



Legislation Details (With Text)

**File #:** 21-048-O **Name:**  
**Type:** Ordinance **Status:** Passed  
**File created:** 10/1/2021 **In control:** Planning and Economic Development  
**On agenda:** 10/11/2021 **Final action:** 10/25/2021  
**Title:** AN ORDINANCE AMENDING SECTIONS 50-19.8, 50-20.3, 50-20.5, 50-35, 50-36.1, 50-37, 50-39.2, AND 50-41.1 RELATED TO STANDARDS FOR VACATION DWELLINGS AND THE CREATION OF A NEW PERMIT FOR VACATION DWELLING UNITS, LIMITED.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Attachment 1 50-19.8 Permitted Use, 2. Attachment 2 50-20.3.U Vacation Dwelling, 3. Attachment 3 50-20.5.G Accessory Home Share, 4. Attachment 4 50-20.5.M Acc Vacation Dwelling, 5. Attachment 5 50-20.5.N Acc Vacation Limited, 6. Attachment 6 50-35 Summary Table, 7. Attachment 7 50-36.1 City Council, 8. Attachment 8 50-37.10 SUP IUP, 9. Attachment 9 50-37.17 AHS and VDUL, 10. Attachment 10 50-39.2 enforcement, 11. Attachment 11 Definitions 50-41.1 A, 12. Attachment 12 Staff Memo and Attachments, 13. Attachment 13 Power Point Presentation, 14. Attachment 14 Public Comments

Date	Ver.	Action By	Action	Result
10/25/2021	1	City Council	adopted	
10/11/2021	1	City Council	read for the first time	

AN ORDINANCE AMENDING SECTIONS 50-19.8, 50-20.3, 50-20.5, 50-35, 50-36.1, 50-37, 50-39.2, AND 50-41.1 RELATED TO STANDARDS FOR VACATION DWELLINGS AND THE CREATION OF A NEW PERMIT FOR VACATION DWELLING UNITS, LIMITED.

**CITY PROPOSAL:**

The city of Duluth does ordain:

Section 1. That Section 50-19.8, Permitted Use Table, of the Duluth City Code, 1959, as amended, be amended as follows, as shown in Attachment 1;

Section 2. That Section 50-20.3.U, Vacation Dwelling Unit, of the Duluth City Code, 1959, as amended, be amended as follows, as shown in Attachment 2;

Section 3. That Section 50-20.5.G. Accessory Home Share, of the Duluth City Code, 1959, as amended, be amended as follows, as shown in Attachment 3;

Section 4. That Section 50-20.5.M, Accessory Vacation Dwelling Unit, of the Duluth City Code, 1959, as amended, be amended as follows, as shown in Attachment 4;

Section 5. That Section 50-20.5.N, Accessory Vacation Dwelling Unit, Limited, of the Duluth City Code, 1959, as amended, be created as follows, as shown in Attachment 5;

Section 6. That Section 50-35 Summary Table, of the Duluth City Code, 1959, as amended, be amended as follows, as shown in Attachment 6;

Section 7. That Section 50-36.1, Council, of the Duluth City Code, 1959, as amended, be amended as follows, as shown in Attachment 7;

Section 8. That Section 50-37.10, Special Use or Interim Use Permit, of the Duluth City Code, 1959, as amended, be amended as follows, as shown in Attachment 8;

Section 9. That Section 50-37.17, Accessory Home Share Permit, 1959, as amended, be amended as follows, as shown in Attachment 9;

Section 10. That Section 50-39.2, Enforcement, of the Duluth City Code, 1959, as amended, be amended as follows, as shown in Attachment 10;

Section 11. That Section 50-41.1. Definitions: A, of the Duluth City Code, 1959, as amended, be amended as follows, as shown in Attachment 11;

Section 12. That this ordinance shall take effect 30 days after its passage and publication.

STATEMENT OF PURPOSE: This ordinance implements a text amendment related to vacation rental dwellings regulated by chapter 50 of the City Code, known as the Unified Development Chapter (UDC).

This ordinance implements the following major changes:

- A. Interim use permits for vacation dwelling units will be approved by the planning commission, subject to appeal to the city council. This is similar to the current process for Special Use Permits or Variances.
- B. Limiting the total number of bedrooms in any new vacation dwelling unit to not exceed four (4) Bedrooms. About 10% of the currently licensed vacation dwelling units in Duluth have five (5) or more bedrooms, and will be grandfathered in if they reapply, but not if the ownership of the property changes or the permit lapses.
- C. Strengthening the conditions for approval to include a requirement for dense urban screen or fence to be in place at the time of approval, and to be continuously maintained during the permit period.
- D. Increasing the vacation dwelling unit cap to provide for an increase of 10 percent of the net increase in new housing units created in the city in the previous year, or no more than ten (10) new vacation dwelling units per year, whichever is less, provided that the total number of vacation dwelling units authorized 4 shall not exceed 120 units.
- E. Retaining the exemption for vacation dwelling units located in form districts; and
- F. The creation of a new, over-the counter annual permit for short-term vacation dwelling units permitting owners to rent their owner-occupied, homestead property as vacation dwelling units for not more than twenty-one (21) days per year, specified in the permit, with no rental period for no more than seven (7) consecutive days, nor less than two (2) consecutive days. The ordinance language states that this is an annual permit, not a three-year permit as is an accessory home share permit.

This ordinance language will be paired with modifications to the fee schedule, and fee increases related to vacation dwelling units, at the time of the second reading.

Planning staff hosted an on-line public information meeting on Thursday, September 23, 2021. A twenty-minute presentation was followed by thirty minutes of comments and questions from members of the public. A general summary of the comments and questions is included as an attachment. The planning staff also received three pieces of written correspondence on this topic, which are also included with the comments from the public information meeting.

The planning commission held a public hearing and considered the changes at a special Tuesday, September

28, 2021, planning commission meeting. Following discussion and two recommended changes to the proposed text, one related to adding flexibility to screening/fencing of vacation dwelling units and another related to adding flexibility for continuous residency of accessory home shares, the commission voted with 6 yeas, 0 nays, and 0 abstentions, to recommend that the city council approve the text change to the Unified Development Chapter of the City Code.

PL 21-136

**TABLE 50-19.8: USE TABLE, REVISED JAN-2020-NOV 2021**

	Residential						Mixed Use						Form						Special			Use Specific Standards				
	R-C	RR-1	RR-2	R-1	R-2	R-P	MU-N	MU-C	MU-I	MU-B	MU-W	MU-P	F-1	F-2	F-3	F-4	F-5	F-6	F-7	F-8	F-9		I-G	I-W	P-1	AP
P: Permitted Use I: Interim Use U: Permitted Upper Stories of Form District 1, 2, 3, as per 50-19.1																										
<b>RESIDENTIAL USES</b>																										
<b>Household Living</b>																										
Dwelling, one-family	P	P	P	P	P	P <sup>3</sup>	P				P <sup>3</sup>	P	P	P	P	P	P	P	P	P	U					
Dwelling, two-family				P	P	P <sup>3</sup>	P				P <sup>3</sup>	P	P	P	P	P	P	P	P	P	U				50-20.1A	
Dwelling, townhouse				S		P <sup>3</sup>	P <sup>2</sup>				P <sup>1</sup>														50-20.1B	
Dwelling, multi-family						P <sup>3</sup>	P <sup>2</sup>	P <sup>1</sup>			P <sup>1</sup>	P	P	P	P	P	P	P	P	P	P				50-20.1C	
Dwelling, live-work							P <sup>2</sup>	P <sup>1</sup>			P <sup>1</sup>	P	P	P	P	P	P	P	P	P						
Manufactured home park				S	S <sup>2</sup>	P <sup>3</sup>	S <sup>2</sup>																		50-20.1F	
Cottage home park			S	S	S	P <sup>3</sup>	S <sup>2</sup>																		50-20.1G	
<b>Group Living</b>																										
Co-housing facility				S	S <sup>2</sup>	P <sup>3</sup>	P <sup>2</sup>				P <sup>3</sup>															
Residential care facility/assisted living (6 or fewer)		P	P	P	P <sup>2</sup>	P <sup>3</sup>	P <sup>2</sup>				P <sup>3</sup>	U	P	P	P	P	U	U	P	P	P				50-20.1D	
Residential care facility/assisted living (7 or more)				S	P <sup>2</sup>	P <sup>3</sup>	P <sup>2</sup>	P <sup>1</sup>	P <sup>1</sup>		P <sup>3</sup>	U	P	P	P	P	U	U	P	P	P				50-20.1D	
Rooming house					S <sup>2</sup>		P <sup>2</sup>	P <sup>1</sup>	P <sup>1</sup>		P <sup>3</sup>	U	P	P	P	P	U	U	P	P	P				50-20.1E	





