1. Call to Order

2. Roll Call for Attendance

☐ Daniel Dingle, Chairperson
☐ Douglas Pierro, Vice-Chairperson
☐ Sharon Whitmore
☐ Jeff Fischer
☐ Patrick Downs
☐ Sandi Dingle, Council Liaison

3. Pledge of Allegiance

4. Approval of Minutes:

   A. Approval of the Monday, March 8, 2019 meeting minutes – waive reading of same.

PUBLIC HEARING

   A. St. Paul Park Refining Company, 301 St Paul Park Road, St Paul Park MN 55071 – CUP
to construct a 39.5’ air cooler structure within refinery property.

5. New Business:

   A. Discussion of short term rentals.

6. Staff Reports:

7. Unfinished Business:

Adjourn
PLANNING COMMISSION MINUTES
Monday, March 11, 2019

Meeting called to order at 7:06 p.m. by Chair Dingle

Members present: Dan Dingle, Doug Pierro, Sharon Whitemore, Jeff Fischer, Patrick Downs
Also present: Council Liaison Sandi Dingle

Pledge of Allegiance said by all.

Approval of Minutes:

Motion by Downs, second by Fisher to approve the minutes of the February 11, 2019 Planning Commission meeting. Motion carried 5-0.

Commission Actions:

REVIEW REQUEST

A. St. Paul Park Refining Company, 301 St Paul Park Road, St Paul Park MN 55071 – CUP to construct a 39.5’ air cooler structure within refinery property.

Consulting Planner Sparks stated that the CUP request for 301 St Paul Park Road, air cooling tower structure. Sparks advised the commission members as in the past there are diagrams showing what the SDA tanks currently look like and what the new tanks will look like. Sparks asked the commission if there was more information needed before it goes to the public hearing. Sparks concluded the application was complete and acceptable.

Downs inquired as to why the tanks were needed to cool the product. Greg Shafer project manager from St Paul Park Refinery, 301 St Paul Park Road informed commission members that the product coming off the unit is very hot; therefore the above ground storage tanks are permitted by the MPCA which dictates the maximum temperature, air quality and vapors to enter the tanks. They need to stay compliant with the MPCA.

Dingle asked Schafer about the noise factors to the fans. Schafer indicated there are two air coolers next to one another which are enclosed in a shoe box structure and the fans can’t be heard.

Motion by Whitemore, second by Fischer to recommend Council set Public Hearing dates St. Paul Park Refining Company, 301 St Paul Park Road, St Paul Park MN 55071 – CUP to construct a 39.5’ air cooler structure within refinery property of April 8 for the Planning Commission and April 15 for City Council. Motion carried 5-0.

PUBLIC HEARING

A. Lily Hansen, 1537 10th Avenue, St. Paul Park MN 55071 – Variance request to allow for the installation of solar panels on a street facing roof.

Consulting Planner Sparks explained the reason for the panels was the way the house is positioned, along with trees in back yard, front facing would be the only place for the system. They do meet the criteria and it would be appropriate to move forward with a public hearing. Sparks recommend that the commission move forward with the variance per the request as all the criteria has been met.

Brian Allen Vice President of All Energy Solar, 1640 Carol Ave St Paul MN. Allen requested that it would be beneficial in the future that the city reviews the ordinance for front/street facing solar panels. Solar panels should be installed where it’s most efficient.
Motion by Whitmore, second by Downs to recommend Council approve Lily Hansen’s variance request to allow for the installation of solar panels on a street facing roof. Motion carried 5-0.

B. Tina Lockner, Miramac Properties, 10129 Powers Lake Trail, Woodbury MN 55129 – CUP request to allow for the construction of a garage on a non-conforming single family residential lot at 610 4th Street.

Sparks stated the CUP was for a garage that was 20x22, which would exit off the alley. Sparks stated that there was no variance needed. He recommends that staff approve the CUP request.

Motion by Downs, second by White more to recommend Council approve Miramac Properties CUP request to allow for the construction of a garage on a non-conforming single family residential lot at 610 4th Street. Motion carried 5-0.

New Business: None

Staff Reports: None

Unfinished Business: None

Meeting adjourned 7:19 p.m.
NOTICE OF HEARING
CITY OF ST. PAUL PARK, MINNESOTA

Notice is hereby given that the St. Paul Park Planning Commission will be holding a public hearing on the following variance/conditional use permit request on Monday, April 8, 2019, starting at 7:00 p.m. in the Council Chambers at 600 Portland Avenue, St. Paul Park, MN.

Further notice is hereby given that the St. Paul Park City Council will be holding a public hearing on the same land use item on Monday, April 15, 2019, starting at 7:00 p.m. in the Council Chambers at 600 Portland Avenue, St. Paul Park, MN.

VARIANCE/CONDITIONAL USE PERMIT – St. Paul Park Refining Co. LLC. The City will conduct a hearing to consider the addition of a cooling tower structure on PID 01.027.22.33.0003. The site is in the interior of the refinery complex on Block 35 of St. Paul Park Division No. 1. The request is to place a 39.5' tower on the property.

