

CITY OF WAYZATA
HENNEPIN COUNTY, MINNESOTA
ORDINANCE NO. 807

AN ORDINANCE AMENDING WAYZATA CITY CODE SECTIONS 802, 901, 903, 904, 909, 911, 933, 1000, 1003, AND 1009 RELATED TO NEIGHBORHOOD NOTIFICATION AND MEETING POLICY

Whereas, pursuant to City Resolution No. 29-2021, the City has adopted the attached Neighborhood Notification and Meeting Policy (the “Policy”); and

Whereas, the Policy calls for additional neighborhood notification and meeting requirements for certain land use related applications and permits within the City;

NOW THEREFORE, THE CITY OF WAYZATA ORDAINS:

Section 1. Amendment to Zoning Ordinance Notification Requirements. Part IX of the Wayzata City Code (Zoning Ordinance) is hereby amended to add the following new Section 901.5.G:

Neighborhood Notification and Meeting Policy. The City may adopt and amend from time to time a policy on neighborhood notification and meetings for applications made under this Ordinance, which shall apply in addition to the requirements of this Ordinance.

Section 2. Amendment to Subdivision Ordinance Notification Requirements. Part X of the Wayzata City Code (Subdivision Ordinance) is hereby amended to add the following new Section 1000.03.B:

Neighborhood Notification and Meeting Policy. The City may adopt and amend from time to time a policy on neighborhood notification and meetings for applications made under this Chapter, which shall apply in addition to the requirements of this Chapter.

Section 3. Amendment to Building Code Requirements. Chapter 802 of the Wayzata City Code (Building Code) is hereby amended to add the following new provision to Section 802.02:

The City may adopt and amend from time to time a policy on neighborhood notification and meetings for applications made under this Chapter, which shall apply in addition to the requirements of this Chapter.

Section 4. Amendment to § 903.02.C – Administration Amendments (Text and Map). Procedure.

C. Upon receipt of an officially submitted application, the City shall set a public hearing following proper hearing notification as applicable. The Planning Commission shall

conduct the hearing and report its findings and recommendations to the City Council. Notice of said hearing shall consist of a legal property description and description of the request, and shall be published in the official newspaper at least ten days prior to hearing and written notice of said hearing shall be mailed at least ten days prior to all owners of land within 500 feet of the property in question . The records of the city Assessor shall be deemed sufficient for determining the location and ownership of all such properties. A copy of the notice and a list of the property owners and addresses to which the notice was sent shall be attested and made a part of the records of the proceeding.

Section 5. Amendment to § 904.02.C – Administration Conditional Use Permits.
Procedure.

C. Upon receipt of an officially submitted application, the City shall set a public hearing following proper hearing notification as applicable. The Planning Commission shall conduct the hearing, and report its findings and make recommendations to the City Council. Notice of said hearing shall consist of a legal property description and description of request, and be published in the official newspaper at least ten days prior to the hearing and written notification of said hearing shall be mailed at least ten days prior to all owners of land within 500 feet of the boundary of the property in question . Records of the City Assessor shall be deemed sufficient for determining the location and ownership of all such properties. A copy of the notice and a list of the property owners and addresses to which the notice was sent shall be attested and made a part of the records of the proceeding.

**Section 6. Amendment to § 909.26.A (Section Number to be confirmed by
Municode) – Review of Applications.**

- A. The process for reviewing and approving applications under this Chapter shall be as follows:
1. Once the application is deemed complete by City staff, and reviewed under the standards of this Chapter, City staff shall prepare a written report on the application. If the application includes or requires any significant deviations from the standards of this Chapter, City staff shall schedule the application for a public hearing before the Planning Commission. Notice of said hearing shall be published in the official newspaper at least ten days prior to the hearing and written notification of said hearing shall be mailed at least ten days prior to all owners of land within 500 feet of the subject property. Records of the City Assessor shall be deemed sufficient for determining the location and ownership of all such properties. If no significant deviations are requested or required, and if the application meets all of the standards of this Chapter, City Staff shall approve the application and forward an approval letter to the applicant, along with the report detailed in this Section. If the application does not meet all of the standards of this Chapter, and the applicant does not modify the proposed design to meet all of the standards of this Chapter after meeting with City Planning staff under Section 909.27, City staff shall deny the application and inform the applicant of such, along with the report.

