

WINDEMERE TOWNSHIP SHORT-TERM VACATION RENTAL ORDINANCE (PROPOSED)

ARTICLE 1 STATUTORY AUTHORIZATION AND POLICY

- 1.1 **Statutory authorization.** This ordinance is adopted pursuant to the authorization and policies contained in Windemere Township Planning and Zoning enabling legislation in MN Statute Chapter 394.
- 1.2 **Need.** Windemere Township, rich in lakes and forests, has long been a recreational destination in addition to being home to its many residents and property owners. In recent years, property owners have begun to use their residential properties for short term vacation rental for compensation. While such action and property use may increase private revenue and even bring the benefits of tourism to the Township, there are also potential adverse effects on neighboring residential properties. Among these are increased traffic and parking, noise, trespass, and misuse and abuse of common resources.
- 1.3 **Purpose and Intent.** It is the purpose and intent of this Ordinance, consistent with the terms of the Windemere Township Comprehensive Plan, to continue the allowed use of residential properties as short term vacation rentals in certain zoned districts, but also to mitigate the potential adverse effects on the health, safety, and welfare of surrounding properties through the establishment of a conditional use permitting program for the review and approval of short-term vacation rental use of residential properties.

ARTICLE 2 DEFINITIONS AND GENERAL PROVISIONS

- 2.1 **Definitions.** Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted to give them the same meaning they have in common usage and to give this Ordinance the most reasonable application. For the purpose of this Ordinance, the words “must” and “shall” are mandatory and not permissive, and the words “may” or “should” are permissive.
 - (a) **“Bed and Breakfast”** means an establishment in a residential dwelling, typically consisting of a bedroom and shared bathroom, that supplies temporary accommodations and a morning meal to overnight guests for a fee. The owner or manager resides on the premises.
 - (b) **“Parcel”** means a unit of real property that has been given a tax identification number maintained by Pine County.

(c) **“Lot”** for the purposes of this ordinance means a parcel or group of parcels that are contiguous to each other and owned by a single owner or any combination of common owners, regardless of how the parcels are recorded or when they were purchased.

(d) **“Short-Term Vacation Rental”** means any home, cabin, condominium or similar building that is advertised as, or held out to be, a place where sleeping quarters are furnished to the public on a nightly, weekly, or less than a 30-day basis for compensation and is not a Bed and Breakfast. The short-term vacation rental excludes Commercial Planned Developments as defined below.

(e) **“Commercial Planned Development,”** means a dwelling or dwellings where the nature of residency is transient, short term lodging spaces, rooms or parcels and their operations are essentially service-oriented, such as hotel/motel accommodations, resorts, recreational vehicle and camping parks and other primarily service-oriented activities.

2.2 **Severability.** If any action, clause or provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court or competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

2.3 **Jurisdiction.** The provisions of this Ordinance apply to all unincorporated areas of Windemere Township.

ARTICLE 3 USE CLASSIFICATION DEFINITIONS:

3.1 **Residential Use -- Class I:** A category of uses that includes, but is not limited to: hunting shacks, residential dwelling (less than five units or sites), and seasonal residences for personal use without compensation.

3.2 **Residential Use -- Class II (Short-Term Vacation Rental).** A category of uses that includes but is not limited to: sewerer hunting shacks, residential dwellings (less than five units or sites), and seasonal residences for which short term vacation rental is allowed in the following zone districts: Residential, High-Density, Agricultural—Open Space, and Shoreland Zone.

ARTICLE 4 ADMINISTRATIVE, PERFORMANCE AND CONDITIONAL USE STANDARDS

4.1 **Accessory Dwelling Administration Standards.** An accessory dwelling shall not be used for commercial or rental purposes unless a permit for short term vacation rental is applied for and on file as part of the overall property for rent. Accessory dwellings shall not be used as separate from the overall property.

4.2 **Permit Required.** Residential Use – Class II: A category of uses that includes, but is not limited to: sewerer hunting shacks, residential dwellings (less than five units or sites), and seasonal residences for short term rental is allowed in the

following zone districts: Residential, High Density, Agricultural—Open Space, and Shoreland Zone with a performance standard. If a property is used primarily for rental purposes as a Commercial Planned Development, then it shall be subject to Ordinance requirements regarding commercial use.

- 4.3 **Other Laws Apply.** All applicable local, county, state and federal requirements shall be followed for the taxing, permitting and other applicable requirements.
- 4.4 **Posting Emergency Information.** The permittee/owner/operator shall post within the rental unit the rules and regulations and emergency contact information for fire, law enforcement, hospital, septic tank pumper and the permittee/owner/operator.
- 4.5 **Property Management Contact.** The permittee/owner/operator shall provide the Windemere Township Zoning Administrator with current contact information for person(s) responsible for property management. Said person shall be available within one-half hour of reported need.
- 4.6 **Property Line Demarcation.** The permittee/owner/operator shall provide visual demarcation of property lines.
- 4.7 **Recreational Camping Vehicles.** No short-term vacation rental shall be allowed in any park model homes not connected to a compliant septic system, or in any recreational camping vehicle as defined in the Windemere Township Zoning Ordinance regardless of whether it is connected to a septic system.
- 4.8 **Violations.** Any violation of this Ordinance shall render the short-term vacation rental permit null and void.
- 4.9 **Appeals.** Appeals shall be in accordance with Article VII-Enforcement and Application of the Windemere Township Zoning Ordinance.
- 4.10 **Non-transferable.** An allowed Conditional Use Permit for Short-Term Vacation Rental use may not be transferable upon change in ownership of a property where a permit was issued.
- 4.11. **Limitations, Generally.** Short-Term Vacation Rentals shall be limited to no more than 4% of all habitable dwellings, including any habitable park models connected to a residential sanitary sewer system or municipal sewer system, located within the 1000' setback of a shoreland overlay zone, and 4% of all habitable dwellings, including any habitable park models connected to a residential sanitary sewer system or a municipal sewer system, located outside the shoreland overlay zones throughout the remainder of the township. For lots with more than one inhabitable dwelling unit, that lot shall count as one dwelling unit for the purpose of determining the overall number of dwelling units. Where

