
CITY OF LONG BEACH

ZONING MEETING PACKET FOR October 10, 2018



CITY OF LONG BEACH
AGENDA
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION
October 10, 2018
6:30 PM

1. Call to Order
2. Roll Call
3. Additions or Deletions to the Agenda
4. Public Hearings
 - a. Any applications tabled from previous meetings that have provided the necessary information.
 - b. Various amendments to the City of Long Beach Zoning Ordinance. The purpose of the amendments are to clarify and remove inconsistencies in regulations relating to the setbacks applicable to shoreland and other properties, allowable recreational vehicle usage in residential and other zones, additions to the ordinance relating to the use of homes for short term rentals, other updates relating to the ordinance and to update the City's zoning map.

Applicant: City of Long Beach Planning Commission

5. Zoning Administrator's Report
 - a. Permits
 - b. Correspondence
 - c. Enforcement Actions
6. Other Business
 - a. Information Meeting with Campground Property Associations, 9-25-18.
7. Adjournment

This agenda is not exclusive. Other business may be discussed as deemed necessary.

STAFF REPORT

Application: Various amendments to the City of Long Beach Zoning Ordinance. The purpose of the amendments are to clarify and remove inconsistencies in regulations relating to the setbacks applicable to shoreland and other properties, allowable recreational vehicle usage in residential and other zones, additions to the ordinance relating to the use of homes for short term rentals, other updates relating to the ordinance and to update the City's zoning map.

Applicant: City of Long Beach Planning Commission.

Background Information:

- **Proposal:** The attached summary represents proposed amendments to the City of Long Beach Zoning Ordinance. Amendments to the zoning ordinance were adopted in April 2018 to address issues that had arisen in the implementation of the ordinance that were identified by the City Council as areas needing changes. Subsequent to this recent revision, other unresolved inconsistencies have since been identified:

1. There is a conflict in the City ordinance with regard to structural setbacks. Section 9.06, Lot Area and Setback Requirements in the Recreational Commercial District subsection B.7. reads: *“Minimum Structural Setback from Ordinary High Water (OHW) mark: Seventy-five (75) feet.”*

This conflicts with Section 28.05, Zoning, Water Supply and Sanitary Sewer Provisions in the Shoreland Management Overlay District with differing setbacks based on the lake classification. Structures with on-site sewage systems are allowed to be 50 feet from a General Development Lake. This has led to confusion with regard to the structural setback standard to enforce from Lake Minnewaska for building permit applications.

2. The zoning ordinance had been revised to include the following with regard to Section 11.02, Dwelling Unit Restriction:

A. No garage, tent, or accessory building shall at any time be used as living quarters, temporarily or permanently unless situated in a permitted campground or resort. Tents and no more than one (1) licensed motor home or recreational vehicle may be allowed as temporary living quarters on lots which contain a permanent dwelling for periods of up to fourteen (14) consecutive days provided such use does not exceed forty-five (45) combined days in any one calendar year.

If the intent is to limit usage of RVs to a permitted campground or resort except for specified periods, there was an instance when this was not clear from the ordinance as stated here.

Also for review and discussion in response to the City Council's request is a draft short term vacation rental ordinance and proposed revisions that would allow a vacation home rental as an interim use in residential districts, subject to conditions and only for a defined time period.

Applicable Statutes/Ordinances:

City of Long Beach - Zoning Ordinance

SECTION 16 - AMENDMENTS TO ZONING ORDINANCE

- 16.01: INITIATE.** The City Council or Planning Commission may, upon their own motion, initiate a request to amend the text or the district boundaries of this Ordinance. The procedural requirements of Section 16.02 shall not apply to such proposed amendments initiated by the City except to the extent required by Minnesota State Statute. Any person owning real estate within the City may initiate a request to amend the district boundaries or text of this Ordinance so as to affect the said real estate.
- 16.02: APPLICATION AND PROCEDURE.** An amendment to this Ordinance (text or map) requires a public hearing and is to be processed in accordance with the procedures set forth in Section 21 (Zoning Applications Procedures), of this Ordinance. The information required for all amendment applications generally consists of items outlined in Section 21 (Zoning Applications Procedures) of this Ordinance, and shall be submitted unless exempted by the City.
- 16.03: APPROVALS REQUIRED.** Approval of a proposed amendment shall require a majority vote of all members of the City Council. Amendments which change all or part of the existing classification of a zoning district from residential to either commercial or industrial shall require a two-thirds ($\frac{2}{3}$) majority vote of all members of the City Council which is four (4) out of five (5) members of the City Council.
- 16.04: EFFECTIVE DATE.** The amendment shall not become effective until such time as the City Council approves an Ordinance and the Ordinance is published in the official newspaper.
- 16.05: CRITERIA.** The Planning Commission and City Council shall consider possible effects of the proposed amendment. Factors to be considered in determining the possible effects of the proposed amendment shall include, but are not limited to, the following:
- A. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the Comprehensive Plan.
 - B. The proposed application is or will be compatible with present and future and uses of the area.
 - C. The proposed application conforms to all performance standards contained in this Ordinance.

- D. The proposed application can be accommodated with existing public services and will not overburden the City's service capacity.
- E. Traffic generation by the proposed use is within capabilities of streets serving the property.

Planning Commission/City Council 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.

The proposed amendments are attached.

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The proposed amendments are attached.

**City of Long Beach – Draft Work Plan for Ordinance Amendments
October 2018**

1. Section 2.02 - Definitions

- a. Consider adding a definition for interim use consistent with Section 20:

***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.*

- b. Consider adding a definition for vacation home rental:

***Vacation Home Rental:** Any home, cabin, condominium, bedroom or similar building that is advertised as, or held out to be a place where sleeping accommodations are furnished to the public on a nightly, weekly, or for less than a 30-day time period, and is not a bed and breakfast, resort, hotel or motel.*

2. Section 5.04, 6.04 and 7.04 – Interim Uses for Residential Districts

- a. For each of these residential zoning regulations (RR, LD, and MHD), add subsection D, provisions to allow within these zones short term vacation home rentals as an interim use (see draft provisions, #5 below) subject to the interim use standards in Section 20.

3. Section 9.06 – RC District, Lot Area and Setback Requirements

- a. To provide consistency with the setbacks from the Shoreland Management Overlay District, revise subsection 9.06 B.7. to read instead:

Minimum Structure Setbacks from Ordinary High Water Mark (OHW) mark as per section 28.05 B.

Provisions in the ordinance pertaining to structural setbacks from lakes would remain according to their classification.

4. Section 11.02 – Dwelling Unit Restriction

- a. Revise Section 11.02 A as follows:

No garage, tent, or accessory building shall at any time be used as living quarters, temporarily or permanently unless situated in a permitted campground or resort. For those lots which contain a permanent dwelling, tents and no more than one (1) licensed motor home or recreational vehicle may be allowed as temporary living quarters but only for periods of up to fourteen (14) consecutive days and provided such use does not exceed forty-five (45) combined days in any one calendar year.

5. New Section 11.23 – Vacation Home Rental

Review and consider including possible provisions within a new section that would permit vacation home rentals as an interim use.

11.23: VACATION HOME RENTALS.

- A. Interim Use Permit Required.
- a. The operation of a vacation home rental shall require an interim use permit, as prescribed in Section 20 of this ordinance.
 - b. 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.
 - c. The application for an interim use permit shall include:
 - i. All information required for a conditional use permit.
 - ii. Floor plan of the structure, including the number of bedrooms with dimensions and all other sleeping accommodations.
 - iii. 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. 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.
 - e. 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.
 - f. 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.
 - g. 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.

- h. 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.
- i. The short term rental shall be connected to city sewer and water or wells of sufficient capacity for maximum occupancy.
- j. A short term rental shall have a full bathroom (sink, toilet and tub or shower).
- k. Additional occupancy by use of recreational vehicles, tents, accessory structures or fish houses is not permitted.
- l. The permit holder shall provide a physical visual identification of the property lines.
- m. 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.
- n. 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.
- o. A permit holder must post their permit number on all print, poster or web advertisements.
- p. A permit holder must apply for and be granted state and local sales tax numbers, including hotel and motel use sales tax.
- q. 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.
- r. All short term rentals, operating prior to the effective date of these standards, shall be in compliance with this section by _____.