

FINANCE COMMITTEE

10-037-O

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE 10-030-O,
RELATING TO THE UNIFIED DEVELOPMENT CHAPTER,
AMENDING SECTION 50-20.3.

BY COUNCILOR FEDORA:

The city of Duluth does ordain:

Section 1. That Section 50-20.3 of Ordinance No. 10-030-O, Section 6, be amended
to read as follows:

50-20.3 Commercial Uses

A. Adult Entertainment Establishment

All adult entertainment establishments shall comply with MSA 617.242 and Chapter 5 of this code.

B. Agriculture, General

1. No killing or dressing of poultry, rabbits or other small or large animals, fish or creatures shall be permitted, other than the animals, fish or creatures raised on the premises and that such killing or dressing is done in an accessory building located not less than 200 ft. from any lot line.
2. All buildings and enclosures, including fences, for the feeding, breeding or milking of large livestock or small animals, such as poultry, rabbits, fish and other similar animals, but not including pasturing and grazing, of such animals, must be located not less than 200 ft. from any lot line.

C. Automobile and Light Vehicle Repair and Service

1. No displays or storage of merchandise, parts or refuse may be located closer than 20 ft. from any public right-of-way.
2. A dense urban screen must be installed and maintained along all side and rear property lines abutting a residential or mixed use district.
3. All areas for outdoor storage of automobiles or light vehicles shall be screened from adjacent properties by a dense urban screen regardless of the use on the adjacent property.

D. Automobile or Light Vehicle Sales, Rental or Storage

In the MU-C district, the use is permitted when located at least 100 ft. from any R district.

E. Bank

1. In the MU-N district, banks are limited to no more than ~~one~~ two drive-through windows and one drive-through lane for ATM services on the premises.
2. Any drive-through lane that is located between a bank and a residential district or structure shall be buffered from the residential district or structure by a dense urban screen and shall not be open past 10:00 p.m.
3. Banks in the F-1, F-3, F-5, F-6, F-7, F-8 or F-9 districts may not have drive-through facilities.

F. Bed and Breakfast

This is a primary use of land, and the owner need not reside in the use. The use shall:

1. Have no more than 12 habitable units;
2. If located in a residential zone district, the use shall appear outwardly to be a one-family dwelling, giving no appearance of a business use other than allowed signs;
3. If located in a residential zone district, the use shall have no greater impact on surrounding public areas or infrastructure or natural resources than a fully occupied private home with house guests;
4. Be located on a lot or tract containing a minimum of 0.6 acre;
5. Contain a minimum of 1,500 sq. ft. of area on the first floor of the main building;
6. Dining areas shall not exceed five seats per habitable unit. In addition to resident guests, only guests of resident guests shall be permitted to dine in a bed and breakfast, or guests participating in meetings or other private events hosted by the facility when other overnight guests are not present, not to exceed the approved seating capacity of the facility. For-profit events on the premises that involve a total number of participants in excess of the approved dining area seating capacity shall be limited to 6 days per year and shall be restricted to the period of October 15 through June 15;
7. Shall not have signage exceeding 12 sq. ft. in size, and any signage shall complement the architecture of the structure;
8. Shall limit each guest stay to a maximum of 21 consecutive days.

G. Building Materials Sales

1. Outdoor storage is limited to 10% of the parcel's land area, and shall not be permitted in any required front yard area.
2. Each such area shall be screened from view from any ground floor window or door on any adjacent property, and from all adjacent rights-of-

way, by an opaque fence or wall between 6 ft. and 8 ft. in height. The fence may exceed 8 ft. in height where the difference in grade between the property line or right-of-way and the outdoor storage area makes a taller fence necessary to effectively screen the area.

3. A landscaped earth berm may be used instead or in combination with a required fence or wall.

H. Day Care Facility

1. In the R-1 district, this must be either (a) a facility licensed by the state serving 12 or fewer persons, or (b) a group family day care facility licensed by the state to serve 14 or fewer children.
2. In the remaining districts where this use is permitted, the use must be either (a) a facility licensed by the state serving not more than 16 persons, or (b) a group family day care facility licensed by the state to serve 14 or fewer children.
3. In the RR-1 and RR-2 districts this use and related parking facilities and structures are limited to no more than 20% of the lot or parcel area.

