



CITY OF SPRING PARK
PLANNING COMMISSION AGENDA
JULY 10, 2019 – 6:00 PM
SPRING PARK CITY HALL

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. ADOPT AGENDA
5. APPROVAL OF MINUTES
 - a. Planning Commission Meeting Minutes from June 12, 2019
6. CONSIDERATION/DISCUSSION ITEMS
 - a. Short-Term/Rental Licensing Public Hearing
 - i. Introductory Comments – City Planner Al Brixius
 - ii. Open Public Hearing
 - iii. Receive Public Comments
 - iv. Close or Table Public Hearing
 - v. Discussion
 - vi. Table for Future Discussion or Recommend to Council
 - b. 2413 Black Lake Road Garage Variance Extension Request
 - i. Recommendation to Council
7. COMMUNICATIONS
8. MISCELLANEOUS
9. ADJOURNMENT



CITY OF SPRING PARK
 PLANNING COMMISSION MINUTES
 JUNE 12, 2019 – 6:00 PM
 SPRING PARK CITY HALL

1. CALL TO ORDER - The meeting was called to order by Chair Hoffman at 6:02 p.m.
2. PLEDGE OF ALLEGIANCE – Chair Hoffman led the audience in the Pledge of Allegiance.
3. ROLL CALL

Planning Commissioners Present: Jeff Hoffman, Chair; Max Avalos; Bruce Homan; and Michael Mason

Planning Commissioners Absent: Pete Kaczanowski

Staff Present: Dan Tolsma, City Administrator; Al Brixius, City Planner; Scott Qualle, Building Official; and Theresa Schyma, City Clerk.

Others Present: Catherine Kane Palen, City Council Member/Planning Commission Ex-Officio

4. ADOPT AGENDA

Chair Hoffman asked for the agenda to be amended for the addition of Item #8a – Mist Condominiums Air Handling Unit Noise and Item #8b – Nuisance Enforcement Update.

M/Mason, S/Homan to approve the agenda as amended.

Motion carried 4-0.

5. APPROVAL OF MINUTES

- a. Planning Commission Meeting Minutes from May 8, 2019

M/Homan, S/Mason to approve the minutes.

Motion carried 4-0.

6. CONSIDERATION/DISCUSSION ITEMS

- a. Short-Term/Rental Licensing Discussion

City Planner Brixius presented the updated draft of a rental housing ordinance for short-term and long-term rental properties in Spring Park. He discussed the roommate exemption, tiered licensing system, warrantless access language, complaint process, and parking requirements.

City Clerk Schyma asked that “roommate” be defined in the ordinance since there is an exemption.

City Planner Brixius responded that he would add a definition to clarify the difference between a roommate and a tenant.

City Planner Brixius discussed examples of tiered rental licensing systems in Minneapolis and Golden Valley which are based on the results of inspections.

The Planning Commission discussed a three-tier versus two-tier system and the length of time between inspections for each tier. Sometimes having a middle tier, or an interim step, adds some reward for the property owner’s efforts and provides middle ground for landlords; however, most properties actually fall into two categories. A longer period of time between inspections is what creates the incentive for landlords and property owners to strive for the higher tier. The length of time discussed ranged from one to six years depending on the tier level.

Chair Hoffman stated that he wants the rules to be clearly defined and consistent so that the City is treating all rental properties the same.

City Planner Brixius stated that the appeals process is clearly defined and the IPMC will judge all properties in an equal and consistent manner.

Commissioner Mason stated that sometimes a tenant is penalized for the conditions in the apartment even if they aren’t to blame.

City Planner Brixius responded that language can be added regarding retaliation to tenants.

City Planner Brixius stated that the comments received at the public hearing were about creating an incentive beyond three years for higher tier properties and trying to maintain a good relationship with property owners.

The Planning Commission consensus was to include a two tier system where the lower tier is on a two-year inspection cycle and the higher tier is on a four-year inspection cycle.

City Planner Brixius discussed the change in language regarding warrantless access to include the administrative warrant process.

Council Member Kane Palen asked who is responsible for paying the court and other legal fees when an administrative warrant is required.

City Planner Brixius responded that he will consult with the City Attorney regarding court fees.

The Planning Commission requested clarification about who is ultimately responsible for all court and legal fees as the City should not be forced to pay costs for any issues at a licensed business.

Commissioner Avalos discussed the ability for landlords to take pictures of corrective actions instead of requiring an on-site visit with an inspector for re-inspection. He believes some landlords would prefer the option of submitting photos to avoid re-inspection fees. He understands that there would be some question of authenticity of photos including a landlord trying to disguise a safety issue in one unit by submitting a photo of another unit.

City Planner Brixius responded that if the City is issuing a license stating that all units have been inspected and are up to standard then part of the process shouldn't expose the City to liability issues. He stated that another city allows landlords to hire a third-party inspector to do re-inspections but they are working for the landlord and not the City so there is a definite conflict of interest.

City Clerk Schyma added that the Planning Commission has asked for an ordinance and inspections process that is fair, equal, and consistent; a third-party inspector does not accomplish that goal.

Building Official Qualle stated the ultimate goal is to make sure everything is done right so a compromise in re-inspection fees could be to charge an hourly rate with a minimum charge to reduce fees for landlords with minimal corrective actions that required re-inspection.

City Administrator Tolsma added that re-inspection fees are also motivation for compliance. He stated that all landlords will have the IPMC checklists in advance of their initial inspection. Therefore, they will have time to check their properties and make sure all items meet minimum requirements before the inspector arrives.

Commissioner Avalos wants a way to help landlords so that the fees aren't punitive.

Commissioner Homan responded that if the landlords are given checklists and re-inspection fee information in advance then they have the time to make sure their properties are in compliance. He added that if property owners want to be in the rental business then they need to ensure their properties are in compliance and if they fail to do so then a re-inspection fee is the consequence.

Chair Hoffman stated he was in favor of the hourly rate with a one hour minimum charge.

City Planner Brixius discussed the short-term rental ordinance and stated the only significant change was to remove the homestead requirement for property owners.

Commissioner Avalos asked about the parking requirements for short-term rentals since the current draft has the minimum parking requirement as two off-street parking spaces.

City Planner Brixius discussed the minimum parking standards and the requirements for no on-street parking and no parking on landscaped areas. He stated that rental properties are businesses operating in residential neighborhoods; Spring Park is very limited in space and parking on local streets.

Chair Hoffman asked if the parking language should be changed from addressing the minimum number of vehicles allowed to the minimum number of off-street parking spaces provided on the lot.

Commissioner Mason stated that short-term rental properties should be held to a higher standard.

City Planner Brixius responded that the language needs to be clear and the standards need to be measurable. Reducing grey area is important so that City staff, inspectors, and building owners know unmistakably what each property has been approved for on every license.

City Administrator Tolsma asked about a potential dispute where an owner with a narrow lot that normally only one car can park but the owner states on their application that it can fit two cars.

City Planner Brixius responded that the rental property must meet parking stall requirements in the City Code and that same standard will be used for number of bedrooms, and if an applicant for any license cannot meet the minimum standards then that means they should not be granted a license to operate a business in a residential district.

Commissioner Homan asked why a rental property couldn't use on-street parking if it is allowed on that property's particular street.

