

COMMITTEE OF THE WHOLE

11-005-0

AS AMENDED 2

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS 29A-27 AND 29A-29 OF THE DULUTH CITY CODE, 1959, AS AMENDED, PROVIDING FOR DEFINITIONS AND LICENSING, AND ADDING A NEW SECTION 29A-32.1 PROVIDING AUTHORITY FOR A RENTAL CONVERSION FEE.

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That Section 29A-27 of the Duluth City Code, 1959, as amended, is hereby amended to read as follows:

Sec. 29A-27. Definitions.

(a) The definitions contained in Sections 201 and 202 of the year 2000 edition of the IPMC, as adopted by Section 29A-1 of this Chapter, shall apply to this Article;

(b) For purposes of this Article, the phrase "one-family dwelling" shall have the meaning ascribed by Chapter 50, Article VI;

(c) For purposes of this Article, the phrase "two-family dwelling" shall have the meaning ascribed by Chapter 50, Article VI;

(d) For purposes of this Article, the phrase "multiple-family dwelling" shall have the meaning ascribed by Chapter 50, Article VI;

(e) Rental unit means any dwelling that is occupied by any tenants. For purposes of any fees under this Article, each bedroom in a multi-tenant single-family and multi-tenant two-family dwelling constitutes a rental unit;

(f) Residence means the primary dwelling where an individual lives and usually sleeps;

(g) Except as otherwise provided in Section 29A-27(h)(1)-(2), tenant means any adult person or emancipated minor who is occupying a dwelling under any agreement, lease or contract, whether oral or written, and for a period of seven or more consecutive or

nonconsecutive days in any month, whether or not such occupancy requires the payment of rent, the payment of utilities or the provision of services, for the use of the dwelling;

(1) A tenant shall not include any owner of record and an owner's natural children, adopted children, foster children, spouse, other blood relations, any significant other and any other dependent minors, residing with that owner as a family unit; significant other means romantic partner;

(2) A tenant shall not include a tenant's natural children, adopted children, foster children, spouse, other blood relations, any significant other and any other dependent minors, residing with the tenant as a family unit; significant other means romantic partner;

(h) ~~Hardship means the property in question cannot meet the off-street parking requirements of this Chapter due to the physical characteristics of the property and not created by the landowner;~~

——(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 Section 29A-29 of the Duluth City Code, 1959, as amended, is hereby amended to read as follows:

Sec. 29A-29. Licenses--application, procedure, type.

(a) Applications for rental licenses shall be filed with the code official by the owner or the owner's agent and shall be accompanied by the required license fee. The code official may reject any incomplete application;

(1) Applications for license renewals shall be filed at least 90 days prior to license expiration;

(2) Upon receipt of a complete application and fees the code official may issue a license if the rental unit is eligible for licensure;

(3) Rental units which comply with the State Building Code and have been constructed and certified for occupancy within one year prior to date of application and are otherwise eligible for licensure shall be issued a license for the initial licensing period without further inspection;

(b) All other rental units shall be inspected before a license is issued. No license shall be issued unless the rental unit complies with the provisions of this Chapter and all other applicable laws;

(c) Except as otherwise provided in this Article, any application for the renewal of an expired license shall be processed as a new license application and the rental unit must comply with all applicable laws;

(d) If a rental license lapses as a result of the failure to comply with this Section, the license may be administratively reissued without regard to the provisions of paragraphs (a) through (c) of this Section if within 180 days of the expiration of the license the owner complies with all other requirements of this Section 29A-29;

(e) The applicant shall identify a managing agent or contact person who resides within a 25 miles radius of the city and who has the authority to act for the owner;

(f) Except as otherwise provided, all new rental license, short term license, change of license type and rental license renewal applications shall be completed and applicable fees paid for a specified maximum number of bedrooms that can be occupied by tenants. The maximum allowable number of bedrooms that can be occupied by tenants in a rental unit is determined by Section 29A-32;

(1) The fee per bedroom structure shall not apply to the single-tenant license. A single fee for the dwelling unit shall be established as provided in Section 29A.30;

(g) A single-tenant rental license may be issued to a one-family or two-family dwelling. The license limits the number of tenants that may occupy the rental unit to one tenant;