**TABLE 50-19.8: USE TABLE, REVISED JAN-2020-NOV 2021**

Use Category	Residential						Mixed Use						Form				Special			Use Specific Standards					
	RR-1	RR-2	R-1	R-2	R-P	MU-N	MU-C	MU-1	MU-B	MU-W	MU-P	F-1	F-2	F-3	F-4	F-5	F-6	F-7	F-8		F-9	I-G	L-W	P-1	AP
<b>Offices</b>																									
Bank						S <sup>2</sup>	P <sup>1</sup>	P <sup>1</sup>	P	S	P <sup>3</sup>	P	P	P	P	P	P	P	P	P					50-20.3.E
Office				S <sup>2</sup>		P <sup>2</sup>	P <sup>1</sup>	P <sup>1</sup>	P	P <sup>3</sup>	P	P	P	P	P	P	P	P	P	P					50-20.3.M
Data center						S <sup>2</sup>	P <sup>1</sup>	P <sup>1</sup>	P	P <sup>3</sup>	U	U	U	U	U	U	U	U	U	U	P				
<b>Outdoor Recreation &amp; Entertainment</b>																									
Golf course	S	S																					P		
Marina or yacht club									P <sup>1</sup>													S	S		
Recreational vehicle park	S	S	S						S														S		50.20.3.P
Other outdoor entertainment or recreation use not listed	S						S		S																50.20.3.N
<b>Personal Services</b>																									
Business park support activities									P	P <sup>3</sup>															
Preschool	S	S	S	P <sup>2</sup>	P <sup>3</sup>	P <sup>2</sup>	P <sup>1</sup>	P <sup>1</sup>	S	P <sup>3</sup>	P	P	P	P	P	P	P	S	P	S					50-20.3.I
Daycare facility, small (14 or fewer)	P	P	P	P <sup>2</sup>	P <sup>3</sup>	P <sup>2</sup>	P <sup>1</sup>	P <sup>1</sup>	S	P <sup>3</sup>	P	P	P	P	P	P	P	P	P	P					50-20.3.I
Daycare facility, large (15 or more)	S	S	S	S <sup>2</sup>	P <sup>3</sup>	P <sup>2</sup>	P <sup>1</sup>	P <sup>1</sup>	S	P <sup>3</sup>	P	P	P	P	P	P	P	S	P	S					50-20.3.I
Funeral home or crematorium					S <sup>2</sup>	S <sup>2</sup>	P <sup>1</sup>	P <sup>1</sup>	P	P <sup>3</sup>											P				
Mini-storage facility or self-service storage facility	S								P												P	P			50-20.3.L
Personal service and repair, small (less than 10,000 sq. ft.)						P <sup>2</sup>	P <sup>1</sup>	P <sup>1</sup>	P	P <sup>3</sup>	P	P	P	P	P	P	P	P	P	P					
Personal service and repair, large (10,000 sq. ft. or more)						S <sup>2</sup>	P <sup>1</sup>	P <sup>1</sup>	P	P <sup>3</sup>	P	P	P	P	P	P	P	P	P	P					

**TABLE 50-19.8: USE TABLE, REVISED JAN-2020-NOV 2021**

P: Permitted Use I: Interim Use U: Permitted Upper Stories of Form District 1, 2, 3, as per 50-19.1	Residential										Mixed Use						Form						Special			Use Specific Standards
	RR-1	RR-2	R-1	R-2	R-P	MU-N	MU-C	MU-I	MU-B	MU-W	MU-P	F-1	F-2	F-3	F-4	F-5	F-6	F-7	F-8	F-9	I-G	I-W	P-1	AP		
<b>Retail Sales</b>																										
Adult bookstore																					P				Chapter 5	
Building materials sales						S																			50-20.3.G	
Garden material sales	S					P <sup>1</sup>								P												
Grocery store, small (less than 15,000 sq. ft.)						P <sup>2</sup>	P <sup>1</sup>							P	P	P	P	P	P						50-20.3.K	
Grocery store, large (15,000 sq. ft. or more)							P <sup>1</sup>																		50-20.3.K	
Retail store not listed, small (less than 15,000 sq. ft.)					S <sup>2</sup>	P <sup>3</sup>	P <sup>1</sup>	P <sup>1</sup>						P	P	P	P	P	P	P					50-20.3.R	
Retail store not listed, large (15,000 sq. ft. or more)							P <sup>1</sup>							P	P	P	P	P	P						50-20.3.R	
<b>Vehicle Related</b>																										
Automobile and light vehicle, service						S <sup>2</sup>	P <sup>1</sup>	P						P	P	P					P				50-20.3.C	
Automobile and light vehicle, repair							P <sup>1</sup>	P <sup>1</sup>													P				50-20.3.C	
Automobile and light vehicle sales, rental, or storage							P <sup>1</sup>	P													P				50-20.3.D	
Filling station (small)					S <sup>2</sup>	P <sup>3</sup>	P <sup>1</sup>	P						P	P	P					P	P			50-20.3.J	
Filling station (large)							P <sup>1</sup>	P						P	P	P					P	P			50-20.3.J	
Parking lot (primary use)					S		P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>3</sup>	S	S	S	S	S	S	S	S	S	S	P	P	P		50.20.3.O	
Parking structure							P <sup>1</sup>	P <sup>1</sup>	P	P <sup>3</sup>					S						P	P			50.20.3.O	
Truck or heavy vehicle sales, rental, repair or storage								P													P					





**TABLE 50-19.8: USE TABLE, REVISED JAN-2020-NOV 2021**

	Residential						Mixed Use						Form						Special			Use Specific Standards					
	R-C	RR-1	RR-2	R-1	R-2	R-P	MU-N	MU-C	MU-1	MU-B	MU-W	MU-P	F-1	F-2	F-3	F-4	F-5	F-6	F-7	F-8	F-9		G	L-W	P-1	AP	
P: Permitted Use S: Special Use I: Interim Use A: Accessory U: Permitted Upper Stories of Form District 1, 2, 3, as per 50-19.1	S	S	S	S	S	P <sup>3</sup>	S	S	S	S	P	P <sup>3</sup>	S	S	S	S	S	S	S	S	S	P	S	S	S		
Solar, geothermal or biomass power facility (primary use)																											
Water or sewer pumping stations/reservoirs	S	S	S	S	S <sup>2</sup>	P <sup>3</sup>	S	S	S	S	S	P <sup>3</sup>	S	S	S	S	S	S	S	S	S	S	S	S	S		
Water or sewer treatment facilities																						P	P				
Wind power facility (primary use)		S						S	S													P	S			50-20.4.N	
<b>Waste and Salvage</b>																											
Junk and salvage services																											50.20.4.D
Recycling collection point (primary use)							S	S	S													P	P				
Solid waste disposal or processing facility		S							S													S	S				50-20.4.K
<b>Wholesale Distribution and Storage</b>																											
Storage warehouse																	P					P					50.20.4.L
Wholesaling									P							P						P					50-20.4.M
Bulk storage not listed elsewhere																						P					
Water-dependent bulk storage or wholesaling not listed elsewhere																							P				





