



STAFF REPORT

DATE: February 7, 2018

REGULAR

ITEM #: 15

TO: City Council
FROM: Emily Becker, Planning Director
AGENDA ITEM: Bed and Breakfast (Short Term Rentals)
REVIEWED BY: Ben Prchal, City Planner

BACKGROUND:

The subject of allowing short term rentals (AirBNBs, VRBO, HomeAway, etc.) within the RS zoning district was discussed at the July 11th, 2017 workshop, and as a result Staff was asked to explore the option. The Zoning Code defines a bed and breakfast as a private, owner-occupied residence that contains no more than five (5) guestrooms where lodging, with or without meals, is provided for compensation. Therefore, short term rentals would be categorized as Bed and Breakfasts.

At its August 14, 2017 meeting, the Planning Commission considered where AirBNBs and other types of bed and breakfasts should be allowed within different zoning districts than they are currently and if the standards for such uses should be amended. A public hearing was held on January 22, 2018.

ISSUE BEFORE COUNCIL:

Council is being asked to consider whether bed and breakfasts (including short term rentals) should be allowed within different zoning districts than they are currently and if the standards for such uses should be amended.

REVIEW/ANALYSIS:

Definition. Staff recommends amending this definition to define owner-occupied by adding the following to the current definition:

Bed and Breakfast. A private, owner-occupied residence that contains no more than five (5) guestrooms where lodging, with or without meals, is provided for compensation. For purposes of this definition, “owner-occupied residence” shall mean a residence within which a person lives for six months plus a day during a calendar year.

Zoning. Bed and breakfasts are currently a conditional accessory use in the Rural Development Transitional (RT), Agricultural (A), Rural Residential (RR), Medium Density Residential (MDR), High Density Residential (HDR), Village Mixed Use (VMX), and General Business (GB) zoning

districts. They are *not* allowed in the Rural Single Family (RS), Residential Estates (RE), Low Density Residential (LDR), Village Low Density Residential (V-LDR), Limited Commercial (LC), Convenience Commercial (CC), Commercial (C), or Business Park (BP) zoning districts.

Allowing such a use within the RT, A, and RR zoning districts makes sense from a planning perspective, as properties within these zoning districts are typically larger (10 acres or more), and therefore such a use is less likely to create a nuisance to neighboring properties. Properties within the other rural districts are much smaller, and constant revolving guests could create a nuisance to an otherwise typically quiet, rural area with smaller lots. However, allowing such a use for these properties would promote visitors to Lake Elmo and allow residents to receive income from their properties by allowing guests to stay in areas that could be more attractive (i.e. proximity to the lake (many of the lakes within the city are surrounded by RS and RE-zoned properties)) than other larger properties. However, short-term rentals also have the possibility to contribute to noise, litter, congestion, and the use of on-street parking, increasing likelihood of nuisance complaints. Properties within the Urban Residential districts are even smaller and therefore the potential to create nuisances such as creation of loss of parking for surrounding homes and noise is much higher. Of the commercial districts, single-family and multifamily dwellings are only allowed in the Commercial zoning district as a conditional use, so of all the commercial districts, it would only make sense to allow bed and breakfasts only within the Commercial zoning district. The size of these properties, their location, and chance of creation of a nuisance would vary.

Standards. The Zoning Code sets forth the following standards for bed and breakfasts:

Bed and Breakfast. The facility shall be located in a single-family detached dwelling.

1. The number of lodging rooms in any building shall not exceed five (5) unless in the opinion of the Planning Commission and City Council conditions warrant additional rooms.
2. The facility shall maintain a guest register open to inspection by the City.
3. Guest stay shall be limited to seven (7) days.
4. The applicant shall meet all applicable government regulations.
5. The operator shall carry liability insurance, and shall provide proof of such insurance to the City upon request.

Additionally, parking requirements require 1 space per guest room in addition to dwelling unit requirements.

Planning Commission Review. When the Planning Commission considered where bed and breakfasts should be allowed and if they should be considered conditional or permitted uses at its August 14, 2017 meeting, the Planning Commission generally felt that the City shouldn't get involved in the issue as there currently does not seem to be a problem. The Planning Commission felt that bed and breakfasts should be permitted, rather than conditional, accessory uses in zoning districts in which they are currently allowed and conditional uses in zoning districts in which they are not currently allowed.

When the Planning Commission held a public hearing and considered the ordinance amendment at its January 22, 2018 meeting, it amended its recommendations, outlined as follows:

- *Required Permit.* They recommended that bed and breakfasts require a separate permit (different than a conditional use permit) that costs \$100 (as opposed to a conditional use permit, which costs \$1050.00 plus a \$500 escrow) in order to track bed and breakfasts (specifically short term rentals) within the City without the high cost and long application process that a conditional use permit requires.
- *Zoning Districts in Which Bed and Breakfasts are Allowed.* The Planning Commission recommended that bed and breakfasts be allowed as follows, with the understanding that there are separate permit requirements for bed and breakfasts outside of a conditional use permit (proposed changes are indicated with strikethroughs and underlines). Summarily, the Planning Commission recommended that bed and breakfasts be allowed as permitted uses within the RT, A, RR, MDR, HDR, and V-LDR zoning districts (amended from conditional uses) and the GCC, LDR, and VMX zoning districts (amended from a non-permitted use). The Planning Commission recommended that bed and breakfasts not be an allowed use within the RS and RE zoning district because of the small lots within these zoning districts, which increase concerns about parking and the potential creation of nuisances.

	RT	A	RR	RS	RE
Bed and Breakfast	CP	CP	CP	-	-
	GCC	LDR	MDR	HDR	
	-P	-P	CP	CP	
	V-LDR	VMX			
	- P	CP			
	C				
	- P				

- *Amended Standards.* In regards to standards for bed and breakfasts, the Planning Commission recommended adding the requirement that bed and breakfasts have a minimum of one stall per unit. *Staff note:* This is already a requirement as per Table 5-2 Specific Minimum Off-Street Parking Requirements of the Zoning Code.

