that:
1. ~~The use is conducted completely indoors.~~
 2. The site shall accommodate sufficient parking and loading areas in conformance with Chapter 920 of this Ordinance.
 3. The provisions of Section 904.02.F are considered and satisfactorily met.
- F. Restaurants, excluding drive ins or convenience food operations, provided that:
1. The use obtains all local, state and federal food and beverage handling licenses and/or permits.
 2. There shall be no excessive noise or odors emitted from the use.
 3. There shall be no outdoor storage and/or display.
 4. The hours of operation shall be limited as necessary to minimize the effect of nuisance factors such as traffic, noise and glare upon any existing neighboring residential uses.
 5. The use must be landscaped and screened in accordance with Chapter 918 of this Ordinance.
 6. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.
- G. Restaurant, convenience food, provided that:
1. Compatibility. The architectural appearance, scale, construction materials, and functional plan of the building and site shall not be dissimilar to the existing nearby commercial buildings, and shall not cause impairment in property values, or constitute a blighting influence within a reasonable distance of the site.
 2. ~~Green Strip.~~ At any common boundary shared with a residential district, a strip of not less than five feet shall be landscaped and screened so as to create an effective visual and sound buffer and separation of uses.
 3. ~~Lighting Standard Base Landscaping.~~ Each light standard base island and all islands in the parking lot landscaped or covered. The light source is hooded to prevent glare onto adjoining property and the public right of way.
 4. ~~Curbing.~~ Parking areas and driveways shall be curbed with continuous concrete curbs not less than six inches high above the parking lot or driveway grade.
 5. ~~Vehicle Access.~~ Vehicular access points shall be limited and shall create a minimum of conflict with through traffic movements.
 6. ~~Drainage.~~ The entire area shall have a drainage system which is subject to the approval of the City Engineer.

7. ~~Surfacing. The entire area other than that portion occupied by buildings or structures or plantings shall be surfaced with a material which will control dust and drainage and which is subject to the approval of the City.~~
 8. ~~Loading Berth. Adequate space shall be provided on the site for a loading berth to accommodate the parking and maneuvering of semi-tractor trailers.~~
 9. ~~Refuse Storage. All refuse shall be stored in containers as specified by City Code. Said containers are to be screened and enclosed by a fence or similar structure.~~
 10. ~~Litter Control. The operation shall be responsible for litter control within 500 feet of the property line and is to occur on a daily basis.~~
 11. ~~Drive Through Windows. Service windows shall be allowed if the following additional criteria are satisfied:
 - a) ~~Stacking. Not less than 180 feet of segregated automobile stacking lane must be provided for the service window.~~
 - b) ~~Traffic Control. The stacking lane and its access must be designed to control traffic in a manner to protect the pedestrians, buildings and green area on the site.~~
 - c) ~~Use of Street. No part of the public street or boulevard may be used for stacking of automobiles.~~
 - d) ~~Noise. The stacking lane, order board intercom, and service window shall be designed and located in such a manner as to minimize automobile and communication noises, emissions, and headlight glare upon adjacent premises, particularly residential premises, and to maximize maneuverability of vehicles on the site. Levels of noise, light, and air quality shall be measured at property lines and shall satisfy established state regulations.~~
 - e) ~~Hours. Hours of operation shall be limited as necessary to minimize the effect of nuisance factors such as traffic, noise and glare upon any existing neighboring residential uses.~~~~
 12. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- H. ~~Open and outdoor storage as an accessory use, provided that:~~
1. ~~The storage area is landscaped, fenced, and screened from view of neighboring uses and abutting "R" Districts.~~
 2. ~~Storage is landscaped and screened from view from the public right-of-way.~~
 3. ~~Storage area is blacktopped or concrete surfaced.~~
 4. ~~All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences.~~
 5. ~~The storage area does not take up parking space or loading space as required for conformity to this Ordinance.~~
 6. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- I. ~~Open or outdoor services, sale and rental as a principal or accessory use, provided that:~~
1. ~~Outside services, sales and equipment rental connected with the principal use is limited to 30 percent of the gross floor area of the principal use. Uses specified as requiring a separate conditional use permit shall be exempted from this provision.~~

2. ~~Outside sales areas are landscaped and fenced or screened from view of neighboring residential uses or an abutting "R" District.~~
 3. ~~All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences.~~
 4. ~~Areas are asphalt or concrete surfaced.~~
 5. ~~The use does not take up parking space or loading areas as required for conformity to this Ordinance.~~
 6. ~~Additional parking, pursuant to Chapter 920 of this Ordinance is provided for said space.~~
 7. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- J. ~~Child care facilities as an accessory use, provided that:~~
1. ~~The attendance of children is on a temporary sporadic basis as compared to a long-term schedule enrollment.~~
 2. ~~The facility must allow the children to stay for a period longer than three hours. The maximum length of stay per individual child is five hours.~~
 3. ~~The ages of the children attending range from 16 months to 12 years.~~
 4. ~~The hours of operation coincide with those of the commercial retail stores in the area or complex.~~
 5. ~~The employees and facility are licensed by the State Department of Human Services.~~
 6. ~~Fire codes as applicable are complied with.~~
 7. ~~Liability insurance coverage for the operation is demonstrated to the satisfaction of the City, and includes the City as an additional named insured.~~
 8. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- K. ~~Automobile parking lots of four or more spaces as a principal use or other than those accessory to the principal use, provided that:~~
1. ~~The provisions of Chapter 920, of this Ordinance are considered and satisfactorily met.~~
 2. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- L. ~~Governmental and public related utility buildings and structures necessary for the health, safety and general welfare of the City, provided that:~~
1. ~~When abutting a residential use or a residential use district, the property is screened and landscaped in compliance with Chapter 918 of this Ordinance.~~
 2. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- M. ~~Planned unit development as regulated by Chapter 933 of this Ordinance.~~
- N. ~~Micro-production Facility, provided that:~~
1. ~~Licensing. The owner of the micro-production facility qualifies for and receives all federal, state and city licenses necessary for the operation of the micro-production facility, including a brewer license and a malt liquor wholesale license (if wholesale of malt liquor is an intended activity); winery license; and/or a distiller's license from the State of Minnesota, according Minn. State. § 340A.~~

2. ~~Taproom/Tasting Room License.~~ An accessory taproom or tasting room for the on-sale of beer, wine, or spirits produced on-site shall require a taproom/tasting room license from the City of Wayzata, according to City Code Section 524.02.
3. ~~Off sale.~~ On-site sale of beer in the form of growlers shall require a Brewery License for Off Sale of Malt Liquor, according to City Code Section 524.02. On-site sale of wine or spirits, other than samples as governed under Minnesota State Statutes, shall be prohibited.
4. ~~Production of Beer.~~ Total production of malt liquor shall not exceed 5,000 barrels annually. Micro-production Facilities with a taproom license shall not exceed 3,500 barrels annually, and only 500 barrels may be sold off-sale as growlers. Any micro-production facility operating as a brewery shall annually submit production reports to the City with the request to renew a brewery taproom or off-sale malt liquor license.
5. ~~Production of Wine.~~ Total production of wine shall not exceed 50,000 gallons annually. Any micro-production facility operating as a winery shall annually submit production reports to the City with the request to renew a tasting room or winery license.
6. ~~Production of Spirits.~~ Total production of spirits shall not exceed 40,000 proof gallons annually. Any micro-production facility operating as a distillery shall annually submit production reports to the City with the request to renew a tasting room or distillery license.
7. ~~Off-street Loading.~~ The micro-production facility shall provide adequate space for off-street loading and unloading of all trucks greater than 22 feet in length. ~~In the absence of off-street loading, the City may impose limits on deliveries or shipments using the public rights of ways, including regulating the number of trucks per day and the hours that deliveries are permitted.~~
8. ~~Outdoor Storage.~~ No outdoor storage is permitted on the site, with the exception that waste handling (refuse and/or recycling) may occur in an enclosure that is fully screened from adjoining streets and residentially zoned properties.
9. ~~Odors.~~ No odors from the micro-production facility shall be perceptible beyond the property line. The micro-production facility operator shall take appropriate measures to reduce or mitigate any odors generated from the operation and be in compliance with any applicable Minnesota Pollution Control Standards.
10. ~~Waste.~~ Waste products shall be disposed of in a timely manner and in such a way to reduce odors.
11. ~~Exterior Lighting.~~ All exterior lighting shall be designed in such a way as to have no direction source of light visible from adjacent property, and shall comply with the requirements of Section 916.06 of the Wayzata Zoning Ordinance.
12. ~~Parking.~~ Parking supply shall be provided on-site or through off-site arrangement, to avoid street parking on residential streets. Off-site or reduced parking supply shall require separate approval per the requirements of Chapter 920 of the Wayzata Zoning Ordinance, as applicable.
13. ~~Hours of Operation.~~ Micro-production facility operation hours shall be limited to the hours specified in Minn. State Ch. 340A for off-sale intoxicating liquor unless further limited by the City Council as part of a Conditional Use Permit.
14. ~~Other Provisions.~~ The provisions of Section 904.02.F of the Wayzata Zoning Ordinance, pertaining to Conditional Use Permit criteria, are considered and satisfactorily met. A micro-production facility shall meet all other applicable performance standards and design requirements in the Wayzata Zoning Ordinance.

~~O. Animal Clinics, provided that:~~

- ~~1. The size of the clinic may not exceed 4,000 square feet.~~
- ~~2. The clinic may not provide animal boarding services, kenneling, or overnight stays for patients.~~
- ~~3. The hours of operation must coincide with those of the businesses in the area or complex in which the clinic is located.~~
- ~~4. The clinic may not provide services or treatment of exotic animals (such as reptiles, amphibians, birds, and most mammals).~~
- ~~5. The clinic may not share a common demising wall or be located directly adjacent to a restaurant.~~
- ~~6. The clinic may not be located on the same property or in the same shopping area where another clinic exists.~~
- ~~7. The clinic must comply with all other applicable state, local, and federal regulations, including those that pertain to animal clinics and to nuisance, health, sanitation, and safety conditions.~~
- ~~8. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

~~{Ord. No. 793 [11-6-2019]}~~

976.06 Special Limitations and Conditions on All Uses.

~~A. All business establishments shall be retail or service establishments which deal directly with the customer for whom the goods or services are furnished.~~

~~B. A. Each business establishment shall must be operated as a separate and distinct business entity. Each business establishment shall be physically separate from any other such establishment establishments by solid walls, partitions or windows, although nothing in this paragraph is intended to prevent either both common ownership or and free pedestrian movement from one establishment to another through either an area commonly owned or leased by all adjoining establishments or through direct doorway connections is allowed. All business establishments shall must be accessible from the exterior of the building in which they are located by either a direct door to the exterior or by direct access to a "common area" which in turn has adequate access to the exterior of the building without passing through another business establishment.~~

976.07 Height, Yard and Setbacks, F.A.R., Lot Area, Lot Coverage Requirements, Impervious Surfaces and Landscaping.

~~The following minimum requirements shall be observed standards apply to all lots and buildings in a "the C-2" District subject to additional requirements, exceptions, and modifications set forth in this Ordinance:~~

~~A. **Height.** No building shall be erected or structurally altered to A. Buildings may not exceed three a height of two stories and 35 or 30 feet in height, whichever is lesser.~~

~~B. **Setback** Minimum Setbacks.~~

- ~~1. There shall must be a side yard on each side of any building having a width of not less than 20 feet, except that no building shall may be located within 50 feet of any side lot line abutting a lot in any residential district.~~
- ~~2. There shall must be a rear yard having a depth of not less than 20 feet, except that no buildings shall may be located within 50 feet of any residential district.~~

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~~{Supp. No. 7}~~

3. The minimum building setback from any commercial district boundary ~~shall~~must be as set forth herein or the average height of the building, whichever is greater.

C. Floor ~~Area Ratio. The maximum floor~~ area ratio (F.A.R.) ~~shall be~~may not exceed 1.0.

D. ~~Lot Area.~~ The ~~minimum total~~ lot area ~~shall~~must be at least 20,000 square feet.

E. Lot coverage may not exceed 50 percent of lot area.

F. Impervious surfaces may not exceed 75 percent of lot area.

G. Required Landscaping. A minimum of 20 percent of the total lot area ~~shall~~must be landscaped. A landscaped buffer strip of at least eight feet wide ~~shall~~must be provided between parking areas and adjacent streets or sidewalks. The buffer strip shall consist of shade trees at maximum intervals of 30 feet, and a decorative fence, masonry wall, or hedge.

~~976.08. Administrative Procedure.~~

~~Requests for shopping centers within the C-2 Zoning District shall be processed in accordance with the requirements and procedures of Chapter 933 (Planned Unit Development) of this Ordinance.~~

CHAPTER 977 C-3 SERVICE DISTRICT**977.01 Purpose.**

The purpose of the C-3 Service District is ~~intended to provide an area of a district for~~ service facilities orientated to the motoring public vehicular traffic and access. Because of the unique character of this type of commercial activity and its great dependence upon transient trade and traffic, and because of the greater than normal adverse effects created by the uses within this district, the location of such activities are critical and should be developed either within other commercial spheres adjacent to arterial traffic routes or as well-buffered areas adjacent to major streets. This district also is intended as a business district which may be located adjacent to shopping centers or other retail business districts, thus keeping the basic retail areas compact and convenient, or in separate areas which may be located in close proximity to a major street or highway, in order that highway service types of land uses can be provided.

977.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ permitted uses in ~~a "the~~ C-3" District:

- ~~A. — Adult Use — Principal and Accessory.~~
- ~~B. — Antique shops.~~
- ~~C. — Appliance sales or service stores.~~
- ~~D. — Art galleries or studios.~~
- ~~E. — Art supply, school supply, book or stationery stores.~~
- ~~F. — Automotive accessory stores.~~
- ~~G. — Bakeries, provided the room or rooms containing the preparation and baking process shall not have a gross floor area are listed in excess of 2,400 square feet.~~
- ~~H. — Banks, savings, lending or other financial institutions, excluding drive the Table shown in facilities.~~
- ~~I. — Barber shops.~~
- ~~J. — Beauty parlors.~~
- ~~K. — Bicycle stores, including bicycle rental, repair or sales.~~
- ~~L. — Blueprinting, photostating or instant printing establishments under 2,000 square feet in gross floor area.~~
- ~~M. — Business machine sales or services stores.~~
- ~~N. — Camera and photo stores.~~
- ~~O. — Candy or ice cream stores.~~
- ~~P. — Carpet and rug stores.~~
- ~~Q. — Catering establishments.~~
- ~~R. — Clothes pressing or tailoring shops.~~
- ~~S. — Department stores.~~
- ~~T. — Drug stores.~~
- ~~U. — Dry cleaning or laundry establishments.~~

V. — Florist shops.

W. — Food, grocery, meat, fish, bakery or delicatessen stores.

X. — Furniture stores.

Y. — Hardware stores.

Z. — Hobby or toy stores.

AA. — Interior decorating studios.

BB. — Jewelry stores.

CC. — Laboratories (medical or dental).

DD. — Leather goods or luggage shops.

EE. — Libraries.

FF. — Locksmith shops.

GG. — Medical or dental clinics.

HH. — Monument sales, excluding processing.

II. — Mortuaries or funeral homes.

JJ. — Newspaper distribution agencies.

KK. — Newsstands.

LL. — "Off-sale" liquor stores.

MM. — Offices, including both business and professional uses.

NN. — "On-sale" liquor stores.

OO. — Optical stores.

PP. — Orthopedic or medical appliance stores.

QQ. — Paint or wallpaper stores.

RR. — Pickup and delivery food establishments, provided that no seating is provided and that no facilities exist for customer dining on the premises.

SS. — Pet shops.

TT. — Phonograph, record or sheet music stores.

UU. — Photography studios.

VV. — Physical fitness, health service establishments, or reducing salons.

WW. — Picture framing or picture stores.

XX. — Pipe or tobacco shops.

YY. — Post offices.

ZZ. — Plumbing sales.

AAA. — Public utility service stores.

