PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

12-070-O(b) AS AMENDED

ORDINANCE NO_____

AN ORDINANCE CREATING SECTIONS 50-27, 50-38.6, 50-38.7, AND 50-41 OF THE DULUTH CITY CODE, 1959, AS AMENDED REGARDING SIGN REGULATIONS, NON-CONFORMING SIGNS, AND DEFINITIONS.

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That Section 50-27 of Chapter 50 be repealed as replaced as follows:

50-27 Signs

50-27.1 **Permit Required**

A. All signs that require a permit, as described in Section 50-27.5 (Sign Types – Permit Required) must obtain a zoning permit as described in Section 50-37.13 (Zoning Permit) of this Unified Development Chapter.

B. When submitting a zoning permit application for a sign, the applicant must submit photographs and dimensions of all signs existing on the lot, including all signs that will be removed. The City may request that the applicant submit photographs of all new signs erected on the lot after permit issuance.

C. The applicant must sign the zoning permit application attesting to the accuracy of the information provided. The City may revoke any sign permit where there has been a violation of the provisions of this section or misrepresentation of fact on the zoning permit application.

D. All freestanding signs over seven (7) feet in height must submit construction plans prepared by a design professional licensed in Minnesota that comply with the requirements of the Minnesota State Building Code.

50-27.2 **Enforcement**

A. No sign permit shall be required for the types of signs shown in Table 50-27-1, but each such sign shall be required to comply with the provisions of this Section 50-27. Any sign placed on public property or within a public right-of-way or public easement without authorization or without a required sign permit can be removed without notice. Such signs will be held by the City for thirty (30) days. The owner of the sign may reclaim the sign within such period, subject to any fines imposed by the City. If not reclaimed, the City may destroy the sign following expiration of the thirty (30) day period.

B. If a sign is constructed illegally, either without a required permit or in violation of this section or previous sign regulations, the City may serve notice to the property owner that such sign must be removed or the violation corrected within thirty (30) days. If the sign is not removed or the violation corrected within the thirty (30) day period, the City may remove the sign at the property owner's expense. An extension of this thirty (30) day period may be granted per Section 50-37.1.O (Appeals) of this Chapter, and must be applied for prior to expiration of the initial thirty (30) day period.

50-27.3 Design and Construction Standards

All signs constructed, erected, modified or altered must comply with the provisions of this section and the requirements of the City Code.

A. Prohibited Sign Location

1. No sign may be erected in a location that violates the Minnesota State Building Code, Minnesota State Fire Code or other regulations.
2. No sign, other than that placed by agencies of government or a sign whose placement is authorized by this section or the City, may be erected in the public right-of-way or on public property.
3. Signs located on public right-of-ways or on/in public or private skywalks must comply with Chapter 44A of the City Charter.
4. No sign may be erected on private property without prior consent of the property owner.
5. No sign may be erected in violation of the view obstruction provisions of Section 50-25.2.M (Protection of Site Distance) with the exception of a freestanding pole sign, if permitted in the district, with a diameter no greater than one (1) foot and where the sign face is mounted a minimum of eight (8) feet above grade. No sign can be erected that obstructs free and clear vision of any street, intersection, parking lot ingress or egress, or driveway.
6. No sign may be erected in a manner that obstructs access to fire escapes, any ingress or egress, or standpipes.
7. No sign may be erected on the exterior of a building to cover any windows or doors.
8. Signs on lots adjacent to State or County Highways shall conform to the respective setbacks and other standards of the State and County Highway Departments.
9. Freestanding monument signs shall not be located closer than three (3) feet from the lot line.
10. The supporting pole of a freestanding pole sign shall be setback from the lot line a minimum of three (3) feet, but the sign itself may be up to the lot line. No part of a freestanding pole sign may encroach on a public right of way.

B. Sign Dimension Measurement Methodology

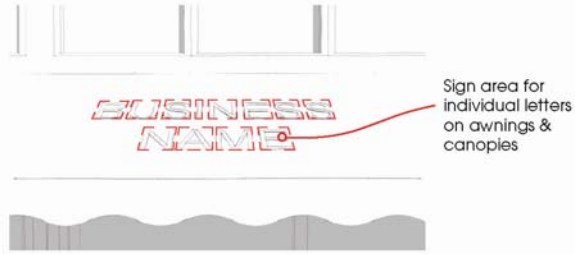
1. General Measurement of Sign Area.

