

### 3.13 Checklist

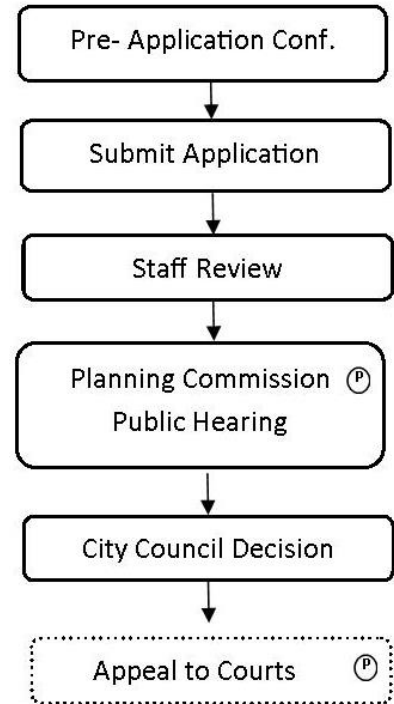
#### Interim Use Permit, Including Vacation Dwelling

An interim use permit applies to special uses that will be authorized only for a specified period of time. See UDC Section 50-37.10 for more information. This process is required for vacation dwelling unit applications, but not accessory home share permits. A maximum of 60 vacation dwelling units is allowed within the City of Duluth.

#### Starting the Application Process

- You must discuss proposed interim use permits with Planning Staff prior to submitting an application. Call 218-730-5580 to schedule a pre-application meeting, and make sure to get a Pre-App Verification at this meeting; you will need to submit this with your application. The pre-application meeting is intended to discuss the application process and general timeline. A comprehensive review of the proposed project is not possible at this meeting; detailed review of the project will occur once a complete application, with sufficient supporting information and exhibits, is submitted.
- Submit your application materials to the One Stop Shop, Room 100 City Hall, by the Planning Commission application deadline. Your application must include the following:
  - Application Cover Sheet and Applicable Fee
  - Pre-App Verification (received from staff at pre-application meeting)
  - Survey of the property (recommended); or a site plan with accurate depiction of the lot dimensions, existing structures with distance to property boundaries, any existing off-street parking, and any existing fencing.
  - Landscape or screening plan detailing species type and number of trees and shrubs, if application is proposing additional landscaping to screen property from adjoining neighbors.
  - Vacation Dwelling Unit Worksheet
  - Other materials needed to confirm compliance with applicable standards, to be determined at the pre-application meeting: \_\_\_\_\_

#### Interim Use Permit



**(P)** Indicates Public Hearing Required

**Important Dates**

**Application Deadline:**  
\_\_\_\_\_

**Sign Notice Placed:**  
\_\_\_\_\_

**Planning Commission:**  
\_\_\_\_\_

**City Council\*:**  
\_\_\_\_\_

**Effective\*:**  
\_\_\_\_\_

*\*Please note that these dates are approximate guidelines and may change*

## After Submitting Your Application

**1. Determination of Completeness.** Within 15 business days of your application, you should expect to:

- Receive an “Applicant Letter,” which acknowledges a complete application, shares the date of the Planning Commission meeting and the assigned staff person, and notifies you of State-mandated deadlines for the City to make a decision, **OR**
- Receive notification that your application is incomplete, with details on further information to submit.

**2. Public Notice.** A mailed notice will be sent by the City to property owners within 350 feet.

- You are required to post a sign notice** on the property at least two weeks before the date of the public hearing. See UDC Section 50-37.1.H for information on size, placement, and content of each sign; you may want to contact a sign company or printing company to have the sign made. You must provide evidence that the signs were in place; **submit photo(s) of the signs to the Planning Division at least two weeks before the date of the public hearing.**

**3. Staff Review.** Planning staff will evaluate your application and prepare a staff report. When considering a recommendation for an interim use, Planning Staff generally review the Comprehensive Plan (including the Future Land Use Map, Governing Principles, and Policies), surrounding land uses and zoning, individual factors that are unique or special to the proposal, compliance with any approved district plan for the area, any additional UDC criteria, and other related factors.

- You will receive an email with the Planning Commission agenda and a link to this staff report about 5 days prior to the meeting.

**4. Planning Commission Hearing.** Planning Commission meetings are scheduled at 5:00 pm on the second Tuesday of each month. **We ask that applicants or an agent attend this meeting.**

The Planning Commission will hold a public hearing and make a recommendation to adopt, adopt with modifications, or deny the application.

**5. City Council Decision.** The Planning Commission recommendation will be forwarded to City Council in the form of a resolution. City Council will make a decision whether to approve the permit, approve it with modifications, or deny it.

The City Clerk’s office will send notice of the Council action to the applicant.

**6. Development Agreement.** Interim Use Permits require a development agreement, to be finalized and signed after City Council approval. Staff will discuss the format and content of the development agreement with you. Alternatively, a development agreement can be done prior to submitting your application; let Planning staff know if you would prefer this.

*Note that other City codes may apply to your project. Please be aware of any applicable Building Code (Construction Services Division), Fire Code (Life Safety Division), and stormwater/engineering (Engineering Division) regulations. The zoning approval may be only the first step in a several step process.*

## Vacation Dwelling Unit Worksheet (April 2018)

1. The minimum rental period shall be not less than two consecutive nights. **What will be your minimum rental period?**  
\_\_\_\_\_ nights

2. The total number of persons that may occupy the vacation dwelling unit is one person plus the number of bedrooms multiplied by two.

