

CITY OF APPLE VALLEY
ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF APPLE VALLEY, MINNESOTA,
AMENDING CHAPTER 155 OF THE CITY CODE REGARDING SHORT-TERM
RENTAL OF RESIDENTIAL PROPERTIES

The City Council of Apple Valley ordains:

Section 1. Chapter 155 of the Apple Valley City Code is amended by revising the following definitions in Section 155.003 as follows:

DWELLING. A building or one or more portions thereof occupied or intended to be occupied for residence purposes. Residence purposes means inhabiting the building, or any portion thereof, as the occupant's home or household for a period of not less than 30 consecutive days. Dwelling does but not including include rooms in motels, hotels, nursing homes, boardinghouses, mobile homes recreational vehicles, or tents, cabins or trailer coaches.

HOME OCCUPATION.

(1) Any gainful occupation meeting all of the following requirements when engaged in only by persons residing in their dwelling, when that occupation is conducted within the principal structure, when evidence of the occupation is not visible from the street, when no signs are present other than those permitted in the district in which it is located, over-the-counter retail sales are not involved, and entrance to the home occupation is gained from within structure. A professional person may use his or her residence for consultation, emergency treatment or performance of religious rites, but not for the general practice of his or her profession when the general practice will involve the need for more than three parking spaces for the occupant and visitors. No accessory buildings or attached garage shall be used for ***HOME OCCUPATIONS.***

(2) ***HOME OCCUPATIONS*** include professional offices, minor repair services, photo or art studio, dressmaking, nurseries, child day-care centers or teaching limited to six students at any one time and similar uses. A ***HOME OCCUPATION*** shall not be interpreted to include tourist homes, rental of a dwelling or any portion thereof for a period of less than 30 consecutive days, restaurants, or similar uses, however, these may be allowed as otherwise permitted under this chapter.

RESIDENTIAL DISTRICT. A zoning district providing for one-family, two-family, or multiple-family homes/dwellings which are inhabited and occupied exclusively as the occupants' home or household which shall not be less than a period of 30 consecutive days except in the case of a family-care home or a home (residential facility) for the care of mentally or physically disabled persons. Includes RCL, R-1, R-2, R-3, R-4, R-5, LDF, M-1A, B and C, M-2A, B and C, M-3A, B and C, M-4A, B and C, M-5A, B and C, M-6A, B and C, M-7A, B and C and M-8A, B and C districts unless stated otherwise.

Section 2. Chapter 155 of the Apple Valley City Code is amended by adding Section 155.382(D)(22) to read as follows:

§ 155.382 ACCESSORY UNIT DWELLING.

* * * *

(D) *Performance standards.* In addition to the provisions governing conditional use permits elsewhere in this chapter, any AUD permitted by a conditional use permit hereunder shall meet the following requirements:

* * * *

(22) No accessory unit dwelling or portion thereof shall be used or allowed to be used as a rental unit, for any period less than 30 consecutive days, by a person for payment of a fee or other compensation to the owner, under a lease or contract, written or verbal.

Section 3. Chapter 155 of the Apple Valley City Code is amended by adding Section 155.363 to read as follows:

§155.363. SHORT TERM RENTAL PROHIBITED.

No dwelling or portion thereof shall be used or allowed to be used as a rental unit for any period less than 30 consecutive days.

Section 4. Summary approved. The City Council hereby determines that the text of the summary marked "Official Summary of Ordinance No. ____" a copy of which is attached hereto clearly informs the public of the intent and effect of the ordinance. The City Council further determines that publication of the title and such summary will clearly inform the public of the intent and effect of the ordinance.

Section 5. Filing. A copy of the ordinance shall be filed in the office of the City Clerk. This copy shall be available for inspection by any persons during regular office hours.

Section 6. Publication. The City Clerk shall publish the title of this ordinance and the official summary in the official newspaper of the City with notice that a printed copy of the ordinance is available for inspection by any person during regular office hours at the Office of the City Clerk.

Section 7. Effective date. This ordinance shall take effect upon its passage and the publication of its title and the official summary.

PASSED by the City Council this ____ day of _____, 2023.

Clint Hooppaw, Mayor

ATTEST:

Pamela J. Gackstetter, City Clerk

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The following is the official summary of Ordinance No. _____ passed by the City Council of Apple Valley on _____, 2023:

Chapter 155 of the City Code is revised to define and prohibit short term rental of residential dwellings for purposes of vacation or lodging accommodations to transient travelers or other persons.

A printed copy of the ordinance is available for inspection by any person during regular office hours in the office of the City Clerk at the Apple Valley Municipal Center, 7100 147th Street W., Apple Valley, Minnesota 55124.