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{Supp. No. 7}

~~BBB. Recording studios.~~

~~CCC. Rental agencies for the rental of automobiles, trucks or carriage trailers.~~

~~DDD. Repair stores or "fix it" shops which provide services for the repair of home, garden, yard or personal appliances.~~

~~EEE. Schools, such as music, dance, business or vocational schools.~~

~~FFF. Sporting goods stores.~~

~~GGG. Taxidermy shops.~~

~~HHH. Theaters, excluding drive-ins.~~

~~III. Trading stamp redemption centers.~~

~~JJJ. Variety, gift, notion or soft good stores.~~

~~KKK. Wearing apparel stores.~~

~~LLL. Coffee shops.~~

~~MMM. Municipal parks and playgrounds.~~

Section 937.02

977.03 Interim Use.

~~Subject to applicable provisions~~ of this Ordinance.

977.03 Interim, the following are Uses.

~~No~~ interim uses are allowed in the C-3 District ~~and are governed by Chapter 934 of this Ordinance:~~

~~A. None.~~

~~;~~

977.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the ~~following are permitted~~ accessory uses allowed in a ~~"the~~ C-3" District:

~~A. Accessory uses customarily incident to the uses permitted in Sections 977~~ are listed in the Table shown in Section 937.02 and 977.05 of this Ordinance.

~~B. Off-Street Parking and Loading Areas and Structures. Parking of trucks used in the conduct of a permitted principal use, other than delivery trucks parked for not more than two consecutive hours, shall be limited to vehicles of not more than 12,000 pounds gross vehicle weight.~~

~~C. Enclosed storage of merchandise in either principal or accessory building, solely intended to be retailed by a related and established principal use.~~

~~D. Bus or taxi loading and unloading facilities.~~

~~E. Outdoor sidewalk cafes in the public right of way for which a permit has been issued by the City pursuant to City Code Ch. 315.~~

~~{Ord.782[8-9-2018]}~~

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(Supp. No. 7)

977.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ conditional uses in a "C-3" District: ~~(Requires a- are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require a conditional use permit based upon approved under the procedures and standards set forth in and regulated by Chapter 904 of this Ordinance-).~~

- A. ~~Freestanding Automobile Service Station and Auto Repair—Minor. Motor fuel station, auto repair—minor, tire and battery stores and service, and/or other such limited services, provided that:~~
- ~~1. No building or structure, permanent or temporary, driveway surfaces, parking areas, advertising devices or other similar site improvements, except driveways traversing a public road boulevard, shall be located within 110 feet of any part of a residential district which is separated from the automobile service station by a public right-of-way or within 50 feet of a residential district if they are not separated by a public road right-of-way.~~
 - ~~2. Sites for such facilities are freestanding and not internal to a principal shopping center structure and shall have not less than 125 feet of frontage on the side or sides of the site to or from which access or egress at two or more locations is possible and not less than 120 feet of frontage if there is only one point of access. The total site area shall be not less than 20,000 square feet for each service bay, to a maximum of 60,000 total square feet.~~
 - ~~3. Pump islands shall be set back not less than 30 feet from any property line and not less than 50 feet from any residential district boundary.~~
 - ~~4. Hydraulic hoists or pits and all lubrication, greasing, washing, repair or diagnostic equipment shall be used totally enclosed within a building.~~
 - ~~5. Facilities on a site contiguous to any residential district shall be not operated between the hours of 11:00 p.m. and 6:00 a.m. unless otherwise allowed by formal action of the City Council.~~
 - ~~6. Facilities may offer minor auto repairs, but they shall not offer major auto repairs, the sale or storage of junked cars, or automobile wrecking.~~
 - ~~7. Safety. Regardless of whether the dispensing, sale or offering for sale of motor fuels and/or oil is incidental to the conduct of the use or business, the standards and requirements imposed by this Ordinance for motor fuel stations shall apply. These standards and requirements are, however, in addition to other requirements which are imposed for other uses of the property.~~
 - ~~8. Compatibility. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or areas to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot.~~
 - ~~9. Surfacing. The entire site other than that taken up by a building, structure or plantings shall be surfaced with a material to control dust and drainage which is subject to the approval of the City.~~
 - ~~10. Drainage. A drainage system subject to the approval of the City shall be installed.~~
 - ~~11. Curbing. A concrete curb not less than six inches above grade shall separate the public sidewalk from motor vehicles service areas.~~
 - ~~12. Pump Islands. Wherever fuel pumps are to be installed, pump islands shall be installed.~~
 - ~~13. Green Strip. At the boundaries of a residential district, a strip of not less than five feet shall be landscaped and screened in compliance with Chapter 918.~~
 - ~~14. Lighting Standard Base Landscaped. Each light standard base shall be landscaped.~~

- ~~15. Stacking. Parking or car magazine storage space shall be screened from view of abutting residential districts in compliance with Chapter 918.~~
 - ~~16. Vehicle Circulation. Vehicular access points shall create a minimum of conflict with through traffic movement. Provisions shall be made for transport delivery of fuel which will not conflict with pump island service.~~
 - ~~17. Noise. Provisions are made to control and reduce noise in accordance with the Noise Control Section of this Ordinance.~~
 - ~~18. Outside Storage. No outside storage except as allowed in compliance with Section 916.12 of this Ordinance.~~
 - ~~19. Sales Limitations. Sale of products other than those specifically mentioned in this Section be subject to a conditional use permit and be in compliance with Section 976.05.I of this Ordinance.~~
 - ~~20. The provisions of Section 904.02.F are considered and satisfactorily met.~~
- ~~B. Convenience Store with Gasoline. Grocery and/or food operations, with convenience gas (no vehicle service or repair), provided that:~~
- ~~1. Permitted Uses. The retail sales involve uses or activities which are allowed in a C-1, C-2 or C-3 District.~~
 - ~~2. Take-Out Food. Convenience/deli food is of the take-out type only and that no provision for seating or consumption on the premises is provided. Furthermore, that the enclosed are devoted to such activity, use and merchandise shall not exceed 15 percent of the gross floor area.~~
 - ~~3. Sanitation. That any sale of food items is subject to the approval of the City Health Inspector who shall provide specific written sanitary requirements for each proposed sale location based upon applicable State and County regulations.~~
 - ~~4. Licenses. That the non-automotive sales shall qualify for and be granted an annual food handling, retail sales license or other license, as circumstances shall require, in addition to the conditional use permit.~~
 - ~~5. Litter Control. The operation shall be responsible for litter control within 300 feet of the premises and is to occur on a daily basis.~~
 - ~~6. Area. That the approximate area and location devoted to non-automatic merchandise sales shall be specified in general terms in the application and in the conditional use permit. Exterior sales shall be subject to a separate conditional use permit.~~
 - ~~7. Hours of Operation. The hours of operation shall be limited to 6.00 a.m. to 12.00 p.m., unless extended by the City Council.~~
 - ~~8. Motor Fuel Facilities. Motor fuel facilities are installed in accordance with State and City standards. Additionally, adequate space shall be provided to access gas pumps and allow maneuverability around the pumps. Underground fuel storage tanks are to be positioned to allow adequate access by motor fuel transports and unloading operations do not conflict with circulation, access and other activities on the site. Fuel pumps shall be installed on pump islands.~~
 - ~~9. Canopy. A protective canopy located over pump island may be an accessory structure on the property and may be located 20 feet or more from the front lot line, provided adequate visibility both on and off-site is maintained.~~
 - ~~10. Compatibility. The architectural appearance, scale, and functional plan of the building and site shall not be so dissimilar to the existing buildings or area as to cause impairment in property values or constitute~~

~~a blighting influence within a reasonable distance of the lot. All sides of the principal and accessory structures are to have essentially the same or a coordinated, harmonious finish treatment.~~

- ~~11. Dust Control and Drainage. The entire site other than that taken up by a building, structure or plantings shall be surfaced with a material to control dust and drainage which is subject to the approval of the City.~~
 - ~~12. Area. A minimum lot area of 20,000 square feet and minimum lot frontage of 125 feet. The City Council may exempt previously developed or previously platted property from this requirement, provided that the site is capable of adequately and safety handling all activities and required facilities.~~
 - ~~13. Curb Separation. A continuous and permanent concrete curb not less than six inches above grade shall separate the public sidewalk from motor vehicle areas, pursuant to the provisions of Chapter 920.~~
 - ~~14. Landscaping. At the boundaries of the lot, a strip of not less than five feet shall be landscaped and screened in compliance with Chapter 918 of this Ordinance, pursuant to the provisions of Chapter 920.~~
 - ~~15. Light Standard Base Landscaped. Each light standard base shall be landscaped.~~
 - ~~16. Access. Vehicular access points shall create a minimum of conflict with through traffic movement, and shall be subject to the approval of the City.~~
 - ~~17. Pedestrian Traffic. An internal site pedestrian circulation system shall be defined and appropriate provisions made to protect such areas from encroachments by parked cars or moving vehicles.~~
 - ~~18. Noise. Noise control shall be as required in the Noise Control Section of this Ordinance.~~
 - ~~19. Outside Storage and Sales. No outside storage except as allowed in compliance with Section 916.12. An enclosed screened area is to be provided for outside rubbish and dumpsters.~~
 - ~~20. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- C. ~~Drive in facilities for banks, or savings and loan associations, provided that:~~
- ~~1. Compatibility. The architectural appearance, scale, construction materials, and functional plan of the building and site shall not be dissimilar to the existing nearby commercial and residential buildings, and shall not cause impairment in property values, or constitute a blighting influence within a reasonable distance of the site.~~
 - ~~2. Vehicle Access. Vehicular access points shall be limited, shall create a minimum of conflict with through traffic movements.~~
 - ~~3. Surfacing. The entire area other than that portion occupied by buildings or structures or plantings shall be surfaced with a material which will control dust and drainage and which is subject to the approval of the City.~~
 - ~~4. Drive through Windows. Service windows shall be allowed if the following additional criteria are satisfied:~~
 - ~~a) Stacking. Not less than 180 feet of segregated automobile stacking lane(s) must be provided for the service window.~~
 - ~~b) Traffic Control. The stacking lane and its access must be designed to control traffic in a manner to protect the pedestrians, buildings and green area on the site.~~
 - ~~c) Use of Street. No part of the public street or boulevard may be used for stacking of automobiles.~~

- d) ~~Noise. The stacking lane, service intercom, and service window shall be designed and located in such a manner as to minimize automobile and communication noises, emissions, and headlight glare upon adjacent premises, particularly residential premises, and to maximize maneuverability of vehicles on the site. Levels of noise, light, and air quality shall occur and be measured at property lines and shall satisfy established state regulations.~~
- e) ~~Hours. Hours of operation shall be limited as necessary to minimize the effect of nuisance factors such as traffic, noise and glare upon any existing neighboring residential uses.~~
- f) ~~Green Strip. At any common boundary shared with a residential district, a strip of not less than five feet shall be landscaped and screened so as to create an effective visual and sound buffer and separation of uses.~~
- g) ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- D. ~~Indoor amusement or recreational establishments, commercial bowling alleys, billiard halls, game centers, swimming pools, skating rinks or tennis courts as a principal use, provided that:~~
 - 1. ~~If located within a shopping center, the use has its own exclusive exterior access.~~
 - 2. ~~Any and all applicable local, state and federal laws, permits licenses and operational regulations are complied with.~~
 - 3. ~~The use is located and developed so as not to create an incompatible operation problem with adjoining and neighboring commercial and/or residential uses.~~
 - 4. ~~The hours of operation shall be subject to City Council control and change as a means to maintain compatibility of uses and activities.~~
 - 5. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- E. ~~Repair stores or "fix-it" shops which provide services for the repair of home, garden, yard or personal appliances, provided that:~~
 - 1. ~~The use is conducted completely indoors.~~
 - 2. ~~The site shall accommodate sufficient parking and loading areas in conformance with Chapter 920 of this Ordinance.~~
 - 3. ~~The provisions of Section 904.02.F are considered and satisfactorily met.~~
- F. ~~Restaurants, excluding drive-ins or convenience food operations, provided that:~~
 - 1. ~~The use obtains all local, state and federal food and beverage handling licenses and/or permits.~~
 - 2. ~~There shall be no excessive noise or odors emitted from the use.~~
 - 3. ~~There shall be no outdoor storage and/or display.~~
 - 4. ~~The hours of operation shall be limited as necessary to minimize the effect of nuisance factors such as traffic, noise and glare upon any existing neighboring residential uses.~~
 - 5. ~~The use must be landscaped and screened in accordance with Chapter 918 of this Ordinance.~~
 - 6. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- G. ~~Restaurant, convenience food, provided that:~~

1. ~~Compatibility. The architectural appearance, scale, construction materials, and functional plan of the building and site shall not be dissimilar to the existing nearby commercial buildings, and shall not cause impairment in property values, or constitute a blighting influence within a reasonable distance of the site.~~
 2. ~~Green Strip. At any common boundary shared with a residential district, a strip of not less than five feet shall be landscaped and screened so as to create an effective visual and sound buffer and separation of uses.~~
 3. ~~Lighting. Each light standard base island and all islands in the parking lot landscaped or covered. The light source is hooded to prevent glare onto adjoining property and the public right of way.~~
 4. ~~Curbing. Parking areas and driveways shall be curbed with continuous concrete curbs not less than six inches high above the parking lot or driveway grade.~~
 5. ~~Vehicle Access. Vehicular access points shall be limited and shall create a minimum of conflict with through traffic movements.~~
 6. ~~Drainage. The entire area shall have a drainage system which is subject to the approval of the City Engineer.~~
 7. ~~Surfacing. The entire area other than that portion occupied by buildings or structures or plantings shall be surfaced with a material which will control dust and drainage and which is subject to the approval of the City.~~
 8. ~~Loading Berth. Adequate space shall be provided on the site for a loading berth to accommodate the parking and maneuvering of semi tractor trailers.~~
 9. ~~Refuse Storage. All refuse shall be stored in containers as specified by City Code. Said containers are to be screened and enclosed by a fence or similar structure.~~
 10. ~~Litter Control. The operation shall be responsible for litter control within 500 feet of the property line and is to occur on a daily basis.~~
 11. ~~Drive Through Windows. Service windows shall be allowed if the following additional criteria are satisfied:
 - a) ~~Stacking. Not less than 180 feet of segregated automobile stacking lane must be provided for the service window.~~
 - b) ~~Traffic Control. The stacking lane and its access must be designed to control traffic in a manner to protect the pedestrians, buildings and green area on the site.~~
 - c) ~~Use of Street. No part of the public street or boulevard may be used for stacking of automobiles.~~
 - d) ~~Noise. The stacking lane, order board intercom, and service window shall be designed and located in such a manner as to minimize automobile and communication noises, emissions, and headlight glare upon adjacent premises, particularly residential premises, and to maximize maneuverability of vehicles on the site. Levels of noise, light, and air quality shall be measured at property lines and shall satisfy established state regulations.~~
 - e) ~~Hours. Hours of operation shall be limited as necessary to minimize the effect of nuisance factors such as traffic, noise and glare upon any existing neighboring residential uses.~~~~
 12. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- H. ~~Open and outdoor storage as an accessory use, provided that:~~

- ~~1. The storage area is landscaped, fenced, and screened from view of neighboring uses and abutting "R" Districts.~~
 - ~~2. Storage is landscaped and screened from view from the public right-of-way.~~
 - ~~3. Storage area is blacktopped or concrete surfaced.~~
 - ~~4. All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences.~~
 - ~~5. The storage area does not take up parking space or loading space as required for conformity to this Ordinance.~~
 - ~~6. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- ~~I. Open or outdoor services, sale and rental as a principal or accessory use, provided that:~~
- ~~1. Outside services, sales and equipment rental connected with the principal use is limited to 30 percent of the gross floor area of the principal use. Uses specified as requiring a separate conditional use permit shall be exempted from this provision.~~
 - ~~2. Outside sales areas are landscaped and fenced or screened from view of neighboring residential uses or an abutting "R" District.~~
 - ~~3. All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences.~~
 - ~~4. Areas are asphalt or concrete surfaced.~~
 - ~~5. The use does not take up parking space or loading areas as required for conformity to this Ordinance.~~
 - ~~6. Additional parking, pursuant to Chapter 920 of this Ordinance is provided for said space.~~
 - ~~7. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- ~~J. Child care facilities as an accessory use, provided that:~~
- ~~1. The attendance of children is on a temporary sporadic basis as compared to a long-term schedule enrollment.~~
 - ~~2. The facility must allow the children to stay for a period longer than three hours. The maximum length of stay per individual child is five hours.~~
 - ~~3. The ages of the children attending range from 16 months to 12 years.~~
 - ~~4. The hours of operation coincide with those of the commercial retail stores in the area or complex.~~
 - ~~5. The employees and facility are licensed by the State Department of Human Services.~~
 - ~~6. Fire codes as applicable are complied with.~~
 - ~~7. Liability insurance coverage for the operation is demonstrated to the satisfaction of the City, and includes the City as an additional named insured.~~
 - ~~8. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- ~~K. Animal hospitals, animal clinics or kennels, excluding establishments with outside runs, provided that:~~
- ~~1. Any building in which animals are kept, whether roofed sheltered or enclosed structure, shall be located a distance of 100 feet or more from any lot line.~~