   Sign area is measured as follows:

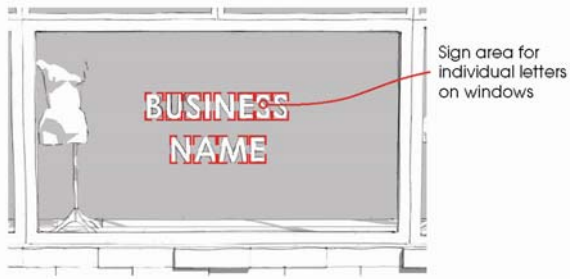
   (a) For signs on a background, the entire area of the framework or background of the sign is calculated as sign area, including any material or color forming the sign face or background used to differentiate the sign from the structure against which it is placed. Sign area does not include any supports or bracing, unless such framework or bracing is part of the message or sign face.

(b) For signs consisting of freestanding letters or logos, the sign area is calculated as the total area of each square, circle, rectangle or triangle, or combination thereof, that encompasses each individual letter or logo. Sign area does not include any supporting framework or bracing, unless such framework or bracing is part of the message or sign face.

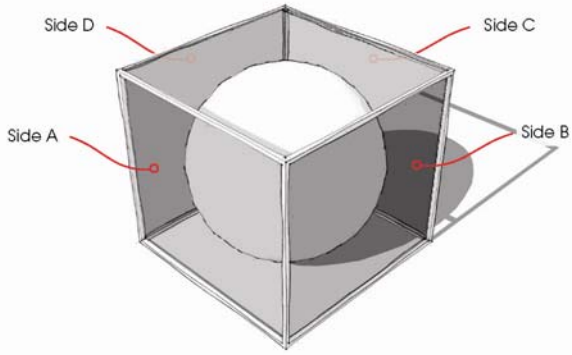
(c) For awning and canopy signs, the sign area is the printed area of the awning or canopy, calculated as the total area of each square, circle, rectangle or triangle, or combination thereof, that encompasses each individual letter or logo.



(d) Window signs printed on a transparent film and affixed to the interior or exterior of a windowpane are calculated as individual letters or logos, provided that the portion of the transparent film around the perimeter of the individual letters or logos maintains one-hundred percent (100%) transparency of the window. Transparency is defined as both the ability to view into the interior of the establishment from the outside and to view the outside from the interior of the establishment through the same area.



(e) The sign area of a three-dimensional, free-form or sculptural (non-planar) sign is calculated as fifty percent (50%) of the sum of the area of the four (4) vertical sides of the smallest cube that will encompass the sign.



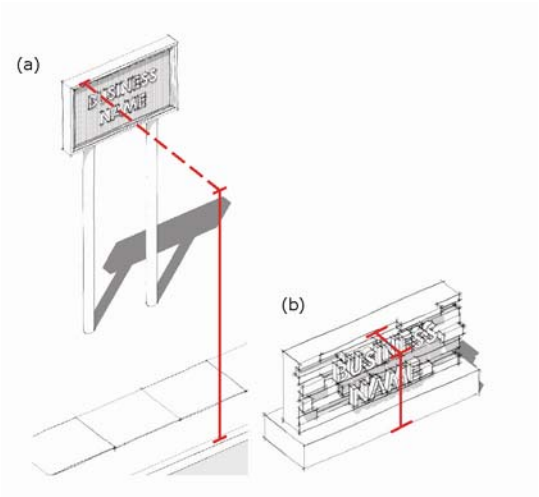
(f) If a sign has two (2) or more faces, the area of all faces is included in determining the area of the sign, unless the two (2) sign faces are placed back to back and are no more than two (2) feet apart. In such case, the sign area is calculated as the area of one (1) face. If the two (2) faces are unequal in area, the area of the larger face is used to calculate sign area.

(g) Necessary supports or uprights on which the sign is erected are not included in the sign area computation.

2. General Measurement of Sign Height

(a) Pole sign height is measured from the grade to the uppermost point of the sign. Grade is established by the elevation of the back of curb or, if no curb exists, from the edge of pavement at the center of the abutting street frontage where the sign will be erected.

(b) Monument sign height is measured from the existing lowest point of the ground where the monument sign is to be installed to the uppermost point of a sign.



C. Construction Standards

1. Supports and braces must be designed as an integral part of the overall sign design and hidden from public view to the extent technically feasible.
2. All signs attached to a building must be installed and maintained so that wall penetrations are watertight and the structure does not exceed allowable stresses of supporting materials.
3. All signs must be designed and constructed in accordance with Minnesota State Building and Fire Codes. Marquee structures must be approved by the City Engineer and Building Safety Department.
4. Glass forming any part of a sign must be safety glass.
5. All letters, figures, characters or representations in cut-out or irregular form, maintained in conjunction with, attached to or superimposed upon any sign must be safely and securely built into or attached to the sign structure.
6. Audio components are prohibited on any sign, with the exception of menuboards.
7. Any form of pyrotechnics is prohibited.