City Clerk Schyma responded that the difference in standards is the distinction between a guest and a customer. Parking on-street creates a nuisance and disruption in the neighborhood in order for someone to run a business in a residential neighborhood. City staff have received complaints about a short-term rental property using City parking at a local park for several days and nights to accommodate their customers. This means that fewer residents and guests to the community are able to enjoy City parks and amenities because parking was taken by customers of a business that did not have adequate on-site parking.

Chair Hoffman stated that the intent of the ordinance is for public safety and to not have party houses so a standard does need to be maintained.

7. COMMUNICATIONS – None.

8. MISCELLANEOUS

a. **Mist Condominiums Air Handling Unit Noise**

Chair Hoffman stated he has been approached by two residents about the noise that is caused by the Mist Condominiums air handling unit. He asked if a formal complaint has been received, what the noise standards are, and if they have been measured in the past.

City Administrator Tolsma responded that a formal complaint was received. He stated that an unofficial test was completed several years ago and everything met the decibel limit standards. At that same time he also spoke with a consultant that specialized in creating noise suppression systems but the Mist's air handling unit did not meet the decibel limit threshold. He added that the City can have an official test done but he is quite certain that it will not exceed the decibel limit standard. The State guidelines are written quite broad so the fact that you can hear it does not constitute a violation; it is a "presence of noise" and "peace and enjoyment" issue.

Chair Hoffman stated that since a formal complaint has been received he believes the City should have a professional test done.

City Administrator Tolsma responded that the challenge with all noise complaints received by staff is deciding when the City should pay a \$2,000 fee for a professional test. However, he stated that

having a legitimate test conducted for the air handling unit at the Mist would be helpful to have on file for any future complaints received. Furthermore, the results of that test could be useful when asking the Mist for some concessions to alter their system since it impacts the community. Part of the solution and compromise is going to require everybody to be good and respectful neighbors, including the owners/landlords at The Mist.

Chair Hoffman stated that whatever the outcome of the test is he is hoping that there will be some resolution to this issue.

City Administrator Tolsma responded that conducting a professional sound test is easier than finding a compromise or solution for this particular issue.

b. Nuisance Enforcement Update

Chair Hoffman stated that he heard from a frustrated resident about the lack of progress that has been made on neglected properties in the City after the nuisance and outdoor storage ordinances were passed in 2017.

City Administrator Tolsma responded that staff investigates any legitimate complaint that is received about a property. He added that Spring Park has complaint-based enforcement and there are some very obvious properties in the City that staff have never received a complaint about and therefore cannot begin the cleanup process. He stated that there has been success with many properties including signed nuisance abatement agreements with firm deadlines in place. However, there are a few properties that have reached the end of their deadlines and will be moving forward to the appeals process and possibly legal action.

City Clerk Schyma added that many of these properties have been neglected for a long time and that she explains the process when somebody submits a complaint to staff. The complainant needs to be reminded that the offending property owner also has rights and that the cleanup process can take time. She further reminds them that staff only has the ability to work on bringing a property into minimal compliance with the City Code and that these properties are not going to suddenly become beautifully landscaped masterpieces simply because a complaint has been submitted. She stated she tries to keep the complainants expectations realistic.

Commissioner Homan stated that it is nice to see there is some progress and compliance on neglected properties in the City.

City Administrator Tolsma stated that it is a very time consuming process but the outcomes are worth it.

9. ADJOURNMENT

M/Mason, S/Avalos adjourn the Planning Commission Meeting at 8:00 p.m.

Motion carried 4-0.

Date Approved: July 10, 2019

Dan Tolsma, City Administrator

Theresa Schyma, City Clerk



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PLANNING REPORT

TO: Dan Tolsma
FROM: Al Brixius / Ryan Saltis
DATE: 6/27/19
RE: Rental Housing Ordinances
FILE NO: 175.01 18.18

BACKGROUND

Long-Term and Short-Term rental housing ordinances have been in discussion during city staff meetings as well as a public hearing that was held regarding the topic involving landlords, tenants and staff. After these meetings, it was determined that staff should modify the ordinances to better reflect the community of Spring Park and to clear up misunderstandings that might arise from all parties involved in the rental process. A Tiered Rental License Inspection Program and the Inspection Checklist were both determined that there should be further investigation and research behind them by the building inspector before adopting these programs. Aspects of the ordinances that were amended or expanded upon included a definition of a roommate, the cost of obtaining a warrant, term length for licenses in both short and long term rentals, complaint notifications, and parking requirements. These subjects are described in the Analysis section of this report and reference specific areas where the changes can be found in the long-term and short-term ordinances.

Attached for reference:

- Exhibit A: Long-Term Rental Ordinance
- Exhibit B: Short-Term Rental Ordinance
- Exhibit C: IPMC Adoption Ordinance
- Exhibit D: Draft Inspection Checklist
- Exhibit E: Draft Tiered Scoring System
- Exhibit F: Draft License Fee Breakdown

ANALYSIS

Long-Term Ordinance Changes:

- License Terms were discussed to clear up misunderstandings that once a property receives a rental license, it will be valid for the amount of years based on its assigned tier given by the building official. Language was added to Sec. 12-255 “Registration Permit Duration” of the long-term rental ordinance that explains a long-term rental property will initially have a fixed 2 year license term and upon first renewal would the property then fall into its assigned tier ranking that would determine how long the licenses will have to be renewed from then on (either every 2 or 4 years).
- A clear definition for a “roommate” was added to the long-term rental housing ordinance. It was determined at the meeting that a roommate for example does not include family members that are staying for short periods of time and would not be applicable to the ordinance. The definition of a “roommate” was added as follows:

“**Roommate**” means a person unrelated to the owner of the property, who shares living of the common quarters for longer than 30 consecutive days within a homesteaded and owner-occupied property.
- Language was added under Sec. 12-257 “Inspection” to ensure that the property owner will be charged for any city costs associated with obtaining a search warrant if they fail or refuse to permit entry of the rental dwelling unit.
- Language to the long-term rental ordinance was changed regarding the Building Inspector reviewing rental properties and not the Fire Chief. The previous ordinances were inconsistent in that either the Fire Chief or Building Inspector were referenced to making inspections of rental properties.
- Language was added to the long-term ordinance that expanded the tenant and owner complaint procedures. The previous ordinance language was determined to be too vague and the wording needed to be clear as to who notifies the owner or tenant by writing or verbal communication.

Short-Term Ordinance Changes:

- Language was added to Sec. 12-272 (f) “Term” stating that short-term home rentals will follow 3 year cycles for licensing and will expire on midnight of the 3rd year. Applications for renewal must be submitted at least 30 days prior to the expiration of the current rental license.
- Language was amended in Sec. 12-273 (g) “Parking” stating that short-term rental properties no longer have to provide a minimum of two off-street parking stalls for guests. It was determined by city staff that this might exclude several properties in

Spring Park, due to the small lot sizes in the city and potential apartment rentals downtown having limited parking availability. Language was added that states that it is prohibited to park on streets or landscaped/turfed areas for tenants of short-term rental properties.

- Language was added under Sec. 12-272 (b) "License Application" to require applicants for short-term rentals to provide a site plan of their property showing designated parking areas. This will be a condition for granting a license and will need staff approval of the site plans prior to operating.
- Language was taken out of Sec. 12-273 (k) "Disorderly Behavior" regarding incidents of tenant misbehavior and the penalty that will be enforced. This language is a duplicate of Sec. 12-274 (e) where it is more fitting to describe in length under its own section.