FISCAL IMPACT:

If the City chooses to allow bed and breakfasts as a permitted, rather than conditional, use in certain zoning districts, there will be a loss in conditional use permit fees for each potential bed and breakfast. However, waiving of the requirement for a conditional use permit will also decrease the amount of Staff time required to process the conditional use permit. Additionally, if a \$100 permit is required, the likelihood that residents

will register their bed and breakfast will increase and the City will generate some sort of revenue from bed and breakfasts/short term rentals.

OPTIONS:

The Council may:

- Adopt Ord. 08-197 and Ord. 08-200 as recommended by Staff and the Planning Commission.
- Make amendments to Ord. 08-197 and/or Ord. 08-200 and Council adopt as amended.
- Do not adopt Ord. 08-197 nor Ord. 08-200.

RECOMMENDATION:

Staff and the Planning Commission recommend that Council make the following motion:

“Move to adopt Ord. 08-197 amending the allowed use of bed and breakfasts within the City.”

If the Council approves Ord. 08- as presented (allowing bed and breakfasts as a permitted accessory use through a bed and breakfast permit, rather than a conditional use permit), the Council should also adopt Ord. 08- amending the City’s fee schedule to include a Bed and Breakfast Permit Fee.

“Move to adopt Ord. 08-200 amending the City’s fee schedule to include a bed and breakfast permit fee.”

Additionally, if the Council adopts the above-mentioned ordinances, the Council should also adopt Resolution 2018-014 permitting summary publication of Ord. 08-197 and Ord. 08-200.

“Move to adopt Resolution 2018-014 authorizing summary publication of Ord. 08-197 and Ord. 08-200.”

ATTACHMENTS:

- Ord. 08-197 amending the City Code as it pertains to bed and breakfasts
- Ord. 08-200 amending the City’s Fee Schedule
- Resolution 2018-014 authorizing summary publication of Ord. 08-197 and Ord. 08-200

**CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA**

ORDINANCE NO. 08-197

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES AS IT PERTAINS TO ACCESSORY USE OF BED AND BREAKFAST

SECTION 1. The City Council of the City of Lake Elmo hereby amends Chapter 154: Zoning Code; Article XI: Rural Districts; Section 154.401: Permitted, Conditional, and Interim Uses, by amending the following:

Table 9-1: Permitted, Conditional, and Interim Uses, Rural Districts

	RT	A	RR	RS	RE	Standard
Residential Uses						
Household Living						
Single-Family Detached Dwelling	P	P	P	P	P	154.404 (A)
Secondary Dwelling	-	P	-	-	-	154.404 (D)
Services						
Self Service Storage Facility	I ^a	I ^a	-	-	-	154.404 (G)
Outdoor Recreation						
Outdoor Recreation Facility	-	C	-	-	-	154.306 (C)
Parks and Open Areas	P	P	P	P	P	154.012 (B) (7)
Restricted Recreation	-	C	-	-	-	154.306 (B)
Agricultural and Related Uses						
Agricultural Entertainment Business	I	I	I	-	-	154.914
Agricultural Production	P	P	P	-	-	154.012 (B) (9)
Agricultural Sales Business	I	I	I	-	-	154.913
Agricultural Services	C	C	-	-	-	154.404 (J)
Forestry Operations	-	P	-	-	-	154.012 (B) (9)
Greenhouses, Non Retail	C	C	C	-	-	154.012 (B) (9)
Wayside Stand	P	P	P	-	-	154.012 (B) (9)
Industrial and Extractive Uses						
Motor Freight and Warehousing	I ^a	-	-	-	-	154.404 (G)
Accessory Uses						
Bed and Breakfast	<u>EP*</u>	<u>EP*</u>	<u>EP*</u>	-	-	<u>*154.310 (A)</u>
Domestic Pets	P	P	P	P	P	154.012 (B) (12)
Family Day Care	P	P	P	P	P	154.012 (B) (12)
Home Occupation	P	P	P	P	P	154.012 (B) (12)
Kennel, Private	C	C	C	-	-	154.012 (B) (12)
Solar Equipment	P	P	P	P	P	154.310 (C)
Stable, Private	C	C	C	-	-	154.012 (B) (12)
Swimming Pools, Hot Tubs, Etc.	P	P	P	P	P	154.012 (B) (12)
Temporary Sales	P	P	P	P	P	154.012 (B) (12)

Table 9-1: Permitted, Conditional, and Interim Uses, Rural Districts

	RT	A	RR	RS	RE	Standard
Water-Oriented Accessory Structures	P	P	P	P	P	154.800
Other Structures Typically Incidental and Clearly Subordinate to Permitted Uses	P	P	P	P	P	
Commercial Wedding Ceremony Venue	I	I	I			154.310 (D)
Open Space Preservation Development						
OP Development	-	C	C	-	-	Article 16

SECTION 2. The City Council of the City of Lake Elmo hereby amends Chapter 154: Zoning Code; Article XII: Urban Residential Districts; Section 154.451: Permitted, Conditional, and Interim Uses:

	<i>GCC</i>	<i>LDR</i>	<i>MDR</i>	<i>HDR</i>	<i>Standard</i>
Residential Uses					
Household Living					
Single-family detached dwelling	P*	P	P	P	154.174 (B), (E), *(O)
Two-family dwelling	-	-	P	P	154.174 (F)
Single-family attached dwelling	-	-	P*	P**	154.154 *(G),**(J)
	GCC	LDR	MDR	HDR	Standards
Multifamily dwelling (rental or condominium)	-	-	C*	P**	154.454 *(H),**(K)
Secondary dwelling	C	C	C	C	154.454 (C)
Live-work unit	-	-	-	C	154.454 (L)
Manufactured home park	-	-	C	-	151.035-151.150
Group Living					
Group Home	-	P	P	P	154.301 (C)
Group residential facility	-	-	C	C	154.301 (B)
Halfway House	-	-	-	C	154.301 (B)
Congregate Housing	-	-	C	C	154.301 (C)
Semi-transient accommodations	-	-	C	C	154.301 (D)
Public and Civic Uses					
Community services	-	-	-	C	