2. ~~The animals shall, at a minimum, be kept in an enclosed pen or corral of sufficient height and strength to retain such animals. Said pen or corral may not be located closer than 100 feet from a lot line.~~
 3. ~~The provisions of Minnesota Pollution Control Agency Regulations SW-53(2) are complied with.~~
 4. ~~All other applicable state and local regulations pertaining to nuisance, health and safety conditions, etc. are complied with.~~
 5. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- L. ~~Automobile agencies, used car lots, automobile washes, boat or marine stores or agencies and major auto repair which as a principal or accessory use, in accordance with the provisions of Section 977.06, provided that:~~
1. ~~The use is adequately screened from view of neighboring residential uses.~~
 2. ~~Adequate measures are taken to control noise levels.~~
 3. ~~Adequate measures are taken to control pollution and emissions exhaust.~~
 4. ~~Hours of operation shall be limited as necessary to minimize the effect of nuisance factors such as traffic noise and glare upon any existing neighboring residential uses.~~
 5. ~~Vehicle Access. Vehicular access points shall be limited and shall create a minimum of conflict with through traffic movements.~~
 6. ~~Lighting. Each light standard base island and all islands in the parking lot landscaped or covered. The light source is hooded to prevent glare onto adjoining property and the public right-of-way.~~
 7. ~~Compatibility. The architectural appearance, scale, construction materials, and function plan of the building and site shall not be dissimilar to the existing nearby commercial buildings and shall not cause impairment in property values, or constitute a blighting influence within reasonable distance of the site.~~
 8. ~~Green Strip. At any common boundary shared with a residential district, a strip of not less than five feet shall be landscaped and screened so as to create an effective visual and sound buffer and separation of uses.~~
 9. ~~Drainage. The entire area shall have a drainage system which is subject to the approval of the City Engineer.~~
 10. ~~Surfacing. The entire area other than that portion occupied by buildings or structures or plantings shall be surfaced with a material which will control dust and drainage and which is subject to the approval of the City.~~
 11. ~~Parking and Loading. Adequate parking and loading spaces shall be provided on the site including adequate room to accommodate the parking and maneuvering of cars and/or semi-tractor trailers in conformance with Chapter 920 of this Ordinance.~~
 12. ~~Refuse Storage. All refuse shall be stored in containers as specified by the City Code. Said containers are to be fully screened and enclosed by a fence or similar structure.~~
 13. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- M. ~~Miniature golf courses, par three golf courses, archery ranges, tennis courts or golf driving ranges, provided that:~~
1. ~~The entire perimeter of the site is fenced in accordance with Chapter 918 of this Ordinance.~~

2. ~~The hours of operation shall be limited as necessary to minimize the effect of nuisance factors such as traffic noise and glare upon any existing neighboring residential uses.~~
 3. ~~Lighting. All lighting shall be hooded and so directed to prevent glare onto adjacent properties and/or roads.~~
 4. ~~The site is well maintained, landscaped and screened in accordance with Chapter 918 of this Ordinance.~~
 5. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- N. ~~Motels, hotels, lodges, or boarding houses, provided that:~~
1. ~~All State regulations are complied with including obtaining all required permits and/or licenses.~~
 2. ~~Parking and loading areas are in conformance with the parking and loading ordinances outlined in Chapter 920 of this Ordinance.~~
 3. ~~The parking and loading spaces shall not be located within the front yard of a lot and must meet all applicable provisions of the parking and loading ordinance.~~
 4. ~~The site shall be landscaped and screened in compliance with Chapter 918 of this Ordinance.~~
 5. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- O. ~~Nursery or garden stores or retail greenhouses, provided that:~~
1. ~~There are no growing fields on the site.~~
 2. ~~Outdoor sales/display area shall be limited to 30 percent of the gross lot area and be in conformance with the performance standards of Section 916.12 of this Ordinance.~~
 3. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- P. ~~Outdoor sale and display of fruits or vegetables, provided that:~~
1. ~~The provisions of Section 916.12 of this Ordinance are considered and satisfactorily met.~~
 2. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- Q. ~~Commercial car washes (drive through, mechanical and self-service), provided that:~~
1. ~~The architectural appearance, scale, and functional plan of the building and site shall not be so dissimilar to the existing buildings or areas as to cause impairment in property values or constitute a blighting influence.~~
 2. ~~Magazine or stacking space is constructed to accommodate that number of vehicles which can be washed during a maximum 30-minute period and shall be subject to the approval of the City Engineer.~~
 3. ~~At the boundaries of a residential district, a strip of not less than five feet shall be landscaped and screened in compliance with Chapter 918 of this Ordinance.~~
 4. ~~Each light standard island and all islands in the parking lot shall be landscaped or covered.~~
 5. ~~Parking or car magazine storage space shall be screened from view of abutting residential districts in compliance with Chapter 918 of this Ordinance.~~
 6. ~~The entire area other than occupied by the building or plantings shall be surfaced with material which will control dust and drainage which is subject to the approval of the City Engineer.~~

- ~~7. The entire area shall have a drainage system which is subject to the approval of the City Engineer.~~
- ~~8. All lighting shall be hooded and so directed that the light source is not visible from the public right-of-way or from an abutting residence and shall be in compliance with Section 916.06 of this Ordinance.~~
- ~~9. Vehicular access points shall be limited, shall create a minimum of conflict with through traffic movement and shall be subject to the approval of the City Engineer.~~
- ~~10. All signing and information or visual communication devices shall be in compliance with the applicable provisions of Chapter 927 of this Ordinance.~~
- ~~11. Provisions are made to control and reduce noise.~~
- ~~12. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- ~~R. Automobile parking lots of four or more spaces as a principal use or other than those accessory to the principal use, provided that:~~
 - ~~1. The provisions of Chapter 920 of this Ordinance are considered and satisfactorily met.~~
 - ~~2. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- ~~S. Governmental and public related utility buildings and structures necessary for the health, safety and general welfare of the City, provided that:~~
 - ~~1. When abutting a residential use or a residential use district, the property is screened and landscaped in compliance with Chapter 918 of this Ordinance.~~
 - ~~2. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- ~~T. Planned unit development as regulated by Chapter 933 of this Ordinance.~~
- ~~U. Micro-production Facility, provided that:~~
 - ~~1. Licensing. The owner of the micro-production facility qualifies for and receives all federal, state and city licenses necessary for the operation of the micro-production facility, including a brewer license and a malt liquor wholesale license (if wholesale of malt liquor is an intended activity); winery license; and/or a distiller's license from the State of Minnesota, according to Minn. Stats. § 340A.~~
 - ~~2. Taproom/Tasting Room License. An accessory taproom or tasting room for the on-sale of beer, wine, or spirits produced on-site shall require a taproom/tasting room license from the City of Wayzata, according to City Code Section 524.02.~~
 - ~~3. Off-sale. On-site sale of beer in the form of growlers shall require a Brewery License for Off Sale of Malt Liquor, according to City Code Section 524.02. On-site sale of wine or spirits, other than samples as governed under Minnesota State Statutes, shall be prohibited.~~
 - ~~4. Production of Beer. Total production of malt liquor shall not exceed 5,000 barrels annually. Micro-production Facilities with a taproom license shall not exceed 3,500 barrels annually, and only 500 barrels may be sold off-sale as growlers. Any micro-production facility operating as a brewery shall annually submit production reports to the City with the request to renew a brewery taproom or off-sale malt liquor license.~~
 - ~~5. Production of Wine. Total production of wine shall not exceed 50,000 gallons annually. Any micro-production facility operating as a winery shall annually submit production reports to the City with the request to renew a tasting room or winery license.~~

6. ~~Production of Spirits. Total production of spirits shall not exceed 40,000 proof gallons annually. Any micro-production facility operating as a distillery shall annually submit production reports to the City with the request to renew a tasting room or distillery license.~~
7. ~~Off-street Loading. The micro-production facility shall provide adequate space for off-street loading and unloading of all trucks greater than 22 feet in length. In the absence of off-street loading, the City may impose limits on deliveries or shipments using the public rights of ways, including regulating the number of trucks per day and the hours that deliveries are permitted.~~
8. ~~Outdoor Storage. No outdoor storage is permitted on the site, with the exception that waste handling (refuse and/or recycling) may occur in an enclosure that is fully screened from adjoining streets and residentially-zoned properties.~~
9. ~~Odors. No odors from the micro-production facility shall be perceptible beyond the property line. The micro-production facility operator shall take appropriate measures to reduce or mitigate any odors generated from the operation and be in compliance with any applicable Minnesota Pollution Control Standards.~~
10. ~~Waste. Waste products shall be disposed of in a timely manner and in such a way to reduce odors.~~
11. ~~Exterior Lighting. All exterior lighting shall be designed in such a way as to have no direction source of light visible from adjacent property, and shall comply with the requirements of Section 916.06 of the Wayzata Zoning Ordinance.~~
12. ~~Parking. Parking supply shall be provided on-site or through off-site arrangement, to avoid street parking on residential streets. Off-site or reduced parking supply shall require separate approval per the requirements of Chapter 920 of the Wayzata Zoning Ordinance, as applicable.~~
13. ~~Hours of Operation. Micro-production facility operation hours shall be limited to the hours specified in Minn. Stats. Ch. 340A for off-sale intoxicating liquor unless further limited the City Council as part of a Conditional Use Permit.~~
14. ~~Other Provisions. The provisions of Section 904.02.F of the Wayzata Zoning Ordinance, pertaining to Conditional Use Permit criteria, are considered and satisfactorily met. A micro-production facility shall meet all other applicable performance standards and design requirements in the Wayzata Zoning Ordinance.~~

977.06 Height, ~~Setback and Setbacks, F.A.R., Lot Area, Lot Coverage Requirements, Impervious Surfaces and Landscaping Standards.~~

The following ~~minimum requirements shall be observed~~ standards apply to all lots and buildings in a "the C-3" District ~~subject to additional requirements, exceptions, and modifications set forth in this Ordinance. The following lot coverage,:~~

A. ~~Buildings may not exceed a height and bulk shall be observed in a "C-3" District.~~

A. ~~Height. No building shall be erected or structurally altered to exceed of two stories and or 30 feet in height, whichever is lesser.~~

B. ~~Setback~~ Minimum Setbacks.

1. Front. There ~~shall~~ must be a front yard having a depth of not less than ten feet.
2. Side. There ~~shall~~ must be a side yard on each side of any building having a width of not less than ten feet, except where a greater side yard is required to provide parking and loading, as required by Chapters 914 and 915, and except that no building ~~shall~~ may be located within 50 feet of any side lot line abutting a residential district.
3. Rear. There ~~shall~~ must be a rear yard having a depth of not less than ten feet, except where a greater rear yard is required to provide parking and loading, as required by Chapters 914 and

915, and except that no building ~~shall may~~ be located within 50 feet of any rear lot line abutting a residential district.

C. ~~Lot Coverage.~~ The maximum lot coverage of all buildings shall be 50 percent.

D. ~~Lot Area.~~ The minimum total lot area shall be 15,000 square feet.

~~E. Floor Area Ratio.~~ The maximum floor area ratio (F.A.R.) shall be may not exceed 1.5.

~~D. 0.~~ The lot area must be at least 15,000 square feet.

E. The lot coverage of may not exceed 50 percent of lot area.

F. The impervious surfaces may not exceed 75 percent of lot area.

G. Required Landscaping. A minimum of 20 percent of the total lot ~~shall must~~ be landscaped and maintained. A landscaped buffer strip of at least eight feet wide ~~shall must~~ be provided between parking areas and adjacent streets or sidewalks. The buffer strip ~~shall must~~ consist of shade trees at maximum intervals of 30 feet and a decorative fence, masonry wall, or hedge.

CHAPTER 977.5 C-3A SERVICE DISTRICT

977.5.01 Purpose.

The purpose of the C-3A Service District is to provide a district for service facilities orientated to vehicular traffic and access near Wayzata Boulevard. Because of the unique character of this type of commercial activity and its great dependence upon transient trade and traffic, and because of the greater than normal adverse effects created by the uses within this district, the location of such activities are critical and should be developed either within other commercial spheres adjacent to arterial traffic routes or as well-buffered areas adjacent to major streets. This district also is intended as a mixed-use district which may be located adjacent to shopping centers or other retail business districts, thus keeping the basic retail areas compact and convenient, or in separate areas which may be located in close proximity to a major street or highway, in order that highway service types of land uses can be provided.

977.5.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the permitted uses in the C-3 District are listed in the Table shown in Section 937.02 of this Ordinance.

977.5.03 Interim Uses.

No interim uses are allowed in the C-3 District.

977.5.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the accessory uses allowed in the C-3 District are listed in the Table shown in Section 937.02 of this Ordinance.

977.5.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the conditional uses in a C-3 District are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require a conditional use permit approved under the procedures and standards set forth in Chapter 904 of this Ordinance.

977.5.06 Height, Setbacks, F.A.R., Lot Area, Lot Coverage, Impervious Surfaces and Landscaping Standards.

The following standards apply to all lots and buildings in the C-3 District:

A. Buildings may not exceed a height of three stories or 35 feet.

B. Minimum Setbacks.

1. Front. There must be a front yard having a depth of not less than ten feet.

2. Side. There must be a side yard on each side of any building having a width of not less than ten feet, except where a greater side yard is required to provide parking and loading, as required by Chapters 914 and 915, and except that no building may be located within 50 feet of any side lot line abutting a residential district.

3. Rear. There must be a rear yard having a depth of not less than ten feet, except where a greater rear yard is required to provide parking and loading, as required by Chapters 914 and 915, and except that no building may be located within 50 feet of any rear lot line abutting a residential district.

C. The floor area ratio (F.A.R.) may not exceed 1.5.

D. The lot area must be at least 15,000 square feet.

E. The lot coverage of may not exceed 50 percent of lot area.

F.

The impervious surfaces may not exceed 75 percent of lot area.

G. Required Landscaping. A minimum of 20 percent of the total lot must be landscaped and maintained. A landscaped buffer strip of at least eight feet wide must be provided between parking areas and adjacent streets or sidewalks. The buffer strip must consist of shade trees at maximum intervals of 30 feet and a decorative fence, masonry wall, or hedge.

