



Legislation Text

File #: 22-027-O, **Version:** 1

AN ORDINANCE AMENDING SECTIONS 50-19.8, 50-20.1, AND 50-41.9 RELATED TO UDC UPDATES FOR INTERIM OUTDOOR LIVING SITES, ESTABLISHING STANDARDS FOR THE USE AND A ONE-YEAR LIMIT FOR SUCH TEMPORARY OUTDOOR LIVING SITES LOCATED ON PRIVATELY OWNED PROPERTY

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 50-20.1, Residential Uses, be amended as follows:

H. Interim Outdoor Living Site

1. The site may not be located within any shoreland, wetland, or floodplain. Removal of trees that meet the definition of significant tree per UDC Section 50-25 is not permitted. If the proposed site is wooded, consultation with the City Forester is required to determine any necessary protection for existing trees.
2. If the site is located in a parking lot of an existing use, the primary use of the property shall maintain its minimum required off-street parking after placement of the temporary shelter facility. Shared parking is allowed if the proposed interim use is to provide safe overnight parking.
3. If the site is sloped, consultation with the City Stormwater Engineer is required to determine erosion control requirements.
4. Tents, sleeping areas, and other temporary structures shall be set back a minimum of 5 feet from all lot lines and 10 feet from all other temporary structures.
5. If the site is located directly adjacent to residential uses, a dense urban screen must be provided along the shared lot line with the residential use.
6. An operator shall be onsite when occupants are present. Hours of operation shall be indicated in the application. The operator's name, telephone number, and e-mail address must be posted on the site and easily visible to the public.
7. Operator shall provide evidence of liability insurance in a format deemed acceptable by the City Attorney's Office.
8. The site shall at a minimum include the following requirements, which shall at all times be continuously maintained:
 - a. Potable water sufficient to serve all occupants in one or more locations on the site;
 - b. A minimum of one toilet per four occupied sites, or per eight occupants;
 - c. A minimum of one sharps container in a prominent location on the site;

- d. Recycling and waste receptacles shall be provided on site for all occupants, and shall be sized or managed in such a manner as to provide for the complete disposal needs for the site. Refuse or recycling that is not placed in the recycling and waste receptacles shall be immediately removed from the site by the Operator.
9. Operator shall establish an improved path from the nearest public street to all sleeping areas as a public safety access route. The Fire Marshall shall review plans for the path location as part of the interim use permit.
10. The operator shall enforce quiet hours between 10:00 p.m. and 6:00 a.m.
11. Any illumination from the site must not produce glare or reflection for occupants of neighboring buildings or onto public streets.
12. The site must be maintained in a safe and sanitary condition and free from vermin and waste. All garbage and food waste must be deposited in covered receptacles that are emptied when filled and the contents disposed of in a sanitary manner.
13. No children under 18 are allowed, unless accompanied by a parent or guardian.
14. The interim use period shall terminate one year from date of issuance.

Section 3. That Section 41.9 Definitions: I be amended as follows:

Interim outdoor living site. An interim outdoor living site is a facility that provides short-term, temporary shelter, such as an outdoor encampment, temporary small houses, or overnight parking lot, and which typically does not require payment of monetary charges.

Section 4. That this ordinance shall take effect 30 days after its passage and publication.

STATEMENT OF PURPOSE: This ordinance implements a text amendment related to adding a new land use into chapter 50 of the City Code, known as the Unified Development Chapter (UDC).

The proposed ordinance allows outdoor living sites on an interim basis, requiring operators to renew their permit regularly. This type of facility would provide short-term, temporary living, while requiring operators of sites to provide sanitation, potable water, refuse collection, and other necessities. The use specific standards are intended to ensure careful management, provide basic necessities, and ensure safety and environmental protections.

Applications for an interim use permits (IUP) for an Interim Outdoor Living Site will be evaluated and, if consistent with the use-specific conditions established in this ordinance, may be approved by the planning commission following a public hearing. There is a one-year limit for any IUP for this use as established by this ordinance, which would require a subsequent approval to provide for any duration of greater than one year.

The planning commission held a public hearing and considered the changes at a Tuesday, July 12, 2022, planning commission meeting. Following discussion, the commission voted with 6 yeas, 2 nays, and 0 abstentions, to recommend that the city council approve the proposed text change to the Unified Development Chapter of the City Code.

PL 22-108