Day care center	-	-	C	C	154.012 (2) (d)
Schools, public and private	-	C	C	C	154.303 (A)
Services					
Offices		-	-	C	154.454 (M)
Funeral home		-	-	C	154.454 (I)
Personal services		-	-	C	154.454 (I)
Nursing and personal care		-	-	C	154.303 (C)
Sales of Merchandise					
Neighborhood convenience store		-	-	C	154.454 (N)
Wayside stand		P	P	P	154.454 (D)
Outdoor Recreation					
Golf course	P	C	-	-	154.306 (A)
Outdoor recreation facility	C	-	-	-	154.306 (C)
Indoor recreation facility	C	-	-	-	154.307, 154.454 (Q)
Parks and open areas	P	P	P	P	
	GCC	LDR	MDR	HDR	Standards
Transportation and Communications					
Broadcasting or communication facility	-	C	C	C	
Accessory Uses					
Home occupation	P	P	P	P	154.012 (12) (e)
Bed and breakfast	P *	P *	C P*	C P*	*154.310 (A)
Domestic pets	P	P	P	P	
Family day care	P	P	P	P	154.012 (12) (b)
Group family day care	-	C	C	C	154.012 (12) (b)
Temporary sales	P	P	P	P	154.456 (I)
Parking facility	-	-	-	C	
Solar equipment	P	P	P	P	154.456 (I)
Swimming pools, hot tubs, and the like	P	P	P	P	154.310 (C)
Water-oriented accessory structures	P	P	P	P	154.800

Restaurant	C	-	-	-	154.454 (P)
Drinking and Entertaining	C	-	-	-	154.454 (P)
Semi-transient accommodations	C	-	-	-	154.454 (R)
Other structures typically incidental and clearly subordinate to permitted uses	P	P	P	P	

SECTION 4. The City Council of the City of Lake Elmo hereby amends Chapter 154: Zoning Code; Article XIII: Village Mixed Use District; Section 154.401: Permitted, Conditional, and Interim Uses by amending the following:

	V-LDR	VMX	Standard
Residential Uses			
Household Living			
Single-family detached dwelling	P	C*	154.505 (A) (1), (2), *(4)
Two-family dwelling	-	C*	154.505 (A) (1), *(4)
Single-family attached dwelling	-	C	154.505 (A) (1), (5)
Multifamily dwelling	-	C	154.505 (A) (1), (6)
Secondary dwelling	C	C	154.454 (C) & 154.505 (A) (1), (3)
Live-work unit	-	C	154.505 (B) (6)
Group Living			
Group Home	P	P	154.301 (A)
Group Residential Facility	-	C	154.301 (B)
Congregate Housing	-	C	154.301 (C)
Semi-Transient Accommodations	-	C	154.301 (C)
Public and Civic Uses			
Community Services	-	P	154.012 (B)
Day Care Center	-	P	154.012 (B)
Public Assembly	-	C	154.012 (B)
Religious Institutions	-	C	154.303 (N)
Schools, Public and Private	-	C	154.303 (A)
Services			
Business Services	-	P	154.012 (B)
Business Center	-	P	154.012 (B)
Offices	-	P	154.012 (B)
Communications Services	-	P	154.012 (B)
Education Services	-	P	154.303 (A) 154.012 (B)
Financial Institution	-	P	154.012 (B)
Funeral Home	-	C	154.012 (B)
Lodging	-	C	154.302 (D)
Medical Facility	-	C	154.303 (B)
Membership Organization	-	C	
Nursing and Personal Care	-	C	154.303 (C)
Personal Services	-	P	

Repair and Maintenance Shop	-	C	154.505 (B) (1)
Trade Shop	-	C	154.505 (B) (2)
Veterinary Services	-	C	154.505 (B) (3)
Food Services			
Standard Restaurant	-	P	
Restaurant with Drive-through	-	C	154.304 (A)
Drinking and Entertainment	-	P	154.304 (B)
Sales of Merchandise			
Retail Trade ¹	-	P	
Farmer's Market	-	C	
Garden Center	-	C	154.554 (G)
Neighborhood Convenience Store	-	P	
Shopping Center	-	C	
Wayside Stand	P	P	154.454 (D)
Automotive/Vehicular Uses			
Automobile Maintenance Service	-	C	154.505 (B) (5)
Automobile Parts/Supply	-	C	154.505 (B) (5)
Gasoline Station	-	C	154.305 (B)
Parking Facility	-	C	154.505 (B) (7)
Sales and Storage Lots	-	C	154.305 (C)
Outdoor Recreation			
Outdoor Recreation Facility	-	C	154.306 (C)
Parks and Open Areas	P	P	
Indoor Recreation/Entertainment			
Indoor Athletic Facility	-	C	154.307
Indoor Recreation	-	C	154.307
Transportation and Communications			
Broadcasting or Communications Facility	-	C	
Mixed Uses			
Combination of Principal Uses on a single parcel	-	C/P	154.501 (B)
Combination of Principal and Accessory Uses on a single parcel	P	P	154.501 (A)
Accessory Uses			
Home Occupation	P	P	154.012 (12) (e)
Bed and Breakfast	-	P* C P*	*154.310 (A)
Family Day Care	P	P	154.012 (12) (d)
Group Family Day Care	-	C	
Temporary Sales	P	P	154.509 (G)
Parking Facility	-	P	154.505 (H) (7)
Solar Equipment	P	P	154.310 (C)
Swimming Pools, Hot Tubs, Etc.	P	P	

Other Structures Typically Incidental and Clearly Subordinate to Permitted Uses	P	P	
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SECTION 6. The City Council of the City of Lake Elmo hereby amends Chapter 154: Zoning Code; Article XVI: Commercial Districts; Section 154.551: Permitted, Conditional, and Interim Uses, by amending the following:

Table 12-1: Permitted, Conditional and Interim Uses, Commercial Districts

	<i>LC</i>	<i>CC</i>	<i>C</i>	<i>BP</i>	<i>Standard</i>
<i>Residential Uses</i>					
Household Living					
Single-family attached dwelling	-	-	C	-	154.554 (A)
Multifamily dwelling	-	-	C	-	154.554 (B)
Live-work unit	C	C	C	-	154.012 (B) (1)
Group Living					
Semi-transient accommodations	-	-	C	-	154.301 (D)
Congregate housing	-	-	C	-	154.301 (C)
<i>Public and Civic Uses</i>					
Colleges and universities	-	-	C	C	154.012 (B) (2), 154.303 (A)
Community service	-	C	C	C	154.012 (B) (2)
Day care center	C	C	C	C	154.012 (B) (2)
Schools, public and private	-	-	C	C	154.012 (B) (2), 154.303 (A)
	LC	CC	C	BP	Standard
Public assembly	-	-	C	C	154.012 (B) (2)
Religious institutions	-	-	C	-	154.012 (B) (2), 154.303 (N)
<i>Services</i>					
Business services	P	P	P	P	154.012 (B) (3)
Business center	P	P	P	P	154.012 (B) (3)
Offices	P	P	P	P	154.012 (B) (3)
Commercial kennel	-	-	C	-	
Communication services	C	C	P	P	154.012 (B) (3)
Educational services	P	P	P	P	154.012 (B) (3), 154.303 (A)
Financial institution	P	P	P	P	154.012 (B) (3)

Funeral home	-	C	P	-	154.012 (B) (3)
Lodging	-	-	P	C*	154.012 (B) (3), 154.302 (D), *154.554 (C)
Medical facility	-	-	C	C	154.012 (B) (3), 154.303 (B)
Membership organization	P	P	P	-	154.012 (B) (3)
Nursing and personal care	C	C	C	-	154.012 (B) (3), 154.303 (C)
Personal services	P	P	P	-	154.012 (B) (3)
Services					
Repair and maintenance shop	-	-	P	-	154.554 (D)
Self-service storage	-	-	C	C	154.303 (D)
Trade shop	-	-	P	-	154.554 (E)
Transportation services	-	-	-	C	154.012 (B) (3)
Veterinary services	P	P	P	C	154.554 (F)
Food Services					
Standard restaurant	-	P	P	C*	154.012 (B) (4), 154.554 (L)
Drive-in restaurant	-	C	C	-	154.304 (A)
Drinking & entertainment	-	C	P	-	154.304 (B)
Fast food restaurant	-	P	P	C*	*154.554 (M)
Sales of Merchandise					
General retail sales ¹	C	P	P	C*	154.554 (N)
Building supplies sales	-	-	C	-	
Warehouse club sales	-	-	C	-	
Furniture and appliance sales	-	-	P	-	
	LC	CC	C	BP	Standard
Grocery, supermarket	-	-	P	-	
Liquor store	-	P	P	-	
Garden center	-	-	P	-	154.554 (G)
Neighborhood convenience store	-	P	P	-	
Shopping center	-	P	P	-	
Sales of Merchandise					
Wholesaling	-	-	P	-	
Automotive/Vehicular Uses					

Automobile maintenance service	-	-	C	-	154.554 (H)
Automobile parts/supply	-	-	P	-	154.554 (H)
Car wash	-	-	C	-	154.012 (B) (6)
Commercial vehicle repair	-	-	-	-	154.554 (H)
Gasoline station	-	C	C	-	154.305 (B)
Parking facility	-	-	C*	C	*154.554 (I)
Sales and storage lots	-	-	C	-	154.305 (C)
<i>Outdoor Recreation</i>					
Campgrounds and trailering	-	-	-	-	
Golf course	-	-	-	-	
Marina	-	-	-	-	
Outdoor entertainment	-	-	-	-	
Outdoor recreation facility	-	-	C	-	154.306 (C)
Parks and open areas	P	P	P	P	154.012 (B) (7)
Restricted recreation	-	-	-	-	
<i>Indoor Recreation/Entertainment</i>					
Adult establishment	-	-	-	C	Chapter 113
Indoor athletic facility	-	C	P	C	154.307 (A)
<i>Indoor Recreation/Entertainment</i>					
Indoor recreation	-	-	C	-	154.307 (A)
<i>Agricultural and Related Uses</i>					
Agricultural sales business	-	I	P	-	154.012 (B) (9)
Agricultural services	-	-	C	-	154.012 (B) (9)
	LC	CC	C	BP	Standard
Agricultural support	-	-	C	-	154.012 (B) (9)
Greenhouses - non retail	-	-	-	-	154.012 (B) (9)
Wayside stand	P	P	P	P	154.012 (B) (9)
<i>Industrial and Extractive Uses</i>					
Heavy industrial	-	-	-	-	
Landfill	-	-	-	-	
Light industrial	-	-	-	C	154.012 (B) (10)
Non-production industrial	-	-	-	C	154.554 (J)
Motor freight and warehousing	-	-	-	C	154.012 (B) (10)
Research and testing	-	-	-	C	154.012 (B) (10)
Resource extraction	-	-	-	-	154.012 (B) (10)

Salvage/recyclable center	-	-	-	-	154.012 (B) (10)
<i>Transportation and Communications</i>					
Broadcasting and communications	C	C	C	C	154.012 (B) (11), 154.083
<i>Accessory Uses</i>					
Bed and breakfast	-	-	P *	-	*154.310 (A)
Drive-through facility	-	C	C	-	154.304 (A)
Family day care	-	-	-	-	154.012 (B) (12)
Group family day care	-	-	-	-	154.012 (B) (12)
Home occupation	-	-	-	-	154.012 (B) (12)
Parking facility	C	C	P*	P	*154.554 (I)
Outdoor storage	-	-	C	-	
Outdoor display	-	-	C	-	
Solar equipment	P	P	P	P	154.310 (C)
Other structures typically incidental and clearly subordinate to permitted use	P	P	P	P	

SECTION 6. The City Council of the City of Lake Elmo hereby amends Chapter 154: Zoning Code; Article IX: Specific Development Standards; Section 154.310: Standards for Accessory Uses, by amending the following:

A. *Bed and Breakfast.*

1. The use of a bed and breakfast is not permitted unless the city issues a permit for that specific property. The permit will be valid for two years. A permit for a bed and breakfast will only be issued if :
 - a. The facility ~~shall be~~ is located in a single-family detached dwelling.
 - b. The number of lodging rooms in any building ~~shall~~ does not exceed five (5) ~~unless in the opinion of the Planning Commission and City Council conditions warrant additional rooms. If the proposed number of lodging rooms in any building exceeds five (5), a conditional use permit shall be required.~~
 - c. The facility meets parking requirements as set forth by Table 5-2 of Section 154.210.
 - d. Notices have been mailed to all homes within 150 feet of the applicant's property lines.
 - i. If there are objections received within 10 days of mailing the notices, then the permit application must be considered by the City Council.
 - ii. If there are no objections received within 10 days of mailing the notices, then the permit application will be processed by city staff. It will not be referred to the City Council for consideration.
2. The facility shall maintain a guest register open to inspection by the City upon request.
3. Guest stays s shall be limited to seven (7) days.
4. The applicant shall meet all applicable government regulations.

