



CITY OF HOWARD LAKE

PARKS AND PLANNING COMMISSION

*The City of Howard Lake strives to build upon its good neighbor traditions –
A welcoming community for all, supported by vibrant and engaged businesses and community organizations, involved
citizens, and diverse amenities that provide a well-rounded quality of life.*

Howard Lake City Hall
TENTATIVE AGENDA
May 11, 2022 – 6:00 pm

- A. **CALL TO ORDER**
- B. **APPROVAL OF AGENDA**
 - Any additions, deletions, modifications to the agenda will be done at this time.
- C. **CONSIDER APPROVAL OF MINUTES**
 - a. April 13, 2022 PPC Meeting Minutes
- D. **PRESENTATIONS, PUBLIC HEARINGS & RELATED APPROVALS**
 - a. Continued Public Hearing: Short Term Rental Ordinance
- E. **NEW BUSINESS**
 - a. Comp Plan – Survey Reveiw
- F. **OLD BUSINESS**
- G. **ADJOURN**



CITY OF HOWARD LAKE

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HOWARD LAKE PARKS AND PLANNING COMMISSION

Howard Lake City Hall

April 13, 2022 – 6:00 pm

MEETING MINUTES

MEMBERS PRESENT

April Debner
Jason Deiter
Gene Gilbert
Molly Hibbard
Barb Guenigsman
Vern Kleve

MEMEBERS ABSENT

Jean Schmidt

OTHERS PRESENT

Nick Haggenmiller, City Administrator
Meagan Theisen, Assistant City Administrator
Nate Sparks, City Planner

A. CALL TO ORDER

Chair Debner called the meeting to order at 6:00 pm.

B. APPROVAL OF AGENDA

The agenda was approved as presented.

C. APPROVAL OF MEETING MINUTES

Commissioner Guenigsman moved to approve the March 9, 2022 PPC Meeting minutes. The motion was seconded by Commissioner Hibbard and passed unanimously.

D. PRESENTATIONS, PUBLIC HEARINGS & RELATED APPROVALS

a. **PUBLIC HEARING: Short Term Rental Ordinance**

Haggenmiller requested to table the Public Hearing to May.

Commissioner Debner closed the regular meeting and opened the public hearing at 6:01.

Sparks reviewed the staff report.

There was some brief discussion on short term rentals.

Debner closed the public hearing and reopened the regular meeting at 6:34

Commissioner Hibbard moved to table the Public Hearing to May 11th. The motion was seconded by Commissioner Deiter and passed unanimously.

- b. PUBLIC HEARING: Variance and Conditional Use Permit for Howard Lake Library**
Commissioner Debner closed the regular meeting and opened the public hearing at 6:34.

Sparks reviewed the staff report.

Commissioner Debner closed the Public Hearing and reopened the regular meeting at 6:40

Commissioner Hibbard moved to recommend approval of the variance and CUP for the Howard Lake Library as presented to Council. The motion was seconded by Commissioner Gilbert and passed unanimously.

NEW BUSINESS

- a. Consider Recommendation for Council Approval of CUP and Variance for Library**
approved in the above motion

- b. Discuss Terning Trails Playground**

Haggenmiller reviewed the staff report, sharing the original location for the Terning Trails neighborhood park and a possible new location.

The Commission reviewed the locations and determined purchasing a lot would make more sense for the park.

Commissioner Kleve moved to not move forward on the original park lot and to purchase the lot at the west entrance of the development. The motion was seconded by Commissioner Deiter and passed unanimously.

- c. Discuss Comp Plan Update**

- d. OLD BUSINESS**

- e. ADJOURN**

The Parks and Planning Commission meeting adjourned at 7:04 p.m.

Chair, April Debner

Secretary, Meagan Theisen



NORTHWEST ASSOCIATED CONSULTANTS, INC.

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PLANNING MEMO

TO: Howard Lake Parks & Planning Commission
FROM: Nate Sparks, City Planner
DATE: May 6, 2022
RE: Continued Hearing - Short Term Rentals

BACKGROUND

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. *For communities, like Howard Lake, that do NOT have a more traditional lodging institution, these have been welcomed enterprises if carefully considered.*

Current City Regulations

Short term or vacation rentals are not currently mentioned in the City Code. This would likely imply that this use is not permitted unless considered to be a general residential use. It would also be considered a type of “rental” which would trigger the standards found in Section 17.06 for minimum housing standards.

Also, the City has a home based business ordinance that requires home based businesses to obtain an interim use permit when customers come to the home.

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 technically 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. The State doesn't actively enforce these standards for short term rentals. Some communities that allow short term rentals in residences require the owner to obtain this license.

Area Municipal & County Regulations

Many area communities have discussed the topic of short term/vacation rentals. Some communities (Burnsville, Savage, Annandale) 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. Others prohibit the use within single family neighborhoods.

Ordinance Components

If the City were to wish to consider this use as being included in the zoning ordinance, there are a number of standards to consider.

Property Zoning Classification

The first consideration is where this would be permitted. This could be done by zoning district. This could also be done by type of dwelling unit (single family only and apartments only when Downtown – for example). This could be the entirety of the City. Some Cities have stated that it is only allowed when the dwelling unit is on a collector or arterial road to avoid it happening on a quiet residential street.

Performance Standards (Neighborhood Character)

The second consideration is related to performance standards. This would mean parking primarily. There would need to be demonstrated parking areas for the guests this is usually based on the number of rooms to be rented. Another common standard is to limit the number of guests to be two per bedroom up to a certain cap and then require parking stalls for each bedroom. If you cannot have the required amount of parking, you can be restricted to that number of guests. Then some cities require fencing and other site improvements to obscure the use. Some cities restrict the number of days allowed for rental within a year. Most communities say that you cannot have outdoor storage. Another common standard is that the property owner has to submit to an inspection proving compliance to the housing maintenance code.

There are some cities that require a limit on the outdoor activity at night. However, this is difficult to enforce when it is different for this use and a regular residential use.

There are cities that require the property to be homesteaded to ensure that it is an intermittent activity on the property and not a principal use.

Permitted, but Regulated via Conditional Use Permit Process

The final consideration is what type of permit is to be utilized for this use. Some require a conditional use permit while others just require an administrative permit or license. A CUP requires a public hearing and neighborhood notification. With or without a CUP, the owner should also have a license. The license would be annual like the chicken permit. The CUP (or IUP) would be a one time consideration.

With the structure of the current city ordinances, it would seem that requiring a CUP in some cases might be consistent with the manner in which the City handles home based commercial activity. If this activity were in the Downtown Residential area, it would seem that the CUP would not be needed but in a residential neighborhood, it may be prudent.

Violations of the performance standards, complaints received, and disturbances can result in losing the ability to utilize the property in this manner.

If the Commission were to wish to consider regulations of this use, initial feedback on the above would be helpful to make a draft ordinance.

Potential Actions

The Planning Commission should discuss the topic of short term rentals after receiving public feedback. The following direction may be provided:

- No code changes. Do not expressly prohibit this use and do not regulate this use.
- Amend the ordinance to prohibit short term rentals throughout the City or within certain residential districts.
- Amend the ordinance to require registration or licensing of short term rentals with specific standards.
- Consider addressing these issues through regulations for all rental housing.



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Short-Term Rental Housing License Application

License period thru December 31, 2022

Property Information:		License Type: ☐ New ☐ Renewal	
Rental Property Address: _____ Parcel/Tax ID # _____			
Property Name (if applicable): _____			
Overnight Occupancy Calculation/Request:			
Total # of sleeping qtrs./bedrooms _____ X 2 = _____ plus +2 additional = Maximum # of licensed overnight occupants: 			
*Attach floor plan or other documentation demonstrating and attesting to sleeping qtr./bedroom count noting minimum 70 sq. ft. habitable space for each sleeping qtr./bedroom; 4.5 sq. ft. clear opening egress window (minimum 20 inches in clear opening height & width and no more than 48 inches above the floor to the window sill); smoke detector present in each sleeping quarter and carbon monoxide detector within 10 feet of each said sleeping quarters.			
Municipal or Community Sanitary Sewer Treatment: ☐ YES ☐ NO If NO, provide on-site septic system data detailed below.			
*Attach current (3 years old or newer) Septic Compliance Certificate documenting on site sewage treatment system tank size and design information and minimum daily treatment and/or tank retention of 150 gallons effluent per day per licensed sleeping qtr./bedroom count. Identify sewage treatment operating and maintenance plan during license period.			
☐ No Longer a Short-Term Rental Property or Property SOLD? — <i>Kindly check the box and return this form to be removed from our list.</i>			
Owner Information:		Is owner: ☐ an individual or ☐ business entity	
Name: (full name & middle initial) _____		Business Name (if Applicable): _____	
Mailing Address: _____		City _____ State _____ Zip _____	
Email: _____			
Contact Phone: _____		Alternate Phone: _____	
Property Manager/Agent: (if business owned and/or designated by owner)			
Contact Name: (full name & middle initial) _____		Company Name: _____	
Mailing Address: _____		City _____ State _____ Zip _____	
Email: _____			
Office Phone: _____		Alternate Phone: _____	
License Renewals to be sent to:		☐ Owner ☐ Property Manager/Agent	
EMERGENCY 24 HOUR CONTACT INFORMATION:			
Name: _____		Contact Phone: _____ Email: _____	
CITY JURISDICTION/ACKNOWLEDGEMENT/RESTRICTIONS:			
☐ Subject Property is not located within the corporate limits of a City or Lent Twp.			
☐ Subject Property is located within _____ City or Lent Twp. If checked, contact local City/Twp. official for License Application acknowledgement signature here: City Official: _____ Date: _____.			
Additional restrictions and/or prohibitions may apply pursuant to local jurisdiction—License cannot be issued without proper city official acknowledgment above			
For Office Use Only: Received Date: _____ Amount Paid \$: _____ Reference # _____			
Staff Review and/or Exterior Inspection Date: _____ Staff Member _____			
☐ Issued ☐ Denied Date _____ License # _____			

Applicant Agreement (read, provide associated information, check boxes, initial, & sign)

- I understand Chisago County Short-Term Rental Licensing Ordinance No. 060320-1 and that I am subject to the requirements contained therein, in addition to other county and city ordinances which may apply.
- I understand my short-term rental property must be operated and maintained in accordance with County Ordinance and all issued License provisions and that the County must be notified in writing of any change of information provided with or placed on file with this application.
- I understand the Owner and Owner's Agent/Manager as so listed on the application are responsible for property and tenant adherence to all Ordinance criteria including enforcement and penalty provisions.
- I understand and have provided with my license application proof of non-revocable property liability insurance coverage suitable for the commercial liability coverage of the Short-Term Rental operation (Rental Endorsement or other "occasional rental use" acknowledgement on the policy) during the term of the license. ☐
- I understand and have provided with my license application proof of Minnesota Department of Health (MDH) license and/or I indicate in the form of my initials here: _____ that the MDH Lodging License review of my Short-Term Rental is in process and will be provided upon issue or denial by MDH. ☐
- I understand and attest that no past due property taxes are due or applicable concerning the short-term rental property by providing my initials here _____.
- I understand the short-term rental must be connected to an approved Septic System with a valid Certificate of Compliance issued within the past 3 years unless otherwise served by a central city or community sanitary sewer system and I have provided said Certificate of Compliance with my application. ☐
- I understand that garbage, refuse, and recycling services are required to be provided and that all refuse and garbage storage shall be kept in fly-tight, water-tight rodent-proof containers and shall be stored within a building or screened and secured enclosure.
- I understand that as the Owner I am required to keep a guest registration report detailing the use of the home and identification of guests and guest vehicle license information for a period of 1 year. I further understand that the guest registration information of current rental occupants are to be kept open to the inspection of all state and local law enforcement officers upon request.
- I understand that I am required to enforce quiet hours (10PM to 8AM), vehicle parking, and all other site use standards as outlined within the Ordinance.
- I understand that I am required to distribute property contact information to all renters, AND each adjacent land owner and that it is my obligation to respond to any issue or complaint raised from said notified parties within three (3) hours of any such point of contact.
- I understand that I am required to post the complete rental unit address inside the rental unit in a readily accessible and visible location and post the rental unit address outside in a manner that is clear and visible from the street
- I am required to maintain a current register of all tenants, which will be made available to County official upon request.
- **Smoke and Carbon Monoxide Detector Certification:** By signing this application, I hereby certify that functional smoke detectors are installed and maintained in all identified sleeping quarters/bedrooms and that carbon monoxide detectors are properly installed and maintained within ten feet of all identified sleeping quarters/bedrooms. It is my duty to explain to all renters the operation and action to take when alarm sounds or low battery tone occurs and to ensure that all sleeping quarters provide required means of egress.
- **Renter Disclosure and Information:** By signing this application, I hereby certify that I will provide each renter, in a form that is readily retained and posted/deliverable on site, information identifying maximum occupancy, emergency contacts (police, fire, hospital, and septic tank pumper), rental unit address, and operational guidelines and rules including proof of license and any special license obligations, conditions, and restrictions to abide by.
- **Minnesota State Fire Code and Department of Health Rules:** By signing this application I acknowledge and understand that the Chisago County Ordinance and licensing process does not ensure compliance with Minnesota State Fire Code or Department of Health rules. I further understand that it is my responsibility as the Owner and Owner's Authorized Agent to comply with all local, state and federal laws beyond that of this ordinance and to disclose such compliance to all renters during the time of occupancy
- **General Certification:** By signing this application, I hereby certify that the information contained here is true to the best of my knowledge. I further authorize the County and its officials or designees to investigate all facts set out in this application. I understand that the purpose of permitting the County to have access to this information is to determine the suitability for issuance of a Short-Term Rental License in the County of Chisago. I further understand that I am not legally required to supply the requested data, but that by refusing to comply, my license application may be denied.