shoreland overlay zones overlap, the more restrictive rules shall apply, and any dwelling units found in both shall be counted only as lying in the more restrictive zone. For purposes of determining the number of dwelling units per zone, this determination will be made prior to the passage of this ordinance, and shall be approved by the Township Board. The number shall be verified annually and approved by the Township Board at its annual meeting.

- 4.12 **Limitations, Guests.** The number of guest that a dwelling can accommodate shall be limited by the number of bedrooms in the dwelling. A bedroom may accommodate up to four guests. A dwelling unit may have one pullout bed not located in a bedroom that accommodates up to two guests. In no case may a dwelling accommodate more than 12 guests.

ARTICLE 5 LOT REQUIREMENTS

- 5.1 **Conforming Lot.** A STVR unit must be located on a conforming lot or an existing lot of record/legal non-conforming lot. The lot must meet minimum zoning requirements.
- 5.2 **Single Dwelling Units.** No more than one rental dwelling unit per lot may be rented. Additional occupancy, other than by owners of the property, through the use of recreational vehicles, tents, accessory structures, garages, boat houses, pole barns, sheds, fish houses or similar structure is not allowed. Accessory dwellings shall not be rented unless a permit is on file as part of the overall property for rent.
- 5.3 **Multiple Dwelling Units.** Any request to have more than one rental dwelling unit on a lot shall require a conditional use permit where the use is conditionally permitted or shall constitute a resort and must meet the applicable standards.
- 5.4 **Additional Standards.** The Windemere Township Zoning Administrator may impose additional standards or conditions that will reduce impacts of the proposed use on neighboring properties. Said standards or conditions include but are not limited to fences, vegetative screening along property lines or shoreline and quiet hours. These standards shall be posted in the rental dwelling unit.
- 5.5 **Survey.** All property lines shall be located by a licensed land surveyor. The cost of the survey shall be the responsibility of the permittee/owner/operator.

ARTICLE 6 SHORELAND ZONES

- 6.1 **Environmental Lakes.** Short-Term Vacation Rentals shall not be allowed an any lakes designated in the Windemere Township Ordinance as Environmental Lakes. STVR's are allowed on lakes designated as recreational and on rivers.

- 6.2 **Aquatic Invasive Species.** Aquatic Invasive Species (AIS) prevention guidelines must be posted in the rental unit for watercraft use.
- 6.3 **Watercraft.** All guest watercraft must be currently licensed and must be put in the water body at a state-designated public landing. Guest watercraft cannot be launched from the short-term rental property shoreline.

ARTICLE 7 PARKING

- 7.1 **On-site Parking.** The site shall provide on-site parking sufficient to accommodate the occupants of the rental dwelling unit.
- 7.2 **Road Right-of-Way.** No person shall, for the purpose of camping, lodging or residing therein, leave or park a vehicle, motor vehicle or recreational vehicle on or within the limits of any road or any road right of way, except as part of a permitted driveway.

ARTICLE 8 SEPTIC/SOLID WASTE REQUIREMENTS

- 8.1 **Generally.** All dwelling units must be connected to municipal sewer system or a complaint residential septic system. Septic system checks shall be required annually for all residential septic systems. Septic compliance checks can be required at any time if there is a report or concern of a failing or overflowed system, or whenever an application is made to renew the permit.
- 8.2 **Sewered Lots.** Sewage treatment on sewered lots must comply with all rules and requirements of the sanitary sewer district with jurisdiction over the lot. 8
- 8.3 **Lots with Residential Septic Systems.** Sewage treatment on lots serviced by residential septic systems must comply with the Pine County Solid Waste Ordinance.

ARTICLE 9 CONDITIONAL USE PERMIT APPLICATION REQUIREMENTS

- 9.1 **Complete Application Required.** All information required shall be provided to the Windemere Township Zoning Administrator on the Windemere Township Short-Term Vacation Rental Conditional Use Permit Application. Incomplete applications will not be considered.
- 9.2 **Application Process.** Applications for Short-Term Vacation Rental Conditional Use Permits may be downloaded from <http://windemeretownship.com>, or received from the Windemere Township Zoning Administrator in person. Once the application is received along with the supplemental information and payment of fee, Windemere Township will issue or deny the conditional use permit within the timelines established under Minnesota Statute 15.99, during which time the Township may contact the applicant for additional information.

If the permit is denied, a letter will accompany the denial explaining the reasons for the denial, and the applicant may reapply once again, once the conditions surrounding the application denial are corrected.

- 8.3 **Fee.** The Board shall set a reasonable fee for the issuance of the permit. The Board may require that some or all of the fee is non-refundable.