5. The operator shall carry liability insurance, and shall provide proof of such insurance to the City upon request.
6. Permits are non-transferable and do not run with the land.
7. A permit constitutes a limited license granted to the property owner by the city and in no way creates a vested zoning right.
8. By signing the permit, the applicant of the bed and breakfast permit acknowledges that he or she shall defend and indemnify the city against any and all claims arising out of operating a bed and breakfast.
9. Bed and breakfast permit fees shall be as established by the city council.

SECTION 7. The City Council of the City of Lake Elmo hereby amends Chapter 154: Zoning Code; Article IX: Specific Development Standards; Section 154.012: Zoning Types and Classifications; Subd. 12, by amending the following:

Bed and Breakfast. A private, owner-occupied residence that contains no more than five (5) guestrooms where lodging, with or without meals, is provided for compensation. For purposes of this definition, "owner-occupied residence" shall mean a residence within which a person lives for six months plus a day during a calendar year.

SECTION 8. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 9. Adoption Date. This Ordinance 08-197 was adopted on this _____ day of ____ 2018, by a vote of ___ Ayes and ___ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance 08-197 was published on the _____ day of _____, 2018.

**CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA**

ORDINANCE NO. 08-200

**AN ORDINANCE ADOPTING A 2018 FEE SCHEDULE FOR THE CITY OF LAKE
ELMO**

The City Council of the City of Lake Elmo ordains:

SECTION I. Schedule Adopted. The attached fee schedule is hereby adopted.

SECTION II. Not Codified. This ordinance is transitory in nature and shall not be codified in the City Code. This ordinance and the fee schedule established hereby shall be placed on file and available for public inspection at City Hall.

SECTION III. Effect. The fees set out in the attached fee schedule apply notwithstanding any other fees the City has established which may be inconsistent. Any other fees imposed by the City which do not appear on the attached fee schedule remain in full force and effect.

SECTION IV. Effective Date. This ordinance shall become effective for all billings rendered after adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION V. Adoption Date. This Ordinance No. 08-200 was adopted on this 7th day of February, 2018, by a vote of ___Ayes and ___Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance _____ was published on the _____ day of _____, 2018.



City of Lake Elmo - 2018 Fee Schedule

APPLICATION/FEE/PERMIT TYPE	2018 FEE	ADDITIONAL CHARGE, ESCROW or NOTES	DEPARTMENT
Amateur Radio Antenna	\$875.00		Planning
Appeal (to Board of Adjustment and Appeals)	\$250.00		Administration
<u>Bed and Breakfast Permit Fee</u>	<u>\$100.00</u>		<u>Planning</u>
Bee Keeping Permit	\$25.00	Valid for 2 years from issuance	Administration
Building Regulations		* State Sur Charge Collected per MN Statute 326B.148 on all permits	Building
Building Permit Fee Schedule			
Total Valuation			
\$1.00 to \$500.00	\$29.50		Building
\$501.00 to \$2,000.00	\$28.00 for the first \$500.00 plus \$3.70 for each additional \$100.00, or fraction thereof, to and including \$2,000.00.		Building
\$2,001.00 to \$25,000.00	\$83.50 for the first \$2,000.00 + \$16.55 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00.		Building
\$25,001.00 to \$50,000.00	\$464.15 for the first \$25,000.00 + \$12.00 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00.		Building
\$50,001.00 to \$100,000.00	\$764.15 for the first \$50,000.00 + \$8.45 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00.		Building
\$100,001.00 to \$500,000.00	\$1,186.65 for the first \$100,000.00 + \$6.75 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00.		Building
\$500,001.00 to \$1,000,000.00	\$3,886.65 for the first \$500,000.00 + \$5.50 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00.		Building
\$1,000,001.00 and up	\$6,636.65 for the first \$1,000,000.00 + \$4.50 for each additional \$1,000.00, or fraction thereof.		Building
Planning and Zoning Compliance Review and Verification	\$100.00		Building
Plan Review Fee	65% of building permit fee		Building
Plan review for similar plans	25% of normal building permit fee (MN Rules 1300.0160 subp. 5)		Building
Single Family Decks	Fee based on Valuation		Building
Single Family Residential Basement Finish	Fee Based on Valuation		Building
Swimming Pool In-Ground	\$150.00		Building
Swimming Pool Above-Ground	\$75.00		Building
Reinspection Fee	\$75.00		Building
Inspection outside normal business hours	\$120.00 per hour - 2 hour minimum		Building
Investigation fee - work started without required permit	Equal to permit fee amount		Building
Replace Inspection Record Card	\$25.00		Building
Additional Plan Review required by changes, addendum or revisions to plans	\$75.00 per hour, one hour minimum		Building