The City of St. Paul Park considers your interest and input in this matter, as well as your neighbor’s input, an extremely important part of the City’s review process. If you are unable to attend the public hearing, but would like to provide input, written comments are welcome. Please contact City Staff at your earliest convenience so we may address your questions and advise you on submittal due dates. The materials related to the variance and conditional use permit are available for review at City Hall by appointment.

- PUBLIC HEARING: Planning Commission Meeting – Monday, April 8, 2019 – 7:00 p.m.

- PUBLIC HEARING: City Council Meeting – Monday, April 15, 2019 – 7:00 p.m.

Dated this 27th day of March 2019.

Kevin Walsh
City Administrator
PLANNING REPORT

TO: St. Paul Park Planning Commission
   Kevin Walsh, City Administrator

FROM: Nate Sparks, City Planner

DATE: April 4, 2019

RE: Public Hearing – St. Paul Park Refining Company: CUP Amendment & Variance – Air Cooling Tower Installation

BACKGROUND
The St. Paul Park Refining Company is requesting a CUP Amendment and Variance to allow for a new air cooling tower to be added to the site plan. The structure is proposed to be 39.5 feet tall, which exceeds the 35 foot height limitation.

APPLICANT’S PROPOSAL
The applicant is seeking approval to place an air cooling structure that contains fans intended to cool material before entering the above ground tanks. The structure is proposed to be 39.5 feet tall and is proposed to be next to the recently installed SDA tanks which were 40 feet tall. The location is interior to the site and there are surrounding facilities of a similar nature.

CONDITIONAL USE PERMIT REVIEW CRITERIA
The planning commission shall consider possible adverse effects of the proposed interim use. Its judgment shall be based upon, but not limited to, the following factors:

1. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the official city comprehensive land use plan.
2. The proposed use is or will be compatible with present and future land uses of the area.
3. The proposed use conforms with all performance standards contained in this article.
4. The proposed use will not tend to or actually depreciate the area in which it is proposed.
5. The proposed use can be accommodated with existing public services and will not overburden the city's service capacity.

VARIANCE REVIEW CRITERIA
The application will also need consideration against the variance review criteria found in the City’s Zoning Ordinance. A variance should not be approved unless:

1. The proposed variance is consistent with the Comprehensive Plan.
2. The proposed variance is in harmony with the general purpose and intent of this Ordinance.
3. The purpose of the variance is not based exclusively upon economic considerations.
4. The plight of the landowner is created by circumstances unique to the property not created by the landowner.
5. The granting of the variance will not alter the essential character of the neighborhood in which the parcel of land is located.
6. The property owner proposes to use the property in a reasonable manner not permitted by this Ordinance.
7. The requested variance is the minimum action required to eliminate the practical difficulty.
8. The variance does not involve a use that is not allowed within the respective zoning district.
9. That the granting of the variance will not confer special privileges on the parcel in question that are not generally available to other property in the same zoning district.

STAFF REVIEW
The proposed tank and structures intended for addition to the refinery site appear to be similar in nature to what is in the surrounding area. It does not appear that this installation would increase any traffic to the site or create additional impacts to neighboring properties. The applicant stated that it makes minimal noise and would not be detected off-site and that the equipment is necessary for the operations of the refinery.

RECOMMENDATION
The Planning Commission should review the request and determine if it is consistent with the CUP review criteria. If it is found to be consistent, a recommendation of approval may be forwarded to the City Council. Staff would recommend conditions that the noise shall not exceed PCA requirements and that the construction shall generally adhere to the plans submitted for review.
LAND USE APPLICATION

I. Property Owner Information

Name (please print): St. Paul Park Refining Company
Site Address: 301 St. Paul Park Rd. St. Paul Park MN 55071
Mailing Address: see above
Phone#: 651-458-2755
Email: gschaefer@marathonpetroleum.com

II. Application Request

☐ Variance $300 + $1,000 Escrow
☐ Variance Extension Request $50
☐ Rezone $500 + $1,000 Escrow
☐ Interim Use Permit $300 + $1,000 Escrow
☐ Interim Use Permit Commercial $500 + $1,000 Escrow
☐ Interim Use Permit Extension Request $50
☐ Alley/Street Vacation $350
☐ Sketch/Concept Plan $500 + $2,000 Escrow
☐ Conditional Use Permit $500 + $1,000 Escrow
☐ Conditional Use Permit Commercial $500 + $1,000 Escrow
☐ Conditional Use Permit Extension Request $50
☐ Preliminary Plat $500 + $30 per lot/unit, + $2000 Escrow
☐ Final Plat $500 + $3,000 Escrow
☐ Minor Subdivision $500 + $1,000 Escrow
☐ PUD $300 + $2,000 Escrow
☐ Other

III. Property Information

PURPOSE: Describe your request. Attach map(s), site plan(s), or survey(s) that show property dimensions, setback information and dimensions of proposed building (if any). Submit any other related information pertinent to your request that would be beneficial to Planning Commission review. Submit eight (8) copies of all plus one (1) electronic copy.

