

PUBLIC HEARING
SEPTEMBER 9, 2020 - 6 P.M. PLANNING COMMISSION MEETING

CITY OF SPRING PARK
COUNTY OF HENNEPIN
STATE OF MINNESOTA

ORDINANCE NO. 2020- ____

AN ORDINANCE AMENDING THE ZONING/SHORELAND ORDINANCE OF THE
SPRING PARK CITY CODE (CHAPTER 42) PROHIBITING SHORT-TERM
RENTALS WITHIN THE CITY OF SPRING PARK

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

Section 1. The City Council of the City of Spring Park hereby amends Chapter 42, Article II of the Spring Park City Code by adding a new Sec. 42-77 as follows:

Sec. 42-77. – Short-term rentals.

(a) *Definitions.* In addition to the definitions contained in Article I, Division 2 of this Chapter, the following definitions shall apply to this section.

(1) *Operator.* A person or enterprise, or its agent, who is the owner of a dwelling, which is being offered for rent to transients, whether such person’s ownership interest in the property is as the owner, lessor, lessee, sublessee, mortgagee-in-possession, licensee, or any other interest. Where the operator performs their functions through a rental agent, the managing agency or the rental agent has the same duties as the operator hereunder.

(2) *Rent.* Compensation, in money or other consideration, given in exchange for the occupancy, use, or possession of real property which is charged, whether or not received.

(3) *Short-term rental.* Any temporary occupancy or use of a dwelling or dwelling unit that is offered for rent to a transient for fewer than thirty (30) consecutive calendar days for various purposes, including but not limited to, tourist or transient use, or as a vacation home, or bed and breakfast.

(4) *Transient.* Any person who, at their own expense or at the expense of another, exercises occupancy or possession, or is entitled to occupancy or possession, by reason of any rental agreement, whether in writing or otherwise, concession, permit, right-of-access, option to purchase, license, time-sharing arrangement, or any other type of agreement for a period of fewer than thirty (30) consecutive calendar days.

(b) *Short-term rentals prohibited.*

(1) Purpose. The City finds that short-term rentals constitute a commercial use of residential property, which conflict with the fundamental character of residential zoning districts, disrupt the residential character of neighborhoods, and have a negative impact on the livability of residential neighborhoods. The City further finds that, while short term rentals are prohibited under the current provisions contained in the City Code, an ordinance amendment clarifying those regulations is necessary. The City has received complaints from residents regarding short-term rentals, including but not limited to complaints related to noise, over- occupancy, and illegal parking. To ensure adequate housing options for residents, preserve the residential character of the City's residential districts, preserve property values, and reduce land use conflicts, the City determines, in furtherance of the public health, safety and general welfare, that it is necessary to limit short-term rentals to hotels, motels, lodging establishments, and similar accommodations which are appropriately licensed, zoned, and which have the appropriate infrastructure and services for such short-term use.

(2) Prohibition. Short-term rental in any residential zoning district in the City is prohibited. State licensed hotels, motels, and lodging establishments located in areas where permitted by the City's land use regulations are allowed, pursuant to all applicable law and rules.

(3) Enforcement.

a. An owner, operator, tenant, or occupant of any building or property in violation of the provisions of this section may be charged and found guilty of a misdemeanor and may be held responsible for the cost of enforcement in addition to penalties.

b. The City may exercise any and all remedies at law or in equity to ensure compliance with this section. All unpaid costs, charges and penalties may be certified as a special assessment levy against the property.

c. The City hereby further declares the short-term rental of a dwelling or dwelling unit may constitute a public nuisance pursuant to Chapter 18, Article IV of the Spring Park City Code and the City may exercise its authority to abate such nuisances.

d. To address violations of this Section, the City may exercise its enforcement authority pursuant to Chapter 1, Sec. 1-14 of the City Code and applicable state law.

(c) *Implementation.* In an effort to minimize the disruption of the adoption of this ordinance, the City shall not take any enforcement actions related to short-term rentals until December 31, 2020.

Section 2. This ordinance shall take effect following its adoption and publication.

Adopted by the City Council of Spring Park on _____, 2020.

CITY OF SPRING PARK

By: _____
Jerome Rockvam, Mayor

ATTEST:

By: _____
Theresa Schyma, City Clerk