### 50-20.3.U Vacation dwelling unit.

1. Rental Period. The minimum rental period shall not be less than two consecutive nights, nor more than a maximum of 29 consecutive nights. The minimum rental period shall not apply for vacation dwelling units in form districts.
2. Maximum Number of Persons and Bedrooms. The total number of persons that may occupy the vacation dwelling unit is one person plus the number of bedrooms multiplied by two, which shall not exceed nine. The maximum number of bedrooms that may be rented may not exceed four. Vacation dwelling units licensed before December 1, 2021, that exceeded four bedrooms are entitled to continue operating, however, this exemption expires upon transfer of any ownership interest in the permitted property.
3. Off Street Parking. Off street parking shall be provided at the following rate:
  - (a) Vacation dwelling units licensed on May 15, 2016, shall provide the following minimum number of off street parking spaces:
    - 1-2 bedroom unit, one space
    - 3-4 bedroom unit, two spaces
    - 5+ bedroom unit, three spaces.
  - (b) Vacation dwelling units licensed after May 15, 2016, shall provide the following minimum number of off street parking spaces:
    - 1-2 bedroom unit, one space
    - 3 bedroom unit, two spaces
    - 4+ bedroom unit, number of spaces equal to the number of bedrooms minus one.
  - (c) Vacation dwelling units licensed on May 15, 2016, are entitled to continue operating under the former off-street parking requirement. The parking exemption for vacation dwelling units licensed on May 15, 2016, expires upon transfer of any ownership interest in the permitted property.
4. Motorhome/ATV. Only one motorhome (or pickup-mounted camper) and/or one trailer either for inhabiting or for transporting recreational vehicles (ATVs, boat, personal watercraft, snowmobiles, etc.) may be parked at the site, ~~on or~~ off the street;
5. Other Licenses Required. In addition to the permit issued pursuant to this chapter, the property owner must obtain all licenses and permits from the city of Duluth and state of Minnesota required for guest occupancy on the property.
6. Guest Records. The property owner must provide required documents and adhere to additional requirements listed in the city of Duluth's UDC application manual related to the keeping of a guest record, designating and disclosing a local contact, property use rules, taxation, and interim use permit violations procedures;
7. Application Materials. The property owner must provide a site plan, drawn to scale, showing parking and driveways, distance from lot line of proposed vacation dwelling to neighboring residential structures, all structures and outdoor recreational areas that guests will be allowed to use, including, but not limited to, deck/patio, barbecue grill, recreational fire, pool, hot tub, or sauna, and provide detail concerning the provision of any dense urban screen or fence that may be required to buffer these areas from adjoining properties. A dense urban screen or fence is required if the adjoining property is used as a residential use, as identified in 50-19.8. Prior to the permit being authorized, the fence or dense vegetative screen must be in place, and it must be continuously maintained during the entire permit period. The requirement for a dense urban screen or fence may be waived if the adjoining property owner does not want it on or near their shared property line, and indicates this with a signed letter;
8. Vacation Rentals Within Multi Family Structures. Any vacation dwelling unit that will be located in a multi-family structure that has nine or more dwelling units shall:

- (a) Make available 24-hour staffing at a front desk that is accessible to all tenants;
  - (b) If determined applicable by the Land Use Supervisor, provide a letter from a duly established Home Owner's Association stating the support of the Home Owner's Association Board of Directors for the vacation dwelling unit, and enumerating any Home Owner's Association rules to be incorporated into the interim use permit;
9. Termination. The interim use permit shall terminate upon change in ownership of the property or in six years after the date of issuance, whichever occurs first. Upon permit termination, property owner may ~~reapply to renew the existing interim use permit.~~ The permit ~~shall be non-transferable~~ is only valid for the property and applicant or property owner that it was initially issued to and the permit shall not be transferred to a new applicant or property owner, or to a new property or different address.
10. Maximum Number of Vacation Dwelling Units. No more than 60 permits may be issued for either vacation dwelling units or accessory vacation dwelling units, excepting that the maximum number of permits that may be issued shall increase by 10 percent of the net increase in housing units constructed and issued certificates of occupancy in the city in the previous year, or no more than ten (10) new vacation dwelling units per year, whichever is less, provided that the total number of vacation dwelling units authorized shall not exceed 120 units. Permits for vacation dwelling units within Form Districts (F1-F9) are exempt from the maximum number of permits that may be issued.
11. Nuisance Reduction. The vacation dwelling permit holder shall ensure that all requirements for waste removal services and prohibitions on burning of trash is strictly adhered to by occupants of the vacation dwelling. The permit holder must designate in writing a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24-hours-a-day to any complaints from neighbors or the City. The permit holder must notify the city within 10 days of a change in the managing agent or local contact's contact information. The permit holder shall notify by letter all property owners within 100' of the property boundaries of the name, address, and phone number of the managing agent or local contact named above and provide the city with a copy of the letter. The permit holder must notify said property owners within 10 days of a change in the managing agent or local contact's contact information.
12. Advertisement. The permit holder must include the permit number on all print, poster or web advertisements.

#### 50-20.5.G Accessory home share.

An accessory home share may be created within those districts shown where allowed by Table 50.19.8 provided these standards are met.

1. Eligible Applicant. Property owners that reside in the owner-occupied homestead property may apply for one accessory home share in their owner-occupied homesteaded property.
2. Rental Period. The rental or purchase period shall be for 29 consecutive nights or less;
3. Guests. The maximum number of overnight guests allowed is 4 persons in addition to the owner occupants. The maximum number of bedrooms that may rented may not exceed two. Only one rental listing per night is allowed.
4. Other Licenses Required. In addition to the permit issued pursuant to this chapter, the property owner must obtain all permits from the city of Duluth and state of Minnesota required for guest occupancy on the property;
5. Other Standards. The property owner must provide required documents and adhere to additional requirements listed in the City of Duluth's UDC Application Manual related to the keeping of a guest record, property use rules, taxation, and home share permit violations procedures;
6. Termination. The permit shall terminate upon change in ownership of the property or three year from issuance date, whichever occurs first. Upon permit termination, property owner may apply to renew the permit. The permit shall be non-transferable is only valid for the property and applicant or property owner that it was initially issued to and the permit shall not be transferred to a new applicant or property owner, or to a new property or different address. Upon permit termination, property owner may apply to renew the existing interim use permit. The permit shall be non-transferable;
7. Residency. At least one permanent resident must be generally present on or about the premises at all times that the property is rented and occupied by the guests;
8. Advertisement. A permit holder may not advertise an accessory home share for an accessory structure that is a storage shed or garage or in any area exterior to the dwelling unit or any lot without a principle dwelling, but may advertise for a legal accessory dwelling unit as provided in Section 8 below; The permit holder must include the permit number on all print, poster or web advertisements.
9. ~~A permit holder may not advertise an accessory home share in any area exterior to the dwelling unit or any lot without a principle dwelling;~~

#### 50-20.5.M Accessory vacation dwelling unit.

An accessory vacation dwelling unit may be created within any one-family dwelling, twinhome, duplex, or attached or detached accessory dwelling unit provided these standards are met:

- 1 Only one accessory vacation dwelling unit may be created per lot;
- 2 No variances shall be granted for an accessory vacation dwelling unit;
- 3 An accessory vacation dwelling unit shall contain no more than 800 square feet of floor area and shall be consistent in character and design with the primary dwelling;
- 4 If a separate outside entrance is necessary for an attached accessory vacation dwelling unit located within the primary building, that entrance must be located either on the rear or side of the building;
- 5 The minimum rental period shall be not less than two consecutive nights, nor more than a maximum of 29 consecutive nights. The minimum rental period shall not apply to accessory vacation dwelling units in form districts.
- 6 The total number of persons that may occupy the vacation dwelling unit is one person plus the number of bedrooms multiplied by two, which shall not exceed nine. The maximum number of bedrooms that may be rented may not exceed four.
- 7 Off-street parking shall be provided at the following rate:
  - (a) Accessory vacation dwelling units licensed on or before May 15, 2016, shall provide the following minimum number of off street parking spaces:
    - 1-2 bedroom unit, one space;
    - 3-4 bedroom unit, two spaces;
    - 5+ bedroom unit, three spaces;
  - (b) Accessory vacation dwelling units licensed after May 15, 2016, shall provide the following minimum number of off-street parking spaces:
    - 1-2 bedroom unit, one space;
    - 3 bedroom unit, two spaces;
    - 4+ bedroom unit, number of spaces equal to the number of bedrooms minus one.

