
ALEXANDRIA TOWNSHIP

PLANNING COMMISSION

MEETING PACKET FOR
May 29, 2013



PRELIMINARY AGENDA
Alexandria Township Planning Commission
May 29, 2013
6:00 p.m. – Township Conference Room

Call to Order

Adopt Agenda

Approve Minutes – April 22, 2013

Public Hearing

1. None

Zoning Administrator's Report

New Business:

Old Business:

1. Sign Ordinance Status Update
2. Ordinance Updates – variance criteria to comply with statutory amendments, sign ordinance, other possible/desired amendments
3. (continued) Training – Developing Effective Comprehensive Plans
4. Discussion – Comprehensive Plan Update

Adjournment

****NOTE:** This is a preliminary agenda, subject to change at any time.



STAFF REPORT

Issue: Sign Ordinance Status Update

Agenda Item: Old Business - 1

Background: Douglas County has schedule a public hearing for their draft updates to the sign ordinance for May 28, 2013 at 7:00 pm (their regular meeting starts at 6:00 pm and the hearing for the sign ordinance will be at 7:00 pm).

A copy of the proposed sign ordinance is attached.

You are all welcome to attend the public hearing, however as previously mentioned by Bonnie after she had spoken with Clerk Raisanen, you would be attending as a citizen and not as a representative of the Township Planning Commission (i.e. you would not receive a per diem).

While our May 29 meeting will be after the public hearing, I would imagine that we could still provide comments to the County either prior to or soon after their hearing. We will plan to discuss the draft at our meeting and if there are any comments, I will pass them along to the County.

SECTION V. PERFORMANCE STANDARDS

V. SIGNS

1. Findings, Purpose, and Intent.

a. Findings. Douglas County hereby finds as follows:

- (1.) Exterior signs have a substantial impact on the character and quality of the community.
- (2.) Signs provide an important medium through which individuals may convey a variety of messages.
- (3.) Signs can create traffic hazards, aesthetic concerns, and detriments to property values, thereby threatening the public health, safety, and welfare.

2. Purpose and Intent. It is not the purpose or intent of these sign standards to regulate the message displayed on any sign; nor is it the purpose or intent of this Ordinance to regulate any building design or any display not defined as a sign, or any sign which cannot be viewed from the outside of a building. The purpose and intent of this Section is to:

- a. Regulate the number, location, size, type, illumination, and other physical characteristics of signs within the County in order to protect and promote the public health, safety, and welfare.
- b. Maintain, enhance, and improve the aesthetic environment of the County by preventing visual clutter that is harmful to the appearance of the community.
- c. Improve the visual appearance of the County while providing for effective means of communication, consistent with constitutional guarantees and the County's goals of public safety and aesthetics.
- d. Allow a wide variety of sign types in commercial zones, and a more limited variety of signs in other zones, subject to the standards set forth in this sign ordinance.
- e. Allow certain small, unobtrusive signs incidental to the principal use of a site in all zones when in compliance with the requirements of this sign ordinance.
- f. Prohibit signs whose location, size, type, illumination or other physical characteristics negatively affect the environment and where the communication can be accomplished by means having a lesser impact on the environment and the public health, safety and welfare.
- g. Provide for fair and consistent enforcement of the sign regulations set forth herein under the zoning authority of the County.

3. Definitions.

The following words and terms, when used in this Sign Ordinance, shall have the following meanings, unless the context clearly indicates otherwise:

Abandoned sign - any sign and/or its supporting sign structure which remains without a message or whose display surface remains blank for a period of one (1) year or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Signs applicable to a business temporarily suspended because of a change in ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of one (1) year or more. Any sign remaining after demolition of a principal structure shall be deemed to be abandoned. Signs which are present because of being legally established nonconforming signs or signs which have required a conditional use permit or a variance shall also be subject to the definition of abandoned sign.

Awning – see “Canopy”

Balloon sign - a sign consisting of a bag made of lightweight material supported by helium, hot, or pressurized air which is greater than twenty-four (24) inches in diameter.

Billboard – see “Off-Premise highway sign”

Cabinet sign - any wall sign that is not of channel or individually mounted letter construction.

Canopy - a roof-like cover, including an awning, often of fabric, plastic, metal or glass, which projects from the wall or roof of a building- usually over a door, entrance, or window; or a freestanding or projecting cover above an outdoor service area, such as at a gasoline service station. A marquee is not a canopy.

