



STAFF REPORT

Issue: Sign Ordinance Status Update

Agenda Item: Old Business - 1

Background: At the March meeting of the Planning Commission, it was noted that Douglas County anticipated having a public hearing scheduled for the end of April on the draft sign ordinance. The hearing, however, has not yet been scheduled as the County and Hometown Planning continue to work on the draft.

Staff will let the Township know when a public hearing is scheduled, but it is likely that it will be sometime in May.



STAFF REPORT

Issue: Ordinance Updates

Agenda Item: Old Business - 2

Background: Last month, the Commission discussed a number of possible ordinance updates that could be made. A number of those items were identified for further discussion. These include:

1. Amending the criteria required to obtain a variance from zoning regulations (in response to changes made to state law by the MN Legislature). We are awaiting changes along these lines from Douglas County, which is anticipated to be held at the same time as the public hearing for the sign ordinance. We can then react to their changes and make sure we are being as restrictive as the County with our own changes.
2. Considering whether the Township wants to regulate “vacation rentals” - particularly in lakeshore areas. At the April 1 Town Board meeting, it was noted that the Commission should consider the impact of such regulations on the rental of homes or properties to students at Alexandria Technical and Community College, which often rent homes on a weekly basis for 10 week blocks.

Staff has attached several documents for the Commission’s review. These are the same documents handed out at the May 2012 meeting when this was first discussed. What has changed since that time is that the state legislature does not appear to be actively pursuing restrictions on the regulation of vacation rentals as they were in 2012. Still, it may be useful to see what they were thinking if the Township decides to move forward with some regulations.

The attached materials include:

- a. Information on two bills currently in discussion at the state legislature. They are H.F. 1523 and S.F. 1190. Both prevent a community from regulating vacation rentals as an interim use, but appear to allow regulation as a conditional use. They also allow regulation of a number of specific concerns - including number of guests, sewage treatment, noise and screening.
- b. A document from the League of MN Cities website, that summarizes the two bills above and notes that the League, the Association of MN Counties and the MN Association of Townships oppose these two bills. They argue that such matters should be left up to local governments (and presumably that if a local government wants to regulate them as interim uses, they should be able to).
- c. A document from Minnesota Tourism summarizing issues that a person considering renting out a home as a vacation rental needs to consider.

- d. A copy of the section of the Stearns County ordinance that regulates vacation rentals.

Staff feels it would be best for the Planning Commission to first discuss and answer the question as to whether they feel the Township needs to regulate such uses. There are a number of challenges to enforcing any regulations that we've partially discussed in the past, fairness issues, (verifying compliance on weekends when it will most likely be an issue, measuring noise complaints, etc...) that should be weighed against the potential benefits (reducing neighborhood conflicts over noise, cleanliness, parking, etc...)

3. Discussion of possible updates to the Township's "small animal ordinance" regulating the keeping of animals such as chickens, ducks, miniature pigs and other such animals – but not including cats and dogs (Section V.V). In particular:
 - a. Should the keeping of small animals be prohibited entirely on lots less than one acre in size?
 - b. Should the lot size where small animals would be unregulated be reduced from 5 acres to some lesser amount?
 - c. A general consensus to separate the various types of small animals regulated under the ordinance into different categories and then regulate them differently (i.e. fowl vs. hoofed animals, etc...)?

A draft of possible amendments to the small animal ordinance is attached as a starting point for discussion.

4. Discussion of possible updates of the Township's "home occupation" ordinance.

A draft change to the home occupation ordinance (Section V.U) is enclosed, to address the specific issue of whether selling one or two used vehicles, trailers, or farm machinery is subject to the ordinance or not. At this point, such sales would be considered a high-activity home occupation because they have direct evidence of the "business" and have outdoor storage involved (of the vehicle itself).

If the Commission agrees to some kind of exception for such sales (which include limits on the number of days per year this is allowed, or the total number of vehicles per year, etc...), it might consider whether there are other such types of sales that would be listed as exceptions to the home occupation regulations.

5. Discussion of whether changes are needed to the ordinance to lessen any barriers that might exist for homeowners wishing to install small-scale solar panels on their property (there was discussion that these should certainly be allowed to be installed on a building, but perhaps not on a free-standing pole or other such support).

Staff is enclosing an example ordinance from Minneapolis which specifies the height and other regulations that apply to the installation of solar panels. The intent would be to clarify that such installations are allowed and what types of regulations apply.

SENATE
STATE OF MINNESOTA
EIGHTY-SEVENTH LEGISLATURE **S.F. No. 1190**

(SENATE AUTHORS: CHAMBERLAIN and Vandaveer)

DATE	D-PG	OFFICIAL STATUS
04/14/2011	1342	Introduction and first reading Referred to Local Government and Elections
04/26/2011	1400a 1401	Comm report: To pass as amended Second reading
02/23/2012	3878a 3925	Comm report: To pass as amended Second reading

1.1 A bill for an act
1.2 relating to local government; zoning; providing for residential property used as
1.3 vacation rental; amending Minnesota Statutes 2010, sections 394.25, by adding a
1.4 subdivision; 462.357, by adding a subdivision.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2010, section 394.25, is amended by adding a
1.7 subdivision to read:

1.8 Subd. 3d. **Vacation rentals.** (a) A vacation rental includes a house, apartment,
1.9 condominium, manufactured home, vacation home, or similar property rented on a
1.10 short-term basis. It also includes all structures or other property belonging to and
1.11 accessory to the vacation rental. A vacation rental has basic living accommodations, such
1.12 as sleeping space, a toilet, and cooking facilities. A vacation rental does not include
1.13 property, or part of a property, used solely as a hotel, motel, inn, or similar establishment.

1.14 (b) A county must not enact, amend, or enforce a zoning ordinance that has the effect
1.15 of prohibiting or treating vacation rentals as an interim use in residentially zoned districts
1.16 within the county or limit the use of vacation rentals based solely on their occupancy,
1.17 classification, or use. The county may license such use as rental housing or may require
1.18 the owner of such property to register the property with the county.

