

STAFF REPORT

Application: Various amendments to the City of Glenwood Zoning Ordinance. The purpose of the amendments is to make additions to the ordinance relating to the use of homes for short term rentals. This may include other updates to the ordinance relating to this issue.

Applicant: City of Glenwood Planning Commission.

Background Information:

- **Proposal:** Discussion of the attached draft as including possible amendments to the City of Glenwood Zoning Ordinance. Amendments are intended to address issues that have arisen over the past year with property owners proposing short term vacation rentals and the need to protect community standards. Previous discussions suggested vacation rentals should be allowed in the City of Glenwood as an interim use in residential districts. As interim uses and a definition are not currently provided in the zoning ordinance, this would need to be part of the proposed amendments.

Suggested additions and revisions to the zoning ordinance are based on recent discussions by the Planning Commission on necessary but not burdensome standards to include for vacation home rental uses based on other local ordinances. The draft vacation rental ordinance here attached includes portions from the City of Brainerd's short term rental ordinance and where indicated from the Stearns County performance standards for vacation/private home rentals. Staff comments are also provided for your consideration.

Applicable Statutes/Ordinances

c

City of Glenwood - Zoning Ordinance

153.008 ADMINISTRATION AND ENFORCEMENT.

(E) *Amendments.* The City Commission may amend this chapter as proposed by the City Commission, by the Planning Commission or by petition of a person residing or owning property within the city in accordance with the following provisions.

(1) Petition for amendment shall be filed with the Planning Commission, and the petitioner, upon filing, shall pay an advertising deposit and a filing fee in accordance with a schedule determined from time to time by the City Commission, shall agree in writing to reimburse the city for all expenses for attorney fees and consulting fees of others such as registered engineers, which are associated with evaluating this petition.

(a) Amendments proposed by the City Commission or the Planning Commission shall be exempt from all the fees.

(b) The Planning Commission shall review the proposed amendment and report its findings and recommendations in writing to the City Commission and to the petitioner.

(c) The petition shall also include:

1. Plans, specifications, data and written statements similar to those required for filing for a PUD in cases where the proposed project or development involves eight or more dwelling units or could accommodate eight or more dwelling units; or, where there is a difference of intensity of land use of two increments or more with that of an adjoining parcel; or, where the project has any

difference in its intensity of land use with that of two or more adjacent parcels; or, where the property of the petitioner may be environmentally sensitive as in cases involving wetlands, shorelands or watersheds;

2. Those items specified elsewhere in this chapter, such as those required in applying for conditional use permits and PUD approvals; or

3. For situations not falling into either of the above categories, the requirements for submittal shall be established by the Zoning Officer and the Planning Commission and shall be sufficient so as to provide the information necessary to evaluate the petition in relation to the requirements established by this chapter.

(2) An amendment not initiated by the Planning Commission shall be referred to the Planning Commission for study and may not be acted upon by the City Commission until it has received the recommendation of the Planning Commission on the proposed amendment or until 60 days have elapsed from the date of reference of the amendment without a report by the Planning Commission.

(3) Before voting on the enactment of an amendment the City Commission shall hold a public hearing thereon pursuant to public notice. It shall be the responsibility of the Zoning Officer to:

(a) Have notice of the public hearing published in the official newspaper ten days prior to the hearing; and

(b) Give mailed notice of the public hearing to the property within the affected zone and within 300 feet of the outer boundaries of the property in question. Failure of any property owner to receive notification, when good faith effort to notify all the owners has been made, shall not invalidate the proceedings.

(4) If, after any public hearing held upon an amendment, the proposed amendment is revised or further revised to include land previously not affected by it the City Commission shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

(5) The City Commission shall act upon the request within 45 days after the last public hearing has been held.

(6) The findings required for the approval of a proposed amendment shall be the same as those required for a PUD.

(7) Once the proposed amendment has been duly approved, the City Commission shall direct that the amendment to this chapter be outlined on the official zoning map and labeled accordingly.

Planning Commission Direction: The Planning Commission may approve all or some of the proposed amendments, deny all or some of the amendments, or table all or some of the proposed amendments if the Commission should need additional information or time for their review.

City of Glenwood – Draft Work Plan for Zoning Ordinance Amendments

1. Section 153.004 - Definitions

Consider adding a definition for interim use:

Interim Use. A temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer allow said use.

2. Section 153.006 – Conditional Uses

Change this section and applicable subsections to read “Conditional and Interim Uses.” Alternatively, add a new section on Interim Uses.

3. Section 153.036 – Conditional Uses

*Consider changing section title to **CONDITIONAL AND INTERIM USES**.
Consider additions to the ordinance authorizing vacation rentals in the R1, R2 and R3 Zoning Districts.*

4. To General Regulations add new section - 153.077 Vacation/Private Home Rental

Review and consider including the following provisions within this new section:

A Vacation/Private Home Rental shall be subject to the following performance standards:

Commented [FS1]: From the Stearns County example

(A) 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.

(B) The application for an interim use permit 2. include:

(1) All information required for a conditional use permit.

(2) Floor plan of the structure, including the number of bedrooms with dimensions and all other sleeping accommodations.

(3) 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.

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

(D) 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.

(E) 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, pools, hot tubs, saunas, recreational fires and other outdoor recreational facilities. E. Applicable sections of city ordinances governing noise, parks, parking and pets.

(F) The occupancy of a Vacation/Private Home Rental shall be limited to no more than two persons per bedroom plus two additional persons per building, not to exceed a maximum of twelve (12) persons; or no more than one (1) person for every fifty (50) gallons of water per day that the building's sub-surface sewage treatment system is designed to handle, whichever is less.

Commented [FS2]: Uses the wording from Stearns County ordinance.

(G) 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.

(H) The short term rental shall be connected to city sewer and water or wells of sufficient capacity for maximum occupancy.

Commented [FS3]: Addition from 9-4 discussion.

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

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

Commented [FS4]: There was discussion about removing "tents" from this requirement.

(K) The permit holder shall provide a physical visual identification of the property lines.

Commented [FS5]: Substituted for "demarcation"

(L) 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.

(M) 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.

Commented [FS6]: As worded in the Brainerd ordinance.

The Planning Commission may impose conditions that will reduce the impact of the proposed use on neighboring properties and nearby waterbodies. Said conditions may include but not be limited to a fence or vegetative screening along a property line or a native buffer along the shoreline

Commented [FS7]: As stated from Stearns County ordinance.

(N) A permit holder must post their permit number on all print, poster or web advertisements.

(O) A permit holder is subject to the City lodging tax and must apply for and be granted state and local sales tax numbers, including hotel and motel use sales tax.

Commented [FS8]: Addition from 9-4 discussion.

(P) 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.

(Q) All short term rentals, operating prior to the effective date of these standards, shall be in compliance with this section by _____.