



Legislation Text

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RESOLUTION REQUESTING PLANNING COMMISSION REVIEW, EVALUATION, AND HOLD A PUBLIC HEARING FOR UNIFIED DEVELOPMENT CODE (UDC) REGULATIONS RELATED TO VACATION DWELLING UNITS.

BY COUNCILORS FILIPOVICH, RANDORF, TOMANEK, AND KENNEDY:

WHEREAS, the purpose of the Unified Development Code (“UDC”) is to “protect the public health, safety, and welfare and to implement the goals and objectives of the comprehensive land use plan...” Section 50-2 Duluth City Code; and

WHEREAS, the UDC regulations set parameters for the interim use of vacation dwelling units within certain zoning districts in the city; and

WHEREAS, the concept of internet-based rental of vacation dwelling units remains an emergent land use, the standards for which remain under evaluation for professional city planning and development best practices, causing a need for occasional updates to those regulations; and

WHEREAS, to better understand and evaluate regulations for vacation dwelling units the city council’s planning and economic development committee has facilitated several committee meetings in early 2021 to consider options for potential improvements to those regulations.

THEREFORE, BE IT RESOLVED, the city council requests that the city planning commission undertake updates to UDC Section 50-20.3.U, Use-Specific Standards, Commercial Uses, Vacation Dwelling Units.

BE IT FURTHER RESOLVED, that the planning commission consider 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, subject to meeting all other applicable inspection and building code requirements for a vacation dwelling unit.

BE IT FURTHER RESOLVED, that the planning commission consider modifying the standards for allowing a vacation dwelling unit use as follows:

1. Interim use permits for vacation dwelling units will be subject to approval by the planning commission, subject to appeal to the city council.
2. Limiting the total number of bedrooms in any vacation dwelling unit to not exceed four (4) bedrooms;
3. Strengthening the Improvements to standard conditions for approval to include a dense urban screen or fence to be in place at the time of approval and to be continuously maintained during the permit period between the permitted property and neighboring properties, to require provision for waste removal services; and to prohibit burning of trash;
4. Increasing the vacation dwelling unit cap to provide for an increase of 10 percent of the net increase in 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 under Section 50-37.10 E 4 shall not exceed 120 units; and
5. Retaining the exemption for vacation dwelling units located in form districts.

BE IT FURTHER RESOLVED that with the increase in permit fees associated with the increase in vacation dwelling units authorized in No. 4 above be dedicated to support the city housing trust fund.

BE IT FURTHER RESOLVED, the city council requests a report from administration on the status of the foregoing request no later than October 1, 2021, unless an ordinance has been recommended for city council consideration by the city planning commission prior to that date.

STATEMENT OF PURPOSE: The purpose of this resolution is to provide city council direction to the city planning commission associated with potential updates to the city's vacation dwelling unit standards. The potential updates to the regulations to be evaluated by the city planning commission provide for updates to streamline and improve regulations for vacation dwelling units by creating a new category for the use and by establishing new standards that will enhance understanding and reduce the potential for negative impacts and issues between neighboring property owners.