Accessory vacation dwelling units licensed on May 15, 2016, are entitled to continue operating under the former off-street parking requirement. The parking exemption for accessory vacation dwelling units licensed on May 15, 2016, expires upon transfer of any ownership interest in the permitted property.

8. Motorhome/ATV. Only one motorhome (or pickup-mounted camper) and/or one trailer either for inhabiting or for transporting recreational vehicles (ATVs, boat, personal watercraft, snowmobiles, etc.) may be parked at the site, ~~on or~~ off the street;
9. Other Licenses Required. In addition to the permit issued pursuant to this chapter, the property owner must obtain all licenses and permits from the city of Duluth and State of Minnesota required for guest occupancy on the property for two to 29 days;
10. Guest Records. The property owner must provide required documents and adhere to additional requirements listed in the city of Duluth's UDC application manual related to the keeping of a guest record, designating and disclosing a local contact, property use rules, taxation, and interim use permit violations procedures;
- 11 Application Materials. The property owner must provide a site plan, drawn to scale, showing parking and driveways, distance from lot line of proposed vacation dwelling to neighboring residential structures, all structures and outdoor recreational areas that guests will be allowed to use, including, but not limited to, deck/patio, barbecue grill, recreational fire, pool, hot tub, or sauna, and provide detail concerning the provision of any dense urban screen or fence that may be required to buffer these areas from adjoining



properties. A dense urban screen or fence is required if the adjoining property is used as a residential use, as identified in 50-19.8. Prior to the permit being authorized, the fence or dense vegetative screen must be in place, and it must be continuously maintained during the entire permit period. The requirement for a dense urban screen or fence may be waived if the adjoining property owner does not want it on or near their shared property line, and indicates this with a signed letter:

12. Any accessory vacation dwelling unit that will be located in a multi-family structure that has nine or more dwelling units shall:
  - (a) Make available 24-hour staffing at a front desk that is accessible to all tenants;
  - (b) If determined applicable by the Land Use Supervisor, provide a letter from a duly established Home Owner's Association stating the support of the Home Owner's Association Board of Directors for the accessory vacation dwelling unit, and enumerating any Home Owner's Association rules to be incorporated into the interim use permit.
- ~~13. The interim use permit shall terminate upon change in ownership of the property or in six years, whichever occurs first. Upon permit termination, property owner may reapply for a subsequent interim use permit. The permit shall be non-transferable;~~
13. Termination. The interim use permit shall terminate upon change in ownership of the property or in six years after the date of issuance, whichever occurs first. Upon permit termination, property owner may reapply. The permit is only valid for the property and applicant or property owner that it was initially issued to and the permit shall not be transferred to a new applicant or property owner, or to a new property or different address.
14. Maximum Number of Accessory Vacation Dwelling Units. No more than 60 permits may be issued for either vacation dwelling units or accessory vacation dwelling units, excepting that the maximum number of permits that may be issued shall increase by 10 percent of the net increase in housing units constructed and issued certificates of occupancy in the city in the previous year, or no more than ten (10) new vacation dwelling units per year, whichever is less, provided that the total number of vacation dwelling units authorized shall not exceed 120 units. Permits for accessory vacation dwelling units within Form Districts (F1-F9) are exempt from the maximum number of permits that may be issued.
15. Nuisance Reduction. The accessory vacation dwelling permit holder shall ensure that all requirements for waste removal services and prohibitions on burning of trash is strictly adhered to by occupants of the accessory vacation dwelling. The permit holder must designate in writing a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24-hours-a-day to any complaints from neighbors or the City. The permit holder must notify the city within 10 days of a change in the managing agent or local contact's contact information. The permit holder shall notify by letter all property owners within 100' of the property boundary of the name, address, and phone number of the managing agent or local contact named above and provide the city with a copy of the letter. The permit holder must notify said property owners within 10 days of a change in the managing agent or local contact's contact information.
16. Advertisement. The permit holder must include the permit number on all print, poster or web advertisements.

50-20.5.N Accessory vacation dwelling unit, limited.

1. Eligible Applicant. Property owners that reside in the owner-occupied homestead property may apply for an accessory vacation dwelling unit, limited, in their owner-occupied homesteaded property;
2. Rental Period. The minimum rental period shall not be less than two consecutive nights no more than 7 consecutive nights. The maximum total number of nights for which an accessory vacation dwelling unit, limited, may be rented may not exceed 21 nights per year. The rental period must be specified in the permit at the time that the permit was applied for, and may not be altered;
3. Other Standards. Accessory vacation dwelling units, limited, must adhere to the same standards as Vacation Dwelling Unit, 50-23.3.U, in regards to maximum number of visitors, off-street parking, motorhome/ATV, guest records, nuisance reductions, advertisement, and application materials;
4. Other Licenses Required. In addition to the permit issued pursuant to this chapter, the property owner must obtain all licenses and permits from the city of Duluth and state of Minnesota required for guest occupancy on the property. The property owner must provide required documents and adhere to additional requirements listed in the City of Duluth's UDC Application Manual;
5. Maximum Number of Accessory Vacation Dwelling Units, Limited. There is no maximum to the number of permits that may be issued;
6. Termination. The permit shall terminate upon change in ownership of the property or one year from issuance date, whichever occurs first. The permit shall be non-transferable;
7. Principle dwelling. A permit holder may not advertise the accessory vacation dwelling unit, limited, in any area exterior to the dwelling unit or any lot without a principle dwelling.

**ARTICLE FIVE. ADMINISTRATION AND PROCEDURES.**

This Section is intended to comply with all applicable provisions of MSA Chapter 462, as amended, and shall be interpreted to comply with those provisions wherever possible.

**50-35 SUMMARY TABLE.**

Table 50-35-1: Procedures Summary Table								
Type of Application			Review, Decision, & Appeal Authority					
	Public Notice Required	Pre-Application Required	Staff	Land Use Supervisor	Heritage Preservation Commission	Planning Commission	Council	Final Action
R = Review A = Appeal  N = Newspaper Notice S = Sign Notice  RES = Resolution ORD = Ordinance AL = Action Letter COA = Certificate of Appropriateness		D = Decision <> = Hearing  M = Mail Notice						
<b>Comprehensive Land Use Plan</b>								
Text Amendment	N			R		<R>	D	RES
Map Amendment	N, M			R		<R>	D	RES
<b>UDC Text or Zoning Map Amendment</b>								
Text Amendment	N			R		<R>	D	ORD
Map Amendment	N, S, M*	✓		R		<R>	D	ORD
<b>District Plan Adoption/Amendment</b>	S	✓		R		<D>	<A>	
<b>Subdivision Plat Approval</b>								
Concept Plan		✓		R				**
Preliminary Plat	N, S, M	✓		R		<D>		AL
Final Plat				R		<D>		AL***
<b>Minor Subdivision/Registered Land Survey</b>				R		<D>		AL***
<b>Vacation of Street</b>	S, M	✓		R		<R>	D	RES
<b>Concurrent Use of Streets Permit</b>	S	✓		R		<R>	D	ORD
<b>Historic Resource Designation</b>	M				<R>	R	D	ORD
<b>Variance</b>	S, M	✓	R			<D>	<A>	AL
<b>Special Use Permit</b>	S, M	✓		R		<D>	<A>	AL
<b>Interim Use Permit</b>	S, M	✓		R		<R><D>	D<A>	RES AL
<b>Planning Review</b>								
General Planning Review				D		<A>		AL
Planning Commission Review When required in MU-C, MU-W, MU-I Zoning Districts and HE-O Overlay District	S, M	✓		R		<D>	<A>	AL
<b>Temporary and Sidewalk Use Permit</b>				D		<A>		AL
<b>Zoning Permit****</b>			D			<A>		AL
<b>Historic Construction/Demolition</b>	S				<D>		<A>	COA
<b>Wetland/WCA Permits</b>			D			<A>		AL