D. Electrical Wiring

1. All electrical fixtures, devices, circuits, conduits, raceways or apparatus used to illuminate, move or project any sign must be installed and maintained in accordance with Minnesota State Building Code, including the National Electrical Code. Electrical permits are required for sign installation in accordance with the Minnesota State Building Code.
2. Conduits and other components of a sign illumination system must be designed as an integral part of the overall sign structure and hidden from public view to the extent technically feasible.

E. Permit Identification

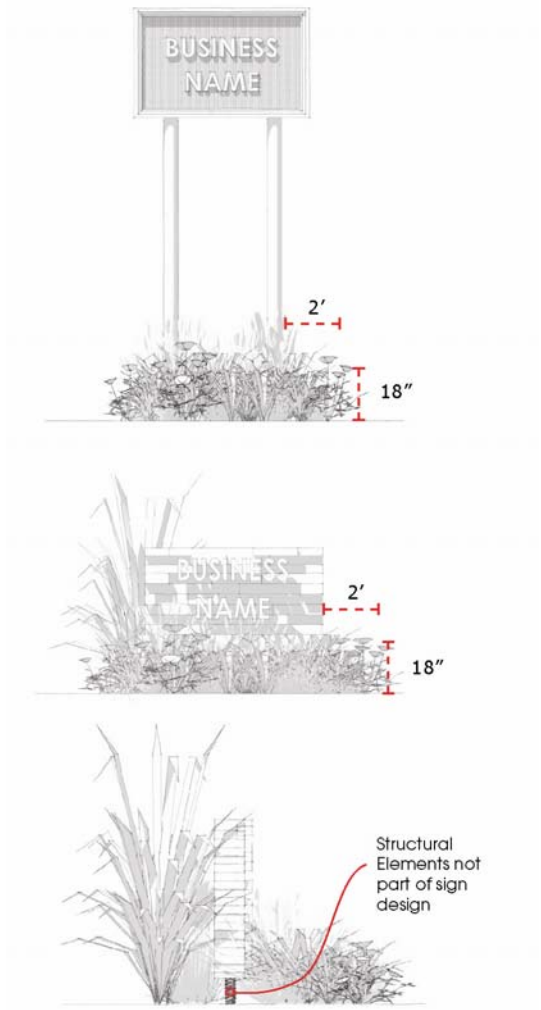
Every sign must include an identification of the permit number and name of sign installer either painted on the sign or by the application of a metallic sticker. The information must be

visible from the ground with the exception of signs mounted seven (7) or more feet above grade.

F. Required Landscaping

All freestanding signs, except in lots zoned I-G and I-W, must be landscaped at the base of the sign in accordance with the following:

1. Freestanding signs must be landscaped with small shrubs a minimum of eighteen (18) inches in height at planting, spaced appropriately based on mature height and spread to provide continuous screening of sign base once shrubs have reached maturity. The remainder of the landscape area must be planted with perennials, turf or other live groundcover.
2. Landscape must extend a minimum of two (2) feet from the sign base on all sides. If this two (2) foot area extends into the right-of-way, landscape is not required within the right-of-way area. All landscape must be maintained in good condition, and free and clear of rubbish and weeds. Landscape around the base of a sign is included in the total amount of landscape required on a site, if applicable.
3. There is no requirement regarding the mature height of landscape, though landscape must be tailored to the scale of the sign. Landscape may be trimmed and maintained along the sign base to maintain visibility of the sign face.



4. When a monument sign is designed as a single structure where the pediment is constructed of similar or complimentary materials as the sign, and no structural elements that are not related to such overall design of the sign are visible, no landscape is required.

G. Required Sign Maintenance

1. All signs must be maintained in a safe, neat and orderly condition and appearance, and must be repainted or otherwise maintained by the property owner to prevent corrosion or deterioration caused by the weather, age or any other condition.
2. All signs must be maintained to prevent any kind of safety hazard, including faulty sign structures, a fire hazard or an electrical shock hazard.
3. All unused sign hardware or wiring that is visible from the right-of-way must be removed.
4. If a sign is maintained in an unsafe or insecure condition, the City will give written notice to the property owner. If property owner fails to remove or alter the structure to comply with the standards of this section, the sign may be removed by City at the expense of the property owner. The City may remove any sign that is an immediate peril to persons or property summarily and without notice.

