STAFF REPORT

Application:	Requests relating to operating a single-family home as a Vacation Home Rental. Approvals required include an Interim Use Permit to allow the use of a vacation home rental.
Applicant and Property Owner:	Eric Randleman
Agenda Item:	5(b)

Background Information:

- **Proposal:** The applicant is proposing to use his single-family dwelling as a Vacation Home Rental.
- **Location:**
  - Property address: 805 1ST AVE NE
  - Parcel number(s): 21-0514-000
- **Zoning:** R-2 Urban Residential
- **Lot size:** Approx. 10,104 sq ft (0.23 acres) according to GIS.
- **Septic System Status:** The property is served by public sewer and water.
- **Natural Features:**
  - Floodplain: The existing and proposed structures are not within an identified floodplain.
  - Bluff/Steep Slopes: The lot does not contain a bluff. The lot does not contain steep slopes that would impact the proposed improvement(s) to the property.
  - Wetlands: There are no wetlands that are likely to be impacted by the proposed improvement(s) to the property.
  - Current Shoreline Conditions: N/A

Planning Commission Action: The Planning Commission may approve the request, deny the request(s), or table the request(s) if the Commission should need additional information from the applicant. If the Commission should approve or deny the request, the Commission should state the findings which support either of these actions.

Staff Recommendation: Based on the findings of fact and discussion listed below, Staff recommends approval of the proposed Interim Use.

If the application or some version of the application is approved, Staff would recommend consideration for the following conditions of approval (or tabling of the application to allow for review of revised plans consistent with the following):

1. Tax Registration. Prior to commencing operation of the vacation/private home short-term rental, the permit holder shall provide the City with documentation establishing all required Minnesota sales tax registration and City lodging tax registration/account information, as required by §153-077(O).
2. Vacation Rental Licensing. Prior to commencing operation, the permit holder shall obtain and maintain all required licenses and approvals from Horizon Environmental Health or other applicable licensing agencies.
3. Final Occupancy Approval. Final overnight occupancy shall not exceed the number authorized by the City Building Inspector following the compliance inspection and occupancy certification required by §153.077(H), and in no event shall exceed the maximum occupancy permitted by §153.077(F). The applicant currently proposes a maximum occupancy of eight persons.
4. Operation Consistent with Approved Application. The property shall be operated substantially in accordance with the approved application, site plan, floor plans, renter rules, supporting narrative, and other submitted materials, except as modified by these conditions of approval.
5. Property Boundary Identification. The permit holder shall maintain physical visual identification of the property boundaries for renters throughout the term of the permit, as required by §153.077(K).
6. Permit Number on Advertising. The City-issued permit number shall be displayed on all print, poster, internet, and other advertisements for the vacation rental, as required by §153.077(N).
7. Permit Term and Renewal. The Interim Use Permit shall remain in effect for no more than three years from the date of approval. An application to review and renew the permit shall be submitted at least 45 days prior to its expiration, consistent with §153.077(Q).
8. Parking. Renter vehicles, recreational vehicles, and trailers shall utilize the available off-street parking on the subject property. The maximum number of renter vehicles shall not exceed six, consistent with the approved application, and vehicles shall not block sidewalks, neighboring driveways, or neighboring property.

Applicable Statutes/Ordinances: See Appendix A.

Findings of Fact: The following findings of fact are presented by Staff for consideration by the Planning Commission:

1) **The proposed use conforms to the district and conditional use provisions and all general regulations of this chapter." §153.006(D)(1).**

   Findings Supporting Approval

   The proposed vacation rental will operate within an existing single-family dwelling in the R-3 District without structural expansion or change in the residential character of the property and can comply with the applicable zoning regulations.

   Findings Supporting Denial

   None

2) **The proposed use meets all special standards which may apply to its class of conditional uses as set forth in this section." §153.006(D)(2).**

   Findings Supporting Approval

   The application demonstrates compliance with the vacation rental standards of §153.077, subject to conditions requiring final occupancy certification and completion of the required state sales-tax, City lodging-tax, and applicable licensing requirements before rental operations begin.

   Findings Supporting Denial

   None identified, provided the outstanding tax registrations and required final inspections/licenses are made conditions that must be satisfied before operation.

3) **The proposed use shall not involve any element or cause any condition that may be dangerous, injurious or noxious to any other person or property, and shall comply with the performance standards set forth herein." §153.006(D)(3).**

   Findings Supporting Approval

   The proposed use is an existing residence with a maximum proposed occupancy of eight, quiet hours of 10:00 p.m. to 7:00 a.m., no fires or pets, an identified local contact, and renter rules intended to prevent noise and other adverse impacts on neighboring properties.