\*Mailed notice is required to affected property owners within 350 ft. when the amendment involves changes in district boundaries affecting an area of 5 acres or less.      \*\* Planning staff will provide applicant with a preapplication verification.

\*\*\* Applicant must provide documentation that the plat or RLS has been recorded with the county.

\*\*\*\* This category includes shoreland permit, erosion and sediment control permit, sign permit, fence permit and airport environs permits. Appeals of airport environs permits related to Duluth International Airport are heard by the airport board of adjustment.

50-36.1 Council.

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The council is the governing body of the city, with all of those powers granted by the state and the City Charter. In the context of this Chapter, the council has the following powers.

- A. To adopt the comprehensive land use plan and to approve all amendments to it pursuant to Section 50-37.2;
- B. To adopt the text, amendments to that text, and interim ordinances related to this Chapter pursuant to Section 50-37.3;
- C. To adopt the official zoning map and all amendments to it pursuant to Section 50-37.3;
- D. To approve the vacation a public street pursuant to Section 50-37.6;
- E. To approve the concurrent use of a public street pursuant to Section 50-37.7;
- F. To approve historic resource designations pursuant to Section 50-37.8;
- ~~G. To approve interim use permits pursuant to Section 50-37.10;~~
- H. To hear appeals of decisions of the planning commission pursuant to Section 50-37.1.O.

**50-37.10 Special use or interim use permit.**

This Section applies to all applications for those special uses listed for specific zone districts in Table 50-19.8. It also applies to applications for interim uses that will be authorized for only a specified period of time. This Section is intended to comply with the provisions of MSA 462.3595 and 462.3597 as amended, and shall be interpreted to comply with those provisions wherever possible.

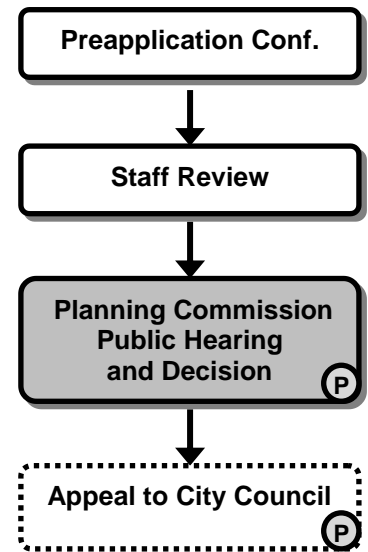
**A. Applications.**

An application for a special use or interim use shall be filed pursuant to Section 50.37.1.B;

**B. Procedure.**

1. The planning commission shall review the application, shall conduct a public hearing pursuant to Section 50-37.1.I, with public notice as required by Section 50-37.1.H. ~~In the case of a special use permit, The~~ planning commission shall make, ~~and in the case of an interim use permit, council shall make,~~ a decision to adopt, adopt with modifications or deny the application based on the criteria in subsection C below. The commission ~~or council~~ may impose appropriate conditions and safeguards, including but not limited to financial security pursuant to Section 50-37.2.P, a development agreement regarding the design, construction, and operation of the special use, to protect the comprehensive land use plan, to conserve and protect property and property values in the neighborhood and to ensure that all conditions of the special use permit will continue to met;
2. If the permit is approved or approved with modifications, all future use of the land and structures erected on the land pursuant to the permit shall comply with its terms and conditions. The city may require that some or all of the documents presented by the applicant in support of the application, including without limitation any site plan, landscape plan, building elevation drawings, or development agreement, be recorded as a city public document prior to the issuance of any building permit. A decision not to require recording of some or all of those documents shall not relieve the applicant or any successors or assigns in title to the property from the duty to comply with all terms and conditions of the permit. Constructing any improvement or beginning any activity authorized by the permit shall constitute the applicant's agreement to conform to all terms and conditions of the permit;
3. The city may approve an application or approve it with modifications, with a condition that if a structure authorized by the permit is not constructed by a specified date, or if an activity authorized by the permit is not begun by a specified date, the permit shall terminate. If that condition is attached, the city shall notify the applicant and the property owner when a permit has lapsed, and that decision may be appealed pursuant to Section 50-37.1.O;
4. The city may approve an application or approve it with modifications, with a condition that abandonment of an activity authorized by a permit longer than a stated period

**Special Use Permit**



**(P)** Indicates Public Hearing Required

terminates the permit, and any future reactivation of the use will require the filing and approval of a new permit application;

5. The commission may not approve or approve with modifications, a special use permit valid only for a specific period of time, but must instead recommend to council an interim use permit pursuant to subsection D below for that purpose;
6. Any approved permit shall be comprehensive and not severable. If part of a permit is deemed or ruled to be invalid or unenforceable in any material respect, by a competent authority, or is overturned by a competent authority, the permit shall be void in total, upon determination by the city;

#### C. Criteria for special use permits.

The planning commission shall approve the application or approve it with modifications if the commission determines that the application meets the following criteria:

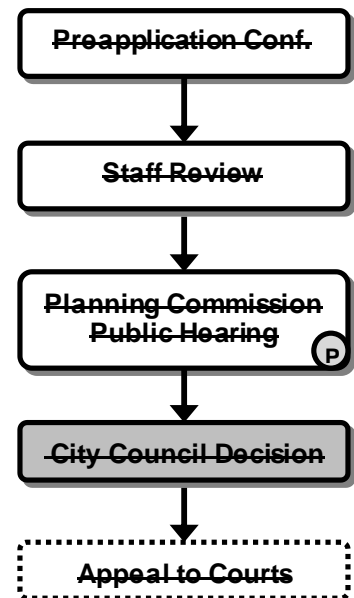
1. The application is consistent with the comprehensive land use plan;
2. The application complies with all applicable provisions of this Chapter, including without limitation any use-specific standards applicable to the proposed use, development or redevelopment, and is consistent with any approved district plan for the area;

Without limiting the previous criteria, the commission may deny any application that would result in a random pattern of development with little contiguity to existing or programmed development or would cause anticipated negative fiscal or environmental impacts on the community;

#### D. Interim use permit.

1. As an alternative to a special use permit, MSA 462.3597 authorizes the city to issue an interim use permit that authorizes a special use to exist until a specified date or until an amendment to this Chapter authorizes or prohibits that use. An applicant may apply for an interim use permit, and the commission may decide to ~~recommend~~ **approve** an interim use permit even if the application is for a special use permit;
2. An application for an interim use, or a decision to approve an interim use, shall be subject to the same procedures used for special uses, and the commission shall have all the powers described in Section 50-37.10.B.1 above, ~~except that the commission shall forward a recommendation to council for action, and final approval of an interim use shall be by council resolution rather than commission action.~~ The ~~council~~ **commission** may require financial security pursuant to Section 50-37.1.P to ensure that any improvements related to the interim use will be removed at the end of the interim use period;
3. An application to extend the period of an interim use permit shall be treated as major modifications of the initial permit and shall be processed pursuant to Section 50-37.1.N;