CONCLUSION

Modifications have been made to the long-term and short-term rental housing ordinances to reflect comments that were made at the public hearing and the city staff meeting. All changes were made with the intent to provide clear and concise ordinances for everyone involved in the rental housing process including landlords, tenants and city staff. The Building Inspector will continue to examine the Tiered Rental License Inspection Program and the inspection checklist to determine how these standards will apply to the City of Spring Park.

Draft 7/9/19

**CITY OF SPRING PARK
HENNEPIN COUNTY, MINNESOTA**

ORDINANCE NO. 2019 – _____

AN ORDINANCE AMENDING CHAPTER 12 OF THE SPRING PARK CITY CODE (BUSINESSES) TO ADD A NEW ARTICLE V REGARDING RENTAL HOUSING

THE CITY COUNCIL OF THE CITY OF SPRING PARK, MINNESOTA ORDAINS AS FOLLOWS:

Section 1. A new Article V (Rental Housing) is hereby added to Chapter 12 of the Spring Park City Code and shall read as follows:

ARTICLE V – RENTAL HOUSING

DIVISION 1. GENERALLY.

Sec. 12-250. - Statement of policy.

- (a) The City believes that promoting the public health, safety and welfare of its citizens mandates the existence of a rental dwelling unit registration permit and maintenance program that corrects substandard conditions and maintains a standard for rental dwelling units. It is the purpose of this article to assure that rental housing in the City is decent, safe and sanitary and is so operated and maintained as not to become a nuisance to the neighborhood or to become an influence that fosters blight and deterioration or creates a disincentive to reinvestment in the community. The operation of rental dwelling units is a business enterprise that entails certain responsibilities. Operators are responsible to take such reasonable steps as are necessary to assure that the citizens of the City who occupy such units may pursue the quiet enjoyment of the normal activities of life in surroundings that are: safe, secure and sanitary; free from crimes and criminal activity, nuisances or annoyances.

- (b) This article shall apply to all dwelling units that are leased in whole or in part as a rental dwelling unit for 30 consecutive days or more, including single-family and two-family townhomes or multiple family housing. It also shall apply to accessory structures such as garages and storage buildings and appurtenances such as sidewalks and retaining walls, which are on the property. This article does not apply to Minnesota Department of Health licensed rest homes, convalescent care facilities, residential group homes licensed by the state, nursing homes, hotels or motels, or owner-occupied dwelling units.

Sec. 12-251. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Apartment building means, any building or portion thereof that contains three or more dwelling units, sleeping rooms, or a combination thereof but not including condominiums or townhomes.

Building official means the building official for the City, or his/her designee.

City shall mean the city of Spring Park, Minnesota.

City administrator means the city administrator of the City, or his/her designee.

City council means the city council of the City.

Condominium means a single dwelling unit in a multi-dwelling unit building that is separately owned and may be combined with an undivided interest in the common areas and facilities of the property. Each individual owner may sell or encumber his/her own unit.

Dwelling unit means any building or portion thereof that contains living facilities, including provisions for sleeping, eating, cooking and sanitation, for not more than one family.

Dwelling, single-family means a building or portion thereof containing one dwelling unit. For purposes of this article, a single-family dwelling includes a free standing single family residence, a single dwelling in a cooperative, an individual condominium or townhouse, a single dwelling unit in a non-residential structure or a dwelling unit offered for rent in a duplex in which the owner occupies the other dwelling unit.

Dwelling, two-family means a building containing two dwelling units.

Efficiency means a dwelling unit containing only one habitable room plus private bathroom facilities within the unit.

Family means one or more persons each related to the other by blood, marriage, adoption, or foster care, or a group of not more than three persons not so related maintaining a common household and using common cooking and kitchen facilities.

Lease means an oral or written, formal or informal, agreement between a dwelling unit owner and a tenant for temporary use of a rental dwelling unit, usually in exchange for payment of rent.

Owner means any person, agent, operator, firm or corporation having a legal or equitable interest in the property or the rental dwelling unit; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property or rental dwelling unit, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court, or any person representing the actual owner or holding a valid rental registration permit from the city.

Rent means the consideration paid by a tenant to the owner of a rental dwelling unit for temporary and exclusive use of the rental dwelling unit by the tenant. The consideration is not limited to cash.

Rental dwelling unit means a dwelling unit or sleeping room occupied and leased by one or more tenants.

Rental registration permit means the formal approval of an activity specified on the rental registration certificate issued by the city.

Sleeping room means any room or rooms used or intended to be used by a tenant for sleeping purposes with or without meals and not licensed by the Minnesota Department of Health.

Tenant means any adult person granted temporary use of a rental dwelling unit or sleeping room pursuant to a lease with the owner of the rental dwelling unit.

Townhouse means a single-family dwelling constructed in a group of dwellings attached to each other and where each dwelling unit extends from the foundation to the roof and is separated from other dwelling units by property lines.

DIVISION 2. REGISTRATION PERMIT.

Sec. 12-252. - Required.

No person shall operate, let or cause to be let a rental dwelling unit which has not been properly registered by the city. A registration permit must be obtained for each residential dwelling unit except, two or more residential dwelling units located within a single building and having a common owner and a common property identification number shall require only a single permit. Upon receipt of the properly executed initial application for a rental registration permit, the applicant shall cause an inspection to be made of the rental dwelling unit(s) by the building official to determine whether the unit(s) is/are in compliance with all code requirements and the laws of the State of Minnesota. If compliance is determined, the City shall issue a registration permit. Every rental dwelling unit shall be re-inspected upon submission of a renewal application, as required by this article, to determine if it still conforms to all applicable codes and laws.

Sec. 12-253. - Application.

A registration permit application shall be submitted to the city administrator on forms furnished by the city and must contain all information contained thereon, including the following:

- (a) Name, address, and telephone number of the owner of the rental dwelling unit(s). This is the address to which the city will send all future correspondence. The applicant shall indicate if the owner is an individual, corporation, partnership or sole proprietorship;
- (b) Name, address, and telephone number of any owner's agent responsible for the management of the rental dwelling unit(s), if applicable;

- (c) Legal address of the rental dwelling unit(s) and, for apartment buildings or condominiums, the unit numbers for each rental dwelling unit; and
- (d) Number and type of rental dwelling units by bedroom count (efficiency, one bedroom, two bedrooms, etc.).

Sec. 12-254. - Changes in Ownership and Amended Permits.

A registration permit is not assignable. Any changes occurring in the ownership of a rental dwelling unit(s) require a new registration permit. The new owner must obtain a new registration permit within 30 days of acquiring the property if continuing to operate a rental dwelling unit thereon. If any changes occur in any information required on the registration application, the owner must submit an amended registration application to the city within 30 days of the change. If any rental dwelling units are added to a current registration permit, the additional rental dwelling units must be registered by amendment of the current registration permit and must be accompanied by the fee required for the additional units.

Sec. 12-255. – Registration Permit Duration.

All rental dwelling units shall be registered before being let, in whole or in part; provided, however, that all rental dwelling units that are leased and occupied by tenants as of the effective date of this ordinance shall be registered no later than April 1st, 2020. The first registration permit assigned to a rental property will be a 2-year term and upon first renewal, the term length shall be determined by the building inspector based on condition of the rental property and the city's Tiered Rental Housing Inspection Program. Registration permits will expire at midnight on April 1st of the assigned year. Registration permits must be renewed at least 30 days prior to the expiration of the current permit. Rental dwelling units must be registered as an efficiency, a single-family dwelling, a two-family dwelling, or an apartment building. Any unregistered rental dwelling units are subject to penalties as provided in this article or elsewhere in state or local law.