NOTE: For PUD requests, submit 12 copies (4 large, 8 11x17).

CONSTRUCT A 39'2" AIR COOLER STRUCTURE
WITHIN REFINERY PROPERTY (SEE ATTACHED)

STREET ADDRESS FOR WHICH ABOVE ACTION IS REQUESTED:

PROPERTY ID & LEGAL DESCRIPTION (from deed or certificate of title):

SEE ATTACHED 01.027.22 33.0503

Date Appearance is Requested: March Planning Commission 3/11/19

Revise Application:
IV. **Notice of Fees and Authorization of Application**

The City Fees Ordinance states that the property owner shall reimburse the City for all related costs generated by this application. Such expenses may include, but are not limited to, overhead costs (printing, mailing, supplies, etc.) and fees paid to consultants and other professionals (planning, legal and engineering). These fees are due immediately upon notification by the City and, if not paid, will be assessed to the owner(s) of the subject property. Upon request, the City will provide an itemized statement of the various expenses incurred by the City as a result of the application. The City reserves the right to withhold final action on a Land Use Application and/or rescind prior action until all fees are paid. The City may also require deposits if deemed necessary.

In signing this application, you are acknowledging that you have read the above statement and fully understand that you are responsible for all costs incurred by the City in processing and reviewing this application. Signing below is also authorizing City staff, commission members, and council members to access and inspect the property during the application period.

\[\text{Signature} \quad \text{2/26/19} \quad \text{Date Submitted}\]

Please complete this form and submit original to:

City of St. Paul Park
600 Portland Avenue
St. Paul Park MN 55071
St. Paul Park Refining

Conditional Use Permit Submittal

The refinery is requesting a Conditional Use permit to install a new process air cooler structure. An air cooler has fans which force air vertically upward across a bank of tubes, similar to a radiator, to cool the products before they enter our gas oil and slop aboveground storage tanks. The CUP is being submitted because the top elevation of the cooler will be 39’-5” above the ground which exceeds the 35 ft allowance in the Mississippi River Corridor area.

This unit will be constructed to the south of the SDA unit which was approved under a CUP by the City in 2016.

The project location is 790 ft to the northern ROW of Broadway Avenue and 935 ft from the Mississippi River. There are no other property owners within 500 ft of the proposed project site.

This air cooler will not create any disturbing noise level to the surrounding property owners.
Parcel Number: 01.027.22.33.0003
Property Address: ST. PAUL PARK, MAPS
Class: C&I

Legal Description:
LOT A & LOTS 1 THRU 20 BLOCK 35 DIV #1 ST PAUL PARK & VACATED STREETS ADJACENT BLOCK 35 LOT 1 SUBDIVISIONCD 2674 SUBDIVISIONNAME DIV #1 ST PAUL PARK BLOCK 35 LOT 2 SUBDIVISIONCD 2674 SUBDIVISIONNAME DIV #1 ST PAUL PARK BLOCK 35 LOT 3 SUBDIVISIONCD 2674 SUBDIVISIONNAME DIV #1 ST PAUL PARK BLOCK 35 LOT 4 SUBDIVISIONCD 2674 SUBDIVISIONNAME DIV #1 ST PAUL PARK BLOCK 35 LOT 5 SUBDIVISIONCD 2674 SUBDIVISIONNAME DIV #1 ST PAUL PARK BLOCK 35 LOT 6 SUBDIVISIONCD 2674 SUBDIVISIONNAME DIV #1 ST PAUL PARK BLOCK 35 LOT 7 SUBDIVISIONCD 2674 SUBDIVISIONNAME DIV #1 ST PAUL PARK BLOCK 35 LOT 8 SUBDIVISIONCD 2674 SUBDIVISIONNAME DIV #1 ST PAUL PARK BLOCK 35 LOT 9 SUBDIVISIONCD 2674 SUBDIVISIONNAME DIV #1 ST PAUL PARK BLOCK 35 LOT 10 SUBDIVISIONCD 2674 SUBDIVISIONNAME DIV #1 ST PAUL PARK BLOCK 35 LOT 11 SUBDIVISIONCD 2674 SUBDIVISIONNAME DIV #1 ST PAUL PARK BLOCK 35 LOT 12 SUBDIVISIONCD 2674 SUBDIVISIONNAME DIV #1 ST PAUL PARK BLOCK 35 LOT 13 SUBDIVISIONCD 2674 SUBDIVISIONNAME DIV #1 ST PAUL PARK BLOCK 35 LOT 14 SUBDIVISIONCD 2674 SUBDIVISIONNAME DIV #1 ST PAUL PARK BLOCK 35 LOT 15 SUBDIVISIONCD 2674 SUBDIVISIONNAME DIV #1 ST PAUL PARK BLOCK 35 LOT 16 SUBDIVISIONCD 2674 SUBDIVISIONNAME DIV #1 ST PAUL PARK BLOCK 35 LOT 17 SUBDIVISIONCD 2674 SUBDIVISIONNAME DIV #1 ST PAUL PARK BLOCK 35 LOT 18 SUBDIVISIONCD 2674 SUBDIVISIONNAME DIV #1 ST PAUL PARK BLOCK 35 LOT 19 SUBDIVISIONCD 2674 SUBDIVISIONNAME DIV #1 ST PAUL PARK BLOCK 35 LOT 20 SUBDIVISIONCD 2674 SUBDIVISIONNAME DIV #1 ST PAUL PARK LOT A SUBDIVISIONCD 2674 SUBDIVISIONNAME DIV #1 ST PAUL PARK
ladder to lower platform at top of dike

