



Wayzata City Council Workshop Meeting Agenda
Wayzata City Hall Community Room, 600 Rice Street
TUESDAY, SEPTEMBER 17, 2024

WORKSHOP TOPICS FOR DISCUSSION:

1. Review of Facilities Security Improvement Study (5:00-5:30 p.m.)
2. Discussion of Possible Zoning Study and Amendments to Central Core Neighborhood, R-3A (5:30-6:00 p.m.)
3. Update of First Phase of Proposed Ordinance Amendments for Short Term Rental Licenses (6:00-6:30 p.m.)



City Council Workshop City Council Agenda Report

MEETING DATE: September 17, 2024	WORKSHOP AGENDA ITEM: 1
TITLE: Review of Facilities Security Improvement Study (5:00-5:30 p.m.)	
PREPARED BY: Kathy Leervig, City Clerk	
REVIEWED BY: Jeffrey Dahl, City Manager	

DISCUSSION OBJECTIVE:

The purpose of this study is to evaluate options and associated costs for enhancing physical security measures at the Council Chambers, DMV lobby, City Hall/Police public lobby areas, and the Public Works Facility. If there is consensus, proposed improvements will be added to the City's Capital Improvements Plan (CIP) for future consideration.

2024-2026 STRATEGIC PLAN PRIORITIES RELEVANCE:

Achieve & Sustain Operational Excellence

Updating the City's public facing facilities to ensure safety for visitors along with staff and Council will allow for a safer, more efficient, and positive work environment.

BACKGROUND:

Several years ago, the City Council directed staff to explore several steps to increase the overall safety of staff, elected and appointed officials, and visitors to City Hall and its other facilities. Since then, the City has approved codes of conduct for all boards and commissions and also conducted a security/threat analysis of City Hall.

Over the past year, the City has been working with BKV Group, an architectural firm that specializes in public facilities, on a proposal for safety, accessibility, and aesthetic improvements to the Community Room and other public-facing areas. Specific components of the report, including prioritization of improvements and estimated costs, will be presented to the Council at the meeting by Paul Michell of the BKV Group. Due to the sensitive nature of some of the security enhancements, confidential information will only be provided to the Council and not listed in the packet materials.

ATTACHMENTS:

None



City Council Workshop City Council Agenda Report

MEETING DATE: September 17, 2024	WORKSHOP AGENDA ITEM: 2
TITLE: Discussion of Possible Zoning Study and Amendments to Central Core Neighborhood, R-3A (5:30-6:00 p.m.)	
PREPARED BY: Valerie Quarles, Assistant Planner	
REVIEWED BY: Jeffrey Dahl, City Manager	

DISCUSSION OBJECTIVE:

To review information regarding the single-family home zoning and trends in the City's Central Core Zoning District (R-3A) and discuss process for considering potential amendments to address concerns.

2024-2026 STRATEGIC PLAN PRIORITIES RELEVANCE:

Community Character and Safety

The City strives to maintain community character through zoning that balances property rights and market trends with maintaining neighborhood integrity.

BACKGROUND:

The Central Core neighborhoods are generally defined as the area of town bounded by Barry Avenue to the west, Wayzata Boulevard to the south, Chicago Avenue to the east, and Highway 12 to the north. In the period between 2019 and 2024, this area has had 17, which is 31% of all the single-family home tear-downs and re-builds within the City. Many homes that have redeveloped during this time are designed to maximize building footprint, minimize front yard setbacks, and keep driveways as short as possible, leading to some large, garage-dominated homes that are relatively close to the street. The attached memo was written to summarize the history of this issue in the Central Core neighborhoods and provide additional context from the perspective of zoning administration and plan review.

Because this issue is not on the list of current medium-term priorities for the Community Development Department, prioritizing this work may potentially impact the following upcoming projects:

- Metro Transit Park and Ride Redevelopment - Metro Transit coordination ahead of RFP drafting.
- Wayzata Boulevard Corridor Study - C-3A rezoning actions and front yard setback considerations.
- Affordable Housing Policy - Writing density bonus policy as required by the R-5 District.
- PUDs and Subdivisions - Rewriting the City's PUD and Subdivision Ordinances to reflect today's best practices with the help of a consultant.

If the City Council can arrive at a consensus of the issues to be evaluated in the Central Core neighborhoods and wants to prioritize, staff recommends that these issues be considered in a workshop format with the Planning Commission, along with a public engagement process, before a formal text amendment is proposed. Depending on the needed depth and speed of this study, consultant assistance might be needed.

ATTACHMENTS:

1. R-3A and Central Core Issues Summary



R-3A Memo July 18, 2024

Addresses of Request:

R-3A Single and Two Family Zoning District

Prepared by:

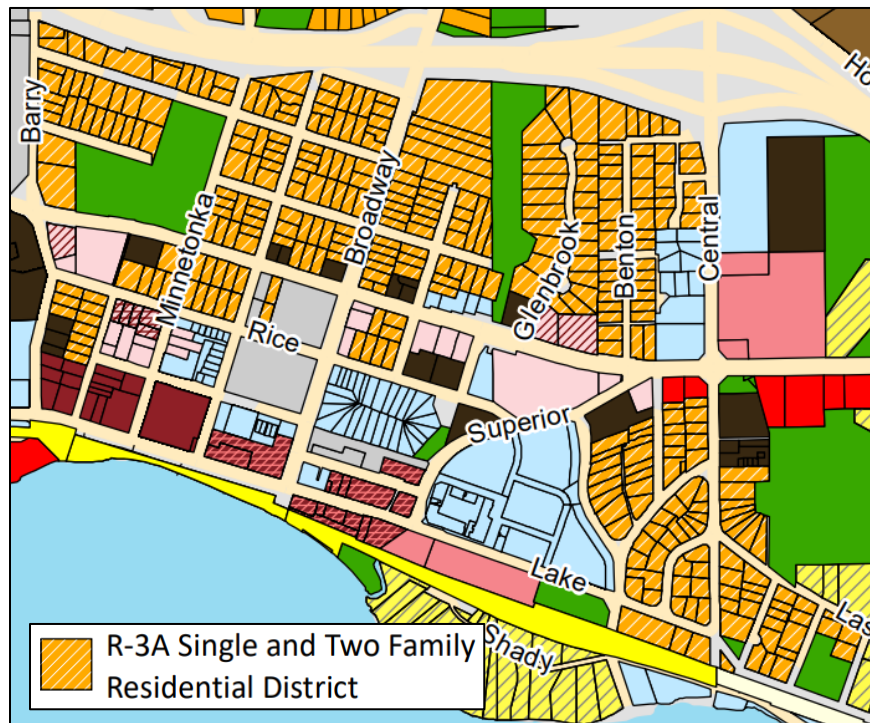
Valerie Quarles, Assistant Planner

R-3A Zoning District

Location and Intent

The R-3A District is intended 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. (Chapter 955)

