

BECo PEZ
Att: S. Wantz
9PSS
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State of Minnesota

County of Blue Earth

I certify that the foregoing and annexed document **“ORDINANCE AMENDMENT TO THE BLUE EARTH COUNTY CODE OF ORDINANCES CHAPTER 24, ARTICLE IV, REQUIREMENTS AND STANDARDS SEC. 24-337. SHORT-TERM RENTAL UNITS, AND ALLOWING SHORT-TERM RENTAL UNITS AS AN INTERIM USE IN THE AGRICULTURE, CONSERVATION, RURAL RESIDENCE, RURAL TOWNSITE, AND URBAN FRINGE OVERLAY DISTRICTS.”**

(Document Title)

Dated **January 25, 2022** and containing **08** pages is a true and correct copy

of an electronic document bearing one or more electronic signatures this **25th Day of January, 2022**

(Date)

Notary Public Signature



Seal/Stamp

My Commission Expires January 31, 2026

My notary commission number is 17D402400035

**ORDINANCE AMENDMENT
TO THE BLUE EARTH COUNTY CODE OF ORDINANCES
CHAPTER 24, ARTICLE IV, REQUIREMENTS AND STANDARDS
SEC. 24-337. – SHORT-TERM RENTAL UNITS, AND ALLOWING SHORT-TERM
RENTAL UNITS AS AN INTERIM USE IN THE AGRICULTURE, CONSERVATION,
RURAL RESIDENCE, RURAL TOWNSITE, AND URBAN FRINGE OVERLAY
DISTRICTS.**

WHEREAS, Minnesota Statutes 394.21 to 394.37 gives Counties the authority to regulate land development by adopting and amending Official Controls to protect the public health, safety, and welfare: and,

WHEREAS, the Planning Agency of the County prepared an amendment proposal and completed a report pertaining to staff report PC 01-22, a copy of said report has been presented to the Planning Commission and County Board; and,

WHEREAS; the Planning Commission of the County on the 5th day of January 2022, following proper notice held a public meeting regarding the amendments, and following discussion, voted unanimously to forward the Ordinance Amendment to the County Board with a recommendation for approval of the ordinance amendments; and,

WHEREAS; the County Board of Commissioners on the 25th day of January 2022, held a public hearing regarding the request, and following due consideration of presented testimony and information, voted unanimously to adopt the proposed amendments; and,

WHEREAS, the Blue Earth County Board of Commissioners finds:

1. Minnesota Statute, Chapter 394.21 grants counties the authority to regulate land development by adopting and amending official controls.
2. Short-Term Rental is a more intensive use of property as compared to single family residential uses
3. The proposed amendment reflects objectives of the County Land Use Plan.

4. Performance standards for permitted short-term rental units will positively impact the health, safety, and general welfare of the public.

NOW THEREFORE BE IT ORDAINED, by the Blue Earth County Board of Commissioners, that the amendment to Chapter 24, Article IV. Requirements and Standards, Section 24-337. – Short-Term Rental Units, and allowing short-term rental units as an interim use in the Agriculture, Conservation, Rural Residence, Rural Townsite, and Urban Fringe Overlay districts as contained in Attachment 1, is hereby adopted.

This amendment
without publication.

shall become effective immediately upon its passage and

Passed this 25th Day of January, 2022

DocuSigned by:
Robert W. Meyer
ATTEST: _____
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County Administrator

DocuSigned by:
Mark Fisher

8080A048C044F0
Chair, Blue Earth County Board of Commissioners

DRAFTED BY:
Blue Earth County PER
P.O. Box 3566
Mankato, MN 56002-3566

Attachment 1

Definitions:

Short-term rental unit - is a commercial use of a dwelling, where sleeping quarters are furnished in exchange for compensation, for any period of time less than 30 days and is not a Bed and Breakfast.

Uses:

Sec. 24-112. - Agriculture District Uses.

(b) Interim Uses.

32. Short-term Rental Units as regulated by Sec. 24-337.

Sec. 24-137. - Conservation District Uses.

(b) Interim Uses.

23. Short-term Rental Units as regulated by Sec. 24-337.

Sec. 24-162. - Rural Residence District Uses.

(b) Interim Uses.

13. Short-term Rental Units as regulated by Sec. 24-337.

Sec. 24-192. - Rural Townsite District Uses.

(b) Interim Uses.

15. Short-term Rental Units.

Sec. 24-502. - Urban Fringe Overlay District Uses as regulated by Sec. 24-337.

