

CITY OF MARINE ON ST. CROIX
PLANNING COMMISSION
SPECIAL MEETING

Tuesday, July 14, 2020 – 7 pm
Virtual meeting via Zoom

1. Call to Order
2. Short-Term Rental Ordinance
 - Review draft
 - Approve final draft to release to public
3. Zoning Code
 - Review and discuss updates
 - Next steps
4. Adjourn

How to join virtually

Visit <https://zoom.us/j/4741920648>

Or call: 1-312-626-6799

Meeting ID: 474 192 0648

One tap mobile: +13126266799,,4741920648#

**CITY OF MARINE ON ST. CROIX
WASHINGTON COUNTY,
MINNESOTA**

ORDINANCE NO. 2020-_____

AN ORDINANCE ~~REGARDING-REGULATING~~ SHORT-TERM RENTALS.

THE CITY COUNCIL OF THE CITY OF MARINE ON ST. CROIX DOES HEREBY ORDAIN AS FOLLOWS:

Section 2. Purpose. The purpose of this section is to allow Short-Term Rentals, where appropriate, ~~within dwellings that are a primary residence,~~ while mitigating impacts upon surrounding properties by implementing balanced regulations to protect the integrity of the Community as well as protecting the public health, safety and general ~~welfare~~ of the long term residents by regulating the time period a transient guest is allowed.

Commented [MH1]: Snyder Comment: Need more extensive findings to state why regulation is needed.

Section 3. Definitions.

Bedroom. A habitable room which is used, or intended to be used, primarily for the purpose of sleeping.

Dwelling. A building or portion thereof, designated exclusively for residential occupancy. Refer to Section 202 of the Zoning Code definitions.

Owner. The person or people who own the dwelling offered for Short-Term Rental. The owner must be a natural ~~person~~. No dedicated vacation rentals are allowed in the City of Marine on St. Croix (see Section 4E(a)(vi) herein).

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Owner. Any person who, alone or with others, has title or interest in any building, property, dwelling, dwelling unit or portion thereof, with or without accompanying actual possession thereof, including any person who as tenant, agent, executor, administrator, trustee, or guardian of an estate has charge, care, control of any -dwelling or dwelling unit. Person. Any individual, firm, corporation, association, governmental entity, or partnership and its agents or assigns.

Primary Residence – A dwelling from within which a person lives for a minimum of six months during a calendar year. No dedicated vacations rentals are allowed in the City of Marine on St. Croix (see Section 4E(a)(vi) herein.

Transient Guest. A person or persons renting, using, or occupying a room or rooms for fewer than 30 consecutive days.

Short-Term Rental. A dwelling that is offered to transient guests for a period of less than 30 consecutive days at a time.

Short-Term Rental, Type A (hosted short-term rental). A dwelling, ~~or portion thereof, unit~~ that is offered to transient guests for a period of less than 30 consecutive days, where an owner of the property is ~~largely~~primarily present during the period of occupancy by the transient guest. ~~present while the transient guests are present.~~

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Commented [MH4]: Snyder Comment: Meaning? ("during the stay of transient guests") ?

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Short-Term Rental, Type B (unhosted short-term rental). A dwelling unit, ~~or portion thereof,~~ that is offered to transient guests for a period of less than 30 consecutive days, where an owner of the property is not present while the transient guests are present.

Short-Term Rental, Type C (dedicated short-term rental). A dwelling unit, ~~or portion thereof,~~ that is offered to transient guests for a period of less than 30 consecutive days, where the primary property ~~use purpose ("use" is a typical term) is for use as~~ a short-term rental.

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Section 4. General Requirements and License Issuance.