**How many legal bedrooms are in the dwelling? What will be your maximum occupancy?**

\_\_\_\_\_

3. Off-street parking shall be provided at the following rate:

- a. 1-2 bedroom unit, 1 space
- b. 3 bedroom unit, 2 spaces
- c. 4+ bedroom unit, number of spaces equal to the number of bedrooms minus one.
- d. 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.

**How many off-street parking spaces will your unit provide?** \_\_\_\_\_

4. 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. **Will you allow motorhome or trailer parking? If so, where?** \_\_\_\_\_

5. 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 2 to 29 days. Provide copies of the lodging and fire inspection reports with your initial application.

- Mn Department of Health Lodging License (Requires Inspection)**
- City of Duluth Fire Operational Permit (Requires Inspection)**
- City of Duluth Hotel/Motel License**
- City of Duluth Tourism Tax Number**
- State of Mn Tax Identification Number**

6. 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. The property owner must provide a site plan, drawn to scale, showing parking and driveways, all structures and outdoor recreational areas that guests will be allowed to use, including, but not limited to, deck/patio, barbeque grill, recreational fire, pool, hot tub, or sauna, and provide detail concerning the provision of any dense urban screen that may be required to buffer these areas from adjoining properties. Please note that this must be on 8 x 11 size paper.

8. The interim use permit shall expire upon change in ownership of the property or in six years, whichever occurs first. An owner of a vacation dwelling unit permitted prior to May 15, 2016, may request, and the land use supervisor may grant, an application for adjustment of an existing permit to conform to this section, as amended, for the remainder of the permit term.

9. Permit holder must keep a guest record including the name, address, phone number, and vehicle (and trailer) license plate information for all guests and must provide a report to the City upon 48 hours' notice. **Please explain how and where you will keep your guest record (log book, excel spreadsheet, etc):**

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10. Permit holder must designate 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 Land Use Supervisor within 10 days of a change in the managing agent or local contact's contact information. **Please provide the name and contact information for your local contact:**

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11. Permit holder must disclose in writing to their guests the following rules and regulations:

- a. The managing agent or local contact's name, address, and phone number;
- b. The maximum number of guests allowed at the property;
- c. The maximum number of vehicles, recreational vehicles, and trailers allowed at the property and where they are to be parked;
- d. Property rules related to use of exterior features of the property, such as decks, patios, grills, recreational fires, pools, hot tubs, saunas and other outdoor recreational facilities;
- e. Applicable sections of City ordinances governing noise, parks, parking and pets;

**Please state where and how this information will be provided to your guests:**

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12. Permit holder must post their permit number on all print, poster or web advertisements. **Do you agree to include the permit number on all advertisements?** \_\_\_\_\_

13. **Prior to rental**, permit holder must provide the name, address, and phone number for the managing agent or local contact to all property owners within 100' of the property boundary; submit a copy of this letter to the Planning and Community Development office. In addition, note that permit holder must notify neighboring properties within 10 days of a change in the managing agent or local contact's contact information.

14. **Prior to rental**, the building must be inspected and an Operational Permit issued by the Fire Prevention office. Permit holder must apply for and be granted State and local sales tax numbers, including Hotel and Motel Use Sales Tax, as discussed in item number 5 above; submit a copy of these approvals to the Planning and Community Development office.

50-20.3.U. Vacation Dwelling Unit (Use Specific Standards from the UDC)

1. The minimum rental period shall be not less than two consecutive nights;
2. The total number of persons that may occupy the vacation dwelling unit is one person plus the number of bedrooms multiplied by two;
3. 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 May15, 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. 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. 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;
6. 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. The property owner must provide a site plan, drawn to scale, showing parking and driveways, 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 that may be required to buffer these areas from adjoining properties;
8. 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. The interim use permit shall expire upon change in ownership of the property or in six years, whichever occurs first. An owner of a vacation dwelling unit permitted prior to May 15, 2016, may request, and the land use supervisor may grant, an application for adjustment of an existing permit to conform to this section, as amended, for the remainder of the permit term.

## Additional Contacts

To comply with the new Interim Use Permit you will also need to do the following, if you have not already done so:

- 1.) Obtain a **Hotel/Motel License** from the City Clerk's office by calling 218-730-5500 or visiting <http://duluthmn.gov/licenses-permits/hotelmotelbbmotor-court-license/>.
- 2.) Obtain a **Lodging License** from the State Department of Health by calling Sara Schaffer, 218-302-6184, or visiting <http://www.health.state.mn.us/divs/eh/food/license/index.html>.
- 3.) Obtain a **Fire Operational Permit** from the City's Fire Prevention by calling 218-730-4397 or 218-730-4399.
- 4.) Obtain State **Tax Identification Numbers** by calling 651-282-5225 or visiting <http://www.revenue.state.mn.us/businesses/Pages/Business-Registration.aspx>.
- 5.) Obtain a permit for **City of Duluth Tourism Tax** by contacting Ruthann Grace in the City Treasurers office at 218-730-5047 or [rgrace@duluthmn.gov](mailto:rgrace@duluthmn.gov) or visiting [www.duluthmn.gov/finance/tourism-taxes/](http://www.duluthmn.gov/finance/tourism-taxes/).