(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;

(i) Except as otherwise provided, a short term rental license, whether single-tenant or multi-tenant, may be issued for a period not to exceed 12 consecutive months for any single-family or two-family dwelling under the following circumstances and pursuant to the following conditions:

(1) The owner is the occupant of the dwelling unit at the time of application or the code official finds that the owner was the occupant within 30 days before the date of application; and

(2) For professional, educational, medical, or military service reasons the owner intends to reside in another community located at least 50 miles from the city; and

(3) The owner provides sufficient evidence of such intention to temporarily relocate. Such evidence may include, but is not limited to written offers of employment, employment transfer directives, a letter of acceptance from an educational institution, or military orders; and

(4) The license may not be issued more frequently than once in any three year period; and

(5) The license shall be applied for in the same manner as other rental licenses; and

(6) Except as otherwise provided in this Article, the rental unit shall comply with all applicable rental licensing standards; and

(7) A short term license may be extended for additional six months periods provided that an application for extension is received prior to the expiration of the short term license or six-month extension and adequate evidence justifying the

extension is submitted.

Section ~~2~~ 3. That Chapter 29A, Article II of the Duluth City Code, 1959, as amended, is hereby amended by adding a new Section 29A-32.1 to read as follows:

Sec. 29A-32.1. Conversion fee.

Any one-family dwelling, not currently licensed pursuant to this Article on March 13, 2011, shall be subject to a rental conversion fee at the time it is initially licensed as a rental unit. The conversion fee shall not apply to a license renewal.

Section ~~3~~ 4. That Section 29A-32 of the Duluth City Code, 1959, as amended is hereby amended to read as follows:

Sec. 29A-32. License conditions.

All rental units are subject to the following conditions:

(a) No license shall be transferred to another rental unit;

(b) At the principal exterior entrance to a rental unit an informational notice shall be posted that complies with the following requirements:

(1) The notice shall be displayed in a conspicuous place;

(2) The notice shall indicate the name, e-mail address and telephone number of the owner or managing agent;

(c) If there is a change in ownership of a rental unit, the new owner shall apply for a transfer of the license within 30 days of the change and pay the license transfer fee. If the rental unit is sold pursuant to a contract for deed, the purchaser shall be responsible for applying for the license transfer and providing a recorded copy of said contract for deed from the St. Louis County recorders office. A new license shall be issued for the remainder of the license period;

(d) If there is a change in managing agent, the new managing agent shall notify the code official in writing within ten days of the change;

(e) If there is a change in type of license, an application for change of license type is required. The application shall be filed with the code official as required by Section 29A-29;

(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 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. 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;

(g) All off-street parking spaces shall comply with the standards for off-street parking provided for in Chapter 50 of this Code. The number of required off-street parking spaces shall be determined by the code official at the time of licensure. Failure to comply with these requirements will result in an additional nonconformance fee per parking space. The owner shall ensure that all required off-street parking spaces are cleared of snow to at least the required dimension of off-street parking spaces within 72 hours after the end of every snowfall;

(1) All one-family or two-family dwellings, licensed on September 1, 2007, may continue to be licensed even though the property does not conform to the off-street parking provisions of this Section. The rental unit shall be treated as a lawful nonconforming use; however, the nonconformance parking fees provided for in this Section shall apply. If the number of bedrooms, or number of rooms occupied as bedrooms, is increased, the off-street parking requirements of this Section shall apply to the entire licensed property. If the license for the nonconforming use is revoked or lapses for any period of time, all nonconforming use rights related to off-street parking requirements shall terminate;

(2) The off-street parking requirements shall not apply to a short-term single-tenant license;

(h) The maximum number of bedrooms in a multi-tenant rental unit that can be occupied by any tenant under new rental licenses, short-term licenses, and rental license renewals shall be based on the number of bedrooms on record in the city assessor's office on the date of rental application;