Section 7. Amendment to § 911.05.C – Administration Heritage Preservation Board.

C. Site Alteration Permit. Once a property has been designated as a Heritage Preservation Site, the owners of said property must apply for a Site Alteration Permit from the City Council in order to make any of the following changes to the site:

1. Remodel, alter or repair in any manner, including paint color, which will change the exterior appearance of the Heritage Preservation Site.
2. New exterior construction.
3. Signs.
4. Moving of buildings.
5. Demolition in whole or in part. This does not apply to structures required to be demolished in accordance with Minn. Stats. Ch. 463.

The application for a Site Alteration Permit must be accompanied by detailed plans including a site plan, building elevations, and design details and materials as deemed necessary by City staff to evaluate the request. Besides the Site Alteration Permit the regular City Permits shall be required.

The Secretary of Interior's Standards for Rehabilitation as set forth in 36 CFR 67 will be the basis for a Site Alteration Permit application. The Building Official will not issue a Site Alteration Permit if the City Council finds that the change(s) will materially impair the historical integrity of the specific criteria that was used to justify the designation of the respective site.

The City Planner will review the Site Alteration Permit application and provide comments to the Board who shall make recommendations to the Planning Commission. The Planning Commission shall hold a public hearing and make recommendations to the City Council. Prior to such hearing the Planning Commission shall cause to be published in the City's official newspaper notice of the hearing at least ten days prior to the date of the hearing. Notice of said hearing shall be sent to all owners of the Heritage Preservation Site, all property owners within 500 feet of the boundary of the Heritage Preservation Site and the President of the Wayzata Historical Society. The notice shall contain a description of the proposed changes to the Heritage Preservation Site.

Section 8. Amendment to § 933.05.B.2 – Planned Unit Development.

B. Application Procedure.

1. As the first step in the application procedure for a PUD permit, an applicant shall complete and submit to the City an application form for concept approval, together with a fee as determined by City Council resolution. The applicant shall submit with his application such information as is required by the City and such other information as he deems necessary to explain the general intent of the application. Should concept approval be granted for a PUD project, this approval in no way shall bind the City to subsequent approval of a General Plan of Development.

2. Once an application for concept approval is complete, the Zoning Administrator shall refer it to the Planning Commission for a public hearing. All property owners within 500 feet of the subject property shall be notified of this hearing, as listed in the records of the City Assessor, although the failure of any property owner to receive such notification shall not invalidate the proceedings. Notification shall be by mail to all such property owners, shall be given at least ten days in advance of the hearing, and may include a larger geographic area if deemed advisable by the Zoning Administrator.

Section 9. Amendment to § 1003.02.A.3 – Procedures for Filing and Review Preliminary Plat.

A. Filing.

1. The applicant, or his surveyor, or his planner or another designated agent shall prepare and file a plat which is in conformity with the requirements of this Chapter. The applicant must demonstrate to the City ownership of the land in question or show the legal and written power to file a preliminary plat application for the land in question.
2. The applicant also shall complete an "Application for Consideration of Planning Request," and/or such other application form as may be required, and shall submit any additional information, plans or studies as are required by this Ordinance, and shall furnish the City Manager with four copies of their plat and one reduced copy of their plat no larger than 11 x 17 inches.
3. The applicant shall submit a list of property owners located within 500 feet of the subject property. The records of the City Assessor shall be deemed sufficient for determining the location and ownership of all such properties.
4. The applicant shall submit any necessary applications for variances from the provisions of this Chapter, as set out in Section 1009.04.
5. Prior to consideration of the proposed plat by the City, the applicant shall pay the required filing fee as established by City Council resolution.
6. The plat shall be considered as being officially submitted when all of the information requirements are complied with and the appropriate fees paid.