Canopy sign - any sign attached to the underside or constructed upon a canopy or awning.

Changeable copy sign, Non-electronic - A non-electronic sign or portion of a sign which is characterized by interchangeable letters and figures.

Changeable copy sign, Electronic – An electronic sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. Such signs include, but are not limited to, signs using cathode-ray tubes (CRT), light-emitting diode (LED) displays (including organic LED screens), plasma displays, liquid-crystal displays (LCD), projection screens or other similar technologies.

Commercial Speech – speech advertising a business, profession, commodity, service or entertainment.

Digital sign – see “Changeable copy sign, Electronic”

Directional Sign – A sign whose message is intended to guide the circulation of persons and motorists within a site or to a particular off-site location.

Flag - any fabric or similar lightweight material attached at one end of the material, usually to a staff or pole - which is itself either freestanding or attached to a building, awning, canopy or other structure - so as to allow movement of the material by

atmospheric changes and which contains distinctive colors, patterns, symbols, emblems, insignia, or other symbolic devices.

Freestanding sign - any sign which has supporting framework that is placed on, or anchored in, the ground and which is independent from any building or other structure.

Hanging sign - any sign that is suspended from the underside of a horizontal plane surface and is connected to this surface and/or to the surface of structural elements supporting that surface.

Illuminated sign - any sign which contains or uses an element designed to emanate light or any sign which has lighting directed upon it to increase its visibility.

Legally established nonconforming sign - any sign and its support structure lawfully erected prior to the effective date of this ordinance which fails to conform to the requirements of this ordinance. A sign which was erected in accordance with a variance granted prior to the adoption of this ordinance and which does not comply with this ordinance shall be deemed to be a legal nonconforming sign. A sign which was unlawfully erected shall be deemed to be an illegal sign.

Marquee sign - any sign painted, mounted, constructed or attached in any manner, on a marquee.

Monument sign - any freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign.

Motion sign – any sign which in part or in total rotates, moves, or creates the appearance of movement through changing light or color effect or intermittent illumination or animation, or appears to quiver or vibrate in light or while reflecting heat waves.

Non-commercial speech – dissemination of messages not classified as Commercial Speech which include, but are not limited to, messages concerning political, religious, social, ideological, public service and informational topics.

Off-premise sign – a commercial speech sign which directs the attention of the public to a business, service or product sold or offered at a location not on the same parcel where such business sign is located. For purposes of this sign ordinance, easements and other appurtenances shall be considered to be outside such parcel of land and any sign located or proposed to be located in an easement or other appurtenance shall be considered an off-premise sign.

Off-premise directional sign - an off-premise sign which serves to direct potential customers or visitors to a specific business, service or location located within two (2) miles of the sign location.

Off-premise highway sign – an off-premise sign that is located within 100 feet of the right-of-way of a highway, whether federal, state or county, having a posted or statutory speed limit of 55 or greater miles per hour and whose messaging is directed toward motorists on the highway.

On-Premise sign - a commercial speech sign which directs the attention of the public to a business, service or product sold or offered at the same parcel where such business sign is located. For purposes of this sign ordinance, easements and other appurtenances shall be considered to be outside such parcel of land and any sign located or proposed to be located in an easement or other appurtenance shall be considered an off-premise sign.

On-Premise directional sign – A sign, generally informational, that has a purpose secondary to the use of the property upon which it is located, intended to facilitate the movement of pedestrians and vehicles within the site and identify the location and nature of businesses, services or other activities located on the premise.

On-premise messages – identify or advertise an establishment, person, activity, goods, products or services located on the premises where the sign is installed.

Pole sign - any freestanding sign which has its supportive structure(s) anchored in the ground and which has a sign face elevated above ground level by pole(s) or beam(s) and with the area below the sign face open.

Portable sign - any sign which is manifestly designed to be transported by vehicle or moved by hand, including those placed or mounted on a vehicle, by trailer or on its own wheels, even though the wheels of such sign may be removed and the remaining chassis or support is converted to another sign or attached temporarily or permanently to the ground. Portable signs include sandwich and other signs designed to be easily carried or worn by a person, signs pulled, placed in or on a vehicle and signs on the side of semi-trailers, box trucks or other such equipment.