Applicant Printed Name _____ **Check one:** ☐ Owner ☐ Property Manager/Agent

Applicant Signature _____ **Date** _____

FEES:

\$ 300 • Annual (January) Re-application non-refundable License Fee.

- Incomplete applications and applications without payment will be returned.
- **Make checks payable to Chisago County. Credit Card payment option available in person at Environmental Services Department Office.**

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ARTICLE VI. – SHORT-TERM RENTAL HOUSING

DIVISION 1: GENERALLY

Sec. 12-262. – Statement of Policy.

- (a) The City believes that promoting the public health, safety and welfare of its citizens mandates the existence of a limited short-term rental licensing and maintenance program that corrects substandard conditions and maintains a standard for short-term rental housing. It is the purpose of this article to only allow short-term rental housing in certain circumstances to ensure that it remains decent, safe and sanitary and is so operated and maintained as not to become a nuisance to the neighborhood or to become an influence that fosters blight and deterioration or creates a disincentive to reinvestment in the community. The operation of short-term rental housing is a business enterprise that entails certain responsibilities. Operators are responsible to take such reasonable steps as are necessary to assure that the citizens of the City who occupy such housing may pursue the quiet enjoyment of the normal activities of life in surroundings that are: safe, secure and sanitary; free from crimes and criminal activity, nuisances or annoyances.
- (b) This article shall apply to all short-term rental dwelling units, as defined herein. It also includes accessory structures such as garages and storage buildings and appurtenances such as sidewalks and retaining walls, which are on the same property as the short-term rental dwelling unit. This article does not apply to Minnesota Department of Health licensed rest homes, convalescent care facilities, residential group homes licensed by the State, nursing homes, hotels or motels, or accessory apartments utilized by one blood relative or one on-site employee or servant.

Sec. 12-263. – Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bedroom means a habitable room within a primary residence which is used, or intended to be used, primarily for the purpose of sleeping, but shall not include any kitchen or dining room.

Building official means the building official for the City, or his/her designee.

City shall mean the city of Spring Park, Minnesota.

City administrator means the city administrator of the City, or his/her designee.

City council means the city council of the City.

Dwelling unit means any building or portion thereof that contains living facilities, including provisions for sleeping, eating, cooking and sanitation, for not more than one family.

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Owner means any person, agent, operator, firm or corporation having a legal or equitable interest in the property or the rental dwelling unit; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property or short-term rental dwelling unit, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court, or any person representing the actual owner or holding a valid license issued under this article.

Primary residence means a dwelling unit with a homestead classification, as defined by Minnesota Statutes, section 273.124, and as determined by the Hennepin County Assessor.

Rent means the temporary occupancy, use, or possession of a dwelling or dwelling unit in exchange for compensation, in money or other consideration, given or offered in exchange for such use, whether or not received.

Short-term rental dwelling unit means a dwelling unit rented for a period of less than 30 consecutive days, for tourist or transient use.

DIVISION 2: LICENSING

Sec. 12-264. – General Requirements and License Issuance.

- (a) License Required. No person may operate a short-term rental dwelling unit in the city unless granted a license pursuant to this article.
- (b) Homestead Status Required. No dwelling unit in the city may be licensed or used as a short-term rental dwelling unit unless the property is a primary residence.
- (c) License Application. Any owner desiring to offer or use a short-term rental dwelling unit within a primary residence in the city must first apply for and obtain a license from the city. A license must be approved prior to operating. 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.
- (d) Fees. The license application form must be accompanied by payment in full of the required license application fee and inspection fee. The fee amounts will be as determined by the city council and listed in the city's fee schedule. Fees for new licenses obtained for less than the three-year license term will be determined on a monthly pro-rated basis until the next full three-year term.
- (e) Issuance. All licenses shall be issued administratively by the city administrator pursuant to the terms contained herein.

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(f) Criteria for Issuance. Prior to issuance of a license hereunder, the following criteria must be met:

(1) The licensee certifies on the application form that all applicable requirements found in this article are satisfied. Such items shall include, but not be limited to, the following:

a. Operating a short-term rental dwelling unit is a permitted use in the zoning district of the subject property;

b. The property complies with all of the performance standards found in this article; and

c. Compliance with all other provisions of state and local law.

(2) Prior to operating a short-term rental dwelling unit, the owner shall provide documentation that they have obtained a Hennepin County lodging license and State of Minnesota vacation home rental license.

(3) Upon receipt of a license application, the building official shall schedule an inspection with the owner to ensure compliance with this article. The building official shall provide reasonable notice to the owner as to the date and time of the inspection. The failure or refusal by the owner to permit entry to the property shall be grounds for denial of a license. Upon inspection, the proposed short-term rental dwelling unit shall adhere to the following:

a. The Minnesota State Building Code, including mechanical, electrical, plumbing and other building systems, and previously constructed or installed components must be maintained in conformance with the requirements of the codes in effect at the time of construction or installation; and

b. All other requirements of other sections of this code, including, but not limited to, zoning, fire, building, and nuisances, and the International Property Maintenance Code; and

In cases where a conflict may occur between any two or more code requirements, the requirements providing the greatest degree of life safety, property maintenance and general welfare to the City shall govern. If re-inspections are necessary to determine compliance, the applicant shall pay a re-inspection fee, as adopted by the city council.

(g) Term. Licenses will expire at midnight on the third April 1st following its issuance, and applications for renewal must be submitted at least 30 days prior to the expiration of the

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current license. Any unlicensed short-term rental housing is subject to penalties as provided in this article or elsewhere in state or local law.

- (h) No Vested Right. Licenses granted hereunder constitute a revocable, limited right. Nothing herein shall be construed as granting a vested property right.

Sec. 12-265. – General Performance Standards.

The following shall be the general standards for all short-term rental dwelling units within the city.

- (a) No Physical Alterations. No physical alterations of a primary residence shall be permitted in conjunction with the operation of a short-term rental dwelling unit, except that additional onsite parking may be provided, to the extent that such parking is otherwise permitted by the applicable provisions of the city code.
- (b) Non-Transferable. Licenses issued under this section are non-transferable. Each license shall automatically terminate upon the sale or other conveyance of the property to an unlicensed person or entity.
- (c) Number of Bedrooms. Each license shall indicate the number of bedrooms which are contained in the primary residence. No licensee shall advertise the primary residence as containing any more than the identified number of bedrooms.
- (d) Limit on the Number of Guests. The maximum number of transient guests permitted to stay within a short-term rental dwelling unit at any one time shall be the sum of the number of bedrooms contained in the primary residence multiplied by two, up to a maximum of 10. Such sum shall include both adults and children.
- (e) Signage. No commercial signage is allowed on the property of any short-term rental dwelling unit.
- (f) Events. Events are not allowed to be hosted by transient guests on the licensed property. For purposes of this prohibition, an event shall mean a gathering on the property of the total number of people permitted to stay on the premises plus five. Events hosted by the owner are exempt from this prohibition, but must otherwise abide by state and local law and policies.
- (g) Parking. A property with a short-term rental dwelling unit shall provide a minimum of two (2) off-street parking stalls for guests. The maximum amount of vehicles allowed at the property shall be limited to the number of off-street parking spaces provided. To be valid, off-street parking shall meet any applicable requirements set forth in the city code.
- (h) Occupant Eligibility. The primary overnight and daytime occupant of a short-term rental dwelling unit must be an adult 18 years of age or older. This adult must provide a

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telephone number to the owner and shall be accessible to the owner by telephone at all times.

- (i) Advertising. All advertising for short-term rental dwelling units within the city shall include the city-issued license number.
- (j) House Number Visible. Property containing a short-term dwelling unit must have a visible house number that can be easily seen from the street at all times.
- (k) Disorderly Behavior. Disorderly behavior, as defined in Spring Park City Code, section 12-266(b), shall be prohibited.

- (1) First Incident. Upon a determination by city staff or law enforcement that a property containing a short-term rental dwelling unit was the location of disorderly behavior, the city shall notify the owner by first class mail of the violation and direct the owner to take steps to prevent further violations.
- (2) Second Incident. Upon a determination by city staff or law enforcement that a second incident of disorderly behavior occurs at a property containing a short-term rental dwelling unit within three months of a previous disorderly behavior incident at the same property, the city shall notify the owner by first class mail of the violation and direct the owner to submit, within 10 days of the date of the notice, a written report of all actions taken by the owner since the first violation notice and actions the owner intends to take to prevent further disorderly behavior.
- (3) Third Incident. Upon a determination by city staff or law enforcement that a third incident of disorderly behavior occurs at a property containing a short-term rental dwelling unit within three months after a second disorderly behavior incident at the same property, the license issued under this article may be revoked by the city council upon the recommendation of the city administrator and in accordance with section 12-267(a).

For purposes of this section, a determination that a short-term rental dwelling unit has been the location of a disorderly behavior incident shall be made by a preponderance of the evidence. It shall not be necessary that criminal charges be brought in order to support a determination of disorderly behavior, nor shall the fact or dismissal or acquittal of such a criminal charge operate as a bar to adverse registration license action under this article.

Sec. 12-266. - Disorderly Behavior at Registered Rental Dwelling Units.

- (a) It shall be the owner's responsibility to assure that the tenants, the tenants' family members and the guests of any tenant or tenant's family member not engage in disorderly behavior in the rental dwelling unit. For the purposes of this section, rental dwelling unit shall include all common areas, both inside the building where

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the rental dwelling unit is located and outside.

(b) For the purposes of this section, disorderly behavior may include but is not limited to any of the following:

- (1) Drug-related illegal activity occurring in or near the rental dwelling unit. Drug-related illegal activity means the illegal possession or constructive possession, manufacture, sale, distribution, purchase, use or possession with intent to manufacture, sell or distribute a controlled substance, as defined in the Controlled Substance Act (21 U.S.C. § 802), or possession of drug paraphernalia per Minnesota Statutes, section 152.092.
- (2) Any act of violence or threat of violence including, but not limited to, the discharge of firearms, prostitution, intimidation or any other act that otherwise jeopardizes the health, safety or welfare of the owner, agent, manager, other tenants, tenant's family members, guests or neighboring property owners.
- (3) A violation of Minnesota Statutes, sections 609.75 through § 609.76, which prohibit gambling.
- (4) A violation of Minnesota Statutes, sections 609.321 through § 609.324, which prohibit prostitution.
- (5) A violation of Minnesota Statutes, section 340A.401, which prohibits the unlawful sale of alcoholic beverages.
- (6) A violation of Minnesota Statutes, section 340A.503, which prohibits the underage use of alcoholic beverages.
- (7) A violation of Minnesota Statutes, section 609.74 or Spring Park City Code, chapter 18, articles III and IV, which prohibit nuisances and noise violations.
- (8) A violation of Minnesota Statutes, sections 97B.021, 97B.045, 609.66 through 609.67 and 624.712 through 624.716, which prohibit the unlawful possession, transportation, sale or use of a weapon.
- (9) A violation of Minnesota Statutes, section 609.72, which prohibits disorderly conduct, when the violation disturbs the peace and quiet of the occupants of at least one unit on the licensed premises or other premises, other than the unit occupied by the person(s) committing the violation.
- (10) A violation of Minnesota Statutes, sections 609.185 through 609.205, which prohibit murder and manslaughter.