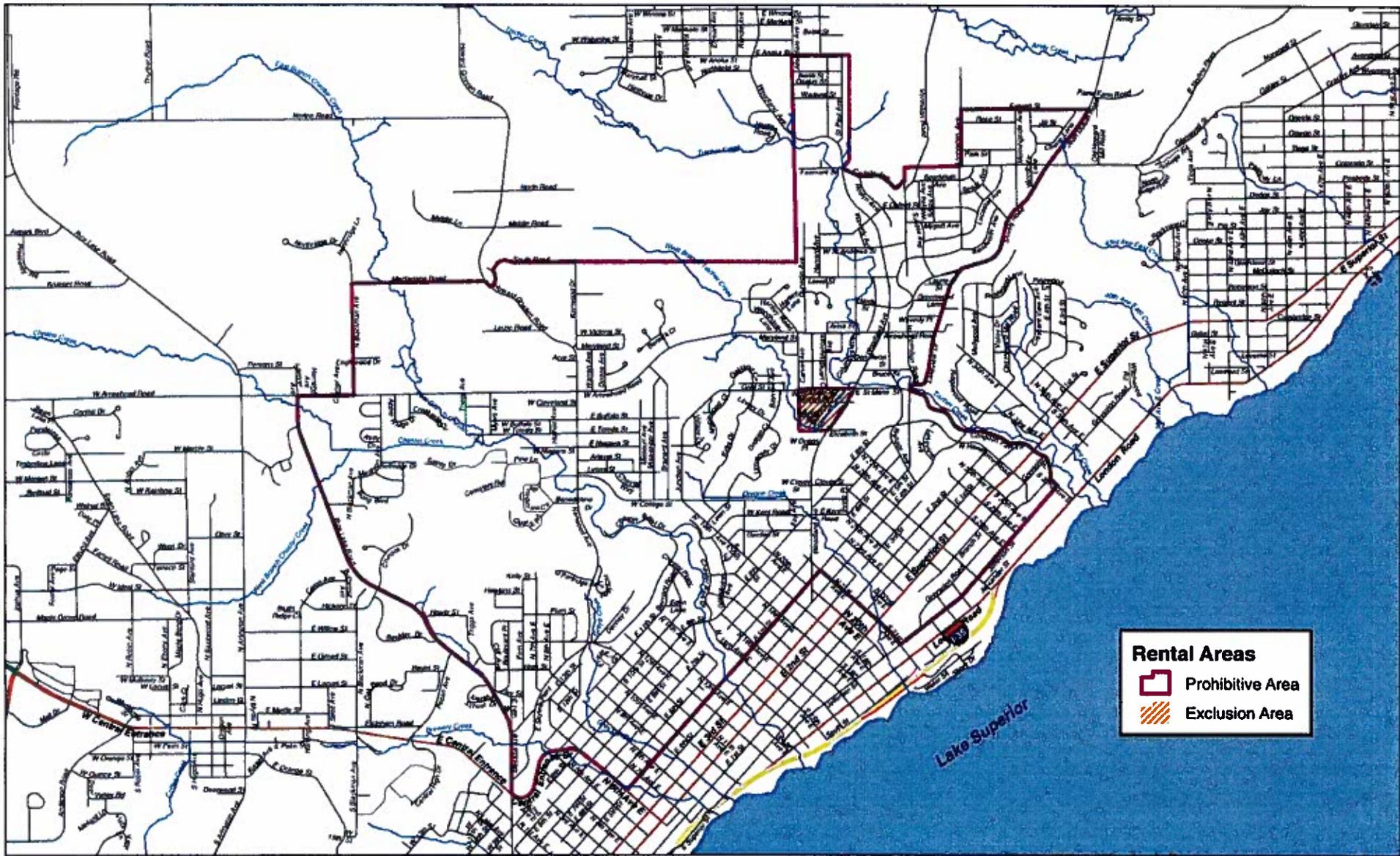
(1) The number of tenants cannot exceed the number of bedrooms applied for and paid for in the license application;

(2) In no case shall a bedroom be allowed that does not comply with all applicable state and city building and housing codes.

Section ~~4~~ 5. That this ordinance shall take effect 30 days ~~on March 14, 2011,~~ and after its passage and publication.

ATTY MAL:dma 1/13/2011

STATEMENT OF PURPOSE: This ordinance makes technical corrections to Chapter 29A, Article II. These corrections are needed to address drafting errors found in ordinances 10064 and 10065.



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Date: 1/13/2011

Rental Proposal