The district is generally contiguous with the Central Core Residential land use designation. This category was a new addition to the 2040 Land Use Plan and is intended to identify existing single-family homes and small-scale multiple family uses within the older neighborhoods in the City's core. These homes were developed on smaller lots, resulting in a density higher than that of the Low Density Residential category. Densities for this category range from 3 to 6 units per acre. A combination of single family homes and twin homes/townhomes, when the lot sizes allow, are typical uses within this category. On average, single family lot sizes for the category will range between 7,260 square feet and 14,560 square feet. (2040 Comprehensive Plan)



The R-3A district, which includes single-family areas north and east of downtown.

General History

The R-3A zoning district was updated in 2008 as a subset of the R-3 district. The R-3A district differed from R-3 by introducing a shorter height limit (32 feet to the peak of the roof, as opposed to 30 feet to the midpoint of a peaked roof) and providing relief for setbacks on corner lots. Prior to this action, most single family homes outside of the estate districts or newer subdivisions were zoned R-3. As part of this action, a smaller study area including the historic core neighborhoods was rezoned from R-3 to R-3A. In their Report and Recommendation (June 2, 2008), the Planning Commission cited the following background information (emphasis added):

*The Heritage Preservation Board, Planning Commission and City Council of Wayzata, have had ongoing discussions regarding the height, scale, mass and rhythm of building elements of the oldest residential neighborhoods in Wayzata. The Heritage Preservation Board, Planning Commission and City Council of Wayzata have determined that **the residential neighborhoods within the original town settlement and plat** (hereafter “Old Wayzata Plat”, “Old Holdridge Neighborhood”, “Bluff Neighborhood”, “Glenbrook Neighborhood”, and “Benton Neighborhood”) **are at most risk for significant and detrimental changes to the neighborhoods’ building height, scale, mass, and rhythm of building elements due to the creation of excessively large houses.***

At the time, the Planning Commission and other groups had recommended breaking up the R-3 district into R-3A, R-3B, R-3C, and R-3D, but these were consolidated in the final action.

The 2008 action appears to have been focused on the size of homes rather than their location. Maps appear to have been created to examine setbacks as part of the study, but no change was recommended to standard non-corner lots. Those setbacks remain today at 20 feet in the front yard, 10 feet in the side yard, and 20 feet in the rear yard. It is not known when these setbacks were instituted. On a related note, garages in R-3 (now R-3A) have been limited to 750 square feet since at least 2003.

Current Conditions

Historic homes’ setbacks vary widely, with many types of lot configurations, including rear garages, more detached structures, higher impervious surface totals, and other legal non-conformities that were constructed before today’s restrictions were put in place.

Park Street is an example of a corridor with a wide variety of older homes. Below is a short summary of the front yard setbacks of older homes (1960 and earlier).

Decade Built	Constructed Front Yard Setback				Average
1900s	25 feet (617 Park St)				25 feet
1910s	20 feet (524 Park St)	25 feet (649 Park St)	23 feet (624 Park St)	26 feet (634 Park St)	23.5 feet
1920s	50 feet (367 Park St)	60 feet (815 Park St)			55 feet
1930s	N/A				N/A
1940s	60 feet (343 Park St - demo)	60 feet (353 Park St)	25 feet (641 Park St)	33 feet (816 Park St)	44.5 feet
1950s	23 feet (807 Park St)				23 feet

The table is included to illustrate that there is not necessarily a consistent “historic setback” to ask new homes to adhere to under an ordinance change. The oldest homes in the neighborhood appear to have the smallest setbacks, while the remaining ‘20s and ‘40s are generally set further back. 807 Park Street is on a lot with a wetland that forces the home forward.

In new construction projects, staff has observed a trend that impervious surface limits (35%) and restrictions on side yard setbacks for driveways (minimum 10 feet) have created conditions that encourage homes to have short driveways with front-loading garages, with the smallest setback possible. This is because with a restrictive hardcover limit, those building new homes are typically looking to maximize their home’s footprint rather than “spending” their hardcover on a longer driveway, which would be needed for a greater setback. The side yard setback for driveways also discourages a driveway that passes through the side yard to a garage in the rear. Both conditions push new homes forward.

For example, a 2017-built house on Gardner Street (shown right) is set 20.5 feet off the property line. (As a reminder, setbacks are always measured from the property line.) The property utilizes a short driveway and a front-facing garage to allot more of their hardcover to their home footprint. Due to the width of the right of way, the home ends up being set back about 36 feet from the edge of the road. The right of way width in different neighborhoods can affect the visual perception of setbacks.

Homes with detached rear garages today, which is common for older homes, may not be compliant with impervious surface restrictions (by predating the ordinance) or with side yard driveway setbacks, which shared driveways and driveways close to the property line are in violation of (again, by predating the ordinance).



Gardner Street home (built 2017).



Broadway Ave N between Park St E
and Wayzata Blvd E.

For example, this stretch of homes on Broadway Ave N utilizes a mix of shared driveways, nonconforming accessory structure and driveway setbacks, and smaller homes to keep garages out of the front yard.

Conclusion

While the R-3A district was highly scrutinized in 2008, building pressures and trends continue to influence how new home construction operates within the bounds of the zoning code in 2024. Potential amendments to the zoning code should be carefully considered for unintended consequences, while being intentional about the degree of oversight the City should exercise over a specific district's single-family home construction.