CHAPTER 978 C-4 CENTRAL BUSINESS DISTRICT

978.01 Purpose.

The purpose of the C-4 Central Business District is ~~intended~~ to provide a district ~~accommodating those for~~ retail, service and office ~~functions~~uses which are characteristic ~~to of~~ a "downtown" area ~~and to allow the present downtown area to expand, develop and redevelop, with emphasis on specialty shops and office uses. Planned commercial development as provided for in this Ordinance will be encouraged so as to provide a cohesive and unified central business district in general accordance with the Comprehensive Plan.~~

978.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ permitted uses in a ~~the~~ C-4 District:

- ~~A. Adult Use Accessory.~~
- ~~B. Antique shops.~~
- ~~C. Appliance sales or service stores.~~
- ~~D. Art galleries or studios.~~
- ~~E. Art supply, school supply, book or stationery stores.~~
- ~~F. Bakeries, provided the room or rooms containing the preparation and baking process shall not have a gross floor area are listed in excess of 2,400 square feet.~~
- ~~G. Banks, savings, lending or other financial institutions.~~
- ~~H. Barber shops.~~
- ~~I. Beauty parlors.~~
- ~~J. Blueprinting, photostatting or instant printing establishments under 2,000 square feet~~ the Table shown ~~in gross floor area.~~
- ~~K. Business machine sales or service stores.~~
- ~~L. Camera and photo stores.~~
- ~~M. Candy or ice cream stores.~~
- ~~N. Carpet and rug stores (sample showrooms only).~~
- ~~O. Catering establishments.~~
- ~~P. Clothes pressing or tailoring shops.~~
- ~~Q. Department stores.~~
- ~~R. Drug stores.~~
- ~~S. Dry cleaning receiving and pick up or laundry self-service establishments, excluding commercial laundering and dry-cleaning.~~
- ~~T. Florist shops.~~
- ~~U. Food, grocery, meat, fish, bakery or delicatessen stores.~~
- ~~V. Furniture stores.~~
- ~~W. Hardware stores.~~

~~X. — Hobby stores.~~
~~Y. — Interior decorating studios.~~
~~Z. — Jewelry stores.~~
~~AA. — Laboratories (medical or dental).~~
~~BB. — Leather goods or luggage shops.~~
~~CC. — Libraries.~~
~~DD. — Locksmith shops.~~
~~EE. — Medical or dental clinics.~~
~~FF. — Newsstands which are not free-standing.~~
~~GG. — "Off-sale" liquor stores.~~
~~HH. — Offices, including both business and professional uses.~~
~~II. — "On-sale" liquor stores.~~
~~JJ. — Optical stores.~~
~~KK. — Paint or wallpaper stores.~~
~~LL. — Parking or garages, other than those accessory to a principal use, for the parking and storage of private passenger automobiles only.~~
~~MM. — Pawn shops.~~
~~NN. — Pet shops.~~
~~OO. — Phonograph, record or sheet music stores.~~
~~PP. — Photography studios.~~
~~QQ. — Picture framing or picture stores.~~
~~RR. — Pipe tobacco shops.~~
~~SS. — Post offices.~~
~~TT. — Public utility service stores.~~
~~UU. — Restaurants excluding the service of liquor and excluding convenience food establishments.~~
~~VV. — Schools, such as music, dance, business or vocational schools.~~
~~WW. — Sporting goods stores.~~
~~XX. — Taxidermy shops.~~
~~YY. — Theaters, excluding drive-ins.~~
~~ZZ. — Variety, gift, notion or soft good stores.~~
~~AAA. — Wearing apparel stores.~~
~~BBB. — Coffee shops.~~
~~CCC. — Municipal parks and playgrounds.~~

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{Supp. No. 7}

~~DDD. — Upper story dwelling units subject the density standards of the R-5 District. Section 937.02~~

~~978.03 Interim Use.~~

~~Subject to applicable provisions of this Ordinance.~~

~~978.03 Interim, the following are Uses.~~

~~No interim uses are allowed in the C-4 District and are governed by Chapter 934 of this Ordinance:~~

~~A. — None.~~

978.04 Accessory Uses.

~~The following are permitted Subject to applicable provisions of the Ordinance, the accessory uses allowed in a "the C-4" District:~~

- ~~A. Accessory uses customarily incident to the uses permitted are listed in Sections 978 the Table shown in Section 937.02 and 978.05 of this Ordinance.~~
- ~~B. — Off Street Parking and Loading Areas and Structures. Parking of trucks used in the conduct of a permitted principal use, other than delivery trucks parked for not more than two consecutive hours, shall be limited to vehicles of not more than 12,000 pounds gross vehicle weight.~~
- ~~C. — Telephone booths.~~
- ~~D. — Enclosed storage of merchandise in either principal or accessory building, solely intended to be retailed by a related and established principal use.~~
- ~~E. — Enclosed storage of merchandise in either principal or accessory building, solely intended to be retailed by a related and established principal use.~~
- ~~F. — Bus or taxi loading and unloading facilities.~~
- ~~G. — Outdoor sidewalk cafes in the public right of way for which a permit has been issued by the City pursuant to City Code Ch. 315.~~

~~{Ord. 782[8-9-2018]}~~

978.05 Conditional Uses.

~~Subject to applicable provisions of this Ordinance, the following are conditional uses in a "C-4" District: {Requires a are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require a conditional use permit based upon approved under the procedures and standards set forth in and regulated by Chapter 904 of this Ordinance.}~~

- ~~A. — Drive-in facilities for banks or savings and loan associations, provided that:~~
 - ~~1. — The driveway access shall not be on a residential street.~~
 - ~~2. — The curb cut setbacks and parking shall be in conformance with Chapter 920, the Parking Ordinance.~~
 - ~~3. — The stacking lane and its access must be designed to control traffic in a manner to protect the pedestrians, buildings and green area on the site.~~
 - ~~4. — The service windows and driveway shall be screened from view if adjacent to a residentially used property.~~

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5. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- B. ~~Physical, culture or health service establishments or reducing salons, provided that:~~
1. ~~The use shall not serve alcoholic beverages.~~
 2. ~~If located within a shopping center, the use has its own exclusive exterior access.~~
 3. ~~The use is located and developed so as not to create an incompatible operation problem with adjoining and neighboring commercial and/or residential uses.~~
 4. ~~Any and all applicable local, state and federal laws, permits licenses and operational regulations are complied with.~~
 5. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- C. ~~Accessory, enclosed retail, rental or service activity other than that allowed as a permitted use or conditional use within this Section, provided that:~~
1. ~~Such use is allowed as a permitted use in a "B-1" or "B-2" District.~~
 2. ~~Such use does not constitute more than 30 percent of the lot area and not more than 50 percent of the gross floor area of the principal use.~~
 3. ~~Adequate off-street parking and off-street loading in compliance with the requirements of Chapter 920 of this Ordinance is provided.~~
 4. ~~All signing and informational or visual communication devices shall be in compliance with Chapter 927 this Ordinance.~~
 5. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- D. ~~Drive-inns or convenience food establishments, provided that the provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- E. ~~Residential use as a principal use, provided that:~~
1. ~~The development does not front or border Lake Street.~~
 2. ~~The development does not conflict with existing or potential future commercial uses and activities.~~
 3. ~~The density standards imposed as part of the R-5 Zoning District are complied with.~~
 4. ~~Adequate open space and recreational space is provided on site for the benefit of the occupants.~~
 5. ~~The development does not conflict or result in incompatible land use arrangements as related to abutting residential uses or commercial uses.~~
 6. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- F. ~~Open and outdoor storage as an accessory use, provided that:~~
1. ~~The storage area is landscaped, fenced, and screened from view of neighboring uses and abutting "R" Districts.~~
 2. ~~Storage is landscaped and screened from view from the public right-of-way.~~
 3. ~~Storage area is blacktopped or concrete surfaced.~~

4. All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences.
 5. ~~The storage area does not take up parking space or loading space as required for conformity to this Ordinance.~~
 6. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.
- G. ~~Open or outdoor service, sale and rental as a principal or accessory use, provided that:~~
1. ~~Outside services, sales and equipment rental connected with the principal use is limited to 30 percent of the gross floor area of the principal use.~~
 2. ~~Outside sales areas are landscaped and fenced or screened from view of neighboring residential uses or an abutting "R" District.~~
 3. ~~All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences.~~
 4. ~~Areas are asphalt or concrete surfaced.~~
 5. ~~The use does not take up parking space or loading areas as required for conformity to this Ordinance.~~
 6. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- H. ~~Governmental and public related utility buildings and structures necessary for the health, safety and general welfare of the City, provided that:~~
1. ~~When abutting a residential use or a residential use district, the property is screened and landscaped in compliance with Chapter 918 of this Ordinance.~~
 2. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- I. ~~Planned unit development as regulated by Chapter 933 of this Ordinance.~~
- J. ~~Existing clubs or lodges, provided that:~~
1. ~~All State regulations are complied with including obtaining all required permits and/or licenses.~~
 2. ~~Parking and loading areas are in conformance with the parking and loading ordinances outlined in Chapter 920 of this Ordinance.~~
 3. ~~The parking and loading spaces shall not be located within the front yard of a lot and must meet all applicable provisions of the parking and loading ordinance.~~
 4. ~~The site shall be landscaped and screened in compliance with Chapter 918 of this Ordinance.~~
 5. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- K. ~~Micro-production Facility, provided that:~~
1. ~~Licensing.~~ The owner of the micro-production facility qualifies for and receives all federal, state and city licenses necessary for the operation of the micro-production facility, including a brewer license and a malt liquor wholesale license (if wholesale of malt liquor is an intended activity); winery license; and/or a distiller's license from the State of Minnesota, according to Minn. Stats. § 340A.
 2. ~~Taproom/Tasting Room License.~~ An accessory taproom or tasting room for the on-sale of beer, wine, or spirits produced on-site shall require a taproom/tasting room license from the City of Wayzata, according to City Code Section 524.02.

3. ~~Off sale. On-site sale of beer in the form of growlers shall require a Brewery License for Off Sale of Malt Liquor, according to City Code Section 524.02. On-site sale of wine or spirits, other than samples as governed under Minnesota State Statutes, shall be prohibited.~~
4. ~~Production of Beer. Total production of malt liquor shall not exceed 5,000 barrels annually. Micro-production Facilities with a taproom license shall not exceed 3,500 barrels annually, and only 500 barrels may be sold off-sale as growlers. Any micro-production facility operating as a brewery shall annually submit production reports to the City with the request to renew a brewery taproom or off-sale malt liquor license.~~
5. ~~Production of Wine. Total production of wine shall not exceed 50,000 gallons annually. Any micro-production facility operating as a winery shall annually submit production reports to the City with the request to renew a tasting room or winery license.~~
6. ~~Production of Spirits. Total production of spirits shall not exceed 40,000 proof gallons annually. Any micro-production facility operating as a distillery shall annually submit production reports to the City with the request to renew a tasting room or distillery license.~~
7. ~~Off-street Loading. The micro-production facility shall provide adequate space for off-street loading and unloading of all trucks greater than 22 feet in length. In the absence of off-street loading, the City may impose limits on deliveries or shipments using the public rights of ways, including regulating the number of trucks per day and the hours that deliveries are permitted.~~
8. ~~Outdoor Storage. No outdoor storage is permitted on the site, with the exception that waste handling (refuse and/or recycling) may occur in an enclosure that is fully screened from adjoining streets and residentially zoned properties.~~
9. ~~Odors. No odors from the micro-production facility shall be perceptible beyond the property line. The micro-production facility operator shall take appropriate measures to reduce or mitigate any odors generated from the operation and be in compliance with any applicable Minnesota Pollution Control Standards.~~
10. ~~Waste. Waste products shall be disposed of in a timely manner and in such a way to reduce odors.~~
11. ~~Exterior Lighting. All exterior lighting shall be designed in such a way as to have no direction source of light visible from adjacent property, and shall comply with the requirements of Section 916.06 of the Wayzata Zoning Ordinance.~~
12. ~~Parking. Parking supply shall be provided on-site or through off-site arrangement, to avoid street parking on residential streets. Off-site or reduced parking supply shall require separate approval per the requirements of Chapter 920 of the Wayzata Zoning Ordinance, as applicable.~~
13. ~~Hours of Operation. Micro-production facility operation hours shall be limited to the hours specified in Minn. Stats. Ch. 340A for off-sale intoxicating liquor unless further limited the City Council as part of a Conditional Use Permit.~~
14. ~~Other Provisions. The provisions of Section 904.02.F of the Wayzata Zoning Ordinance, pertaining to Conditional Use Permit criteria, are considered and satisfactorily met. A micro-production facility shall meet all other applicable performance standards and design requirements in the Wayzata Zoning Ordinance.~~

{Ord.782[8-9-2018]}

978.06 Special Limitations and Conditions.

~~A. All business establishments shall be retail or service establishments which deal directly with the customer for whom the goods or services are furnished.~~

A. Each business establishment shall be operated as a separate and distinct business entity. Each business establishment shall be physically separate from any other such establishment by solid walls, partitions or windows, although nothing in this paragraph is intended to prevent either common ownership or free pedestrian movement from one establishment to another through either an area commonly owned or ~~B. Each business establishment shall be operated as a separate and distinct business entity. Each business establishment shall be physically separate from any other such establishment by solid walls, partitions or windows, although nothing in this paragraph is intended to prevent either common ownership or free pedestrian movement from one establishment to another through either an area commonly owned or~~ leased by all adjoining establishments or through direct doorway connections. All business establishments shall be accessible from the exterior of the building in which they are located by either a direct door to the exterior or by direct access to a "common area" which in turn has adequate access to the exterior of the building without passing through another business establishment

~~CB.~~ Retail or Commercial Use. 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 should comprise at least 50 percent of the ground floor building footprint.

~~DC.~~ New Lake Street Buildings. All new buildings along Lake Street with a building footprint of 4,000 square feet or more shall be developed with more than one of the following uses. retail, service, residential, and office. Upper floors may be used for any permitted use including residential.

~~ED.~~ All buildings shall meet the defined sidewalk line except for small setbacks to provide outdoor seating, plazas or recess entries.

~~FE.~~ Parking in the front yard is prohibited.

978.07 Height, ~~Setback~~Setbacks, F.A.R. and Lot ~~Coverage Requirements~~Area.

~~The following minimum requirements shall be observed in a "C-4" District subject to additional requirements, exceptions, and modifications set forth in this Ordinance. The following lot coverage, height and bulk shall be observed in a "C-4" District:~~

~~A. Height.~~ No building shall be erected or structurally altered to ~~The following standards to all lots and buildings in the C-4 District:~~

A. Buildings may not exceed the height of three stories and/or 35 feet in height, whichever is lesser. ~~Three story buildings are subject to the following additional standards:~~

~~1. The third story must be set back from the building's front facade a minimum distance of ten feet; or~~

~~2. A portion of the third story, equal to no more than 25 percent of the building's street frontage may be located in the same plane as the building's front facade if the remainder of the third story is setback a minimum distance of 20 feet.~~ Chapter 909.

~~B. Setback~~ Minimum Setbacks.

1. There ~~shall~~must be no front yard, exterior side yard or rear yard requirements, except that there ~~shall~~must be a required setback from C-4 District boundaries when such boundaries are adjacent to a residential district the same as the setback for the adjacent district.

~~C. Floor Area Ratio.~~ The maximum floor area ratio (F.A.R.) shall be may not exceed 2.0.

~~D. Area.~~ The minimum total lot area shall must be at least 8,000 square feet.

CHAPTER 979 C-4A LIMITED CENTRAL BUSINESS DISTRICT

979.01 Purpose.

The ~~purpose of the~~ C-4A Limited Central Business District is ~~intended~~ to provide a district ~~accommodating for~~ those retail, service, office and residential functions which are characteristic ~~to of~~ a "downtown" area and to allow the present downtown area to expand, develop and redevelop, with emphasis on specialty shops and office uses with continuous linear low level building designs. Such areas are to be characterized by individual store fronts with public sidewalk access, as contrasted to shopping mall type development. Planned commercial development as provided for in this Ordinance will be encouraged, so as to provide a cohesive and unified central business district in general accordance with the Comprehensive Plan.