Sec. 12-256. - Fees.

A registration fee and per-unit inspection fee shall be adopted by the city council and included in the city's official fee schedule. All required fees must accompany the registration application and shall double when an application renewal is received more than 30 days after it was due.

Sec. 12-257. - Inspection.

Upon receipt of an application for a registration permit or renewal, the building official shall coordinate an inspection to ensure compliance with this article. The building official shall provide reasonable notice to the owner or the owner's agent as to the date and time of the inspection. Each occupant of a rental dwelling unit shall give the owner, or the owner's agent, access to any part of such rental dwelling unit at reasonable times for the purpose of effecting the inspection, maintenance, repairs or alterations as are necessary to comply with the provisions of this article. If any owner, owner's agent or tenant of a rental dwelling unit fails or refuses to permit entry to the rental dwelling unit under his/her control for an inspection pursuant to this article, the city may

obtain an administrative warrant authorizing such inspection. Any city costs associated with obtaining a search warrant will be charged against the property being served. Upon inspection, the proposed rental property shall adhere to the following:

- (a) The Minnesota State Building Code, including mechanical, electrical, plumbing and other building systems, and previously constructed or installed components must be maintained in conformance with the requirements of the codes in effect at the time of construction or installation; and
- (b) All other requirements of other sections of this code, including, but not limited to, zoning, fire, building, and nuisances, and the International Property Maintenance Code; and

In cases where a conflict may occur between any two or more code requirements, the requirements providing the greatest degree of life safety, property maintenance and general welfare to the City shall govern. If re-inspections are necessary to determine compliance, the applicant shall pay a re-inspection fee, as adopted by the city council.

Sec. 12-258. - Issuance of Permit.

The City shall issue a registration permit if the rental dwelling unit(s) and the application are found to be in compliance with the provisions of this article and all required registration and inspection fees are paid. A registration permit will be issued for each residential dwelling unit except, two or more residential dwelling units located within a single building and having a common owner and a common property identification number shall be issued a single registration permit. Rental registrations shall be conspicuously posted in all rental properties sharing a common entrance used by two or more rental dwelling units and the owner or agent for the owner must be able to present the registration permit if asked to do so.

Sec. 12-259. – Inspections and Investigations in Response to Complaint.

Inspections related to new and renewed registration applications will occur in accordance with Sec. 12-257 upon the receipt of the required application for a registration permit. The city shall also have the right to make periodic inspections of rental dwelling units based on complaints of landlords, tenants, neighbors or other individuals, and may obtain an administrative search warrant should permission to enter a rental dwelling unit pursuant to this section be denied.

DIVISION 3. ENFORCEMENT.

Sec. 12-260. – Revoking, Suspending, Denying or Not Renewing a Registration Permit.

- (a) The city council may revoke, suspend, deny or decline to renew any registration permit issued under this article by following the process contained in this section. In buildings containing more than one rental dwelling unit, the revocation, suspension, denial or declination may apply to one or more rental dwelling units at the reasonable discretion of the city council. The basis for such revocation, suspension, denial or non-renewal may include, but shall not be limited to, any of the following circumstances:

- (1) The registration permit was procured by misrepresentation of material facts with regard to the rental dwelling unit or the ownership of the rental dwelling unit.
 - (2) The applicant or one acting in his/her behalf made oral or written misstatements accompanying the application.
 - (3) The applicant has failed to comply with any condition set forth in any other permits granted by the city.
 - (4) The activities of the owner create or have created a danger to the public health, safety or welfare.
 - (5) The rental dwelling unit contains conditions that might injure or endanger the safety, health or welfare of any member of the public.
 - (6) Failure to pay any application fee or reinstatement fee required by this article.
 - (7) Failure to correct any code violations in the time period specified in the notice of violation.
 - (8) Any violation of this article or any other state or local law related to the rental dwelling unit(s).
 - (9) Failure to continuously comply with any condition required of the applicant for the approval or maintenance of the registration permit.
- (b) Fines. In lieu of or in addition to revoking or suspending a registration permit for violations of this article, the city in its sole discretion may impose a civil fine pursuant to and in accordance with Spring Park City Code, section 1-14.
- (c) Notification. The city shall notify the owner or the owner's agent in writing of the basis for a revocation, suspension, denial or non-renewal and the date upon which the city council will review a recommendation to revoke, suspend, deny, or not renew the registration permit. The notice required by this section shall be mailed to the owner or the owner's agent at least 10 days before the city council hearing. Service shall be deemed sufficient if the notice is sent to the owner or the owner's agent by first class

mail at the address provided in the registration application.

- (d) Hearing. The owner or the owner's agent shall be given an opportunity to be heard during the city council hearing. The city council shall hear all relevant evidence and arguments and shall review all statements, documents, and other evidence submitted.
- (e) Decision. The city council shall make findings based on the evidence presented and shall make a decision on the recommendation to revoke, suspend, deny, or not renew a registration permit based on the findings. The city council shall issue a written decision within 30 days following the date of the hearing and shall notify the owner of the decision by first class mail. The decision shall specify the rental dwelling unit or units to which it applies. Thereafter, and until a registration permit is reissued or reinstated, no rental dwelling units that have had their rental registration permit revoked, suspended, denied, or non-renewed may be let or occupied by tenants. Revocation, suspension, denial, or non-renewal of a registration permit shall not excuse the owner from compliance with all terms of this article for as long as any rental dwelling units in the building are occupied.
- (f) Permit Process after Revocation, Suspension, Denial or Renewal Declination. After the city council revokes, suspends, denies or declines to renew a registration permit, no registration permit will be issued for the affected rental dwelling unit(s) until the city determines that the applicant/owner has remedied the conditions identified by the city council as the basis for its action. An application to obtain a registration permit for a rental dwelling unit after the city council has revoked, suspended, denied or declined to renew a registration permit for the same rental dwelling unit(s) must be accompanied by all fees required by this article.

Sec. 12-261. – Effect of Revocation, Suspension, Denial or Non-Renewal.

If a registration permit is revoked, suspended, denied or not renewed by the city council, it shall be unlawful for the owner or the owner's agent to thereafter permit the occupancy of the then vacant or, thereafter vacated, rental dwelling unit(s), until such time as a valid rental registration permit is obtained for the rental dwelling unit(s). Issuance of a new registration permit after revocation, suspension, denial or non-renewal shall be made in the manner provided for in this article.

Sec. 12-262. - Posted to Prevent Occupancy.

Whenever any rental dwelling unit has been denied an initial registration permit, had its registration permit revoked, suspended, denied or not renewed, it may be posted by the building official to prevent further occupancy. No person other than the building official shall remove or alter any posting. The building official may post the date the rental dwelling unit shall be vacated, and no person other than the owner shall reside in, occupy or cause to be occupied that rental

dwelling unit.

Sec. 12-263. – Penalties.

Any person who violates any of the provisions of this article shall, upon conviction thereof, be fined or jailed not more than the maximum penalty for a misdemeanor prescribed under state law. The building official may post the rental dwelling unit by appropriate signs or notices prohibiting occupancy and may act to cause the rental dwelling unit to be vacated or remain vacant until the code violations are corrected.