1.19 (c) A county may adopt, by ordinance, the following restrictions and limitations on
1.20 vacation rental housing:

- 1.21 (1) number of occupants;
- 1.22 (2) parking;
- 1.23 (3) signage and other on-premise advertising;
- 1.24 (4) waste removal;

- 2.1 (5) noise provisions;
2.2 (6) sewage treatment; and
2.3 (7) any other provision necessary to protect the health, safety, and welfare of the
2.4 public.

2.5 Sec. 2. Minnesota Statutes 2010, section 462.357, is amended by adding a subdivision
2.6 to read:

2.7 Subd. 1i. **Vacation rentals.** (a) A vacation rental includes a house, apartment,
2.8 condominium, manufactured home, vacation home, or similar property rented on a
2.9 short-term basis. It also includes all structures or other property belonging to and
2.10 accessory to the vacation rental. A vacation rental has basic living accommodations, such
2.11 as sleeping space, a toilet, and cooking facilities. A vacation rental does not include
2.12 property, or part of a property, used solely as a hotel, motel, inn, or similar establishment.

2.13 (b) A municipality must not enact, amend, or enforce a zoning ordinance that has the
2.14 effect of prohibiting or treating vacation rentals as an interim use in residentially zoned
2.15 districts within the municipality or limit the use of vacation rentals based solely on their
2.16 occupancy, classification, or use. The municipality may license such use as rental housing
2.17 or may require the owner of such property to register the property with the municipality.

2.18 (c) A municipality may adopt, by ordinance, the following restrictions and
2.19 limitations on vacation rental housing:

- 2.20 (1) number of occupants;
2.21 (2) parking;
2.22 (3) signage and other on-premise advertising;
2.23 (4) waste removal;
2.24 (5) noise provisions;
2.25 (6) sewage treatment; and
2.26 (7) any other provision necessary to protect the health, safety, and welfare of the
2.27 public.

This Document can be made available
in alternative formats upon request

State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH
SESSION

HOUSE FILE No. **1523**

April 18, 2011

Authored by Holberg and McFarlane

The bill was read for the first time and referred to the Committee on Government Operations and Elections

1.1 A bill for an act
1.2 relating to local government; zoning; providing for residential property used as
1.3 vacation rental; amending Minnesota Statutes 2010, sections 394.25, subdivision
1.4 3, by adding a subdivision; 462.357, subdivision 1, by adding a subdivision.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2010, section 394.25, subdivision 3, is amended to read:

1.7 Subd. 3. **In district zoning, maps.** Within each such district zoning ordinances or
1.8 maps may also be adopted designating or limiting the location, height, width, bulk, type of
1.9 foundation, number of stories, size of, and the specific uses for which dwellings, buildings,
1.10 and structures may be erected or altered; the minimum and maximum size of yards, courts,
1.11 or other open spaces; setback from existing roads and highways and roads and highways
1.12 designated on an official map; protective measures necessary to protect the public interest
1.13 including but not limited to controls relating to appearance, signs, lighting, hours of
1.14 operation and other aesthetic performance characteristics including but not limited to
1.15 noise, heat, glare, vibrations and smoke; the area required to provide for off street loading
1.16 and parking facilities; heights of trees and structures near airports; and to avoid too great
1.17 concentration or scattering of the population. All such provisions shall be uniform for each
1.18 class of land or building throughout each district, but the provisions in one district may
1.19 differ from those in other districts. No provision may prohibit earth sheltered construction
1.20 as defined in section 216C.06, subdivision 14, use of residential property for vacation
1.21 rental, or manufactured homes built in conformance with sections 327.31 to 327.35 that
1.22 comply with all other zoning ordinances promulgated pursuant to this section.

2.1 Sec. 2. Minnesota Statutes 2010, section 394.25, is amended by adding a subdivision
2.2 to read:

2.3 Subd. 3d. **Vacation rental of residential property.** The use of residential property
2.4 for vacation rental must be considered a permitted single family or permitted multifamily
2.5 residential use of property for the purpose of zoning, except that a county may license that
2.6 use as rental housing under general authority provided in section 394.21, subdivision 1.

2.7 Sec. 3. Minnesota Statutes 2010, section 462.357, subdivision 1, is amended to read:

2.8 Subdivision 1. **Authority for zoning.** For the purpose of promoting the public
2.9 health, safety, morals, and general welfare, a municipality may by ordinance regulate
2.10 on the earth's surface, in the air space above the surface, and in subsurface areas, the
2.11 location, height, width, bulk, type of foundation, number of stories, size of buildings
2.12 and other structures, the percentage of lot which may be occupied, the size of yards and
2.13 other open spaces, the density and distribution of population, the uses of buildings and
2.14 structures for trade, industry, residence, recreation, public activities, or other purposes,
2.15 and the uses of land for trade, industry, residence, recreation, agriculture, forestry, soil
2.16 conservation, water supply conservation, conservation of shorelands, as defined in
2.17 sections 103F.201 to 103F.221, access to direct sunlight for solar energy systems as
2.18 defined in section 216C.06, flood control or other purposes, and may establish standards
2.19 and procedures regulating such uses. To accomplish these purposes, official controls may
2.20 include provision for purchase of development rights by the governing body in the form of
2.21 conservation easements under chapter 84C in areas where the governing body considers
2.22 preservation desirable and the transfer of development rights from those areas to areas the
2.23 governing body considers more appropriate for development. No regulation may prohibit
2.24 earth sheltered construction as defined in section 216C.06, subdivision 14, relocated
2.25 residential buildings, use of residential property for vacation rental, or manufactured
2.26 homes built in conformance with sections 327.31 to 327.35 that comply with all other
2.27 zoning ordinances promulgated pursuant to this section. The regulations may divide the
2.28 surface, above surface, and subsurface areas of the municipality into districts or zones of
2.29 suitable numbers, shape, and area. The regulations shall be uniform for each class or kind
2.30 of buildings, structures, or land and for each class or kind of use throughout such district,
2.31 but the regulations in one district may differ from those in other districts. The ordinance
2.32 embodying these regulations shall be known as the zoning ordinance and shall consist of
2.33 text and maps. A city may by ordinance extend the application of its zoning regulations to
2.34 unincorporated territory located within two miles of its limits in any direction, but not
2.35 in a county or town which has adopted zoning regulations; provided that where two or

3.1 more noncontiguous municipalities have boundaries less than four miles apart, each is
3.2 authorized to control the zoning of land on its side of a line equidistant between the two
3.3 noncontiguous municipalities unless a town or county in the affected area has adopted
3.4 zoning regulations. Any city may thereafter enforce such regulations in the area to the
3.5 same extent as if such property were situated within its corporate limits, until the county
3.6 or town board adopts a comprehensive zoning regulation which includes the area.