979.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ permitted uses within the "C-4A" District:

- ~~A. — Adult Use — Accessory.~~
- ~~B. — Antique shops.~~
- ~~C. — Appliance sales or service stores.~~
- ~~D. — Art galleries or studios.~~
- ~~E. — Art supply, school supply, book or stationery stores.~~
- ~~F. — Bakeries, provided: are listed in the room or rooms containing the preparation and baking process shall not have a gross floor area in excess of 2,400 square feet.~~
- ~~G. — Banks, savings, lending or other financial institutions.~~
- ~~H. — Barber shops.~~
- ~~I. — Beauty parlors.~~
- ~~J. — Blueprinting, photostatting or instant printing establishments under 2,000 square feet~~ Table shown ~~in gross floor area. Section 937.02 of this Ordinance.~~
- ~~K. — Business machine sales or service stores.~~
- ~~L. — Camera and photo stores.~~
- ~~M. — Candy or ice cream stores.~~
- ~~N. — Carpet and rug stores (sample showrooms only).~~
- ~~O. — Catering establishments.~~
- ~~P. — Clothes pressing or tailoring shops.~~
- ~~Q. — Department stores.~~
- ~~R. — Drug stores.~~
- ~~S. — Dry cleaning receiving and pick up or laundry self-service establishments, excluding commercial laundering and dry cleaning.~~
- ~~T. — Florist shops.~~
- ~~U. — Food, grocery, meat, fish, bakery or delicatessen stores.~~
- ~~V. — Furniture stores.~~
- ~~W. — Hardware stores.~~

~~X. — Hobby stores.~~
~~Y. — Interior decorating studios.~~
~~Z. — Jewelry stores.~~
~~AA. — Laboratories (medical or dental).~~
~~BB. — Leather goods or luggage shops.~~
~~CC. — Libraries.~~
~~DD. — Locksmith shops.~~
~~EE. — Medical or dental clinics.~~
~~FF. — Newsstands which are not free-standing.~~
~~GG. — "Off-sale" liquor stores.~~
~~HH. — Offices, including both business and professional uses.~~
~~II. — "On-sale" liquor stores.~~
~~JJ. — Optical stores.~~
~~KK. — Paint or wallpaper stores.~~
~~LL. — Parking or garages, other than those accessory to a principal use, for the parking and storage of private passenger automobiles only.~~
~~MM. — Pawn shops.~~
~~NN. — Pet shops.~~
~~OO. — Phonograph, record or sheet music stores.~~
~~PP. — Photography studios.~~
~~QQ. — Picture framing or picture stores.~~
~~RR. — Pipe tobacco shops.~~
~~SS. — Post offices.~~
~~TT. — Public utility service stores.~~
~~UU. — Restaurants excluding the service of liquor and excluding convenience food establishments.~~
~~VV. — Schools, such as music, dance, business or vocational schools.~~
~~WW. — Sporting goods stores.~~
~~XX. — Taxidermy shops.~~
~~YY. — Theaters, excluding drive-ins.~~
~~ZZ. — Variety, gift, notion or soft good stores.~~
~~AAA. — Wearing apparel stores.~~
~~BBB. — Coffee shops.~~
~~CCC. — Municipal parks and playgrounds.~~

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~~DDD. — Upper story dwelling units subject to the density standards of the R-5 District.~~

979.03 Interim ~~Use~~Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ interim uses allowed in the C-4A District are listed in the Table shown in Section 937.02 of this Ordinance, and are governed by Chapter 934 of this Ordinance.:

~~A. —~~

~~Existing car wash and dispensing operations, provided that:~~

- ~~1. — All proposed alterations and/or modifications to the building and site are subject to the issuance of a conditional use permit as set forth in Chapter 904 of the Zoning Ordinance.~~

979.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ accessory uses allowed in the C-4A District:

~~A. — Accessory uses customarily incident to the uses permitted are listed in Sections 979the Table shown in Section 937.02 and 979.05 of this Ordinance.~~

~~B. — Off Street Parking and Loading Areas and Structures. Parking of trucks used in the conduct of a permitted principal use, other than delivery trucks parked for not more than two consecutive hours, shall be limited to vehicles of not more than 12,000 pounds gross vehicle weight.~~

~~C. — Telephone booths.~~

~~D. — Enclosed storage of merchandise in either principal or accessory building, solely intended to be retailed by a related and established principal use.~~

~~E. — Bus or taxi loading and unloading facilities.~~

~~F. — Outdoor sidewalk cafes in the public right of way for which a permit has been issued by the City pursuant to City Code Ch. 315.~~

~~{Ord.782{8-9-2018}}~~

979.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ conditional uses in a "C-4A" District: ~~{Requires are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require a conditional use permit based upon approved under the procedures and standards set forth in and regulated by Chapter 904 of this Ordinance.}~~

~~A. — Drive-in facilities for banks or savings and loan associations, provided that:~~

- ~~1. — The driveway access shall not be on a residential street.~~
- ~~2. — The curb cut setbacks and parking shall be in conformance with Chapter 920, the Parking Ordinance.~~
- ~~3. — The stacking lane and its access must be designed to control traffic in a manner to protect the pedestrians, buildings and green area on the site.~~
- ~~4. — The service windows and driveway shall be screened from view if adjacent to a residentially used property.~~
- ~~5. — The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

~~B. — Physical, culture or health service establishments or reducing salons, provided that:~~

- ~~1. The use shall not serve alcoholic beverages.~~
 - ~~2. If located within a shopping center, the use has its own exclusive exterior access.~~
 - ~~3. The use is located and developed so as not to create an incompatible operation problem with adjoining and neighboring commercial and/or residential uses.~~
 - ~~4. Any and all applicable local, state and federal laws, permits licenses and operational regulations are complied with.~~
 - ~~5. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- ~~C. Accessory, enclosed retail, rental or service activity other than that allowed as a permitted use or conditional use within this Section, provided that:~~
- ~~1. Such use is allowed as a permitted use in a "B-1, or "B-2" District.~~
 - ~~2. Such use does not constitute more than 30 percent of the lot area and not more than 50 percent of the gross floor area of the principal use.~~
 - ~~3. Adequate off-street parking and off-street loading in compliance with the requirements of Chapter 920 of this Ordinance is provided.~~
 - ~~4. All signing and informational or visual communication devices shall be in compliance with Chapter 927 of this Ordinance.~~
 - ~~5. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- ~~D. Drive ins and delicatessens with seating facilities, provided that the provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- ~~E. Residential use as a principal use, provided that:~~
- ~~1. The development does not front or border Lake Street.~~
 - ~~2. The development does not conflict with existing or potential future commercial uses and activities.~~
 - ~~3. The density standards imposed as part of the R-5 Zoning District are complied with.~~
 - ~~4. Adequate open space and recreational space is provided on site for the benefit of the occupants.~~
 - ~~5. The development does not conflict or result in incompatible land use arrangements as related to abutting residential uses.~~
 - ~~6. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- ~~F. Open and outdoor storage as an accessory use, provided that:~~
- ~~1. The storage area is landscaped, fenced, and screened from view of neighboring uses and abutting "R" Districts.~~
 - ~~2. Storage is landscaped and screened from view from the public right-of-way.~~
 - ~~3. Storage area is blacktopped or concrete surfaced.~~
 - ~~4. All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences.~~
 - ~~5. The storage area does not take up parking space or loading space as required for conformity to this Ordinance.~~

- ~~6. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- ~~G. Open or outdoor service, sale and rental as a principal or accessory use, provided that:~~
- ~~1. Outside services, sales and equipment rental connected with the principal use is limited to 30 percent of the gross floor area of the principal use.~~
 - ~~2. Outside sales areas are landscaped and fenced or screened from view of neighboring residential uses or an abutting "R" District.~~
 - ~~3. All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences.~~
 - ~~4. Areas are asphalt or concrete surfaced.~~
 - ~~5. The use does not take up parking space or loading areas as required for conformity to this Ordinance.~~
 - ~~6. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- ~~H. Governmental and public related utility buildings and structures necessary for the health, safety and general welfare of the City, provided that:~~
- ~~1. When abutting a residential use or a residential use district, the property is screened and landscaped in compliance with Chapter 918 of this Ordinance.~~
 - ~~2. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- ~~I. Planned unit development as regulated by Chapter 933 of this Ordinance.~~
- ~~J. Existing clubs or lodges, provided that:~~
- ~~1. All State regulations are complied with including obtaining all required permits and/or licenses.~~
 - ~~2. Parking and loading areas are in conformance with the parking and loading ordinances outlined in Chapter 920 of this Ordinance.~~
 - ~~3. The parking and loading spaces shall not be located within the front yard of a lot and must meet all applicable provisions of the parking and loading ordinance.~~
 - ~~4. The site shall be landscaped and screened in compliance with Chapter 918 of this Ordinance.~~
 - ~~5. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- ~~K. Micro-production Facility, provided that:~~
- ~~1. Licensing. The owner of the micro-production facility qualifies for and receives all federal, state and city licenses necessary for the operation of the micro-production facility, including a brewer license and a malt liquor wholesale license (if wholesale of malt liquor is an intended activity); winery license; and/or a distiller's license from the State of Minnesota, according to Minn. Stats. § 340A.~~
 - ~~2. Taproom/Tasting Room License. An accessory taproom or tasting room for the on-sale of beer, wine, or spirits produced on-site shall require a taproom/tasting room license from the City of Wayzata, according to City Code Section 524.02.~~
 - ~~3. Off Sale. On-site sale of beer in the form of growlers shall require a Brewery License for Off Sale of Malt Liquor, according to City Code Section 524.02. On-site sale of wine or spirits, other than samples as governed under Minnesota State Statutes, shall be prohibited.~~

4. ~~Production of Beer. Total production of malt liquor shall not exceed 5,000 barrels annually. Micro-production Facilities with a taproom license shall not exceed 3,500 barrels annually, and only 500 barrels may be sold off sale as growlers. Any micro-production facility operating as a brewery shall annually submit production reports to the City with the request to renew a brewery taproom or off-sale malt liquor license.~~
5. ~~Production of Wine. Total production of wine shall not exceed 50,000 gallons annually. Any micro-production facility operating as a winery shall annually submit production reports to the City with the request to renew a tasting room or winery license.~~
6. ~~Production of Spirits. Total production of spirits shall not exceed 40,000 proof gallons annually. Any micro-production facility operating as a distillery shall annually submit production reports to the City with the request to renew a tasting room or distillery license.~~
7. ~~Off-Street Loading. The micro-production facility shall provide adequate space for off-street loading and unloading of all trucks greater than 22 feet in length. In the absence of off-street loading, the City may impose limits on deliveries or shipments using the public rights of ways, including regulating the number of trucks per day and the hours that deliveries are permitted.~~
8. ~~Outdoor Storage. No outdoor storage is permitted on the site, with the exception that waste handling (refuse and/or recycling) may occur in an enclosure that is fully screened from adjoining streets and residentially zoned properties.~~
9. ~~Odors. No odors from the micro-production facility shall be perceptible beyond the property line. The micro-production facility operator shall take appropriate measures to reduce or mitigate any odors generated from the operation and be in compliance with any applicable Minnesota Pollution Control Standards.~~
10. ~~Waste. Waste products shall be disposed of in a timely manner and in such a way to reduce odors.~~
11. ~~Exterior Lighting. All exterior lighting shall be designed in such a way as to have no direction source of light visible from adjacent property, and shall comply with the requirements of Section 916.06 of the Wayzata Zoning Ordinance.~~
12. ~~Parking. Parking supply shall be provided on-site or through off-site arrangement, to avoid street parking on residential streets. Off-site or reduced parking supply shall require separate approval per the requirements of Chapter 920 of the Wayzata Zoning Ordinance, as applicable.~~
13. ~~Hours of Operation. Micro-production facility operation hours shall be limited to the hours specified in Minn. Stats. Ch. 340A for off-sale intoxicating liquor unless further limited the City Council as part of a Conditional Use Permit.~~
14. ~~Other Provisions. The provisions of Section 904.02.F of the Wayzata Zoning Ordinance, pertaining to Conditional Use Permit criteria, are considered and satisfactorily met. A micro-production facility shall meet all other applicable performance standards and design requirements in the Wayzata Zoning Ordinance.~~

{Ord.782[8-9-2018]}

979.06 Special Limitations and Conditions.

- A. ~~All business establishments shall be retail or service establishments which deal directly with the customer for whom the goods or services are furnished.~~

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~~B~~A. Each business establishment shall be operated as a separate and distinct business entity. Each business establishment shall be physically separate from any other such establishment by solid walls, partitions or windows, although nothing in this paragraph is intended to prevent either common ownership or free pedestrian movement from one establishment to another through either an area commonly owned or leased by all adjoining establishments or through direct doorway connections. All business establishments shall be accessible from the exterior of the building in which they are located by either a direct door to the exterior or by direct access to a "common area" which in turn has adequate access to the exterior of the building without passing through another business establishment.

~~C~~B. Retail or Commercial Use. 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.

~~D~~C. New Lake Street Buildings. All new buildings along Lake Street with a building footprint of 4,000 square feet or more must be developed with more than one of the following uses: retail, service, residential and office. Upper floors may be used for any permitted use including residential.

~~E~~D. All buildings shall meet the defined sidewalk line except for small setbacks to provide outdoor Seating, plazas, or recessed entries.

~~F~~E. Parking in the front yard is prohibited.

979.07 Height, ~~Setback~~Setbacks, F.A.R. and Lot CoverageArea.

The following ~~minimum requirements shall be observed~~standards apply to all lots and buildings in a "the C-4A" District~~subject to additional requirements, exceptions, and modifications set forth in this Ordinance:~~

A. ~~Height.~~ ~~No building shall be erected or structurally altered to~~A. Buildings may not exceed the height of two stories ~~and/or 30 feet in height, whichever is lesser.~~

B. Minimum Setbacks. There ~~shall~~must be no front yard, exterior side yard or rear yard requirements, except that there ~~shall~~must be a required setback within C-4A District boundaries when such boundaries are adjacent to a residential district. In such cases, the setback ~~shall~~must be the same as the setback for the adjacent district.

C. ~~Floor Area Ratio.~~ The ~~maximum~~ floor area ratio (F.A.R.) ~~shall be~~may not exceed 2.0.

D. ~~Area.~~ The ~~minimum total~~ lot area ~~shall~~must be at least 12,000 square feet.

CHAPTER 980 C-4B CENTRAL BUSINESS DISTRICT**980.01 Purpose.**

The purpose of the C-4B District is ~~intended~~ to provide a district accommodating for those retail sales, service, office and residential functions which are characteristic ~~to of~~ a "downtown" area and to allow the present downtown area to expand, develop and redevelop, with emphasis on specialty shops and retail uses with continuous linear low level building designs, while maintaining this desired character. Such areas are to be characterized by individual storefronts with public sidewalk access, as contrasted to shopping mall type development. The district requires retail use at street grade.

980.02 Permitted Uses.**~~980.02 Permitted Uses.~~**

Subject to applicable provisions of this Ordinance, the ~~following are~~ permitted uses in a "the C-4B" District:

~~A. At street grade, the following specifically identified retail sale and service uses:~~

- ~~1. Adult Use Accessory.~~
- ~~2. Antique shops.~~
- ~~3. Art galleries or studios.~~
- ~~4. Art supply, school supply, book or stationery stores.~~
- ~~5. Bakeries, provided are listed in the room or rooms containing the preparation and baking process shall not have a gross floor area in excess of 2,400 square feet.~~
- ~~6. Banks, savings, lending or other financial institutions, (excluding drive-ins).~~
- ~~7. Barber shops.~~
- ~~8. Beauty parlors.~~
- ~~9. Blueprinting, photostatting or instant printing.~~
- ~~10. Business machine sales or service stores.~~
- ~~11. Camera and photo stores.~~
- ~~12. Candy or ice cream stores.~~
- ~~13. Carpet and rug stores (sample showrooms only).~~
- ~~14. Clothes pressing or tailoring shops.~~
- ~~15. Department stores.~~
- ~~16. Drug stores.~~
- ~~17. Dry cleaning receiving and pick up or laundry self service establishments, excluding commercial laundering and dry cleaning.~~
- ~~18. Florist shops.~~
- ~~19. Food, grocery, meat, fish, bakery or delicatessen stores.~~
- ~~20. Furniture stores.~~
- ~~21. Hardware stores.~~

- ~~22. Hobby stores.~~
- ~~23. Interior decorating studios.~~
- ~~24. Jewelry stores.~~
- ~~25. Leather goods or luggage shops.~~
- ~~26. Libraries.~~
- ~~27. Locksmith shops.~~
- ~~28. Medical or dental clinics.~~
- ~~29. Newsstands which are not free-standing.~~
- ~~30. Optical stores.~~
- ~~31. Paint or wallpaper stores.~~
- ~~32. Pet shops.~~
- ~~33. Phonograph, record or sheet music stores.~~
- ~~34. Photography studios.~~
- ~~35. Picture framing or picture stores.~~
- ~~36. Pipe tobacco shops.~~
- ~~37. Post offices.~~
- ~~38. Public utility service stores.~~
- ~~39. Restaurants including the service of liquor and excluding convenience food establishments.~~
- ~~40. Sporting goods stores.~~
- ~~41. Taxidermy shops.~~
- ~~42. Theaters, excluding drive-ins.~~
- ~~43. Variety, gift, notion or soft goods stores.~~
- ~~44. Wearing apparel stores.~~
- ~~45. Coffee shops.~~
- ~~46. Municipal parks and playgrounds.~~
- ~~47. Municipal "Off-sale" and "On-sale" Liquor Stores.~~

~~B. Other than at street grade.~~

- ~~1. All uses identified Table shown in Section 980937.02.A above. of this Ordinance.~~
- ~~2. Laboratories (medical and dental).~~
- ~~3. Offices, including both business and professional uses.~~
- ~~4. Schools such as music, dance, business or vocational schools.~~
- ~~5. Upper-story dwelling units subject to the density standards of the R-5 District.~~

980.03 Interim ~~Use~~Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ interim uses in the C-4B District listed in the Table shown in Section 937.02 of this Ordinance. and are governed by Chapter 934 of this Ordinance:

- A. ~~Accessory parking lot fronting on Lake Street, provided that:~~
1. ~~The use is accessory to a principal use or is a principal use under public ownership.~~
 2. ~~The design and construction of the facility is in compliance with applicable provisions of this Ordinance.~~
 3. ~~The use of the site for parking is temporary in nature with the intent of development of the site for commercial purposes.~~

980.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the accessory uses allowed in the C-4B District are listed in the Table shown in Section 937.02 of this Ordinance.

