



## **PLANNING COMMISSION AGENDA**

**January 6, 2020**

**7:00 pm**

- 1. CALL TO ORDER -**
- 2. PLEDGE OF ALLEGIANCE –**
- 3. ROLL CALL -**
  - a) Scott Patten
  - b) Sally Doherty
  - c) Kris Kopitzke (Chair)
  - d) Jim Langan
  - e) Roger Bowman
  - f) Justin Sykora
  - g) Christian Dawson
  - h) Doug Parker
  - i) Kuchen Hale
- 4. APPROVAL OF AGENDA –**
- 5. APPROVAL OF MINUTES –**
  - A. December 2, 2019 Meeting Minutes
- 6. REPORTS AND PRESENTATIONS – None**
- 7. PUBLIC HEARINGS –**
  - A. Sue Biagini Variance Application at 15904 Afton Boulevard
  - B. PLCD Ordinance Amendment
- 8. NEW BUSINESS –**
  - A. Request the Council to direct the PC to propose a schedule of non-compliance fees and other enforcement tools to assist the City in gaining adherence to ordinances, regulations, rules and conditions placed on zoning applications such as CUP's
- 9. OLD BUSINESS -**
  - A. Draft Short Term Residential Rentals Ordinance
  - B. Update on City Council Actions – Council Highlights from the December 17, 2019 Council meeting - attached.
- 10. ADJOURN –**

**A quorum of the City Council or Other Commissions may be present to receive information.**

CITY OF AFTON  
DRAFT PLANNING COMMISSION MINUTES

December 2, 2019

- 1
- 2
- 3
- 4
- 5
- 6 **1. CALL TO ORDER** – Chair Kopitzke called the meeting to order at 7:00 PM
- 7
- 8 **2. PLEDGE OF ALLEGIANCE** – was recited.
- 9
- 10 **3. ROLL CALL** – Present: Chair Kris Kopitzke, Scott Patten, Doug Parker, Justin Sykora, Kuchen Hale, Roger
- 11 Bowman. Absent were Sally Doherty, James Langan, Christian Dawson. (all excused).
- 12 **ALSO IN ATTENDANCE** – Council member Wroblewski, City Administrator Ron Moore
- 13
- 14 **4. APPROVAL OF AGENDA** –
- 15 Add item 8b “attendance”
- 16 **Motion/Second Parker/Hale To approve the Agenda of the December 2, 2019 Planning Commission**
- 17 **meeting with addition of item 8b. Passed 6-0.**
- 18
- 19 **5. APPROVAL OF MINUTES** –
- 20 A. November 4, 2019
- 21 **Motion/Second Kopitzke/Patten To approve the minutes of the November 4, 2019 Planning**
- 22 **Commission meeting. Passed 4-0-2 (Hale, Sykora abstain).**
- 23
- 24 **6. REPORTS AND PRESENTATIONS** - None
- 25
- 26 **7. PUBLIC HEARINGS** – None
- 27
- 28 **8. NEW BUSINESS** –
- 29 A. Draft Short Term Residential Rentals Ordinance
- 30 Administrator Moore provided an overview of the draft ordinance.
- 31 Hale stated that she holds a similar license for a property in WI and it includes the following requirements:
- 32 water testing, nuisance, noise ordinance, good neighbor policy, max occupancy by bedroom and septic
- 33 requirements. Who licenses? The County does in WI and the property is inspected annually or biannually.
- 34 Kopitzke would rather have a house rented than sit empty. What is the cities enforcement capability?
- 35 Hale asked if anyone has checked with the county? Other cities? Licensing authority?
- 36 Bowman asked if minimum insurance should be required? (Hale responded that is the responsibility of the
- 37 property owner, if there is a problem it would come to the owner not the licensing authority)
- 38 Kopitzke stated that occupancy varies greatly from house to house.
- 39 Patten stated that it is a question of occupancy and frequency in regards to the septic requirements.
- 40 Parker stated that if the septic was designed for the house, there shouldn't be a need to check system for
- 41 compliance unless renting for higher occupancy.
- 42 Hale stated there can be issues if the renters are not respecting neighbors. Feels the City should not be the
- 43 license holder.
- 44 Discussion was held over the requirement that the property be homesteaded. Patten and Bowman stated that it
- 45 prevents people from creating a business in residential area.
- 46 Kopitzke asked why no license is required within the VHS-C?
- 47 Sykora found information on Washington County lodging regulations – will email the link.
- 48 Hale stated the most important components are maximum occupancy, well, septic.
- 49 Kopitzke would reference bed & breakfast ordinance.
- 50 Hale stated she is against the VHS-C being treated differently.
- 51 Bowman stated these shouldn't be treated differently than a B&B.
- 52 Parker asked if there is currently a problem? (potential) Why not address when there is?
- 53 Sykora stated the properties don't need to be homesteaded; he likes the idea of requiring septic compliance if
- 54 not homesteaded. There could be a distinction between how many times per year it's rented, triggering other
- 55 regulations.
- 56 Kopitzke suggested including a special event clause.

57 Parker stated that people may do anyway, without a license.  
58 Hale replied that having an ordinance gives the city enforcement options if there are issues.  
59 Patten stated the property needs to be homesteaded otherwise puts the property into different category.  
60 Rentals over 30 days don't have a maximum occupancy.  
61 Bowman would like to solicit comments and find out if there have been problems.  
62 Hale would like to talk to county and other small towns.  
63 Planning Commission will look at again in January.

64  
65 B. Attendance

66 Chair Kopitzke reminded members to let Ron know in advance if you are unable to attend a meeting. Three  
67 excused and one non-excused absence are allowed.

68  
69 **9. OLD BUSINESS –**

70 A. Draft PLCD Ordinance Amendment

71 Clarifications were made since the Planning Commission last saw the draft: language regarding the EAW  
72 requirement, park dedication, open space connection/corridor, enforcement.

73 Bowman asked if we should develop a list of vegetation that is allowed to be planted.

74 Sykora suggested changing the language to "native to fit the local ecotype". The EAW will include a vegetative  
75 survey. Lists of vegetation are available through the state and other resources.

76 The ordinance will reference the enforcement component which will be part of the developer's agreement.

77 Administrator Moore stated that in the current development, the enforcement elements were in the agreement,  
78 but were not sufficiently defined.

79 **Motion/Second Patten/Parker to make edits as suggested and hold a public hearing at next available**  
80 **meeting date. Passed 6-0.**

81  
82 B. Update on City Council actions

83 Council member Wroblewski provided a summary of the November City Council meeting.

84  
85 **10. ADJOURN**

86 **Motion/Second Patten/Bowman to adjourn. Passed 6-0.**

87  
88 Meeting adjourned at 8:25 PM.

89  
90  
91  
92 Respectfully submitted by:

93  
94 \_\_\_\_\_  
95 Julie Yoho, City Clerk

96  
97  
98 **To be approved on January 6, 2019 as (check one): Presented: \_\_\_\_\_ or Amended: \_\_\_\_\_**  
99  
100

**City of Afton**  
**3033 St. Croix Trl, P.O. Box 219**  
**Afton, MN 55001**

# Planning Commission Memo

## Meeting: January 6, 2020

To: Chair Kopitzke and members of the Planning Commission  
From: Ron Moore, City Administrator  
Date: December 20, 2019  
Re: Sue Biagini Variance Application at 15904 Afton Boulevard

Sue Biagini has applied for a variance to Sec. 12-187 E of the City Code that provides that "A building shall be considered an integral part of the principal building if it is located six feet or less from the principal building." The variance is to enable a proposed 30 ft. by 36 ft. garage building with porch, located eight feet from the existing house, to be considered an integral part of the house. Attached are the variance application, variance questionnaire, site plan and building elevations.

The subject property has an existing house and detached garage. The applicant would like to build a garage within six feet of the house, to meet the requirement of being considered an integral part of the house. This would enable the proposed garage to be considered an attached garage vs. a detached garage, which is required in order to allow the applicant to build the proposed garage in addition to the existing detached garage. (The VHS-C zone allows only one detached residential accessory building per lot.) However, there is an existing sewer line that was required for connection to the City sanitary sewer system located six feet behind the house, in the proposed location of the garage. The applicant would like to be able to locate the garage 8 feet from the house in order to maintain access to the sewer line for maintenance/repair purposes. The applicant has applied for a variance to allow the garage to be considered an integral part of the house at a distance of 8 feet vs. 6 feet.

The amount of impervious surface on the lot, with the inclusion of the proposed garage, has been calculated at 4,028 sq. ft. The amount of impervious surface allowed is 20% or 4,350 sq. ft. whichever is greater. The lot would be in compliance with the impervious surface requirement with the construction of the proposed garage.

### Findings

The following are recommended findings. The Planning Commission may revise or add findings.

1. The subject property is located in the VHS-C zone, as are the surrounding properties.
2. The lot size is 22,677 sq. ft., which is greater than the required lot size of 22,500 sq. ft.
3. The property has an existing detached garage with legally nonconforming side and rear yard setbacks.
4. The property has a legally nonconforming driveway through the Afton Marketplace property.
5. The proposed garage would be accessed by the existing driveway
6. The property has an existing sanitary sewer line running along the rear of the house, six feet north of the house. The line runs beyond the east end of the house and patio, then turns south toward the street.

7. The proposed garage is proposed to be located eight feet from the rear of the house to retain access to the sewer line for maintenance/repair purposes.
8. Sec. 12-187 E of the City Code provides that “A building shall be considered an integral part of the principal building if it is located six feet or less from the principal building.”
9. The lot would be in compliance with the impervious surface requirements with the construction of the proposed garage.

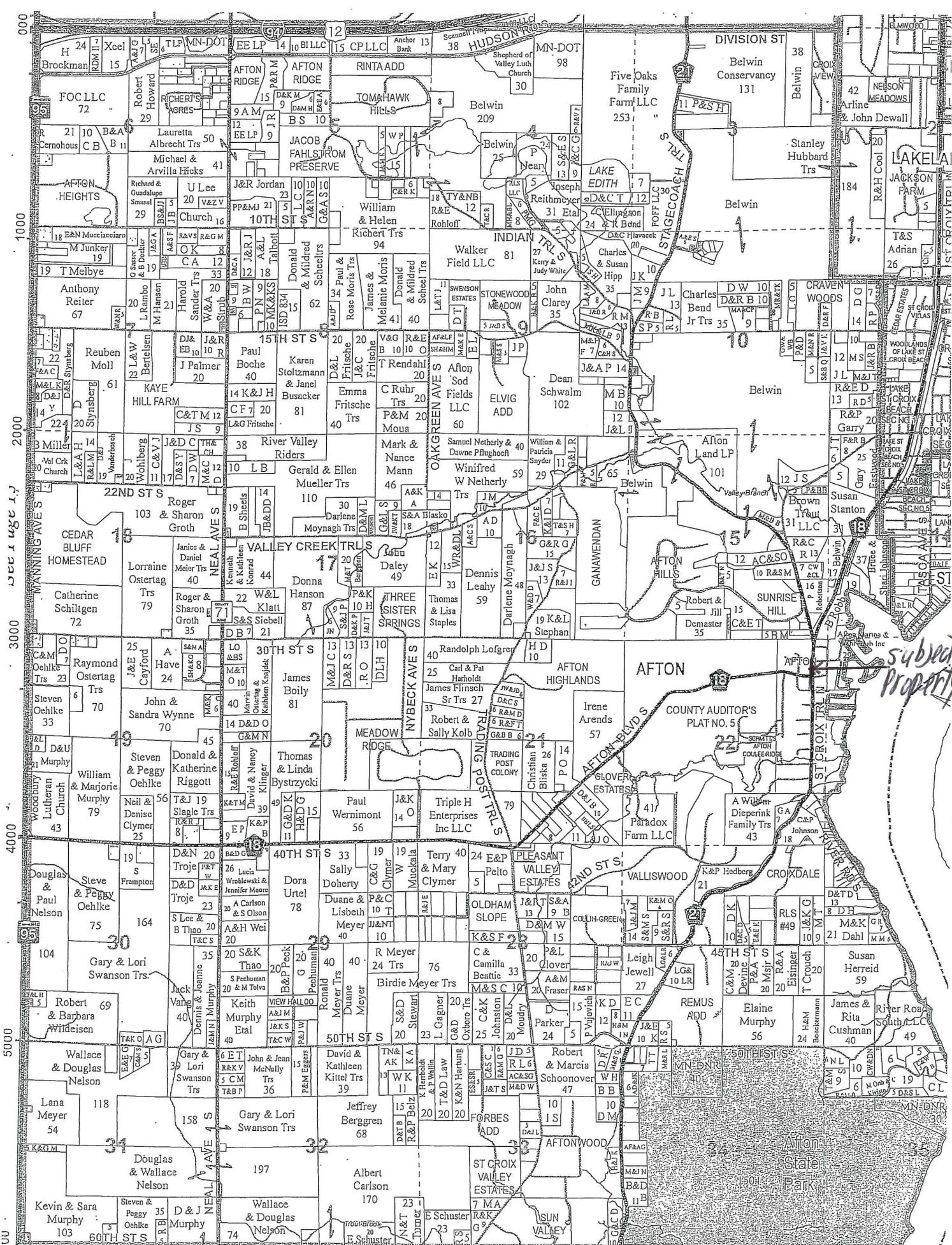
#### Conditions

If the Planning Commission recommends approval of the variance application, it is recommended that the following conditions be placed on the approval, as well as additional conditions the Planning Commission may include.

1. The garage shall be located and constructed according to the plans submitted with the variance application, subject to revisions as required or approved by the City.

