



# City of Duluth

411 West First Street  
Duluth, Minnesota 55802

## Master

**File Number: 19-021-O**

<b>File ID:</b> 19-021-O	<b>Type:</b> Ordinance	<b>Status:</b> Passed
<b>Version:</b> 1	<b>Agenda Section:</b>	<b>Committee:</b> Planning and Economic Development
<b>Subject:</b>		<b>File Created:</b> 05/15/2019
		<b>Final Action:</b> 06/10/2019

**Title:** AN ORDINANCE AMENDING SECTION 50-37.10.E, CRITERIA FOR INTERIM USE PERMITS, TO ALLOW AN EXEMPTION FOR VACATION DWELLINGS IN FORM DISTRICTS.

**Internal Notes:** Ordinance by Steven Robertson

**Sponsors:**

**Enactment Date:**

**Attachments:** Attachment 1

**Enactment Number:** 10625

**Recommendation:**

**Hearing Date:**

**Drafter:** cstafford@duluthmn.gov

**Effective Date:**

### History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Council	05/28/2019					
1	City Council	06/10/2019	adopted				

### Text of Legislative File 19-021-O

AN ORDINANCE AMENDING SECTION 50-37.10.E, CRITERIA FOR INTERIM USE PERMITS, TO ALLOW AN EXEMPTION FOR VACATION DWELLINGS IN FORM DISTRICTS.

#### CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That Section 50-37.10.E of the Duluth City Code, 1959, as amended, be amended as follows:

50-37-10.E Criteria for interim use permits.

In addition to the criteria in subsection C above, the council 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 or 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 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,

Section 2. That this ordinance shall take effect 30 days after its passage and publication.  
(Effective date: \_\_\_\_\_, 2019)

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

The current use specific standards for vacation dwellings are written from the point of view that these uses will generally be in R-1 zones within single-family neighborhoods, which is generally true for most of the existing permits. Use specific standards include things such as requiring additional off-street parking and regulating the length of minimum number of nights required per stay. This is important to reduce potential land use conflicts and reduce the likelihood of land use conflicts with adjoining property owners. Because of the nature and character of properties generally within form districts (downtown, for example), these standards are not as applicable. The proposed change will potentially allow more VRBO permits to be issued within form districts.

Of the active VRBO permits, 45 are on properties zoned R-1, and 2 are on properties zoned in Form Districts.

The planning commission held a public hearing and considered the changes at a special meeting on Tuesday, March 26, 2019, and at their March 12 and May 14, 2019, regular planning commission meetings. Following discussion and additional amendments to the proposed text change, 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.