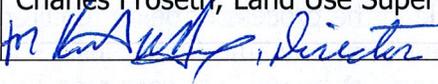


UDC Interpretation	#14-06	
	Clarification of the limitations of automobile restoration as an accessory use on Residentially-zoned property	
	UDC Section: 50-20.5.I	Date of Interpretation: 3/26/2014
Approved by:	Charles Froseth, Land Use Supervisor 	

BACKGROUND: The Unified Development Chapter of the City of Duluth Legislative Code (UDC) is the official body of rules and regulations to guide land use and development in the City of Duluth, Minnesota. UDC Sec. 50-10 *Interpretation* authorizes the Land Use Supervisor to interpret the provisions of this Chapter.

The question was asked: What are the standards for the hobbyist who wants to restore automobiles at their home and what are the standards for repair of personal automobiles in Residential districts?

CODE INFORMATION: Accessory Use or Structures Not Listed Elsewhere contains miscellaneous standards that apply to uses in many zone districts. This interpretation applies to Residential zones. Typical use of property in this zone is a home and accessory garage used for the storage of vehicles and items typically found on a residential property (lawn mower, household items, sporting goods, recreational and hobby equipment, etc.). We recognize that in some residential settings it is possible to allow vehicle repair and restoration as an allowed accessory use. We draw a distinction between (a) repairing the mechanical functioning of a vehicle (motor, alternator, brakes, suspension components, etc.) and (b) the repair of a crash-damaged vehicle or the restoration of a classic car as a hobby. We understand that the repair of mechanical components is more common and may be required multiple times per year for a single vehicle as the vehicle ages. On the other hand, repair and restoration of crash-damaged and classic vehicle is a rarer occurrence and the negative externalities associated with such activities can be more aggravating, including the storage of damaged vehicles and parts outside and noise associated with repairing damaged body panels. Therefore, the standards we apply to these uses differ, allowing more repair mechanical functioning and tighter restrictions on crash-damaged and hobby vehicle restoration. Additionally, we considered City regulations governing restoration of vehicles found in Sec. 30-13 of the Duluth Legislative Code where restoration is limited to one vehicle at a time, including the need to verify progress being made and rules about how such vehicles must be stored. We have established two standards below to regulate vehicle repair and restoration.

UDC INTERPRETATION:

Standards for repairing the mechanical functioning of personal vehicles in Residential Districts: You may repair up to 5 vehicles in a 12 month period (all vehicles must be registered to you). A total of no more than 2 vehicles in the process of being repaired or awaiting repair may be on the site at any time (either inside or outside a building). Repair must be done in a completely enclosed building. Any vehicle parts stored out of doors must be completely concealed by a screening wall (placement of a tarp over the parts does not constitute screening) and are

subject to Chapter 30 of the Duluth Legislative Code. The property owner or leaseholder must observe all applicable Operating Standards listed in Sec. 50-34 of the Duluth Legislative Code including noise, smoke, odor, and waste handling.

Standards for repair of personal vehicle after sustaining crash damage or restoration of a classic vehicle in Residential Districts:

You may repair or restore up to 2 vehicles in a 12 month period (all vehicles must be registered to you) and a total of no more than 1 vehicle in the process of being repaired or restored or awaiting repair or restoration may be on the site at any time (either inside or outside a building). Substantial and verifiable progress must be made toward repair or restoration of the vehicle beginning within 180 days after it is brought to the lot and continuing thereafter until the repair or restoration is complete. Repair and restoration activities must be done in a completely enclosed building. Vehicles being repaired or restored or awaiting repair or restoration must be stored inside a building or be completely concealed behind a screening wall. Any vehicle stored outside must be sealed to prevent rodents from entering the passenger compartment or trunk and must be parked on an improved surface (compacted gravel, asphalt, or concrete). Any vehicle parts, tires, body panels stored out of doors must be completely concealed by a screening wall (placement of a tarp over the parts does not constitute screening) and are subject to Chapter 30 of the Duluth Legislative Code. The property owner or leaseholder must observe all applicable Operating Standards listed in Sec. 50-34 of the Duluth Legislative Code including noise, smoke, odor, and waste handling. The City anticipates a technical correction to Sec. 50-27.6.A will be part of the annual UDC amendment package in late 2014 or early 2015.

DISCLAIMER: While it is the intent of the administration to submit a technical correction to the City Council consistent with this interpretation, the code can only be amended by City Council action. This interpretation is not intended to be a promise or guarantee that the proposed amendment will be enacted.