Resources

[Wayzata | MN Compass](#)



City Council Workshop City Council Agenda Report

MEETING DATE: September 17, 2024	WORKSHOP AGENDA ITEM: 3
TITLE: Update of First Phase of Proposed Ordinance Amendments for Short Term Rental Licenses (6:00-6:30 p.m.)	
PREPARED BY: Eric Zweber, Planning Consultant	
REVIEWED BY: Jeffrey Dahl, City Manager	

DISCUSSION OBJECTIVE:

To discuss and provide feedback of for the first phase of amendments to the Rental Dwelling Licenses Ordinance to include Short-Term Rentals.

2024-2026 STRATEGIC PLAN PRIORITIES RELEVANCE:

Sustain Community Character & Safety

The City is committed to maintaining safety and preserving the character of neighborhoods through sensible regulations.

BACKGROUND:

Based on staff research, there are approximately 18 properties within the City that have been used recently as short-term rentals. Earlier this summer, City Council directed staff to prepare amendments to the Rental Dwelling Licenses Ordinance to include short-term rentals. Those proposed amendments are attached.

In general, the amendments would make short-term rentals subject to the rental licensing requirements of other forms of rental properties. The few exceptions where short-term rentals are treated differently than other rentals are:

- Owners of short-term rentals are not required to attend Phase I Crime Free Training
- Owners of short-term rentals are not required to conduct criminal background checks on prospective tenants
- Leases or rental agreements with short-term rental tenants will not be required to contain "Crime Fee/Drug Free and Disorderly Conduct" language

Should the City Council direct staff to move forward with the amendments for consideration at a future Council meeting, upon approval, staff would:

1. Propose adding short-term rental licenses to the fee schedule at the same rate as the single family home rental licenses.
2. Advertise and ultimately hold an engagement session to receive feedback and inform current short term rental property owners.
3. Make the amendments effective January 1, 2025 with the applications due by April 1st of each year.
4. Revise the rental license application to include short term rentals.
5. Hold another workshop in early 2025 to provide an update on the licensing process and discuss additional amendments.

ATTACHMENTS:

1. Draft Rental Dwelling License Ordinance Amendment for Short Term Rentals
2. Rental Application
3. Short Term Rental Map_2024-7-18

CITY OF WAYZATA
HENNEPIN COUNTY, MINNESOTA

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER 815 OF CITY CODE
TO REGULATE SHORT TERM RENTALS**

NOW THEREFORE, THE CITY OF WAYZATA ORDAINS:

Section 1. Amendments to Chapter 815. Chapter 815 of the Wayzata City Code (Rental Dwelling Licenses) is hereby amended and restated to read in its entirety as follows (~~struck~~ text deleted; underlined text added):

CHAPTER 815 RENTAL DWELLING LICENSES

815.01 Purpose.

This ~~e~~Chapter may be referred to as the Rental Dwelling License Ordinance. The purpose of this Chapter is to ensure that rental housing in the City is decent, safe, and sanitary; and that it is so operated and maintained as not to become:

- A. A threat to the health, safety and welfare of residents;
- B. A nuisance to the surrounding neighborhood; or
- ~~CB.~~ An influence that fosters blight and deterioration, or creates a disincentive to reinvestment in the community.

(Ord. 685 [6-4-2008])

815.02 Scope.

This Chapter applies to all rental dwellings and the individual units therein that are rented or leased in whole or in part, for any duration, including apartment buildings, town homes, single-family and two-family housing, guest and caretaker houses, and condominiums with private entrances. It also includes any accessory structures of the rental dwellings, such as garages and storage buildings, and appurtenances such as sidewalks, driveways and retaining walls, which are on the property of the rental dwelling. This ~~e~~Chapter does not apply to Minnesota Department of Health licensed rest homes, convalescent care facilities, or nursing homes, or to hotels or motels otherwise licensed by the City.

(Ord. 685 [6-4-2008])

815.03 Definitions.

For the purpose of this ~~e~~Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

- A. **"City"** means the City of Wayzata.

- B. **"City Council"** means the City Council of the City of Wayzata.
- C. **"Compliance Official"** means the City Manager or the City Manager's designee.
- D. **"Dwelling Unit"** means a single unit providing complete, independent living facilities for one or more persons, including provisions for living, sleeping, eating, cooking, and sanitation.
- E. **"License"** means the license required by and issued pursuant to this ~~e~~Chapter.
- F. **"License Holder"** means an owner holding a license.
- G. **"Licensed Premises"** means a licensed rental dwelling and all accessory structures of the rental dwellings, such as garages and storage buildings, and appurtenances such as sidewalks, driveways and retaining walls, which are on the property of the rental dwelling.
- H. **"Official Order"** means a written notice stating violation(s) of City Code and corrective action to be taken.
- I. **"Operate"** means to charge a rental fee or other form of rent for the use of a unit in a rental dwelling.
- J. **"Owner"** means a person or legal entity that owns a rental dwelling.
- K. **"Property Manager"** means a person authorized by the owner to operate and/or manage the licensed premises.
- L. **"Rental Dwelling"** means any building containing one or more dwelling units.
- M. **"Revoke"** means to take back, in whole or in part, a license issued by the City.
- ~~N. **"Short-Term Rental"** means a rental dwelling that is rented out for less than one-month intervals.~~
- ~~N. **"Subchapter"** means Sections 815.01—815.27 of the Wayzata City Code.~~
- O. **"Suspend"** means to make a license temporarily inoperative, in whole or in part.
- P. **"Tenant"** means any person granted temporary use of a dwelling unit or sleeping room pursuant to a lease or other agreement with the owner of the dwelling unit.
- Q. **"Unit"** means a part of a rental dwelling that is leased to a tenant.
- R. **"Wayzata Property Maintenance Code"** means Sections 803.01—803.02 of Wayzata City Code.
- (Ord. 685 [6-4-2008]; Ord. 725 [03-15-2012])

815.04 License Required.

No rental dwelling may be operated in the City without the owner first obtaining a license as provided for in this Chapter.