City of Lake Elmo - 2018 Fee Schedule

APPLICATION/FEE/PERMIT TYPE	2018 FEE	ADDITIONAL CHARGE, ESCROW or NOTES	DEPARTMENT
Building Demolition - Residential	\$200.00		Building
Building Demolition - Commercial	\$300.00		Building
Fuel Tank Removal (Underground)	\$250.00		Building
Fuel Tank Installation	2% Value of the work		Building
Roofing - Residential	Fee Based on Valuation		Building
Roofing - Commercial	Fee Based on Valuation		Building
Siding - Residential	Fee Based on Valuation		Building
Siding - Commercial	Fee Based on Valuation		Building
Retaining Walls over 4'	Fee Based on Valuation		Building
Commercial Plumbing	\$60.00 per unit, Up to 3 Units or 1.5% Value of work, whichever is greater		Building
Residential Plumbing	\$60.00 per Unit, max fee \$180.00		Building
Sewer Service Installation Inspection	\$60.00		Building
Water Service Installation Inspection	\$60.00		Building
Sewer & Water Service Installation Inspection when completed together	\$60.00		Building
Investigation fee - Plumbing work started without required permit	Equal to permit fee amount		Building
Commercial HVAC	\$60.00 per unit, Up to 3 Units or 1.5% Value of work, whichever is greater		Building
Residential HVAC	\$60.00 per Unit, max fee \$180.00		Building
Fireplace Installation	\$60 per unit		Building
Investigation fee - HVAC work started without required permit	Equal to permit fee amount		Building
Manufactured Home Move In	\$200.00		Building
Manufactured Home Move Out	\$200.00		Building
Moving House or Primary Structure into the City	2% Value of the Work plus security amount determined by the Building Official		Building
Moving Accessory Structure into the City	2% Value of the Work plus security amount determined by the Building Official		Building
Automatic Fire Extinguishing Systems	2% Value, \$100.00 minimum		Building
Investigation fee - Fire Suppression work started without required permit	Equal to permit fee amount		Building
Fire Alarm Systems	2% Value, \$100.00 minimum		Building
Investigation fee - Fire Alarm work started without required permit	Equal to permit fee amount		Building
Annual Retail Consumer Fireworks (retailers only selling fireworks)	\$350.00		Building
Annual Retail Consumer Fireworks (all other retailers)	\$100.00		Building
Outdoor Public Fireworks Display	\$150.00		Building



City of Lake Elmo - 2018 Fee Schedule

APPLICATION/FEE/PERMIT TYPE	2018 FEE	ADDITIONAL CHARGE, ESCROW or NOTES	DEPARTMENT
Residential Day Care Inspections	\$50.00		Building
Residential Adult Care/Foster Care/Adoption Inspections	\$50.00		Building
Escrow Administration Fee	\$100.00		Building
New Single Family Dwelling Construction Escrow	\$2,000.00		Building
Two or more dwelling units per building Construction Escrow	\$1,000.00 per unit		Building
Commercial/Industrial and Other structures	\$5,000.00 or amount determined by the Building Official		Building
Burning Permit			Fire
Residential	\$45.00		Fire
Commercial	\$80.00		Fire
Illegal Burn	see notes →	Additional fees may be incurred based on Wash. Cty. Chief's fee schedule and # of responding units	Fire
Chicken Keeping Permit	\$25.00	Initial permit expires on 12/31 of 2nd year.	Administration
Comprehensive Plan Amendment	\$1,300.00	Land Use Escrow \$2500	Planning
Conditional Use Permit (CUP)			Planning
New	\$1,050.00	Wireless Communication Facilities Fee Escrow \$6,000.00. Flood Plain Ordinance Fee Escrow \$500.00 Land Use Escrow \$2500	Planning
Amended	\$500.00		Planning
Contractor License Fees			Licensing
Driveway	\$50.00		Licensing
Solid Waste Hauler	\$120.00		Licensing
Copy Services (Paper/Electronic)			Administration
Copies (B&W)	\$0.25 per page	100 pages or more are charged at actual cost of production	Administration
Copies (Color)	\$0.50 per page	100 pages or more are charged at actual cost of production	Administration
Copies (B&W) 11x17	\$1.00 per page	100 pages or more are charged at actual cost of production	Administration
Copies (Color) 11x17	\$2.00 per page	100 pages or more are charged at actual cost of production	Administration
Data DVD Fee	\$15.00		Administration
GIS Scaled Aerial	\$25.00		Administration
Existing Maps	\$5.00		Administration
Custom (Per Hour Rate)	\$70.00		Administration
Plan Size Maps (Larger than 11x17)	\$15.00		Administration
Development Standards Specs/Details	\$55.00		Administration
Video reproduction	\$10.00		Administration
Culverts in Developments with Rural Section	\$160.00		Administration
Dog License- altered	\$20.00		Licensing
Dog License- unaltered	\$25.00		Licensing
Dog License- late fee	\$2.50 per month	Maximum \$10	Licensing



City of Lake Elmo - 2018 Fee Schedule

APPLICATION/FEE/PERMIT TYPE	2018 FEE	ADDITIONAL CHARGE, ESCROW or NOTES	DEPARTMENT
Service Dog License	No Charge		Licensing
Dog - duplicate license or tag	\$1.00		Licensing
Dog and Cat Impound fees			
First Impound- Unlicensed Dog	\$60.00	All Impound Fees plus \$20/day Boarding Fee	Licensing
First Impound- Licensed Dog	\$42.00		Licensing
First Impound- Cat	\$42.00		Licensing
Subsequent dog/ cat impound	\$85.00		Licensing
Driveway			
Residential	\$70.00		Planning
Commercial	\$160.00		Planning
Easement Encroachment	\$100.00	Staff & Recording Fee	Planning
Electronic Fund Withdrawal/Bill Payment	Fee + Trans. Charge		Administration
Environmental Review (EAW/EIS)	\$1,500.00	\$2,500 Land Use escrow	
Village Area AUAR Fee	\$230.00	Per REC Unit. To be charged to development applications that increase the number of REC units above existing conditions within the Village AUAR Area. The fee will be based on the difference between the proposed and existing REC units. Fee to be paid as part of a developer's agreement for larger projects or at the time a building permit is issued for smaller projects. Once paid, the same land will not be charged again.	Planning
Erosion Control			
Re-inspection Fee (portal to portal from City Hall: 1 Hr. min)	\$50.00 per hour	\$5,000.00 Security	Building
Excavating & Grading ≥ 50 cubic yards, up to 400 cubic yds	\$125.00	Security \$500.00	Building
Excavating & Grading ≥ 400 cubic yards/acre of site area	\$500.00	\$500.00 fee escrow. Plus Security as Determined by the Planning Department	Engineering
False Alarms (12 Month Period)* (*1-3 no charge)			
Residential			
4-6 False Alarms	\$110.00		Fire
In Excess of 6 False Alarms	\$185.00		Fire
Commercial			
4-6 False Alarms	\$315.00		Fire
In Excess of 6 False Alarms	\$520.00		Fire
Flood Plain District Delineation	\$500.00		Planning
Interim Use Permit (IUP)			
Fee	\$1,050.00	\$2,500.00 Escrow	Planning
Renewal	\$300.00		Planning