#### Interim Use Permit



**(P)** Indicates Public Hearing Required

#### E. Criteria for interim use permits.

In addition to the criteria in subsection C above, the ~~council~~ commission shall only approve an interim use permit, or approve it with conditions, if it determines that:

1. A time limit is needed to protect the public health, safety and welfare from potential longer term impacts of the requested use in that location or to allow the city time to develop a regulation addressing the potential longer term impacts of the requested use in that location;
2. The applicant agrees to sign a development agreement with the city confirming that (a) approval of the permit will not result in increased costs to the city if the property is later acquired by the city through eminent domain; (b) the use will be terminated at the applicant's expense on the date(s) stated in the permit, (c) the termination of the interim use as stated in the permit will create no rights to a nonconforming use and no rights to compensation for termination of the use or for the value of any structures of improvements related to the use, and (d) the applicant agrees to all conditions imposed by the city. No interim use permit shall be issued until a development agreement confirming these points is executed.
- ~~3. No more than 60 permits may be issued for either vacation dwelling units or accessory vacation dwelling units. Permits issued for vacation dwelling units or accessory vacation dwelling units in any form district shall not be counted against the maximum number of permits that may be issued;~~
- ~~4. Except for properties within the Higher Education Overlay District as identified in 50-18.5, the minimum rental period and off-street parking requirements of 50-20.3.U and 50-20.5.M shall not apply for vacation dwelling units or accessory vacation dwelling units in form districts,~~

50-37.17 Accessory home share or accessory vacation dwelling unit, limited, permit

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This Section applies to an accessory home share permit for the offering or advertising, for trade or sale, of a habitable room or space in an owner-occupied dwelling for a period of 29 days or less or accessory home, or an accessory vacation dwelling unit, limited, permit.

**A. Application.**

An application for an accessory home share permit shall or accessory vacation dwelling unit, limited, be filed pursuant to Section 50-37.17;

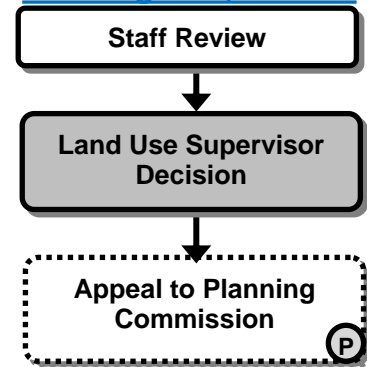
**B. Procedure.**

The land use supervisor shall review and make a decision on an application based on the criteria in subsection 50-20.5.G. The land use supervisor may refer the application to any city, county or other public or quasi-public agency deemed necessary to confirm whether the criteria in subsection C have been met;

**C. Criteria.**

An application for a certificate of occupancy shall be filed pursuant to Section 50-37.1.B;

**Accessory Home Share  
Permit or Vacation  
Dwelling Unit, Limited**



**(P)** Indicates Public Hearing Required



## 50-39.2 Enforcement.

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### A. Responsibility.

The building official is responsible for enforcing this Chapter. No permit or approval for the construction, alteration or demolition of any building, or for the use of land, shall be issued if the building as proposed to be constructed, altered or demolished would be a violation of this Chapter;

### B. Authorization for inspections.

For the purposes of enforcing this Chapter, the building official is authorized to enter, examine and survey, between the hours of 8:00 a.m. and 5:00 p.m., any property subject to the regulations of this Chapter. Prior to making an inspection based on a possible violation, the building official shall inform the owner of the property to be inspected, or their agent, of the date and time of the inspection in writing at least four days prior to the inspection. Advance notice need not be given in the case of routine inspections. After written notice has been given, the owner or occupant of the property to be inspected, or the person in charge of that property, shall give the building official free access to the property between 8:00 a.m. and 5:00 p.m., for the purpose of inspection. The inspection shall not have for its purpose the harassment of the owner or occupant and shall be made so as to cause the least amount of inconvenience to the owner or occupant of the property consistent with the efficient performance of the duties of the building official. Nothing in this Section 50-39.2.B shall be construed to prohibit the entry of the building official:

1. At any time when in the opinion of the building official an actual emergency tending to create an immediate danger to public health and safety exists;
2. At any time when an inspection is requested by the owner or occupant;

### C. Enforcement tools.

The city may use any of the following tools and powers to enforce this Chapter, in any order, and the use of one tool or power shall not restrict the city from using an additional tool or power to remedy the same violation.

1. Order requiring compliance.
  - (a) The city may issue a written order identifying the violation(s) of this Chapter and requiring that the property owner or occupant bring the property into compliance with this Chapter, at the owner or occupant's expense, within a specified time. The notice shall state what actions are necessary to bring the property into compliance;
  - (b) The time allowed for correction shall be not less than 14 days, except that (i) if the order identifies a threat to public health or safety then a compliance shorter than 14 days may be required, and (ii) if the order involves a violation of the provisions of the Airport Overlay district or the sign regulations in Section 50-27, or the vacation dwelling unit, accessory vacation dwelling unit, or accessory home share regulations in Sections 50-19 and 50-20, the time for compliance shall be not less than ten days. In determining a reasonable time for performance the building official shall consider the nature and extent of the work involved, the season of the year, the existence of any immediate danger to public health and safety, and any other pertinent factors. The building official may extend the time for compliance in writing for good cause shown;
  - (c) The property may continue to be used for occupancy or habitation pending compliance with the order unless the notice identifies an imminent threat to public health or safety and requires that occupancy or habitation be limited or end by a certain date;
  - (d) When an order to correct a violation of this Chapter has been issued, the building official is authorized to enter and re-inspect the property subject to the order for the purpose of determining compliance with the order. The owner or occupant of the property, or the person in charge of the property, shall give free access to the property for the purpose of the inspection;
  - (e) Every occupant of property shall give the owner of the property, or his agent or employee, access to any part of the property at all reasonable times for the purpose of making repairs or alterations required to comply with the order;

- (f) The city shall not charge a fee for inspections made in response to complaints or to confirm compliance with an order;
2. Enforcement of wireless telecommunications facility violations.
- (a) If the city determines that the wireless telecommunication facility is a public nuisance, the building official shall notify the holder of the special use permit in writing and order the correction of the violation or removal of the facility;
  - (b) If the order requires removal of the wireless telecommunication facility the holder of the special use permit, or its successors or assigns, shall dismantle and remove such facility and all associated structures and facilities, from the site and restore the site to as close to its original condition as is possible, such restoration being limited only by physical or commercial impracticability, within the deadline provided for in the order to remove. If the owner of the property upon which the wireless telecommunications facilities are located wishes to retain any access roadway to the wireless telecommunications facilities, the owner may do so if the land use supervisor determines that the retention of those access roads would promote the purposes of this Chapter;
  - (c) Notwithstanding anything in this subsection to the contrary, the building official may approve a temporary extension of the order, for no more 90 days, during which time a suitable plan for the repair, sale, removal, conversion, or re-location of the affected wireless telecommunications facilities shall be developed by the holder of the special use permit, subject to the approval of the city, and an agreement to such plan shall be executed by the holder of the special use permit and the city. If such a plan is not developed, approved and executed within the 90 day time period, then the city may exercise all available legal rights;
  - (d) The holder of the special use permit for wireless telecommunications facilities may not use the payment of fines, liquidated damages or other penalties, to evade or avoid compliance with an order of the building official or any provision of Section 50-20.4.D;
  - (e) If compliance or substantial progress towards compliance with the order has not been made by the compliance deadline, the city may exercise any legal remedies available to secure compliance with the order at the sole expense of the owner or special use permit holder;
3. Enforcement of Vacation Dwelling Unit, Accessory Vacation Dwelling Unit, Accessory Vacation Dwelling Unit, Limited, or Accessory Home Share Violations
- (a) If the city determines that a vacation dwelling unit, accessory vacation dwelling unit, accessory vacation dwelling unit, limited, or accessory home share is a public nuisance, operating without approvals or permits required by this Chapter, or operating in violation of this Chapter or any other applicable provisions of city code, the city shall notify the holder of the interim use permit, accessory vacation dwelling unit, limited, or home share permit in writing and order the correction of the violation in accordance with this Section;
  - (b) Any vacation dwelling unit, accessory vacation dwelling unit, accessory vacation dwelling unit, limited, or home share permit issued pursuant to this chapter may be suspended for up to six (6) months or revoked by the city for good cause. If the city intends to suspend or revoke a permit, the land use supervisor shall issue written notice of such intent to the permit holder at least twenty-one (21) days before such suspension or revocation is set to begin. The permit holder may then demand a hearing before the land use supervisor. Such demand shall be made in writing to the land use supervisor within ten (10) days following issuance of the notice;
  - (c) For purposes of this section, “good cause” shall include, but not be limited to:
    - (i) failure to remedy a violation noted pursuant to 50-39.2.C.1;
    - (ii) issuance of three or more violation notices under section 50-39.2.C.1 within a single permit cycle;
    - (iii) the occurrence of one or more nuisance events as defined in Duluth City Code § 40-10;
    - (iv) use or operation of the dwelling unit or home share in a manner that imperils public health, safety or welfare, including, but not limited to,