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- (11) A violation of Minnesota Statutes, sections 609.221 through 609.2231, which prohibit assault.
- (12) A violation of Minnesota Statutes, sections 609.342 through 609.3451, which prohibit criminal sexual conduct.
- (13) A violation of Minnesota Statutes, section 609.52, which prohibits theft.
- (14) A violation of Minnesota Statutes, section 609.561 through 609.5632, which prohibit arson.
- (15) A violation of Minnesota Statutes, section 609.582, which prohibits burglary.
- (16) A violation of Minnesota Statutes, section 609.595, which prohibits damage to property.
- (17) A violation of Minnesota Statutes, section 609.33, relating to owning, leasing, operating, managing, maintaining or conducting a disorderly house or inviting or attempting to invite others to visit or remain in a disorderly house.
- (18) A violation of Minnesota Statutes, section 609.50, which prohibits obstructing the legal process.
- (19) A violation of Minnesota Statutes, section 609.713, which prohibits terroristic threats.
- (20) A violation of Minnesota Statutes, section 609.715, which prohibits presence of unlawful assembly.
- (21) A violation of Minnesota Statutes, section 609.71, which prohibits riot.
- (22) A violation of Minnesota Statutes, section 609.78, which prohibits interfering with "911" phone calls.
- (23) A violation of Minnesota Statutes, section 243.166 (predatory offender registration).
- (24) A violation of Minnesota Statutes, section 609.229, which prohibits gang-related crimes.
- (25) A violation of Minnesota Statutes, section 609.26, subdivision 1(8), which prohibits contributing to a child being runaway.

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- (26) A violation of Minnesota Statutes, section 609.903, which prohibits racketeering.
 - (27) A violation of Minnesota Statutes, section 609.53, which prohibits possessing stolen property.
 - (28) A violation of Minnesota Statutes, section 609.749, which prohibits violating a restraining order or order for protection.
 - (29) A violation of Minnesota Statutes, sections 609.255 and 609.25, which prohibit false imprisonment and kidnapping.
- (c) Incidents will not be counted for purposes of determining whether a registration permit will be denied, suspended, non-renewed or revoked where the victim and suspect are “Family or household members” as defined in the Domestic Abuse Act, Minnesota Statutes, section 518B.01, subd. 2(b) and where there is a report of “Domestic Abuse” as defined in the Domestic Abuse Act, Minnesota Statutes, section 518B.01, subd. 2(a).
- (d) Incidents will not be counted for purposes of determining whether a registration permit will be denied, suspended, non-renewed or revoked where the call is a result of a tenant, a member of a tenant’s household, or guest taking action to seek emergency assistance that is protected by Minnesota State Statute 504B.205.
- (e) Instances of Disorderly Behavior.
- (1) First Incident. Upon a determination by city staff or law enforcement that a rental dwelling unit was the location of disorderly behavior, the city shall notify the owner and tenant of the violation by first class mail and direct the owner to take steps to prevent further violations.
 - (2) Second Incident. Upon a determination by city staff or law enforcement that a second incident of disorderly behavior occurs at a rental dwelling unit within three months of a first disorderly behavior incident, the city shall notify the owner and the tenant by first class mail of the violation and direct the owner to submit, within 10 days of the date of the notice, a written report of all actions taken by the owner since the first violation notice and what actions the owner intends to take to prevent further disorderly behavior.
 - (3) Third Incident. Upon a determination by City staff or law enforcement that a third incident of disorderly behavior occurs at a rental dwelling unit within three months after a second disorderly behavior incident, the rental dwelling unit registration permit may be revoked, suspended or not renewed by the city council upon the recommendation of the city administrator and in

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accordance with section 12-257. The city administrator shall make its decision to recommend revocation, suspension or non-renewal of the registration permit and submit said recommendation to the city council within 30 days of the third incident.

- (4) For purposes of this section, second and third instances of disorderly behavior shall be those which:
- a. Occur at the same rental dwelling unit;
 - b. Involve tenants at the same rental dwelling unit;
 - c. Involve guests or invitees at the same rental dwelling unit;
 - d. Involve guests or invitees of the same tenant; or
 - e. Involve the same tenant.
- (f) No adverse registration permit action shall be imposed where the instance of disorderly behavior occurred during pending eviction proceedings against the tenant(s) that were the subject of the incidents (unlawful detainer), or within 30 days of notice to vacate given by the owner to the tenant(s) that were the subject of the incidents. However, adverse registration permit action may proceed when the owner fails to diligently pursue the eviction process. Further, an action to deny, revoke, suspend or not renew a registration permit based upon violations of this section may be postponed or discontinued at any time, at the discretion of the city, if the owner has taken appropriate measures which will prevent further instances of disorderly behavior which may include a failed eviction process.
- (g) For purposes of this section, a determination that the rental dwelling unit has been the location of a disorderly behavior incident shall be made by a preponderance of the evidence. It shall not be necessary that criminal charges be brought in order to support a determination of disorderly behavior, nor shall the fact or dismissal or acquittal of such a criminal charge operate as a bar to adverse registration permit action under this article.
- (h) Enforcement actions provided throughout this article shall not be exclusive, and the city may take any action with respect to an owner, a tenant or the registered rental dwelling unit(s) as is authorized by this article or any other provision contained in state or local law.

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Sec. 12-267. – Enforcement and License Revocation.

- (a) **Enforcement and License Revocation.** Upon a finding that a licensee has violated the terms of this article, or any other applicable ordinance, law, or regulation, on two occasions within the license period, or upon the occurrence of a third incident of disorderly behavior under section 12-265, the city may revoke the license. Prior to such revocation, the city administrator shall mail written notice of the applicable violations to the licensee and thereafter, the licensee shall have ten days to request a hearing, in writing, regarding 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.
- (b) **Effect of Revocation.** Upon revocation of a license under this section, such licensee shall be ineligible for applying for a new license for a period of 12 months from the date of revocation.
- (c) **Violation a Misdemeanor.** Any violation of any term of this article shall also constitute a misdemeanor. Each day that a violation continues shall constitute a separate violation.
- (d) **Fines.** In addition to any other remedy contained herein or authorized by law, the city may impose administrative fines for violations of this article in accordance with Spring Park City Code, section 1-14.
- (e) **Remedies Not Exclusive.** In the event of a violation of this article, the city, in addition to any and all other remedies provided by law, shall be entitled to seek injunctive relief or proceedings to prevent, restrain, correct, or abate such violations or threatened violations.

**CITY OF WALKER
CASS COUNTY, MINNESOTA
ORDINANCE No. 2019-02**

**AN ORDINANCE ADDING TRANSITIONAL HOUSING STANDARDS TO THE
WALKER CITY CODE**

Findings and Purpose: The purpose of this section is to provide standards for Transitional Housing in the R-RR-LDR-TC districts. The City sees the benefit of such uses but also realizes that the high turnover in occupancy of residential structures can bring increased intensity of use, higher levels of noise, and increased need for parking and sanitation facilities which, if not controlled, can detract from the residential character of certain areas of the city; and to provide standards for transitional housing in order to promote the health, safety, morals, and general welfare of the City of Walker and to establish uniform regulations to:

1. To promote the health, safety and welfare of Transitional Housing clients.
2. Prevent deterioration of neighborhoods and its consequent adverse effect on real estate values of properties within the neighborhood.
3. To minimize their impacts on the residential neighborhood and provide for the greatest level of safety within the neighborhood.
4. To minimize the public costs and impacts of community service delivery and enforcement efforts necessary to ensure adequate levels of regulation and safety where such uses are located.

The City Council of Walker, Minnesota ordains:

Section 1. PART II-LAND DEVELOPMENT AND LAND USE ORDINANCES; CHAPTER 109-ZONING AND SUBDIVISIONS; Article VI. Requirements For Specific Uses; Division 1. Generally; of the City of Walker Code is hereby amended by adding the following to the City Code:

Section 109-202. Transitional Housing

A. Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- 1. Transitional Housing:** For the purposes of this Ordinance, a transitional housing use refers to temporary living situations wherein individuals or families are residing temporarily with or without separate sleeping rooms and a congregate space. Congregate space means that individuals share all or part of the kitchen, bath and recreational spaces. Transitional housing shall only be defined as requiring an Interim Use Permit if each housing unit does not contain independent living and cooking facilities, but rather are designed and integrated around a central group or congregate style living, cooking and dining facilities.

2. **Operator, transitional housing:** The owner, individual, partnership, organization, or corporation, which manages either a Transitional Housing use, whether or not for remuneration of any kind.

B. Land use requirements for Transitional Housing:

1. Except as may otherwise be allowed or required by this Ordinance, no structure shall be erected, converted, enlarged, reconstructed, or altered, and no structure or land shall be used or occupied for Transitional Housing unless it is connected to Municipal water and sewer services and is in full conformity with the provisions of this Ordinance, and all other applicable federal, state and local laws, rules, regulations, codes, and ordinances.
2. Transitional Housing are interim uses and are allowed in the R-RR-LDR-TC Districts upon issuance of an interim use permit. Except as may be provided for by law, no such uses shall occur in these Districts unless an Interim Use Permit has been applied for and obtained pursuant to the procedures provided for in this Ordinance.
3. No new Transitional use shall be located on a parcel that has a boundary that is within five hundred (500) feet from the boundary of a parcel containing any other transitional use.
4. All Transitional Housing shall be required to meet all applicable building, safety, fire and health code requirements.
5. Signage may be permitted in accordance with applicable sign regulations with the issuance of a sign permit.
6. The application for an interim use permit for transitional Housing shall provide a list of its Board of Directors, Executives and Officers and the owner of the proposed facility and the operator of the facility.
7. Transitional Housing lawfully established prior to the effective date of this Section shall be allowed to continue provided they comply with applicable building, safety, fire and health code requirements. Transitional Housing which are lawful nonconforming uses may expand the use within the existing structure in which it is located provided the expanded use continues to comply with the applicable building, safety, fire and health code requirements. However, no relocation of the use or expansion of the structure in which it is located shall be allowed except in conformity with the requirements of this Ordinance. Furthermore, if any such nonconforming use is discontinued for period of one year or more, it shall not be re-established except in conformity with the requirements of this Ordinance.

C. Application filing and processing of this Chapter.

General. Applications for transitional housing shall be filed and processed in compliance with this Chapter and pursuant to Section 109-52 Interim Use Permit.

1. **Procedures.** All applications for a transitional housing use permit shall be submitted to the zoning administrator not less than 30 days ahead of the hearing date, accompanied by the required submission, "Walker Land Use Application Form VRBO/Transitional Housing Checklist and Transitional Housing Use Application," adopted herein by reference and available for inspection in the office of the administrator/city clerk-treasurer, along with the appropriate fee and the following:
 - a. The contract owner of the property shall sign the application.
 - b. The zoning administrator shall notify all property owners within 350 feet by regular mail and shall advertise the hearing once in the legal section of the official newspaper at least

ten days ahead of the public hearing. He or she shall send the same notice postmarked at least ten days in advance of the hearing to the DNR if the proposed use is in shorelands.

- c. The application shall include all information and materials required by an Interim Use Permit application and this Chapter, and the following additional information. It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection G (Findings and decision), below.
- d. The application shall also include details of the operations of the use, including, but not limited to, a description of the following:
 - i. Number of proposed beds/occupants.
 - ii. Cooking facilities.
 - iii. Sanitation facilities and management thereof.
 - iv. Site lighting.
 - v. Site security and management, including the number of staff on site at any given time.
 - vi. Location of proposed parking.
 - vii. On-going site maintenance.
 - viii. Clean-up/returning the site to its original condition following termination of the use.