(Ord. 685 [6-4-2008]; Ord. 725 [03-15-2012])

815.05 Crime Free/Drug Free Training.

Every owner or property manager of a rental dwelling other than a short-term rental must attend Phase I Crime Free Training or similar City-approved program, or provide the City with proof of having received such training, prior to the issuance of a license for that owner's rental dwelling.

(Ord. 685 [6-4-2008]; Ord. 725 [03-15-2012])

815.06 Application Procedures.

Every application for a license shall be made in writing on forms provided by the City, accompanied by the fee amounts as established in the current fee schedule of the City. The Compliance Official may cause inspection to be made of the rental dwelling that is the subject of the application to determine whether it is in compliance with the Wayzata Property Maintenance Code, other Wayzata City Code sections or the laws of State of Minnesota. Once the Compliance Official is satisfied that all requirements of this Code have been met by the applicant, the license shall be issued.

The application must be submitted by an owner or property manager living or located in the one of the seven counties in the metro Twin Cities area (Hennepin, Ramsey, Anoka, Carver, Dakota, Scott and Washington) who shall be legally responsible for compliance with this [Chapter](#).

Applications shall specify the following:

- A. Mailing, street and legal address of the rental dwelling.
- B. Name and address of the owner of the rental dwelling.
- C. Name and address of any property manager or agent actively managing the rental dwelling.
- D. Name and address of on-site property manager, if any.
- E. Name and address of the vendee if the rental dwelling is owned or being sold on a contract for deed.
- F. Number and kind of units within the rental dwelling, however classified, including dwelling units, rooming units or other.
- G. Any other information requested by the compliance official to ensure compliance under this [Chapter](#).
- H. [If not a license for short-term rental only](#), verification that the designated property manager has attended required training as specified in this [Chapter](#) and that the Crime Free/Drug Free and Disorderly Conduct language required by this [Chapter](#) is contained in the licensed property tenant lease or leases.

(Ord. 685 [6-4-2008]; Ord. 725 [03-15-2012])

815.07 Provisional Licenses.

A provisional license may be issued for up to six months to give any applicant or existing license holder the opportunity to comply with the training requirements of this [Chapter](#). The provisional license shall be valid until:

- A. A regular license is issued, or
- B. It is determined that license requirements have not been met and the City will not issue a regular license.

(Ord. 685 [6-4-2008]; Ord. 725 [03-15-2012])

815.08 Expiration.

Except as otherwise provided, all licenses under this [Chapter](#) shall be valid for one calendar year and shall expire on April 1 unless suspended or revoked earlier. All licenses issued for a portion of a calendar year also shall expire on April 1.

(Ord. 685 [6-4-2008]; Ord. 725 [03-15-2012])

815.09 Renewal.

All applications for renewal of an existing license shall be made at least 60 days prior to the expiration of the current license. All such applications shall be submitted to the Compliance Official in the manner described in Section 815.06 of this Chapter on forms provided by the City and shall be accompanied by the required fee.

(Ord. 685 [6-4-2008]; Ord. 725 [03-15-2012])

815.10 Transferability.

A license is not transferable to another owner or to another rental dwelling. Every license holder must give notice in writing to the compliance official within 72 hours after having legally transferred or otherwise disposed of the legal control of any rental dwelling. The notice must include the name and address of the owner succeeding to the ownership or control of such rental dwelling. A new license shall be applied for by the new owner.

(Ord. 685 [6-4-2008]; Ord. 725 [03-15-2012])

815.11 License Fees.

License fees and Administrative Penalties shall be in the amount established in current fee schedule adopted by the City Council. License fees shall not be prorated for any portion of the calendar year, nor shall any license fee be refunded in whole or in part. The license fee may be doubled whenever a renewal application is received after it is due.

(Ord. 685 [6-4-2008]; Ord. 725 [03-15-2012])

815.12 Posting.

The license shall be conspicuously posted or otherwise available to the tenant, prospective tenant, or Compliance Official upon request.

(Ord. 685 [6-4-2008]; Ord. 725 [03-15-2012])

815.13 Maintenance Standards.

Every rental dwelling shall conform to the standards of the Wayzata Property Maintenance Code, in addition to any other building or zoning requirements of the City Code, special permits issued by the City, or the laws of the State of Minnesota.

(Ord. 685 [6-4-2008]; Ord. 725 [03-15-2012])

815.14 Inspection.

The compliance official may set up a schedule of periodic inspections of rental dwellings and units to ensure compliance with this eChapter. The compliance official shall provide reasonable notice to the owner or the owner's agent as to the date and time of the inspection. Inspections shall include all common areas, utility and mechanical rooms, garages, exterior of structures and exterior property areas.

Inspection of dwelling units shall take place if the number of complaints or violations warrants such inspection or when requested by a tenant or property owner. Each occupant of a dwelling unit shall give the owner or the owner's agent access to any part of such dwelling unit at reasonable times for the purpose of effecting inspection, maintenance, repairs or alterations as are necessary to comply with the provisions of this eChapter. If any owner, owner's agent or tenant of a dwelling unit fails or refuses to permit entry to the dwelling unit under its control for an inspection pursuant to this eChapter, the compliance official may seek a court order authorizing such inspection. Should the owner or owner's agent fail to keep a scheduled inspection without reasonable cause or refuse to permit entry to the dwelling unit, a reinspection fee will be charged.

There shall be no fee charged for an initial inspection to determine the existence of a Wayzata Property Maintenance Code violation, nor any fee for the first reinspection to determine compliance with an order to correct such violation. A reinspection fee shall be charged for each subsequent reinspection occurring after the due date for compliance with an order. The compliance official may waive the reinspection fee in case of an error or other reasonable cause, including extension of time granted for compliance.

(Ord. 685 [6-4-2008]; Ord. 725 [03-15-2012])

815.15 Maintenance Violations.

- A. A license issued under this eChapter may be suspended or revoked by the City Council if the license holder or its agents, employees, representatives or tenants directly or indirectly operate or maintain the licensed rental dwellings contrary to the provisions of Section 815.13.
- B. Upon determining violation(s) of Section 815.13, the compliance official shall issue an official order to the license holder. If the license holder fails to comply with the terms of the official order, a written notice shall be sent to the license holder specifying the date for a hearing before the City Council. That date shall not be less than ten days from the date of the written notice.
- C. At such hearing before the City Council, the license holder or its representative may submit and present evidence on its behalf.
- D. After the hearing, the City Council may suspend or revoke the license if it finds a violation of Section 815.13 has occurred.