violation of this Chapter or any other provision of local, state, or federal law intended to protect the occupants of the dwelling or the surrounding neighborhood and community;

- (d) Any permit holder whose license is suspended or revoked by the land use supervisor may appeal the final suspension or revocation to the Planning Commission in accordance with 50-37.1.O.

4. Withholding permits or approvals.

The city may refuse to process applications for permits and approvals under this Chapter if the application concerns a property where (a) the building official has determined to be in violation of the Chapter, (b) the city has issued an order requiring that the violation be corrected, and (c) the owner occupant has not remedied the violation within the time stated in that order, unless the application is for the purposes of remedying the existing violation;

5. Prevention of violation.

If the city becomes aware that a building, structure, sign or site feature is about to be constructed in violation of this Chapter, the city may take appropriate action to prevent the violation. The city's action may include but is not limited to withdrawal of any permits or approval related to the construction or activity that would constitute a violation;

6. Abatement.

- (a) The city may take action to abate or remove the violation, and to charge the costs of the abatement or removal to the property owner if the property owner or occupant of a property fails to comply with an order to correct a violation of this Chapter within the time specified in the order, as that time may be extended by the building official in writing for good cause shown, and the building official determines that the continuance of the violation creates a threat to public health or safety;

- (b) Following the abatement or removal, the city shall issue an order that the owner of the land on which the violation occurred pay to the city the documented costs of the abatement or removal with 30 days;

- (c) If the owner of the land does not pay the documented costs of abatement or removal to the city within 30 days, those costs may be assessed against the land on which the violation occurred, and the city shall provide the owner of the land written notice of the assessment. Unless the assessment is paid within 90 days from the service of notice on the property owner, the sum shall bear interest at the rate set in accordance with Section 31-8 of this Code, per annum from the date the cost was incurred until paid, and shall be collected in the same manner as are general taxes;

- (d) The city shall end the process of assessing abatement and removal costs against the land, or shall cancel the assessment if it has been finalized, upon receipt of payment in full of all costs documented in the order and all accrued interest on those costs;

7. Administrative citations.

The city may issue an administrative citation pursuant to Chapter 12 of the City Code and may take all actions authorized;

8. Court actions.

The city may enforce this Chapter by filing an action in law or equity in any court of competent jurisdiction, including without limitation a request for a declaratory judgment, a request for a restraining order or a temporary or permanent injunction, or a request for money damages based on the penalties for violation established in this Chapter or elsewhere in the City Code. The decision as to whether to seek enforcement in the courts, and what type of enforcement to seek, shall be at the discretion of the city;

9. Nuisance abatement.

If the building official determines that the violation constitutes a public nuisance under state law, the city may use all powers granted by state law to abate public nuisances;

10. Other enforcement powers.

The city may enforce this Chapter through any other powers granted to the city by state law;

## 50-41.1 Definitions: A

Accessory agriculture roadside stand. A structure erected for the display and sale of agriculture products grown on the premises and that is subordinate to the primary residential or agricultural use of the premises.

Accessory bed and breakfast. An owner-occupied building designed as a one-family dwelling that provides no more than five guest rooms for lodging accommodations by prior arrangements for compensation. The primary residence in the building or a separate, lawfully existing building located on the same site must be occupied by the building owner on a permanent basis. It may or may not include serving of meals to guests.

Accessory boat dock, residential. A personal use boating structure, subordinate to a primary residential use of property, that is built over or floats upon the water of a lake, river, or stream, and that serves one property owner for mooring boats or as a landing place for marine transport.

Accessory caretaker quarters. A subordinate dwelling unit intended for an employee or owner who looks after or takes charge of goods or property. The unit shall be either inside or attached to a main structure by a common wall. The unit is a complete, independent living facility with provisions for cooking, eating, sanitation and sleeping.

Accessory communications tower for private use. Any structure, subordinate to a primary use of land, that is designed and constructed primarily for the purpose of supporting one or more wireless analog or digital telecommunication facilities, that is located on the ground or anchored to the ground and exceeds 24 feet in height. Such a tower may have a variety of configurations, including a monopole, a lattice tower or a guyed tower.

Accessory day care facility. A private or public establishment licensed by the state that regularly provides one or more dependents with care, training, supervision, rehabilitation or developmental guidance on a regular basis, for periods less than 24 hours a day, for gain or otherwise, as a secondary and subordinate activity to a permitted or approved special use of the property.

Accessory dwelling unit. A subordinate dwelling unit added to, created within, or detached from a one or two family dwelling, located on the same lot or parcel as a primary residential structure and owned by the same owner as the primary residential structure, and providing basic requirements for living, sleeping, cooking, eating, and sanitation, and is constructed on compliant permanent footings or foundation, with permanent connections to public sanitary sewer and water. No recreational vehicle, or structure on a chassis, shall constitute an accessory dwelling unit.

Accessory heliport. An area used or intended to be used for the landing and takeoff of helicopters that is secondary and incidental to, and is operated in support of, a permitted or approved special use on the same property, including operations facilities, such as maintenance, loading, and unloading, storage, fueling or terminal facilities.

Accessory home occupation. A business or occupation incidental and subordinate to the principal residential use. All home occupations must comply with the conditions in Section 50-20.5.F. Examples include but are not limited to: artist's studio; dressmaking; accessory beauty salon or barber shop, office of a physician or dentist for consultation or emergency treatment but not for general professional practice, lawyer, engineer, architect or accountant; teaching, with instruction limited to not more than two pupils at the same time. A home occupation shall not be interpreted to include accessory bed and breakfast, restaurants or tea rooms.

Accessory home share. A habitable room or space in an owner-occupied single family dwelling or owner occupied twinhome or duplex two family dwelling, or attached accessory dwelling unit subordinate to an owner occupied single family, twinhome, or duplex two family dwelling, offered for trade or sale, whether for money or exchange of goods or services, for periods of 29 nights or less.

Accessory recycling collection point. A facility used for the collection and temporary storage of empty beverage containers, aluminum, glass, paper or clothing for recycling purposes conducted totally within an enclosed structure or container, and that is accessory to a permitted or approved special use in the zone district. This definition does not include processing except for can banks that crush cans as they are deposited.