Principal building or structure - the building or structure in which the primary use of the lot is conducted. Lots with multiple principal uses may have multiple principal buildings or structures, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.

Projecting sign - any sign which is affixed to a building, wall, awning or canopy in such a manner that it displays more than one (1) sign surface or where its leading edge extends more than twelve (12) inches beyond the surface of such building or wall face.

Roof line - the upper-most edge of the roof or in the case of an extended facade or parapet, the upper-most height of said facade.

Roof sign, Constructed - any sign erected and constructed wholly on and above the roof of a building.

Roof sign, Painted – any sign painted on the roof surface of a building

Sign – any letter, word or symbol, poster, picture, statuary, reading matter or representation in the nature of advertisement, announcement, message or visual communication, whether painted, posted, printed, affixed or constructed, including all associated brackets, braces, supports, wires and structures, which is displayed in the public view for informational or communicative purposes.

Sign face - the surface of the sign upon, against, or through which the message of the sign is exhibited.

Sign structure - any structure including the supports, uprights, bracing and framework which supports or is capable of supporting any sign.

Wall sign - any sign attached parallel to the outside wall of a building, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one (1) sign surface.

Water-Oriented Business Sign – A sign which is directed and placed by a permitted or legal nonconforming business so as to be visible to boaters, swimmers or other recreational users of a waterbody.

Window sign - any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

4. Permits Required. No sign, unless specifically exempted by this ordinance, shall be erected, altered, reconstructed, or moved without first securing a sign permit from the County. The content of the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit.
5. Exemptions. The following signs shall not require a permit. These exemptions, however, shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with the provisions of this ordinance or any other law or ordinance regulating the same.
 - a. The changing of the display surface on a previously approved or legal nonconforming painted or printed sign provided that no structural changes are made and the sign face does not increase in size.
 - b. Up to three (3) unilluminated signs per parcel which are each six (6) square feet or less in size.
 - c. Personal/Decorative Signs: Unilluminated signs of any size which are 1) attached to a building and do not extend above an eave, and 2) are clearly for non-commercial purposes, and 3) are for personal enjoyment and not intended to draw attention from the general public.
 - d. Public and Traffic Signs: Any public sign (directional, safety, danger, trespassing, traffic, warning, public information or public organization) erected by, or on the order of, a duly constituted public office of City, Township, County, State, or Federal governments.
 - e. Integral Signs: Names of buildings, dates of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar

material or made of bronze, aluminum or other permanent type construction and made an integral part of the structure.

- f. Private Traffic Direction Signs: Signs directing traffic movement onto a premise or within a premise, not exceeding eight (8) square feet in area for each sign.
- g. The established or official flag, pennant or insignia of any nation, organization of nations, state, province, county, city, any religious, civic or fraternal organization, or educational institution: provided, however, that a flag used in connection with commercial promotion or as an advertising device shall be regulated as a sign under this ordinance. Exempt flags may be of any height or size.
- h. Roof signs, Painted
- i. Canopies or awnings which are supported by a building, extend no further than three feet from the façade of the building, and which have a minimum clearance of eight (8) feet above ground level. Signs which are painted on, hanging from, or otherwise affixed to a canopy or awning shall be subject to the requirements of a wall sign.
- j. Temporary signs not exceeding the time limits listed under Section 7 of this ordinance.

6. Prohibited Signs. The following signs are prohibited signs:

- a. Any sign, signal, marking or device which purports to be or is an imitation of or resembles any official traffic control device or railroad sign or signal, or emergency vehicle signal, or which attempts to direct the movement of traffic or which hides from view or interferes with effectiveness of any official traffic-control device or any railroad sign or signal. Private traffic direction signs shall not be subject to this prohibition.
- b. Signs attached to public street/traffic signs, utility poles, bridges, towers, or similar public structures or property. Signs in violation of this subdivision may be removed by authorized personnel at the County's discretion, without advance notice to the sign owner.
- c. Any other structure, banner, balloon, trailer, building, portable device, or anything visible from a public road which is used as an advertising device is prohibited unless specifically authorized by this ordinance.
- d. No sign shall be permitted to obstruct any door, fire escape, stairway or other opening intended to provide ingress or egress of any building or structure.
- e. Signs which use highly reflective surfaces and that may create a blinding effect when exposed to light.
- f. Signs shall not be permitted within public right-of-way or easements nor shall a sign extend into the airspace over such a right-of-way or easement, except with the express permission of the regulatory authority.
- g. Signs which are affixed to wireless telecommunication or other tower structures, except as are necessary or required for safety and/or maintenance.