(Ord. 685 [6-4-2008]; Ord. 725 [03-15-2012])

815.16 Summary Action.

- A. When the condition of the rental dwelling is so detrimental to the public health, safety and general welfare as to constitute an immediate nuisance, fire hazard or other unsafe or dangerous condition, the compliance official shall have the authority to summarily condemn or close off such area of the rental dwelling.
- B. Any person aggrieved by the action of the compliance official under this section may appeal to the City Council immediately, by filing a notice of appeal. The City manager shall schedule a date for a hearing before the City Council and notify the aggrieved person of the date.
- C. The hearing shall be conducted in the same manner as a suspension or revocation hearing under Section 815.15.
- D. The summary action taken by the City under this section shall not be changed while the hearing is pending.

(Ord. 685 [6-4-2008]; Ord. 725 [03-15-2012])

815.17 Criminal Background Check.

A license holder shall conduct criminal background checks on all prospective tenants of rental dwelling units other than short-term rentals. The criminal background check must include the following:

- A. A statewide (Minnesota) criminal history check of all prospective tenants covering at least the last three years; the check must be done utilizing the most recent update of the state criminal history files;
- B. A statewide criminal history check from the prospective tenant's previous state of residence, if available, if the tenant is moving directly from the state other than Minnesota;
- C. A criminal history check of any prospective tenant in the tenant's previous states of residence, if available, covering the last three years if they have not resided in Minnesota for three years or longer; and
- D. A criminal history check of all prospective tenants covering the seven counties in the metro Twin Cities area (Hennepin, Ramsey, Anoka, Carver, Dakota, Scott and Washington) covering at least the last three years, that includes any misdemeanor, gross misdemeanor, and felony convictions.

(Ord. 685 [6-4-2008]; Ord. 725 [03-15-2012])

815.18 Crime Free/Drug Free and Disorderly Conduct Lease Requirements.

Other than a short-term rental lease, aAll tenant leases entered into or renewed after April 1, 2012, shall contain the following "Crime Free/Drug Free and Disorderly Conduct" language or language that is the contractual and legal equivalent:

Crime Free/Drug Free.

- A. Resident, any members of the resident's household or a guest or other person under the resident's control shall not engage in illegal activity, including drug-related illegal activity, on or near the said premises. "Drug-related illegal activity" means the illegal manufacture, sale, distribution, purchase, use or possession with intent to manufacture, sell, distribute, or use of a controlled substance (as defined in Section 102 or the Controlled Substance Act [21 USC 802]) or possession of drug paraphernalia.
- B. Resident, any member of the resident's household or a guest or other person under the resident's control shall not engage in any act intended to facilitate illegal activity, including drug-related illegal activity, on or near the said premises.
- C. Resident or members of the household will not permit the dwelling to be used for, or to facilitate illegal activity, including drug-related illegal activity, regardless of whether the individual engaging in such activity is a member of the household.
- D. Resident or members of the household will not engage in the manufacture, sale, or distribution of illegal drugs at any locations, whether on or near the dwelling unit premises or otherwise.
- E. Violation of the above provisions shall be a material violation of the lease and good cause for termination of tenancy. a single violation of any of the provisions of this agreement shall be deemed a serious violation and material non-compliance with the lease.

Disorderly Conduct.

- A. Resident, members of the resident's household, guests, or other persons under the resident's control shall not engage in the following Disorderly Conduct activities: violations of state law relating to alcoholic beverages, trespassing or disorderly conduct; violations of the Wayzata City Code; violations listed in Section 815.16 of the Rental Dwelling License Ordinance.

- B. Three disorderly conduct violations involving the same tenancy within a continuous 12-month period shall be substantial and material violation to the lease and good cause for termination of the tenancy.

Non-exclusive Remedies.

The Crime Free/Drug Free and Disorderly Conduct provisions are in addition to all other terms of the lease and do not limit or replace any other provisions.

(Ord. 685 [6-4-2008]; Ord. 725 [03-15-2012])

815.19 Disorderly Conduct Prohibited.

Disorderly conduct is prohibited on all licensed premises. It shall be the responsibility of the license holder to take appropriate action to prevent disorderly conduct by rental dwelling tenants and their guests on the licensed premises. For the purposes of this chapter, a violation of any of the following statutes or ordinances shall be deemed disorderly conduct:

- A. Minn. Stats. §§ 609.75—609.76, which prohibit gambling;
- B. Minn. Stats. §§ 609.321—609.324, which prohibit prostitution and acts relating thereto;
- C. Minn. Stats. §§ 152.01—152.025, and Minn. Stats. § 152.027, Subd. 1 and 2, which prohibit the unlawful sale or possession of controlled substances;
- D. Minn. Stats. § 340A.401, which prohibit the unlawful sale of alcoholic beverages;
- E. Minn. Stats. § 340A.503, which prohibit the underage use of alcoholic beverages;
- F. Chapter 720 Wayzata City Code, which prohibit nuisances;
- G. Minn. Stats. §§ 97B.021 and 97B.045, Minn. Stats. §§ 609.66—609.67 and Minn. Stats. §§ 624.712—624.716, and Chapter 704 of Wayzata City Code, which prohibit the unlawful possession, transportation, sale or use of a weapon;
- H. Minn. Stats. § 609.72, which prohibit disorderly conduct, when the violation disturbs the peace and quiet of the occupants of at least one unit on the licensed premises or other premises, other than the unit occupied by the person(s) committing the violation;
- I. Minn. Stats. §§ 609.185, 609.19, 609.195, 609.20, and 609.205 which prohibit murder and manslaughter;
- J. Minn. Stats. §§ 609.221, 609.222, 609.223, and 609.2231 which prohibit assault;
- K. Minn. Stats. §§ 609.342, 609.343, 609.344, 609.345, and 609.3451 which prohibit criminal sexual conduct;
- L. Minn. Stats. § 609.52, which prohibit theft;
- M. Minn. Stats. §§ 609.561, 609.562, 609.563, 609.5631, and 609.5632 which prohibit arson;
- N. Minn. Stats. § 609.582, which prohibit burglary;
- O. Minn. Stats. § 609.595 which prohibit damage to property; and
- P. Chapter 708 of Wayzata City Code, which prohibits offences against public peace and safety.