#### Planning Commission Recommendation Requested

**Motion regarding the Sue Biagini application for a variance at 15904 Afton Boulevard, with findings, and conditions if desired.**

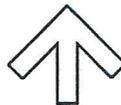


subject property



**LEGEND**

- DNR PROTECTED WATERS
- DNR PROTECTED WETLAND
- DNR PROTECTED WATERCOURSE
- MUNICIPAL BOUNDARY
- PARK BOUNDARY

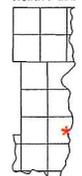


SCALE: 1 inch = 280 feet

**SECTION-TOWNSHIP-RANGE INDEX**

1602820	1502820	1402820
2102820	2202820	2302820
2802820	2702820	2602820

**COUNTY VICINITY MAP**



\* = LOCATION OF THIS MAP

**SECTION VICINITY**

22	21	12
NW		
23	24	13
32	31	42
SW		
33	34	43

RECEIVED

Z19-42

DEC 16 2019

CITY OF AFTON

CITY OF AFTON  
VARIANCE APPLICATION

(Reference Sections: 12-55, 12-77, 12-328 12-835, 12-1020, 12-1266, 12-1955, 12-2228)

Owner	Address	City	State	Zip	Phone
Sue Ellen Biagini	15904 Afton Blvds PO Box 85	Afton	MN	55001	651 230 9008

Applicant (if different than owner)	Address	City	State	Zip	Phone

Project Address				
15904 Afton Blvd S	AFTON	MN	55001	

Zoning Classification	Existing Use of Property	PID# or Legal Description
VHS	Homestead	22.028.20.11.0009

Please list the section(s) of the code from which the variance(s) are requested.

12-187 (E)

Description of Request

Due to the newly installed sewer drainage line and its clean out location. We request the new garage to be considered an integral part of the principal building at 8' versus the 6' that is cited.

By signing this application, the applicant agrees to pay all expenses incurred by the City of Afton. In connection with this request, your signature constitutes permission for a representative of the City of Afton to enter your property, during business hours, to evaluate this request. This may involve minor excavating or soil borings. If you would like to be present during this evaluation, please contact the City.

Signature of Owner/Applicant: Sue Biagini Date: 12-16-2019

Make checks payable to: **City of Afton**

If multiple variances are necessary from the applicant only one fee is required. However, the deposit fee must be multiplied by the number of variances sought.

<u>FEES:</u>		<u>ESCROWS:</u>		
Variance	\$250	\$600		TOTAL: \$1850.00
Renewal/Extension	\$250	\$350		DATE PAID: 12/16/19
				CHECK #: 5195
				RECVD BY: <u>AK</u>

Applicant(s): Sue Biagini  
 Phone: 651 230 9008  
 Mailing Address: P.O. Box 85  
 Property Address for variance: 15904 Afton Blvd S

Variance request description: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

City Ordinance Section number(s), that variance is requested for: 12-187-E

Answer the following questions to the best of your ability - based on the criteria found in section 12-77 of Afton's Code (Land Use, Appeals and Variances). Completing this questionnaire will help the Planning Commission and the City of Afton evaluate your application in light of the requirements of Afton's Variance Ordinance. It does not guarantee that your variance request will be approved. If needed use a separate page.

Background: This questionnaire is designed to help you and the City of Afton determine whether a variance should be granted. Please consult with the City Administrator who can help you with your variance application and explain the Variance Ordinance to you. The City Administrator will work with you to ensure that the variance you request is the minimum variance required to provide the same rights commonly enjoyed by other properties in the same zoning district. Because of special provisions for certain types of construction, the City Administrator will also determine whether the property is in the Flood Plain District. There are also special provisions for earth-sheltered construction.

**Criteria #1** *The requested use, must be a reasonable use in order to receive a variance. Applicant - Please explain why the proposed use which requires a variance is a reasonable use for this property?*

AT 6' FROM PRINCIPAL STRUCTURE GARAGE IS ALLOWED AS ATTACHED

**Criteria #2** *Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size, shape, topography, or other circumstances over which the property owner, since enactment of this Ordinance, have had no control. Applicant - What exceptional or extraordinary circumstances related to the property do not apply generally to other properties in the same zone or vicinity? Extraordinary circumstances would include lot size, irregular lot shape or topography. Are there other circumstances over which you, as the property owner, have no control?*

Explain? DUE TO NEWLY PIPED SEWER LINE AT 6' WE ARE REQUESTING A VARIANCE TO 8' FROM NEW GARAGE FOUNDATION TO EXISTING PRINCIPAL BUILDING FOUNDATION.

**Criteria #3** That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.

**Applicant** - How does the literal interpretation of the provisions of the Afton ordinance (from which you are requesting a variance) deprive you of rights commonly enjoyed by other properties in the same zoning district? Explain: THE ORDINANCE AT 6' AND SEWER PIPE BEING AT 6' DOES NOT ALLOW THE CONSTRUCTION OF GARAGE WITHIN THE ORDINANCE.

**Criteria #4** The special conditions or circumstances do not result from actions of the applicant.

**Applicant** - How did these exceptional circumstances related to the property come about? Did actions by you create these circumstances? Explain: THE CIRCUMSTANCE ARE THE MANDATE TO Hook-up TO AFTON'S NEW SEWER SYSTEM.

**Criteria #5** That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to owners of other lands, structures, or buildings in the same district.

**Applicant** - Will the granting of the requested variance confer on you, the applicant, any special privilege that is denied by this ordinance to owners of other lands, structures, or buildings in the same zoning district? Explain: AN ACCESSORY BUILDING IN CLOSE PROXIMITY TO THE PRINCIPAL STRUCTURE IS CONSIDER AN INTEGRAL PART OF THE PRINCIPAL STRUCTURE

**Criteria #6** The variance requested is the minimum variance which would alleviate the hardship.

**Applicant** - Is the variance you are requesting the minimum variance which would alleviate the practical difficulty or hardship for your property? Explain: YES

**Criteria #7** The variance would not be materially detrimental to the purposes of this Ordinance, or to property in the same zone. **Applicant (Optional)** - Will the variance be materially detrimental to the purposes of this Ordinance, or to property in the same zone? How would the use of the property, if allowed by the variance, affect other properties in the vicinity?

Explain: NO NEGATIVE AFFECT ON OTHER PROPERTIES IN THE VICINITY. THE PROPERTY WOULD BE WITHIN THE IMPERVIOUS REQUIREMENTS.

**Criteria #8** Economic conditions or circumstances alone shall not be considered in the granting of a variance request if a reasonable use of the property exists under the terms of the ordinance. **Applicant** - Is the requested variance for economic reasons?

Explain: NO

**Criteria #9** In the Flood Plain District, no variance shall be granted which permits a lower degree of flood protection than the Regulatory Flood Protection Elevation for the particular area or permits standards lower than those required by state law. **Applicant (optional), PC** - Is the property in a Flood Plain District?  Yes  No

**Criteria #10** Variances shall be granted for earth-sheltered construction by state statutes when in harmony with this Ordinance. **Applicant** - Is the variance for earth-sheltered construction?  Yes  No

**ADDITIONAL CRITERIA THAT MAY BE CONSIDERED BY THE PLANNING COMMISSION (PC) AND/OR CITY COUNCIL(CC)- Applicant responses to criteria #11 and criteria #12 are optional.**

**Criteria #11** *Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance.* **Applicant (Optional), PC** - Is the requested variance in harmony with the Afton ordinances and code? How will this variance if granted (and the proposed use of the property allowed) affect the essential character of the area?

Explain: YES. THE 2' VARIANCE WILL HAVE MINIMAL AFFECT.

**Criteria #12** *Variances shall only be permitted when they are in harmony with the general purposes and intent of the Afton Comprehensive Plan.* **Applicant (Optional), PC** - Is the requested variance in harmony with the Afton comprehensive plan?

Explain: YES

• HOUSE - INCLUDES PATIO

30x40 1200 Sq. Ft.

• OLD GARAGE 20x22 440 Sq. Ft.

15x25/2 = 188

• DRIVEWAY 24x30 = 720

20x20 = 400

1308 Sq. Ft.

• NEW GARAGE - INCLUDES PORCH

1224 Sq. Ft.

= IMPERVIOUS AREA = 4172 Sq. Ft.

Lot Size 22,500

20%

• ALLOWED IMPERVIOUS = 4500 Sq. Ft.



Department of Property Records  
and Taxpayer Services

14949 62<sup>nd</sup> Street North PO Box 200  
Stillwater, MN 55082-0200  
(651) 430-6175 www.co.washington.mn.us

Property ID: **22.028.20.11.0009** Bill#: **1302572**

Taxpayer: SUE E BIAGINI  
15904 AFTON BLVD S  
PO BOX 85  
AFTON MN 55001-0085



01000395



# TAX STATEMENT 2019

2018 Values for Taxes Payable in

VALUES AND CLASSIFICATION			
Taxes Payable Year:		2018	2019
Step 1	Estimated Market Value:	233,500	235,500
	Homestead Exclusion:	16,200	16,000
	Taxable Market Value:	217,300	219,500
	New Improvements:		
	Property Classification:	Res Hstd	Res Hstd
<i>Sent in March 2018</i>			
Step 2	<b>PROPOSED TAX</b>		
	<i>Did not include special assessments or referenda approved by the voters at the November election</i>		\$2,380.00
<i>Sent in November 2018</i>			
Step 3	<b>PROPERTY TAX STATEMENT</b>		
	First half taxes due	May 15	\$1,711.00
	Second half taxes due	October 15	\$1,711.00
	Total Taxes Due in 2019:		\$3,422.00



01000395



REFUNDS?

*You may be eligible for one or even two refunds to reduce your property tax. Read the back of this statement to find out how to apply.*

**Property Address:**

15904 AFTON BLVD S  
AFTON MN 55001

**Description:**

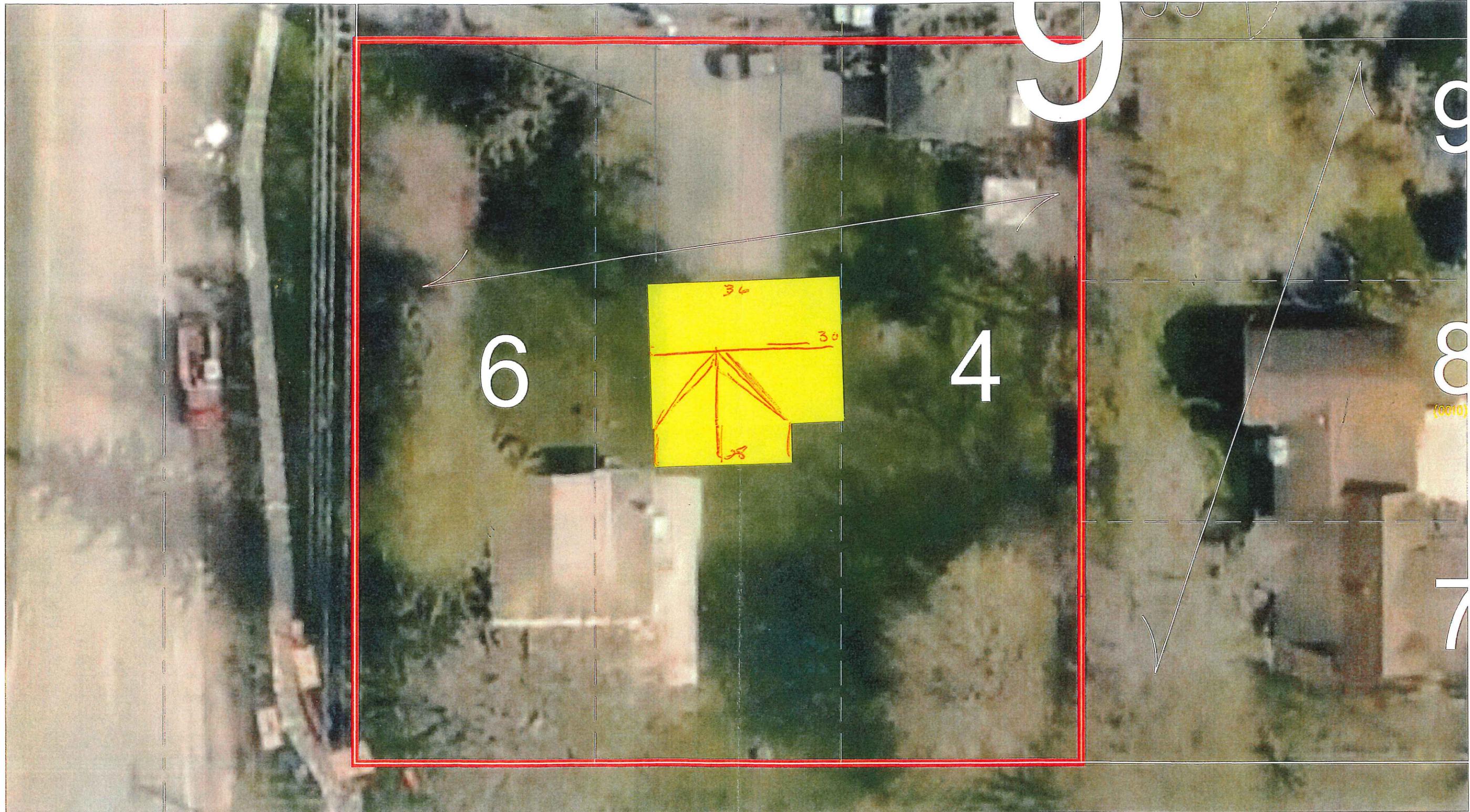
AFTON Lot 4 Block 9 LOTS 4-6 009

**Line 13 Special Assessment Detail:**

DOWNTOWN PROJECT	1,028.40
COUNTY ENVIRONMENTAL CHARGE PHE DEP	3.00

Tax Detail for Your Property:			
Taxes Payable Year:		2018	2019
1. Use this amount on Form M1PR to see if you are eligible for a property tax refund. File by August 15. If this box is checked, you owe delinquent taxes and are not eligible.			\$2,390.60
2. Use these amounts on Form M1PR to see if you are eligible for a special refund.		\$2,337.47	
Tax and Credits	3. Property taxes before credits	\$2,337.47	\$2,390.60
	4. Credits that reduce property taxes		
	A. Agricultural and rural land credits	\$0.00	\$0.00
B. Other Credits	\$0.00	\$0.00	
	5. Property taxes after credits	\$2,337.47	\$2,390.60
Property Tax by Jurisdiction	6. WASHINGTON COUNTY		
	A. County General	\$651.12	\$652.29
	B. County Regional Rail Authority	\$4.87	\$3.85
	7. CITY OF AFTON	\$700.89	\$723.98
	8. State General Tax	\$0.00	\$0.00
	9. ISD 834 STILLWATER		
	A. Voter approved levies	\$350.74	\$461.03
	B. Other Local Levies	\$511.94	\$399.51
	A. Metropolitan Council	\$17.72	\$14.28
	B. Metropolitan Mosquito Control	\$9.56	\$9.30
C. Valley Branch Watershed	\$50.48	\$87.35	
D. County CDA	\$31.92	\$31.24	
	10. Special Taxing Districts		
	11. Non-school voter approved referenda levies	\$8.23	\$7.77
	12. Total property tax before special assessments	\$2,337.47	\$2,390.60
	13. Special assessments	\$1,344.53	\$1,031.40
	14. TOTAL PROPERTY TAX AND SPECIAL ASSESSMENTS	\$3,682.00	\$3,422.00