(b) Interim Uses.

14. Short-term Rental Units as regulated by Sec. 24-337.

Sec. 24-337. Short-Term Rental Units.

This section is established to protect and promote health, safety, general welfare and order within the county through uniform standards, regulations, and procedures governing the short-term rental units. The use and operation of private vacation rental homes, referred to as short-term rental units, and to mitigate possible adverse impacts to surrounding properties, maintain water and environmental quality, ensure on-site parking is sufficient to provide parking for patrons and visitors, and the general safety of occupants of short-term rental units, the following standards shall be conformed to:

(a) *Application requirements.* Any person proposing to operate a short-term rental unit shall make application to the Planning Agency for an interim use permit. The application for said permit shall contain the following:

(1) A site plan which shows the location of the following:

- a. Property lines.
- b. The dwelling unit proposed for use as a short-term rental unit.
- c. Accessory structures.
- d. Square footage of parking areas and driveway(s).
- e. Shoreland Recreational Facilities (i.e. gazebos, boat house, and patios).
- f. Storage of outdoor garbage and recycling storage containers.
- g. All wells and septic systems facilities and secondary septic system location, or water and wastewater facilities serving the property.

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- h. Docks and pathways to a lake or river when applicable.
 - i. Fire pit for recreational fires.
 - j. Other site-specific considerations identified by the Planning Agency.
- (2) Floor plans of the structure, including the number of bedrooms with dimensions.
- (3) All other information required for an Interim Use Permit, including but not limited to:
- a. Required fee.
 - b. A building inspection and Certificate of Occupancy issued by a Minnesota Certified Building Official.
 - c. A business plan that includes, but not limited to, quiet hours, maximum occupancy, parking, pet policy, refuse disposal, other property rules, the duration of available rental dates, the length of time the unit is available for rent for tenants of the unit, and any licenses required by other jurisdictions or agencies, including the Minnesota Department of Health.
 - d. Subsurface Sewage Treatment System (SSTS) commercial operating permit, if appropriate.
 - e. Proof of liability insurance.
- (b) *Performance Standards.*
- (1) The maximum occupancy at any given time shall be in compliance with the capacity of the Subsurface Sewage Treatment System (SSTS) serving the unit. If the unit is served by a municipal or a sewer district system, the occupancy will be limited to the maximum occupancy identified in the applicant's business plan or the occupancy identified by a Lodging License from the Minnesota Department of Health, whichever is lower.
 - (2) There may be a maximum of one (1) rental unit per lot or parcel.
 - (3) The rental property manager shall maintain a list of all current occupants of the unit. The list shall be made available to county staff and/or law enforcement upon request.
 - (4) The use of ice houses, fish houses, campers, recreational vehicles, tents, or accessory structures for overnight lodging by renters is prohibited on a property where a short-term rental unit is located.
 - (5) One location for recreational fires may be allowed, provided it meets all requirements of the State Fire Code.
 - (6) A building inspection and Certificate of Occupancy shall be performed and issued by a Minnesota Certified Building Official at the applicant/landowner's expense prior to renting any unit.
 - (7) All short-term rental units shall have at least one full bathroom consisting of a sink, toilet and tub or shower
 - (8) The storage, collection, and disposal of refuse and garbage shall be conducted in accordance with Chapter 16 (Solid Waste Management) of the County Code to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution.
 - (9) Refuse and garbage collection shall be made at least once each week and more often where necessary to prevent nuisance conditions. Final disposal of refuse and shall be accomplished at a waste management facility permitted by the State and licensed by the County.
 - (10) The permit holder shall provide a physical visual demarcation of the property lines.
 - (11) No other commercial use shall occur on the property, including home occupations. Events including reunions, luncheons, banquets, weddings, fund raising events or other gatherings for

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direct or indirect compensation, that exceed the occupancy limit, are prohibited at Short-Term Rental Units located within the Rural Residence and Rural Townsite districts.

