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JAN 1 3 2011
CITY CLERKS OFFICE

MOTION TO AMEND ORDINANCE 11-005

BY PRESIDENT GARDNER, COUNCILOR ANDERSON AND COUNCILOR BOYLE:

We move to amend Ordinance 11-005 as follows:

Section 1: That Section 29A-27 be amended by adding a new subsection 29A-27(i) to read as follows:

(i) For purposes of this Article, and except as otherwise provided herein, "protection zone" means any parcel of land, lot or part thereof within or abutting the area described as follows: a point beginning at the point of intersection of the centerline of North Sixth Avenue East and the centerline of East Fifth Street, thence northwesterly along the centerline of North Sixth Avenue East to its point of intersection with Central Entrance Drive, thence westerly along the centerline of Central Entrance Drive to its point of intersection with the centerline of Rice Lake Road, thence northerly along the centerline of Rice Lake Road to its point of intersection with the centerline of West Arrowhead Road, thence easterly along the centerline of West Arrowhead Road to its point of intersection with the centerline of Blackman Avenue, thence northerly along the centerline of Blackman Avenue to its point of intersection with the centerline of MacFarlane Road, thence easterly along the centerline of MacFarlane Road to its point of intersection with the centerline of Howard Gnesen Road, thence southeasterly along the centerline of Howard Gnesen Road to its point of intersection with the centerline of Old Howard Gnesen Road, thence north/northeasterly along the centerline of Old

Howard Gnesen Road to its point of intersection with the centerline of South Road, thence easterly along the centerline of South Road in a straight line to its point of intersection with the northwest corner of the Third Glen Avon Division of Duluth, thence north in a straight line to its point of intersection with the centerline of Anoka Street, thence easterly along the centerline of Anoka Street to its point of intersection with the centerline of St. Paul Avenue, thence south along the centerline of St. Paul Avenue to its point of intersection with the centerline of Carlisle Avenue, thence easterly along the centerline of Carlisle Avenue to its point of intersection with the centerline of Grove Street, thence northeasterly along the centerline of Grove Street to its point of intersection with the centerline of Princeton Place, thence northeasterly along the centerline of Princeton Place to its point of intersection with the southerly boundary of Park Hill Cemetery, thence easterly along the southern boundary of Park Hill Cemetery until its point of intersection with the western easement line of Livingston Avenue, thence easterly in a straight line to its point of intersection with the centerline of Livingston Avenue, thence northerly along the centerline of Livingston Avenue to its point of intersection with the centerline of Everett Street, thence easterly along the centerline of Everett Street to its point of intersection with the centerline of Jean Duluth Road, thence southwesterly along the centerline of Jean Duluth Road to its point of intersection with the centerline of Lakeview Drive, thence southwesterly along the centerline of Lakeview Drive to its point of