Principal: 589.48  
Interest: 441.92



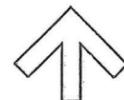
**Washington County**

PUBLIC WORKS DEPARTMENT  
SURVEY DIVISION

11660 Myron Road North  
Stillwater, Minnesota 55082  
(651) 430-4300  
publicworks@co.washington.mn.us  
www.co.washington.mn.us/surveyor

**LEGEND**

-  DNR PROTECTED WATERS
-  DNR PROTECTED WETLAND
-  DNR PROTECTED WATERCOURSE
-  MUNICIPAL BOUNDARY
-  PARK BOUNDARY



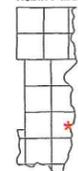
**NORTH**

SCALE: 1 inch = 20 feet

**SECTION-TOWNSHIP-RANGE INDEX**

1602820	1502820	1402820
2102820	2202820	2302820
2802820	2702820	2602820

**COUNTY VICINITY MAP**



\* = LOCATION OF THIS MAP

**SECTION VICINITY MAP**

22	21	12	11*
NW		N	NE
23	24	13	14
32	31	42	41
SW		S	SE
33	34	43	44

**PROPERTY IDENTIFICATION NUMBER FORMAT (GEOCODE)**

SECTION NUMBER	TOWNSHIP NUMBER	RANGE NUMBER	QUARTER NUMBER	SPECIFIC PARCEL
##	###	##	##	####
(0001) = LAST FOUR DIGITS OF PROPERTY IDENTIFICATION NUMBER				

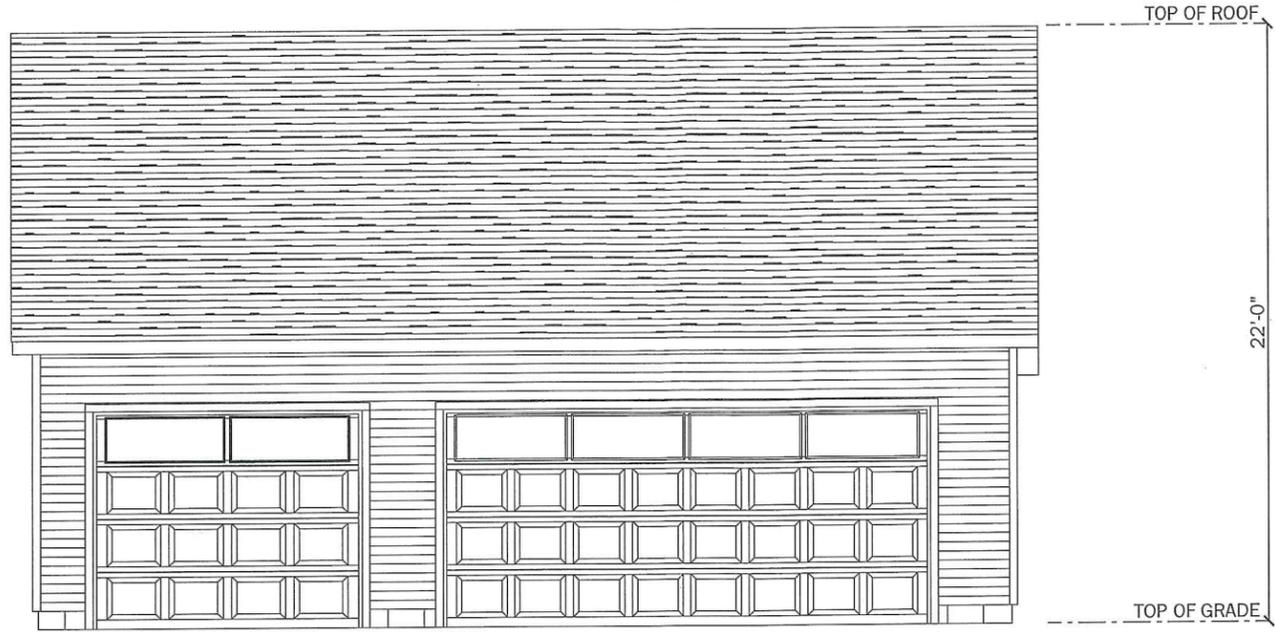
THIS DRAWING IS THE RESULT OF A COMPILATION AND REPRODUCTION OF LAND RECORDS AS THEY APPEAR IN VARIOUS WASHINGTON COUNTY OFFICES. WASHINGTON COUNTY IS NOT RESPONSIBLE FOR ANY INACCURACIES.

PROPERTY LINES AS SHOWN ARE FOR REFERENCE PURPOSES AND MAY NOT REPRESENT ACTUAL LOCATIONS.

MAP LAST UPDATED: August 19, 2019

NO ADDITIONAL CHANGES HAVE BEEN REPORTED TO DATE

DATE OF CONTOURS: November, 2011 DATE OF PHOTOGRAPHY: April, 2017



**FRONT ELEVATION**

SCALE: 1/4" = 1'-0"



**REAR ELEVATION**

SCALE: 1/4" = 1'-0"

PAGE: 1/5 A1

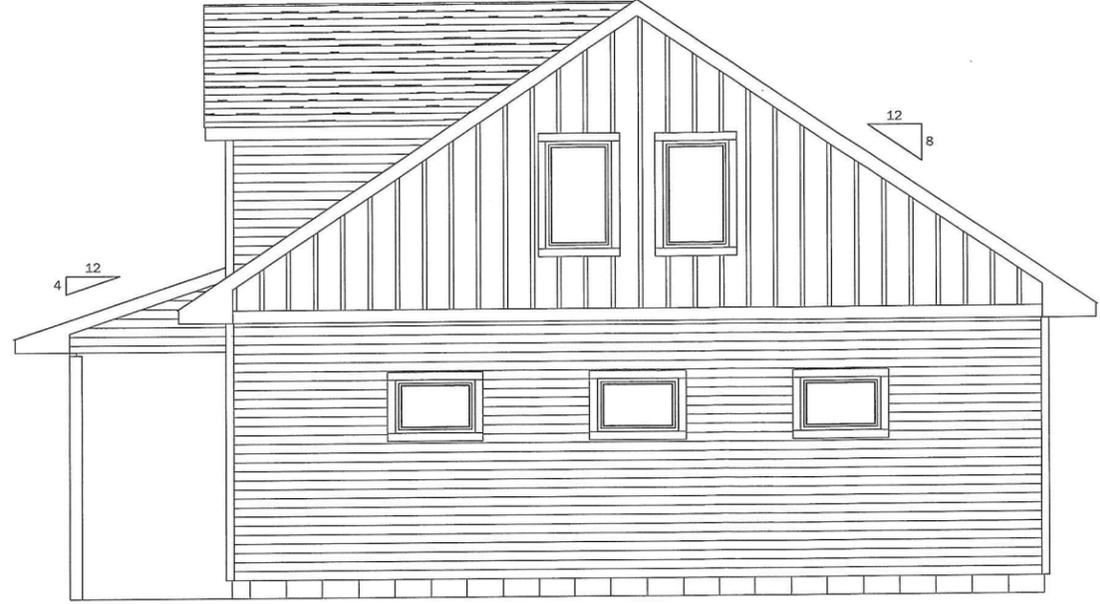
THIS DRAWING IS THE PROPERTY OF THE ARCHITECT AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.

SCALE: 1/4" = 1'-0"  
 DRAWN BY: MATT SWIONTEK  
 Friday, December 13, 2019

ARROW BUILDING CENTER  
 2000 TOWER DRIVE W  
 STILLWATER  
 MINNESOTA  
 55082  
 PHONE: 651-439-3518  
 FAX:



BRIAN JOSVOLD  
 15904 AFTON BLVD S  
 AFTON  
 MINNESOTA  
 55001  
 PHONE: (651) 592-6488  
 FAX:  
 CAPTRIGH@YAHOO.COM

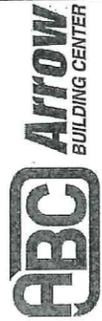


**LEFT ELEVATION**  
SCALE: 1/4" = 1'-0"



**RIGHT ELEVATION**  
SCALE: 1/4" = 1'-0"

**BRIAN JOSVOLD**  
15904 AFTON BLVD S  
AFTON  
MINNESOTA  
55001  
PHONE: (651) 592-6488  
FAX:  
CAPTBRIGHT@YAHOO.COM



**ARROW BUILDING CENTER**  
2000 TOWER DRIVE W  
STILLWATER  
MINNESOTA  
55082  
PHONE: 651-439-3518  
FAX:

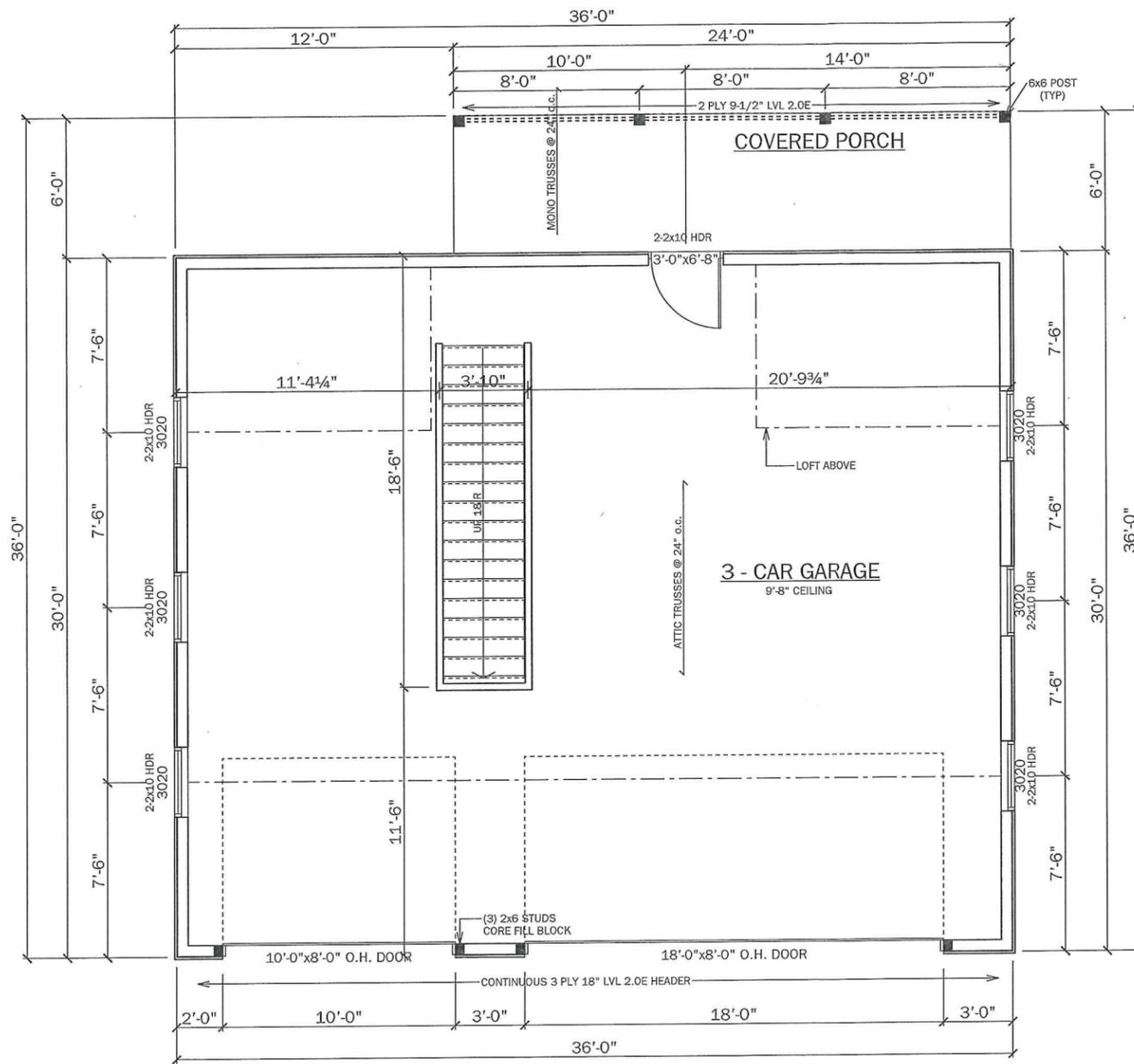
SCALE: 1/4" = 1'-0"  
DRAWN BY: **MATT SWONTEK**  
Friday, December 13, 2019