3.7 Sec. 4. Minnesota Statutes 2010, section 462.357, is amended by adding a subdivision
3.8 to read:

3.9 Subd. 10. **Vacation rental of residential property.** The use of residential property
3.10 for vacation rental must be considered a permitted single family or permitted multifamily
3.11 residential use of property for the purpose of zoning, except that a municipality may
3.12 license such use as rental housing under general authority provided in section 412.221,
3.13 subdivision 32.


[Legislative Topic Index](#)
[The 15-Minute Advocate](#)
[Friday Facts](#)
[Legislative Resources](#)

Senate Local Government Committee Passes Bill Restricting City Zoning Authority



Your LMC Resource

Contact Patrick Hynes
IGR Representative
(651) 281-1260 or (800) 925-1122
phynes@lmc.org

The legislation would limit a city's ability to zone vacation home rentals within residential districts.

(Published Feb 23, 2012)

The [Senate Local Government and Elections Committee](#) passed legislation that places the definition of a vacation rental home into statute and restricts the ability of local governments to zone for this type of use.

The legislation, [SF 1190 \(Sen. Roger Chamberlain, R-Lino Lakes\)](#), brought by the Minnesota Vacation Rental Association (MVRA), seeks to distinguish vacation rentals, which are typically single-family homes, from hotels and resorts in order to avoid regulation as commercial enterprises.

The League, along with the Association of Minnesota Counties (AMC) and the Minnesota Association of Townships (MAT) opposes legislative zoning because local zoning decisions are best made by local governments, with input from local citizens. Unfortunately, none of the three organizations were given the opportunity to testify before the bill was passed by the committee and sent to the Senate floor on a sharply divided voice vote. A motion to refer the bill to the Commerce Committee for further debate on the merits of the bill made by Sen. Mary Jo McGuire (DFL-Falcon Heights) was defeated.

The amended bill defines a vacation rental as any house, apartment, condominium, manufactured home, vacation home, or "similar property rented on a short-term basis, and would prevent a city from treating a vacation rental as an interim use within residential districts. It also would prevent a city from limiting the use of a vacation rental based solely on its "occupancy, classification, or use." A city could regulate a vacation rental as a conditional use, and the bill does allow a city to regulate certain restrictions on vacation rentals, including regulations related to the number of occupants, parking, waste removal, sewage treatment, and provisions related to the health, safety, and general welfare of the public.

The Minnesota Department of Health expressed concern about losing the ability to license and regulate vacation rentals, and the bill could shift this burden onto local communities. In addition to the specific concerns with the treatment of vacation rentals, the League is concerned that if such legislation passes, it will likely induce other interest groups to seek special zoning status through the Legislature.

The companion bill, [HF 1523 \(Rep. Mary Liz Holberg, R-Lakeville\)](#), was heard in the House Government Operations and Elections Committee during the 2011 session, and was laid over for further consideration. The League expects the House bill to be heard in the coming weeks. League staff will continue to monitor this legislation and to educate members of the Legislature about the problems this bill would cause.

[Read the current issue of the Cities Bulletin](#)

Vacation Home Rental

Posted By [pdian](#) On July 23, 2009 @ 2:00 pm In | [Comments Disabled](#)

Information for owners of vacation home rental property in Minnesota

In recent years, vacation home rentals have been emerging in Minnesota. One characteristic of vacation home rental that distinguishes it from most other types of lodging is that there is not an on-site manager. To make this a safe, viable, and economically beneficial development, there is a need to provide both guidance and regulation to these entrepreneurs. The opportunity to address a consumer market interested in this lodging option can generate economic benefits throughout an area. There are more than 100,000 seasonal, recreational or occasional use homes in Minnesota.

While the State of Minnesota does not have a specific definition of "vacation home rental property," many legal and regulatory issues related to vacation home rental are currently covered in state and local statutes and regulations. This page has been created to help Minnesota vacation home rental property owners understand the regulations to which they must adhere. This information may be updated frequently.

[Regulations and licensing](#) ^[1]

[Fire safety](#) ^[2]

[Health regulations](#) ^[3]

[Insurance requirements](#) ^[4]

[Real estate requirements](#) ^[5]

[Septic, plumbing and water quality compliance](#) ^[6]

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[Promoting your vacation home rental property](#) ^[11]

[Other resources](#) ^[12]

Regulations and licensing

Fire safety

Vacation home rental property owners must be aware of and follow applicable fire safety codes.

[2007 Minnesota State Fire Code](#) ^[13]

[Home fire safety information](#) ^[14]

[Carbon monoxide information](#) ^[15]

Contact: firecode@state.mn.us ^[16]

Health regulations

Vacation home rental owners should understand and comply with licensing required by the Minnesota Department of Health (MDH). According to the MDH, [Minnesota Statutes Chapter 157](#) ^[17] and Minnesota Rule Chapter 4625 (although not specifically defining vacation home rental) would apply to a facility offering sleeping accommodations to the public.

Requirements, permits, licenses and fees:

There is a fee for plan review and an application and process to follow. Fees are found in [Minnesota Statutes Chapter 157](#) ^[17] and Minnesota Rule Chapter 4625. New (not previously licensed) vacation home property facilities must submit plans and go through a [plan review process](#) ^[18]. After plans are approved the facility can build (if totally new) and then they can apply for a license to operate. There is an annual license fee. Licenses are renewed annually. More information on MDH's licensing and plan review can be found here: [Explanation of plan review process](#) ^[18]

Current means of enforcement

MDH has a well-established enforcement process that starts with an inspection and orders for compliance. Inspections to assure compliance with laws are conducted on a regular basis according to risk categories. Fines can be levied for noncompliance and licenses can be revoked. Establishments can be ordered to close. Vacation home properties must also comply with [local Food, Beverage and Lodging Licensing Jurisdictions](#) ^[19].