D. Development standards.

- 1. Number of units permitted. The number of temporary housing units shall be determined through the Temporary Use Permit process.
- 2. Lighting. Adequate external lighting shall be provided for security purposes.
- 3. On/Off-site management. For proposals that include group quarters shall have at least one facility manager shall be available to be contacted by City of Walker Staff at all hours.
- 4. Sanitation facilities. The number of bathrooms and showers required on site shall be determined through the building permit process, and shall be consistent with the Minnesota Building Code.
- 5. Parking. Each transitional housing unit shall provide the number of automobile parking spaces required by subsection E. Automobile parking requirements for temporary housing, except where a greater or lesser number of spaces are required through conditions of approval.

E. Automobile parking requirements for temporary housing

- 1. One (1) on-site space per transitional housing unit plus one (1) on-site space per on-site on-duty staff person

F. Building inspection checklist

- 1. A building inspection checklist is required for all transitional housing. The fee for the inspection is set by the fee schedule.

G. Findings and decision.

- 1. An Interim Use Permit for transitional housing may be approved by City Council pursuant to Section 109-52. Interim Use Permit

H. Termination

1. Termination. An interim use shall terminate upon any of the following events, whichever first occurs: (1) The date stated in the permit or ordinance; (2) Upon violation of conditions under which the permit was issued; (3) Upon change in the city's zoning regulations which render the use nonconforming; (4) The redevelopment of the use and property upon which it is located to permitted or conditional use as allowed within the respective zoning district.

I. Duration of use and Annual Review.

1. The initial term of a Transitional Housing is two years. The property owner may thereafter apply to renew the IUP for Transitional Housing. There are no automatic renewals. Each initial and renewal application is subject to an inspection and fee as provided in this Chapter.
2. Prior to consideration of an initial or renewal of the IUP for Transitional Housing application by the council, the property shall be inspected by the City building inspector. In the event modifications are made to the property after the application inspection but prior to council consideration of the application, additional inspections may be required. The applicant is responsible for all inspection fees. The inspector shall provide a report to the council regarding the home's compliance with applicable building codes and this section.

Section 11. PART II-LAND DEVELOPMENT AND LAND USE ORDINANCES;
CHAPTER 109-ZONING AND SUBDIVISIONS; Article III. Zoning Districts and Use
Standards; Section 109-81; of the City of Walker Code is hereby amended by adding the
double underlined language as follows:

Sec. 109-81. - Land use classification chart.

LAND USE CLASSIFICATION CHART

Key:

X=Prohibited

I=InterimUsePermitted

C=ConditionallyPermitted

P = Permitted

Use	District										
	R	RR	LDR	MFR	CBD	TC	GC	WC	I	P	PR
Adult Uses	X	X	X	X	X	I	I	I	X	X	X
Agricultural	X	P	P	C	X	X	X	X	X	C	C
Airport	X	X	X	X	X	X	X	X	C	C	C
Auto/RV Repair	X	X	X	X	I	X	P	X	C	X	X
Auto/RV Sales	X	X	X	X	I	I	I	X	C	X	X
Auto Salvage Yard	X	X	X	X	X	X	X	X	C	X	X
Bank	X	X	X	X	P	P	P	X	X	X	X
Bed and Breakfast	I	I	I	I	I	I	X	I	X	X	X
Bulk Liquid Storage (5,000+ gallons)	X	X	X	X	I	P	P	X	P	X	X
Car Wash	X	X	X	X	I	I	I	X	C	X	X
Cemetery	C	C	C	C	X	X	C	C	C	C	C
Church	C	C	C	C	C	C	C	C	C	C	C
Club/Lodge	X	C	X	C	C	C	C	C	X	X	X
Controlled Access Lot	C	X	C	X	X	X	X	C	X	X	X
Contractor's Yard/Storage	X	X	X	X	C	C	C	X	C	X	X
Day Care Center, Commercial	I	I	I	C	C	C	C	X	X	X	X
Dental Office	X	X	X	X	P	P	P	C	C	X	X
Dirtmoving < 10 cubic yards (shore or bluff impact)	P	P	P	P	P	P	P	P	P	P	P
Dirtmoving > 10 cubic yards (Shore or bluff impact)	C	C	C	C	C	C	C	C	C	C	C
Dirtmoving < 50 cubic yards (non-shore or bluff impact)	P	P	P	P	P	P	P	P	P	P	P

Dirtmoving > 50 cubic yards (non-shore or bluff impact)	C	C	C	C	C	C	C	C	C	C	C
Dwelling, Duplex	C	P	C	P	X	C	C	C	X	X	X
Dwelling, Guest Quarters	C	P	C	C	X	X	X	C	X	X	X
Dwelling, Multifamily	X	P	C	C	C	C	C	C	X	X	X
Dwelling, Single-Family	P	P	P	P	C	P	P	P	X	X	X
Extractive Use	X	X	X	X	X	X	I	X	I	X	X
Gas Service Station	X	X	X	X	C	C	P	X	C	X	X
Golf Course	C	C	C	C	X	X	C	C	X	C	C
Group Home/Nursing Facility	C	C	C	C	X	X	C	C	X	X	X
Home Occupation	I	I	I	I	P	P	P	P	X	X	X
Landfill	X	X	X	X	X	X	X	X	C	X	X
Lumberyard	X	P	X	X	X	X	P	X	C	X	X
Manufactured Home	P	P	P	P	X	X	X	X	X	X	X
Marina	C	X	C	C	X	X	X	C	X	C	X
Medical Facility	X	X	X	X	C	C	C	C	X	C	X
Model Home/Office Structure	I	I	I	I	X	I	I	I	I	X	X
Motel/Hotel	X	X	X	X	C	C	C	C	X	X	X
Motor Home Campground	X	I	X	X	C	X	C	X	X	X	X
Municipal/Government Buildings	X	C	X	X	P	C	C	C	C	P	P
Office, General	X	C	X	X	P	P	P	P	C	X	X
Outdoor Storage	X	X	X	X	I	I	I	I	C	X	X
Pawn Shops	X	X	X	X	I	P	P	X	P	X	X
Portable or Metal Storage Pods (parked < 14 days)	X	X	X	X	I	I	I	X	C	X	X
Public Park	P	P	P	P	X	P	P	P	C	P	P
Pharmacy/Retail	X	P	X	X	P	P	P	P	X	X	X
Planned Unit Development, Residential	C	C	C	C	X	X	X	X	X	X	X
Planned Unit Development, Commercial	X	X	X	X	C	C	C	C	C	X	X
Recreational Vehicle Campground	X	C	X	X	X	X	C	X	X	X	X
Recycling Center	X	X	X	X	X	C	C	X	C	X	X
Resort	X	C	X	X	X	C	C	C	X	X	X
Restaurant	X	C	X	X	P	P	P	P	C	X	X

Retail Store/Sales	X	I	X	X	P	P	P	P	C	X	X
School	C	C	C	C	X	C	C	X	X	P	P
Semi-public Use	C	C	C	C	C	C	C	C	C	C	C
Transitional Housing	I	I	I	X	X	I	X	X	X	X	X
Temporary Outdoor Sales	X	X	X	X	I	I	I	I	I	X	X
Shooting Range	X	X	X	X	X	X	X	X	P	X	X
Indoor Theater	X	X	X	X	C	X	C	X	X	X	X
Vacation/Private Home Rental	I	I	I	I	X	X	X	X	X	X	X
Vegetation Removal, Clear Cutting	C	C	C	C	P	X	X	X	C	X	X
Vegetation Removal, Open Cutting	P	P	P	P	P	P	C	C	C	C	C
Vegetation Removal, Selective Removal	P	P	P	P	P	P	P	P	C	P	P
Vet Clinic	X	X	X	X	X	P	P	X	C	X	X
Warehousing	X	X	X	X	I	X	C	X	C	X	X
Water-Oriented Accessory Structure	C	X	C	C	X	X	X	X	X	C	C

Section III. This Ordinance becomes effective from and after its passage and publication.

PASSED AND ADOPTED by the City Council of the City of Walker, Minnesota, this _____ day of _____, 2019.

Jed Shaw, Mayor

ATTEST: _____
Terri Bjorklund, City Administrator

MOTION:
SECOND:
Hansen:
Moore:
Senenfelder:
Shaw:
Wilkening:

WAVERLY SHORT-TERM RENTAL ORDINANCE

CHAPTER 117: SHORT-TERM RENTALS

Section

- 117.01 Purpose and intent
- 117.02 Definitions
- 117.03 Permit
- 117.04 Fees
- 117.05 Conditions of permit
- 117.06 Enforcement

- 117.99 Penalty

§ 117.01 PURPOSE AND INTENT.

The purpose of this chapter is to regulate short-term vacation rentals within the city for the purpose of allowing property owners to offer their property for rent while mitigating associated negative impacts upon surrounding properties and neighborhoods, as well as water and environmental quality and general public safety.

(Ord. 117, passed 2-9-21)

§ 117.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPLICANT. The property owner of record of the real estate within the city for which a short-term rental permit is sought under this chapter.

DWELLING UNIT. A structure or portion of a structure or other shelter designed as living quarters for one or more persons.

RENTAL PERIOD. A period of time for which a dwelling unit is rented.

SHORT-TERM RENTAL PERIOD. A rental period of less than 30 days.

(Ord. 117, passed 2-9-21)

§ 117.03 PERMIT.

(A) Permit required. No property owner shall rent or cause to be rented a dwelling unit within the city for a period less than 30 days without first obtaining a permit from the city.

(B) (1) Application. An application for a permit to rent a dwelling unit for a short-term rental period shall be made on a form provided by the city. The application shall contain the full name of the applicant, the applicant's residential address and telephone numbers, the address of the proposed rental property, and any additional information the city deems necessary. The following items shall be submitted with the application:

(a) Sketch floor plan of structure, including the number of bedrooms numbered 1, 2, 3, etc. and all other sleeping accommodations not specific to a bedroom;

(b) Site plan which shows locations of property lines, the dwelling unit(s) to be rented, the status of city water/sewer connections, and specific parking areas that will be utilized by renters for vehicles and trailer parking;

(c) The name of the person who shall be responsible for responding to questions or concerns regarding the operation of the short-term rental property. This information must be kept current. The contact person must be available to accept telephone calls on a 24-hour basis at all times that the short-term rental is rented and occupied. The contact person must have a key to the rental unit and be able to respond to the short-term rental within 60 minutes to address issues or must have arranged for another person to address issues within the same timeframe. The requirement for identifying a contact person applies to each person or entity making arrangements for renting a given short-term rental; and

(d) If the property was rented the prior calendar year, a written listing of rental periods the property was rented and number of persons in each rental period.

(2) Upon receipt of a completed application, the City Clerk or designated office staff shall review the same and upon determining that the application complies with this section, shall issue the permit. The City Clerk or designated office staff may delay action for a reasonable period as necessary to complete any investigation of the application or the applicant as he or she deems necessary. If the application does not comply with this chapter, the City Clerk or designated office staff shall deny the application. If the City Clerk or designated office staff shall determine that an application is incomplete, he or she shall return the application to the applicant with notice of the information necessary to make the application complete.

(C) Appeal. If the City Clerk or designated office staff shall deny the permit application, he or she shall provide written notice of the denial to the applicant along with notice of the applicant's right to appeal the denial to the City Council by submitting a written request for a public hearing on the denial to the official who provided the notice of denial within ten days after service of the notice. If requested, a public hearing on the denial of a permit application shall be held at a regular or special meeting of the City Council. The presiding officer shall make a statement as to the reason for the hearing and make every reasonable effort to ensure a fair and full presentation of the facts and arguments by the applicant and the city and representatives or counsel for each. When the public hearing is closed, the presiding officer shall advise the City Council that any decision to affirm the denial of the permit application must be made for failure to comply with the requirements in this chapter. A decision shall be made by the City Council within a reasonable time after the public hearing is closed and promptly communicated to the applicant in writing.

(D) Term. All permits issued under this chapter shall fall under the calendar licensing year of January 1 to December 31. Permit fees are not pro-rated if issued at any time other than January 1.

(E) Transfers. All permits issued under this chapter shall be valid only on the premises for which the permit was issued and only for the person to whom the permit was issued, and may not be transferred to another location or person.