PAGE:

2/5

A2

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**MAIN FLOOR**  
 SCALE: 1/4" = 1'-0"  
 1080 SQUARE FEET

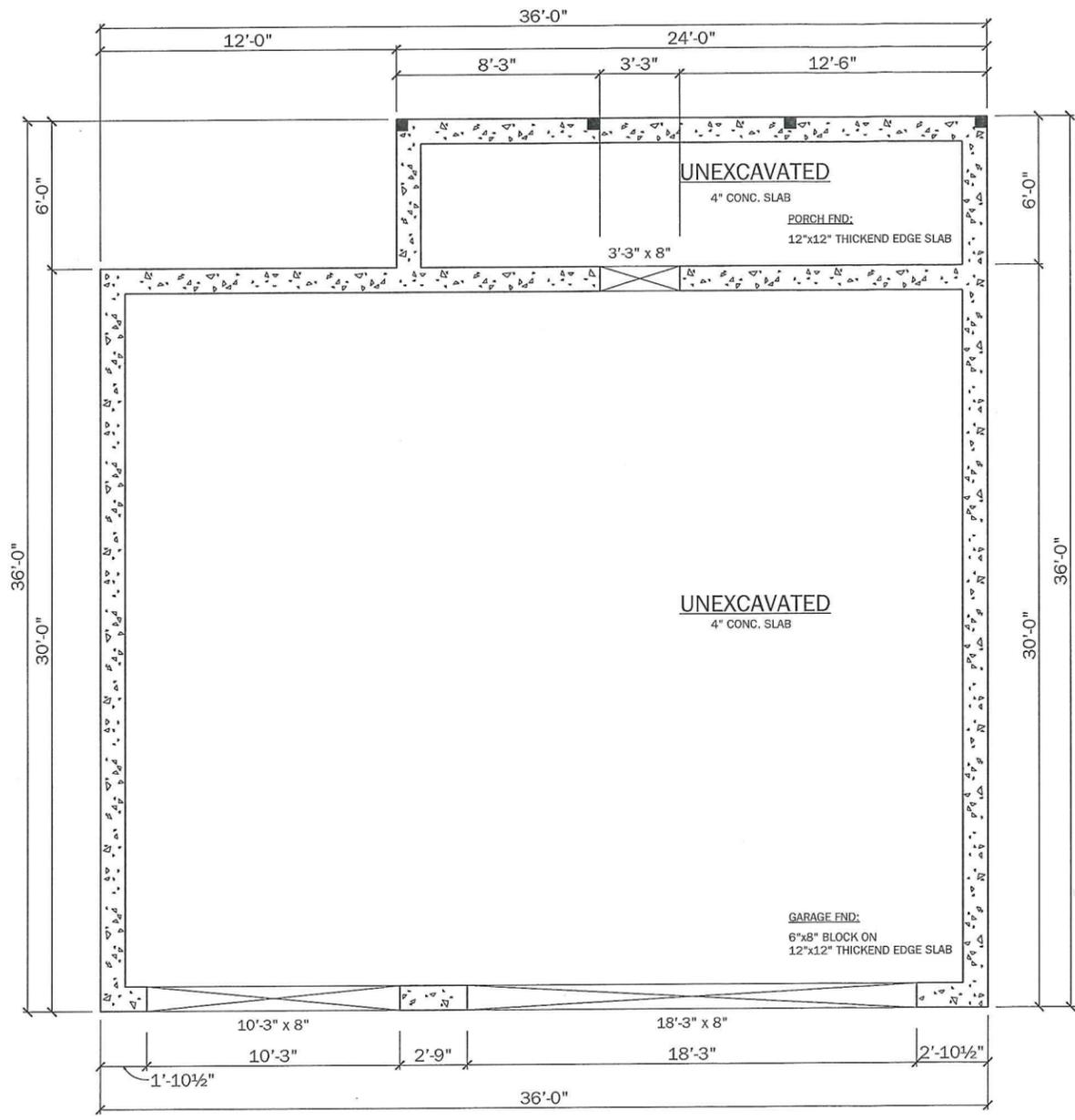
**NOTES:**  
 FOUNDATION DIMENSIONS FROM OUTSIDE OF CONC.  
 MAIN FLOOR WALL DIMENSIONS FROM OUTSIDE OF SHEATHING

**HEADER SIZING NOTES:**  
 MINIMUM OF (2) 2x10 HDR's  
 (1) TRIMMER AT EACH END

HEADERS GREATER THAN 6'-0"  
 (2) TRIMMERS AT EACH END  
 (2) KING STUDS EACH SIDE

**DETAILS:**  
 FOUNDATION HGT. = 1'-8"  
 MAIN FLOOR PLATE HGT. = 9'-1 1/8"  
 ROOF PITCH = 8/12

<p><b>BRIAN JOSVOLD</b>          15904 AFTON BLVD S          AFTON          MINNESOTA          55001</p>		<p><b>ARROW BUILDING CENTER</b>          2000 TOWER DRIVE W          STILLWATER          MINNESOTA          55082</p>		<p>SCALE: 1/4" = 1'-0"</p>
<p>PHONE: (651) 592-6488          FAX: CAPTBRIGHT@YAHOO.COM</p>		<p>PHONE: (651) 439-3518          FAX: 55082</p>		<p>DRAWN BY: MATT SWONTEK          Friday, December 13, 2019</p>
		<p>ARROW BUILDING CENTER</p>		<p>PAGE: 4/5          A4</p>



**FOUNDATION**  
SCALE: 1/4" = 1'-0"

**NOTES:**  
FOUNDATION DIMENSIONS FROM OUTSIDE OF CONC.  
MAIN FLOOR WALL DIMENSIONS FROM OUTSIDE OF SHEATING

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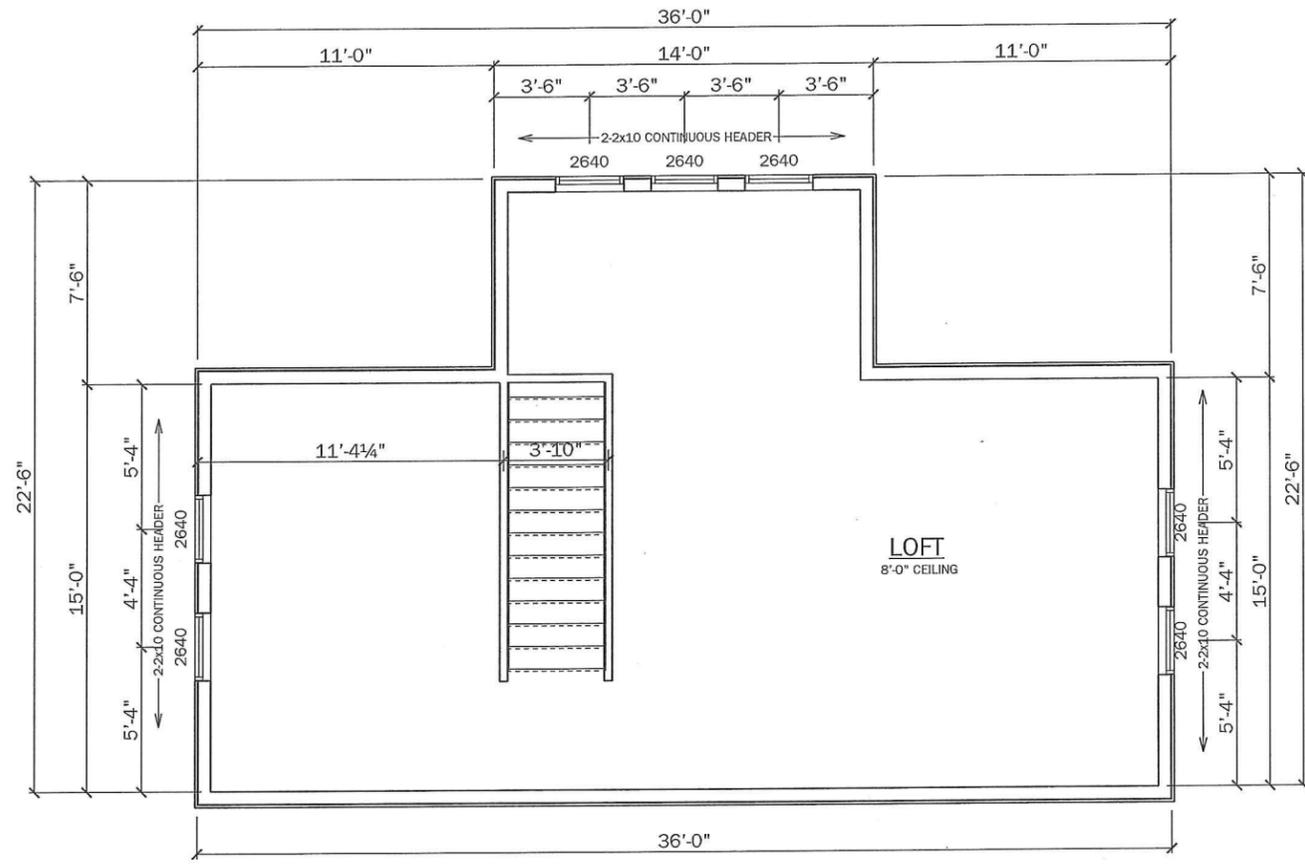
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SCALE: 1/4" = 1'-0"  
DRAWN BY: MATT SWONTEK  
Friday, December 13, 2019

ARROW BUILDING CENTER  
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AFTON MINNESOTA 55001  
FAX: CAPTBRIGHT@YAHOO.COM



**LOFT**  
 SCALE: 1/4" = 1'-0"  
 680 SQUARE FEET

**NOTES:**  
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			<p>PAGE: 5/5          A5</p>

**City of Afton**  
**3033 St. Croix Trl, P.O. Box 219**  
**Afton, MN 55001**

# **Planning Commission Memo**

## **Meeting: January 6, 2020**

To: Chair Kopitzke and members of the Planning Commission

From: Ron Moorse, City Administrator

Date: December 18, 2019

Re: Preservation and Land Conservation Development (PLCD) Ordinance Amendment (**Ordinance 05-2019**) – **Public Hearing**

---

The Planning Commission, at its December 2, 2019 meeting, discussed the revised Preservation and Land Conservation Development (PLCD) ordinance amendment and recommended several additional changes as outlined below. The changes are reflected in Sec. 12-2375 of the attached ordinance amendment (Ordinance 05-2019). The Council reviewed the recommended changes and approved holding a public hearing on the ordinance amendment at the January 6 Planning Commission meeting.

### Planning Commission Recommendations

1. Add language regarding natural and wildlife corridors to the language the Council added in item A.3.
2. Add the word “native” to item A.4.
3. Add a requirement in item A.5 to strengthen enforcement of the Developer’s Agreement by including sufficient authority to enable the City to take timely enforcement action, such as by providing the City with the authority to issue an immediate cease and desist order or similar action in addition to, or as part of, a declaration of default with default remedies.
4. Add language to require “native” prairie; and forbs, trees and shrubs “that fit the local eco-type” in item A.13.

### Public Hearing

The public hearing is an opportunity for the general public to ask questions and provide feedback regarding the proposed ordinance.

### Planning Commission Recommendation Requested

**Motion regarding a recommendation concerning the proposed PLCD ordinance amendment (Ordinance 05-2019).**

ORDINANCE 05-2019

CITY OF AFTON

WASHINGTON COUNTY, MINNESOTA

**AN ORDINANCE AMENDING SECTIONS 12-89, 12-1256 AND 12-1379 AND ARTICLE XII OF THE CITY CODE RELATED TO PRESERVATION AND LAND CONSERVATION DEVELOPMENTS, CUL-DE-SAC STREETS AND ENVIRONMENTAL ASSESSMENT WORKSHEETS**

THE CITY COUNCIL OF THE CITY OF AFTON, MINNESOTA HEREBY ORDAINS:

The following sections of the Afton Code of Ordinances shall be amended by adding the **bold and underlined** language and deleting the ~~strike-through~~ language.

Sec. 12-89 Environmental Assessment Worksheets (EAW) and Environmental Impact Statements (EIS)

G. Prior to or together with any application for a permit or other form of approval for an activity, the proposer shall prepare an EAW of the action's environmental effects, reasonable alternatives to the project and measures for mitigating the adverse environmental effects. Blank EAW forms will be available from the Zoning Administrator and the City Clerk. The proposer shall submit the completed EAW to the Zoning Administrator. The Zoning Administrator shall review the EAW and determine the adequacy of the document. The Zoning Administrator shall use the standards of the state's environmental review program rules in its determination of adequacy. If the Zoning Administrator determines the document is inadequate, he shall return the document to the proposer to correct the inadequacies.

