



## Legislation Text

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**File #:** 19-0368R, **Version:** 1

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RESOLUTION GRANTING AN INTERIM USE PERMIT FOR AN ACCESSORY VACATION DWELLING UNIT AT 1235 MINNESOTA AVENUE (LAKE VIEW LAND CO.).

### CITY PROPOSAL:

RESOLVED, that:

(a) The city council hereby grants Lake View Land Co. an interim use permit to operate a one-bedroom accessory vacation dwelling unit for up to three guests located at 1235 Minnesota Avenue and as described as:

Lot 124, UPPER DULUTH MINNESOTA AVE, and

(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 19-039); the commission gave due notice of public hearing and considered the application during a public hearing occurring on May 14, 2019; and

(f) The city planning commission, at their regular meeting on May 14, 2018, 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; and

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

- a) The applicant shall adhere to the terms and conditions listed in the interim use permit document and provide evidence of compliance, which will be included in the resolution to the City Council (guest record book including name, address, phone number and vehicle license plate; name, address, and phone number of local contact/managing agent to property owners within a 100 feet; rules of how the property can be used must be provided to guests including selected city ordinances on parking, parks, pets and noise; and acknowledge that interim use permit may be suspended in the event of multiple nuisance calls).
- b) 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.

The applicant will inform guests that the burning of trash in outdoor fire pits is prohibited.

**STATEMENT OF PURPOSE:** This resolution grants to Lake View Land Co. an interim use permit for a one-bedroom accessory vacation dwelling unit at 1235 Minnesota Avenue. The interim use permit remains in effect for six years, or until the property changes hands, whichever occurs first.

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 has filed with the city to pay the appropriate taxes to the state and city.

On May 14, 2019, the city planning commission held a public hearing on the proposal and heard testimony from citizens. The planning commission voted 5 yeas, 0 nays, and 1 abstentions, with 3 commissioners absent, to recommend that the city council approve the interim use permit with conditions.

Request filed: April 10, 2019

Action deadline: August 8, 2019