(Ord. 685 [6-4-2008]; Ord. 725 [03-15-2012])

815.20 Disorderly Conduct and Crime Free/Drug Free Violations.

- A. Upon determination by the Police Department that a licensed premises or unit within a licensed premise was used in violation of the Crime Free/Drug Free provisions of this eChapter, the Police Department shall cause notice to be made to the owner and property manager of the violation. The owner or property manager shall notify the tenant or tenants within ten days of the notice of violation of the Crime Free/Drug Free lease language and proceed with termination of the tenancy of all tenants occupying the unit. The owner shall not enter into a new lease for a unit located in the licensed property with an evicted tenant for a period of one year after the eviction.
- B. Upon determination by the Police Department that a licensed premises or unit within a licensed Premises was used for disorderly conduct activities as set forth in Section 815.19, the Police Department shall cause notice to be made to the owner and property manager of the violation and direct the owner and property manager to take steps to prevent further disorderly conduct violations.
- C. If a second disorderly conduct violation as determined by the Police Department occurs within a continuous 12-month period involving the same tenancy, the Police Department shall cause notice to be made to the owner and property manager of the second violation. The owner or property manager shall respond in writing within ten days of receipt of the notice with a written action plan to prevent further disorderly conduct violations.
- D. If a third disorderly conduct violation as determined by the Police Department occurs within a continuous 12-month period involving the same tenancy, the Police Department shall cause notice to be made to the owner and property manager of the third violation. The owner or property manager shall notify the tenant or tenants within ten days of the notice of disorderly conduct violation of the Crime Free/Drug Free lease language within the lease and proceed with termination of the tenancy of all tenants occupying the unit. The owner shall not enter into a new lease for a unit located in the licensed premises with an evicted tenant for a period of one year after the eviction.
- E. The provisions of Subsections A, B, C, and D herein do not apply if the determination that the licensed premises have been used in violation of the Crime Free/Drug Free provisions of Subsections A.1 and A.2 herein originates from a call from or at the request of one or more of the tenants occupying the licensed premises for police or emergency assistance, or in the case of domestic abuse, from a call for assistance from any source. The term "domestic abuse" has the meaning given in Minn. Stats. § 518B.01, Subd. 2.
- F. If the City Manager determines that the owner has proceeded in good faith to secure termination of the tenancy in accordance with this subsection, but was unsuccessful for reasons beyond the owner's reasonable control, then the owner shall not be subject to the penalties in subsection 815.21.

(Ord. 685 [6-4-2008]; Ord. 725 [03-15-2012])

815.21 Administrative License Violation Fee.

An owner failing to proceed with an action to terminate the tenancy after Police Department notification in accordance with a Crime Free/Drug Free violation or the third Disorderly Conduct violation shall pay an administrative license violation fee of \$750.00 for each calendar month that the owner fails to proceed. Any outstanding fees must be paid prior to the City renewing a rental license for the licensed premises.

(Ord. 685 [6-4-2008]; Ord. 725 [03-15-2012])

815.22 Determining Disorderly Behavior.

A determination that a licensed premises or any particular unit has been the location of a third disorderly conduct violation shall be made upon a finding of fact by the City Council to support such a determination. It shall not be necessary that criminal charges be brought in order to support such finding, nor shall the dismissal or acquittal of such a criminal charge operate as a bar to any action under this **Chapter**.

(Ord. 685 [6-4-2008]; Ord. 725 [03-15-2012])

815.23 Multiple Violations.

If two or more units in a licensed premises are in violation of the Crime Free/Drug Free and Disorderly Conduct Lease Requirements of this **Chapter** within a 12-month period, fines specified in section 815.21 may be doubled.

(Ord. 685 [6-4-2008]; Ord. 725 [03-15-2012])

815.24 Penalties.

A person who violates the provisions of this **Chapter** may be charged with a misdemeanor, and upon conviction is subject to a fine and imprisonment as prescribed by state law. Each day of each violation constitutes a separate offense. The compliance official may affix to the rental dwelling appropriate signs or notices prohibiting occupancy and may act to cause the rental dwelling to be vacated or remain vacant until all violations under this **Chapter** are remedied.

(Ord. 685 [6-4-2008]; Ord. 725 [03-15-2012])

815.25 No Retaliation.

- A. A license holder may not:
 - 1. Bar or limit a tenant's right under state law to call for police or emergency assistance in response to domestic abuse or any other conduct; or
 - 2. Impose a penalty on a tenant for calling for police or emergency assistance in response to domestic abuse or any other conduct.
- B. A tenant may not waive and a license holder may not require the tenant to waive the tenant's right under state law to call for police or emergency assistance.

(Ord. 685 [6-4-2008]; Ord. 725 [03-15-2012])

815.26 No Warranty by City.

By enacting and undertaking to enforce this **Chapter**, the City, City Council, its agents, and employees do not warrant or guaranty the safety, fitness or suitability of any rental dwelling in the City. Owners and occupants of rental dwellings should take whatever steps they deem appropriate to protect their interests, health, safety and welfare.

(Ord. 685 [6-4-2008]; Ord. 725 [03-15-2012])

815.27 Applicable Laws.

Licenses shall be subject to all of the ordinances of the City and the laws of the State of Minnesota relating to rental dwellings; this Chapter shall not be construed or interpreted to supersede or limit any other such applicable law.

(Ord. 685 [6-4-2008]; Ord. 725 [03-15-2012])

Section 2. Effective Date. This Ordinance will become effective upon passage and publication.

Adopted by the City Council this ____ day of _____, 2024.