**1. The preparation of an EAW must be done by a consultant with the credentials required by Minnesota Statutes and/or Minnesota Administrative Rules and the consultant must be approved by the City. The consultant shall meet with the Zoning Administrator and the City's Engineering consultant prior to the preparation of the EAW to confirm the credentials of the consultant and to identify the key elements of the EAW as it relates to the specific proposed project and the key information to be provided in the EAW.**

**Sec. 12-1256 Definitions**

*Outlot* means a lot remnant or any parcel of land included in a plat, which may be used as open space. Such outlot may be a large tract that could be subdivided in the future or may be too small to comply with the minimum size requirements of zoning and subdivision ordinances or otherwise unsuitable for development and therefore not usable as a building site. ~~When an outlot is created, the City shall require a development agreement. Outlots are not permitted in subdivisions having cul-de-sac streets.~~

**Sec. 12-1379. Cul-de-sac streets.**

- A. The City Council may permit cul-de-sac streets, after Planning Commission review, by reason of unfavorable land forms or the irregular shape of the land from which the subdivision is being made and a normal street pattern cannot be established. The City Council may also permit cul-de-sac streets to minimize the impacts of the subdivision or proposed street on existing neighborhoods. These impacts may include increased traffic volume or speed, privacy or security of existing neighborhoods and preservation of natural resources or features.
- B. A cul-de-sac street shall not exceed 1,320 feet in length and shall serve no more than nine lots. Every lot platted on a cul-de-sac street shall have frontage and access on the cul-de-sac street and

shall be included in the nine lot limit. A variance may be granted on the length limitation only when it is clearly demonstrated that the length greater than 1,320 feet is necessary for reasons of unfavorable land topography. No variance shall be granted which would allow more than nine lots to be created on a cul-de-sac street.

- C. When future development of adjacent parcels will allow for extension of a temporary cul-de-sac street or conversion thereof to a through street, the City Council may require that right-of-way shall be dedicated to the plat boundary. No outlots shall be created for this purpose.
- D. Outlots are not permitted in subdivisions having cul-de-sac streets, with the exception of the undeveloped parcel required by a PLCD that is made subject to a conservation easement.
- E. Reference Sec. 12-1256. Definitions for the definition of a cul-de-sac street.

## ARTICLE XII. PRESERVATION AND LAND CONSERVATION DEVELOPMENTS.<sup>453</sup>

### Sec. 12-2371. Scope.

This article applies to Preservation and Land Conservation Developments (PLCD) in the Agricultural (AG) zoning district.

### Sec. 12-2372. General provisions.

A PLCD is a tract of land that is developed as a unit under single or unified ownership or controls. A Preservation and Land Conservation Development may be allowed in the AG zoning district to preserve prime agricultural land, woodland, wildlife habitat, vistas, groundwater recharge areas, areas with sensitive soils or geological limitations and areas identified in the Comprehensive Plan. Uses not otherwise allowed in the zoning district are prohibited within a planned development unless specifically permitted by provisions of this ordinance.

### Sec. 12-2373. Purpose.

The purposes of this article are:

- A. To permit subdivisions in the Agricultural Zoning District which require the construction of a new public street.
- B. To encourage a more creative and efficient development of land and its improvements through the preservation of agricultural land, natural features and amenities than is possible under the more restrictive application of zoning requirements, while at the same time, meeting the standards and purposes of the comprehensive plan and preserving the health, safety, and welfare of the citizens of the City.
- C. To preserve open space, to preserve the natural resources of the site and to preserve wildlife habitat and corridors.
- D. To facilitate the economical provision of streets and public utilities.
- E. To allow the transfer of development rights (density) within a subdivision in order to preserve agricultural land, open space, natural features and amenities.

### Sec. 12-2374. Permitted uses.

The Permitted Uses are:

- A. Those uses that are permitted in the underlying zoning district;
- B. Subdivisions that require the construction of a new public street in the AG zoning

district; **Sec. 12-2375. General standards for approval.**

- A. A Conditional Use Permit shall be required for all preservation and land conservation developments. The City may approve the preservation and land conservation development only if it finds that the development satisfies all of the following standards:
  - 1. The preservation and land conservation development is consistent with the comprehensive plan of the City.
  - 2. The preservation and land conservation development is an effective and unified treatment of the development possibilities on the project site and the development plan provides for the preservation of unique natural amenities.
  - 3. The preservation and land conservation development can be planned and developed to harmonize with any existing or proposed development in the areas surrounding the project site. **This includes working with the City regarding the layout of the open space parcel to protect sensitive natural resources and natural features and to make connections with adjacent open space with significant natural features, which could include natural and wildlife corridors.**
  - 4. **Pre-development seeding with a native prairie grass/wildflower mix shall be provided on all lots and on the undeveloped parcel.**
  - 5. **The Developer shall enter into a Developer's Agreement with the City regarding the installation of required improvements, and shall provide financial guarantees as required in Article VI. Subdivisions, including Sections 12-1471 to 12-1476 of the subdivision ordinance. The Developer's Agreement shall include sufficient authority to enable the City to take timely enforcement action, such as an immediate cease and desist order, in addition to, or as part of, a declaration of default with default remedies.**
  - 6. **The homeowner's association restrictive covenants shall contain a provision that in the event the homeowner's association becomes insolvent or ceases operating control shall at its option be transferred to the City of Afton or another method of succession shall be dictated by the City.**
  - 7. **The homeowner's association documents shall contain a waiver of assessment appeal running in favor of the City of Afton.**
  - 8. **Any provisions in the homeowner's association restrictive covenants allowing changes in lots shall be in compliance with Afton's requirements.**
  - 9. **Any covenant amendment provisions in the homeowner's restrictive covenants permitting changes after a certain number of years have passed shall be in compliance with restrictions on future subdivision of PLCD lots and other provisions of Afton's ordinances.**
  - 10. **Any public walking paths shall be included in the Final Development Plan.**
  - 11. **The City of Afton shall be a named insured on the homeowner association insurance policy and the policy shall cover those risks identified by the city, including but not limited to coverage for personal injuries and any other losses occurring as a result of the public use of the walking trails on the conservation area.**
  - 12. **The homeowner's association shall be required to indemnify and hold the City of Afton harmless from all losses incurred as a result of the public's use of the conservation area walking trails.**
  - 13. **Residential lots shall be subject to restrictive covenants in favor of the other lot owners in the development and the City of Afton requiring that 60% of each lot remain planted in native natural prairie, and forbs, shrubs and trees that fit the local eco-type, and appropriate language shall be inserted in the homeowners association documents to ensure enforcement of the maintenance of the lots in accordance with these requirements.**

14. The final plat application shall include estimated initial costs including but not limited to grading, surface water controls and roads and also a final cost estimate, both of which shall be subject to approval by the City's engineers.
  15. No final plat approval shall occur until both the Developer's Agreement and the tri-party conservation easement agreement between the developer, the City of Afton and the Minnesota Land Trust has been executed by all parties.
  16. All new streets shall be named in accordance with the Washington County street naming conventions.
- B. The tract is a minimum of eighty (80) contiguous acres in size and that all of the following conditions exist:
1. The proposal better adapts itself to the physical and aesthetic setting of the site and with the surrounding land uses than could be developed using strict standards and land uses allowed within the underlying zoning district.
  2. The proposal would benefit the area surrounding the project to a greater degree than development allowed within the underlying zoning district.
  3. The proposal would provide land use and/or site design flexibility while enhancing site or building aesthetics to achieve an overall higher quality of development than would otherwise occur in the underlying zoning district.
  4. The proposal would ensure the concentration of open space into more workable or usable areas and would preserve the natural resources of the site more effectively than would otherwise occur in the underlying zoning district.
- C. At least fifty (50) percent of the total tract is preserved as an undeveloped parcel.
- D. A mandatory Environmental Assessment Worksheet is required to be filed with the City.

**Sec. 12-2376. Density, Frontage on a Public Street and Length of Cul-de-sac requirements.** <sup>454</sup>

- A. The average density over the proposed PLCD shall not exceed the maximum density permitted in the underlying zoning district. Although a PLCD allows a maximum of 4 lots per qtr-qtr section, a developer cannot independently include a portion of a qtr-qtr section in a PLCD unless the developer owns a minimum of 30 acres in the qtr-qtr section. Otherwise, either all property owners in a qtr-qtr section are required to make application for and sign an approved plat, or the developer is required to obtain and record a release from the other owner(s) allowing the subdivision of the developer's portion of the quarter-quarter section.
- B. The maximum length of cul-de-sacs may be exceeded to accommodate curvilinear streets and other design elements that tend to preserve the rural character or other resources within the PLCD. This language does not allow a proportional addition to the number of lots allowed on a longer cul-de-sac.
- C. Reference Sec. 12-1256. Definitions for the definition of a cul-de-sac street.

**Sec. 12-2377. Coordination with subdivision regulations.**

- A. It is the intent of this article that subdivision review under Chapter 12 be carried out simultaneously with the review of a planned development under this article.
- B. The plans required under this article must be submitted in a form that will satisfy the requirements of Chapter 12 for the preliminary and final plats.

- C. Parcels which contain their maximum permitted density or have been previously subdivided to their permitted density ~~may not be joined to a PLCD.~~ **may be included in a PLCD but may not be included in density calculations or land preservation minimum requirements. Such parcels may be included in the PLCD if they allow for the best conservation design for the PLCD as determined by the City.**
- D. **Park dedication requirements shall be in addition to and not in lieu of the preservation of at least fifty (50) percent of the total tract as an undeveloped parcel. The City may waive all or a portion of the park dedication requirement if the City finds that the waiver is in the City's interest.**

**Sec. 12-2378. Pre-application meeting.**

Prior to the submission of any plan to the Planning Commission, the potential applicant is encouraged to meet with the City Administrator to discuss the contemplated project relative to community development objectives for the area in question and to learn the procedural steps and exhibits required. This includes the procedural steps for an **Conditional Use Permit** ~~Administrative Permit~~ and a preliminary plat. The potential applicant may submit a simple sketch plan at this stage for informal review and discussion. The potential applicant is urged to seek the advice and assistance of the City staff to facilitate the informal review of the simple sketch plan. The pre-application meeting process is entirely optional for the potential applicant and does not constitute an application within the meaning of this section.

**Sec. 12-2379. General development plan.**

- A. An applicant shall make an application for an **Conditional Use Permit** ~~Administrative Permit~~ following the procedural steps as set forth in Section 12-78.
- B. In addition to the criteria and standards set forth in Sec. 12-78 of this article for the granting of **Conditional Use Permits** ~~Administrative Permits~~, the following additional findings shall be made before the approval of the outline development plan:
  - 1. The proposed PLCD is in conformance with the comprehensive plan.
  - 2. The uses proposed will not have an undue and adverse impact on the reasonable enjoyment of neighboring property and will not be detrimental to potential surrounding uses.
  - 3. Each phase of the proposed development, as it is proposed to be completed, is of sufficient size, composition, and arrangement that its construction, marketing, and operation are feasible as a complete unit, and that provision and construction of dwelling units and common open space are balanced and coordinated.
  - 4. The PLCD will not create an excessive burden on parks, schools, streets, and other public facilities and utilities that serve or are proposed to serve the district.
  - 5. The proposed total development is designed in such a manner as to form a desirable and unified environment within its own boundaries.
- C. The following exhibits shall be submitted to the City Administrator by the proposed developer as a part of the application for a **Conditional Use Permit** ~~Administrative Permit~~:
  - 1. An explanation of the character of the proposed preservation and land conservation development and the manner in which it has been planned to take advantage of the preservation and land conservation development regulations.
  - 2. A statement of the present ownership of all the land included within the proposed preservation and land conservation development and a list of property owners within five hundred (500) feet of the outer boundaries of the property.
  - 3. A general indication of the expected schedule of development including progressive phasing and time schedule.

4. A map giving the legal description of the property including approximate total acreage and also indicating existing property lines and dimensions, ownership of all parcels, platting, easements, street rights-of-way, utilities, buildings and use for the property and for the area five hundred (500) feet beyond.
  5. Natural features maps or maps of the property and area five hundred (500) feet beyond showing contour lines at no more than two-foot intervals, drainage patterns, wetlands, vegetation, soil and subsoil conditions.
  6. A map indicating proposed land uses including housing units and types, vehicular and pedestrian circulation, and open space uses.
  7. Full description as to how all necessary governmental services will be provided to the development.
  8. An engineering report presenting results of percolation tests and soil analysis of the site.
  9. Any additional information requested by the City Administrator, Planning Commission and City Council that might be required for clarification of the proposed project.
  10. Twenty-five (25) copies of all required information, as well as an electronic copy, shall be submitted.
- D. The applicant shall also submit a preliminary plat and all the necessary documentation as required under Chapter 12 for all or that portion of the project to be platted. For purposes of administrative simplification, the public hearings required for the Conditional Use Permit ~~Administrative Permit~~ and preliminary plat may be combined into one (1) hearing or may be held concurrently.