H. Non-Commercial Messages

A non-commercial message may be substituted for a commercial message on any sign permitted by this section.

I. Permit Identification

All architectural signs on a structure announcing the original or historic name of the building, year of construction, or insignias must be maintained, and cannot be removed, altered, or covered. Such signs are not calculated as part of any sign area or maximum number of signs permitted by this section.

50-27.4 **Illumination Standards**

The following illumination standards apply to on-premises signs. Illumination of billboards (off-premises) are regulated separately in Section 50-27.7. Additional illumination requirements for electronic message signs are found in Section 50-27.7.

A Any sign illumination, including gooseneck reflectors, external illumination and internal illumination, must be designed, located, shielded and directed to prevent the casting of glare or direct light upon roadways and surrounding properties, or the distraction of motor vehicle operators or pedestrians in the public right-of-way.

B The sign face of internally illuminated signs must function as a filter to diffuse illumination. The sign face must cover all internal illumination components so that no exposed bulbs are visible.

C All external illumination of a sign must concentrate the illumination upon the printed area of the sign face.

D No sign illumination may exceed one (1) footcandle of illumination at the property line.

E The use of neon lighting as a sign material or sign accent is permitted for signs within the mixed-use, form-based and special purpose districts, with the exception of the MU-N and MU-B Districts where it is prohibited. Neon lighting is subject to the following:

1. When lit, neon lighting must be continuously illuminated. Flashing neon is prohibited.
2. Neon lighting cannot be combined with any reflective materials (e.g., mirrors, polished metal, highly-glazed tiles, or other similar materials) that would cause glare and increase the spread of light.
3. Neon lighting to outline doors and windows is prohibited.

F The use of LED lighting as a sign accent is permitted, subject to the following:

1. LED lighting as an accent is only permitted for non-residential uses in the mixed-use, form-based and special purpose districts where electronic message center signs are permitted. LED accent lighting is prohibited in any residential district.
2. LED lighting as an accent must comply with all illumination requirements of an electronic message center sign.
3. The addition of LED lighting as an accent to an existing sign requires a zoning permit.
4. When lit, LED lighting must be continuously illuminated. Flashing LED is prohibited.
5. LED lighting cannot be combined with any reflective materials (e.g., mirrors, polished metal, highly-glazed tiles, or other similar materials) that would cause glare and increase the spread of light.
6. LED lighting to outline doors, windows, and automobile and filing station gas canopies is prohibited.
7. LED lighting to outline billboards, free standing monument signs, and free standing pole signs is prohibited.

50-27.5 **Prohibited Signs**

The following signs are prohibited:

A Balloon and air-infused/air-inflated signs.

B Electronic display screens.

C Flashing or animated signs.

D Illegally-affixed signs.

E Moving signs, including signs moved by wind or mechanical or electrical components. No sign or part of any sign shall move or give the illusion of movement in any manner. Clocks and barber poles are exempt from this provision.

F Portable signs. Portable signs include both signs mounted on a wheeled structure and those mounted on a stationary structure that can be moved and is not permanently installed on a site.

G Roof signs.

H Snipe signs.

I Strobe lights, moving or fixed spotlights, and floodlights.

J Temporary off-premises signs.

K Traffic hazard signs. Any sign that constitutes a traffic hazard is prohibited, including signs that:

1. Interfere with, obstruct the view of, or may be confused with any authorized traffic sign, signal or device because of its position, shape or color, including signs illuminated in red, green or amber color to resemble a traffic signal.

2. Make use of the words STOP, LOOK, DETOUR, DANGER, CAUTION, WARNING or any other word, phrase, symbol or character in a manner that misleads, interferes with, or confuses traffic.

L Vehicle signs. Signs placed or painted on parked vehicles where the primary purpose is to advertise a product or service, or to direct the public to a business or activity located on or off the premises, are prohibited. Signs painted on vehicles, trucks or buses, which are being operated and stored in the normal course of business, such as signs located on delivery trucks, promotional vehicles, moving vans and rental trucks, are permitted, provided that the primary purpose of such vehicles is not the display of signs, and that they are parked or stored in areas related to their use as vehicles. Vehicle for-sale signs are exempt from this provision.