I. Filling Station

1. No displays or storage of merchandise, parts or refuse may be located closer than 20 ft. from any public right-of-way.
2. A dense urban screen must be installed and maintained along all side and rear property lines abutting a Residential or Mixed Use District.

J. Mini-Storage Facility

This use shall comply with the following standards:

1. The use shall be contained within an enclosed building or buildings;
2. If the use abuts a residential zone district on any property line, building architecture shall employ sloped roofs and shall display wall relief features and colors commonly found in residential construction;
3. The use shall be designed so that doors to individual storage units do not face any abutting street frontage;
4. At least 50% of the wall surface area of any wall facing an abutting public street shall be faced with brick or split-block materials. Exposed concrete masonry unit (CMU) construction is not permitted on those facades;
5. Hours of public access to mini-storage units abutting one or more residential zone districts shall be restricted to the period from 6:00 a.m. to 10:00 p.m.;
6. Signage shall be limited to one 40 sq. ft. illuminated pole and 20 sq. ft. of non-illuminated wall signage. Signs shall not be located closer than ten ft. to the front property line and no closer than 50 ft. to any side property line;
7. In the RR-1 district, there shall be a minimum of 50 ft. of landscaped or naturally vegetated buffer from all property lines;

8. In the R districts a dense urban screen shall be installed along all side and rear property lines.

K. Office

1. In the MU-I district, offices are limited to those in support of the permitted institutional uses in the district; general offices unrelated to the activities of those institutions are not permitted.
2. In the MU-B district, offices are limited to those in support of the permitted industrial uses in that zone district; general offices unrelated to the activities of those institutions are not permitted.
3. In the F-6 district, offices may not have drive-through facilities.

L. Other Outdoor Entertainment or Recreation Use Not Listed

1. No circus ground, carnival ground, event ground, or amusement park shall be approved within 300 ft. of an R-C, RR-2 or R district.

M. Parking Lot or Parking Garage (Primary Use)

1. In the MU-C district, any parking garage shall be located at least 50 ft. from any RC, RR or R district.
2. In F-1, F-2, F-3, F-4, F-5, F-6, F-8 and F-9 districts, only parking lots (not parking garages) are permitted as primary uses.
3. No portion of any parking lot or parking garage may be used for outdoor storage or junk, salvage items, inoperable motor vehicles or unlicensed retail or wholesale activities.

N. Restaurant (No Drive-In/ Drive-Through)

In the R-2 district, no use shall exceed 5,000 sq. ft. in gross floor area.

O. Restaurant (With Drive-In/Drive-Through)

Drive through lanes must be located at least 25 ft. from the boundary of any RR or R district and impacts along the boundary with those districts shall be buffered through the use of a dense urban screen.

P. Seasonal Camp or Cabin

1. In the R-C and RR-1 districts, buildings shall be located not less than 200 ft. from any R district.
2. In the R-C district, the design of the site shall preserve the rural character by:
 - (a) Separating each camp or cabin site by at least 50 ft., measured from the closest points on each tent or cabin area;
 - (b) Preserving all natural vegetation not required to be removed for access roads, trails or public safety;

- (c) Using gravel or pervious paving, rather than impervious materials, for all access road and driveways serving fewer than 25 camp or cabin sites.

Q. Tourist or Trailer Camp

When located in a flood plain, this use is limited to trailers without foundations that can be easily moved should flooding occur.

R. Veterinarian or Animal Hospital

1. In the R-C and RR-1 districts, this use is permitted provided that service is limited to large livestock/large animal care and any building or enclosure so used shall be located not less than 100 ft. from any lot line.
2. In the R-2, R-P, MU-N and MU-C districts, this use is permitted provided that practice is limited to the treatment of small animals (household pets, i.e. dogs, cats, birds, that are ordinarily permitted in the house for company) and that all aspects of the facility are totally contained (including kennel runs and exercise areas) within a soundproof building with adequate ventilation.

Section 2. That this ordinance shall be operative only if Ordinance 10-030-O is passed, shall be consolidated into Ordinance 10-030-O for publication, and take effect and be in force on the same date as Ordinance 10-030-O.

Approved as to form:

Attorney

CCREQ/ATTY

MAL:cjk

07/14/2010

STATEMENT OF PURPOSE: This ordinance incorporates a motion to amend Ordinance 10-030-O offered by Councilor Fedora.