**Sec. 12-2380. Final development plan.**

- A. Within ninety (90) days following the approval of the general development plan with recommended modifications, if any, and the preliminary plat, the applicant shall file with the City Administrator a final development plan containing in final form the information required in the general development plan plus any changes recommended by the Planning Commission and the City Council as a result of the public hearing. The applicant shall also submit a final plat for that entire portion to be platted.
- B. The City Administrator shall submit the final development plan and the final plat to the Planning Commission for review.
- C. The final development plan and the final plat shall conform to the general development plan and preliminary plat plus any recommended changes by the Planning Commission or City Council to the general development plan and preliminary plat.
- D. The City Council shall review the final development plan and final plat. If the final development plan is approved by the City Council, the City Administrator shall issue a Conditional Use Permit to the applicant.
- E. The applicant(s) shall grant a Conservation Easement which shall run with the land in perpetuity to the City of Afton, ~~all of the owners of the lots and parcels to be created in the PLCD, all land owners of property within Afton abutting the PLCD and the Minnesota Land Trust (or similar independent third party approved by the City of Afton), which restricts the lots and parcels, as well as the development rights on the undeveloped parcel within the PLCD to the number of dwelling units approved for the PLCD and the land cover and use approved by the City of Afton as a part of this PLCD. If neither Minnesota Land Trust nor any comparable organization will accept the Conservation Easement the City of Afton, in its sole discretion, may upon a specific finding that no conservation organization will accept a Conservation Easement, waive such requirement. In the case of such waiver, the applicant(s) shall be required to extend the grant of a Conservation Easement to the owners of property that abuts all abutting property to the PLCD.~~

1. The Conservation Easement shall include the following elements

- a. the identification of the natural, scenic and open space qualities of the protected property that are to be protected as “conservation values”
  - b. a description of the conservation purpose of the easement
  - c. a listing of specific restrictions on the use of the property
  - d. habitat management according to a Habitat Management Plan.
2. The Minnesota Land Trust (or similar independent third party approved by the City of Afton) shall review and approve the HOA covenants as they relate to the undeveloped parcel and shall provide a written statement that they will agree to the conservation easement over the land prior to final PLCD approval.

**Sec. 12-2381. Enforcement of development schedule.**

The construction and provisions of all of the common open spaces and public and recreational facilities that are shown on the final development plan must proceed at the same phase as the construction of dwelling units. At least once every six (6) months following the approval of the final development plan, the City Administrator shall review all of the building permits issued for the planned development and examine the construction which has taken place on the site. If he shall find that the rate of construction of dwelling units is greater than the rate at which common open space and public and recreational facilities have been constructed and provided, he shall forward this information to the City Council, which may revoke the PLCD permit.

**Sec. 12-2382. Conveyance and maintenance of undeveloped parcel.**

- A. All land shown on the final development plan as an undeveloped parcel must be conveyed to a homeowners association or similar organization provided in an indenture establishing an association or similar organization for the maintenance of the planned development. The undeveloped parcel must be conveyed to the homeowners association or similar organization subject to covenants to be approved by the City Council which restrict the undeveloped parcel to the uses specified on the final development plan and which provide for the maintenance of the undeveloped parcel in a manner which assures its continuing use for its intended purpose. The undeveloped parcel shall also be subject to a conservation easement as described in Sec. 12-2380, paragraph E.
- B. If a homeowners association is created, the applicant shall submit plans at the time of final plan of development and documents which explain:
  1. Ownership and membership requirements.
  2. Articles of incorporation and bylaws.
  3. Time at which the developer turns the association over to the homeowners.
  4. Specific listing of items owned in common including such items as roads, recreation facilities, parking, common open space grounds, and utilities.

**Sec. 12-2383. Standards for undeveloped parcel.**

No open area may be approved as common undeveloped parcel under the provisions of this article unless it meets the following standards:

- A. The location, shape, size, and character of the undeveloped parcel must be suitable for the planned development.
- B. The undeveloped parcel must be used for amenity or recreational purposes. The uses authorized for the undeveloped parcel must be appropriate to the scale and character of the planned development,

considering its size, density, expected population, topography, and the number and type of dwellings to be provided.

- C. The undeveloped parcel must be suitably improved for its intended use but common space containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements which are permitted in the undeveloped parcel must be appropriate to the uses which are authorized for the

undeveloped parcel and must conserve and enhance the amenities of the undeveloped parcel having regard to its topography and unimproved condition.

- D. **Outlots are not permitted in subdivisions having cul-de-sac streets, with the exception of the undeveloped parcel required by a PLCD that is made subject to a conservation easement.**

Sec. 12-2384. Review and amendments.

- A. The City Administrator shall review all PLCDs within the City at least once each year and shall make a report to the City Council on the status of the development in each of the PLCD districts. If the City Administrator finds that the development has not commenced within one (1) year after the original approval of the conditional use for the PLCD, the City Administrator may recommend that the City Council revoke the **Conditional Use Permit** ~~Administrative Permit~~ as set forth in Section 12-78 of this chapter. Prior to cancellation or revocation of this permit, the City Council shall hold a public hearing at which time all interested parties will be given an opportunity to be heard.
- B. For additional phases of the PLCD, if within two (2) years of completion of the prior phase, the project has not progressed, the City Administrator may recommend that the City Council determine what action will be taken with the remainder of the project. Prior to determining the outcome of the PLCD, the Planning Commission shall hold a public hearing at which time all interested parties will be given an opportunity to be heard.
- C. Minor changes in the location, placement, and heights of the buildings or structures may be authorized by the Zoning Administrator if required by engineering or other circumstances not foreseen at the time the final plan was approved.
- D. Approval of the Planning Commission and City Council shall be required for other changes such as rearrangement of lots, blocks and building tracts. Those changes shall be consistent with the purpose and intent of the approved final development plan.
- E. Any amendment to the PLCD shall require the same procedures as for the application for a **Conditional Use Permit** ~~Administrative Permit~~ as set forth in this chapter.
- F. This Ordinance shall be in full force and effect from the date of the publication of this Ordinance.

<sup>452</sup> Ord. 97-55, 6/18/02, Ord 04-2009, 5/19/2009

<sup>453</sup> Ord 06-2008, 4/15/2008; Ord 02-2014, 5/20/2014

<sup>454</sup> Ord 02-2014, 5/20/2014

ADOPTED BY THE CITY COUNCIL OF THE CITY OF AFTON THIS \_\_\_\_ DAY OF \_\_\_\_, 2019.

**SIGNED:**

---

Bill Palmquist, Mayor

**ATTEST:**

---

Ronald J. Moorse, City Administrator

Motion by:

Second by:

Perkins:

Wroblewski:

Ross:

Nelson:

Palmquist:

City of Afton  
3033 St. Croix Trl, P.O. Box 219  
Afton, MN 55001

# Planning Commission Memo

## Meeting: January 6, 2020

To: Chair Kopitzke and members of the Planning Commission

From: Ron Moorse, City Administrator

Date: December 18, 2019

Re: Request the Council to Direct the Planning Commission to Propose a Schedule of Non-compliance Fees and other Enforcement Tools

---

The Planning Commission has had a number of recent discussions regarding the difficulty of taking enforcement action regarding zoning violations and conditions placed on zoning permits such as Conditional Use Permits, etc. Commissioner Bowman requested that the Planning Commission discuss making a request that the Council direct the Commission to propose a schedule of non-compliance fees and other enforcement tools.

Planning Commission Recommendation Requested

**Motion regarding requesting the Council to direct the Planning Commission to propose a schedule of non-compliance fees and other enforcement tools for zoning violations, etc.**

<p><b>City of Afton</b>  <b>3033 St. Croix Trl, P.O. Box 219</b>  <b>Afton, MN 55001</b></p>
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# Planning Commission Memo

## Meeting: January 6, 2020

To: Chair Kopitzke and members of the Planning Commission

From: Ron Moore, City Administrator

Date: December 18, 2019

Re: Short Term Residential Rentals Ordinance

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At its December 2, 2019 meeting, the Planning Commission provided the following feedback regarding the short term rental ordinance.

- Require annual water testing
- Check with County and small communities regarding short term rental regulations:
- Questioned the need to require a property to be homesteaded. Property owners have incentive to manage the use of a home whether it is their primary residence or not. Property owners are generally not present when the home is being rented.
- Questioned whether an ordinance is needed if we are not experiencing problems
- Cautioned that the more flexible rules for short term rentals could encourage Bed and Breakfast operators to switch to short term rentals so they don't need to be present during rentals.
- Suggested that more/stricter rules could be required for properties that are rented more often
- Suggested consideration of noise and nuisance rules
- Suggested inspections for building code life-safety items such as egress windows and exits.
- Concerned about enforcement difficulties

### Regulations by Other Small Communities and by Washington County

- Washington County does not have regulations or licensing regarding short term rentals, because they believe this is a local issue and cities and townships should make decisions about regulating short term rentals.
- Attached is the City of Stillwater short term rental ordinance and related materials. The following are the key elements of the Stillwater ordinance
  - There are three classes of rentals, each with differences in requirements
  - All classes require a license
  - A non-homesteaded property requires a CUP
  - A specific limit on number of guests, based on the number of bedrooms
  - Required inspections by the Fire Department and building inspector
  - Requires a sufficient number of off-street parking spaces
  - For unhosted rentals, the licensee must provide the name, phone number and address of the owner, operating lessee or managing agent/representative to all property

owners within 150 of the property lines. The owner, manager, etc. must be located within 30 minutes travel time of the property

- Must provide a list of rules and regulations to all guests
- “Events” are not allowed to be hosted by guests on the premises. “Event” means a gathering on the premises of more than three un-registered guests.
- Owner must provide proof of sufficient property insurance
- Health and safety inspections are required
- Enforcement actions are listed

#### Additional Staff Recommendations

Staff reviewed the City’s Home Occupation and Bed and Breakfast ordinances to determine if any of the standards required for those uses would be applicable to the short term rentals ordinance, and found that several appeared to apply as follows:

- No exterior signage is allowed, other than those types of signage allowed in the zoning district
- There shall not be any exterior indication that the property is used for short term rentals
- Short term rental facilities shall meet current side and rear setbacks
- Off-street parking sufficient for all guests must be provided

#### Additional Review and Feedback

Based on the Planning Commission’s feedback, the Stillwater ordinance and additional staff recommendations, the Council decided to delay a public hearing on the ordinance until March to allow the Planning Commission to review the Stillwater ordinance and the additional staff recommendations and provide recommendations regarding the specific regulations to be included in an ordinance for Afton.

#### Planning Commission Recommendation Requested

**Motion regarding recommended regulations to be included in the short term rental ordinance.**

Sec. 12-232. Short-Term Rentals

- A. *Scope.* This section applies to all short-term rentals in the City of Afton.
- B. *Purpose.* The City of Afton has adopted this ordinance for the purpose of allowing short-term rentals consistent with rural residential or agricultural zone uses.
- C. *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where expressly defined in another section, article or the context clearly indicates a different meaning.

*Certificate of Septic System Compliance.* A certificate that was issued on a new septic system installed within the past five years or a copy of a compliance inspection which was performed within the past three years.

*City.* City of Afton.

*Dwelling.* A principal structure that contains one dwelling unit, intended or designated to be used, rented, leased, let or hired out to be occupied for living purposes.

*Dwelling Unit.* A single unit providing complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

*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.

*Short-term rental.* A dwelling unit, or a portion of a dwelling unit, rented for a period of less than thirty (30) days. No more than one (1) rental of a short-term rental dwelling unit or portion thereof shall be permitted per day. Use of a short-term rental dwelling unit for any commercial or social events is prohibited.

- D. *License prohibited for non-homestead status property.* No person shall allow any non-homestead status short-term rental dwelling unit to be occupied or let or offered to let to another for occupancy, or charge or rent, with the exception of a short term rental dwelling unit located in the VHS-C zoning district.
- E. *Short-term rental license required.* No person shall allow any short-term rental dwelling unit to be occupied or let or offered to let to another for occupancy, or charge, or rent unless the owner has obtained a valid short-term rental license under the terms of this section.
- F. *Short-term rental license application.* Application for the issuance or renewal of a short-term rental license must include a valid copy of a certificate of septic system compliance and any information deemed necessary by the zoning administrator and may be obtained through any readily available means, written or electronic, as deemed appropriate and expeditious by the zoning administrator.
- G. *License issuance & renewal.* The initial short-term rental license shall expire one year from the date the license is issued. Subsequent renewals shall not be for a period of more than three years.

1. Licenses shall be issued exclusively for principal structures with one dwelling unit, with the exception of a duplex with a valid conditional use permit, which has two dwelling units.
  2. Licenses shall not be issued for occupancy by more than 6 persons, unless the applicant provides documentation that the septic system is sized for additional occupancy.
- H. *License denial, cancellation, or revocation.* Application for a short-term rental license may be denied, canceled or revoked upon notice and the provision of an opportunity for hearing for good cause, including the violation of, or noncompliance with, any license requirement or standard, or any applicable law, statute or ordinance.
- I. *Inspections.* Any property licensed under this section shall be subject to lawful inspection by the zoning administrator and the zoning administrator's authorized representatives upon a schedule determined by the zoning administrator or upon complaint.
- J. *License transfer prohibited.* Short-term rental licenses are non-transferable.
- K. *Severability.* If any portion of this section is determined to be invalid or unconstitutional by a court of competent jurisdiction, that portion shall be deemed severed from the section, and such determination shall not affect the validity of the remainder of the section.

# Stillwater City Code



## Sec. 41-8. - Short term home rental regulations.

Subd. 1. *Purpose* . The purpose of this section 41-8 is to allow short term home rentals where appropriate while mitigating impacts upon surrounding properties by implementing balanced regulations to protect the integrity of the city's neighborhoods as well as protect the general public health, safety and welfare.

Subd. 2. *Definitions* . For the purposes of this section 41-8 the following terms, phrases, words and their derivations shall have the meanings as given here. When consistent with the context, words in the plural include the singular and words in the singular include the plural.