(F) Display. All permits shall be posted and displayed in plain view of the general public on the permitted premises.

(Ord. 117, passed 2-9-21)

§ 117.04 FEES.

No permit shall be issued under this chapter until the appropriate permit fee shall be paid in full. The fee for a permit under this chapter shall be included on the fee schedule which is reviewed annually and amended from time to time.

(Ord. 117, passed 2-9-21)

§ 117.05 CONDITIONS OF PERMIT.

Short-term rental permits issued under this chapter shall be subject to the following conditions:

- (A) The maximum rental period shall not be more than 30 days.
 - (B) The maximum occupancy shall be two people per bedroom.
 - (C) Properties shall not be rented for more than eight rental periods between May 20 and September 10 each calendar year.
 - (D) Properties may not be rented to more than one party in any seven day period.
 - (E) Additional occupancy by use of recreational vehicles, tents, accessory structures, garages, boathouses, pole barns, sheds, fish houses, or similar structure is not permitted.
 - (F) The dwelling unit must meet Minn. Residential Building Code requirements regarding fire egress from all bedrooms/sleeping areas and detector/alarm systems.
 - (G) The applicant shall provide one off-street parking space per bedroom rented with a maximum number of vehicles equal to the number of bedrooms in the dwelling. No on-street parking is allowed for guests.
 - (H) Parking areas must meet the side yard setback for the zoning classification of the subject property.
 - (I) The owner shall keep a report detailing use of the home by recording the full name, address, phone number and vehicle permit number of adult guests using the property. A copy of the report shall be provided to the city upon request.
- (Ord. 117, passed 2-9-21)

§ 117.06 ENFORCEMENT.

- (A) Order to correct violation; Permit suspension and revocation.
 - (1) If the city determines that a dwelling unit is a public nuisance, operating without a permit or other approval required by this chapter, or operating in violation of this chapter or any other applicable provisions of city code, the city shall provide written notice of the violation to the property owner and order the correction of the violation in accordance with this chapter. Evidence for violation may be gathered at any time and is considered admissible evidence for suspension/revocation of a permit when collected from rental website information, neighborhood complaints, photographic evidence, or other means of collection.
 - (2) Any short-term rental permit issued pursuant to this chapter may be suspended for up to six months or revoked by the city for good cause. If the city intends to suspend or revoke a short-term rental permit, the City Clerk or designated office staff shall issue written notice of such intent to the permittee at least 21 days before such suspension or

revocation is set to begin. The notice shall be served on the permittee or licensee in person or by certified mail, return receipt requested, and shall include notice of the permittee's right to appeal the suspension or revocation to the City Council by submitting a written request for a public hearing on the suspension or revocation to the official who provided the notice of suspension or revocation within ten days after service of the notice.

(3) If requested, a public hearing on the suspension or revocation of a permit application shall be held at a regular or special meeting of the City Council. The presiding officer shall make a statement as to the reason for the hearing and make every reasonable effort to ensure a fair and full presentation of the facts and arguments by the permittee and the city and representatives or counsel for each. When the public hearing is closed, the presiding officer shall advise the City Council that any decision to affirm the suspension or revocation of the permit application must be made for cause as defined in this chapter. A decision shall be made by the City Council within a reasonable time after the public hearing is closed and promptly communicated to the applicant in writing.

(4) For purposes of this section, good cause shall include, but not be limited to:

(a) Failure to comply with an order to correct a violation issued pursuant to this section;

(b) Issuance of three or more violation notices under this section;

(c) The occurrence of one or more nuisance conditions as defined in Ch. 90 of the Waverly City Code on the permitted property;

(d) Use or operation of a permitted dwelling unit in a manner that imperils public health, safety or welfare, including but not limited to, violation of this chapter or any other provision of local, state, or federal law intended to protect occupants of the dwelling or the surrounding neighborhood and community;

(e) Material inaccuracies in any application materials, reports or other information submitted to the city regarding the activity for which the permit or license was issued; or

(f) Conviction of a crime related to the activity for which the permit was issued.

(B) Withholding permits or approvals. The city may refuse to process applications for permits and approvals under this chapter if the application concerns a property determined to be in violation of this chapter and where the city has issued an order requiring the violation be corrected and the property owner is non-compliant.

(Ord. 117, passed 2-9-21)

§ 117.99 PENALTY.

(A) Any person who rents a dwelling unit for a short-term rental period without a valid short-term rental permit issued by the city under this chapter is guilty of a misdemeanor.

(B) Any person who knowingly makes a false report to the city of a violation of this chapter by another is guilty of a misdemeanor.

(Ord. 117, passed 2-9-21)



NORTHWEST ASSOCIATED CONSULTANTS, INC.

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Telephone: 763.957.1100 Website: www.nacplanning.com

To: Howard Lake Parks & Planning Commission
From: Nate Sparks, City Planner
Date: May 6, 2022
Re: Comprehensive Plan – Survey Results

Introduction

The City has been hosting the survey on the website for the past few months. At this juncture, the survey is complete. There were 79 responses received.

Questions about Responders

The initial questions were related to who was responding to the survey. The responses from people with children was 54% while there are actually 25% of the households with children. The age range of respondents was similar to that of the community, while noting that children did not generally respond.

Questions about the City

The responders found that they liked the “small town character” of the community and the lakes the best. The cost of living, housing options, and distance to work were the most popular reasons to live in town.

Cost of living, schools, and parks/trails were the main items noted for enhancing the quality of life in the City. The most pressing issues to address were utility costs, safety on Highway 12, and attracting more businesses.

Parks were generally rated fair or good. Trails were poor or fair.

Responders were pleased with the fire department and police department. The condition of streets, snow removal, drinking water, library, restaurants, post office, sustainability, and inclusivity were all mostly good with some fair. Business climate, employment opportunities, lake water quality, grocery stores, and utility rates were mostly fair with some poor.

Responders said new single family housing was the most important to add with senior housing being second.

More shopping, restaurants, and health care options were the business said to be needed the most.

Trails were the most important park facility requested.

New development was focused on downtown, new commercial, and child care.

Comments

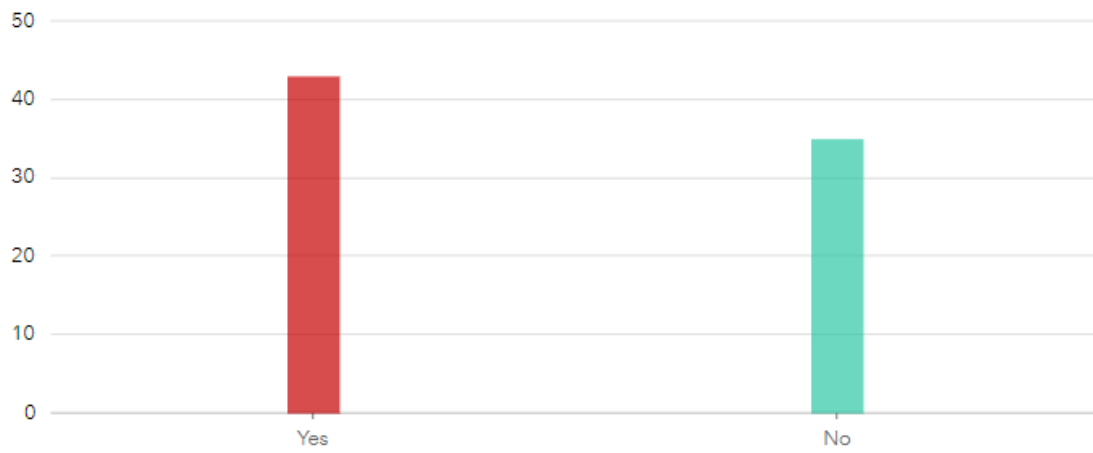
The comments received are attached to the survey results.

Conclusion

The PPC should review the survey results and a discussion on the use of this for planning purposes will be conducted.

Are there children in the home?

Column Bar Pie Map



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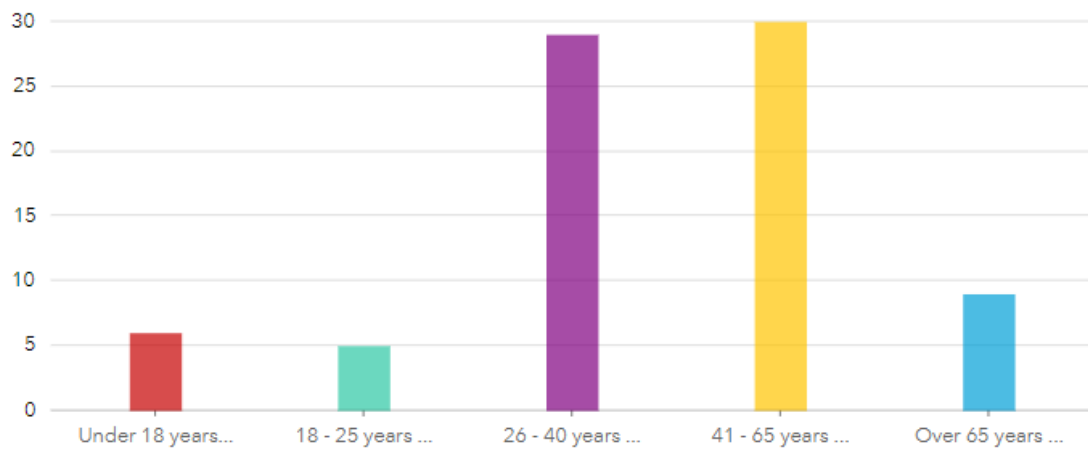
☒ Empty categories [Sort](#)

Answers	Count	Percentage
Yes	43	54.43%
No	35	44.3%

Answered: 78 Skipped: 1

Age range of respondent

Column Bar Pie Map



[Hide table](#)

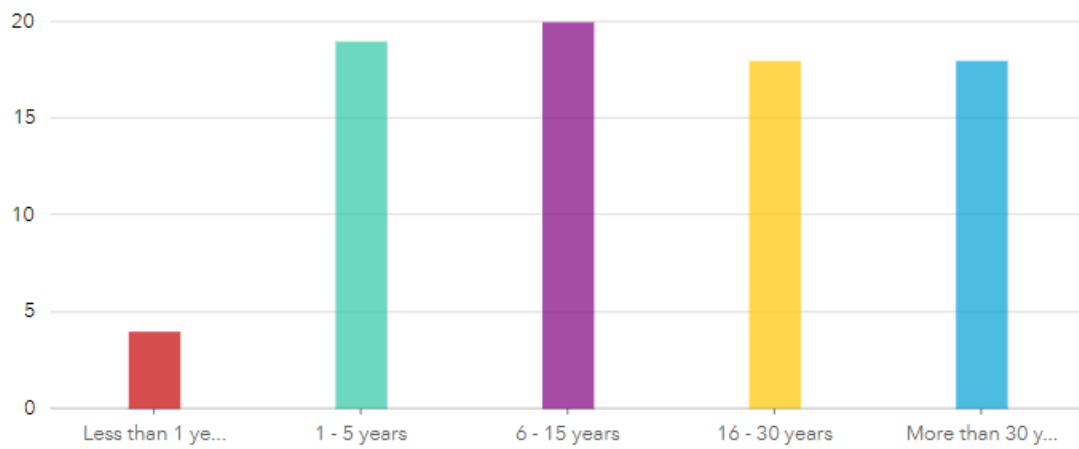
☒ Empty categories [Sort](#)

Answers	Count	Percentage
Under 18 years old	6	7.59%
18 - 25 years old	5	6.33%
26 - 40 years old	29	36.71%
41 - 65 years old	30	37.97%
Over 65 years old	9	11.39%

Answered: 79 Skipped: 0

How long have you lived in the City?