City of Lake Elmo - 2018 Fee Schedule

APPLICATION/FEE/PERMIT TYPE	2018 FEE	ADDITIONAL CHARGE, ESCROW or NOTES	DEPARTMENT
Liquor License			Licensing
Club On-Sale Intoxicating	\$100.00		Licensing
On-Sale Intoxicating	\$1,500.00		Licensing
Off-Sale Intoxicating	\$200.00		Licensing
Off-Sale Non-Intoxicating	\$150.00		Licensing
On-Sale Intoxicating- 2nd Building	\$750.00		Licensing
On-Sale Non-Intoxicating	\$100.00		Licensing
Investigation	\$350.00		Licensing
On-Sale Sunday Intoxicating	\$200.00		Licensing
Temporary Intoxicating	\$25.00		Licensing
Wine	\$300.00		Licensing
Lot Line Adjustment	\$325.00	None	Planning
Massage Therapy Premises License			Licensing
Application Fee	\$100.00	Fee includes one Therapist	Licensing
Investigation Fee	\$100.00		Licensing
Massage Therapy Practitioner License			Licensing
Application Fee	\$50.00		Licensing
Investigation Fee	\$25.00		Licensing
Massage Therapy Premises License Renewal	\$50.00	Fee includes one Therapist	Licensing
Massage Therapy Practitioner License Renewal	\$25.00		Licensing
Massage Therapy License Amendment	\$25.00		Licensing
Minor Subdivision	\$525.00	\$1,000.00 escrow	Planning
Park Dedication			Planning
Residential - Up to three lots	\$3,600.00 per lot	Four or more lots per §153.14	Planning
Commercial	\$4,500.00 per acre		Planning
Parking Lots			Planning
Commercial	\$200.00	\$500 Fee Escrow. Plus Security as Determined by the Planning Department	Planning
Platting			
Sketch Plan Review (Subdivision)	\$500.00	\$3,500 Fee Escrow	Planning
Preliminary Plat (Subdivision)	\$1,850.00	\$10,000 Fee Escrow	Planning
Final Plat (Subdivision)	\$1,250.00	\$8,000 Fee Escrow	Planning
Planned Unit Development			Planning
General Concept Plan	\$1,250.00	\$7,500 Fee Escrow (Waive Subdivision Escrow)	Planning
Development Stage Plan	\$1,850.00	\$10,000 Fee Escrow (Waive Subdivision Escrow)	Planning



City of Lake Elmo - 2018 Fee Schedule

APPLICATION/FEE/PERMIT TYPE	2018 FEE	ADDITIONAL CHARGE, ESCROW or NOTES	DEPARTMENT
Final Plat	\$1,250.00	\$8,000 Fee Escrow (Waive Subdivision Escrow) and (City will retain escrows to reimburse review costs for each stage of Development)	Planning
Private Roads (Permitted only in AG zone)	\$150.00		Planning
Restrictive Soils and Wetland Restoration Protection and Preservation Permit	\$800.00		Planning
Returned Check (NSF)	\$25.00		Administration
Right-of-Way Permit			
Annual Registration	\$200.00	\$5,000 Security	Engineering
Excavation Permit	\$275.00 + \$.60/foot		Engineering
Joint Trench Permit (per lot per utility)	\$275.00 + \$.60/foot		Engineering
Obstruction Permit	\$275.00		Engineering
Small Wireless Permit Fee	\$275.00		Engineering
Permit Extension	\$100.00		Engineering
Delay Penalty (per calendar day)	\$25.00		Engineering
SAC Charge (City) (Sewer Availability Charge)	\$3,000.00	Per REC Unit: collected at time of plat for new lot. This fee may be deferred through special assessment for parcels with existing structures.	Engineering
SAC Charge (Met Council) (Sewer Availability Charge)	\$2,485.00	Per REC Unit: \$2,485 to Met Council at time of connection.	Engineering
Sewer Connection Charge	\$1,000.00	Per REC Unit collected at time of plat for new lot. This fee may be deferred through special assessment for parcels with existing structures.	Engineering
Sewer Lateral Benefit Charge	\$11,300.00	Per REC Unit connecting to a Trunk Sewer Main and that has never been assessed	Engineering
Sewer Base Charge - Residential - Non 201 Off Site	\$53.03 per quarter	Allowance of 10,000 gallons (10 Units) per quarter	Administration
Sewer Rate	\$4.55/1,000 Gal		Administration
201 Off-Site Maintenance Fee	\$75.75/unit/quarter		Administration
Real Estate Searches	\$15.00/Search	For special assessment or utility search	Administration
Signs - Permanent	\$180.00		Planning
Signs - Temporary	\$75.00		Planning
Temporary Renewal	\$25.00		Planning
Re-inspection Fee	\$25.00		Planning
Special Event Permit	\$75.00	City must be listed as additional insured	Planning
Surface Water			Administration
Residential	\$55.00		Administration
Non-Residential (Commercial etc.)	\$55.00	Utility rate factor per code	Administration
Review Fee	\$137.50	\$82.50 Review/\$55 Storm Water Fund	Administration