ladder to lower platform at from grade and look at 50 ft mark
PLANNING MEMO

TO: St. Paul Park Planning Commission  
Kevin Walsh, City Administrator

FROM: Nate Sparks, City Planner

DATE: April 4, 2019

RE: Ordinance Discussion - Short Term Rentals

BACKGROUND
The City has been receiving complaints related to the issue of short term rentals. There are currently five listings in the City being offered as vacation rentals on internet based services.

Short term or vacation rentals have become a common alternative to traditional hotels, bed and breakfasts, and resorts. Short term rentals are also used by people in an area for a temporary basis. Renting out cabins, houses, and rooms have become popular in tourist destination type areas. Instead of getting a hotel room, people may instead rent a house or a room in a residential area for a weekend, for example.

Typical concerns with this type of activity include impacts on the adjacent residential neighborhoods. The introduction of short term guests into a residential area introduces the potential for noise and incompatible activities. It may also raise concerns about public health and safety. Hotels and formal lodging facilities have stringent requirements that a general residence may not. Washington County’s inspection department states that these types of uses with a license may end up having areas where the guests are not permitted to go due to code restrictions.

Another concern is related to taxation. Hotels pay taxes related to their operations while these units are typically still taxed as residential. These residential units may have a larger impact on community services than a general residence, due to the commercial nature of the use.

Current City Regulations
Short term or vacation rentals are not currently mentioned in the City Code. Also, the City Code does not have any provision related to rental housing. This would likely imply that this use is not permitted unless considered to be a general residential use.
State & County Lodging Regulations
The State of Minnesota has statutes related to the regulation of lodging facilities. There are licensure requirements for such activity that a property owner must meet. The state has the following classifications (with definitions) of lodging facilities that require licenses:

- **Lodging establishment**
  A building, structure, enclosure, or any part thereof used as, maintained as, advertised as, or held out to be a place where sleeping accommodations are furnished to the public as regular roomers, for periods of one week or more, and having five or more beds to let to the public.

- **Hotel or Motel**
  A building, structure, enclosure, or any part thereof used as, maintained as, advertised as, or held out to be a place where sleeping accommodations are furnished to the public and furnishing accommodations for periods of less than one week.

- **Resort**
  A building, structure, enclosure, or any part thereof located on, or on property neighboring, any lake, stream, skiing or hunting area, or any recreational area for purposes of providing convenient access thereto, kept, used, maintained, or advertised as, or held out to the public to be a place where sleeping accommodations are furnished to the public, and primarily to those seeking recreation for periods of one day, one week, or longer, and having for rent five or more cottages, rooms, or enclosures.

- **Boarding establishment**
  A food and beverage service establishment where food or beverages, or both are furnished to five or more accommodations, for periods of one week or more.

- **Bed & Breakfast**
  Owner occupied establishments which offer lodging and breakfast, without a limitation on the number of rooms offered. If breakfast is offered to more than 10 persons, a commercial kitchen is required.

Any person offering to the public to rent a room or a house for a period of time less than one week would be in violation of the requirement of the State to license as a hotel. If the room is offered for rent for a week or more, it would no longer be classified as a hotel and not require a license. However, with the large number of short term rentals, the State agencies note that enforcement is difficult.

Area Municipal & County Regulations
Many area communities have discussed the topic of short term/vacation rentals. Some communities (Burnsville, Savage) have prohibited this practice. Others have permitted the activity with restrictions. The restrictions sometimes require an interim or conditional use permit and/or a license with requirements for minimum standards that may include parking, occupancy limits, screening,
minimum/maximum square feet of units, noise standards, and other such requirements. In most communities with regulations, a rental for a term less than 30 days is considered to be a “short term” rental and a type of lodging. There are cities that have 15 day terms and 90 day terms. There are other cities that simply permit the use in single family neighborhoods.

Planning Commission Discussion
Short term/vacation rentals bring in transient residents that are coming to an area to partake in a commercial service being offered by a residential property owner. This could appear to be somewhat contradictory to the purpose of a single family residential neighborhood. If the Planning Commission wishes to prohibit or regulate this use, an ordinance amendment would be necessary.