50-27.6 Signs and Activities Exempt from Permit Requirements

A. Alternation and Maintenance Operations

The following activities are exempt from a zoning permit:

1. Painting, repainting, cleaning, and/or other normal maintenance and repair of a sign, not involving structural alterations or changes in the electrical components of the sign. Repairs to existing permitted illumination components are also exempt from sign permit requirements.
2. Changing of the message of an existing changeable message sign or electronic message sign.
3. Changing the sign face within an existing legal sign structure, provided no alterations are made to the sign structure and the sign area, sign height or any other dimension of the sign.

B. Illumination

No exempt sign may be illuminated, except for the following:

1. Uplighting of official federal, state, county or city flags.
2. Lighting of official federal, state, county or city government signs as needed by the government body.

C. Exempt Permanent Signs

This section describes the types of permanent signs that are allowed without a zoning permit. All exempt signs must comply with all the regulations of this section. Exempt permanent signs are subject to the regulations of Table 50-27-1: Exempt Permanent Sign Regulations.

TABLE 50-27-1: EXEMPT PERMANENT SIGN REGULATIONS

SIGN	PERMITTED DISTRICT OR USE	PERMITTED SIGN TYPE	MAXIMUM SIZE	MAXIMUM HEIGHT (FREESTAND-ING SIGNS)	REQUIRED SETBACK OR LOCATION (FREESTANDING SIGNS)	NUMBER PER LOT
Agricultural Identification Sign	All agricultural uses	Freestanding or wall	RC, RR-1, RR-2: 20sf All other districts: 6sf	6'	20' from front lot line & 10' from any other lot line	1 per street frontage
Bed and Breakfast	Bed and breakfast uses	Freestanding or wall	12 sf	7'	5' from any lot line	1 per lot
Building Directory Sign	All multi- family & non-residential uses	Freestanding or wall	6sf	7'	Within 10' of building entry	1 per building entry
Day Care Facility	Residential Zone Districts	Freestanding or wall	6sf	7'	5' from any lot line	1 per lot
Directional Sign - Parking Lot	All parking lots & structures	Freestanding	4sf	7'	0' from any lot line	No limit

TABLE 50-27-1: EXEMPT PERMANENT SIGN REGULATIONS						
SIGN	PERMITTED DISTRICT OR USE	PERMITTED SIGN TYPE	MAXIMUM SIZE	MAXIMUM HEIGHT (FREESTAND-ING SIGNS)	REQUIRED SETBACK OR LOCATION (FREESTANDING SIGNS)	NUMBER PER LOT
Flags – Federal, State or Local	All districts & uses	Freestanding	No Limit	Flagpole limited to maximum height of zoning district	5' from any lot line	No limit
Flags – Commercial	All non-residential uses	Freestanding	16sf	Flagpole limited to maximum height of zoning district	5' from any lot line	1 per lot
Government Information Sign (Federal, State, County or City)	All districts & uses	Freestanding or wall	No Limit	No Limit	No Limit	No Limit
Home Occupation Sign	All residential dwelling uses & permitted accessory uses	Wall, window, or freestanding including mounting on private lightposts	4sf	4'	5' from any lot line	1 per lot
Memorial Plaque	All districts & uses	Freestanding or wall	6sf	5'	5' from any lot line	1 per lot
Nameplate	All districts & uses	Wall	4sf	(Not Applicable)	(Not Applicable)	1 per lot
Parking Lot Information Sign	All parking lots & structures	Freestanding or wall	16sf	8'	0' from any lot line	2 per access point
Property Identification Sign	All multi-family residential uses	Wall	4sf	(Not Applicable)	(Not Applicable)	1 per lot
Public Information Sign	The following uses: All educational facilities; Cemetery or mausoleum; Museum, library or art gallery; Park, playground or forest reserve	Freestanding or wall	No Limit	No Limit	No Limit	No Limit
Permanent Window Sign	All non-residential uses	Window	Temporary & permanent signs (combined) are limited to 30% coverage of window	(Not applicable)	(Not applicable)	(Not applicable)

TABLE 50-27-1: EXEMPT PERMANENT SIGN REGULATIONS						
SIGN	PERMITTED DISTRICT OR USE	PERMITTED SIGN TYPE	MAXIMUM SIZE	MAXIMUM HEIGHT (FREESTAND-ING SIGNS)	REQUIRED SETBACK OR LOCATION (FREESTANDING SIGNS)	NUMBER PER LOT
Time & Temperature Sign (Electronic)	All non-residential uses	Must be integrated into primary freestanding or wall sign	20% of sign area of freestand-ing or wall sign, or if standalone sign, 6sf	(Not Applicable)	(Not Applicable)	1 per lot

D. Exempt Temporary Signs

This section describes the types of temporary signs that are allowed without a zoning permit. All exempt signs must comply with all the regulations of this section.