Definitions

Lodging establishments [meeting these definitions](#) ^[20] must be licensed in Minnesota. Currently, most vacation home rental property would be licensed as a hotel or motel. [General information on lodging rule and statute.](#) ^[17]

Contacts: Gary Edwards, R.S.
Minnesota Department of Health
651-201-4513

Gary.Edwards@state.mn.us ^[21]

[State and local environmental health contacts](#) ^[22] (.pdf)

[Minnesota Department of Health's Web site](#) ^[23]

Insurance requirements

Contact your insurance agent for guidance on commercial use of a residential property.

Shoreland Conservation Standards

Shoreland rules are currently being updated by the Minnesota Department of Natural Resources through a stakeholder committee review process. Vacation home rental has been identified for consideration in this revision process.

[More information on shoreland regulations.](#) ^[24]

Real Estate Requirements

If you are renting your vacation home through a real estate licensee/management company, you should verify that the real estate licensee is licensed through the Minnesota Department of Commerce at 651-201-2768.

Real Estate licensees, who provide property rental and management services as licensed under chapter 82, are allowed to operate vacation home rental management businesses without an additional license. The vacation home rental unit or units themselves may require additional licensing, which may be provided by the unit owner or the rental management company or broker. For more information, see

[Desk top reference guide: Vacation home rentals](#) ^[25].

Contact: Heather Mavencamp
Minnesota Association of REALTORS®
952-912-2661

hmavencamp@mnrealtor.com ^[26]

Septic, plumbing and water quality compliance

Septic systems at vacation rental homes need to be properly managed and maintained. Here are some important considerations for the vacation rental home owner:

- Do not advertise vacation rental homes to accommodate more people than there are bedrooms; septic systems are sized to handle wastewater for about two people per bedroom.
- Remember that many "city people" are unfamiliar with septic systems and may flush things they

shouldn't and use more water than they need to. You should educate your guests to help avoid problems.

- Be mindful of the amount of water used in a short period of time. Too much water going to your septic tank can result in backups to the house, tank overflows, and possible damage to the drainfield. This could potentially be an issue if the owners or housekeeper would come in and wash all the bedding and towels, do all the dishes, and wash the floors etc. in one day. Try to limit the amount of water used in a short period of time by spanning cleaning activities over a period of a few days if water use will be high.
- MPCA recommends that you discuss the septic system with a licensed septic system maintainer and follow their advice on pumping frequency and other maintenance issues.

For a list of licensed septic maintainers, inspectors and other professionals, please refer to the [MPCA's Subsurface Sewage Treatment System Program](#) ^[27], which provides additional information on many related topics that may be helpful.

Contact: Gretchen Sabel
Minnesota Pollution Control Agency
651-757-2686
Gretchen.Sabel@state.mn.us ^[28]

Tax regulations

Vacation home rental owners must understand and comply with [federal, state and local taxes](#) ^[29].

Minnesota Department of Revenue
Sales and Use Tax Division
Mail Station 6330
St. Paul, MN 55146-6330
651-296-6181
800-657-3777
salesuse.tax@state.mn.us ^[30]
www.revenue.state.mn.us ^[31]

Zoning regulations

Cities, counties and townships have their own zoning and nuisance ordinances. There are 87 counties and 853 cities in Minnesota with planning and zoning authority. Zoning decisions are made at the local level. Education and communication are the overall key to developing workable local implementation.

Contacts:

Contact the city zoning department if your property is in city limits or the county planning and zoning department if outside of a city boundary

[League of Minnesota Cities Directory](#) ^[32]

General operating concerns: recommendations for vacation home rental property owners

Operating a commercial business venture alongside your neighbors' residences can lead to conflict. These conflicts, if not addressed on a voluntary basis, will lead to a need for additional regulation. Vacation home property owners should consider the following:

- Do not allow overcrowding/ensure guests know maximum occupancy
- Inform guests how to handle maintenance issues that arise – who to contact
- Provide 24-hour-per-day contact to local manager for guests and neighbors
- Provide guidance to guests on noise levels
- Post proper business signage
- Advise guests on parking capacity/RV parking and driving responsibly in the neighborhood
- Assure guests know how/where to properly dispose of garbage
- Post rules for responsible use of recreational equipment
- Specify whether you allow outside camping, and where on the property this is acceptable
- Assure guests are aware of property lines/Advise guests on trespassing
- Advise guests on campfires/fireworks and firearms
- Advise neighbors of manager/owner phone numbers
- Consider applicable property association bylaws
- Have a plan for handling malicious complaints

Promoting your vacation home rental property

List your vacation home rental property in Explore Minnesota Tourism's database.

In providing this information you are ensuring that you are in compliance with any required licensing and taxation laws.

Contact: Kimberly Clarke
Explore Minnesota Tourism
651.757.1842

Kimberly.Clarke@state.mn.us [33]

Other resources

[Association of Minnesota Counties](#) [34]

[Congress of Minnesota Resorts](#) [35]

[League of Minnesota Cities Directory](#) [32]

[Local Public Health Association of Minnesota](#) [36]

[Minnesota Association of Realtors®](#) [37]

[Minnesota Association of Townships](#) [38]

[Minnesota Resort and Campground Association](#) [39]

[Minnesota Seasonal Recreational Property Owners Coalition](#) [40]

[Minnesota Vacation Rental Association](#) [41]

[University of Minnesota Tourism Center](#) [42]

[Legislature's Vacation Home Rental Report – January 2009](#) [43]

Looking to rent a vacation home property?