- (12) The County may impose conditions that will reduce the impacts of the proposed use on neighboring properties, public services, nearby water bodies, public safety and safety of renters. Said conditions may include but not be limited to – fencing or vegetative screening, native buffer along the shoreline, noise standards, duration of permit, restrictions as to the docking of watercraft, and number of renters.
 - (13) All applicants for an interim use permit for a short-term rental unit must contact the Minnesota Department of Health to see if a Lodging License is required, as it pertains to the standards contained in Minnesota Rules Chapter 4625. If a Lodging License is required by the State of Minnesota for the short-term rental unit, it must be maintained annually, and evidence of the license maintenance shall be provided to the Planning Agency. If a license is not required, evidence acquired by the IUP applicant from the Minnesota Department of Health shall be supplied to the Planning Agency.
 - (14) All short-term rentals, operating prior to the effective date of these standards, shall be in compliance with this section by February 1, 2023.
- (c) Parking Requirements.
- (1) A minimum of two off-street parking spaces shall be provided for the rental unit.
 - (2) Off-street parking spaces must meet parking space size regulations in Sec. 24-310 of the County Code and parking for vehicles and trailers may only be allowed in designated parking spaces.
 - (3) Public streets and rights-of-way shall not be used for parking of trailers or vehicles.
 - (4) Any limitation standard of impervious surface on a property, as specified in chapters of this ordinance, shall be met.
- (d) Sewage Treatment.
- (1) The rental unit must either be connected to a municipal sewage treatment facility or must have a Subsurface Sewage Treatment System.
 - (2) If a Subsurface Sewage Treatment System is utilized, it must meet the following criteria:
 - a. It must be sized properly to accommodate the maximum occupancy of the rental unit in accordance with Section 6-377, as amended.
 - b. The rental unit must have a valid commercial operating permit for the Subsurface Sewage Treatment System
 - c. Holding tanks are not allowed for short-term rental units.
 - d. A secondary subsurface sewage treatment location must be identified and protected so that it is not impacted by parking of vehicles or trailers.
- (e) Rental Property Manager and Notifications.
- (1) All short-term rental units shall have a designated rental property manager, or “manager” who meets the following requirements:
 - a. The manager must be available 24 hours/day, seven days per week.
 - b. The manager must be able to respond in person within 120 minutes of notification when patrons are present at the dwelling unit.
 - c. The manager must have administrative authority over the property.

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- d. The manager must have knowledge of the short-term rental unit, the property, and the County Rules, Standards and Procedures.
- (2) A short-term rental owner or designee must provide the name, address and phone number for the rental property manager. The Planning Agency shall provide the property's manager's contact information to neighboring properties within one-quarter mile of the affected property at the time of permit approval. The owner or designee shall notify the County within 10 days of a change of a property manager or a change in the property manager's contact information.
- a. The owner or designee shall post and maintain the property manager's contact information on the property or on the property's online webpage in a prominent location for viewing by the public.
- (3) The following information shall be posted within the rental unit in a prominent location, so it is easily visible for guests:
- a. The property manager's full name, address, and phone number.
 - b. The rental unit's maximum occupancy.
 - c. The location of parking stalls.
 - d. The maximum number of vehicles, recreational vehicles, and trailers allowed at the property, where they are to be parked, and their allowable uses.
 - e. The location of property lines.
 - f. Fire extinguisher(s).
 - g. Property rules related to use of exterior features of the property, quiet hours, pets, refuse disposal, and recreational fires.
 - h. Evidence of a Lodging License from the Minnesota Department of Health, if required.
 - i. Conditions of the Interim Use Permit impacted by the actions or behavior of the renters.
 - j. Emergency procedures for a fire, tornado or similar natural disaster.
- (f) General Enforcement of Property Conditions.
- (1) Complaints and Violations of the Short-Term Rental Ordinance shall be processed with the following procedure:
- a. Issues pertaining to a Short-Term Rental Unit should be directed to the designated Rental Property Manager for remedy.
 - b. If an issue is not acknowledged by the Rental Property Manager within 24 hours, and remedy of the issue is not identified by the Rental Property Manager, a complaint may be made to the Planning Agency for non-emergency issues.
 - c. An emergency issue impacting the immediate safety of residents or visitors should be referred to the appropriate law enforcement agency.
 - d. The Planning Agency shall investigate all complaints and follow up with the designated Owner or Rental Property Manager and complainant. Any complaints substantiated by the Planning Agency and not resolved with the Owner or Rental Property Manager within the time period specified may result in the invalidation of the Interim Use Permit for the Short-Term Rental Unit as reviewed by the Planning Commission and the Board of Commissioners.
- (g) Density of Use.

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- (1) In the Rural Residence (RR) or the Rural Townsite (RT) zoning district, no parcel or lot within 125 feet of a parcel or lot with an existing permitted short-term rental unit, as measured from the property line, shall be eligible for a Short-Term Rental Unit IUP.