- (1) *Primary residence* , means the dwelling unit within which a person lives for six months plus a day during a calendar year.
- (2) *Primary resident* , means a person living on a property where the property is the person's primary residence.
- (3) *Short term home rental, Type A* (hosted short term rental), means a dwelling unit that is offered to transient guests for a period of less than 30 consecutive days, where a primary resident of the property is present while the transient guests are present.
- (4) *Short term home rental, Type B* (unhosted short term rental), means a dwelling unit that is offered to transient guests for a period of less than 30 consecutive days, where the property serves as a person's primary residence but a primary resident of the property is not present while the transient guests are present. This Type B also includes short term home rental of any accessory dwelling units, non-owner occupied duplexes or "mother-in-law" apartments.
- (5) *Short term home rental, Type C* (dedicated short term rental) means a dwelling unit that is offered to transient guests for a period of less than 30 consecutive days, where the property does not serve as a person's primary residence
- (6) *Short term home rental, Type D (bed & breakfast)* - see the definition of bed and breakfast in City Code section 31-101, paragraph 16.

Subd. 3. *License required* . No property may be used for Type A, B or C short term home rental unless a license is granted by the city. Type D short term rentals do not require a license but are subject to the provisions of City Code section 31-504.

- (1) *Term* . Licenses shall be valid for three years, unless it is revoked.
- (2) *Renewal* . A renewal license must be applied for every three years. The renewal license application may only be submitted after the property has passed a city inspection as required and appropriate fees have been paid.
- (3) *Non-Transferable* . Licenses are non-transferable and shall expire upon change of ownership of the property.

Subd. 4. *License application* . Any property owner desiring to undertake short term home rentals must apply to the community development department for a short term home rental license. A license must be approved prior to operating within the city. The license application request must be submitted on the form provided by the city and must include all the information requested on the application form. A criminal background check consistent with Minn. Stat. §299C will be conducted on managers (as defined by Minn. Stat. §299C.67, Sub. 4) as part of the license application review.

Subd. 5. *License fee* . The license application form must be accompanied by payment in full of the required license application fee. The license application fee will be determined by the city council in the city fee schedule.

Subd. 6. *License issuance* . The process for review and issuance of a license will vary depending upon the type of short term home rental as follows:



- (1) Type A - Hosted short term home rentals. Type A short term home rental licenses will be issued administratively if all the terms and conditions of section 41-8 are met.
- (2) Type B - Unhosted short term rental. Type B short term home rental licenses will be issued administratively if all the terms and conditions of section 41-8 are met, however, prior to issuing a Type B license, a neighborhood notification is required, as specified herein:
  - a. Notices must be mailed by the city to all surrounding property owners according to the following standards:
    - i. 150 feet of all applicant properties zoned RB, CCR, CR, TH, CTHR, RCL, RCM, RCH, CBD;
    - ii. 200 feet of all applicant properties zoned RA, LR, CTR, TR;
    - iii. 500 feet of all applicant properties zoned AP.
  - b. If there are no objections received by the city within 10 days after mailing the notices, then the license shall be issued.
  - c. If objections are received, then the license application must be considered by the planning commission as follows:
    - i. The planning commission must hold a hearing. Notices for the hearing will be mailed ten days prior to the hearing using the distance requirements in subd. 5(2)(a).
    - ii. After considering the license request and comments from the neighbors, the planning commission may either approve a one-year provisional license, with or without conditions, or deny the license request.
  - d. If the planning commission approves a one-year provisional license and there are no substantiated relevant complaints from neighbors or guests during the provisional year, the license will automatically extend two additional years.
- (3) Type C - Dedicated short term rental. Type C short term home rental licenses will be issued administratively if all the terms and conditions of section 41-8 are met and a conditional use permit is granted. The conditional use permit application will be reviewed according to the process established in City Code sections 31-204 and 31-207.
- (4) Type D - Bed & Breakfast. Type D short term home rentals are also known as bed and breakfasts and, in addition to the requirements herein, are regulated in City Code section 31-504.

Subd. 7. *Zoning district* . Short term home rentals shall only be allowed in specific zoning districts as identified in City Code section 31-315 (allowable uses for residential zoning districts) and section 31-325 (allowable uses for non-residential zoning districts).

Subd. 8. *Performance standards* . Type A, B and C short term home rentals shall be subject to the performance standards identified below. In addition to the relevant sections noted below, Type D short term home rentals shall also be subject to the standards found in City Code section 31-504. For Type D, if the terms of the section below and section 31-504 are in conflict, section 31-504 shall apply.

- (1) *Parking* .
  - a. In residential zoning districts, all guest parking must be accommodated on improved driveways and improved parking surfaces on the premises. No on-street parking is allowed for guests. At a minimum, parking shall be provided as follows:
    - i. Units with one to two bedrooms or sleeping areas, one space.
    - ii. Units with three-bedrooms or sleeping areas, two spaces.



- iii. Units with four or more bedrooms or sleeping areas, number of spaces equal to the number of bedrooms or sleeping areas, minus one.
      - b. In the CBD zoning district, guest parking must either be accommodated on the property of the short term home rental dwelling unit at the same minimum numbers specified above in (1)(a), or a parking mitigation plan must be approved by the parking commission.
- (2) *Length of guest stay* . The minimum length of stay is one day. The maximum length of stay is 30 days.
- (3) *Number of guests* . The maximum number of guests will be limited to two times the number of bedrooms, or sleeping areas, plus one.
- (4) *Guest records* . The licensee for Type B and C short term rentals must keep a guest record including the name, address, phone number, and vehicle license plate information for all guests and must provide a report to the city upon 48 hours' notice.
- (5) *Manager information* . For Type B and C short term home rentals, the licensee must provide the name, phone number and address of the owner, operating lessee or managing agent/representative to all property owners within 150 of the property lines. The licensee shall provide any changes to this information to the community development department and to the neighboring properties within ten days of any such changes.
- (6) *Guest disclosures* . The licensee must disclose in writing to their guests the following rules and regulations and must submit a copy of the disclosure to the city with the license application and renewal applications. In addition, the disclosures must be conspicuously displayed in the home. The disclosures must include the following:
  - a. For Type B and C short term home rentals, the name, phone number and address of the owner, operating lessee or managing agent/representative;
  - b. The maximum number of guests allowed at the property;
  - c. The maximum number of vehicles allowed at the property and the approved parking areas;
  - d. Property rules related to use of outdoor features, such as decks, patios, grills, recreational fires, saunas and other recreational facilities;
  - e. That City nuisance ordinances will be enforced by the Stillwater Police Department, including reduced noise levels between 10:00 p.m. and 8:00 a.m.;
  - f. That no events are allowed to be hosted by a guest on the premises.
- (7) *Posting of license number*. The licensee must post the city license number at the property and on all print, poster or web advertisements.
- (8) *Proximity of assistance* . For Type B and Type C short term home rentals, the property owner or a manager/representative must be located within 30 minutes travel time of the property.
- (9) *Garbage* . As required by City Code Chapter 30-1, Subd. 5, all garbage must be kept in rubbish containers that are stored out of view of a public street.
- (10) *Signage* . For Type A, B or C short term home rental no signage is allowed on the property. Type D is allowed to have signage as regulated in City Code section 31-504.
- (11) *Events* . Events are not allowed to be hosted by guests on the premises. For purposes of this section 41-8, an event means a gathering on the premises of more than three un-registered guests. Events hosted by the property owner are allowed but must comply with all applicable city ordinances and policies, including the prohibition on renting out private residential property for events.



- (12) *Insurance* . The licensee must provide proof of sufficient and suitable property insurance with the license application and must be able to confirm that the coverage remains in place within 24 hours of a request by the city.
- (13) There shall be no change in the exterior appearance of the home or premises, or other visible evidence of the conduct of a short term home rental, except that additional on-site city code compliant parking may be provided.

Subd. 9. *Required health and safety inspections.*

- (1) *Type A, B and C short term home rentals.* Type A, B and C license applications will not be accepted without an approved inspection report signed by the city's fire department and building department. The inspection must have been completed no more than 60 days prior to submission of the license application. The list of health and safety items that will be inspected will be included in license application materials so that the licensee will know in advance what items will be inspected. If the inspection identifies items that must be corrected, all corrections must be completed and verified by the city before the license will be issued.
- (2) *Type D short term home rentals.* Type D short term home rentals are required to have inspections as regulated by City Code Section 31-504.

Subd. 10. *Site Plan and Floor Plan for Type A, B and C short term home rentals.*

- (1) The applicant must submit a site plan of the property drawn to scale, showing parking and driveways, all structures and outdoor recreational areas that guests will be allowed to use, including, but not limited to, deck/patio, barbeque grill, recreational fire, or sauna.
- (2) The applicant must submit a floor plan of the residence drawn to scale identifying which rooms are proposed to be used as guest bedrooms or sleeping areas.

Subd. 11. *Limit on number of licenses.*

- (1) Type A. No more than thirty-five (35) Type A licenses shall be issued at any one time.
- (2) Type B. No more than thirty-five (35) Type B licenses shall be issued at any one time.
- (3) Type C. No more than fifteen (15) Type C licenses shall be issued at any one time.

Subd. 12. *Lodging and Sales taxes.* In addition to state sales tax, Types A, B, C and D short term home rentals are required to pay the city lodging tax directly to the city on a quarterly basis. The property owner must provide information on a web-based booking service(s) used for the property. If no sales are made during a quarter, a report must be submitted to the city stating that no sales were made or lodging tax collected during that quarter.

Subd. 13. *Interchangeability of License Types.* A licensee may use the license to operate any short term home rental type equal to or less restrictive than the one for which the license was issued. For example, if an owner is issued a Type C license, the property is permitted to operate as a Type C, B or A. If a Type B license is issued, the property is permitted to operate as a Type B or A. However, a Type D owner may only operate as a bed and breakfast.

Subd. 14. *Enforcement* .

- (1) *Injunctive relief* . 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.
- (2) *Misdemeanor* . The penalty for a violation of this ordinance shall be a misdemeanor.
- (3) *Fines* . In addition to penalty provisions in (1) and (2) above, the administrative fines for violations of this section 41-8 shall be as established by the city council in the annual fee schedule.



(4) *Suspension or revocation* . Any short term home rental license may be suspended or revoked for one or more of the following reasons:

- a. It is the third substantiated and relevant complaint or violation of the ordinance within a 12-month period.
- b. The licensee has failed to pay all of the appropriate fees related to the license, or is delinquent on any other city fees;
- c. The licensee has made fraudulent statements, misrepresentations, not fully disclosed information or made false statements in the application for or in the course of the licensee's business;
- d. The licensee has been convicted of any crime or offense in the previous five years involving or relating to the short term home rental business and the licensee has failed to show competent evidence of sufficient rehabilitation and present fitness to perform the duties of the business;
- e. The licensee has acted in an unauthorized manner or beyond the scope of the license granted.

In such cases, the license may be forwarded to a hearing officer for consideration of suspension or revocation. The hearing officer procedure is set forth in City Code Section 22-10, Subdivision 4. If the license is suspended, the length of suspension shall be stated in the hearing officer's decision. If a license is revoked, the owner is prohibited from making application for another license for any type of short-term home rental for a period of six months.

(Ord. No. 1124, § 2, 5-21-19)

## Short Term Home Rental Licensing Instructions- Initial License

The City of Stillwater adopted Ordinance No. 1093 to allow Short Term Home Rentals (aka VRBOs) where appropriate while mitigating impacts upon surrounding properties by implementing balanced regulations to protect the integrity of the city's neighborhoods as well as protect the general public health, safety and welfare. To administer those regulations each property owner that wants to operate a Short Term Home Rental (STHR) must first apply for and receive a license.

### A. Procedure Overview

#### 1. **Complete Zoning Checklist**

The owner contacts the Community Development Department (651-430-8820) for a zoning checklist. Fill out the top portion of the form and return it and the appropriate fee to the Community Development Department Secretary.

#### 2. **City Reviews Zoning Checklist**

City staff will review the zoning checklist and if satisfactory will forward it to the Building Department and Fire Department. At the same time, staff will send an email notifying you that you can contact the Building Department to schedule an inspection of the home you want to license. Without the zoning checklist review, the inspection cannot be scheduled.

#### 3. **Schedule Inspection**

The owner then contacts the Building Department (651-430-8825) to schedule a home inspection. A list of items that will be inspected are included in the attached inspection report form.

#### 4. **Inspection**

Fire Department staff and/or Building Department staff will inspect your property for safety items. If code compliant, they will sign off on the inspection report. If not, corrections must be made and a re-inspection scheduled.

#### 5. **Apply for License and Conditional Use Permit**

After the inspection is approved for Type A and Type B vacation rentals, the owner may complete and submit the license application form to the Community Development Department. If the inspection was for a Type C vacation rental, then the owner would apply for both the license and a Conditional Use Permit concurrently.

#### 6. **City Reviews Application**

The procedure for review of the application depends upon the type of STHR. (See attached ordinance for definition of the various types.) A STHR license is valid for three years.

a. Type A licenses will be reviewed by staff.

b. Type B licenses will be reviewed by staff, but may also require Planning Commission review if neighbors have concerns. When a Type B license application is received, city staff will mail notices to neighbors. If no concerns are voiced in response to the notice, staff can issue a license. If concerns are voiced, then staff will schedule a hearing by the Planning Commission.

c. Type C licensees need a Conditional Use Permit approved by the Planning Commission and a license issued by city staff.

i. The Conditional Use Permit will be scheduled for a public hearing by the Planning Commission. When approved, it is filed in chain of title and whoever owns the property owns the Conditional Use Permit as well. This use permit only needs to be issued once.

ii. With a valid Conditional Use Permit, city staff will then review and issue the Type C license.

#### 7. **City Issues License**

When the license application is approved, city staff will forward the license to the applicant and a copy to the City Finance Department for lodging tax purposes.