Section 10. Amendment to § 1003.02.B – Procedures for Filing and Review Preliminary Plat.

- B. Hearing.** Upon receipt of the completed application as outlined in A. above, the City Manager shall set a public hearing for public review of the preliminary plat. The hearing shall be held after adequate time has been allowed for staff and advisory body review of the plat, but within 45 days of the completed filing of the application. The applicant and/or his representative(s) shall appear at the public hearing before the Planning Commission in order to answer questions concerning the proposal. Notice of the hearing shall consist of a legal property description, description of request and shall be published in the official newspaper at least ten days prior to the hearing. Written notification of the hearing shall be mailed at least ten days prior to all owners

of land within 500 feet of the boundary of the property in question. Failure of any property owner to receive said notice shall not invalidate the public hearing.

Section 11. Amendment to § 1009.04.B.6 – Administration and Enforcement Variances, City Council Approval, Standards.

B. Procedures.

1. Requests for a variance or appeal shall be filed with the City Manager on an official application form. Such application shall be accompanied by a fee as established by City Council resolution. Such application shall also be accompanied by four copies of detailed written and graphic materials including one plan no larger than 11 x 17 inches necessary for the explanation of the request.
2. Upon receiving said application, the City Manager shall refer the application, along with all related information, to the City Planning Commission for a report and recommendation to the City Council as outlined in Section 1003.02.
3. The Planning Commission shall consider the variance at its next regular meeting unless the filing date falls within 15 days of said meeting, in which case the request would be placed on the agenda and considered at the regular meeting following the next regular meeting. The City Manager shall refer said application, along with all related information, to the City Planning Commission for consideration and a report and recommendation to the City Council.
4. The variance application shall be referred to the City staff for a report and recommendation to be presented to the Planning Commission.
5. The Planning Commission and City staff shall have the authority to request additional information from the applicant concerning the variance or to retain expert testimony at the expense of the applicant concerning said variance where said information is declared necessary to ensure preservation of health, safety and general welfare of the City.
6. The City Manager shall set a date for a public hearing. Notice of such hearing shall be published in the official newspaper at least ten days prior to said hearing, and individual notices shall be mailed not less than ten days nor more than 30 days prior to the hearing to all owners of property within 500 feet of the parcel included in the request.
7. Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this Chapter.
8. The applicant or a representative thereof shall appear before the Planning Commission in order to answer questions concerning the proposed variance request.
9. The Planning Commission shall make a finding of fact and recommend such actions or conditions relating to the request as they deem necessary to carry out the intent and purpose of this Chapter.
10. The City Council shall not grant a variance until they have received a report and recommendation from the Planning Commission and the City staff or until 30 days after the first regular Planning Commission meeting at which the request was considered.
11. Upon receiving the report and recommendation of the Planning Commission and City staff, the City Council shall place the report and recommendation on the agenda for

- the next regular meeting. Such reports and recommendations shall be entered in and made part of the permanent written record of the City Council meeting.
12. Upon receiving the report and recommendation of the Planning Commission and City staff, the City Council shall make a recorded finding of fact and impose any condition it considers necessary to protect the public health, safety and welfare of the City.
 13. The City Council shall decide whether to approve or deny a request for a variance or an appeal within 30 days after the public hearing on said request.
 14. A variance of this Chapter or grant of an appeal shall be by a four-fifths vote of the full City Council.

Section 12. Effective Date. This Ordinance will become effective upon passage and publication.

Adopted by the City Council this 10th day of August, 2021.

Johanna Mouton, Mayor

ATTEST:

Jeffrey Dahl, City Manager

First Reading: July 20, 2021
Second Reading: August 10, 2021
Publication: August 26, 2021

Attachment:

City of Wayzata Neighborhood Notification and Meeting Policy