- h. Portable signs (unless exempted as a temporary sign), motion signs and inflatable signs in all zoning districts except Commercial/Industrial districts.
7. Temporary Signs. All temporary signs, whether permitted or exempt, shall meet the following specifications and any applicable requirements of section 8 (General Provisions) of this ordinance.
- a. General:
 - (1.) Height: Shall not exceed 15 feet, except when attached to the wall of a building.
 - (2.) Setbacks: May be placed up to, but not extend over, a property line, except where greater setbacks are required from a lake or stream by this ordinance.
 - (3.) Anchoring: Shall be securely anchored to the ground or to a structure so as to prevent damage or displacement during winds of 80 miles per hour or greater.
 - (4.) Temporary signs shall be allowed as either a on-premise sign or an off-premise directional sign (located within two miles of the business, service or location being advertised).
 - b. The following shall be considered temporary signs when located on a property for twelve (12) months or less:
 - (1.) Signs advertising a new subdivision or development
 - (2.) Real estate signs, pertaining to the sale or lease of a building or property, including off-site directional signs
 - (3.) Unilluminated signs identifying an engineer, architect, contractor or product engaged in or used in the construction of a building
 - c. The following shall be considered temporary signs when located on a property for no more than forty-five (45) days in any six-month period:
 - (1.) Signs announcing any public, charitable, educational or religious event or function
 - (2.) Signs announcing a temporary seasonal event, sale, or service such as for the sale of Christmas trees, pumpkins, corn mazes, or fruit picking or for boat storage, located within two (2) miles of the property where the event is to take place
 - d. Portable signs shall be considered temporary signs when located on a property for no more than fourteen (14) days in any ninety (90) day period:
 - e. Non-commercial speech signs shall be considered temporary signs when located on a property from August 1 to ten (10) days following a general election and thirteen (13) weeks prior to any special or township election until ten (10) days after said election:
 - f. Temporary signs that have not been removed within the specified period may be ordered removed by the County, unless permitted as a permanent sign, where allowed.

8. General Provisions.

- a. On-Premise/Off-Premise signs. Unless specifically noted otherwise, all non-exempt signs referred to in this ordinance shall be considered on-premise signs.
- b. Spacing. Signs located within twenty-five (25) feet of any other sign may be considered one sign for the purposes of this ordinance if they are placed in such a way as to circumvent the size limitations imposed on any one sign, as determined by the County.
- c. Setbacks. All sign setbacks as required by this ordinance shall be measured to the furthest horizontal extent of the sign.
- d. Height. All maximum heights as required by this ordinance shall be measured to the furthest vertical extent of the sign.
- e. Sign Area Calculation. The area within the frame shall be used to calculate the square footage (rounded to the nearest foot), regardless of whether or not more than one side is used. If such letters or graphics are mounted directly on a wall or fascia or in such way as to be without a frame, square footage shall be calculated as the area within the periphery around such letters or graphics in a plane figure bounded by straight lines connecting the outermost points thereof. Symbols, flags, pictures, wording, figures, or other forms of graphics painted on or attached to windows, walls, awnings, free-standing structures, suspended by balloons or kites or on persons, animals, or vehicles are considered a sign and are included in calculating the overall square footage. Double-faced signs which have a 90 degree angle or less between the two faces need only count one face for the purpose of calculating area. Three or more faces on a sign shall be counted against the maximum size allowed.
- f. Illumination. Where allowed, illumination for signs, whether internal or external, shall be so constructed and maintained so that the source of light is diffused and not directly visible by a motorist or pedestrian viewing the sign.
- g. No sign shall be placed in such a way that it creates a safety hazard by obstructing lines of sight for motorists or pedestrians or physically blocks a pedestrian corridor.
- h. Electronic Changeable Copy Signs - Where allowed, electronic changeable copy signs shall meet the following requirements, in addition to any other requirements that would otherwise apply:
 - (1.) Any electronic changeable copy sign capable of displaying pictures, graphics, video or scrolling words/numbers, whether such displays are permitted or not, shall be limited to a total of thirty-two (32) square feet of such area.
 - (2.) Messages or graphics displayed on an electronic changeable copy sign must be presented in a static manner, with the message changing no more than once every five (5) seconds. The images and messages displayed must be complete in themselves, without continuation in content to the next image or message or to any other sign.