Sec. 12-264. – No Warranty by City.

By enacting and undertaking to enforce this code, the city, city council, its agents, and/or employees do not warrant or guaranty the safety, fitness or suitability of any dwelling in the city. Owners and tenants should take whatever steps they deem appropriate to protect their interests, health, safety and welfare.

Section 2. Effective Date. This ordinance shall be in full force and effective immediately upon its passage and publication.

ADOPTED by the City Council of Spring Park this _____ day of _____, 2019.

CITY OF SPRING PARK

By: _____
Jerome Rockvam, Mayor

ATTEST:

By: _____
Theresa Schyma, City Clerk

Draft 7/9/19

**CITY OF SPRING PARK
HENNEPIN COUNTY, MINNESOTA**

ORDINANCE NO. 2019 – _____

AN ORDINANCE AMENDING CHAPTER 12 OF THE SPRING PARK CITY CODE
(BUSINESSES) TO ADD A NEW ARTICLE VI REGARDING SHORT-TERM RENTAL
HOUSING

THE CITY COUNCIL OF THE CITY OF SPRING PARK, MINNESOTA ORDAINS AS
FOLLOWS:

Section 1. A new Article VI (Short-Term Rental Housing) is hereby added to Chapter 12 of the Spring Park City Code and shall read as follows:

DIVISION 1. GENERALLY.

Sec. 12-270. – Statement of Policy.

- (a) The City believes that promoting the public health, safety and welfare of its citizens mandates the existence of a limited short-term rental licensing and maintenance program that corrects substandard conditions and maintains a standard for short-term rental housing. It is the purpose of this article to only allow short-term rental housing in certain circumstances to ensure that it remains decent, safe and sanitary and is so operated and maintained as not to become a nuisance to the neighborhood or to become an influence that fosters blight and deterioration or creates a disincentive to reinvestment in the community. The operation of short-term rental housing is a business enterprise that entails certain responsibilities. Operators are responsible to take such reasonable steps as are necessary to assure that the citizens of the City who occupy such housing may pursue the quiet enjoyment of the normal activities of life in surroundings that are: safe, secure and sanitary; free from crimes and criminal activity, nuisances or annoyances.
- (b) This article shall apply to all short-term rental dwelling units, as defined herein. It also includes accessory structures such as garages and storage buildings and appurtenances such as sidewalks and retaining walls, which are on the same property as the short-term rental dwelling unit. This article does not apply to Minnesota Department of Health licensed rest homes, convalescent care facilities, residential group homes licensed by the State, nursing homes, hotels or motels, or accessory apartments utilized by one blood relative or one on-site employee or servant.

Sec. 12-271. – Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bedroom means a habitable room within a primary residence which is used, or intended to be used, primarily for the purpose of sleeping, but shall not include any kitchen or dining room.

Building official means the building official for the City, or his/her designee.

City shall mean the city of Spring Park, Minnesota.

City administrator means the city administrator of the City, or his/her designee.

City council means the city council of the City.

Dwelling unit means any building or portion thereof that contains living facilities, including provisions for sleeping, eating, cooking and sanitation, for not more than one family.

Owner means any person, agent, operator, firm or corporation having a legal or equitable interest in the property or the rental dwelling unit; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property or short-term rental dwelling unit, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court, or any person representing the actual owner or holding a valid license issued under this article.

Primary residence means a dwelling unit with a homestead classification, as defined by Minnesota Statutes, section 273.124, and as determined by the Hennepin County Assessor.

Rent means the temporary occupancy, use, or possession of a dwelling or dwelling unit in exchange for compensation, in money or other consideration, given or offered in exchange for such use, whether or not received.

Short-term rental dwelling unit means a dwelling unit rented for a period of less than 30 consecutive days, for tourist or transient use.

Tenant means any adult person granted temporary use of a short-term rental dwelling unit.

DIVISION 2: LICENSING

Sec. 12-272. – General Requirements and License Issuance.

- (a) **License Required.** No person may operate a short-term rental dwelling unit in the city unless granted a license pursuant to this article.
- (b) **License Application.** Any owner desiring to offer or use a short-term rental dwelling unit within a primary residence in the city must first apply for and obtain a license from the city. A license must be approved prior to operating. The license application request must be submitted on the form prescribed by the city and must include all the information requested on the application form. Site plans showing locations of designated parking on the property must be submitted along with the application form.
- (c) **Fees.** The license application form must be accompanied by payment in full of the required license application fee and inspection fee. The fee amounts will be as determined by the city council and listed in the city's fee schedule. Fees for new licenses obtained for less

than the three-year license term will be determined on a monthly pro-rated basis until the next full three-year term.

(d) Issuance. All licenses shall be issued administratively by the city administrator pursuant to the terms contained herein.

(e) Criteria for Issuance. Prior to issuance of a license hereunder, the following criteria must be met:

(1) The licensee certifies on the application form that all applicable requirements found in this article are satisfied. Such items shall include, but not be limited to, the following:

a. Operating a short-term rental dwelling unit is a permitted use in the zoning district of the subject property;

b. The property complies with all of the performance standards found in this article; and

c. Compliance with all other provisions of state and local law.

(2) Prior to operating a short-term rental dwelling unit, the owner shall provide documentation that they have obtained a Hennepin County lodging license and State of Minnesota vacation home rental license.

(3) Upon receipt of a license application, the building official shall schedule an inspection with the owner to ensure compliance with this article. The building official shall provide reasonable notice to the owner as to the date and time of the inspection. The failure or refusal by the owner to permit entry to the property shall be grounds for denial of a license. Upon inspection, the proposed short-term rental dwelling unit shall adhere to the following:

a. The Minnesota State Building Code, including mechanical, electrical, plumbing and other building systems, and previously constructed or installed components must be maintained in conformance with the requirements of the codes in effect at the time of construction or installation; and

b. All other requirements of other sections of this code, including, but not limited to, zoning, fire, building, and nuisances, and the International Property Maintenance Code; and

In cases where a conflict may occur between any two or more code requirements, the requirements providing the greatest degree of life safety, property maintenance and general welfare to the City shall govern. If re-inspections are necessary to determine compliance, the applicant shall pay a re-inspection fee, as adopted by the city council.

(f) Term. Licenses for short-term rental properties will follow 3-year cycles and expire at midnight on the third April 1st following its issuance, and applications for renewal must be submitted at least 30 days prior to the expiration of the current license. Any unlicensed

short-term rental housing is subject to penalties as provided in this article or elsewhere in state or local law.

- (g) No Vested Right. Licenses granted hereunder constitute a revocable, limited right. Nothing herein shall be construed as granting a vested property right.

Sec. 12-273. – General Performance Standards.

The following shall be the general standards for all short-term rental dwelling units within the city.

