File #: 20-0054R, **Version:** 1

RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 20 NORTH 12TH AVENUE EAST UNIT #2 (NORTH SHORE LAND COMPANY, LLC).

CITY PROPOSAL:

RESOLVED, that:

(a)   The city council hereby grants North Shore Land Company, LLC an interim use permit to operate a one-bedroom vacation dwelling unit for up to 3 guests located at 20 North 12th Avenue East Unit #2 and as described as:

S ½ OF LOTS 1 AND 2 OF BANNING AND RAYS SUBDIVISION IN DULUTH

(b)   Minnesota Statutes Section 462.3597 authorizes the city to issue an interim use permit that allows a use to exist until a specified date or until an amendment to this chapter authorizes or prohibits that use; and

(c)   The city council finds that a time limit is needed to protect the public health, safety and welfare from potential longer term impacts of the requested use at this location; and

(d)   The interim use permit shall remain in effect for up to six years following the effective date of this resolution, or until there is a change in ownership of the property, whichever occurs first; and

(e)   Pursuant to Section 50-20.3.U and Section 50-37.10.D of the Duluth City Code, 1959, as amended, the applicant applied for an interim use permit and the application was duly referred to the city planning commission (PL 19-177); the commission gave due notice of public hearing and considered the application during a public hearing occurring on January 14, 2020; and

(f)   The city planning commission, at their regular meeting on January 14, 2020, considered the application's consistency with the use specific standards for vacation dwelling units and the criteria for granting interim use permits and voted to recommend approval of an interim use permit for a vacation dwelling unit subject to the conditions listed below.

FURTHER RESOLVED, that an interim use permit for the subject property, is approved subject to the following conditions:

a) The Interim Use Permit shall not be effective until the applicant has received all required licenses and permits for operation; and

b) The applicant shall adhere to the terms and conditions listed in the Interim Use Permit document and provide evidence of compliance, and any modifications deemed necessary by the Land Use Supervisor, provided that no such administrative approval shall constitute a variance from Chapter 50

c) The applicant must provide a written disclosure to all guests stating that quiet hours shall be observed between the hours of 10 p.m. and 8 a.m. in addition to other disclosures required by the Unified Development Chapter.

STATEMENT OF PURPOSE: This resolution grants to North Shore Land Company, LLC an interim use permit for a one-bedroom vacation dwelling unit at 20 North 12th Avenue East for Unit #2. This property, located immediately uphill from the CVS Pharmacy on 12th Avenue East, contains a multiple-unit commercial building and is located in the F-4 Form District on the Official Zoning Map. The building, formerly a commercial business and originally a large house, is proposed to include four separate vacation dwelling units.

The interim use permit remains in effect for six years, or until the property changes hands, whichever occurs first. There is no cap to the total number of vacation dwelling units within form districts as designated on the Official Zoning Map.

The applicant has applied for an Operational Permit from the Fire Department and has applied for an inspection by the State Health Department for the property, in addition to a City Lodging License before renting the property. The applicant shall file with the city to pay the appropriate taxes to the state and city.

On January 14, 2020, the city planning commission held a public hearing on the proposal and heard testimony from citizens. The planning commission voted 6 yeas, 0 nays, and 0 abstentions, to recommend that the city council approve the interim use permit with conditions.

Request filed: December 4, 2019

Action deadline: April 2, 2020