- (3.) Electronic changeable copy signs which scroll, flash, strobe, blink, pulse, fade, illuminate with varying light intensity or changing colors, or create the illusion of movement (including video displays) are prohibited.
- (4.) Any electronic changeable copy sign designed for the sole purpose of displaying printable characters (letters, numbers, punctuation marks or symbols) in a static format shall be regulated as a non-electronic changeable copy sign, provided that the digital display may change its message not more than once per hour.
- (5.) No sign may be of such intensity or brilliance as to impair the vision of a motor vehicle driver with average eyesight or to otherwise interfere with the driver's operation of a motor vehicle. Electronic changeable copy signs shall automatically dim by at least 50 percent between one-half hour after sunset and one-half hour prior to sunrise.
- (6.) No sign may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device or signal.
- (7.) Electronic changeable copy signs must be designed to freeze the display or turn the display completely off if it malfunctions.
- (8.) Sign owners must immediately turn an electronic changeable copy sign off when notified by the county that it is not complying with the standards of this ordinance.
- i. Sign Lettering: All lettering or numbering shall be such that it is readable by a passing motorist at a glance. Unless otherwise required/allowed by this ordinance or by the requirements of a conditional or interim use permit, all letters, numbers and symbols (except periods, commas, dashes or other punctuation marks typically smaller than letters) shall be at least 6 inches in height (capital letters) and 4.5 inches in height (lowercase letters).
- j. Freestanding Canopies or Awnings: A freestanding canopy, such as above an outdoor service area, or a freestanding awning, when permanently or semi-permanently affixed to the ground, shall be permitted as a structure and are themselves not considered signs for the purposes of this ordinance. Signs that are an integral part of, or which are attached to, a freestanding canopy or awning shall be regulated as a wall or projecting sign.

9. Fees.

Sign permit fees are as established by the adopted fee schedule.

10. Specific Regulations by Zoning District.

a. Residential and Residential Shoreland Districts

(1.) Signs requiring an administrative permit

- (a) Wall, projecting or marquee signs between six (6) and twelve (12) square feet in size
- (b) Up to one (1) freestanding sign no greater than twelve (12) square feet in size and six (6) feet in height that is related to an on-premise, licensed childcare business or other nonresidential program regulated under Minnesota Statutes 245A.14 or successor statutes.

(2.) Signs requiring a conditional use permit

- (a) Wall, projecting or marquee signs between twelve (12) and thirty-two (32) square feet in size
- (b) Off-premise directional signs as follows (lesser sizes may be required by the County in areas where normal and customary speeds are deemed to be slower than the posted or statutory speed limit):

Posted or Statutory Speed Limit	Maximum sign size
Less than 55 miles per hour	12 square feet
55 - 65 miles per hour	32 square feet

- (c) Freestanding signs up to sixteen (16) square feet in size and up to eight (8) feet in height related to an allowed or permitted business.
- (d) Two (2) freestanding, non-exempt signs per parcel

(3.) Prohibited signs

- (a) Signs larger than thirty-two (32) square feet in size.
- (b) Signs with a total height greater than eight (8) feet above the grade of the adjoining roadway, unless a wall sign placed on a permitted building.
- (c) Off-premise highway signs
- (d) Electronic changeable copy signs
- (e) Roof signs, Constructed
- (f) More than two (2) freestanding, non-exempt signs per parcel.
- (g) Signs identified in Section 6 of this ordinance.

(4.) Setbacks

- (a) Road: Two (2) feet from a road or railroad right-of-way or twenty (20) feet from the centerline of a traveled surface, whichever is more restrictive.
- (b) Other property lines: 10 feet or a distance equal to 110% of the height of the sign, whichever is greater.
- (c) Ordinary High Water Level (not applicable to wall signs):

- i. General Development Lakes:
 - a) Unsewered: 37.5 feet
 - b) Sewered: 25 feet
- ii. Recreational Development Lakes: 50 feet
- iii. Natural Environment Lakes: 75 feet

(5.) Illumination

- (a) Internal illumination: Not allowed
- (b) External illumination: Allowed

b. Rural Residential District

(1.) Signs requiring an administrative permit

- (a) Wall, projecting or marquee signs between six (6) and thirty-two (32) square feet in size
- (b) Up to one (1) freestanding sign no greater than sixteen (16) square feet in size and six (6) feet in height that is related to an on-premise, licensed childcare business or other nonresidential program regulated under Minnesota Statutes 245A.14 or successor statutes.