- (a) No Physical Alterations. No physical alterations of a primary residence shall be permitted in conjunction with the operation of a short-term rental dwelling unit, except that additional onsite parking may be provided, to the extent that such parking is otherwise permitted by the applicable provisions of the city code.
- (b) Non-Transferable. Licenses issued under this section are non-transferable. Each license shall automatically terminate upon the sale or other conveyance of the property to an unlicensed person or entity.
- (c) Number of Bedrooms. Each license shall indicate the number of bedrooms which are contained in the primary residence. No licensee shall advertise the primary residence as containing any more than the identified number of bedrooms.
- (d) Limit on the Number of Guests. The maximum number of transient guests permitted to stay within a short-term rental dwelling unit at any one time shall be the sum of the number of bedrooms contained in the primary residence multiplied by two, up to a maximum of 10. Such sum shall include both adults and children.
- (e) Signage. No commercial signage is allowed on the property of any short-term rental dwelling unit.
- (f) Events. Events are not allowed to be hosted by transient guests on the licensed property. For purposes of this prohibition, an event shall mean a gathering on the property of the total number of people permitted to stay on the premises plus five. Events hosted by the owner are exempt from this prohibition, but must otherwise abide by state and local law and policies.
- (g) Parking. The maximum amount of vehicles allowed at the property shall be limited to the number of approved off-street parking spaces provided. Parking is prohibited on-street or on landscaped/turfed areas of the property. To be valid, off-street parking shall meet any applicable requirements set forth in the city zoning code.
- (h) Occupant Eligibility. The primary overnight and daytime occupant of a short-term rental dwelling unit must be an adult 18 years of age or older. This adult must provide a telephone number to the owner and shall be accessible to the owner by telephone at all times.
- (i) Advertising. All advertising for short-term rental dwelling units within the city shall include the city-issued license number.
- (j) House Number Visible. Property containing a short-term dwelling unit must have a visible house number that can be easily seen from the street at all times.

- (k) Disorderly Behavior. Disorderly behavior, as defined in Spring Park City Code, section 12-274(b), shall be prohibited.

Sec. 12-274. - Disorderly Behavior at Licensed Short-Term Rental Dwelling Units.

- (a) It shall be the owner's responsibility to assure that the short-term tenants and their guests not engage in disorderly behavior at the short-term rental dwelling unit. For the purposes of this section, short-term rental dwelling unit shall include all common areas, both inside the building where the short-term rental dwelling unit is located and outside.
- (b) For the purposes of this section, disorderly behavior may include but is not limited to any of the following:
- (1) Drug-related illegal activity. Drug-related illegal activity means the illegal possession or constructive possession, manufacture, sale, distribution, purchase, use or possession with intent to manufacture, sell or distribute a controlled substance, as defined in the Controlled Substance Act (21 U.S.C. § 802), or possession of drug paraphernalia per Minnesota Statutes, section 152.092.
 - (2) Any act of violence or threat of violence including, but not limited to, the discharge of firearms, prostitution, intimidation or any other act that otherwise jeopardizes the health, safety or welfare of the owner, agent, manager, other tenants, tenant's family members, guests or neighboring property owners.
 - (3) A violation of Minnesota Statutes, sections 609.75 through § 609.76, which prohibit gambling.
 - (4) A violation of Minnesota Statutes, sections 609.321 through § 609.324, which prohibit prostitution.
 - (5) A violation of Minnesota Statutes, section 340A.401, which prohibits the unlawful sale of alcoholic beverages.
 - (6) A violation of Minnesota Statutes, section 340A.503, which prohibits the underage use of alcoholic beverages.
 - (7) A violation of Minnesota Statutes, section 609.74 or Spring Park City Code, chapter 18, articles III and IV, which prohibit nuisances and noise violations.
 - (8) A violation of Minnesota Statutes, sections 97B.021, 97B.045, 609.66 through 609.67 and 624.712 through 624.716, which prohibit the unlawful possession, transportation, sale or use of a weapon.
 - (9) A violation of Minnesota Statutes, section 609.72, which prohibits disorderly conduct, when the violation disturbs the peace and quiet of the occupants of at least one unit on the licensed premises or other premises, other than the unit occupied by the person(s) committing the violation.

- (10) A violation of Minnesota Statutes, sections 609.185 through 609.205, which prohibit murder and manslaughter.
- (11) A violation of Minnesota Statutes, sections 609.221 through 609.2231, which prohibit assault.
- (12) A violation of Minnesota Statutes, sections 609.342 through 609.3451, which prohibit criminal sexual conduct.
- (13) A violation of Minnesota Statutes, section 609.52, which prohibits theft.
- (14) A violation of Minnesota Statutes, section 609.561 through 609.5632, which prohibit arson.
- (15) A violation of Minnesota Statutes, section 609.582, which prohibits burglary.
- (16) A violation of Minnesota Statutes, section 609.595, which prohibits damage to property.
- (17) A violation of Minnesota Statutes, section 609.33, relating to owning, leasing, operating, managing, maintaining or conducting a disorderly house or inviting or attempting to invite others to visit or remain in a disorderly house.
- (18) A violation of Minnesota Statutes, section 609.50, which prohibits obstructing the legal process.
- (19) A violation of Minnesota Statutes, section 609.713, which prohibits terroristic threats.
- (20) A violation of Minnesota Statutes, section 609.715, which prohibits presence of unlawful assembly.
- (21) A violation of Minnesota Statutes, section 609.71, which prohibits riot.
- (22) A violation of Minnesota Statutes, section 609.78, which prohibits interfering with "911" phone calls.
- (23) A violation of Minnesota Statutes, section 243.166 (predatory offender registration).
- (24) A violation of Minnesota Statutes, section 609.229, which prohibits gang-related crimes.
- (25) A violation of Minnesota Statutes, section 609.26, subdivision 1(8), which prohibits contributing to a child being runaway.
- (26) A violation of Minnesota Statutes, section 609.903, which prohibits racketeering.
- (27) A violation of Minnesota Statutes, section 609.53, which prohibits possessing stolen property.

- (28) A violation of Minnesota Statutes, section 609.749, which prohibits violating a restraining order or order for protection.
- (29) A violation of Minnesota Statutes, sections 609.255 and 609.25, which prohibit false imprisonment and kidnapping.
- (c) Instances of Disorderly Behavior.
- (1) First Incident. Upon a determination by city staff or law enforcement that a short-term rental dwelling unit was the location of disorderly behavior, the city shall notify the owner of the violation by first class mail and direct the owner to take steps to prevent further violations.
- (2) Second Incident. Upon a determination by city staff or law enforcement that a second incident of disorderly behavior occurs at a short-term rental dwelling unit within three months of a first disorderly behavior incident, the city shall notify the owner by first class mail of the violation and direct the owner to submit, within 10 days of the date of the notice, a written report of all actions taken by the owner since the first violation notice and what actions the owner intends to take to prevent further disorderly behavior.
- (3) Third Incident. Upon a determination by City staff or law enforcement that a third incident of disorderly behavior occurs at a short-term rental dwelling unit within three months after a second disorderly behavior incident, the short-term rental dwelling unit license may be revoked, suspended or not renewed by the city council upon the recommendation of the city administrator and in accordance with section 12-275. The city administrator shall make its decision to recommend revocation, suspension or non-renewal of the license and submit said recommendation to the city council within 30 days of the third incident.
- (d) For purposes of this section, a determination that the short-term rental dwelling unit has been the location of a disorderly behavior incident shall be made by a preponderance of the evidence. It shall not be necessary that criminal charges be brought in order to support a determination of disorderly behavior, nor shall the fact or dismissal or acquittal of such a criminal charge operate as a bar to adverse license action under this article.
- (e) Enforcement actions provided throughout this article shall not be exclusive, and the city may take any action with respect to an owner, a tenant or the registered short-term rental dwelling unit(s) as is authorized by this article or any other provision contained in state or local law.