[See listings in Explore Minnesota's database](#) [44]

Article printed from industry.exploreminnesota.com: <http://industry.exploreminnesota.com>

URL to article: <http://industry.exploreminnesota.com/side1/vacationhome/>

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[1] Regulations and licensing: **#randl**

[2] Fire safety: **#fire**

[3] Health regulations: **#health**

[4] Insurance requirements: **#ins**

[5] Real estate requirements: **#real**

[6] Septic, plumbing and water quality compliance: **#sep**

[7] Shoreland Conservation Standards: **#shore**

[8] Tax regulations: **#tax**

[9] Zoning regulations: **#zone**

[10] General operating concerns: **#genop**

[11] Promoting your vacation home rental property: **#promote**

[12] Other resources: **#other**

[13] 2007 Minnesota State Fire Code: <http://www.fire.state.mn.us/FireCode/FireCode.html>

[14] Home fire safety information: <http://www.fire.state.mn.us/PublicEducation/HomeFireSafety.html>

[15] Carbon monoxide information: <http://www.fire.state.mn.us/CO/CO.htm>

[16] firecode@state.mn.us: <mailto:firecode@state.mn.us>

[17] Minnesota Statutes Chapter 157: <http://www.health.state.mn.us/divs/eh/lodging/rule.html>

[18] plan review process: <http://industry.exploreminnesota.com/licensing-and-plan-review-for-minnesota-vacation-home-rentals/>

[19] local Food, Beverage and Lodging Licensing Jurisdictions:

<http://www.health.state.mn.us/divs/eh/food/license/delegation.html>

[20] meeting these definitions : <http://www.health.state.mn.us/divs/eh/lodging/index.html>

[21] Gary.Edwards@state.mn.us: <mailto:Gary.Edwards@state.mn.us>

[22] State and local environmental health contacts:

<http://www.health.state.mn.us/divs/eh/food/license/locals.pdf>

- [23] Minnesota Department of Health's Web site:
<http://www.health.state.mn.us/divs/eh/lodging/lodgingplan.htm>
- [24] More information on shoreland regulations.: **<http://mndnr.gov/waters/shoreland.html>**
- [25] Desk top reference guide: Vacation home rentals: **<http://industry.exploreminnesota.com/desktop-reference-guide-vacation-home-rentals/>**
- [26] hmavencamp@mnrealtor.com: **<mailto:hmavencamp@mnrealtor.com>**
- [27] MPCA's Subsurface Sewage Treatment System Program:
<http://www.pca.state.mn.us/programs/ists/index.html>
- [28] Gretchen.Sabel@state.mn.us: **<mailto:Gretchen.Sabel@state.mn.us>**
- [29] federal, state and local taxes: **<http://industry.exploreminnesota.com/tax-regulations-for-minnesota-vacation-home-rental-property/>**
- [30] salesuse.tax@state.mn.us: **<mailto:salesuse.tax@state.mn.us>**
- [31] www.revenue.state.mn.us: **<http://www.revenue.state.mn.us>**
- [32] League of Minnesota Cities Directory: **<http://www.lmc.org/page/1/city-directory.jsp>**
- [33] Kimberly.Clarke@state.mn.us: **<mailto:Kimberly.Clarke@state.mn.us>**
- [34] Association of Minnesota Counties: **<http://www.mncounties.org>**
- [35] Congress of Minnesota Resorts: **<http://www.minnesota-resorts.com>**
- [36] Local Public Health Association of Minnesota: **<http://www.mncounties2.org/lpha>**
- [37] Minnesota Association of Realtors®: **<http://www.mnrealtor.com>**
- [38] Minnesota Association of Townships: **<http://www.mntownships.org>**
- [39] Minnesota Resort and Campground Association: **<http://www.hospitalitymn.com>**
- [40] Minnesota Seasonal Recreational Property Owners Coalition: **<http://www.msppo.org>**
- [41] Minnesota Vacation Rental Association:
<http://www.minnesotavacationrentalassociation.com/index.htm>
- [42] University of Minnesota Tourism Center: **<http://www.tourism.umn.edu>**
- [43] Legislature's Vacation Home Rental Report – January 2009:
<http://industry.exploreminnesota.com/vacation-home-rental-report-january-2009>
- [44] See listings in Explore Minnesota's database:
<http://www.exploreminnesota.com/experience/71/directory/lodging?catid=64,195&ia=true>

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buffered from adjacent residential uses with landscaping, fencing or other acceptable methods of screening in accordance with *Section 7.23 of this Ordinance*.

- H. The small truck terminal shall not generate excessive customer or client traffic that is detrimental to the character of the surrounding properties.
- I. There shall be no indication of offensive noise, vibration, smoke, dust, odors, heat or glare at or beyond the property line.
- J. The small truck terminal shall not generate hazardous waste unless a plan for off-site disposal of the waste is approved.
- K. The small truck terminal at a dwelling with an on-site sewage treatment system shall only generate normal domestic household waste unless a plan for off-site disposal of the waste is approved.

6.58 Vacation/Private Home Rental

6.58.1 Performance Standards

A Vacation/Private Home Rental shall be subject to the administrative requirements of *Section 4.18 of this Ordinance* and the following performance standards:

- A. Submittal of an application signed by the property owner and including the following: a current water test from an accredited laboratory with test results for nitrate-nitrogen and coliform bacteria, a compliance inspection of the existing sub-surface sewage treatment system and a to-scale drawing of the location and dimensions of the structure intended for licensing and all associated accessory structures, parking areas, shore recreation facilities and sewage treatment systems.
- B. The occupancy of a Vacation/Private Home Rental shall be limited to no more than two persons per bedroom plus two additional persons per building, not to exceed a maximum of twelve (12) persons; or no more than one (1) person for every fifty (50) gallons of water per day that the building's sub-surface sewage treatment system is designed to handle, whichever is less.
- C. Parking shall meet the requirements of *Section 7.19 of this Ordinance*. Designated parking areas shall be off-street parking.
- D. On premise signs are prohibited.
- E. The Vacation/Private Home Rental shall be connected to an approved sub-surface sewage treatment system. The sub-surface sewage treatment system shall be designed and constructed with a design flow of fifty (50) gallons of water per person per day to handle the maximum number of guests for which the facility is permitted. The sub-surface sewage treatment system shall include a flow measurement device. Flow measurement readings and monitoring of the sub-surface sewage treatment system shall be recorded monthly and records shall be made available to the Department upon request. The use of holding tanks for Vacation/Private Home rental units shall be prohibited.
- F. Rental of recreational vehicles shall not be allowed.
- G. The Planning Commission may impose conditions that will reduce the impact of the proposed use on neighboring properties and nearby

waterbodies. Said conditions may include but not be limited to a fence or vegetative screening along a property line or a native buffer along the shoreline.