(2.) Signs requiring a conditional use permit

- (a) Wall, projecting or marquee signs greater than thirty-two (32) square feet in size
- (b) Off-premise directional signs as follows (lesser sizes may be required by the County in areas where normal and customary speeds are deemed to be slower than the posted or statutory speed limit):

Posted or Statutory Speed Limit	Maximum sign size
Less than 55 miles per hour	20 square feet
55 - 65 miles per hour	48 square feet

- (c) Freestanding signs up to sixteen (16) square feet in size and up to fifteen (15) feet in height related to an allowed or permitted business.
- (d) Two (2) freestanding, non-exempt signs per parcel.

(3.) Prohibited signs

- (a) Signs larger than forty-eight (48) square feet in size.
- (b) Signs with a total height greater than fifteen (15) feet above the grade of the adjoining roadway, unless a wall sign placed on a permitted building.
- (c) Off-premise highway signs

- (d) Electronic changeable copy signs
- (e) Roof signs, Constructed.
- (f) More than two (2) freestanding, non-exempt signs per parcel.
- (g) Signs identified in Section 6 of this ordinance.

(4.) Setbacks

- (a) Road: Two (2) feet from a road or railroad right-of-way or twenty (20) feet from the centerline of a traveled surface, whichever is more restrictive. Other property lines: 10 feet or a distance equal to 110% of the height of the sign, whichever is greater.

(5.) Illumination

- (a) Internal illumination: Not allowed
- (b) External illumination: Allowed

c. Agricultural District

(1.) Signs requiring an administrative permit

- (a) Wall, projecting or marquee signs between six (6) and forty-eight (48) square feet in size
- (b) Up to one (1) off-premise, permanent directional sign up to twelve (12) square feet in size
- (c) Up to one (1) freestanding sign no greater than sixteen (16) square feet in size and eight (8) feet in height that is related to an on-premise, licensed childcare business or other nonresidential program regulated under Minnesota Statutes 245A.14 or successor statutes.

(2.) Signs requiring a conditional use permit

- (a) Wall, projecting or marquee signs between forty-eight (48) and sixty-four (64) square feet in size
- (b) Off-premise directional signs as follows (lesser sizes may be required by the County in areas where normal and customary speeds are deemed to be slower than the posted or statutory speed limit):

<u>Posted or Statutory Speed Limit</u>	<u>Maximum sign size</u>
Less than 55 miles per hour	24 square feet
55 - 65 miles per hour	48 square feet

- (c) Freestanding signs up to thirty-two (32) square feet in size and up to fifteen (15) feet in height, and wall signs up to ten percent (10%) of a building façade which faces a street, related to an allowed or permitted business.

- (d) Roof signs, Constructed

(e) More than one (1) freestanding, non-exempt signs per parcel.

(3.) Prohibited signs

(a) Signs larger than sixty-four (64) square feet in size.

(b) Signs with a total height greater than fifteen (15) feet above the grade of the adjoining roadway, unless a wall sign placed on a permitted building.

(c) Off-premise highway signs

(d) Electronic changeable copy signs

(e) .

(f) More than two (2) freestanding, non-exempt signs per parcel.

(g) Signs identified in Section 6 of this ordinance.

(4.) Setbacks

(a) Road: Two (2) feet from a road or railroad right-of-way or twenty (20) feet from the centerline of a traveled surface, whichever is more restrictive. Other property lines: 10 feet or a distance equal to 110% of the height of the sign, whichever is greater.

(5.) Illumination

(a) Internal illumination: Not allowed

(b) External illumination: Allowed

d. Commercial/Industrial Zones

(1.) Signs requiring an administrative permit

(a) Wall, projecting or marquee signs between six (6) and sixty-four (64) square feet in size or Wall signs up to ten percent (10%) of a building façade which faces a street. Such signs may be internally or externally illuminated.