Column Bar Pie Map



[Hide table](#)

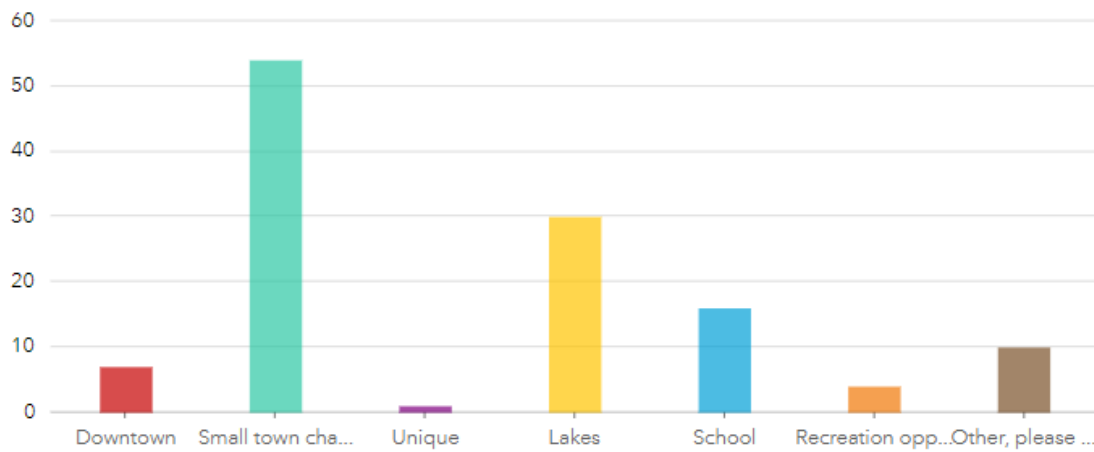
☒ Empty categories [↑↓ Sort](#)

Answers	Count	Percentage
Less than 1 year	4	5.06%
1 - 5 years	19	24.05%
6 - 15 years	20	25.32%
16 - 30 years	18	22.78%
More than 30 years	18	22.78%

Answered: 79 Skipped: 0

When you think of Howard Lake what first comes to mind.

Column Bar



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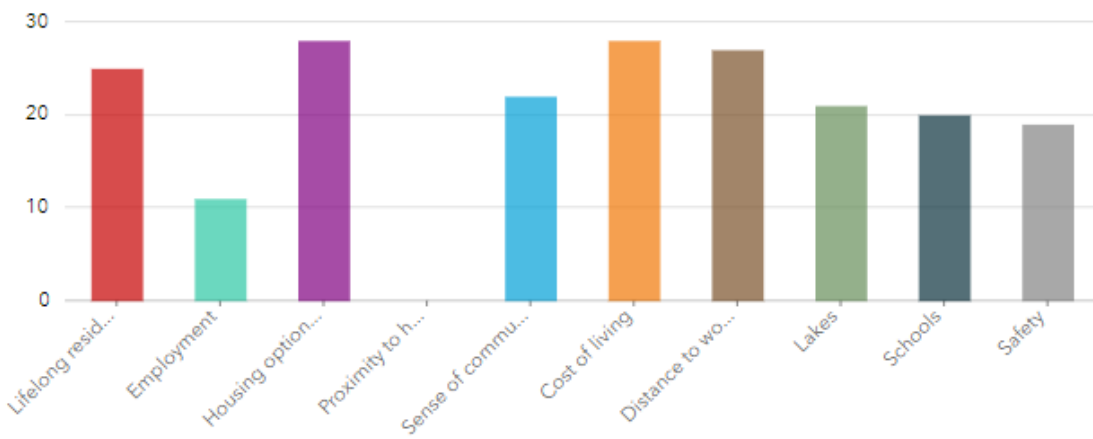
Other response ☒ Empty categories Sort

Answers	Count	Percentage
Downtown	7	8.86%
Small town character	54	68.35%
Unique	1	1.27%
Lakes	30	37.97%
School	16	20.25%
Recreation opportunities	4	5.06%
Other, please specify	10	12.66%

Answered: 78 Skipped: 1

What are the top 3 reasons you choose to live in Howard Lake?

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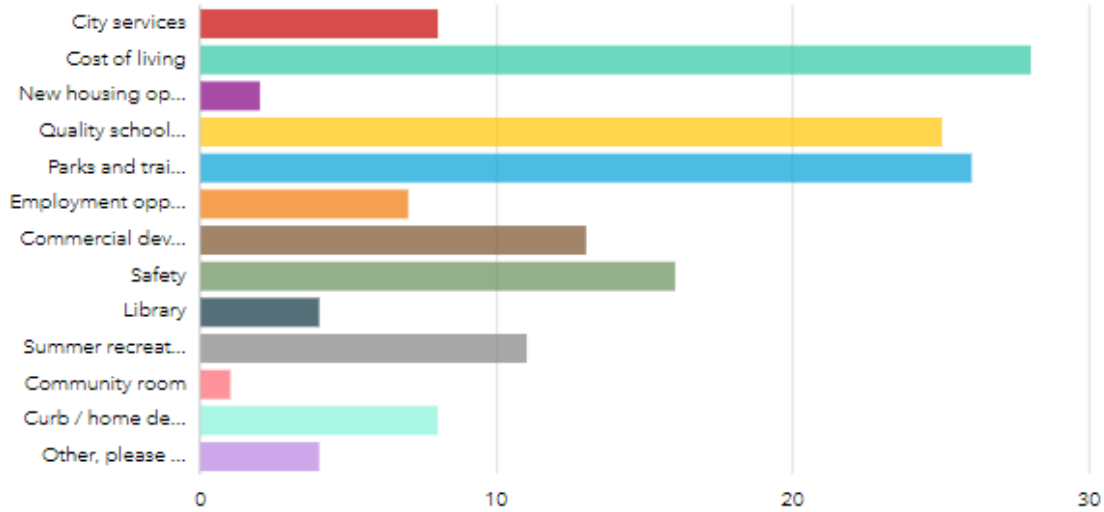
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Answers	Count	Percentage
Lifelong resident	25	31.65%
Employment	11	13.92%
Housing options	28	35.44%
Proximity to health care	0	0%
Sense of community	22	27.85%
Cost of living	28	35.44%
Distance to work	27	34.18%
Lakes	21	26.58%
Schools	20	25.32%
Safety	19	24.05%

Answered: 79 Skipped: 0

Which of the following are most critical for enhancing the quality of life in Howard Lake?

Column Bar



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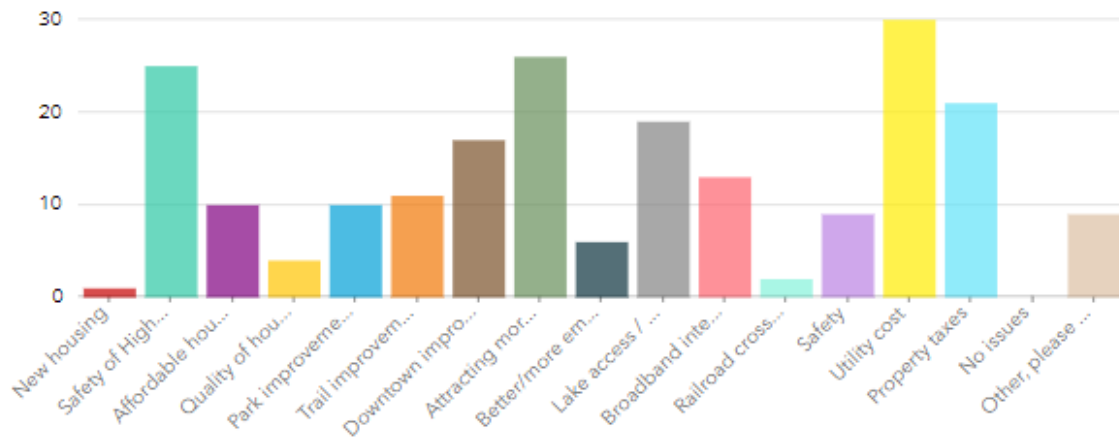
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Answers	Count	Percentage
City services	8	10.13%
Cost of living	28	35.44%
New housing options	2	2.53%
Quality schools	25	31.65%
Parks and trails	26	32.91%
Employment opportunities	7	8.86%
Commercial development	13	16.46%
Safety	16	20.25%
Library	4	5.06%
Summer recreation	11	13.92%
Community room	1	1.27%

Answered: 79 Skipped: 0

What issue(s) do you think are the most important for the City to address?

Column Bar



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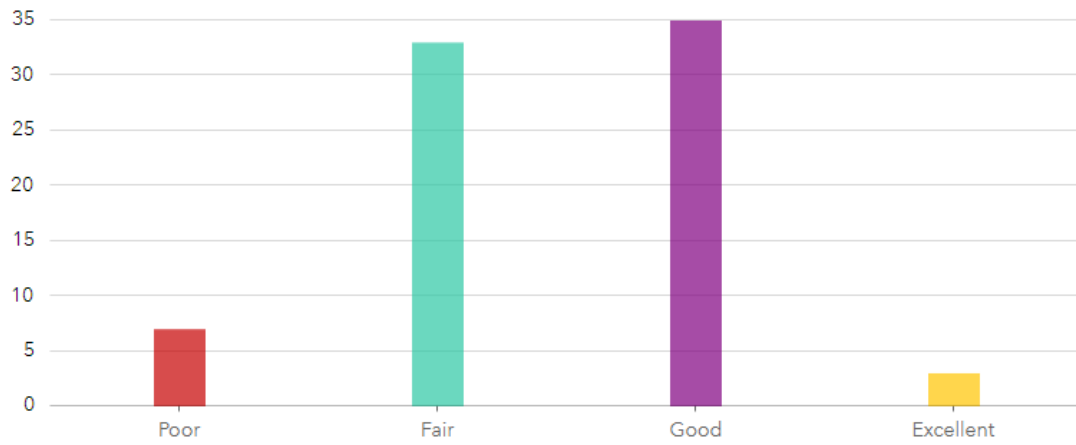
☐ Other response ☒ Empty categories

Answers	Count	Percentage
New housing	1	1.27%
Safety of Highway 12	25	31.65%
Affordable housing	10	12.66%
Quality of housing stock	4	5.06%
Park improvements	10	12.66%
Trail improvements	11	13.92%
Downtown improvements	17	21.52%
Attracting more businesses	26	32.91%
Better/more employment	6	7.59%
Lake access / lake quality	19	24.05%
Broadband internet	13	16.46%

Answered: 78 Skipped: 1

Rate Parks

Column Bar Pie Map



[Hide table](#)

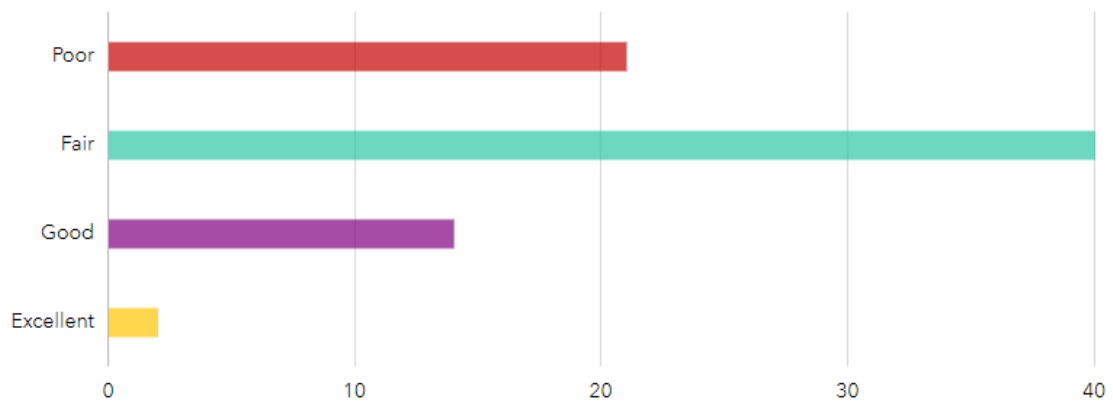
☒ Empty categories [Sort](#)

Answers	Count	Percentage
Poor	7	8.86%
Fair	33	41.77%
Good	35	44.3%
Excellent	3	3.8%