980.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the ~~following are permitted accessory uses in the C-4B District:~~

- A. ~~Accessory uses customarily incident to the uses permitted in Sections 980.02 and 980.05 of this Ordinance.~~
- B. ~~Off-Street Parking and Loading Areas and Structures. Parking of trucks used in the conduct of a permitted principal use, other than delivery trucks parked for not more than two consecutive hours, shall be limited to vehicles of not more than 12,000 pounds gross vehicle weight. Unless approved as an interim use, such area shall not border or front Lake Street.~~
- C. ~~Enclosed storage of merchandise in either principal or accessory building, solely intended to be retailed by a related and established principal use.~~
- D. ~~Bus or taxi loading and unloading facilities.~~
- E. ~~Outdoor sidewalk cafes in the public right of way for which a permit has been issued by the City pursuant to City Code Ch. 315.~~

{Ord.782[8-9-2018]}

980.05 Conditional Uses.

~~Subject to applicable provisions of this Ordinance, the following are conditional uses in a "C-4B" District: (Requires a conditional use permit based upon procedures set forth are listed in and regulated by Chapter 904 of this Ordinance.)~~

- A. ~~Drive-in facilities for banks or savings and loan associations, provided that:~~
1. ~~The driveway access shall not be on a residential street.~~
 2. ~~The curb cut setbacks and parking shall be in conformance with Chapter 920, the Parking Ordinance.~~
 3. ~~The stacking lane and its access must be designed to control traffic in a manner to protect the pedestrians, buildings and green area on the site.~~
 4. ~~The service windows and driveway shall be screened from view if adjacent to a residentially used property.~~

5. ~~The provisions of Table shown in Section 904.937.02.F of this Ordinance are considered and satisfactorily met.~~

B. ~~Physical, culture or health service establishments or reducing salons, provided that:~~

1. ~~The use shall not serve alcoholic beverages.~~

2. ~~If located within a shopping center, the use has its own exclusive exterior access.~~

3. ~~The use is located and developed so as not to create an incompatible operation problem with adjoining and neighboring commercial and/or residential uses.~~

4. ~~Any and all applicable local, state and federal laws, permits licenses and operational regulations are complied with.~~

5. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

C. ~~Accessory, enclosed retail, rental or service activity other than that allowed as a permitted use or. All conditional uses require a conditional use within this Section, provided that: permit approved under the procedures and standards set forth in Chapter 904 of this Ordinance.~~

980.07 Special Limitations and Conditions.

A. All business establishments at street grade shall be complementary to the retail character of the district and enhance pedestrian traffic.

B. Each business establishment shall be operated as a separate and distinct business entity. Each business establishment shall be physically separate from any other such establishment by solid walls, partitions or windows, although nothing in this paragraph is intended to prevent either common ownership or free pedestrian movement from one establishment to another through either an area commonly owned or 1. Such use is allowed as a permitted use in a "B-1" or "B-2" District.

2. ~~Such use does not constitute more than 30 percent of the lot area and not more than 50 percent of the gross floor area of the principal use.~~

3. ~~Adequate off-street parking and off-street loading in compliance with the requirements of Chapter 920 of this Ordinance is provided.~~

4. ~~All signing and informational or visual communication devices shall be in compliance with Chapter 927 of this Ordinance.~~

5. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

D. ~~Drove ins and delicatessens with seating facilities, provided that the provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

E. ~~Residential use as a principal use, provided that:~~

1. ~~The development does not front or border Lake Street.~~

2. ~~The development does not conflict with existing or potential future commercial uses and activities.~~

3. ~~The density standards imposed as part of the R-5 Zoning District are complied with.~~

4. ~~Adequate open space and recreational space is provided on site for the benefit of the occupants.~~

5. ~~The development does not conflict or result in incompatible land use arrangements as related to abutting residential uses.~~

6. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

F. ~~Open and outdoor storage as an accessory use, provided that:~~

-
- ~~1. The storage area is landscaped, fenced, and screened from view of neighboring uses and abutting "R" Districts.~~
 - ~~2. Storage is landscaped and screened from view from the public right-of-way.~~
 - ~~3. Storage area is blacktopped or concrete surfaced.~~
 - ~~4. All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences.~~
 - ~~5. The storage area does not take up parking space or loading space as required for conformity to this Ordinance.~~
 - ~~6. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- ~~G. Open or outdoor service, sale and rental as a principal or accessory use, provided that:~~
- ~~1. Outside services, sales and equipment rental connected with the principal use is limited to 30 percent of the gross floor area of the principal use.~~
 - ~~2. Outside sales areas are landscaped and fenced or screened from view of neighboring residential uses or an abutting "R" District.~~
 - ~~3. All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences.~~
 - ~~4. Areas are asphalt or concrete surfaced.~~
 - ~~5. The use does not take up parking space or loading areas as required for conformity to this Ordinance.~~
 - ~~6. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- ~~H. Governmental and public related utility buildings and structures necessary for the health, safety and general welfare of the City, provided that:~~
- ~~1. When abutting a residential use or a residential use district, the property is screened and landscaped in compliance with Chapter 918 of this Ordinance.~~
 - ~~2. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- ~~I. Planned unit development as regulated by Chapter 933 of this Ordinance.~~
- ~~J. Existing clubs or lodges provided that:~~
- ~~1. All State regulations are complied with including obtaining all required permits and/or licenses.~~
 - ~~2. Parking and loading areas are in conformance with the parking and loading ordinances outlined in Chapter 920 of this Ordinance.~~
 - ~~3. The parking and loading spaces shall not be located within the front yard of a lot and must meet all applicable provisions of the parking and loading ordinance.~~
 - ~~4. The site shall be landscaped and screened in compliance with Chapter 918 of this Ordinance.~~
 - ~~5. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- ~~K. Micro-production Facility, provided that:~~
- ~~1. Licensing. The owner of the micro-production facility qualifies for and receives all federal, state and city licenses necessary for the operation of the micro-production facility, including a brewer license and a malt liquor wholesale license (if wholesale of malt liquor is an intended activity); winery license; and/or a distiller's license from the State of Minnesota, according to Minn. Stats. § 340A.~~

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2. ~~Taproom/Tasting Room License. An accessory taproom or tasting room for the on-sale of beer, wine, or spirits produced on-site shall require a taproom/tasting room license from the City of Wayzata, according to City Code Section 524.02.~~
 3. ~~Off sale. On-site sale of beer in the form of growlers shall require a Brewery License for Off Sale of Malt Liquor, according to City Code Section 524.02. On-site sale of wine or spirits, other than samples as governed under Minnesota State Statutes, shall be prohibited.~~
 4. ~~Production of Beer. Total production of malt liquor shall not exceed 5,000 barrels annually. Micro-production Facilities with a taproom license shall not exceed 3,500 barrels annually, and only 500 barrels may be sold off-sale as growlers. Any micro-production facility operating as a brewery shall annually submit production reports to the City with the request to renew a brewery taproom or off-sale malt liquor license.~~
 5. ~~Production of Wine. Total production of wine shall not exceed 50,000 gallons annually. Any micro-production facility operating as a winery shall annually submit production reports to the City with the request to renew a tasting room or winery license.~~
 6. ~~Production of Spirits. Total production of spirits shall not exceed 40,000 proof gallons annually. Any micro-production facility operating as a distillery shall annually submit production reports to the City with the request to renew a tasting room or distillery license.~~
 7. ~~Off-street Loading. The micro-production facility shall provide adequate space for off-street loading and unloading of all trucks greater than 22 feet in length. In the absence of off-street loading, the City may impose limits on deliveries or shipments using the public rights of ways, including regulating the number of trucks per day and the hours that deliveries are permitted.~~
 8. ~~Outdoor Storage. No outdoor storage is permitted on the site, with the exception that waste handling (refuse and/or recycling) may occur in an enclosure that is fully screened from adjoining streets and residentially zoned properties.~~
 9. ~~Odors. No odors from the micro-production facility shall be perceptible beyond the property line. The micro-production facility operator shall take appropriate measures to reduce or mitigate any odors generated from the operation and be in compliance with any applicable Minnesota Pollution Control Standards.~~
 10. ~~Waste. Waste products shall be disposed of in a timely manner and in such a way to reduce odors.~~
 11. ~~Exterior Lighting. All exterior lighting shall be designed in such a way as to have no direction source of light visible from adjacent property, and shall comply with the requirements of Section 916.06 of the Wayzata Zoning Ordinance.~~
 12. ~~Parking. Parking supply shall be provided on-site or through off-site arrangement, to avoid street parking on residential streets. Off-site or reduced parking supply shall require separate approval per the requirements of Chapter 920 of the Wayzata Zoning Ordinance, as applicable.~~
 13. ~~Hours of Operation. Micro-production facility operation hours shall be limited to the hours specified in Minn. Stats. Ch. 340A for off-sale intoxicating liquor unless further limited the City Council as part of a Conditional Use Permit.~~
 14. ~~Other Provisions. The provisions of Section 904.02.F of the Wayzata Zoning Ordinance, pertaining to Conditional Use Permit criteria, are considered and satisfactorily met. A micro-production facility shall meet all other applicable performance standards and design requirements in the Wayzata Zoning Ordinance.~~

{Ord.782[8-9-2018]}

980.06 Existing Uses.

Any established use which legally existed within its respective zoning district prior to the enactment and application of a C-4B classification and which requires a conditional use permit under the C-4B designation, may be continued in like fashion and activity and shall automatically be considered as having received conditional use approval. A change in ownership of such property shall not affect the conditional use permit approval status so long as the business or use continues in a like fashion and activity.

980.07 Special Limitations and Conditions.

A. ~~All business establishments at street grade shall be retail or service establishments which deal directly with the customer for whom the goods or services are furnished.~~

~~B. All business establishments at street grade shall be complementary to the retail character of the district and enhance pedestrian traffic.~~

~~C. Each business establishment shall be operated as a separate and distinct business entity. Each business establishment shall be physically separate from any other such establishment by solid walls, partitions or windows, although nothing in this paragraph is intended to prevent either common ownership or free pedestrian movement from one establishment to another through either an area commonly owned or through direct doorway connections. All business establishments shall be accessible from the exterior of the building in which they are located either by a direct door to the exterior or by direct access to a "common area" which in turn has adequate access to the exterior of the building without passing through another business establishment.~~

~~D.~~ 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.

~~E.~~ New Lake Street Buildings. All new buildings along Lake Street with a building footprint of 4,000 square feet or more must be developed with more than one of the following uses: retail, service, residential, and office. Upper floors may be used for any permitted use including residential.

~~F.~~ All buildings shall meet the defined sidewalk line except for small setbacks to provide outdoor seating, plazas, or recessed entries.

~~G.~~ Parking is prohibited in the front yard is prohibited.

980.08 Height, ~~Yard~~Setbacks, F.A.R. and Lot ~~Coverage Requirements~~Area.

The following ~~minimum requirements shall be observed~~standards apply to all lots and buildings in a "the C-4B" District~~subject to additional requirements, exceptions, and modifications set forth in this Ordinance:~~

A. ~~Height.~~ No building shall be erected or structurally altered toA. Buildings may not exceed the height of two stories and/or 30 feet in height, whichever is lesser.

B. ~~Setback.~~Minimum Setbacks. There ~~shall~~must be no front yard, exterior side yard or rear yard requirements, except that there ~~shall~~must be a required setback within C-4B District boundaries when such boundaries are adjacent to a residential district. In such cases, the setback ~~shall~~must be the same as the setback for the adjacent district.

C. ~~Floor Area Ratio.~~ The ~~maximum~~ floor area ratio (F.A.R.) ~~shall be~~may not exceed 2.0.

D. ~~Area.~~ The ~~minimum total~~ lot area ~~shall~~must be ~~at least~~6,000 square feet.

CHAPTER 985 R-D RESEARCH AND DEVELOPMENT DISTRICT

985.01 Purpose.

The R-D District is intended to allow restrictive industrial-type growth for certain uses with high standards of performance which do not create appreciable nuisances or hazards. The regulations for this District are intended to encourage development which will be very similar to office uses, which will be compatible with and can reasonably adjoin higher density residential development, and which will promote desirable concentrations of similar such uses.

985.02 Special Limitations and Conditions.

- A. — All applications to use or plat property for research and development purposes shall be considered in accordance with the procedures and provisions of Chapter 933, Planned Unit Development.
- B. — All uses within the R-D District shall be conditional uses and shall be considered in accordance with the procedures and provisions of Chapter 904, Conditional Uses. Such uses shall be limited to administrative, wholesale, testing, light manufacturing and similar or related uses which can be conducted in an unobtrusive manner.
- C. — All research and development projects shall contain sufficient open space, landscaping and off-street parking areas, and all such projects shall maintain a high standard of appearance, with all external effects to be adequately controlled (e.g., noise and smoke).

CHAPTER 986 B-W BUSINESS/WAREHOUSING DISTRICT

986.01 Purpose.

The purpose of the "B-W" Business/Warehousing District is to provide for the establishment of wholesale and retail trade of large volume or bulk commercial items, storage and warehousing. The overall character of the "B-W" District is intended to be transitional in nature, thus industrial uses allowed within this District shall be limited to those which can compatibly exist adjacent to commercial and lower intensity activities.

986.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the following are permitted uses within the "B-W" District:

- A. — Automobile repair—minor.
- B. — Commercial printing establishments.
- C. — Commercial/professional offices.
- D. — Conference centers.
- E. — Essential services.
- F. — Governmental and public utility buildings and structures.
- G. — Indoor commercial recreation.
- H. — Laboratories.
- I. — Wholesale showrooms.

986.03 Interim Use.

Subject to applicable provisions of this Ordinance, the following are interim uses in the B-W District and are governed by Chapter 934 of this Ordinance.

A. — None.

986.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the following are permitted accessory uses within the "B-W" District:

- A. — Accessory uses customarily incidental to the uses allowed in Sections 986.02 and 986.05 of this Ordinance.
- B. — Off-Street Parking and Loading Areas and Structures. Parking of trucks used in the conduct of a permitted principal use, other than delivery trucks parked for not more than two consecutive hours, shall be limited to vehicles of not more than 12,000 pounds gross vehicle weight.
- C. — Enclosed storage of merchandise in either principal or accessory building, solely intended to be retailed by a related and established principal use.
- D. — Bus or taxi loading and unloading facilities.

986.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the following are conditional uses in a "B-W" District: (Requires a conditional use permit based upon procedures set forth in and regulated by Chapter 904 of this Ordinance.)

- A. — Open and outdoor storage including the parking of commercial vehicles in excess of that allowed as a permitted accessory use as an accessory use, provided that:
 - 1. — The storage area is landscaped, fenced, and screened from view of neighboring uses and abutting "R" Districts.
 - 2. — Storage is landscaped and screened from view from the public right-of-way.
 - 3. — Storage area is blacktopped or concrete surfaced.
 - 4. — All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences.
 - 5. — The storage area does not take up parking space or loading space as required for conformity to this Ordinance.
 - 6. — The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.
- B. — Open or outdoor services, sale and rental as a principal or accessory use, provided that:
 - 1. — Outside services, sales and equipment rental connected with the principal use is limited to 30 percent of the gross floor area of the principal use. Uses specified as requiring a separate conditional use permit shall be exempted from this provision.
 - 2. — Outside sales areas are landscaped and fenced or screened from view of neighboring residential uses or an abutting "R" District.
 - 3. — All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences.