(b) Up to two (2) permanent freestanding signs per property as follows:

i. Sign A: No greater than sixty-four (64) square feet in size and thirty five (35) feet in height.

ii. Sign B: No greater than sixty-four (64) square feet in size and fifteen (15) feet in height.

(c) Permanent off-premise directional signs advertising a business within two (2) miles of the sign not greater than thirty-two (32) square feet in size

(2.) Signs requiring a conditional use permit

(a) Wall, projecting or marquee signs greater than sixty-four (64) square feet in size or Wall signs up to ten percent (10%) of a building façade which faces a street.

- (b) Permanent off-premise directional signs advertising a business located within two (2) miles of the sign between 32 and 64 square feet in size (lesser sizes may be required by the County in areas where normal and customary speeds are deemed to be slower than the posted or statutory speed limit):
 - (c) Off-premise highway signs subject to the following limitations:
 - i. Messaging area:
 - a) 675 sq ft: Within 100 feet of the right-of-way of a highway having a posted or statutory speed limit of greater than 65 miles per hour
 - b) 250 sq ft: All other areas within the Commercial or Industrial zoning districts.
 - ii. Spacing:
 - a) No closer than 300 feet to a road or railroad intersection
 - b) No closer than 500 feet to another off-premise highway sign
 - (d) Up to one (1) pole or monument sign no greater than one hundred (100) square feet in size when located along highways with a posted speed limit of greater than 65 miles per hour.
 - (e) Illuminated freestanding signs
 - (f) Electronic changeable copy signs
 - (g) Non-Temporary Portable signs
 - (h) Motion signs
 - (i) Inflatable signs
 - (j) Roof signs, Constructed
 - (k) More than two (2) freestanding signs per parcel.
 - (l) Signs with more than two faces
- (3.) Prohibited signs
- (a) Signs with a total height greater than thirty-five (35) feet above the grade of the adjoining roadway, unless a wall sign placed on a permitted building.
 - (b) Signs identified in Section 6 of this ordinance.
- (4.) Setbacks and Height
- (a) Road:

- i. Signs less than 10 feet in height: 2 feet from a road or railroad right-of-way or twenty (20) feet from the centerline of a traveled surface, whichever is more restrictive.
 - ii. Signs from 10 to 20 feet in height: 10 feet from a road or railroad right-of-way or twenty (20) feet from the centerline of a traveled surface, whichever is more restrictive.
 - iii. Signs greater than 20 feet in height: 20 feet from a road or railroad right-of-way or twenty (20) feet from the centerline of a traveled surface, whichever is more restrictive.
- (b) Other property lines: 10 feet or a distance equal to 110% of the height of the sign, whichever is greater.
- (c) Maximum height
- i. Along roads with a posted speed limit of 40 miles per hour or greater: 35 feet
 - ii. Along roads with a posted speed limit of less than 40 miles per hour: 20 feet

11. Additional Provisions for Water-Oriented Business Signs

In addition to regulations applicable to the relevant zoning district, on shoreland properties where resorts, bait shops, restaurants or other permitted or legal nonconforming businesses exist, the following shall apply to signs located so as to be visible from a lake or stream:

- a. Signs requiring an administrative permit
 - (1.) Unilluminated wall signs no greater than twenty-four (24) square feet in size, or ten percent (10%) of a building façade which faces a waterbody, whichever is greater.
 - (2.) Projecting signs no greater than twelve (12) square feet in size
 - (3.) Up to one (1) unilluminated freestanding sign, no greater than thirty-two (32) square feet in size, per water frontage.
- b. Signs requiring a conditional use permit
 - (1.) Wall signs greater than twenty-four (24) square feet in size
 - (2.) Hanging signs greater than (12) square feet in size.
 - (3.) Illuminated signs
 - (4.) Roof signs, Constructed
- c. Prohibited signs
 - (1.) Signs larger than thirty-two (32) square feet in size.
 - (2.) Off-premise directional sign
 - (3.) Electronic changeable copy signs

- (4.) Portable signs
- (5.) Motion signs
- (6.) Inflatable signs
- (7.) More than one (1) freestanding signs per parcel.
- (8.) Signs with a total height greater than twenty-five (25) feet above the ordinary high water elevation, unless a wall sign placed on a permitted building.

d. Setbacks

- (1.) Ordinary High Water Mark: No sign may be placed within a shore impact zone, except wall signs on legal, nonconforming buildings.
- (2.) Other property lines: 10 feet or a distance equal to 110% of the height of the sign, whichever is greater.