Accessory sidewalk dining area. An outdoor eating and drinking area that is generally associated with and subordinate to a permitted or approved special use on the same property and that is, located on a public sidewalk. This use may include removable tables, chairs, planters, or similar features and equipment.

Accessory solar or geothermal power equipment. Accessory uses and structures that are clearly subordinate in size and use to the primary use and structure on the property, and that are used to reduce energy consumption or to generate energy from non-fossil fuel and non-carbon dioxide emitting sources on the property. These structures and uses may include but are not limited to the following, and may be located at ground level or above or below ground unless specifically limited in this Chapter, provided that they meet all other applicable requirements of this Chapter: solar photovoltaic modules, solar thermal hot water collectors, solar arrays; and geothermal heat pumps, earth tubes, or downhole heat exchangers.

Accessory use or structure. A use or structure subordinate in use, area or purpose to the principal use or structure on the same lot and serving a purpose naturally and normally incidental to the principal use or structure and that is not included in a separate definition of an accessory use or structure in this Chapter. Where an accessory building is attached to the principal building in a substantial manner by a wall or a roof, it shall be considered part of the principal building. An accessory building or use may be permitted on a lot of record that abuts or is separated by a public easement of no more than 25 feet in width to another lot or lots on which the primary use is located, provided all lots are owned by the same owner and none of the parcels are severed, legally sold, conveyed, or used without the other parcels. Examples include but are not limited to: pet houses, storage sheds, swimming pools, garages, accessory uses and structures for energy conservation and renewable energy production, and accessory structures for stormwater management and water conservation.

Accessory vacation dwelling unit. An accessory dwelling unit as defined by this Chapter that is used as a vacation dwelling unit as defined by this Chapter for periods of occupancy from 2 to 29 nights.

Accessory vacation dwelling unit, limited. A dwelling unit, as defined by this Chapter, that is an owner occupied homesteaded property, offered for trade or sale, whether for money or exchange of goods or services, for periods of no less than 2 consecutive nights and no more than 7 consecutive nights, and not exceeding 21 nights in total per year.

Accessory wind power equipment. A small scale accessory wind power generating or distribution system, that is clearly subordinate in size and use to the primary use and structure on the property, and that is used to reduce energy consumption or to generate energy from non-fossil fuel and non-carbon dioxide emitting sources on the property. Accessory wind power equipment is designed to generate no more than 10Kw of energy.

Accessory wireless antenna attached to existing structure. Any wireless service antenna located in or on the roof or upper facade of a structure that is not a telecommunications tower, such as a building, water tower, steeple, silo or utility pole.

Adjacent developed lots facing the same street. Where a dimensional standard is related to dimensions on "adjacent developed lots facing the same street" the measurement shall only include those lots that contain a primary structure and that share a side lot line with the subject property and shall not include corner lots where the primary structure faces a different street. If there is only one adjacent developed lot that fronts the same street, the measure shall refer only to the dimension on that lot. For purposes of this measurement, all contiguous lots in common ownership shall be considered as a single lot, not as separate platted lots.

Adult entertainment establishment. See definition in Chapter 5 of the City Code.

Adult bookstore. See definition in Chapter 5 of the City Code.

Agriculture, community garden. A use in which land managed by a group of individuals is used to grow food or ornamental crops, such as flowers, for donation or for use by those cultivating the land and their households. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

Agriculture, farmers market. A recurring event, held outdoors or in another defined place, on designated days and times, where market vendors, consisting of agricultural producers, home processors, and craft producers that manufacture non-food goods by the force of their own labor, are organized for the purpose of selling their products directly to the public. A minimum of 30% of vendors shall be vendors selling food crops.

Agriculture, general. The production or keeping of livestock, dairy animals, dairy products, poultry or poultry products, fur-bearing animals, horticultural or nursery stock, fruit, vegetables, forage, grains, timber, trees, or bees and apiary products. This definition includes all activities listed under "agriculture, urban."

Agriculture, urban. An establishment where food or ornamental crops are grown that includes, but is not limited to, growing on the ground, on a rooftop or inside a building, aquaponics, and aquaculture.

Airport boundary. Those lands including the property owned by the city, state, and the United States, and their respective political subdivisions, that are used for aeronautical purposes and are contiguous with the runway and building area facilities. The Duluth International Airport boundaries are illustrated on Sheet 3, airport property map, of the approved set of airport layout plans on file in the offices of the Duluth Airport Authority. The Sky Harbor Municipal Airport boundaries are illustrated on Exhibit 50-18.2-2.

Airport elevation. The established elevation of the highest point on the usable landing area, which elevation is established to be 1,428 feet above mean sea level for Duluth International Airport and 610 feet above mean sea level for Sky Harbor Municipal Airport.

Airport hazard. Any structure, tree, or use of land that obstructs the air space required for, or is otherwise hazardous to, the flight of aircraft in landing or taking off at the airport; and any use of land that is hazardous to persons or property because of its proximity to the airport.

Airport and related facilities. An area of land that is used or intended for the landing and takeoff of aircraft, and includes its buildings and facilities, if any. Accessory uses may include but are not limited to: car rental, aircraft servicing, fueling, or leasing, private aviation clubs or associations, and hotels.

Alley. A dedicated public right-of-way not more than 30 feet wide affording a secondary means of access to abutting property and not intended for general traffic circulation.

Alley line. The established side line of an alley easement.

Antenna. A system of electrical conductors that transmit or receive electromagnetic waves or radio frequency or other wireless signals.

Apartment. A part of a building consisting of a room or suite of rooms intended, designed or used as a residence by an individual or a one-family, including full cooking and bathroom facilities for individual use.

Apartment hotel. A building designed for or containing not less than 20 apartments, individual guest rooms or suites and in which may be furnished services ordinarily furnished by hotels, such as drugstores, tea room, barbershop, cigar and newsstands when such uses are located entirely within the building with no separate entrance from the street, and having no sign or display visible from the outside of the building indicating the existence of such use.

Artisan production shop. A building or portion thereof used for the creation of original handmade works of art or craft items by no more than six artists or artisans, either as a principal or accessory use, where the facility includes an area for retail of the art/craft items being produced.

Artisan studio. A building or portion thereof used for the creation of original handmade works of art or craft items by no more than three artists or artisans, either as a principal or accessory use, where the facility includes an area for retail of the art/craft items being produced.

Automobile and light vehicle sales, rental, or storage. The sale, display, lease, rental, or storage of light motor vehicles, including automobiles, vans, light trucks, light trailers, boats, and recreational vehicles. This shall not include salvage operations, scrap operations, vehicle impound yards, or commercial parking lots available for short-term use.

Automobile, Repair. An establishment engaged in performing repairs of, automobiles, light vehicles, and small engines. Repair may include all activities or repair or servicing of automobiles allowed in "automobile service", rebuilding or reconditioning of passenger automobiles, body, frame or fender straightening, dent repair, replacement or repair, painting or rust-proofing, or other similar repair or servicing of automobiles. Such work excludes commercial wrecking or dismantling, scrap/salvage yards, tire recapping and truck-tractor repair.

Automobile, Service. An establishment engaged in performing servicing of automobiles, light vehicles, and small engines. Service may include muffler replacement, oil changing and lubrication, tire repair and replacement except tire recapping, wheel alignment, brake repair, suspension repair, transmission repair and replacement, flushing of radiators, servicing of air conditioners, audio installation, detailing, and other similar activities of light repair or servicing of automobiles. This shall not include car washes, retail sale of automotive supplies, tires, or parts unrelated to repairs being performed on the premises, the retreading or vulcanizing of tires, filling stations, or convenience stores that sell gasoline or lubricating oil.

Average lot depth. The average of the lengths of the two side lot lines of a platted lot. In the case of flag lots (lots where the buildable portion of the lot is connected to a public street by an access or driveway 20 feet wide or less), the length of the access or driveway portion of the lot shall be ignored in measuring either side lot line.