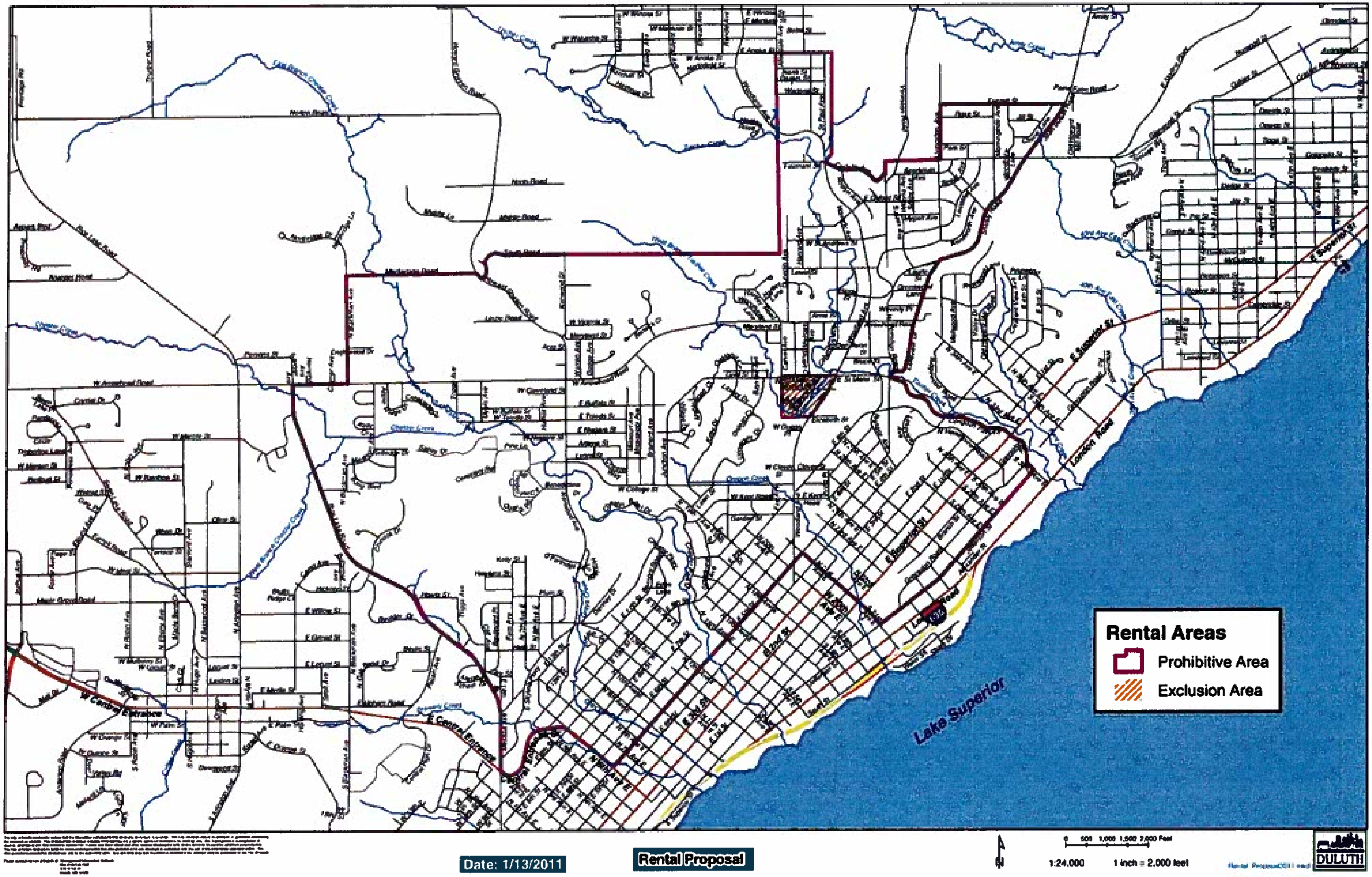
intersection with the centerline of Vermilion Road, thence southerly along the centerline of Vermilion Road to its point of intersection with the centerline of Congdon Park Drive, thence southeasterly along the centerline of Congdon Park Drive to its point of intersection with the centerline of South 32nd Avenue East, thence southeasterly along the centerline of South 32nd Avenue East to its point of intersection with the centerline of Jefferson Street, thence southeasterly along the centerline of Jefferson Street to its point of intersection with the centerline of North 21st Avenue East, thence, northwesterly along the centerline of North 21st Avenue East to its intersection with the centerline of East Fifth Street, thence southeasterly along the centerline of East Fifth Street to the point of beginning, and as depicted on the map on file with the city clerk as Public Document No. 11- _____;

(1) The following described area located within the protection zone defined in Section 29A-27(h) is excluded from the zone: any parcel of land, lot or part thereof within or abutting the area described as follows: a point beginning at the point of intersection of the centerline of Carver Avenue and the centerline West St. Marie Street, thence south in a straight line to its point of intersection with a straight line extending west from the point of intersection of Woodland Avenue and Elizabeth Street, thence east in a straight line to its point of intersection with the centerline of Woodland Avenue and the centerline of Elizabeth Street, thence northeasterly along the centerline of Woodland Avenue to its point

of intersection with the centerline of West St. Marie Street, thence westerly along the centerline of West St. Marie street to the point of beginning, and as depicted on the map on file with the city clerk as Public Document No. 11- _____.