1. Exempt temporary signs are subject to the display periods in Table 50-27-2: Permitted Display Period.

TABLE 50-27-2: EXEMPT TEMPORARY SIGN PERMITTED DISPLAY PERIOD	
SIGN	PERMITTED DISPLAY PERIOD
Attention-Getting Device	When related to a time-specific event: Combined display period of 14 days prior to the event, the time period of the event and 2 days following the event When not related to a time-specific event: 10 days Limited to no more than 4 display periods in a year, with a minimum of 30 days between displays
Banner (General)	When related to a time-specific event: Combined display period of 14 days prior to the event, the time period of the event and 2 days following the event When not related to a time-specific event: 30 days Limited to no more than 4 display periods in a year, with a minimum of 30 days between displays
Community Event Sign	Limited to no more than 4 display periods in a year for a total aggregate display time of 20 days per year
Construction Sign	Erected only after approval of a building permit and must be removed within 7 days of issuance of an occupancy permit or completion of construction, whichever occurs first
Non-Commercial Message Sign	General: No display period limitation Election: Signs of any size related to an election or referendum may be posted in any number from 46 days before the state primary in a state general election year until 10 days following the state general election
Real Estate Sign	All real estate signs may only be erected on the specific property offered for sale or lease or the property holding an open house Real estate for sale/lease signs: Posted for the duration the property is offered for sale or lease, and must be removed within 7 days of closing or lease Real estate open house signs: Only during the day of the open house and must be removed within 2 hours of the end of the event
Temporary Window Sign	No display period limitation

2. Exempt temporary signs are subject to the regulations of Table 50-27-3: Exempt Temporary Sign Regulations.

TABLE 50-27-3: EXEMPT TEMPORARY SIGN REGULATIONS						
SIGN	PERMITTED DISTRICT OR USE	PERMITTED SIGN TYPE	MAXIMUM SIZE	MAXIMUM HEIGHT (FREESTANDING SIGNS)	REQUIRED SETBACK OR LOCATION (FREESTANDING SIGNS)	NUMBER PER LOT
Attention-Getting Device	Non-residential uses in MU-C	Freestanding	10sf	6'	10' from any lot line	1 per lot
Banner (General)	Non-residential uses	Wall or retaining wall	32sf	(Not applicable)	(Not applicable)	1 per lot
Community Event Sign	All districts & uses	Freestanding or wall	10sf	6'	10' from any lot line	1 per lot
Construction Sign	All districts & uses	Freestanding or wall	50sf	6'	10' from any lot line	50sf total per street frontage
Non-Commercial Message Sign	All districts & uses	Freestanding, wall or retaining wall	No limit	No limit	No limit	No limit
Real Estate Sign	All districts & uses	Freestanding or wall	Residential Districts: 4sf All Other Districts: 12sf	5'	10' from any lot line	1 per street frontage
Temporary Window Sign	All non-residential uses	Window	Temporary & permanent signs (combined) are limited to 30% coverage of window	(Not applicable)	(Not applicable)	(Not applicable)