   Findings Supporting Denial

   None

4) **The proposed use shall be sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties." §153.006(D)(4).**

   Findings Supporting Approval

   The rental will use the existing dwelling, garage, driveway, deck, fencing, landscaping, and yard without new construction or significant site alteration, maintaining the property's existing relationship with adjacent residential properties.

   Findings Supporting Denial

   None

5) **The proposed use shall be compatible with the surrounding area and produce a total visual impression and environment which is consistent with the environment of the neighborhood." §153.006(D)(5).**

Findings Supporting Approval

The property will continue to have the appearance and physical characteristics of a residential dwelling, with no commercial signage, building expansion, or exterior alteration proposed.

Findings Supporting Denial

None

6) **The proposed use shall organize vehicular access and parking to minimize traffic congestion in the neighborhood." §153.006(D)(6).**

Findings Supporting Approval

The property provides six existing off-street parking spaces consisting of two garage spaces and four driveway spaces, providing adequate on-site parking for the proposed maximum occupancy of eight guests.

Findings Supporting Denial

None

7) **The proposed use shall preserve the objectives of this chapter and shall be consistent with the Land Use Plan." §153.006(D)(7).**

Findings Supporting Approval

The proposal provides for a regulated temporary lodging use within an existing residential dwelling while retaining the property's residential character and incorporating operational standards intended to protect neighboring properties and public safety.

Findings Supporting Denial

None

Attachments:

- **Complete Application**
- **Aerial Lot Map**
- **Aerial Area Map**
- **Floodplain Map**
- **Topology Map**
- **Wetland Map**

Appendix A
Applicable Statutes and Ordinances

City of Glenwood Regulations

153.006 CONDITIONAL USES.

(A) *General.* Conditional uses as specified herein may be allowed or denied by the City Commission after recommendation by the Planning Commission in accordance with the criteria and provisions listed herein.

(D) *Criteria for approval.* A conditional use shall be approved if and only if it is found to meet the following criteria.

(1) The proposed use conforms to the district and conditional use provisions and all general regulations of this chapter.

(2) The proposed use meets all special standards which may apply to its class of conditional uses as set forth in this section.

(3) The proposed use shall not involve any element or cause any condition that may be dangerous, injurious or noxious to any other person or property, and shall comply with the performance standards set forth herein.

(4) The proposed use shall be sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.

(5) The proposed use shall be compatible with the surrounding area and produce a total visual impression and environment which is consistent with the environment of the neighborhood.

(6) The proposed use shall organize vehicular access and parking to minimize traffic congestion in the neighborhood.

(7) The proposed use shall preserve the objectives of this chapter and shall be consistent with the Land Use Plan.

(8) Additional requirements with respect to conditional uses in the Conservation District include the following.

(a) Development shall be permitted in such a manner that the maximum number of trees shall be preserved. Where trees are cut, at least 50% of the overstory shall remain.

(b) Development shall be permitted in such a manner that on-site soil erosion shall be at a minimum both during construction and when construction activity is completed.

(c) The quality of water run-off and water infiltration to the water table or aquifer shall remain undisturbed by the development of the site.

(d) The type and density of land use proposed shall be suited to the site and bedrock conditions shall not present a threat to the maintenance of groundwater quality, and shall not fail to correct problems due to soil limitations including bearing strength, shrink-swell potential and slope stability.

(E) *Performance standards.* All conditional uses shall comply with the requirements of this division (E). In order to determine whether a proposed use will conform to the requirements of this chapter, the City Commission may obtain a qualified consultant to testify, whose cost for services shall be borne by the applicant.

(1) *Fire protection.* Fire prevention and fire fighting equipment required by the Building Code as adopted by the City Commission shall be readily available when any activity involving the handling or storage of flammable or explosive materials is carried on.

(2) *Electrical disturbance.* No activity shall cause electrical disturbance adversely affecting radio or other equipment in the vicinity.

(3) *Noise.* Noise which is determined to be objectionable because of volume, frequency or beat shall be muffled or otherwise controlled, except fire sirens and related apparatus used solely for public purposes which shall be exempt from this requirement.

(4) *Vibrations.* Vibrations detectable without instruments on neighboring property in any district shall be prohibited.

(5) *Odors.* No malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property.

(6) *Air pollution.* Air pollution shall be subject to the standards established by the State Pollution Control Agency.

(7) *Glare.* Lighting devices which produce directly reflected glare on adjoining properties or thoroughfares shall not be permitted.

(8) *Erosion.* No offensive erosion by wind or water shall be permitted onto adjacent properties.