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- 4. ~~Areas are asphalt or concrete surfaced.~~
 - 5. ~~The use does not take up parking space or loading areas as required for conformity to this Ordinance.~~
 - 6. ~~Additional parking, pursuant to Chapter 920 of this Ordinance is provided for said space.~~
 - 7. ~~The provisions of Section 904.02.G of this Ordinance are considered and satisfactorily met.~~
 - C. ~~Manufacturing, compounding, assembly, packaging, treatment or storage of products and materials, provided that:~~
 - 1. ~~The proposed use complies with the performance standards outlined in Chapters 916, 917, 918, 919, 920 and all other applicable provisions of this Ordinance.~~
 - 2. ~~The provisions of Section 904.02.G of this Ordinance are considered and satisfactorily met.~~
 - 3. ~~Planned unit development as regulated by Chapter 933 of this Ordinance.~~
 - D. ~~Governmental and public related utility buildings and structures necessary for the health safety and general welfare of the City shall be allow as a conditional use, provided that:~~
 - 1. ~~When abutting a residential use or a residential use district, the property is screened and landscaped in compliance with Chapter 918 of this Ordinance.~~
 - 2. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

986.06 Height, Yard and Lot Coverage Requirements.

The following minimum requirements shall be observed in a "B-W" District subject to additional requirements, exceptions, and modifications set forth in this Ordinance:

- A. ~~Height.~~ No building shall be erected or structurally altered to exceed two stories and 25 feet in height, whichever is lesser.
- B. ~~Setback.~~
 - 1. ~~Front Yard:~~ 25 feet.
 - 2. ~~Side Yard:~~ There shall be a side yard on each side of any building having a width of not less than 20 feet, except that no building shall be located within 50 feet of any side lot line abutting a lot in any residential district.
 - 3. ~~Rear Yard:~~ There shall be a rear yard having a depth of not less than 20 feet, except that no buildings shall be located within 50 feet of any residential district.
- C. ~~Floor Area Ratio.~~ The maximum floor area ratio (F.A.R.) shall be 1.0.
- D. ~~Lot Area.~~ The minimum total lot area shall be 30,000 square feet.



**Staff Report
Wayzata Planning Commission
April 4, 2022**

Project Name:	Zoning Ordinance Text Amendments for the Residential and Commercial Zoning Districts
Requests:	Zoning Ordinance Text Amendments
Applicant:	City of Wayzata
Prepared by:	Eric Zweber, Consulting Planner Valerie Quarles, Assistant Planner

Development Application Introduction

Changes to the residential and commercial zoning districts were discussed by the 12-member Zoning Study Task Force for over a year. In total there were eleven meetings held by the Task Force to discuss potential modifications to the Zoning Ordinances.

Goals for the changes were to:

1. Align the Ordinance with the recently adopted Comprehensive Plan
2. Simplify the ordinance for general use
3. Streamline regulations
4. Promote consistency in performance standards

The Task Force has provided guidance on all areas of the Zoning Ordinance dealing with the commercial and residential sections and are reflected in the attached ordinance. These changes have been reviewed and adapted by staff in accordance with the concerns of the Task Force.

A high-level overview by the Planning Commission of all the proposed changes occurred in late 2021 and early 2022, generally focusing on the changes made to ordinance regulations that impact city policies. Staff has addressed modifications requested by the Task Force and Planning Commission, finalized the redlines of existing code sections, and created Chapter 937, which is a combined table of permitted, conditional, accessory, and interim uses within the residential and commercial districts. Chapter 937 also includes all the standards for the permitted and conditional uses, housing the performance regulations in one location instead of by district.

Below is a table describing the dates and topics of the Task Force and Planning Commission meetings to create the draft Ordinance included within the Planning Commission Report and Recommendation attached to this staff report.

Meeting Date	Group	Discussion Issue
October 12, 2020	Task Force	Residential Zoning District Densities
November 9, 2020	Task Force	Accessory Dwelling Units (ADUs)
		R-4 and R-5 Districts Revisions
December 14, 2020	Task Force	ADUs
January 11, 2021	Task Force	R-4A and R-4 Districts Revisions
February 8, 2021	Task Force	Commercial Revisions to Address Comprehensive Plan Goals
March 3, 2021	Task Force	ADUs
April 12, 2021	Task Force	ADUs
May 10, 2021	Task Force	R-5 District Revisions
		Commercial Districts Revisions
October 25, 2021	Task Force	Review of Previous Residential Discussions
November 22, 2021	Task Force	R-5 District Revisions
		Commercial and Residential Revisions
December 6, 2021	Planning Commission	Commercial and Residential Revisions
February 7, 2022	Planning Commission	Commercial and Residential Revisions
February 28, 2022	Planning Commission	Text Amendment Public Hearing
March 7, 2022	Planning Commission	Text Amendment Public Hearing

Application Requests

As part of the submitted development 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 Zoning Ordinance related to the Commercial, Institutional and Residential Zoning Districts

Public Hearing Notice

Notice of the public hearing on the Application was published in the *Sun Sailor* on February 17, 2022.

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. The City did conduct a community-wide meeting to discuss Accessory Dwelling Units on March 1, 2022.

Analysis of Application

City staff has reviewed the pertinent information and City Code requirements for the proposed project, and provides the following analysis and information:

Zoning Amendments as a Result of Feedback from March 7, 2022 Planning Commission Meeting

At their March 7, 2022 meeting, the Planning Commission discussed many different sections of the proposed Zoning Ordinance Text Amendments, of which some received consensus and some were supported by only a minority of Planning Commissioners. In response to the consensus directions provided by the Planning Commission, City staff has prepared amendments to seven sections of the proposed Zoning Ordinance Text Amendments. Specific amendments and justifications of those amendments are addressed below:

Section 937.02 Use Tables

At their March 7, 2022 meeting, the Planning Commission supported the removal of ADUs from the R-5 zoning district and therefore that use has been removed from the residential and industrial uses table.

	<i>R-1A</i>	<i>R-1</i>	<i>R-2A</i>	<i>R-2</i>	<i>R-3A</i>	<i>R-3</i>	<i>R-4A</i>	<i>R-4</i>	<i>R-5</i>	<i>INS</i>
<i>Dwellings, Accessory Units</i>	<i>A/P</i>	<i>A/P</i>	<i>A/P</i>	<i>A/P</i>	<i>A/P</i>	<i>A/P</i>			<i>A/P</i>	<i>C</i>

The Planning Commission reviewed the locations of the properties currently zoned C-1A and C-1B at the meeting on March 7, 2022. Following that review, the Planning Commission consensus was to limit the size of retail businesses within the C-1B zoning properties along Rice Street while not imposing a limitation on the size of retail businesses on C-1A zoned properties along Wayzata Boulevard. To address this consensus, staff has added the General Retail Sales use to the C-1A zoning district.

	<i>C-1A</i>	<i>C-1</i>	<i>C-1B</i>	<i>C-2</i>	<i>C-3</i>	<i>C-4A</i>	<i>C-4</i>	<i>C-4B</i>
<i>Retail Sales, Limited</i>	<i>P</i>		<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Retail Sales, General</i>	<i>P</i>			<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>

The Planning Commission reviewed the locations of the properties currently zoned C-1A and C-1B. The Planning Commission consensus was to limit the size of retail businesses within the C-1B zoning properties along Rice Street while not imposing limitation on the size of retail businesses on C-1A zoned properties along Wayzata Boulevard. Below is the standard that Limited Retail Sales business shall not exceed 2,000 square feet in size.

A. Retail Sales, Limited

1. The gross square area of each limited retail sales business shall not exceed 2,000 square feet.

Section 937.03 Permitted Uses with Restrictions

At their March 7, 2022 meeting, the Planning Commission discussed ADUs in detail and there was a spectrum of concern and support regarding ADUs within the R-3 and R-3A zoning districts. Following the discussion, staff concluded that prohibiting detached ADUs on lots smaller than 10,000 square feet has the most support and therefore that standard has been added to the list of ADU standards.

Additionally, the requested standard referencing the City's rental license requirements has been added.

A-B. Dwellings, accessory units (ADU), defined as a subordinate habitable dwelling unit that provides the basic requirements of shelter, heating, cooking and sanitation, provided that:

1. An ADU's total floor area shall be no more than 33% of the primary residence's gross habitual space. The minimum ADU size is 300 square feet.
2. Within the R-2A, R-2, R-3A, and R-3 districts, the maximum ADU size is no more than 960 square feet.
- 2-3. Within the R-3A and R-3 districts, detached ADUs are prohibited on lots smaller than 10,000 square feet in area.
- 3-4. An ADU shall be designed and maintained as to be consistent with the architectural design, style, appearance and character of the primary residence. If an ADU extends beyond the current footprint or existing height of the main building, such an addition must be consistent with the existing facade, roof pitch, siding and windows.
- 4-5. One off-street parking spaces shall be required for the ADU, in addition to the two off-street parking spaces required for the primary residence.
- 5-6. The principal structure or ADU must be owner-occupied.
7. Any principal structure or ADU that is renter-occupied shall have an existing rental license in compliance with Chapter 815.
- 6-8. No more than one ADU shall be permitted on a lot or parcel.

At their March 7, 2022 meeting, the Planning Commission discussed three standards for all Food and Beverage Establishments: Lighting Standard Base Landscaping, Bakery size limitations and seating for Pick-Up and Delivery Establishments.

Staff reviewed Chapter 920 – Off Street Parking and Loading. Section 920.05.E.13 contains the same language regarding lighting adjoining residential properties and Section 920.06 addresses screening and landscaping. To reduce redundancy, staff eliminated the lighting standard and Chapter 920 will continue to regulate these issues.

Staff did not hear a consensus from the Planning Commission regarding the size limitation of Bakeries and therefore the standard remains as reviewed on March 7, 2022.

The Pick-Up and Delivery Establishment standards were carried forward from the existing Zoning Ordinance in which different types of Food and Beverage Establishments are listed as five different uses. Since the proposed text amendments intent to simplify uses, staff has removed the seating prohibition listed specifically for Pick-Up and Delivery Establishments.

B.C. Food and beverage establishments

1. Garden Strip. At any common boundary shared with a residential district, a strip of not less than five feet shall be landscaped and screened so as to create an effective visual and sound buffer and separation of uses.
2. Hours. The hours of operation shall be limited as necessary to minimize the effect of nuisance factors such as traffic, noise and glare upon any existing neighboring residential uses.
3. Landscaping. Landscaping and screening in accordance with Chapter 918 of this Ordinance.
4. Licensing. The use obtains all local, state and federal food and beverage handling licenses and/or permits.
- ~~5. Lighting Standard Base Landscaping. Each light standard base island and all islands in the parking lot landscaped or covered. The light source is hooded to prevent glare onto adjoining property and the public right-of-way.~~
- ~~6-5.~~ Litter Control. The operation shall be responsible for litter control within 500 feet of the property line and is to occur on a daily basis.
- ~~7-6.~~ Loading Berth. Adequate space shall be provided on the site for a loading berth to accommodate the parking and maneuvering of semi-tractor trailers.
- ~~8-7.~~ Outdoor Storage. There shall be no outdoor storage and/or display.
- ~~9-8.~~ Refuse Storage. All refuse shall be stored in containers as specified by City Code. Said containers are to be screened and enclosed by a fence or similar structure.
- ~~10-9.~~ Vehicle Access. Vehicular access points shall be limited and shall create a minimum of conflict with through traffic movements.
- ~~11-10.~~ The room or rooms containing the preparation and baking process for bakeries shall not have a gross floor area in excess of 2,400 square feet.
- ~~12.~~ For pick up and delivery establishments, no seating is provided and no facilities exist for customer dining on the premises.

Section 937.06 Conditional Recreational Land Uses

Indoor Recreation is the only recreational use that prohibits alcoholic beverages. State Statute and City Code Chapters 502, 503, 504 and 505 regulate the businesses and business owners in which can obtain liquor licenses. The prohibition of alcoholic beverages at Indoor Recreation establishments has been removed from the Zoning

Ordinance but will continue to be regulated through State Statute and City Code Chapters pertaining to liquor licenses.

C. Recreation, indoor

~~1. The use shall not serve alcoholic beverages.~~

~~2.1. If located within a shopping center, the use has its own exclusive exterior access.~~

~~3.2. The use is located and developed so as not to create an incompatible operation problem with adjoining and neighboring commercial and/or residential uses.~~

Section 937.08 Accessory Uses with Restrictions

The standard of screening from view of outdoor storage areas is clarified to apply only if it is abutting residential uses or residential districts by changing “and” to “if”.

A. Storage, outdoor

1. The storage area is landscaped, fenced, and screened from view of neighboring uses and-if abutting a residential use or a residential use district.

2. Storage is landscaped and screened from view from the public right-of-way.

3. Storage area is blacktopped or concrete surfaced.

4. All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences.

5. The storage area does not take up parking space or loading space as required for conformity to this Ordinance.

Section 959.07 R-5 Schedule of Allowances

As presented by City staff at the March 7, 2022 Planning Commission meeting, the privately owned and publicly accessible open space allowance has been added to the list of R-5 allowances that could be used by applicants to achieve a density of up to 30 units per acre. The proposed allowance subsection E would allow R-5 developments including affordable housing to have a density of up to 40 units per acre provided that development is proposed on a property that are guided High Density Residential on the Comprehensive Plan Map.

Except for elderly housing, the lot areas per multiple family dwelling unit prescribed above shall be further subject to the following schedule of allowances, which shall be added to or subtracted from the minimum lot area per dwelling unit as prescribed, thereby relating density requirements to the location, use and access provided the property.

A. *For each parking space provided under the living area of a building or underground subtract 300 square feet.*

B. *If an adjacent site is zoned R-1A, R-1, R-2A, R-2, R-3A or R-3 Residential use, add 300 square feet per unit for that portion of any building within 200 feet of*

- ~~said district. If the project includes a renewable energy component or meets a sufficient energy certification as defined by the City's Sustainability Policy that produces 100% of the energy usage per unit, subtract 300 square feet per unit.~~
- C. ~~If an adjacent site is zoned for commercial use, subtract 300 square feet per unit for that portion of any building within 200 feet of said district. If the project includes affordable housing units as defined by the City's Affordable Housing Policy, subtract 300 square feet per unit. For each 1,000 square feet of privately owned, publicly accessible open space, subtract 100 square feet.~~
- D. ~~For each unit containing bedrooms in excess of two, add 300 square feet. If the project includes affordable housing units as defined by the City's Affordable Housing Policy, subtract 300 square feet per unit.~~
- E. ~~The maximum allowance which may be subtracted under Section 959.07.A, B and B.C shall be 675500 square feet per unit.~~

Items Lacking Planning Commission Consensus

At their March 7, 2022 meeting, the Planning Commission discussed many different sections of the proposed Zoning Ordinance Text Amendments, seven issues were discussed that were supported by only a minority of Planning Commissioners. The issues without a consensus remained the same as reviewed during the March 7th meeting. Those issues are listed below. The Planning Commission can reconsider these issues and determine if a consensus can be achieved for any of the seven issues.

- Eliminate detached ADUs
- Add a limit of persons per ADU
- Increase the size of lot for detached ADUs to 11,000 sq. ft.
- ADU cannot be taller than principal structure
- Elimination of the bakery size limitation within the Food and Beverage Establishments standards
- Reduce to C-3 building height to two stories
- Increase the shopping center parking to the same as retail

Rezoning Properties

It was discussed whether some R-5 properties on Wayzata Boulevard should be rezoned to R-4. This includes the properties located at 115 Chicago Avenue, 101 Glenbrook Road, and 412, 613, 645, 717 and 725 Wayzata Boulevard. Additional site and density analyses still need to occur. After further research, staff will consider whether Zoning Map Amendments are practical and recommended to align with the 2040 Comprehensive Plan and density standards for the amended R-4 Zoning District.

Exploring No Changes to C-3 and Introducing C-3A

At their March 7, 2022 meeting, the Planning Commission discussed the proposed increased height limitation from two to three stories in C-3. The intention of increasing the height limit in C-3 is primarily to address future development on Wayzata Boulevard, however, Commissioners raised concerns about those C-3 parcels that are not related to

that work. Staff is considering creating a “C-3A” district to apply only to those parcels along Wayzata Boulevard, and leaving any other parcels (the Boatworks, certain parcels east of Bushaway Road) as-is. C-3A would be, at first, identical to C-3 with the exception of the height limit increase. Then, as the Corridor Study concludes, changes can be made that incorporate the study’s findings. No Zoning Map Amendments that rezone properties to C-3A would happen at this time. Instead, projects between now and the conclusion of the study could undergo a rezoning (introducing greater Planning Commission oversight) without having to pursue a height variance or Planned Unit Development. Staff will continue to refine potential implementation of this idea and seek the feedback of the Planning Commission and Zoning Study Task Force.