Answered: 78 Skipped: 1

Rate Trails

Column Bar Pie Map

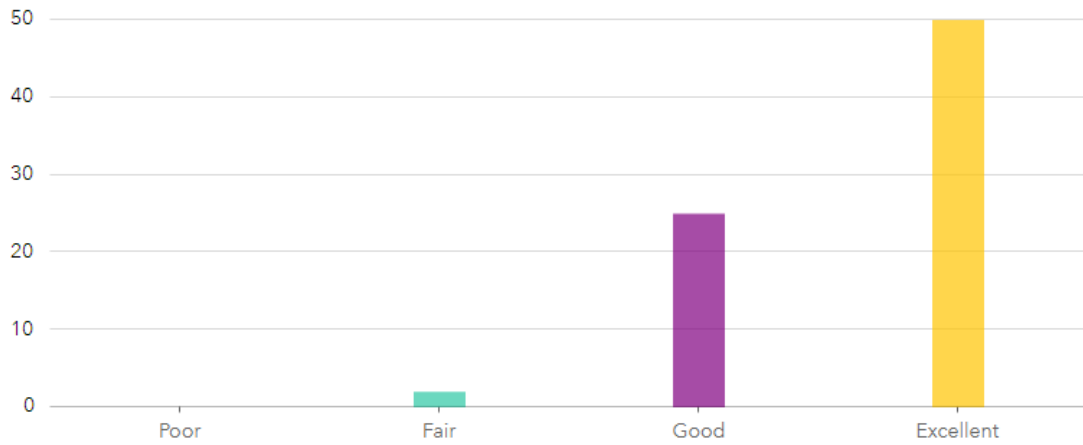
[Hide table](#)☒ Empty categories [↑↓ Sort](#)

Answers	Count	Percentage
Poor	21	26.58%
Fair	40	50.63%
Good	14	17.72%
Excellent	2	2.53%

Answered: 77 Skipped: 2

Rate Fire Department

Column Bar Pie Map



[Hide table](#)

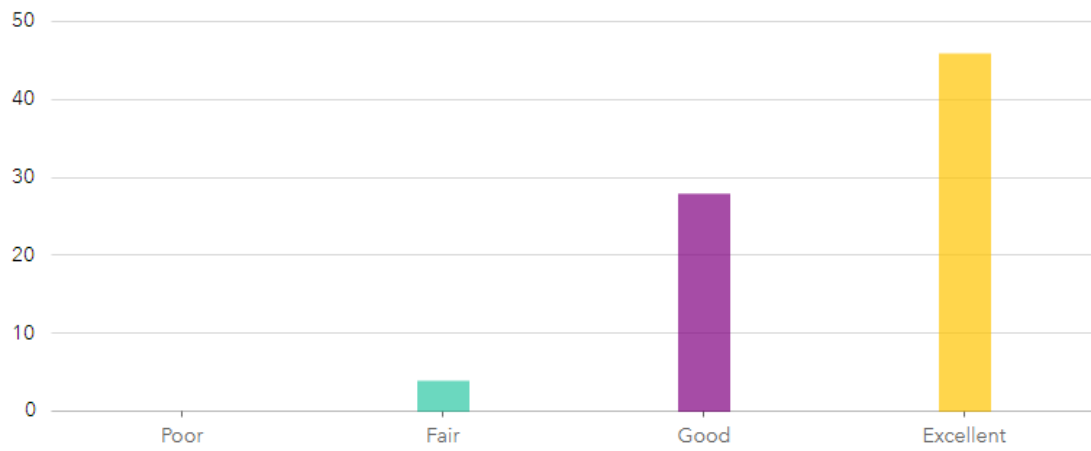
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Answers	Count	Percentage
Poor	0	0%
Fair	2	2.53%
Good	25	31.65%
Excellent	50	63.29%

Answered: 77 Skipped: 2

Rate Police Department

Column Bar Pie Map



[Hide table](#)

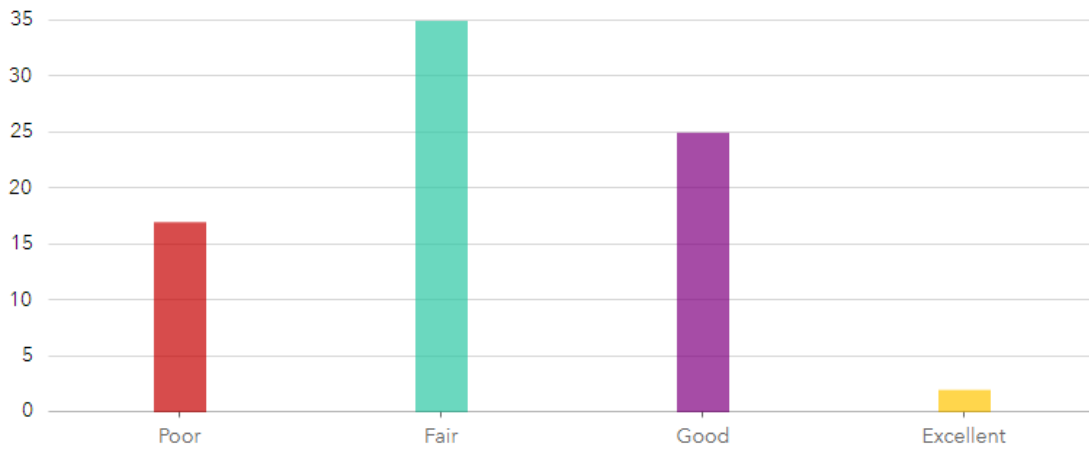
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Answers	Count	Percentage
Poor	0	0%
Fair	4	5.06%
Good	28	35.44%
Excellent	46	58.23%

Answered: 78 Skipped: 1

Rate Condition of Streets

Column Bar Pie Map



[Hide table](#)

☒ Empty categories [↑↓ Sort](#)

Answers	Count	Percentage
Poor	17	21.52%
Fair	35	44.3%
Good	25	31.65%
Excellent	2	2.53%

Answered: 79 Skipped: 0

Rate Snow Removal

Column Bar Pie Map



[Hide table](#)

☒ Empty categories [↑↓ Sort](#)

Answers	Count	Percentage
Poor	5	6.33%
Fair	26	32.91%
Good	39	49.37%
Excellent	8	10.13%

Answered: 78 Skipped: 1

Rate Lake Water Quality

Column Bar Pie Map



[Hide table](#)

☒ Empty categories [Sort](#)

Answers	Count	Percentage
Poor	26	32.91%
Fair	32	40.51%
Good	18	22.78%
Excellent	1	1.27%

Answered: 77 Skipped: 2

Rate Drinking Water Quality

Column Bar Pie Map



[Hide table](#)

☒ Empty categories [Sort](#)

Answers	Count	Percentage
Poor	14	17.72%
Fair	26	32.91%
Good	31	39.24%
Excellent	7	8.86%

Answered: 78 Skipped: 1

Rate Internet Service

Column Bar Pie Map



[Hide table](#)

☒ Empty categories [↑↓ Sort](#)

Answers	Count	Percentage
Poor	23	29.11%
Fair	30	37.97%
Good	22	27.85%
Excellent	4	5.06%

Answered: 79 Skipped: 0

Rate Library

Column Bar Pie Map

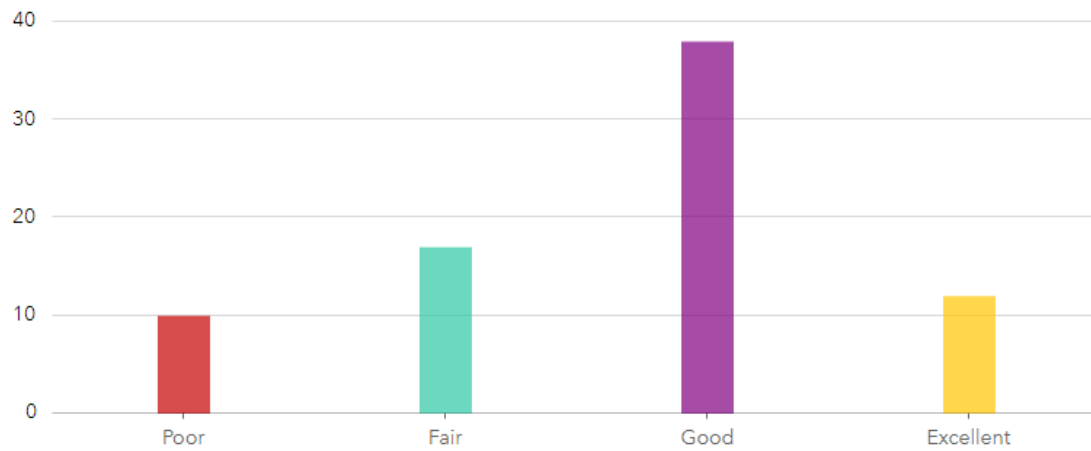
[Hide table](#)☒ Empty categories [↑↓ Sort](#)

Answers	Count	Percentage
Poor	5	6.33%
Fair	15	18.99%
Good	45	56.96%
Excellent	11	13.92%

Answered: 76 Skipped: 3

Rate Post Office

Column Bar Pie Map



[Hide table](#)

☒ Empty categories [↑↓ Sort](#)

Answers	Count	Percentage
Poor	10	12.66%
Fair	17	21.52%
Good	38	48.1%
Excellent	12	15.19%

Answered: 77 Skipped: 2

Rate Grocery Stores

Column Bar Pie Map



[Hide table](#)

☒ Empty categories [↑↓ Sort](#)

Answers	Count	Percentage
Poor	25	31.65%
Fair	27	34.18%
Good	21	26.58%
Excellent	5	6.33%

Answered: 78 Skipped: 1

Rate Restaurants

Column Bar Pie Map



[Hide table](#)

☒ Empty categories [↑↓ Sort](#)

Answers	Count	Percentage
Poor	8	10.13%
Fair	21	26.58%
Good	37	46.84%
Excellent	13	16.46%

Answered: 79 Skipped: 0

Rate Water and Sewer Rates

Column Bar Pie Map



[Hide table](#)

☒ Empty categories [↑↓ Sort](#)

Answers	Count	Percentage
Poor	36	45.57%
Fair	30	37.97%
Good	12	15.19%
Excellent	0	0%

Answered: 78 Skipped: 1

Rate Business Climate

Column Bar Pie Map



[Hide table](#)

☒ Empty categories [Sort](#)

Answers	Count	Percentage
Poor	18	22.78%
Fair	37	46.84%
Good	19	24.05%
Excellent	2	2.53%

Answered: 76 Skipped: 3

Rate Employment Opportunities

Column Bar Pie Map



[Hide table](#)

☒ Empty categories [Sort](#)

Answers	Count	Percentage
Poor	17	21.52%
Fair	42	53.16%
Good	14	17.72%
Excellent	3	3.8%

Answered: 76 Skipped: 3

Rate Sustainability

Column Bar Pie Map



[Hide table](#)

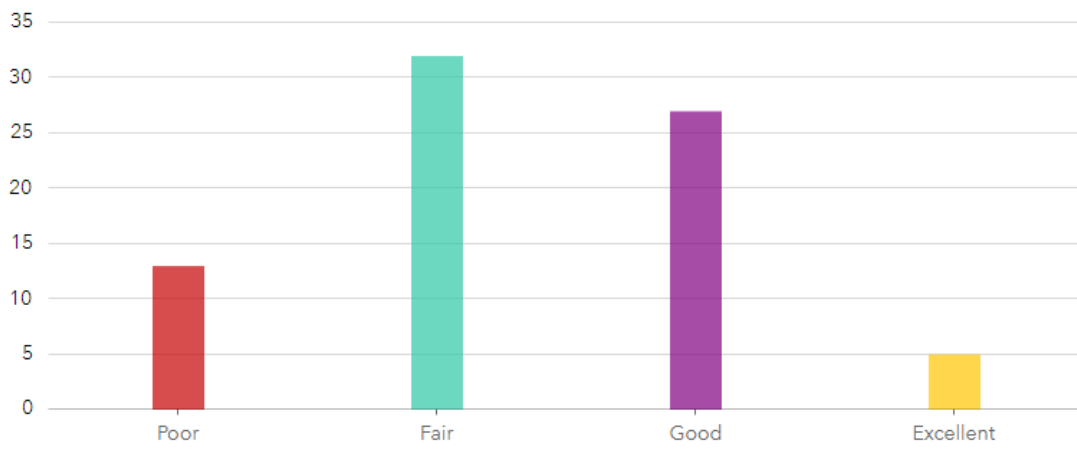
☒ Empty categories [Sort](#)

Answers	Count	Percentage
Poor	9	11.39%
Fair	41	51.9%
Good	26	32.91%
Excellent	1	1.27%