Potential Actions
The Planning Commission should discuss the topic of short term rentals. The following direction may be provided:

- No code changes. Do not expressly prohibit this use.
- Amend the ordinance to prohibit short term rentals.
- Amend the ordinance to require registration of short term rentals.
- Consider regulations for all rental housing.
City Regulation of Short-Term Vacation Rentals by Owners

Cities are increasingly looking for ways to regulate short-term rentals available through organizations like Airbnb. (Published)

Organizations like Airbnb (Link to: https://www.airbnb.com/?af=43720035&c=A_Tc%3Dta2pq9t9w9%26G_MT%3DDe%2626G_CR%3D100808697856%26G_N%3DDe%26G_K]%3Dairbnb%2626G_P%3D%2626G_D%3DDe&gclid=CKCz-YXbmMwCFQmSaQo4X8Dlw&dclid=CMuBhobhmMwCFYx4AQydmU0E9w) and VRBO.com (Link to: https://www.vrbo.com/) have made things interesting for cities and residents. These are services individuals may use to arrange short-term rental of someone’s house, apartment, room, or bed for a night or more. Sometimes they cause issues for cities.

Increasingly, cities are seeking information on whether and how to regulate these “short-term rental” situations. League research attorneys are available to answer your questions.

What can cities regulate?
Under state law, the Department of Health has jurisdiction to license and inspect hotels, motels, and lodging establishments unless a city or county has been delegated that responsibility.

Hotels and motels are defined as buildings, structures, enclosures, or any part thereof used as, maintained as, advertised as, or held out to be places where sleeping accommodations are furnished to the public for a stay of less than a week. This alone captures a lot of short-term situations advertised online.

Lodging establishments are defined as buildings, structures, enclosures, or any part thereof used as, maintained as, advertised as, or held out as places where sleeping accommodations are furnished to the public as regular roomers for stays of a week or more and having five or more beds to let to the public. (Lodging establishments also include accommodations for those awaiting medical treatment, their family, and caregivers.)

In short, a lot of typical AirBNB or VRBO.com situations are subject to state regulation, but that does not preclude additional regulation by the city.

The state and its delegates have invested a lot of effort into locating and requiring licensing compliance by applicable properties throughout the state offering accommodations through AirBNB, VRBO.com, or other means. However, the level of state/delegate licensing compliance of short-term rentals might inevitably remain low due to:
• The amount of state/delegate manpower required.
• The fact that new short-term rentals constantly enter the market.
• Those offering accommodations not in compliance may be notified and then take steps to avoid further detection from licensing authorities.

For these reasons, the state fully supports cities adopting some regulation of situations potentially subject to state licensing to the extent it better enables state law licensing compliance.

The short-term rental of any space having fewer than five beds and for periods of a week or more is unregulated by state law. These are situations only a city may regulate—at least until a legislative change gives regulatory authority to the state and its delegates or makes it exempt from any regulation, including city ordinance. There are plenty of situations the city can regulate.

**How can cities regulate these situations?**
The two basic approaches cities currently use to regulate short-term rentals are licensing/permitting or prohibition. How cities regulate short-term rentals varies in what constitutes “rental,” what accommodations are subject to regulation, the location of the property, and other respects. For information on cities and counties that have taken steps to regulate these situations, contact the League Research and Information Department at (651) 281-1200, (800) 925-1122, or research@lmc.org.

**Should cities regulate short-term rentals?**
This is a decision for each city to make. If a city chooses to ban short-term rentals, it will have to figure out how to enforce a ban on what can be difficult to detect and yet is an increasingly popular phenomenon.

If a city licenses or otherwise permits these situations, it will have to find a way to do so that doesn’t discourage participation in the regulation. There are certainly reasons to, at the very least, have a record of the short-term rentals being made available within the city and to have a person to contact in the event there are complaints by neighbors. Again, the state or its delegated licensing authority is eager to work with cities to maintain state licensing compliance.

If you have questions about short-term rentals, contact the League Research and Information Department at (651) 281-1200, (800) 925-1122, or research@lmc.org.

**Read the current issue of the Cities Bulletin**

http://www.lmc.org/page/1/cities-bulletin-print-page.jsp
Planning Commission revises ordinance on house rentals

By Matthew Liedke on Mar 30, 2018 at 2:50 p.m.

BEMIDJI—The Greater Bemidji Area Joint Planning Commission approved an ordinance to regulate short term rentals Thursday, with a few of their own additions.

Short term rentals, as classified in the ordinance, refers to a dwelling unit or portion of a dwelling unit that’s rented for a period of less than 30 consecutive days at a time. The term doesn’t include bed and breakfasts, motels, hotels or resorts.

The use of those rentals, such as Airbnb, which markets rentals worldwide, has skyrocketed in recent years. This is especially true in Minnesota, where multiple rentals came about when the Super Bowl was held in Minneapolis.