Johanna Mouton
Mayor

ATTEST:

Jeffrey Dahl
City Manager

First Reading:
Second Reading:
Publication:



Rental Dwelling License Application

Rental Application

Tennessee Warning

Rental Property Information

House Number *

Street Name *

Unit/Suite

City *

State *

Zip *

PIN *

Automatically populated based on House Number, Street Name and Unit if applicable.

Name of Complex

If applicable

Applicant Type *

License Type *

Property Type *

Property Owner Information

Owner First Name *

Owner Last Name *

Owner Street Number

Owner Street Name *

City *

State *

Zip *

Phone Number

Email

Person Responsible for Maintenance & Management

Company Name

Contact Name *

Phone Number *

Contact Address *

City *

State *

Zip *

Email *

Address where tenant register is kept *

Crime Free/Drug Free
Certificate *

Unable to Supply Crime Free
Drug Free Certificate

☐ Yes

Additional Questions

Would you be interested in information about potential resources for property maintenance or improvements?

☐ Yes

☐ No

What are your rental rates going to be for 2024? If you have more than one unit in various sizes, please provide information on all unit options.

Do you have any major improvements planned? If yes, what is the project and when is the intended timing of it?

Are there any major repairs that need to be done that you don't have a plan for yet?

Rental License Information

- All Rental Licenses are valid for one year and shall expire on April 1st.
- All rental renewal applications must be submitted 60 days prior to license expiration.
- All owner or property managers of a rental dwelling must have completed a Crime Free/Drug Free training class and provide a certificate.
- Applications must be submitted by an owner or property manager living or located in one of the seven counties in the Twin Cities area.
- A Rental License is not transferable to another owner or to another rental dwelling.
- Notice Regarding Proposed City Ordinances: The City of Wayzata distributes general city information and notices electronically through an electronic notification system. As an applicant for a new business license or for a renewal of an existing business license, you can sign up to receive notices through the city's electronic notification system at the city's website at www.wayzata.org, and click on the Notify Me link. This would include getting notifications of any proposed ordinances at least ten days before the city council of Wayzata conducts a final vote on the proposed ordinance.
- [Click here \(https://www.wayzata.org/DocumentCenter/View/5010/Rental-Fee-Schedule\)](https://www.wayzata.org/DocumentCenter/View/5010/Rental-Fee-Schedule) to view the Rental Fees.

Applicant: Please Read & Sign Below

The undersigned hereby applies for a rental dwelling license as required by City Code, acknowledges that the provisions of the Property Maintenance and Rental Dwelling License Codes have been reviewed and attests that the subject premises will be operated and maintained according to the requirements contained therein, subject to applicable sanctions and penalties. The undersigned further authorizes the City of Wayzata to make inspections and re-inspections of the structure listed herein to determine its compliance with City Codes. The applicant further certifies that all statements and facts in this application are true and authorizes the City of Wayzata to investigate any or all statements or facts contained herein; acknowledging that the misrepresentation or the omission of facts called for will be just cause for the disqualification or repeal of the license.

- I hereby certify that the agent listed herein (if any) is authorized to receive summons and complaints on behalf of the owner. The owner and/or agent agree to notify the City of Wayzata within 72 hours of any change in agent or transfer of ownership.
- I hereby certify that I have requested a background check for the agent/property manager listed on this application, pursuant to Minnesota Statutes § 299C.68.
- I hereby certify that the Crime Free/Drug Free and Disorderly Conduct Addendum shall be incorporated into each new lease or renewal of a tenancy.
- I hereby certify that criminal background checks have been conducted on all prospective tenants.

Applicant Email *

Annual renewals will be sent to this email

Re-enter Applicant Email *

Please make sure that the emails entered above match.

Business Tax Identification Law

Pursuant to Minnesota Statute 270C.72 (Tax clearance; issuance of licenses), Subd.4. All Licensing authorities must require the applicant to provide the applicant's Social Security number and Minnesota business identification number on all license applications (include Federal Tax number).

Under the Minnesota Government Data Practices Act of 1974, we are required to advise you of the following regarding the use of this information:

1. This information may be used to deny the issuance or renewal of your license in the event you owe Minnesota sales, employer's withholdings, or motor vehicle excise taxes.
2. Upon receiving this information, the licensing authority will supply it only to the Minnesota Department of Revenue. However, under the Federal Exchange of Information Agreement, the Department of Revenue may supply this information to the Internal Revenue Service.
3. Failure to supply this information may jeopardize or delay the processing of your license issuance or renewal application.

Tax ID Type *

Workers' Compensation Insurance Coverage Law

Minnesota Statute Section 176.182 requires every state and local licensing agency to withhold the issuance or renewal of a license or permit to operate a business in Minnesota until the applicant presents acceptable evidence of compliance with the workers' compensation insurance coverage requirement of Section 176.181, Subd. 2. The information required is: The name of the insurance company, the policy number, and dates of coverage or the permit to self-insure. This information will be collected by the licensing agency and put in its company file. It will be furnished, upon request, to the Department of Labor and Industry to check for compliance with Minnesota Statute Section 176.181, Subd. 2.

This information is required by law, and licenses and permits to operate a business may not be issued or renewed if it is not provided and /or is falsely reported. Furthermore, if this information is not provided and/or falsely reported, it may result in a \$2,000 penalty assessed against the applicant by the commissioner of the Department of Labor and Industry payable to the Special Compensation Fund.

Worker's Compensation Option *

I certify that all information provided above is accurate and complete. I also certify that a valid workers' compensation policy will be kept in effect at all times, as required by law.

Applicant's Signature *

Sign

Date Signed

Date will be captured on form submission

Previous

Next



Rental Dwelling License Application

Rental Application

Tennessen Warning

You are being asked to answer questions and provide information pursuant to the license and application process that is required by Minnesota state law and/or the Wayzata City Code. The purpose and intended use of the requested data is to verify that applicants meet the requirements of the state statutes and city code provisions and, if the license or permit is approved, to verify that all required data remains current.