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 in City Code § 903.02.F

Primary Question to Consider

- Is the zoning amendment consistent with the comprehensive plan?

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

Draft Planning Commission Report and Recommendation of Approval
Draft Ordinance

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.

Memorandum

To: Wayzata Planning Commission

From: Eric Zweber, WSB Consulting Planner

Reviewed: Valerie Quarles, Assistant Planner

Date: February 22, 2022

Re: Commercial and Residential Zoning Ordinance Amendments
WSB Project No. 018603-000

Background

Changes to the residential and commercial zoning districts were discussed by the 12-member Zoning Study Task Force for over a year. In total there were eleven meetings held by the Task Force to discuss potential modifications to the Zoning Ordinances. Goals for the changes were to:

1. Align the Ordinance with the recently adopted Comprehensive Plan
2. Simplify the ordinance for general use
3. Streamline regulations
4. Promote consistency in performance standards

The Task Force has provided guidance on all areas of the Zoning Ordinance dealing with the commercial and residential sections and are reflected in the attached ordinance. These changes have been reviewed and adapted by staff in accordance with the concerns of the Task Force.

A high-level overview by the Planning Commission of all the proposed changes occurred in late 2021 and early 2022, generally focusing on the changes made to ordinance regulations that impact city policies. Staff has addressed modifications requested by the Task Force and Planning Commission, finalized the redlines of existing code sections, and created Chapter 937, which is a combined table of permitted, conditional, accessory, and interim uses within the residential and commercial districts. Chapter 937 also includes all the standards for the permitted and conditional uses, housing the performance regulations in one location instead of by district.

The following highlights the main areas of code modification, addressing structural and policy modifications to the ordinance.

Residential Zoning Changes:

Accessory Dwelling Units

Accessory dwelling units (ADUs) are proposed within Wayzata to increase and diversify flexible housing options. The presence of an ADU will also increase density in the permitted residential areas which will be consistent with the 2040 Comprehensive Plan. ADUs are proposed in the R-1 through R-3 & R-5 residential districts, and the Institutional district meeting the goals listed in the 2040 Comp Plan. Additionally, they fulfill two of the eight guiding principles in the Comp Plan – Multi-Generational and City Nodes with Greater Housing Diversity.

Accessory dwelling units have also been known as: carriage houses, mother-in-law apartments, basement apartments, backyard cottages, granny flats, and other terms. Consistent with the goal for ease of use, the code does not reference all of these terms and instead permits an ADU with

standards. The most common existing ADU type in Wayzata is detached guest houses in the R-1 and R-1A zoning districts, but ADUs of different configurations can exist in nearly all residential districts. An infographic has been created so residents can navigate the various ADU requirements and options to assess whether their site can accommodate its creation.

R-4 District Modifications

The 2040 Comprehensive Plan identifies the Medium Density Residential land use as the appropriate land use designation for twin homes and townhouses. Changes have been made to the R-4 district to recognize its use for attached housing projects such as twin home, townhomes, and smaller sized apartments buildings; single family housing has been deleted from this section. Modifications to lot sizing and inclusion of multi-family apartments and elderly multi-family projects will allow for densities within the Comprehensive Plan Medium Density residential range of 6 to 12 units per acre.

R-5 District Modifications

The R-5 district is intended to allow the city's highest dwelling unit densities. The land use designations within R-5 call for densities as high as 40 units/acre, and changes have been made to the district to increase the overall project densities as compared to the current ordinance standards. The multiple family dwelling unit lot area requirement has been decreased, lot coverage and impervious surface limits increased, and two new "allowances" added to permit an increase in project units with conditions, which in turn increase project density. The new allowances, consistent with the goals of the Comprehensive Plan, are in consideration of energy efficiency or introduction of affordable housing units, along with the current allowance for underground parking. Another change in the R-5 district is to remove lower density residential development opportunities such as single-family and two-family uses. These modifications will permit R-5 developments to more closely align with the adopted Comprehensive Plan high density standards.

Upper-Story Housing in C-2 and C-3

There are eight commercial zoning districts within Wayzata, with development intensity increasing from C-1 to C-4B. Presently, upper level residential is permitted in all C-4 commercial districts. Modifications to the C-2 and C-3 districts includes upper residential uses as a permitted use, to create mixed use opportunities. Upper story residential uses continue to be permitted uses in all of the C-4 zoning districts.

Commercial District Modifications:

C-2 and C-3 Modifications:

There have been development standard modifications to the C-2 and C-3 districts to aid in implementing Comprehensive Plan goals and objectives. To support the shopping center purpose of the C-2 zoning district, 2040 Comprehensive Plan objectives, and Design Guideline survey results, the height standard for C-2 has been reduced to a two-story building while increasing the height standard for the C-3 zoning district to three-stories. Additionally, to implement the 2040 Comprehensive Plan objectives to protect water and natural resources, the lot coverage limitation for the C-2 is established at 50% and the impervious surface is limited to 75% for both zoning districts. Finally, the revised C-3 zoning district allows a three-story building with 50% lot coverage, the floor area ratio (FAR) is increased to 1.5, and the lot area per unit for both zoning districts is limited to 1,500 square feet per dwelling unit to limit the residential density to no more than 30 units/acre.

C-4, C-4A, C-4B Modifications

Staff is recommending one change to the C-4A zoning district performance standards, two changes to the C-4 district standards, and two changes to the C-4B district standards. The common change to all three zoning districts is adding a lot area per unit limitation of 1,500 square feet per dwelling unit to limit the residential density to no more than 30 units/acre. The common change between the C-4 and C-4B zoning districts is to address the existing non-conforming lots within the two zoning districts by modifying the minimum lot size to 8,000 square feet for the C-4 zoning district and 6,000 square feet for the C-4B zoning district.

Land Use Table and Ordinance Structure

Specific land uses for each of the commercial and residential districts have been aggregated and combined into one table. The Table lists all zoning categories and identifies which land uses are permitted, conditional, accessory, or interim. The uses have been grouped into broader land use categories such as Food and Beverage Establishment instead of identifying every type of differing sit down, café, deli, fast casual, or fast-food restaurant. This change should provide the community with greater flexibility as new types of businesses are developed over time. The new chapter, Chapter 937, also includes all the standards for specified permitted uses as well as the conditions necessary for approval of conditional use permits in either residential or commercial uses. This modification allows access to all land uses within the community and specific standards of approval, making the ordinance easier to use for the public and administrator.

Conclusion

Changes to the residential and commercial zoning districts were discussed by the Task Force for over a year. These changes have been reviewed and adapted by staff in accordance with the concerns of the Task Force. A high-level overview of all the proposed changes, including code cleanup items, was given at the Planning Commission's December 6 workshop. The existing document includes the modifications requested by the Task Force and reflect the goals and objectives of the adopted comprehensive plan.

Attachments:

1. Draft Zoning Ordinance
2. ADU Infographic



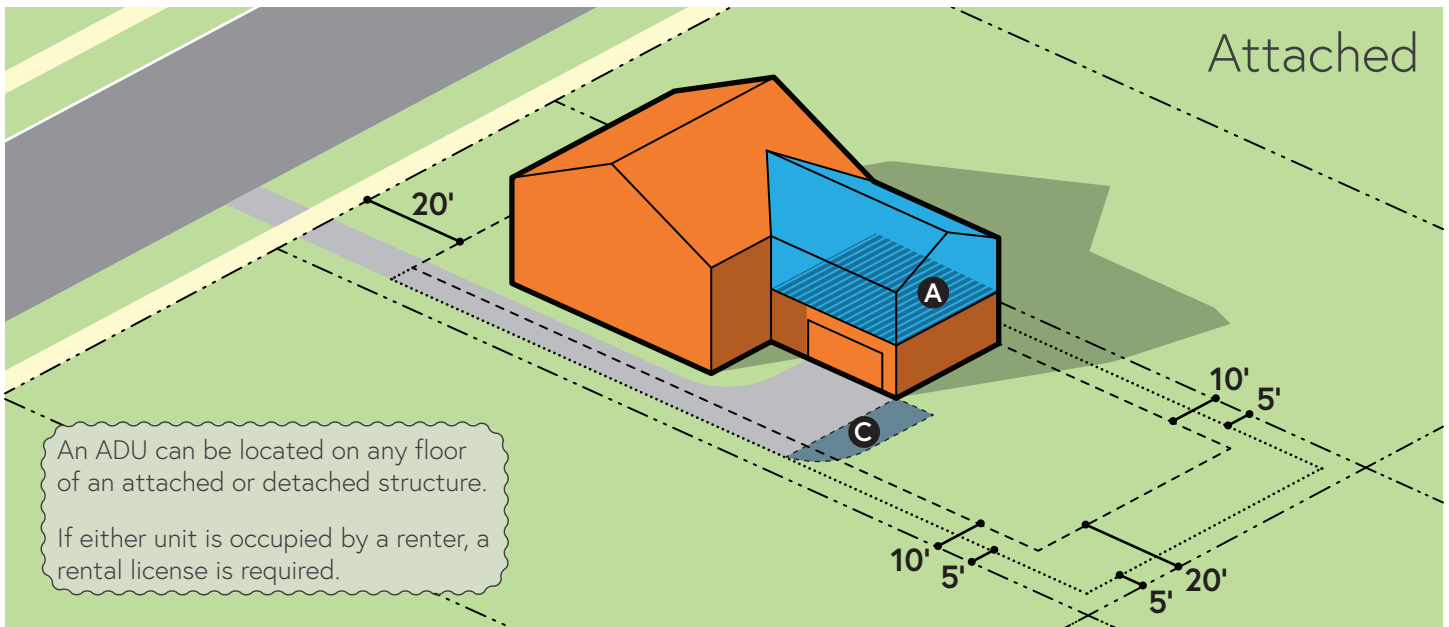
ACCESSORY DWELLING UNIT

Zoning Regulations

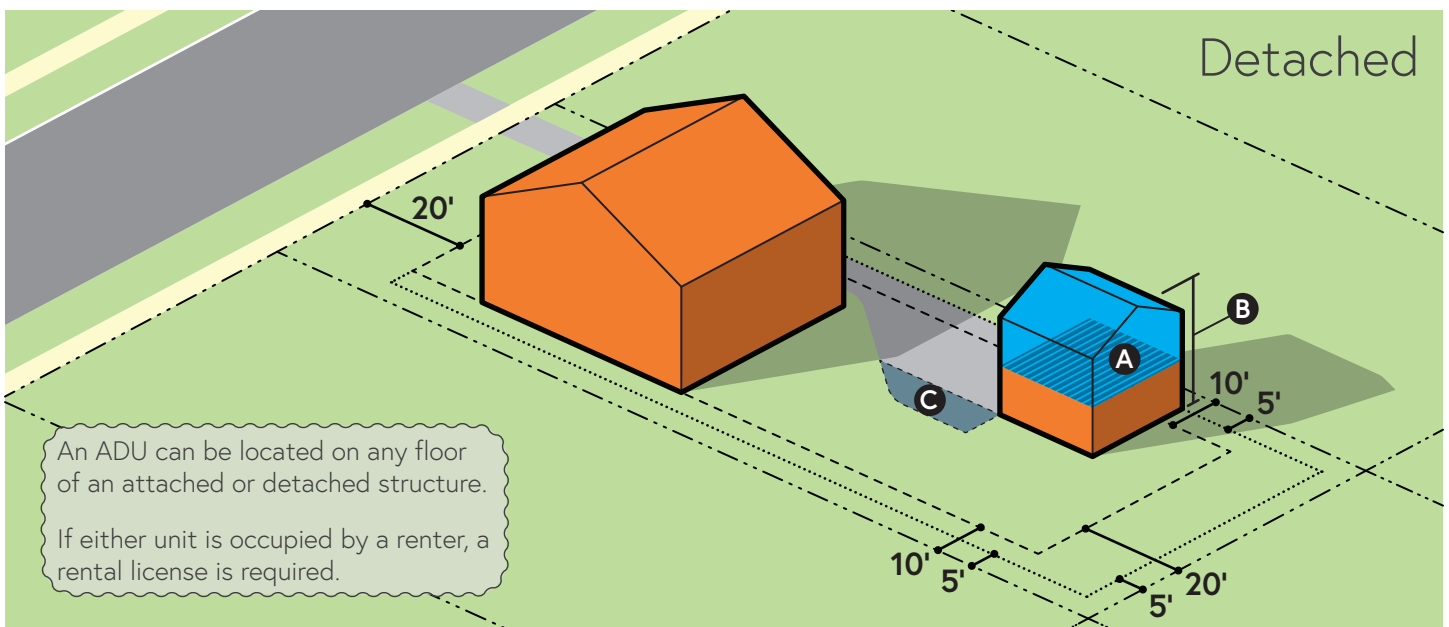
An ADU — also known as a granny flat, mother-in-law suite, or carriage house — is a small unit with its own entrance, kitchen, and bathroom located on the same lot as the primary house.

Standards

- ADU limited to 33% of the residence habitable space **(A)**
- Minimum size of the ADU is 300 square feet; Maximum size no greater than 960 square feet* **(A)**
- Maximum height for detached ADU is 20' in all zoning districts except for R-1 and R-1A which has a height of 25' or two stories whichever is less **(B)**
- A parking stall is required for the ADU over and above the 2 parking stalls required for the residence **(C)**
- Only one ADU per property
- The residence or ADU must be owner-occupied



Principal Structure Accessory Dwelling Unit (ADU)





City of Wayzata Planning Commission Agenda Report

MEETING DATE: April 4, 2022	AGENDA ITEM: 7.a
TITLE: Review of Development Activities	
PREPARED BY: Valerie Quarles, Assistant Planner	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: 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

MEETING DATE: April 4, 2022	AGENDA ITEM: 7.b
TITLE: Planning Commission Meeting Schedule	
PREPARED BY: Valerie Quarles, Assistant Planner	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: N/A	

BACKGROUND:

The next Planning Commission meeting is on Monday, April 18 at 6:30 p.m. The 2022 City Meeting Calendar and Liaison Schedule are attached.

ACTION REQUESTED:

N/A

ATTACHMENTS:

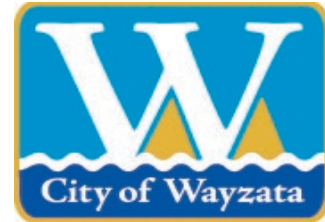
1. 2022 Wayzata City Calendar
2. 2022 Planning Commission Liaison Schedule

City of Wayzata

2022 Meeting Calendar

January 2022						
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30	31					

February 2022						
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March 2022						
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April 2022						
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May 2022						
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June 2022						
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July 2022						
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August 2022						
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September 2022						
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October 2022						
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November 2022						
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December 2022						
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- 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

Precinct Caucuses - Feb 1, 2022

Primary Election - August 9, 2022

General Election - November 8, 2022

Revised
9/29/2021

2022 Planning Commission Assignments at Council Meetings

	<u>Meeting Date</u>	<u>Commission Representative</u>
Tuesday	January 4, 2022	Ken Sorensen
Tuesday	January 18, 2022	Peggy Douglas
Tuesday	February 8, 2022	Laura Merriam
Tuesday	February 22, 2022	Jeffrey Parkhill
Tuesday	March 8, 2022	Bonnie Schwalbe
Tuesday	March 22, 2022	Jennifer Severson
Tuesday	April 5, 2022	Larissa Stockton
Tuesday	April 19, 2022	Ken Sorensen
Tuesday	May 3, 2022	Peggy Douglas
Tuesday	May 17, 2022	Laura Merriam
Tuesday	June 7, 2022	Jeffrey Parkhill
Tuesday	June 21, 2022	Bonnie Schwalbe
Tuesday	July 5, 2022	Jennifer Severson
Tuesday	July 19, 2022	Larissa Stockton
Wednesday	August 3, 2022	Ken Sorensen
Tuesday	August 16, 2022	Peggy Douglas
Tuesday	September 6, 2022	Laura Merriam
Tuesday	September 20, 2022	Jeffrey Parkhill
Tuesday	October 4, 2022	Bonnie Schwalbe
Tuesday	October 18, 2022	Jennifer Severson
Tuesday	November 1, 2022	Larissa Stockton
Tuesday	November 15, 2022	Ken Sorensen
Tuesday	December 6, 2022	Peggy Douglas
Tuesday	December 20, 2022	Laura Merriam