(9) *Water pollution.* Water pollution shall be subject to the standards established by the State Pollution Control Agency.

LOT AND YARD REQUIREMENTS

" 153.050 GENERAL REQUIREMENTS.

The minimum lot area, minimum width of lot, minimum depth of front yard, rear yard and minimum width of each side yard for each district shall be as shown in " 153.051.

(A) Lots or parcels which abut on more than one street shall provide the required front yards along each street.

(B) All structures and accessory buildings whether attached to the principal structure or not, and whether open or enclosed, including porches, carports, balconies, roof overhangs or platforms above normal grade level, shall not project into any minimum front, side or rear yard; nor into any required open space or buffer. Where multi-dwelling buildings (apartments, townhouses and the like) are to be built on one lot (or parcel) along with other buildings or structures, the required yards shall be construed to apply to each building as opposed to each dwelling unit.

" 153.051 LOT, YARD AND DENSITY REQUIREMENTS.

	Minimum Lot Sizes		*Minimum Yard Setbacks (ft)*			*Minimum Site Area Per Unit (sq ft)*
	Area (sq ft)	*Width (ft)*	*Front*	*Rear*	*Side*	
R-1 Suburban Residential						
*Single-family dwellings	10,000	75	30	20	6	10,000
*Two-family dwellings	15,000	80	30	25	10	7,500
*Other uses	15,000	80	30	30	15	7,500
R-2 Urban Residential						
*Single-family dwellings	8,000	75	30	20	6	8,000
*Two-family dwellings	12,000	80	30	25	10	6,000
*Townhouses	5,000/unit	25/unit	30	30	15	5,000
*Multi-family dwellings	15,000	100	30	30	15	3,500
*Other uses	10,000	100	30	30	15	-
R-3 Multiple Residential						
*Single-family dwellings	8,000	75	30	20	10	8,000
*Two-family dwellings	12,000	80	30	25	15	6,000
*Townhouses	5,000/unit	25/unit	30	30	15	4,000
*Multi-family dwellings	25,000	100	30	30	15	2,600
*Other uses	5,000	50	30	30	15	-
B-1 Community Business						
*Multi-family dwellings	5,000	50	0	15	0	2,500
*Other uses	5,000	50	0	15	0	-
I-1 Industrial						
All uses	20,000	100	25	20	10	-
C-1 Conservation						
All uses	2 acres	300	50	30	30	-
A-1 Agricultural						
All uses	5 acres	500	50	50	50	-
MH-1 Mobile Home Rental Park						

	Minimum Lot Sizes		*Minimum Yard Setbacks (ft)*			*Minimum Site Area Per Unit (sq ft)*
	Area (sq ft)	*Width (ft)*	*Front*	*Rear*	*Side*	
*Mobile home, single-family	5,500	55	15	12	6	5,500
All other uses	10,000	100	30	20	15	10,000
*With city water and sewer						

	Maximum Coverage (%)	*Minimum Usable Open Space (%)*	*Density* (Units)*
R-1 Suburban Residential			
Single-family dwellings	30	40	3.5
Two-family dwellings	30	40	3.5
Other uses	30	40	3.5
R-2 Urban Residential			
Single-family dwellings	30	40	5
Two-family dwellings	30	40	6
Townhouses	25	50	6
Multi-family dwellings	30	40	6
Other uses	-	-	-
R-3 Multiple Residential			
Single-family dwellings	30	40	5
Two-family dwellings	20	40	6
Townhouses	25	50	8
Multi-family dwellings	30	40	12
Other uses	-	-	-
B-1 Community Business			
Multi-family dwellings	30	40	-
Other uses	-	-	-
I-1 Industrial			
All uses	-	-	-

	Maximum Coverage (%)	*Minimum Usable Open Space (%)*	*Density* (Units)*
C-1 Conservation			
All uses	-	-	-
A-1 Agricultural			
All uses	-	-	-
MH-1 Mobile Home Rental Park			
Mobile home, single	-	-	-
Family	40	30	6
All other uses	40	30	-
*Density, or overall maximum dwelling units per buildable acre			

(1988 Code, " 11.12-2)

" 153.066 ACCESSORY USES.

The following provisions shall apply to accessory uses.

(A) Every swimming pool shall be enclosed by a fence or wall not less than six feet high above ground level. Location of pools will be subject to utility company approval.

(B) The exterior storage of any vehicle or recreational vehicle which does not have a current license plate shall not be permitted as an accessory use.

(C) In the A-1 District:

(1) Accessory farm buildings shall not be erected within 100 feet of a neighboring property; and

(2) All commercial feed lots, pens, runs, shelters and similar intensively used facilities for animal raising shall not be permitted.