For the Bemidji area, talk of local rentals and an ordinance to regulate them began to form last year. Currently, there are four short-term vacation rental units in the jurisdiction of the Greater Bemidji Area Joint Planning. Because of concerns raised in 2017 with the rentals, though, a moratorium was put in place in November until a new ordinance was developed.

The original ordinance only required an individual looking to rent their property to have an interim use permit. However, the new ordinance, reviewed Thursday, would add a requirement for the owner to get an annual renting permit along with an interim use permit. The annual permit for short term rentals would allow planning staff to go out to the site and conduct inspections.

Other rules set by the new ordinance include:

• Allowing only two people per room in the house.
• All guest parking must be accommodated on improved surfaces on the premises and shall comply with all parking standards. No on-street parking is allowed for guests.
• Each permittee shall maintain a transient guest record for their property. This record will include the name, address and phone number of guests. Additionally, this record will have the number of guests and lodging tax data.
• The city nuisance ordinances will be enforced by the Bemidji Police Department and the Beltrami County Sheriff’s Office, including between 10 p.m. and 7 a.m.
• No events are allowed to be hosted by the guest on the premises of a rental. An event is described as a gathering of more than four un-registered guests.
• The permittee must designate a managing agent or a local contact who resides within 30 minutes of the property and can respond within 24 hours for any complaints.
• Enforcement and permit revocation is attached to the ordinance. If a permittee has violated the ordinance on three separate occasions in a 12-month period, the Joint Planning Board can revoke the rental permit.
Complaints against a short term rental shall first be directed to the agent/contact. If there is a failure to respond, the complaint will then be addressed by either law enforcement or planning staff.

During a public hearing on the ordinance Thursday, some residents who live near existing rental homes discussed concerns on allowing them to continue. During their time to speak, some of the residents cited cities such as Apple Valley and Edina, which do not allow these rentals. Residents also stated that the concept of rentals is a business opportunity for a few at the expense of many.

After the public hearing, the JPC added new language to the ordinance, such as a 600 foot density rule. The rule will not allow a short term rental to be within 600 feet of another rental property. Another rule was adding a 90 rental day limit on properties in a calendar year.

The JPB will hold a meeting on April 11 and will have the option to either vote on the original version presented Thursday or the version that includes the JPC's additions.

Matthew Liedke
Matthew Liedke is the city, county and state government reporter for the Bemidji Pioneer. He also covers business, politics and financial news.

mliedke@bemidjipioneer.com
(218) 333-9791

SPONSORED CONTENT

NASA Tried to Hide These Facts About the Challenger Disaster

By Ranker

Every American in the '80s remembers the Challenger explosion. But what happened to cause the famous national tragedy? How could such a catastrophe happen when NASA so meticulously checks and double checks all the equipment at their disposal?
ORDINANCE NO. 865

AN ORDINANCE OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA AMENDING CHAPTER 38 – OFFENSES AND MISCELLANEOUS PROVISIONS OF THE BAYPORT CITY CODE, BY ADDING ARTICLE VI. – SHORT-TERM RENTALS

THE CITY COUNCIL OF THE CITY OF BAYPORT DOES HEREBY ORDAIN:

Section 1. The following article is added to the Bayport City Code, Chapter 38 – Offenses and Miscellaneous Provisions:

ARTICLE VI. – SHORT-TERM RENTALS

Sec. 38-90. Findings and purpose.

The city is committed to maintaining the quality of life and has a compelling interest in protecting the character of its residential neighborhoods. The city finds that short-term rentals located in residential zoning districts constitute commercial use of residential property, conflict with the residential nature of the zoning districts, disrupt the residential nature of neighborhoods, and have a negative impact on the livability of residential neighborhoods. Therefore, in order to ensure adequate and stable housing options for residents, preserve the residential character of the city’s residential zoning districts, and provide for the health, safety and welfare of its residents, the city determines that it is appropriate to limit short-term rentals to hotels, motels and similar accommodations which are appropriately zoned and have the appropriate infrastructure and services for short-term use.

Accordingly, the city deems it necessary to define and prohibit the short-term rental of residential dwelling units based on these findings:

(a) Short-term rental of private homes for temporary occupancy threatens the essential character and stability of residential neighborhoods because short-term tenants have little interest in the welfare of the local community, do not engage in activities that strengthen residential neighborhoods, and do not integrate into residential neighborhoods.

(b) Short-term rental of private homes for temporary occupancy disturbs otherwise stable residential neighborhoods by creating the potential for excessive noise, accumulation of refuse, trespassing, disorderly conduct, vandalism, frequent occupant turnover, increased traffic, and decreased parking.

(c) Short-term rental of residential homes for temporary occupancy is often undertaken without adequate on-site management by the property owner or some other responsible person, compliance with state and local codes, and other safeguards.

(d) Prohibiting short-term rental of private homes for temporary occupancy is necessary to protect the essential character of residential neighborhoods and the health, safety, and welfare of the community.
Sec. 38-91. Definitions.

