

(SENATE AUTHORS: CHAMBERLAIN and Vandever)

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

1.1

A bill for an act

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relating to local government; zoning; providing for residential property used as

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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.

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

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

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Subd. 3. **In district zoning, maps.** Within each such district zoning ordinances or

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maps may also be adopted designating or limiting the location, height, width, bulk, type of

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foundation, number of stories, size of, and the specific uses for which dwellings, buildings,

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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

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including but not limited to controls relating to appearance, signs, lighting, hours of

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operation and other aesthetic performance characteristics including but not limited to

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noise, heat, glare, vibrations and smoke; the area required to provide for off street loading

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and parking facilities; heights of trees and structures near airports; and to avoid too great

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concentration or scattering of the population. All such provisions shall be uniform for each

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class of land or building throughout each district, but the provisions in one district may

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differ from those in other districts. No provision may prohibit earth sheltered construction

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as defined in section 216C.06, subdivision 14, use of residential property for vacation

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rental, or manufactured homes built in conformance with sections 327.31 to 327.35 that

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comply with all other zoning ordinances promulgated pursuant to this section.

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

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

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

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

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

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

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