- H. The owners of Vacation/Private Home Rentals shall ensure that the noise standards of *Minnesota Rules, chapter 7030; or successor rules*, are met. The Planning Commission may impose a quiet hours standard in order to assist in achieving this goal and to reduce the potential impacts on neighboring properties.
- I. The owners of Vacation/Private Home Rentals shall, at a minimum, comply with *Minnesota Statutes, chapter 504B; or successor statute* and make available to all tenants the Minnesota Attorney General's annual statement summarizing the significant legal rights and obligations of landlords and residential tenants, as described in *Minnesota Statutes, section 504B.275; or successor statute*.
- J. The licensee shall keep a report, detailing use of the home by recording, at a minimum, the name, address, phone number and vehicle license number of all guests using the property. A copy of the report shall be provided to the Department upon request.
- I. No more than two Vacation/Private Home rentals will be allowed on a parcel. Construction of more than one single family dwelling unit or Guest Cottage shall only be allowed on a parcel that meets the requirements of *Sections 10.2.8 and 10.2.12 of this Ordinance*. More than two Vacation/Private Home rentals on the same parcel or on contiguous parcels under common ownership shall constitute a resort and must meet the standards set forth in *Section 10.2.23 of this Ordinance*.

6.58.2 License Required

A Vacation/Private Home Rental shall be licensed by the County and shall meet the requirements of *Stearns County Ordinance Number 204; or successor ordinances*.

6.59 Warehousing, Storage, Distribution and Wholesale Facilities

6.59.1 Performance Standards

Except as provided in *Section 9.11.2 of this Ordinance*, warehousing, storage, distribution and/or wholesaling facilities shall be subject to the administrative requirements of *Section 4.8 of this Ordinance* and the following performance standards:

- A. The site shall be served by a minor arterial or higher functional class of roadway, except that the proposed use may be served by a lesser functional class of roadway if the responsible road authority grants written permission for such use at the proposed location.
- B. The parcel shall have a lot area no less than four (4) times the area of the building footprint.
- C. The use shall comply with all applicable local, state and federal laws, rules, regulations and ordinances.
- D. Buildings shall meet the setback requirements of the applicable zoning district.

SECTION III. ZONING DISTRICT REGULATIONS

B. Uses Permitted.^{1 2} The following set of tables establishes the uses permitted, permitted by conditional or interim use permit, or not permitted. **All uses are subject to the requirements or performance standards of this ordinance.** Performance standards applicable to uses in all zoning districts are given in Section V.

Key: A = Allowed, no permit required; P = A use allowed, but which may require a land use permit; CU = A use requiring a Conditional Use Permit; IU = A use requiring an Interim Use Permit; X = not permitted.

RESIDENTIAL USES	RCR	RR	UR	RS	CS	C-U	C-R	I
Keeping of Animals (as per Section V.V of this ordinance) ³	A	<u>A/IU</u>	<u>A/IU</u>	<u>A/IU</u>	<u>A/IU</u>	A	A	A

SECTION V. PERFORMANCE STANDARDS

V. KEEPING OF ANIMALS

The purpose of these regulations is to permit and regulate the keeping of small animals not otherwise regulated by this ordinance as livestock or under Alexandria Township Ordinance #117 (dogs and cats) as may be amended from time to time. These regulations are intended to provide a higher development standard and to control the keeping of small animals so as to preserve the residential nature of certain areas.

1. General

a. Poisonous, venomous, wild or exotic animals are prohibited throughout the Township.

b. Unless kept entirely within a dwelling (not including attached garages), the keeping of animals subject to this ordinance is not allowed on lots less than one acre in size or with a width of 60 feet or less.

~~b. To provide a higher development standard and to control the keeping of small animals so as to preserve the residential nature of certain areas. This The remainder of this section shall be applicable to all parcels of land within which are: 1) within a platted subdivision; and 2) are three acres or less in size; and 3) within the Urban Residential, Rural Residential or shoreland district zoning districts that contain five acres or less.~~

2. Definitions

Animal, Small: Animals or fowl not otherwise defined as livestock by this ordinance, as a dog or cat under Alexandria Township Ordinance #117 as may be amended from time to time, or as a “regulated animal” under Minnesota Statutes 346.155. Small animals shall, except for dogs and cats, include any animal kept as a pet or for the purpose of food production (either for personal consumption or sale) such as, but not limited to, chickens, guinea hens, geese, ducks, turkeys, pigeons, peacocks, rabbits,

¹ Amended 7/2/2007 (Resolution #07-09)

² Amended 12/7/2009 (Resolution #09-05) to reflect addition of interim uses

³ Added 5/21/2012 (Resolution #12-05)

miniature pigs, mink, ferrets, nonvenemous snakes less than 6 feet in length, parrots and other birds, and other animals or fowl of similar size and type. Small animals or fowl under 3 months in age shall not be included when computing the number of allowed small animals or fowl. Beekeeping shall not be considered a small animal for the purpose of these regulations (see Section V.W for regulations specific to beekeeping).

Large Fowl/Poultry: Geese, turkeys, peacocks

Small Fowl/Poultry: Chickens, guinea hens, ducks, pigeons, parrots and other birds.