Sec. 12-275. – Enforcement and License Revocation.

- (a) Enforcement and License Revocation. Upon a finding that a licensee has violated the terms of this article, or any other applicable ordinance, law, or regulation, on two occasions within the license period, or upon the occurrence of a third incident of disorderly behavior under section 12-273, the city may revoke the license. Prior to such revocation, the city administrator shall mail written notice of the applicable violations to the licensee and thereafter, the licensee shall have ten days to request a hearing, in writing, regarding such revocation before the city council. Failure to request such a hearing, in writing, shall constitute waiver of the right to be heard on such revocation.

- (b) Effect of Revocation. Upon revocation of a license under this section, such licensee shall be ineligible for applying for a new license for a period of 12 months from the date of revocation.
- (c) Violation a Misdemeanor. Any violation of any term of this article shall also constitute a misdemeanor.
- (d) Fines. In addition to any other remedy contained herein or authorized by law, the city may impose administrative fines for violations of this article in accordance with Spring Park City Code, section 1-14.
- (e) Remedies Not Exclusive. In the event of a violation of this article, the city, in addition to any and all other remedies provided by law, shall be entitled to seek injunctive relief or proceedings to prevent, restrain, correct, or abate such violations or threatened violations.

Section 2. Effective Date. This ordinance shall be in full force and effective immediately upon its passage and publication.

ADOPTED by the City Council of Spring Park this _____ day of _____, 2019.

CITY OF SPRING PARK

By: _____
Jerome Rockvam, Mayor

ATTEST:

By: _____
Theresa Schyma, City Clerk

ARTICLE II. – BUILDING CODE

Sec. 10-37. – Rental Housing Building Code.

Any rental property within the City of Spring Park shall follow the 2018 International Property Maintenance Code (IPMC) for the purpose of establishing minimum maintenance standards for basic equipment, light, ventilation, heating, sanitation and fire safety. The IPMC provides for the regulation and safe use of existing structures in the interest of the social and economic welfare of the community.

Sec. 10-38. – International Property Maintenance Code Adopted.

The 2018 International Property Maintenance Code and its amendments is adopted by reference as the building code for the City. A copy of the code shall be kept on file in the office of the city administrator/clerk/treasurer.

RENTAL/C.O. INSPECTION REPORT AND COMPLIANCE ORDER

Address _____ Type: Single Multi Unit

Inspection date: _____ Time: _____ : _____ AM/PM Previous Insp. Date: _____

Owner/Agent _____ Phone _____ Email _____

****YOU ARE REQUIRED TO CORRECT ALL CIRCLE ITEMS NOTED BELOW****

MECHANICAL / LAUNDRY ROOM

- Furnace Venting
- Furnace Gas Valve / Labeled
- Furnace Electrical
- CO / Smoke Detector
- Flooring
- Water Heater Venting
- Water Heater Gas Valve Labeled
- Water Heater Electrical
- Water Heater Water shutoff
- Electrical Panel labeled
- GFI
- Washing Machine
- Water shutoffs
- Dryer
- Dryer Venting

KITCHEN

- GFI
- Water Shut Off Valves
- Cabinets / Countertop
- Fire Extinguisher (W/in 30')
- Refrigerator
- Stove / Oven
- Hood fan / light
- Flooring
- Window Operation / Locks
- Storms & Screens

CORRIDOR / HALLWAY

- Smoke / CO Detector (10' from BRs) (1ST FL / 2ND FL / BSMT)
- Lighting (1ST FL / 2ND FL / BSMT)
- Flooring (1ST FL / 2ND FL / BSMT)
- Smoke Detector @ Interior Stair
- Handrail @ Interior Stairs

BEDROOM #1 LS / RS / END

- Smoke Detector
- Lighting / Outlets
- Flooring
- Window Oper / Locks
- Storms & Screens

BEDROOM #2 LS / RS / END

- Smoke Detector
- Lighting/Outlets
- Flooring
- Window Oper / Locks
- Storms & Screens

BEDROOM #3 LS / RS / END

- Smoke Detector
- Lighting / Outlets
- Flooring
- Window Oper / Locks
- Storms & Screens

BEDROOM #4 LS / RS / END

- Smoke Detector
- Lighting / Outlets
- Flooring
- Window Oper / Locks
- Storms & Screens

BEDROOM #5 LS / RS / END

- Smoke Detector
- Lighting / Outlets
- Flooring
- Window Oper / Locks
- Storms & Screens

BATHROOM #1 1ST FL

- GFI
- Water Shut Off Valves
- Lighting
- Flooring
- Vanity
- Plumbing fixtures
- Fan Operation

BATHROOM #2 2ND FL / BSMT

- GFI
- Water Shut Off Valves
- Lighting
- Flooring
- Vanity
- Plumbing fixtures
- Fan Operation

MISCELANIOUS

- GFI @ Exterior Outlets
- Backflow Preventer (vacuum break) @ sill-cocks
- House Numbers (4")
- Exterior Lighting
- Steps / Stairs
- Deck Structure
- Deck guardrails
- Refuse Containment
- Accessory Structures
- Self-closer on garage/house
- Drainage
- Driveway
- Walks

YOU ARE TO COMPLY WITH THESE CORRECTION(S) ORDER BY _____ Contact the Schedule Clerk at _____ when completed to schedule re-inspection. (If ALL items not complete after 3rd time of inspection, a fee of \$50.00 will be charged)

OWNER / AGENT _____ DATE _____ INSPECTOR _____ DATE _____

Element	Description	Quantity	Point Value
License Sanction Action	The City has undertaken license sanction actions for violation(s) of the rental license standards	Yes	50
Delinquent Rental License	There are license and/or fee delinquencies for this property	Yes	50
Administrative Citations	There have been administrative citations issued for this property	Yes	50
Violations	During the last rental license inspection, on the initial inspections, there were, on average per building:	0 violations per unit	-10
		Up to ½ violation per unit	10
		Up to 1 violations per unit	30
		Up to 1½ violations per unit	40
		Over 1½ violations per unit	50
Building Age	The building age is:	Less than 20 years	0
		20-40 Years	1
		21-40 Years	2
		41-60 Years	4
		Over 60 Years	5
Fire Alarm	The building is not equipped with an automatic fire alarm system		15
Fire Sprinkler	The building is not equipped with an automatic fire supression system		15