e. Maximum height: 15 feet

f. Maximum size: 32 square feet

12. Non-Conforming Signs

It is recognized that signs exist within the zoning districts which were lawful before this sign ordinance was enacted, which would be prohibited, regulated or restricted under the terms of this chapter or future amendments. It is the intent of this sign ordinance that legal nonconforming signs and supporting structures shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other signs or uses prohibited elsewhere in the same district. It is further the intent of this sign ordinance to permit legal nonconforming signs and supporting structures existing on the effective date of this sign ordinance, or amendments thereto, to continue as legal nonconforming signs or supporting structures provided such signs are safe, are maintained so as not to be unsightly, and the sign has not been abandoned or removed subject to the following provisions.

- a. No sign or supporting structure shall be enlarged or altered in a way which increases its nonconformity.
- b. Should such sign or sign structure be destroyed by any means to an extent greater than fifty (50) percent of its replacement cost and no permit has been applied for within 180 days of when the property was damaged, it shall not be reconstructed except in conformity with the provisions of this ordinance.
- c. Should such sign or supporting structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the zoning district in which it is located after it is moved.
- d. No existing sign devoted to a use not permitted by the zoning code in the zoning district in which it is located shall be enlarged, extended or moved except in changing the sign to a sign permitted in the zoning district in which it is located.

13. Inspection, Maintenance, Removal

a. Inspection

Any sign for which a permit is required may be inspected periodically by the County for compliance with this Ordinance and all other applicable laws.

b. Maintenance

- (1.) The owner, lessee or manager of any monument sign and the owner of the land on which the same is located shall keep grass or weeds and other growth cut and debris and rubbish cleaned up and removed from the lot on which a sign is located.
- (2.) All signs shall contain current information. Outdated signs or signs with information that is outdated shall be removed by the property owner.
- (3.) Painting, repainting, cleaning and normal maintenance and repair of a sign or sign structure is required to protect the sign and prevent its deterioration and maintain its neat appearance. Such maintenance is allowed without permit unless a structural change is made.
- (4.) Any sign located in the County which may now be or hereafter become out of order, rotten or unsafe, and every sign which shall hereafter be erected, altered, resurfaced, reconstructed or moved contrary to the provisions of this section, shall be removed or otherwise properly secured in accordance with the terms of this section by the owners thereof or by the owners of the grounds on which said sign shall stand, upon receipt of proper notice so to do, given by the issuing authority. No rotten or other unsafe sign shall be repaired or rebuilt except in accordance with the provisions of this section and upon a permit issued by the issuing authority.

c. Removal

- (1.) Abandoned signs shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises.
- (2.) Illegally erected signs shall be removed by the owner or lessee of the premises upon which the sign is located upon notice by the County of its illegal status.
- (3.) If the owner or lessee fails to remove an abandoned or illegally erected sign, the County shall remove it in accordance with this section. These removal provisions shall not apply to abandoned signs where a succeeding owner or lessee conducts the same type of business and agrees to maintain the signs as provided in this Ordinance or changes copy on the signs to advertise the type of business being conducted on the premises and provided the signs comply with the other provisions of this Ordinance.
- (4.) Any sign which becomes structurally unsafe or endangers the safety of a building or premises or endangers the public safety must be taken down and removed by the owner, agent, or person having the beneficial use of the building, structure or land upon which the sign is located.

- (5.) The County shall order the removal of any sign erected or maintained in violation of this Ordinance. Ten (10) days notice in writing shall be given to the owner of such sign, or of the building, structure or premises on which such sign is located, to remove the sign or to bring it into compliance with the Ordinance. Upon failure to remove the sign or to comply with this notice, the County may remove the sign. The County may remove the sign immediately and without notice if it reasonably appears that the condition of the sign is such as to present an immediate threat to the safety of the public. Any costs of removal incurred by the County shall be assessed to the owner of the property on which such sign is located and may be collected in the manner of ordinary fee collection or in the manner of taxes and all costs shall be assessed against the property. Signs located within the right-of-way of County Roads may be removed by the County at any time without notice.

DRAFT



STAFF REPORT

Issue: Ordinance Updates

Agenda Item: Old Business - 2

Background: In March, 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 Vandev eer)

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]

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

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

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

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[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.



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.