Small Reptiles/Amphibians: Snakes, lizards, iguanas, chameleons, salamanders, turtles, frogs

Small Mammals: Rabbit, mink, ferret, miniature/pot-belly pigs

3. Regulations

This ordinance establishes three general categories of regulations affecting small animals. The three general categories are defined as follows:

- a. **Small animals kept within a dwelling.** Any small animals kept completely and entirely within a dwelling are not regulated by this ordinance. These are animals that are generally kept as pets and are contained within cages, aquariums, or other similar enclosures. Small reptiles/amphibians and talking birds (parrots, parakeets, cockatoos, etc...) are only allowed within this category.
- b. **Small animals kept within an attached or detached accessory building (or in a fenced area of up to 36 sq ft that must be attached to an accessory building setback from neighboring property lines at least 25 feet).** The keeping of ~~up to three (3)~~ small animals shall be allowed as an allowed or an interim use, provided that such animals are sufficiently contained so as to prevent their running at large or entering the premise of any neighboring property. The maximum number of animals allowed shall be as follows:

<u>Type of Animal</u>	<u>Permitted Use*</u>	<u>Interim Use*</u>
<u>Small Fowl/Poultry</u>	<u>1 per 14 sq ft of fenced area, up to 3 animals.</u>	<u>1 per 12 sq ft of fenced area, up to 6 animals.</u>
<u>Large Fowl/Poultry</u>	<u>1 per 26 sq ft, up to 2 animals</u>	<u>1 per 26 sq ft, up to 4 animals</u>
<u>Small reptiles/amphibians</u>	<u>Only allowed in a dwelling</u>	<u>Only allowed in a dwelling</u>
<u>Small Mammals (except pigs)</u>	<u>1 per 10 sq ft, up to 3 animals.</u>	<u>1 per 10 sq ft, up to 6 animals.</u>

<u>Miniature/Pot-Belly Pigs</u>	<u>Only allowed in a dwelling</u>	<u>1 per 200 sq ft, up to 2 animals</u>
* <u>Number of animals allowed shall increase by 50% for each half-acre of land above one acre (ex. A 2 acre parcel may have up to 6 small fowl/poultry as a permitted use and 12 as an interim use provided the required amount of enclosed space is provided).</u>		

~~b.c.~~ **Small animals running at large or in numbers greater than three.** Small animals ~~in numbers greater than three (3), or small animals~~ that are allowed to run at large or are otherwise uncontained within a building or shelter shall not be permitted.

4. Performance Standards

- a. **Disposal of Animal Feces.** A property owner shall clean and properly dispose of animal feces on a daily or weekly basis, or as necessary to ensure that odors do not become a nuisance to any nearby property owner or the public.
- b. **Noise.** No owner shall permit any animal under his or her custody or control to create a nuisance by way of crying, howling, screeching, growling or other vocalization.
- c. **Maintenance of facilities/enclosures.** All facilities, buildings or other enclosures for the housing of small animals shall be constructed of material appropriate for the animal involved, contain and restrain the animal they are designed or built to contain without causing injury to, or depriving the animal of necessary environmental elements, and be maintained in good repair.

U. HOME OCCUPATIONS¹

The purpose of these regulations is to permit and regulate the use of buildings, structures and property in non-commercial and non-industrial zoning districts for business or other purposes not typically associated with residential uses and in such a manner that they will not be incompatible with the quiet enjoyment of residential properties in the surrounding areas.

Moderate and High Activity home occupations are considered interim uses, which means that they are only granted for limited periods of time and may not be renewed if the proposed home occupation becomes incompatible with the surrounding properties due to a change in conditions.

Examples of changes in conditions may include, but are not limited to, rezoning to a zoning district allowing for greater housing density, the platting of adjacent or nearby lands into residential lots, a general increase in housing or population density, increases in traffic volumes or characteristics, or amendments to the Zoning Ordinance or other Township ordinances which would make the proposed use less compatible with the surrounding area and the intent of said ordinances.

Buildings and other improvements associated with an allowed home occupation shall be of a size and nature such that they can be easily removed from the property or will conform to zoning regulations for permitted or conditional uses should the interim use permit expire.

1. Definitions

This ordinance establishes three general categories of “home occupations,” which shall include any business or other use not typically associated with residential use or which would generate nuisance characteristics beyond those normally expected in a residential setting. Activities conducted as a hobby shall not constitute a home occupation. The three general categories are defined as follows:

- a. **Home Occupation, Low Activity (LAHO).** Any non-residential use where there is effectively no evidence of the activity taking place on the property which is visible or audible from neighboring properties or from a public road right-of-way. Such uses shall be clearly incidental and secondary to the primary use of the property for residential purposes.
- b. **Home Occupation, Moderate Activity (MAHO).** Any non-residential use where there is only indirect evidence of the activity taking place on the property which is visible or audible from neighboring properties or from a public road right-of-way. Such uses shall be clearly secondary to the primary use of the property for residential purposes.
- c. **Home Occupation, High Activity (HAHO).** Any non-residential use where there is direct evidence of the activity taking place on the property which is visible or audible from neighboring properties or from a public road right-of-way or which generates regular and sustained nuisance characteristics beyond those normally associated with residential properties in the same or similar neighborhood.

2. ~~2.~~ Exemptions

¹ Added 3/21/2011 (Resolution #11-02)

The following uses shall not be considered a home occupation for the purposes of this ordinance:

- a. The display, for sale, of up to two (2) motor vehicles, trailers, or pieces of farm machinery at any given time.

2.3. Performance Standards

- a. Customer Activity
 - i. LAHO – no attempt, either through advertising or signage, shall be made to bring potential or actual customers onto the property.
 - ii. MAHO – may attempt to attract potential or actual customers to physically enter the property but only by appointment and such that limited numbers of customer vehicles are present on the property at any one time.
 - iii. HAHO – may attempt to attract potential or actual customers to physically enter the property, whether “walk-in” customers or by appointment.
- b. Pickups and Deliveries – Pickup and delivery activities shall not block traffic or pose a safety hazard.
 - i. LAHO –by standard delivery van, US postal service or passenger vehicle only.
 - ii. MAHO and HAHO – any pickups or deliveries of products, supplies, equipment or other materials by vehicles larger than 26,000 lbs. GVW shall be limited to no more than one per week and only between the hours of 7:30 am and 7:30 pm unless otherwise determined by the Planning Commission.
- c. Location and Residency Requirement – All home occupations must be located on the homestead of the business operator or on an adjacent lot under the same ownership. For the purposes of this section, a lot shall be considered “adjacent” if any portion of the lot is within 100 feet of any portion of the homestead lot, unless otherwise approved by the Township.
- d. Minimum Lot Size and Setbacks to Nearby Dwellings
 - i. LAHO and MAHO – no minimum lot size or setback requirements from nearby dwellings unless specifically required by the Planning Commission
 - ii. HAHO – minimum lot size of ten (10) acres and a minimum setback from nearby occupied dwellings of five hundred (500) feet, except that the Township may waive or reduce the setback requirement to no less than two hundred and fifty (250) feet should appropriate screening or other practices be put into place to mitigate likely or potential nuisances.
- e. Outside Storage

**City of Minneapolis, Minnesota
Code of Ordinances (2011)
Title 20, Zoning Code**

**Chapter 535, Regulations of General Applicability
Article XII. Solar Energy Systems**

535.820. Purpose. Regulations governing solar energy systems are established to provide for appropriate locations for solar energy systems, to ensure compatibility with surrounding uses, and to promote safe and effective use of solar energy to increase opportunities for generation of renewable energy.
(2011-Or-008, § 1, 2-11-11)

535.830. Definitions. As used in this article, the following words shall mean:

Building-integrated solar energy system. A solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to active photovoltaic or hot water systems that are contained within roofing materials, windows, walls, skylights, and awnings, or passive systems that are designed to capture direct solar heat.