B. Instructions for Completing Zoning Checklist Form

1. The property owner completes Section A of the Zoning Checklist form. Fill out the top portion of the form and return it and the appropriate fee to the Community Development Department Secretary.

i. Fees:

**(1) Type A or Type B vacation rental:**

--License fee and initial inspection fee\* **\$300**

\*Each additional inspection will be \$150 and due prior to scheduling.

**(2) Type C vacation rental:**

-License fee and initial inspection fee\* **\$300**

-Conditional Use Permit application fee **\$525**

Total of **\$825**. Minimum of \$300 due with Zoning Checklist submittal. Applicants can either pay the entire \$825 at once, or separate the fees into two payments, **\$300** with Zoning Checklist submittal and **\$525** when submitting the CUP application. \*Any additional inspections will \$150 and due prior to scheduling.

2. There are four types of Short Term Home Rentals (STHR). Types A through D. The definition of each is found in the definition section of the attached ordinance.
3. A staff member in the Community Development Department will complete Section B. If the items in this section cannot be answered based upon the information provided in Section B, staff will contact the applicant for clarification.

C. Instructions for Completing License Application Form

1. The applicant is responsible for completing all sections of this form.

2. Section B.

i. If the owner is also the operator, you may skip Section B.

3. Section C.

i. Question 4 - Primary residence means that during a calendar year you live there six months plus one day.

4. Section D

i. Question 3 - The maximum number of guests that may stay in a STHR is two times the number of bedrooms plus one.

ii. Question 4 - Guest vehicles must be accommodated on the property, not on the street.

(1) One off-street parking space is required for a one to two bedroom STHR.

(2) Two spaces are required for a three bedroom STHR. Four and four plus bedroom STHRs must have parking spaces equal to the number of bedrooms minus one.

(3) Each of these off-street parking spaces must be either bituminous paved or concrete or in a garage.

(4) The total impervious surface on the property, including the parking for the guests, must stay within the maximum amount of impervious surface allowed in the subject zoning district.

(5) The parking area and total square footage of impervious surface on the property has to be shown on the site plan that you attach to this application form.

iii. Question 5 - As with guest vehicles, any boats or trailers must be accommodated on the property. This will have to be shown in the site plan that you attach to the application form.

5. Section F contains a listing of all attachments that are required in order for the application to be considered complete. All licenses will be processed in the order that complete applications are received. So, if an attachment is missing or incomplete, the application is not placed in the cue to be processed.

D. Lodging Tax

1. The owner is responsible for paying the City Lodging Tax on a quarterly basis. Attached is the Local Lodging Tax Return form and its instructions. If you have questions on that form, please contact Jenn Sundberg at [jsundberg@ci.stillwater.mn.us](mailto:jsundberg@ci.stillwater.mn.us)

E. License Renewal

1. The license for Type A, B and C Short Term Home Rentals are valid for three years. Please begin the renewal process in plenty of time so that the license does not lapse. All owners must be re-inspected as part of the renewal process. Renewal fees are as follows:

-License renewals (initial inspection included\*)      \$300

\*Any additional inspections will be \$150 and due prior to scheduling.

F. Ordinance Enforcement and License Revocation

1. In the event of a violation of the ordinance, the city is entitled to seek injunctive relief or proceedings to prevent, restrain, correct or abate the violations.
2. If three substantiated and relevant complaints are received from neighbors or guests within a 12 month period, the license shall be revoked. The revocation may be appealed to the city council. If a license is revoked, the owner is prohibited from making application for another license for any type of Short Term Home Rental for six months
3. In addition to penalty provisions above, the fine for the first substantiated and relevant complaint or violation shall be \$250. The fine for the second shall be \$1,000. The fine for the third shall be \$2,000 and will start the process of STHR license revocation.



**SHORT TERM HOME RENTAL  
ZONING CHECKLIST**

License application fee: \$300  
(fee includes initial inspection)  
Date paid: \_\_\_\_\_  
Receipt number: \_\_\_\_\_

Section A. To be completed by the applicant.			
Owner's Name: _____		Owner's Phone#: _____	
Owner's Address: _____		Owner's Email: _____	
Operator's Name: _____		Operator's Phone#: _____	
Operator's Address: _____		Operator's Email: _____	
Site Address: _____			
Short Term Home Rental type desired (circle only one):                      Type A    Type B    Type C			
For B and C's- The owner or operator must be within a 30 minute drive of the property when guests are present. Address while guests are present: _____ What would average travel time be? _____			
Number of Bedrooms: _____		Number of Bedrooms for STHR guests: _____	
How many parking spaces (garage spaces or outside on bituminous or concrete surface) will be available for guests on the property? _____			
Section B. To be completed by city staff.			
Yes	No	N/A	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1. Zoning of the site: _____ Is the desired STHR allowed in this zoning district?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2. If the desired license is Type C STHR, does the property have a valid Conditional Use Permit? If not, has a complete application been submitted for the Conditional Use Permit?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3. If owner not on site while guests are present, is owner or operator within 30 minutes' drive time of the property?
			4. Off-street parking for residential zoning districts.
			(a) How many off-street parking spaces are required? _____
			(b) How many off-street parking spaces are available on the property? _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(c) Are all of the spaces improved with bituminous or concrete surface?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(d) Are the minimum number of improved off-street spaces provided?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(e) Does the total impervious surface area on the property, including the parking spaces and driveway, comply with the maximum allowance for impervious surface coverage in the subject zoning district?
			5. Off-street parking for Central Business District.
			(a) How many off-street parking spaces are required? _____

Yes No N/A		
	(b) How many off-street parking spaces are available on the property? _____	
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	(c) Are all of the spaces improved with bituminous or concrete surface? _____	
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	(d) Are the minimum number of improved off-street spaces provided? If not, has the Parking Commission approved a parking mitigation plan?	
	6. Available licenses.	
	(a) Is there a license available for the type of STHR that is desired? [Total number of licenses allowed for the STHR type desired _____. Total number of valid licenses of this type already issued _____. Total remaining _____]	
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	7. If a Type A or B vacation rental, has the \$300 license application fee and initial inspection fee been paid?	
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	8. If a Type C vacation rental, has the \$300 license application fee and initial inspection fee been paid? Has the \$525 Conditional Use Permit fee been paid?	
<input type="checkbox"/> Property eligible to apply for a STHR license or renewal.	<input type="checkbox"/> Property NOT eligible to apply for a STHR license or renewal	
City staff Comments:		
Staff member's Name (Printed): Review date: Staff member's signature:		



## SHORT TERM HOME RENTAL INSPECTION REPORT

Initial Inspection Fee Paid: \_\_\_\_\_  
Additional Inspection Fee: \_\_\_\_\_

Owner's Name: _____		Owner's Phone#: _____	
Operator's Name: _____		Operator's Phone#: _____	
Site Address: _____			
# Bedrooms: _____		All legal bedrooms? _____	
Inspectors' Names (Printed): _____		Initial Inspection Date: _____	
Building Inspector Signature: _____		Re-inspection Date: _____	
Fire Inspector Signature: _____		Final Approval Date: _____	
Yes	No	Corrected	
□	□	□	□
<b>1. Primary Exit</b>			
□	□	□	□
(a) At least one exit door with direct access to the outside, or to a protected corridor in the case of a condominium or apartment building, shall be provided for each short term rental unit			
□	□	□	□
(b) The exit door shall be side-hinged and not less than 3' wide and 6'8" tall.			
□	□	□	□
(c) A landing must be provided on each side of each exterior door. The landing width shall not be less than the width of the door and shall have a minimum dimension of 36" measured in the direction of travel.			
□	□	□	□
(d) The exit door shall open from the inside without the use of a key, tool or special knowledge.			
□	□	□	□
(e) Handrails shall be provided on at least one side of each continuous run of stairs.			
□	□	□	□
(f) Stairs and decks must be properly constructed and maintained.			
□	□	□	□
(g) Guards shall be installed along open-sided walking surfaces that are more than 30" above another floor or grade. Insect screening is not considered a guard. Guards shall be at least 36" high with spindle spacing less than 4" apart.			
Comments: _____			
<b>2. Emergency Escape and Rescue Openings</b>			
<i>Homes built prior to the adoption of the 2012 International Residential Code are required to meet the standards in this section only as is practical and found satisfactory by inspector.</i>			
□	□	□	□
(a) Window sill height shall be no higher than 44" above the finished floor.			
□	□	□	□
(b) Minimum clear window opening of 5.7 square feet or 5 square feet it at ground level			
□	□	□	□
1. Minimum clear opening height of at least 24"			
□	□	□	□
2. Minimum clear opening width of at least 20"			
□	□	□	□
(c) Windows must be operational from the inside of the sleeping room without the use of keys, tools or special knowledge.			

Yes	No	Corrected	N/A	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(d) Bars, grills and similar devices are not recommended over emergency escape openings. If present, they must open from the inside without use of keys, tools, special knowledge or greater force than what is required for normal operation of the window itself.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(e) Windows under decks must fully open and provides a path not less than 36" in height to public street, alley, yard or court.
Comments:				
<b>3. Smoke &amp; Carbon Monoxide Alarms</b>				
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(a) Smoke alarms shall be listed and labeled as UL 217 compliant. Carbon monoxide alarms must be listed as complying with UL 2034.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(b) Smoke alarms must be installed in each sleeping room, outside each sleeping area and on each additional story of the residence, including the basement.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(c) Carbon monoxide alarms must be installed outside of the sleeping rooms and not more than 10' from each separate sleeping area or bedroom.
Comments:				
<b>4. Fire Extinguishers</b>				
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(a) A minimum of one portable, 5 pound type ABC fire extinguisher must be mounted <u>on each floor available to the rental guests</u> . Extinguishers must be maintained per manufacturer's directions, mounted no greater than 48" above the floor and in a visible spot, such as a hallway.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(b) Main floor fire extinguishers must be mounted in the <u>kitchen, in a visible spot</u> .
Comments:				
<b>5. Electrical Outlets</b>				
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(a) GFCI protected outlets are required within 2' of any sink, at all kitchen and bathroom countertops, all outdoor outlets, for any sauna or other wet locations
Comments:				
<b>6. Hot Water</b>				
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(a) The maximum hot water temperature discharging from bathtub fillers shall not exceed 120°F by a temperature-limiting device in accordance with ASSE 1070/CSA B125.3. Water heater thermostats shall not be considered an acceptable control for meeting this provision.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(b) Showers and tub-shower combinations must be provided with anti-scald valves.
Comments:				

Yes No Corrected N/A	
	<b>7. Tempered Glass</b>
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	(a) Glazing in walls, enclosures or fences within 5' vertically and/or horizontally of saunas, steam rooms, bathtub and showers.
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	(b) Windows less than 36" above stairways, stairway landings, ramps and at the bottom of stairways.
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	(c) Glazing in doors and windows within a 24" arc of the door in a closed position
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	(d) Guard and railings
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	(e) Individual window panes that are over 9 square feet, bottom edge of glass is less than 18" above the floor, top edge of glass is more than 36" above the floor and has a walking surface within 36" horizontally from the window
Comments:	
	<b>8. Guard Rails</b>
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	(a) Guards shall be installed along open-sided walking surfaces that are more than 30" above another floor or grade, such as decks, screen porches, balconies, lofted areas and stairs. Insect screening is not considered a guard
Comments:	
	<b>9. Roof-top use in Downtown District</b>
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	(a) The STHR is located in a sprinkled building.
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	(b) Building code for fall protection and exiting are met.
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	(c) Use Permit for property specifically allows the roof-top use.
Comments:	
	<b>10. Corrections and notes</b>



**SHORT TERM HOME RENTAL  
LICENSE APPLICATION**

<b>A. Property owner's information</b>	
Site address of Short Term Home Rental: _____	
Property owner's name: _____	
Property owner's signature: _____	
Property owner's address: _____ _____	
Property owner's phone number: _____ Public phone number: _____	
Property owner's email: _____	SSN (kept private): _____
<b>B. Operator's information</b>	
Operator's name: _____	
Operator's address: _____ _____	
Operator's phone number: _____ Public phone number: _____	
Operator's email: _____	
<b>C. License type</b>	
1. For which Short Term Home Rental license is application being submitted? Circle only one: Type A      Type B      Type C	
2. If a Type C license application is being submitted, has a Conditional Use Permit been issued by the City for the property? Yes      No      Not a Type C license application	
3. If a Type C license is being submitted, and a Conditional Use Permit has not been issued by the City, has a complete Conditional Use Permit application form been submitted to and accepted by the City? Yes      No      Not a Type C license application	
4. Is the home the property owner's primary residence? Yes      No	
5. Will property owner be present during guest stays? Yes      No	
6. If a Type B or Type C property, will the owner or operator be within a 30 minute drive of the property? Yes      No      (How long will average drive time be? _____)	
7. Address while away? (if applicable) _____	



## December 17, 2019 City Council Meeting Highlights

### The Council:

- Held a public hearing on the 2020 Budget and Tax Levy.
- Approved the 2020 Budget as proposed.
- Approved the 2020 Tax Levy as proposed.
- Approved the Draft PLCD ordinance amendment and requested the Planning Commission hold a public hearing.
- Approved WSB fee increase for 2020.
- Approved renewal of liquor licenses for 2020 for Afton House and Lumberyard Pub.
- Authorized Tri County to try new ice breaker equipment to break up compacted snow and ice on roads that are scheduled to be re-paved and also the hill on 30<sup>th</sup> St.
- Approved Afton Creek Preserve contingency plans for 2020 construction.
- Approved plan to allow Washington County to store excess snow in the Carver park area.