(D) In the R-1, R-2 and R-3 Districts:

(1) A garage, storage shed or other similar structure may only be constructed in a residential district as an accessory structure. Two adjoining lots shall only be considered a single lot if they have a single parcel identification number;

(2) No more than two accessory structures shall be permitted on a lot;

(3) Accessory structures are limited to the lesser of not more than 1,000 square feet each, or a total building coverage area for all structures of 30% of the lot. In the event the lot size is one acre or greater, the accessory structure may be greater than 1,000 square feet but not more than 5% of the lot area. Accessory structures may be no closer than 10 feet to any other structure;

(4) All accessory structures over 120 square feet in size must be constructed of material and in a style in harmony with the principal structure. No galvanized or unfinished metal, canvas fabric, plastic tarps, tar paper, rolled roofing or straw may be used to cover any structure, sidewall or roof;

(5) The sidewalls on any accessory structure or garage shall not exceed nine feet in height, allowing no larger than an eight-foot high garage door, nor shall any garage or accessory structure exceed the principal building in height. Sidewall height shall be measured from the inside finished floor elevation to the point at which the sidewall top plate adjoining the rafter; and

(6) Accessory structures 120 square feet or smaller shall not require a building permit. A zoning permit shall be required and an application showing the size of the structure, its location on the lot, and the type of construction material utilized in its construction shall be submitted to the Zoning Administrator. Accessory structures 120 square feet or smaller may be placed no closer than five feet to any rear or side lot line.
(1988 Code, " 11.50-2) (Ord. 73, passed 5-8-2001)

" 151.39 STORMWATER MANAGEMENT.

The following general and specific standards shall apply.

(B) Specific standards.

(1) Impervious surface coverage of lots must not exceed 25% of the lot area.

ORDINANCE NO. 19, THIRD SERIES

AN ORDINANCE OF THE CITY OF GLENWOOD, MINNESOTA, AMENDING CHAPTER 153, ZONING CODE, TO ADD SECTION 153.077, AN ORDINANCE REGULATING THE USE OF VACATION AND SHORT-TERM RENTAL UNITS

VACATION/PRIVATE HOME SHORT-TERM RENTALS THE CITY COMMISSION OF GLENWOOD, MINNESOTA ORDAINS:
Section 153 of the Glenwood City Code is hereby amended by adding the following:

§153.077 VACATION/PRIVATE HOME SHORT-TERM RENTAL *{As Approved, 3-12-19}*

A Vacation/Private Home Short-Term Rental shall be subject to the following performance standards and requirements:

(A) The permit holder (owner) of a short-term rental must apply for and receive an interim use permit. Owner occupied dwellings that are short-term rentals do not require an interim use permit.

(B) The application for an interim use permit includes:

(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 identify 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 limit of a Vacation/Private Home Rental shall be determined by bedroom square footage. Every room occupied for sleeping purposes by one occupant must contain 70 square feet of floor space, and at least 50 additional square feet per person if occupied by more than one person. Not to exceed a maximum of ten (10) persons.

There is no requirement which regulates the age, sex, or number of children who can occupy a bedroom other than the occupancy limits stated above, which applies to any occupant regardless of age.

The occupancy of a Vacation/Private Home Rental connected to a sub-surface treatment system (SSTS) shall be determined as above, not to exceed a maximum of ten (10) persons; or no more than one (1) person for every fifty (SO) gallons of water per day that the building's sub• surface sewage treatment system is designed to handle, whichever is less.

(G) Rooms used for sleeping shall be provided with an egress window which exits directly to the exterior of the building. Each sleeping room shall have an emergency escape, second means of egress. Smoke and carbon monoxide detectors shall be required and installed to comply with the Minnesota State Building and Fire Code.

(H) No final approval of any Vacation/Private Home Rental application shall be given until an inspection verifying Ordinance compliance has been conducted and certification for occupancy has been authorized by the City's Building Inspector. If an additional inspection is necessary, the fee amount shall be as defined in the City's Fee Schedule and shall be paid prior to the scheduled compliance inspection.

(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.

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

(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.

(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.

(P) All short-term rentals, operating prior to the effective date of these standards, shall be in compliance with this section by June 1, 2020.

(Q) Permit Expiration. Interim use permits for short term vacation home rentals are subject to a filing fee established by the City Commission and will remain in effect for no more than 3 years from the date approved. Application to renew the terms of an interim use permit must be made a minimum of 45 days prior to the expiration date.

This ordinance shall be effective upon its passage and publication according to law and the Glenwood City Charter.

Passed by the City Commission of Glenwood, Minnesota April, 2019.