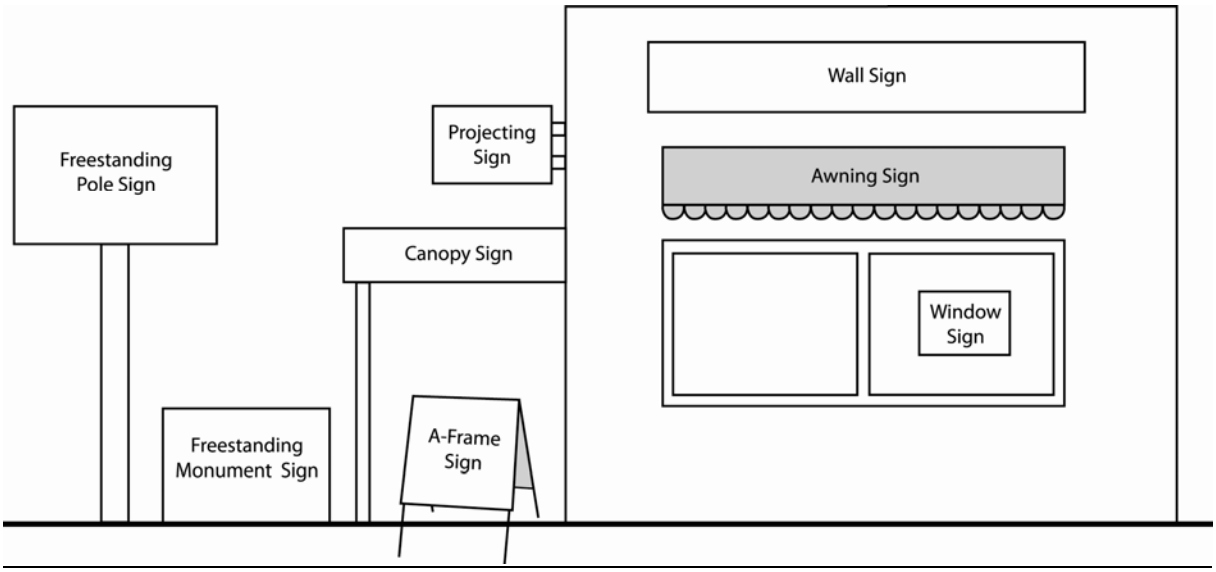


Figure 50-27.6-A: Examples of Common Sign Types

50-27.7 Sign Types

A. General Regulation

The following types of signs require a zoning permit before they can be erected on a site. Table 50-27-4: Sign Types – Permit Required: District and Use Permissions describes which sign types are permitted in each district. In many districts, multiple sign types for the same development may be permitted.

TABLE 50-27-4: SIGN TYPES – PERMIT REQUIRED: DISTRICT AND USE PERMISSIONS

KEY (REFERENCE TABLE 50-19.8 FOR USES)

1 : Residential Uses
1A : Multi-Family Dwelling Only
2 : Public, Institutional and Civic Uses
3 : Commercial Uses
4 : Industrial Uses

NOTE: Accessory uses are subject to the home occupation sign standards

	R-C	RR-1	RR-2	R-1	R-2	R-P	MU-N	MU-C	MU-I	MU-B	MU-W	MU-P	F-1	F-2	F-3	F-4	F-5	F-6	F-7	F-8	F-9	I-G	I-W	P-1
A-Frame Sign							3	3			3	3	3	3	3	3	3	3	3	3	3			2
Awning	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	2
Banner - Exhibition	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Billboard 1								3 4		3 4		3 4										3 4		
Canopy	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	2
Electronic Message Sign 2	2	2	2	2	2	2	2	2 3 4	2 3 4	2 3 4	2	2 3 4	2	2	2	2	2	2	2	2 3 4	2 3 4	2	2	2
Freestanding Signs – Pole	2	2	2	2	2	2	2 3 4	2 3 4	2 3 4	2	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2
Freestanding Signs – Monument	1 2	1 2	1 2	1 2	1 2	1 2	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	2
Marquee							3	3			3	3					3		3	3				
Menuboard 3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
Projecting Sign							3 4	3 4	3 4	3 4	3 4	3 4	3 4	3 4	3 4	3 4	3 4	3 4	3 4	3 4	3 4	3 4	3 4	
Scoreboard	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Wall Sign	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2

1 Billboards are permitted on any lot within the noted districts, whether developed or undeveloped, unless such lot is developed for a one-family or two-family dwelling.

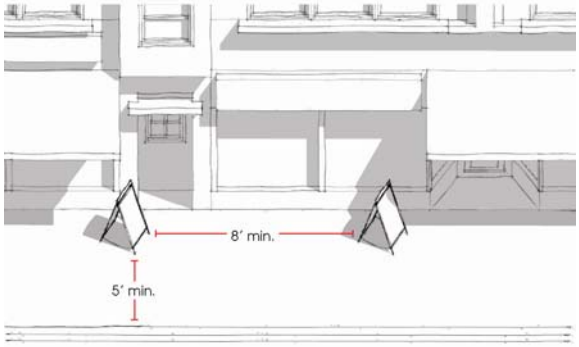
2 Filling station uses in any district are permitted to display fuel prices by an electronic message component, and are subject to the restrictions of that section.

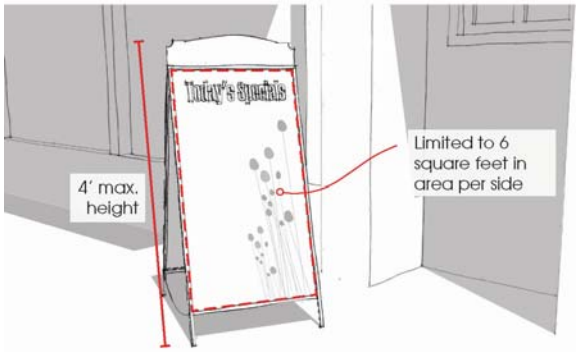
3 Menuboards are permitted only for a drive-through use. In the case of existing nonconformities within districts that contain drive-through facilities, menuboards are permitted for the drive-through use until such time as the structure is demolished.