For the purpose of this article, the following words and terms are defined as follows:

Operator: a property owner, person, enterprise, or agency responsible for operating a short-term rental.

Person(s): an individual or group of individuals.

Rental: an arrangement between an operator and transient whereby compensation in the form of money, goods, labor, consideration, or otherwise is charged, whether or not received, in exchange for the right to use or occupy a residential structure.

Short-term rental: a process by which any residential structure, or portion thereof, is rented to a transient for less than thirty (30) consecutive days in a residential zoning district or planned residential development zoning district.

Transient: any person who, at their own expense or at the expense of another, exercises or is entitled to occupancy or possession of a short-term rental, by reason of any rental arrangement, agreement, concession, permit, right of access, option to purchase, license, time sharing arrangement, or any other type of agreement for a period of less than thirty (30) consecutive days. Any individual who is related by blood, marriage, adoption or foster care arrangement to the property owner is not a transient.

Sec. 38-92. Short-term rental activity prohibited.

Short-term rental of any parcel zoned residential or structure operated as a residential dwelling unit or units by an operator to any transient is prohibited. State licensed hotels, motels and lodging establishments located outside residential or planned residential development zoning districts shall be regulated per Appendix B-Zoning of the Bayport City Code of Ordinances.

Sec. 38-93. Existing short-term rentals; inspection and compliance procedures.

Short-term rentals existing at the time this article is adopted, pursuant to the city enabling such ordinance, shall cease within sixty (60) days of ordinance publication. Extensions may be granted by the city administrator or his/her designee, in his/her sole discretion, for good cause and with appropriate documentation. The city may inspect a premises in existence as an unlawful short-term rental, or which is reasonably believed to be in violation of the prohibitions of this article to verify compliance. The city also may require a property owner to produce a rental agreement, lease, contract, or similar documentation to verify the subject property is not being used as a short-term rental.

Sec. 38-94. Violations and penalties.

(a) The violation of any section of this article shall be considered a misdemeanor as defined in Chapter 25 – Prohibited Acts and Penalties of the Bayport City Code of Ordinances punishable by a fine or imprisonment, at the discretion of the court. Each day any violation of any section of this article continues shall constitute a separate offense.

(b) The city may bring an action to restrain, enjoin or abate violations of this article.
Section 2. This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Adopted by the City Council of the City of Bayport, Minnesota, this 8th day of January, 2018.

______________________________
Susan St. Ores, Mayor

ATTEST:

___________________________________
Adam Bell, City Administrator
ORDINANCE NO. ___, THIRD SERIES

CITY OF ORONO
HENNEPIN COUNTY, MINNESOTA

AN ORDINANCE AMENDING THE ORONO MUNICIPAL CODE
BY ADDING ARTICLE IV TO CHAPTER 26 AND AMENDING SECTION 26-31
REGARDING SHORT-TERM RENTAL LICENSING

THE CITY COUNCIL OF ORONO ORDAINS:

SECTION 1. Section 26-31 Definitions of the City of Orono Municipal Code is hereby amended by adding the following text:

Rent shall mean, for the purpose of this definition, leasing, subleasing, letting or hiring for occupancy.

Short-term rental shall mean the rental to a person or group of persons a residential unit for a period of less than thirty (30) consecutive calendar days in a zoning district where residential uses are allowed.

Short-term rental property means a parcel of real property and includes the premises upon which a short-term rental unit is located and the parking areas, driveways, landscaping, accessory structures, fences, walls, swimming pools, hot tubs, and spas.

SECTION 2. Article IV. – Short Term Rentals of the City of Orono Municipal Code is hereby added by adding the following text:

Section 26-80 – Short term rental
(a) Required. It is unlawful for any person to rent their property for a period less than 30 days without first having obtained a Business License as outlined in Article II of this chapter. [Section 26, paragraphs 31 through 42]
(b) Regulation. No license may be issued unless all of the following are complied with:
1. The owner shall ensure that the occupants and guests of a short term rental unit do not create unreasonable noise or disturbances engage in disorderly conduct or violate provisions of the City of Orono Code or any State law pertaining to noise, disorderly conduct, overcrowding, the consumption of alcohol, or the use of illegal drugs. Owners are expected to take any measures necessary to abate disturbances including, but not limited to directing the occupants and guests of a short term rental unit to cease the disturbing conduct, removing the occupant and/or guests or taking any other action necessary to immediately abate the disturbance.
2. The owner shall ensure that the property comply with all applicable codes regarding fire, building, and safety.

3. Short term rentals may be permitted at the owner’s principal place of residence only. Verification may include voter registration, or driver’s license.

4. The owner shall provide a twenty-four (24) hour emergency contact that will be available to respond to issues at the short term rental property within sixty (60) minutes to complaints regarding the condition, operation, or conduct of occupants of a rental unit.

5. The short-term rental property must have a visible house number easily seen from the street day or night.

6. The short term rental property shall be used only for overnight lodging accommodations. They may not be used for parties (wedding, bachelor/bachelorette), conferences or similar events.