- A. License required. No property, ~~structure or dwelling~~ may be used as a Short-Term Rental (Type A, B or C) unless an application is submitted and a license is first granted by the City. The License shall be entered on a short-term rental registry. Type C Short Term Rentals are not permitted in the City.
- B. Issuance. All Short-Term Rental Licenses shall be issued administratively by the City Clerk pursuant to the terms contained herein.
- C. License application. Any property owner ~~offering, using or~~ desiring to offer or use a Dwelling as a Short-Term Rental within the City must apply for a Short-Term Rental License from the City. A license must be approved prior to operating within the City. The license application request must be submitted on the form prescribed by the City and must include all the information requested on the application form. Any use or offering for use of a Short-Term Rental which is not licensed is a violation of this Section.
- D. License fee. The license application form must be accompanied by payment in full of the required license application fee. The license application fee amount will be as determined by the City Council and set forth in the City fee schedule. Fees for new licenses obtained for less than the annual license term will be determined on a monthly pro-rated basis until the next full term.
- E. Criteria for Issuance. Prior to issuance of a Short-Term Rental License hereunder, the applicant shall ensure and the City Clerk, or if requested by the Clerk, City Counsel, that the following criteria are met:

- a. The licensee accurately certifies on the application form that all applicable items found in this Section are satisfied. In addition, the certification shall constitute an ongoing assurance of compliance herewith. Such items shall include, but not be limited to, the following:
- i. Short Term Rentals are a permitted use in the zoning district of the subject property;
 - ii. The Proposed Short-Term Rental complies with all of the performance standards, purpose section and definitional requirements found in this Ordinance Section;
 - iii. A policy number for a valid, in-force liability insurance policy is provided to the City;
 - iv. Compliance with all applicable provisions of the City Code;
 - v. Compliance with any special conditions established in the license.
 - vi. The Dwelling must be materially used for its owner’s enjoyment-which shall mean to state the owner shall accurately certify and document to the City annually that the Dwelling has been physically inhabited by the owner for more days and nights than it has been rented.

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Section 5. General Performance Standards.

The following shall be the general standards for all Short-Term Rental licenses issued hereunder.

- A. No Physical Alterations. No physical alterations of a dwelling shall be permitted in conjunction with the establishment or operation of a Short-Term Rental, except that additional on-site parking may be provided, to the extent that such parking is otherwise permitted by the applicable provisions of the City’s Code.
- B. Non-Transferable. Licenses issued under this Section are non-assignable, non-transferable. Each license shall automatically terminate upon the sale or other conveyance of the property to an unlicensed person or entity.
- C. No Vested Right. Licenses granted hereunder constitute a revocable, limited right. Nothing herein shall be construed as granting a vested property right.
- D. Term. Licenses granted under this Section are valid for one year (365 days) from the date of issuance by the City annually by calendar. A renewal application must be submitted annually, in advance, within at least 60 days of the expiration on December 31st but not more than 120 days. If the license holder does not offer the property for short term rental at least twice in a calendar year then they are not eligible for renewal.
- E. Number of Bedrooms. Each license shall indicate the number of bedrooms which are

contained in the dwelling. No license shall advertise the dwelling as containing any more than the identified number of bedrooms. The number of bedrooms, as indicated on the license, shall be used for all calculations required herein.

- F. Use for Events Prohibited. ~~The~~ Short Term Rental shall not be used by the renter nor any rental occupant for nonresidential purposes such as commercial or social events. The Short-Term Rental host shall expressly prohibit and prevent the use of their property for events in any advertisement as well as on-site informational material. Examples of events include, but are not limited to: sponsored events, conference gatherings, retreats, concerts, banquets, receptions, weddings, reunions, dances, parties, or similar uses.
- G. All residential properties offering Short Term Rentals ~~need to~~must be owner-occupied (meaning the owner lives at the property permanently or temporarily), except for multi-dwelling properties. Multi-dwelling and/or multi-unit properties cannot have any more than fifty percent (50%) of the total units in short term rental use.
- H. A Short-Term Rental may only be operated in a principal structure (i.e., not in a recreational vehicle, trailer or vehicle).