Building-mounted solar energy system. A solar energy system affixed to a principal or accessory building.

Freestanding solar energy system. A solar energy system with a supporting framework that is placed on, or anchored in, the ground and that is independent of any building or other structure. Garages, carports or similar structures that incorporate building-integrated or building-mounted solar energy systems shall not be classified as freestanding solar energy systems and shall instead be subject to regulations governing accessory structures.

Solar collector surface. Any part of a solar energy system that absorbs solar energy for use in the system's transformation process. The collector surface does not include frames, supports, and mounting hardware.

Solar energy. Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar energy system. A device or structural design feature intended to provide for collection, storage, and distribution of solar energy for heating or cooling, electricity generating, or water heating.
(2011-Or-008, § 1, 2-11-11)

535.840. Permitted uses and specific standards, subject to administrative review and approval.

(a) In general. Solar energy systems shall be permitted in all zoning districts, subject to the standards of this article. Solar collector surfaces and all mounting devices shall comply with the minimum yard requirements of the district in which they are located. Screening of solar collector surfaces shall not be required.

(b) Building-mounted solar energy systems.

(1) Notwithstanding the height limitations of the zoning district, building mounted solar energy systems shall not extend higher than three (3) feet above the ridge level of a roof on a structure with a gable, hip, or gambrel roof and shall not extend higher than ten (10) feet above the surface of the roof when installed on flat or shed roof.

(2) The solar collector surface and mounting devices for building-mounted solar energy systems shall be set back not less than one (1) foot from the exterior perimeter of a roof for every one (1) foot that the system extends above the parapet wall or roof surface, if no parapet wall exists, on which the system is mounted. Solar energy systems that extend less than three (3) feet above the roof surface shall be exempt from this provision.

(c) Freestanding solar energy systems.

(1) Freestanding solar energy systems, measured to the highest point of the system, shall not exceed the height of the principal structure or twenty (20) feet, whichever is less. The height of the principal structure shall be measured as provided in Chapter 520, Introductory Provisions. Freestanding solar energy systems up to sixteen (16) feet in height shall be subject to the minimum yard requirements of an accessory structure. Freestanding solar energy systems greater than sixteen (16) feet in height shall be subject to the minimum yard requirements of a principal structure. The required yard shall be measured from the property line to the closest part of the structure at minimum design tilt.

(2) In the residence and office residence districts, the area of the solar collector surface of freestanding solar energy systems shall not exceed five (5) percent of the lot area. Notwithstanding any other provision to the contrary, the maximum area of solar energy systems shall be calculated independently of the floor area of all other accessory structures on the zoning lot.

(3) The supporting framework for freestanding solar energy systems shall not include unfinished lumber.

(4) All abandoned or unused freestanding solar energy systems shall be removed within twelve (12) months of the cessation of operations.
(2011-Or-008, § 1, 2-11-11)

535.850. Administrative review process.

(a) In general. The zoning administrator, in consultation with the planning director, shall have up to fifteen (15) working days following the submittal of a complete application to approve or deny such application. The zoning administrator may impose such conditions and require such guarantees deemed reasonable and necessary to protect the public interest and to ensure compliance with the standards and purposes of this zoning ordinance and policies of the comprehensive plan.

(b) Submittal requirements. An application for a solar energy system shall be filed on a form approved by the zoning administrator, as specified in Chapter 525, Administration and Enforcement. In addition, the applicant shall submit the following:

(1) Written evidence that the electric utility service provider that serves the proposed site has been informed of the applicant's intent to install a solar energy system, unless the applicant does not plan, and so states so in the application, to connect the system to the electricity grid.

(2011-Or-008, § 1, 2-11-11)

535.860. Conditional uses. Solar energy systems that do not comply with the standards of section 535.840 above may be allowed by conditional use permit, subject to the provisions of Chapter 525, Administration and Enforcement, provided that requests to reduce minimum yard requirements shall be by variance.

(2011-Or-008, § 1, 2-11-11)

535.870. Solar access. Solar access easements may be filed consistent with Minn. Statute Section 500.30. Any property owner may purchase an easement across nearby properties to protect access to sunlight. The easement is purchased or granted by owners of nearby properties and can apply to buildings, trees, or other structures that would diminish solar access.

(2011-Or-008, § 1, 2-11-11)

Chapter 537, Accessory Uses and Structures

537.110. Allowed accessory uses and structures. The following accessory uses and structures shall be allowed, subject to the following development standards:

* * *

Solar energy system. Solar energy systems shall be allowed as an accessory use, subject to the applicable zoning district regulations and the regulations contained in Chapter 535, Regulations of General Applicability.



STAFF REPORT

Issue: Comprehensive Plan Update

Agenda Item: Old Business - 3

Background: Once the training session on developing Comprehensive Plans has been completed, the intent is that the Planning Commission begin discussing whether/how it would like to update the Township's 2006 Comprehensive Plan.

The Town Board has provided some direction in this regard. Specifically, they have indicated that they do not see the need for a major update nor the need for a major effort to involve the public in any update (certainly the public is welcome to attend Planning Commission meetings where it is discussed, but the idea would be to not spend resources on having multiple community "workshops" such as were held when the 2006 Comprehensive Plan was first developed.

The Town Board feels that the Commission should discuss and propose updates in "sections" - bringing those proposed updates to the Town Board for their review and approval one or two at a time.