7. All advertising for the short term rental shall include the City issued license number.

8. The primary overnight and daytime occupant of a short term rental unit must be an adult eighteen (18) years of age or older. This adult must provide a telephone number to the owner and shall be accessible to the owner by telephone at all times.

9. The owner shall require all occupants to agree to a minimum stay of three (3) consecutive nights.

10. The owner shall limit overnight occupancy in a short-term rental unit to not exceed two (2) over the age of five (5) persons per bedroom.

11. Two off street parking spaces shall be provided at minimum. The maximum number of vehicles allowed at a short-term rental property shall be limited to the number of available off street parking spaces.

12. The owner of a short-term rental property shall provide sufficient trash collection containers and service to meet the demand of the occupants.

13. The owner must be a natural person and not any type of corporation or partnership. The owner’s name must be on the deed to the property.

14. The City may conduct an inspection of the short term rental property as deemed necessary or prudent including without limitation based upon any complaints or violations that occur or prior to a renewal of a permit.

15. The owner will be required to provide the city and any guests with the name and telephone number of a contact person who can be at the property in 60 minutes. The contact person can be the owner.

(c) License period. Licenses shall expire December 31 of each year.

SECTION 3. EFFECTIVE DATE: This ordinance shall take effect immediately upon its passage and publication.

ADOPTED this ____ day of ______________, 2015 on a vote of __ ayes and __ nays by the City Council of Orono, Minnesota.

ATTEST:
Short Term Rental Ordinance

Definition:
Short Term Rental Unit - a dwelling unit, as defined by this Chapter, offered for trade or sale, whether for money or exchange of goods or services, for not more than 28 consecutive nights.

The following standards apply to Short Term Rentals:

1. The minimum rental period shall not be more than 28 consecutive nights.

2. The permit holder (owner) of a short term rental must apply for and receive an Interim Use Permit. Owner occupied dwellings that are also short term rentals do not require an Interim Use Permit.

3. The application for an Interim Use Permit shall include:
   a. All information required for a Conditional Use Permit
   b. Floor plan of the structure, including the number of bedrooms with dimensions and all other sleeping accommodations
   c. A to-scale site plan which shows locations and dimensions of property lines, the dwelling unit intended for licensing, accessory structures, parking areas and shoreland recreational facilities.
   d. A plan for garbage disposal by the permit holder.
   e. A pet policy.

4. The permit holder shall post emergency contact information (police, fire, hospital) and show renters the location of fire extinguishers in the short term rental.

5. A permit holder must provide the name, address, and phone number for the managing agent or local contact to all property owners within 100’ of the property boundary. The permit holder shall notify all property owners within 100’ of the property boundary within 10 days of a change in the managing agent or local contact’s contact information.

6. A permit holder must disclose in writing to their renters the following information:
   a. The managing agent or local contact’s name, address, and phone number
   b. The maximum number of guests allowed at the property
   c. The maximum number of vehicles, recreational vehicles, and trailers allowed at the property and where they are to be parked
   d. Property rules related to use of exterior features of the property, such as decks, patios, grills, recreational fires, pools, hot tubs, saunas and other outdoor recreational facilities
e. Applicable sections of City ordinances governing noise, parks, parking and pets

7. The occupancy of a short term rental shall be limited to not more than 2 people per bedroom.

8. Rooms used for sleeping shall be provided with egress windows and smoke detectors in locations that comply with the Minnesota state building code or the requirements of the Building Department, whichever is stricter.

9. The short term rental shall be connected to city sewer and water.

10. A short term rental shall have a full bathroom (sink, toilet and tub or shower).

11. Additional occupancy by use of recreational vehicles, tents, accessory structures or fish houses is not permitted.

12. The permit holder shall provide a physical visual demarcation of the property lines.

13. The permit holder shall keep a report; detailing use of the short term rental by recording the full name, address, phone number and vehicle license number of guests using the rental. A copy of the report shall be provided to the Planning Department upon request.

14. A short term rental shall be a licensed rental unit by the City and shall meet the requirements of all statutes, rules, regulations, and ordinances including, but not limited to the City of Brainerd’s rental housing maintenance code. Each unit shall be inspected annually by the rental housing inspector and the fire marshall.

15. The Planning Commission may impose conditions that will reduce the impacts of the proposed use on neighboring properties, public services, nearby water bodies, public safety and safety of renters. Said conditions may include but not be limited to - fencing or vegetative screening, native buffer along the shoreline, noise standards, duration of permit, restrictions as to the docking of watercraft, and number of renters.

16. A permit holder must post their permit number on all print, poster or web advertisements;

17. A permit holder must apply for and be granted state and local sales tax numbers, including hotel and motel use sales tax.
18. In addition to an Interim Use permit, short term rentals rented for less than 7 days are considered a hotel and are required to have a Minnesota Department of Health License.

19. All short term rentals, operating prior to the effective date of these standards, shall be in compliance with this section by September 1, 2017.