Section 2: That subsection 29A-29(h) of the Duluth City Code, 1959, as amended, is hereby amended to read as follows:

(h) A multi-tenant rental license authorizes the occupancy of the rental unit by more than one tenant. No new multi-tenant rental license may be issued for any one-family dwelling in areas zoned traditional residential or urban residential and located within the protective zone. The restriction on new multi-tenant licenses shall expire on the earlier of the date a campus area small neighborhood plan is adopted by the city council or January 1, 2012;


Rental Areas
Prohibitive Area
Exclusion Area
Lake Superior
E Superior St
London Road
E Central Entrance
W Central Entrance
Date: 1/13/2011
Rental Proposal
1:24,000
1 inch = 2,000 feet
DULUTH

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MOTION TO AMEND THE MOTION BY PRESIDENT GARDNER AND COUNCILORS ANDERSON AND BOYLE TO AMEND ORDINANCE 11-005

(REPLACEMENT)

BY COUNCILOR FEDORA:

I move to amend the motion by President Gardner and Councilors Anderson and Boyle to amend Ordinance 11-005 as follows:

Section 1. That Section 29A-29(h) fo the Duluth City Code, 1959, as amended, is hereby amended to read as follows:

(h) A multi-tenant rental license authorizes the occupancy of the rental unit by more than one tenant. No new multi-tenant rental license may be issued for any one-family dwelling in areas zoned traditional residential or urban residential and located within the protective zone. The restriction on new multi-tenant licenses shall expire on the earlier of the date a campus area small neighborhood plan is adopted by the city council or January 1, 2012. The restriction on multi-tenant licenses shall not apply to a rental unit that was currently licensed on March 14, 2011;

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BY COUNCILOR FEDORA:

I move to amend Ordinance 11-005 as follows:

Section 1. That Section 29A-32(f) of the Duluth City Code, ~~1959, as amended~~, is hereby amended to read as follows:

(f) Except as otherwise provided in this Section, all rental units licensed on March 13, 2011 and subsequently relicensed as a multi-tenant licensed one family or two family dwelling~~s~~ shall provide a minimum of two off-street parking spaces. In addition, for each additional bedroom in excess of three, there shall be provided one additional off-street parking space. Failure to comply with these requirements will result in an additional nonconformance fee per parking space. All one family or two family dwellings that were unlicensed on March 14, 2011 and subsequently converted to a multi-tenant licensed rental unit shall provide the off-street parking spaces required in this Section, and the licensee shall not be entitled to tender payment of the nonconformance fee in lieu of providing the required off-street parking;

(1) The code official ~~building appeal board~~ may grant a variance from the nonconformance fee when a hardship, as defined ~~by~~ in Section 29A-27~~(i)~~, exists. The decision of the code official is appealable to the building appeal board pursuant to Section 29A-5. ~~The board shall review the application and conduct a public hearing pursuant to Section 10-5.~~ The board may grant a variance from all or a portion of the nonconformance fee

requirement when a hardship exists;

(A) The city council shall establish a parking nonconformance variance application fee pursuant to Section 29A-30;

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BY COUNCILOR HARTMAN:

I move to amend Ordinance 11-005 as follows:

Section 1. That Section 29A-32(f) of the Duluth City Code, 1959, as amended, is hereby amended to read as follows:

(f) Except as otherwise provided in this Section, all multi-tenant licensed one family or two family dwellings shall provide a minimum of two off-street parking spaces. In addition, for each additional bedroom in excess of three, there shall be provided one additional off-street parking space. Failure to comply with these requirements will result in an additional nonconformance fee per parking space. The nonconformance fee shall not be applied to the first nonconforming parking space;

~~(1) The building appeal board may grant a variance from the nonconformance fee when a hardship, as defined by Section 29A-27(i) exists. The board shall review the application and conduct a public hearing pursuant to Section 10-5. The board may grant a variance from all or a portion of the nonconformance fee requirement;~~

~~(A) The city council shall establish a parking nonconformance variance application fee pursuant to Section 29A-30;~~