Under 50 points is a tier 1 property

50 points or above is a tier 2 property

Spring Park Rental Inspection Fee Breakdown

	# of Units per Building	Cost per Building	Cost per unit	Total cost for facility	Total Cost per Unit	Per Month Impact on	
						Tier Two Properties	Tier One Properties
SFD	1	\$0	\$125	\$125	\$125.00	\$5.21	\$2.60
Up to 4	2	\$100	\$75	\$250	\$125.00	\$5.21	\$2.60
	3	\$100	\$75	\$325	\$108.33	\$4.51	\$2.26
	4	\$100	\$75	\$400	\$100.00	\$4.17	\$2.08
5-25	5	\$250	\$50	\$500	\$100.00	\$4.17	\$2.08
	6	\$250	\$50	\$550	\$91.67	\$3.82	\$1.91
	7	\$250	\$50	\$600	\$85.71	\$3.57	\$1.79
	8	\$250	\$50	\$650	\$81.25	\$3.39	\$1.69
	9	\$250	\$50	\$700	\$77.78	\$3.24	\$1.62
	10	\$250	\$50	\$750	\$75.00	\$3.13	\$1.56
	11	\$250	\$50	\$800	\$72.73	\$3.03	\$1.52
	12	\$250	\$50	\$850	\$70.83	\$2.95	\$1.48
	13	\$250	\$50	\$900	\$69.23	\$2.88	\$1.44
	14	\$250	\$50	\$950	\$67.86	\$2.83	\$1.41
	15	\$250	\$50	\$1,000	\$66.67	\$2.78	\$1.39
	16	\$250	\$50	\$1,050	\$65.63	\$2.73	\$1.37
	17	\$250	\$50	\$1,100	\$64.71	\$2.70	\$1.35
	18	\$250	\$50	\$1,150	\$63.89	\$2.66	\$1.33
	19	\$250	\$50	\$1,200	\$63.16	\$2.63	\$1.32
	20	\$250	\$50	\$1,250	\$62.50	\$2.60	\$1.30
	21	\$250	\$50	\$1,300	\$61.90	\$2.58	\$1.29
22	\$250	\$50	\$1,350	\$61.36	\$2.56	\$1.28	
23	\$250	\$50	\$1,400	\$60.87	\$2.54	\$1.27	
24	\$250	\$50	\$1,450	\$60.42	\$2.52	\$1.26	
25	\$250	\$50	\$1,500	\$60.00	\$2.50	\$1.25	
26 & up	26	\$400	\$45	\$1,570	\$60.38	\$2.52	\$1.26
	27	\$400	\$45	\$1,615	\$59.81	\$2.49	\$1.25
	28	\$400	\$45	\$1,660	\$59.29	\$2.47	\$1.24
	29	\$400	\$45	\$1,705	\$58.79	\$2.45	\$1.22
	30	\$400	\$45	\$1,750	\$58.33	\$2.43	\$1.22
	31	\$400	\$45	\$1,795	\$57.90	\$2.41	\$1.21
	32	\$400	\$45	\$1,840	\$57.50	\$2.40	\$1.20
	33	\$400	\$45	\$1,885	\$57.12	\$2.38	\$1.19
	34	\$400	\$45	\$1,930	\$56.76	\$2.37	\$1.18
	35	\$400	\$45	\$1,975	\$56.43	\$2.35	\$1.18
	36	\$400	\$45	\$2,020	\$56.11	\$2.34	\$1.17
	37	\$400	\$45	\$2,065	\$55.81	\$2.33	\$1.16
	38	\$400	\$45	\$2,110	\$55.53	\$2.31	\$1.16
	39	\$400	\$45	\$2,155	\$55.26	\$2.30	\$1.15
	40	\$400	\$45	\$2,200	\$55.00	\$2.29	\$1.15
	45	\$400	\$45	\$2,425	\$53.89	\$2.25	\$1.12
42	\$400	\$45	\$2,290	\$54.52	\$2.27	\$1.14	
50	\$400	\$45	\$2,650	\$53.00	\$2.21	\$1.10	
55	\$400	\$45	\$2,875	\$52.27	\$2.18	\$1.09	
60	\$400	\$45	\$3,100	\$51.67	\$2.15	\$1.08	
65	\$400	\$45	\$3,325	\$51.15	\$2.13	\$1.07	
70	\$400	\$45	\$3,550	\$50.71	\$2.11	\$1.06	
75	\$400	\$45	\$3,775	\$50.33	\$2.10	\$1.05	
80	\$400	\$45	\$4,000	\$50.00	\$2.08	\$1.04	
85	\$400	\$45	\$4,225	\$49.71	\$2.07	\$1.04	
90	\$400	\$45	\$4,450	\$49.44	\$2.06	\$1.03	
100	\$400	\$45	\$4,900	\$49.00	\$2.04	\$1.02	

**CITY OF SPRING PARK
COUNTY OF HENNEPIN
STATE OF MINNESOTA**

RESOLUTION NO. 18-15

**RESOLUTION APPROVING A VARIANCE FOR THE ADDITION OF A
SINGLE-CAR GARAGE AT 2413 BLACK LAKE ROAD WITHIN THE CITY OF
SPRING PARK**

WHEREAS, Maxyryl Avalos has requested a variance for his property at 2413 Black Lake Road to build a garage that would encroach into the required R-1 front, side, and rear setbacks; and

WHEREAS, City Staff have reviewed submitted plans and prepared a planning report dated July 19th, 2018; and

WHEREAS, the Spring Park Planning Commission met and held a public hearing on August 8th, 2018 to consider the variance request, the staff reports, and to take public testimony.

WHEREAS, upon closing the public hearing, the Planning Commission recommended that the City Council approve the variance for 2413 Black Lake Road subject to the conditions outlined in the July 19th, 2018 Planning Report as amended and based on the following variance findings-of-fact:

- A garage is a permitted accessory use in R-1 districts, and is a reasonable use of the property, especially given winter weather concerns in Minnesota regarding snow storage and parking.
- Unique circumstances stemming from the property’s physical layout (lot size, atypical shape, misaligned right-of-way) are not hardships created by the landowner. In particular, despite not meeting the front setback with the right-of-way, the edge of the garage is still 25 feet back from the edge of the street.
- Given the small size of the parcel, the garage is being designed with the minimum variance needed.
- The addition would not impact the supply of light or air to adjacent properties, and the setback between homes is sufficient for fire and public safety thresholds.
- The addition would in no way impact traffic on the street as the property would remain a single-family home.
- The addition of a garage would not impact surrounding property values and would be expected to increase the individual site’s value.
- Private improvement and investment are consistent with goals of Comprehensive Plan.

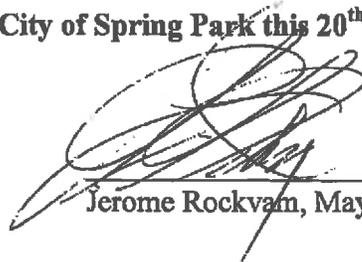
WHEREAS, the Spring Park City Council met on August 20th, 2018 to consider the variance application; and

WHEREAS, the Spring Park City Council has received the aforementioned plans, staff review documents, and the Planning Commission recommendation, and agrees with the findings and recommendation of the Planning Commission.

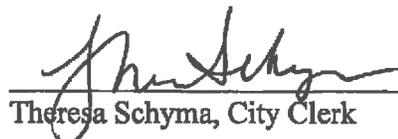
NOW, THEREFORE, BE IT RESOLVED that the City Council of Spring Park, Minnesota hereby approves the variance for 2413 Black Lake Road, subject to the following conditions:

- Construction will not deviate from the site plan submitted to the city as part of the variance application. Any change to the dimensions of the addition would be subject to a separate review.
- Given that the amount of impervious surface at the site will exceed 30%, the applicant will need to meet the conditions outlined in Sec. 42-279 (4) b. in order to mitigate the stormwater impacts of the addition.
 - The applicant will submit a separate site grading and drainage plan to ensure proper stormwater management practices. This plan will be subject to review and approval by the city engineer.
 - Staff recommends the use of a gutter system to direct runoff away from the adjacent properties and into one of the storm water management options listed in sec. 42-279.
- The Applicant secure a building permit from the city prior to initiating any site work.

Adopted by the City Council of the City of Spring Park this 20th day of August, 2018.



Jerome Rockvam, Mayor



Theresa Schyma, City Clerk