Some of the information you provide on this application is considered private data under the Minnesota Government Data Practices Act (the "Act"). This information will be used by the City and its agents involved in the review of this application. You are not required by state law or City Code to answer questions or provide the information requested. However, a refusal to answer questions or provide the information requested will prevent the City from processing the permit or license for which you are applying.

The following data collected, created, or maintained is classified under the Act as public data once a license has been approved (Minn. Stat. § 13.41, subd. 5):

1. Data submitted by applicants (including name, email, telephone numbers, and addresses).
2. Orders for hearing, findings of fact, conclusions of law, and specification of any final disciplinary action.
3. Entire record concerning any disciplinary proceeding.
4. License numbers and status.

The following data collected, created, or maintained is classified under the Act as private and/or confidential data (Minn. Stat. § 13.41, subd. 2; Minn. Stat. § 13.37, subd. 1):

1. Active investigative data relating to complaints against any license.
2. The identity of complainants who have made reports concerning licenses or applicants which appear in inactive complaint data unless the complainant consents to disclosure.
3. The information related to unsubstantiated complaints when it is not maintained in anticipation of legal action.
4. Inactive investigative data relating to violations of statutes or rules.
5. Record of disciplinary proceedings, except as limited by the provisions above.
6. Trade secrets, as defined under Minnesota law.
7. Sensitive security and safety information.

The City of Wayzata may make any private or confidential data accessible to an appropriate person or agency if the City determines that failure to make the data accessible is likely to create a clear and present danger to public health or safety.

Certification: I have read and certify the information in this application is true and correct. I further understand that the giving of false information in this form and/or the failure to give requested information may be cause for immediate

revocation of any and all licenses and/or permits issued hereunder. I understand the above information regarding my rights as a subject of government data and applicant for a license or permit from the City of Wayzata.

Note: Proper signature is required. If a corporation owns this establishment, an officer of the corporation must sign below; if a partnership, the managing partner; if an individual, the owner.

Signature*

Date Signed

Date will be captured on form submission

Print Name

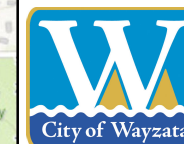
Title

Establishment Name (DBA) or Trade Name

Previous

Next

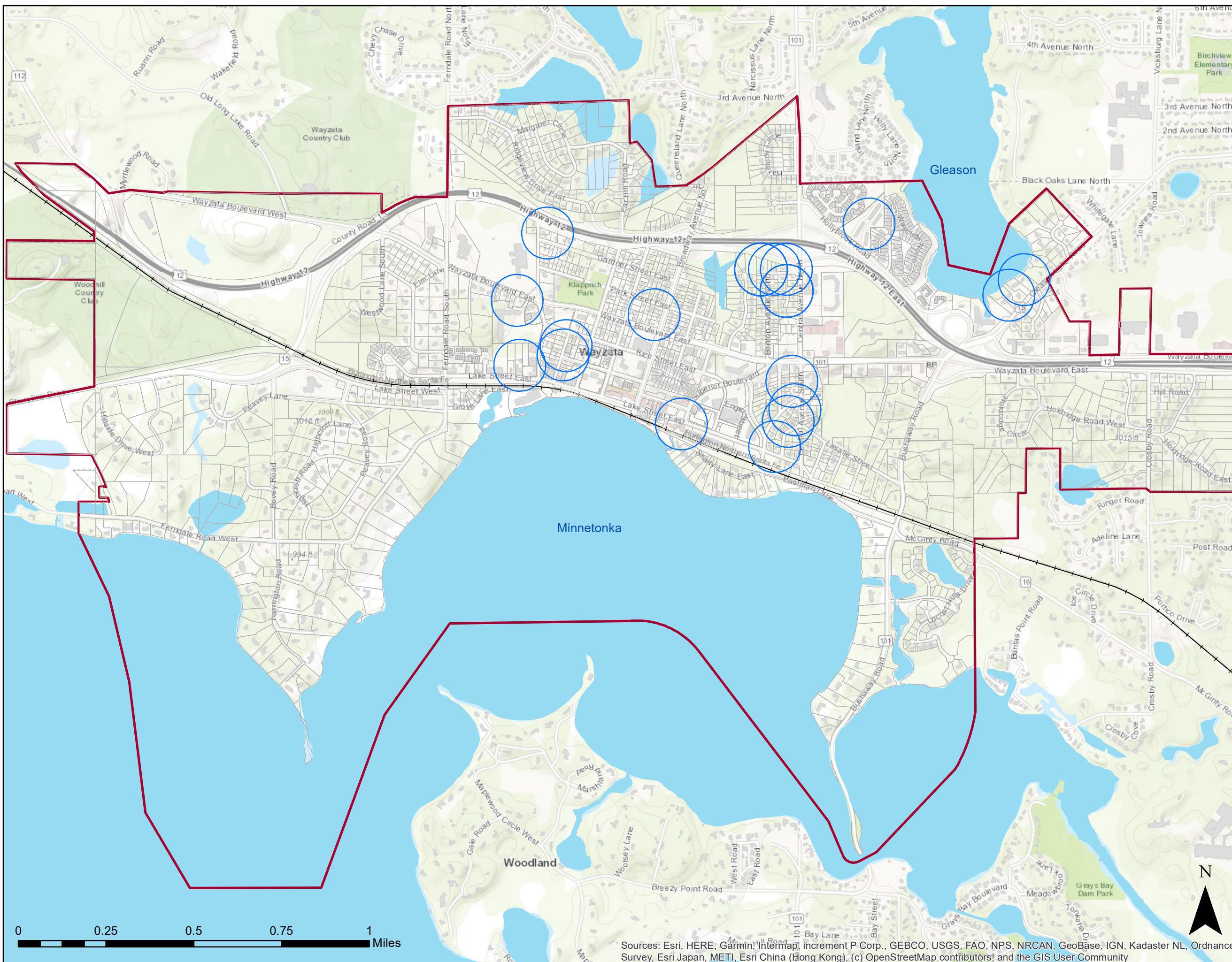
Submit



Wayzata Rental Map

Legend

-  Short Term Rental Locations
- 18 Known Locations



This map shows approximate locations of known short term rental properties. Updates to this map will occur as needed.