



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Master

File Number: 17-022-O

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Type: Ordinance

Status: Withdrawn

Version: 1

**Agenda
Section:**

Committee: Planning and
Economic
Development

File Created: 04/28/2017

Subject:

Final Action: 05/22/2017

Title: AN ORDINANCE AMENDING SECTIONS 50-19.8, PERMITTED USE TABLE; 50-20.3.O, PARKING LOT OR PARKING STRUCTURE; 50-20.3.T, VETERINARIAN OR ANIMAL HOSPITAL; 50-20.3.U, VACATION DWELLING UNIT; AND 50-20.5.M, ACCESSORY VACATION DWELLING UNIT.

Internal Notes: Ordinance by Kyle Deming

Sponsors:

Enactment Date:

Attachments: Attachment 1, Motion to Split (Hobbs) - Passed (Y: 5
N:4)

Enactment Number:

Recommendation:

Hearing Date:

Drafter: cstafford@duluthmn.gov

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Council	05/08/2017	read for the first time				
1	City Council	05/22/2017	withdrawn				

Text of Legislative File 17-022-O

AN ORDINANCE AMENDING SECTIONS 50-19.8, PERMITTED USE TABLE; 50-20.3.O, PARKING LOT OR PARKING STRUCTURE; 50-20.3.T, VETERINARIAN OR ANIMAL HOSPITAL; 50-20.3.U, VACATION DWELLING UNIT; AND 50-20.5.M, ACCESSORY VACATION DWELLING UNIT.

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That Section 50-19.8 of the Duluth City Code, 1959, as amended, be amended as follows:

Attachment A, Table 50-19.8 Use Table and Table 50-19.1 Use Table Legend

Section 2. That Section 50-20.3.O of the Duluth City Code, 1959, as amended, be amended as follows:

- O Parking lot or parking structure (primary use).
 - 1. Parking lots.
 - (a) Parking lots (primary use) shall be stand alone and self-contained, separate and distinct from other adjacent land uses. They need to conform to UDC requirements, such as lot frontage and drive aisle width, independent of adjacent properties;
 - (b) When in the R-2 and MU-N district, the following standards apply:
 - (i) Primary use parking lots shall meet all the street landscaping provisions in Section 50-25.3 as applicable. In addition, primary use parking lots shall be screened from adjacent structures and uses. Such screening shall consist of a continuous, view-obscuring fence, wall or compact evergreen hedge along all property lot lines which are adjacent to residential structures and uses, which shall be broken only for egress and access driveways and walkways. Such fence, wall or hedge shall be not less than four feet nor more than six feet in height;
 - (ii) Primary use parking lots shall meet all the landscaping provisions in Section 50-25.4, as applicable. In addition, regardless of the number of parking spaces provided, the parking lot must set aside at least 15 percent of the interior parking area for landscaping islands;
 - (iii) If the primary use parking lot abuts an improved public alley, driveway access must be provided to the alley;
 - (iv) Primary use parking lots must be designed to be a similar lot size as other lots in the neighborhood, and shall not alter the essential character of the neighborhood;
 - 2. Parking structures.
 - (a) In the MU-C district, any parking structure shall be located at least 50 feet from any RC, RR or R district;

Section 3. That Section 50-20.3.T of the Duluth City Code, 1959, as amended, be amended as follows:

- T Veterinarian or animal hospital, and kennel
 - 1. In the R-C and RR-1 districts, this use a veterinarian or animal hospital is permitted provided that service is limited to large livestock/large animal care and any building or enclosure so used shall be located not less than 100 feet from any lot line;
 - 2. In the R-2, R-P, MU-N and MU-C districts, this use a veterinarian or animal hospital is permitted provided that practice is limited to the treatment of small animals (household pets, i.e. dogs, cats, birds, that are ordinarily permitted in the house for company) and that all aspects of the facility are totally contained (including kennel runs and exercise areas) within a soundproof building with adequate ventilation;
 - 3. For form districts that permit both a veterinarian or animal hospital, and

kennel, all aspects of the facility must be totally contained (including kennel runs and exercise areas) within a soundproof building with adequate ventilation;

Section 4. That Section 50-20.3.U of the Duluth City Code, 1959, as amended, be amended as follows:

U Vacation dwelling unit.

1. The minimum rental period shall 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. 1-2 bedroom unit, one space
 2. 3-4 bedroom unit, two spaces
 3. 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. 1-2 bedroom unit, one space
 2. 3-bedroom unit, two spaces
 3. 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.

Section 5. That Section 50-20.5.M of the Duluth City Code, 1959, as amended, be amended as follows:

M Accessory vacation dwelling unit.

An accessory vacation dwelling unit may be created within, or detached from, any one-family dwelling or vacation dwelling unit in those districts shown where allowed by Table 50-19.8, 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 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;
6. The total number of persons that may occupy the vacation dwelling unit is one person plus the number of bedrooms multiplied by two;
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. 1-2 bedroom unit, one space;
 2. 3-4 bedroom unit, two spaces;
 3. 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. 1-2 bedroom unit, one space;
 2. 3-bedroom unit, two spaces;
 3. 4+ bedroom unit, number of spaces equal to the number of bedrooms minus one.
8. 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. 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. 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. 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;
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 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 expire upon change in ownership of the property or in six years, whichever occurs first. An owner of an accessory 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

Section 4. That this ordinance shall take effect 30 days after its passage and publication. (Effective date: _____, 2017)

STATEMENT OF PURPOSE: This ordinance implements text amendments to the existing use specific standards related to vacation rentals, kennels and primary use parking lots in chapter 50 of the City Code, known as the Unified Development Chapter (UDC). The changes add use specific standards for primary use parking lots in R-2 districts, address vacation dwelling units in multifamily structures and those with homeowner's associations, and add standards for kennels in form districts.

The planning commission held a public hearing and considered the changes at their April 11, 2017 regular meeting and at an April 25, 2017 special meeting. At the April 25, 2017 meeting they voted 4-3 to recommend that the city council approve these ordinance changes.

Action Deadline: Not Applicable