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- I. Location / Allowances / Considerations. Short-Term Rentals are allowed in all Residential and Village Center zoning districts.

A maximum of three (3) Short-Term Rental licenses shall be allowed in each ~~-of the zoning districts within the City district.~~ The creation of an additional zoning district shall not give rise to three (3) additional licenses unless this Ordinance is specifically amended to so state.
Note: the Schoolhouse units are excluded from the count of three (3) per district.

- J. Use. Short-Term Rental operations must conform to all existing City Ordinances.

Signage indicating the Short-Term Rental is not permitted on or off the premises.

The maximum number of guests allowed is two (2) persons per bedroom, plus an additional two (2) guests. For example, a three-bedroom home could have a maximum of eight (8) guests.

One (1) vehicle per bedroom shall be allowed, with a maximum of four (4) vehicles. The owner of the Short-Term Rental must provide one (1) approved off-street parking spot per bedroom (that is not on a public or private road, right of way or easement), with a maximum of four (4).

Each Short-Term Rental may be rented a maximum of two weekends per calendar month, with additional maximums of 14 days per calendar month and 72 days per calendar year.

- K. The Applicant must confirm upon their application form that there are functioning smoke and carbon monoxide detectors in each bedroom or sleeping area, and a functioning fire extinguisher in the living space.
- L. At the time of permit application and prior to making their property available as a Short-Term Rental, property owner(s) must provide and maintain current, effective contact and emergency contact information for the owner and any designated management representative to all neighbors abutting the side, rear, and across the street from their property. The Applicant shall also maintain accurate emergency contact information with the City sufficient to allow it to be in contact with the Owner immediately.
- M. If the property owner is not on premises, owner or an owner-designee is required to respond to emergencies, and must stay within thirty (30) minutes traveling distance of the property and be available by cellphone during Short-Term Rental use.
- N. 24-hour "Who to call" information pages shall be posted on the premises, and a "Who to call" page shall be on the City website for residences concerned with the activity at any Short-Term Rental.
- O. The property owner must pay any applicable Federal, State and local taxes.
- P. Any complaints may be filed with the City via an approved complaint form.
- Q. The Licensee shall maintain true and ~~current~~ correct records (for a period of 3 years) for

annual reporting to the City. The records shall be sufficient to permit the City to determine the number of guests, and the rental dates.

Q.R. See Comment.

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Section 6. Enforcement and License Revocation.

A. Enforcement and License Revocation. Upon a finding that a licensee has violated the terms of this Section, or any other applicable ordinance, law, or regulation, including is determined to have submitted false or misleading information to the City, on two occasions within the license period, the City may revoke the license. Prior to such revocation, the City Clerk shall mail written notice of the license violations to the licensee. The licensee shall have ten (10) days to request a hearing, in writing, upon such revocation before the City Council. Failure to request such a hearing, in writing, shall constitute waiver of the right to be heard on such revocation. However, upon Council discretion a license may be immediately revoked in the event of violation of the terms of this Section.

1. Effect of Revocation. Upon revocation of a license under this Section, such licensee shall be ineligible for applying for a new Short-Term Rental license for a period of 12 months from the date of revocation. Such prohibition shall apply not only to the property for which the license was revoked, but also any other property held or owned by the licensee.
2. Violation a Misdemeanor. Operating a Short-Term Rental without a license shall constitute a misdemeanor and shall constitute a fine of \$1,000.
3. Remedies not Exclusive. In the event of a violation or threatened violation of this Ordinance, the City, in addition to other remedies, is entitled to seek injunctive relief or proceedings to prevent, restrain, correct, or abate such violations or threatened violations.

Section 7. Effective Date. This Ordinance shall be effective immediately upon its passage and publication according to law.

WHEREUPON, said Ordinance was declared passed and adopted this ____ day of _____, 2020.

Attest: Lynette Peterson,
City Clerk/Administrator

Glen Mills,
Mayor