

09-26-2024

**City Council Work Session
Supplemental Packet**

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

Meeting Date September 26, 2024

Council Action Memo

To: Mayor Palmquist and City Council Members

From: Ron Moorse, City Administrator

Date: September 24, 2024

Re: Review of Short Term Home Rental Ordinance - **Supplemental**

Because the Council directed staff to provide the Planning Commission with a copy of the state statute regarding Bed and Breakfasts along with information regarding options the Council is considering for revisions to the short term home rental ordinance, staff has attached the statute that defines a bed and breakfast, as well as the City's Bed and Breakfast ordinance. One element of the statute and ordinance that stood out to staff is the number of guests allowed in the statute vs in the ordinance. The statute allows up to 20 guests. The ordinance allows only up to 4 guests. The Council may want to consider placing a similar restriction on the number of guests allowed in a short term home rental.

340A.4011 BED AND BREAKFAST FACILITIES; WHEN LICENSE NOT REQUIRED.

Subdivision 1. **Definition.** For purposes of this section, "bed and breakfast facility" means a place of lodging that:

- (1) provides not more than eight rooms for rent to no more than 20 guests at a time;
- (2) is located on the same property as the owner's personal residence;
- (3) provides no meals, other than breakfast served to persons who rent rooms; and
- (4) was originally built and occupied as, or was converted to, a single-family residence prior to being used as a place of lodging.

Subd. 2. **License not required.** (a) Notwithstanding section 340A.401, no license under this chapter is required for a bed and breakfast facility to provide at no additional charge to a person renting a room at the facility not more than two glasses per day each containing not more than four fluid ounces of wine, or not more than one glass per day containing not more than 12 ounces of Minnesota-produced beer. Wine or beer so furnished may be consumed only on the premises of the bed and breakfast facility.

(b) A bed and breakfast facility may furnish wine or beer under paragraph (a) only if the facility is registered with the commissioner. Application for such registration must be on a form the commissioner provides. The commissioner may revoke registration under this paragraph for any violation of this chapter or a rule adopted under this chapter.

History: 1996 c 418 s 4; 2011 c 55 s 6

§ 153.108 BED AND BREAKFAST FACILITIES.

(A) Bed and breakfast facilities are permitted only after the issuance of a conditional use permit, which shall be subject to annual renewal. Bed and breakfast facilities are prohibited in the industrial zone.

(B) The following standards must be met for bed and breakfast facilities.

(1) The owner shall be in residence when the rooms are being rented by paying guests.

(2) The rooms rented out shall be within the residence and not in any accessory building.

(3) No more than two rooms shall be rented, and there shall be no more than four paying guests at one time.

(4) Off-street parking shall be provided, with a minimum of one space per guest room and one space for the operator. An additional space shall be provided for any type of trailer or other towed item

belonging to a paying guest.

(5) The septic system shall be to code and sized for the proposed use, and the property must contain adequate space for an alternate septic system.

(6) There shall be no signs other than those allowed for the district.

(7) There shall be no exterior indication that the residence is a bed and breakfast facility.

(8) No paying guest shall stay in the facility for more than 14 consecutive days.

(9) The facility shall not be used for commercial receptions, parties and the like, for the serving to paying guests of meals other than breakfast or the serving of meals to nonresident guests for compensation. There shall be no cooking in guestrooms.

(10) Smoke alarms shall be installed. Certification that the facility has passed inspection by the Fire District shall be submitted to the city before the permit is issued.

(11) The Building Official shall inspect and approve the facility, and certification that the facility has passed inspection by the Building Official shall be submitted to the city before the permit is issued.

(12) A license is required by the county's Public Health Department and a copy of the license issued by the Public Health Department shall be submitted to the city within ten days of its receipt by the operator of the bed and breakfast facility.

(13) Bed and breakfast facilities shall meet the current side and rear setback requirements for the zone in which they are located.

(14) Operators of bed and breakfast facilities are required to give clients directions for reaching the residence.

(15) Failure to meet the conditions of the conditional use permit shall constitute grounds for withdrawal of the permit.

(16) If ownership is transferred, an amended conditional use permit must be applied for by the new owner within 60 days of the change in ownership.

(17) The conditional use permit will terminate if the amended permit is not requested within 60 days or if there is no request for annual renewal.