City of Lake Elmo - 2018 Fee Schedule

APPLICATION/FEE/PERMIT TYPE	2018 FEE	ADDITIONAL CHARGE, ESCROW or NOTES	DEPARTMENT
Vacations (Streets or Easements)			Planning
Easements	\$515.00	\$500 Fee Escrow	Planning
Streets	\$515.00	\$500 Fee Escrow	Planning
Variance	\$750.00	\$500 Fee Escrow	Planning
Shoreland Variance	\$1,500.00	\$500 Fee Escrow	Planning
Water Availability Charge (WAC)	\$3,000.00	Per REC Unit; collected at time of plat for new lot. This fee may be deferred through special assessment for parcels with existing structures.	Engineering
Water Connection Charge	\$1,000.00	Per REC Unit, collected at time of plat for new lot. This fee may be deferred through special assessment for parcels with existing structures.	Administration
Water Equipment/Set up			Administration
Meter (3/4" or less)	\$360.50	Additional fees apply to larger sized meters	Administration
Driveway Curb Stop Lid	\$103.00		Administration
Disconnect Service	\$82.40		Administration
Reconnect Service	\$82.40		Administration
Water Lateral Benefit Charge	\$5,800.00		Per REC Unit connecting to a Trunk Water Main and that has never been assessed
Water Usage			Administration
Residential - Quarterly Base Rate	\$20.60 Base		Administration
Residential - Plus Rate per 1,000 Gallons			Administration
Plus Rate for 0-15,000 Gallons	\$2.06		Administration
Plus Rate for 15,001-30,000 Gallons	\$2.47		Administration
Plus Rate for 30,001-50,000 Gallons	\$2.97		Administration
Plus Rate for 50,001-80,000 Gallons	\$3.56		Administration
Plus Rate for 80,001 + Gallons	\$4.27		Administration
Water Usage			Administration
Commercial - Quarterly Rate	\$25.75 Base		Administration
Commercial - Plus Rate Per 1,000 Gallons			Administration
Plus Rate for 0 - 15,000 Gallons	\$3.20		Administration
Plus Rate for 15,001 - 30,000 Gallons	\$3.36		Administration
Plus Rate for 30,001 - 50,000 Gallon	\$3.88		Administration
Plus Rate for 50,001 - 80,000 Gallons	\$5.15		Administration
Plus Rate for 80,001 + Gallons	\$6.83		Administration
Water Usage			Administration
Hotel / Motel - Quarterly Rate	\$25.75 Base	For metered non-irrigation (domestic) consumption	Administration
Hotel / Motel - Plus Rate Per 1,000 Gallons			Administration



City of Lake Elmo - 2018 Fee Schedule

APPLICATION/FEE/PERMIT TYPE	2018 FEE	ADDITIONAL CHARGE, ESCROW or NOTES	DEPARTMENT
Plus Rate for 0 -30,000 Gallons	\$3.20		Administration
Plus Rate for 30,001 - 50,000 Gallons	\$3.36		Administration
Plus Rate for 50,001 + Gallons	\$4.12		Administration
Water Usage Delinquent Accounts			Administration
Regular	6% per quarter	Plus \$25.00 or 8%, whichever is greater, if certified to County for collection with taxes	Administration
Storm Water	10% per year	Plus \$25.00 or 8%, whichever is greater, if certified to County for collection with taxes	Administration
Bulk Water Purchase			Administration
Water from Hydrant	\$103.00 minimum	Plus \$3.36/additional 1,000 gallons	Administration
Wind Generator	\$850.00	\$2,000 Fee Escrow	Planning
Wireless Communication Permit	\$500.00	\$6,000 Fee Escrow	Planning
Zoning Amendment (Text or Map)	\$1,245.00	\$2,500 Escrow	Planning
Zoning Certification Letter	\$25.00		Planning
Zoning Permit - Certificate of Zoning Compliance			Planning
Accessory Structures < 200 SF	\$75.00		Planning
Fence (less than 6')	\$75.00		Planning
Other	\$75.00		
Definition of Terms			
<i>* Fee Escrow: City will maintain a fee escrow to cover all City review costs. Application fees include all professional fees and expenses incurred by the City.</i>			
<i>** Security: City will retain a security escrow to ensure completion of work as directed by the approved permit/application and compliance with the State Building Code and the City of Lake Elmo Municipal Code.</i>			
Adopted by City Council - 12-5-17			

**CITY OF LAKE ELMO
COUNTY OF
WASHINGTON STATE OF
MINNESOTA**

RESOLUTION NO. 2018-014

**RESOLUTION AUTHORIZING PUBLICATION OF ORDINANCE 08- AND
ORDINANCE 08- BY TITLE AND SUMMARY**

WHEREAS, the City Council of the City of Lake Elmo has adopted Ordinance No. 08-197, an ordinance amending the City Code of Ordinances and Ordinance 08-200, an ordinance amending the City's Fee Schedule; and

WHEREAS, the Ordinances are lengthy; and

WHEREAS, Minnesota Statutes Section 412.191, subdivision 4, allows publication by title and summary in the case of lengthy ordinances or those containing charts or maps; and

WHEREAS, the City Council believes that the following summary would clearly inform the public of the intent and effect of the Ordinance; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Elmo, that the City Clerk shall cause the following summary of Ordinance No. 08- to be published in the official newspaper in lieu of the entire ordinance:

Public Notice

The City Council of the City of Lake Elmo has adopted Ordinance No. 08-197 and Ordinance No. 08-200, which amend the Lake Elmo City Code of Ordinances by:

- Amending Sections 154.401; 154.451; 154.401; and 154.551 of the Chapter 154: Zoning Code by allowing bed and breakfasts as a permitted accessory use within the RT – Rural Development Transitional; A – Agricultural; RR – Rural Residential; GCC – Golf Course Community; LDR – Low Density Urban Residential; MDR – Medium Density Urban Residential; HDR – High Density Urban Residential; V-LDR – Village Low Density Urban Residential; VMX – Village Mixed Use; and C – Commercial zoning districts.
- Amending Section 154.310 of Chapter 154: Zoning Code, by requiring a bed and breakfast permit with certain requirements.
- Amending Section 154.012, Subd. 12 of Chapter 154: Zoning Code by defining owner-occupied residence.
- Amending the City's 2018 Fee Schedule by adding a Bed and Breakfast Permit fee of \$100.

The full text of Ordinance No. 08-197 and Ordinance No. 08-200 is available for inspection at Lake Elmo city hall during regular business hours.

BE IT FURTHER RESOLVED by the City Council of the City of Lake Elmo that the City Administrator keep a copy of the Ordinance at City Hall for public inspection and that a copy be placed for public inspection at the Lake Elmo Public Library.

Dated: February 7, 2018.

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

(SEAL)

The motion for the adoption of the foregoing resolution was duly seconded by member

_____ and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against same:

Whereupon said resolution was declared duly passed and adopted.