Answered: 77 Skipped: 2

Rate Inclusivity

Column Bar Pie Map



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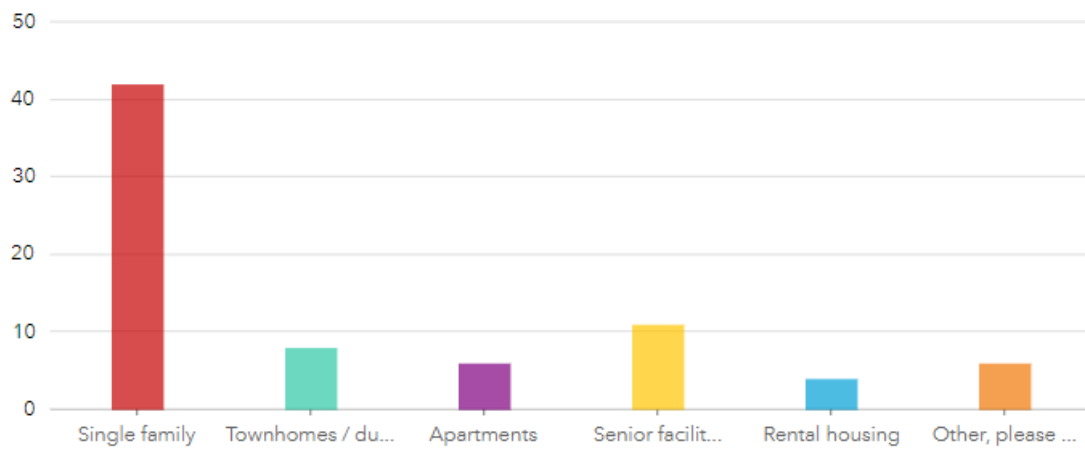
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Answers	Count	Percentage
Poor	13	16.46%
Fair	32	40.51%
Good	27	34.18%
Excellent	5	6.33%

Answered: 77 Skipped: 2

What types of housing does the City need most?

Column Bar Pie Map



[Hide table](#)

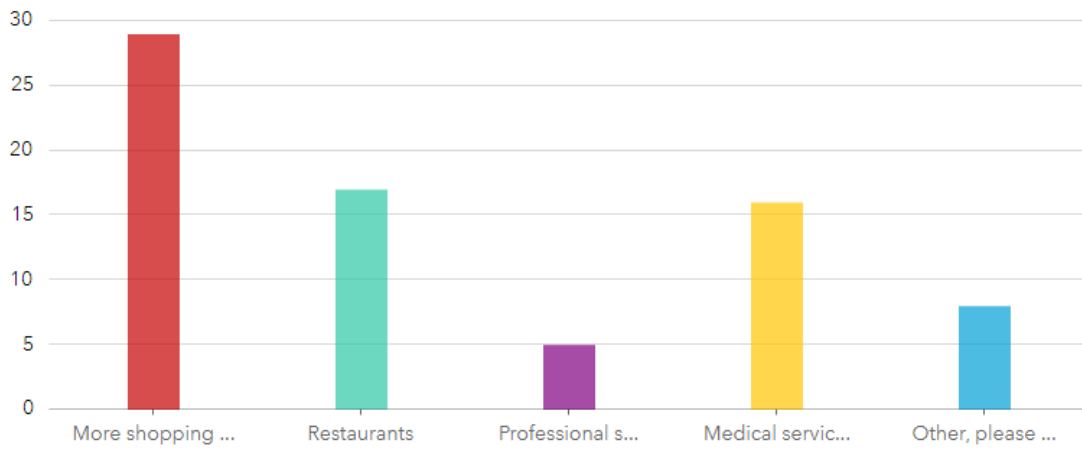
☐ Other response ☒ Empty categories

Answers	Count	Percentage
Single family	42	53.16%
Townhomes / duplexes	8	10.13%
Apartments	6	7.59%
Senior facilities	11	13.92%
Rental housing	4	5.06%
Other, please specify	6	7.59%

Answered: 77 Skipped: 2

What type of business does the City need the most?

Column Bar Pie Map



[Hide table](#)

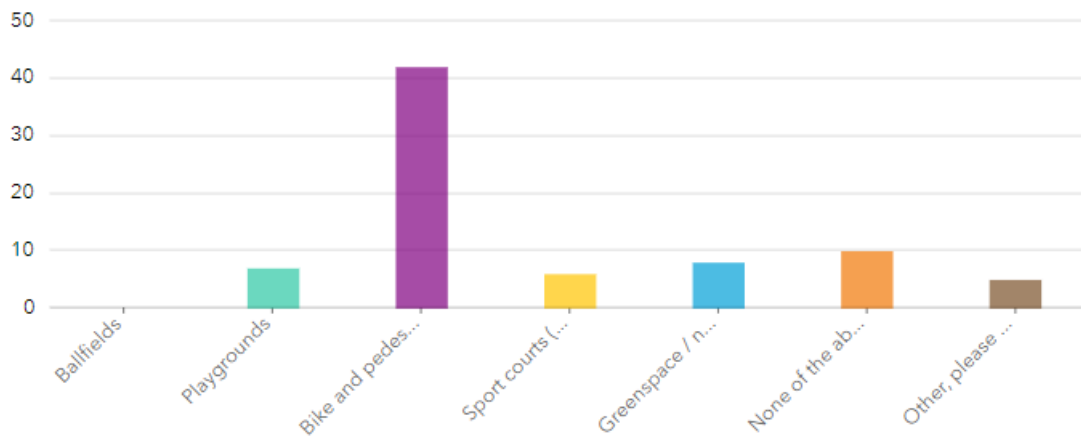
Other response ☒ Empty categories Sort

Answers	Count	Percentage
More shopping options	29	36.71%
Restaurants	17	21.52%
Professional services	5	6.33%
Medical services	16	20.25%
Other, please specify	8	10.13%

Answered: 75 Skipped: 4

What type of park facilities does the City need the most?

Column Bar Pie Map



[Hide table](#)

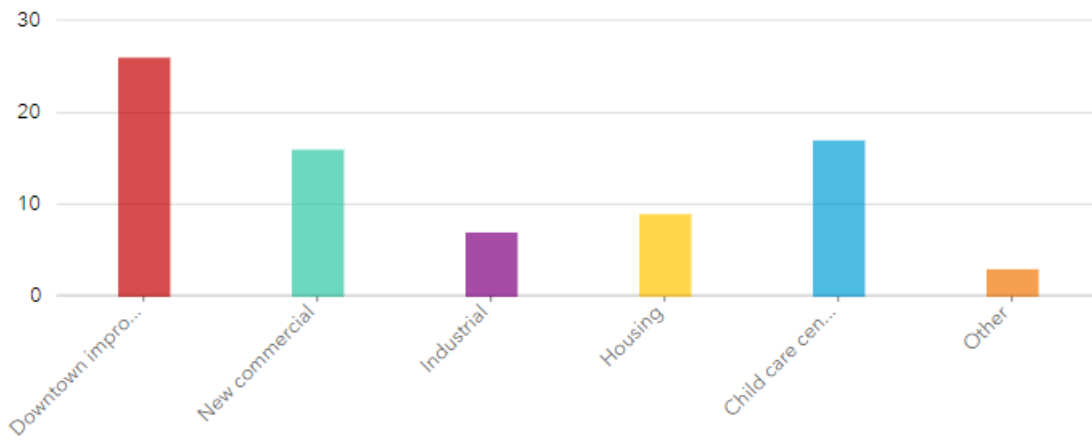
Other response ☒ Empty categories Sort

Answers	Count	Percentage
Ballfields	0	0%
Playgrounds	7	8.86%
Bike and pedestrian trails	42	53.16%
Sport courts (ex. pickleball)	6	7.59%
Greenspace / natural areas	8	10.13%
None of the above	10	12.66%
Other, please specify	5	6.33%

Answered: 78 Skipped: 1

What type of new development should the City be most focused on?

Column Bar Pie Map



[Hide table](#)

Other response ☒ Empty categories Sort

Answers	Count	Percentage
Downtown improvements	26	32.91%
New commercial	16	20.25%
Industrial	7	8.86%
Housing	9	11.39%
Child care center	17	21.52%
Other	3	3.8%

Answered: 78 Skipped: 1

"I'm by a lifetime resident of Maryville town (as a child) and victor township as an adult. "

"Make sure to keep things balanced. All business or all the other areas are not the direction this community needs to go"

"I really want to love Howard Lake. I want to stay and raise my family here, but it takes away from the joy and pride of living here when I have to leave to 1. Buy anything 2. Have any services done 3. Go anywhere to eat. We have the startings of a great small town, but it's hard to want to like a town that doesn't feel like it likes itself."

"I think overall HL does a good job with everything."

"Need more sidewalks and play grounds near the new development on old highway 12"

"If I want to eat out or go to the store, I normally drive anywhere from 20-30 minutes away at the least rather than at the places in town because there are not enough good options."

"As a life long resident, I love Howard Lake. There have been many positive changes recently that I think have benefited many residents. I have noticed lots of new faces and I'm happy to see our little town growing. I have heard rumors about a city operated daycare center, and I think that would be extremely beneficial for both residents and the city. Altogether, I believe that the city has made great strides to make our town family friendly and welcoming. I enjoy driving around and seeing our beautiful town. Great job!"

"I think the city really should look into the internet services here, I feel we pay so much and don't want many options to go with. (granted you don't really need internet/cable) but it comes in handy if you work from home ect. I feel the housing is coming along at a great spread, not to fast but not to slow. I do wish we didn't have as many low income housing and maybe changing those into places for the seniors who aren't ready for assistant living/nursing home. It would be nice to have some good bike/running/walking trails but feel it is coming along. The fire/police department I wish they had a better facility. They do so much for our community but yet the building looks like it need a major update. The splash pad will be nice but could of used that for a new building for the police/fire department. Like surrounding towns the water/sewer bill is crazy high. A daycare center would be nice"

"Resident of Victor Township. Have lived and worked in this community for 50 years. We need to look at facilities to continue to support the people who have lived and loved this community for years. Thank you. Excited for the new library and really appreciate the fire and ambulance services."

"I would be nice if there was more rental housing available."

"The speed people drive on the roads within town is very dangerous. Start ticketing and slowing people down. The speed issue is absolutely UNSAFE and it appears little is being done about it. We have a police department that I respect greatly, BUT slow these people down. County road 6 south is VERY BAD, the road going down to Dutch Lake is another bad road. it seems no one cares about the safety and the constant speeding. This morning @ 4am a white Ram truck was going so fast down county 6 heading out of town the speed sign went up to 39 and then it flashed with a line through it, I can only assume it goes up to 39 and not any higher. Worse yet 3 cars within about 15 minutes did the same thing yesterday afternoon. The church and a school are not far away, I hope to hell no one gets hurt or even killed."

"My family and I have only been here a year, but we absolutely love this town. We are truly hoping to make this a long term home, and we are invested in seeing the town grow and improve!"

"Keep things affordable. Prices are going up with everything. Cost of living needs to be kept low. People are not getting higher wages and really need to watch spending. So utilities need to be lowered to help people stay in town."

"I selected child care center, even though it is not a need for my family. Trusted, affordable care is a great need in our community. Otherwise I would vote for downtown improvements. Thank you for asking for the community input. As new-ish residents, we are excited to watch Howard Lake transform into an inclusive, open small community where we can all work to support our neighbors and small businesses!"

"Senior Housing is a REAL NEED. Places that are not income based for independent living. Heritage Square and Shoreline Commons both have income restrictions. If you want to downsize --- you are almost forced to leave the community to find housing."

"It would be nice if the park on Shoreline Drive had a playground for all the children who live in this area due to the unsafe nature of crossing Highway 12. The existing land usage map that is on the city's website is inaccurate to where the park is located on Shoreline Drive. The map shows the townhomes along Mallard Pass as the park when it is located on Dutch Lake side. I am happy that the City is finally putting a walking path along County Road 7 as it was a part of the 2011 plan. It would be nice to see many other paths and trails that were proposed in the 2011 parks and trails plan. I believe more people would be intrigued to visit Howard Lake if we offered more parks and trails throughout the community."

"The businesses of Howard Lake should be more involved in community and active in improving the quality of life in Howard Lake."