B. A-Frame Signs

A-frame signs are permitted as indicated in Table 50-27-4, subject to the following regulations.

1. A-frame signs are limited to six square feet in area per side and four feet in height.
2. The use of A-frame signs is limited to business hours only. Signs must be stored indoors at all other times. A-frame signs must not be used outdoors when high winds, heavy rain or heavy snow conditions are present. A-frame signs may be removed during city snow removal operations and the city is not liable for any damage to signs caused by snow removal operations.
3. One A-frame sign is permitted per business, per street frontage of that business. A minimum eight foot separation is required between all A-frame signs.
4. An A-frame sign must be placed on the property where the business is located and within ten feet of the primary entrance of the business or on the right-of-way in front of property. A-frame signs must provide an unobstructed sidewalk width of at least five feet for pedestrian passage and must not interfere with pedestrian traffic or violate standards of accessibility as required by the ADA or other accessibility codes.





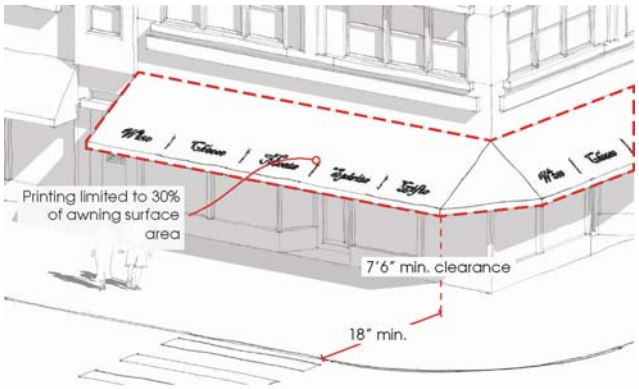
5. The permit applicant must provide and maintain in force a certificate of insurance, in a form approved by the city, that evidences that the applicant has in force insurance in the minimum amounts required by the city for bodily injuries or property damage in any one year protecting such person or organization and the City against liability for injuries or damages resulting from the placement of such objects or materials in the public right-of-way.
6. For A-frame signs located within the right-of-way, the sign permit must be renewed on an annual basis.

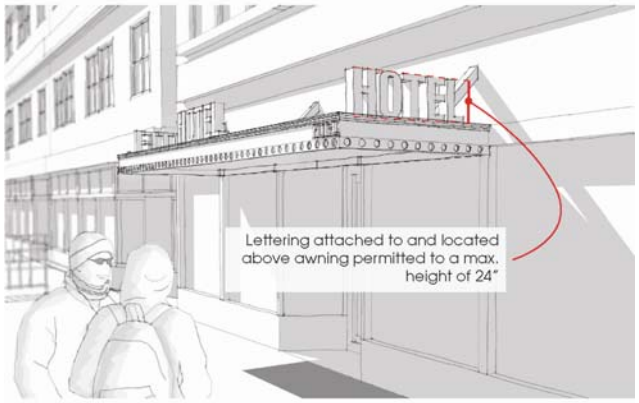
C Awning.

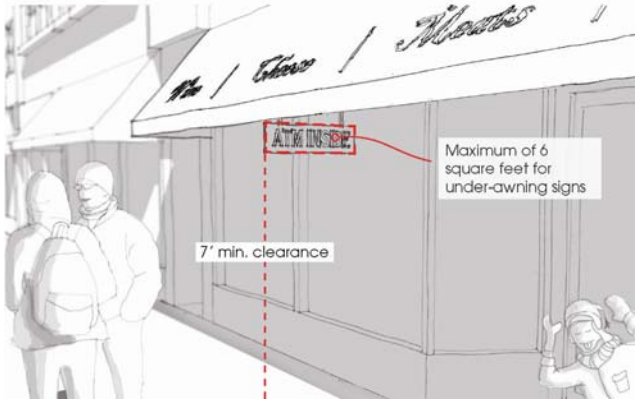
Awnings without printing, with the exception of a street address number (number only), are considered an architectural feature and are not regulated by this Section. This Section regulates awning signs, which are used to identify a use by name or logo, the goods or services offered on-site, and similar sign information. Awning signs are permitted as indicated in Table 50-27-4, subject to the following regulations

1. Awning signs must maintain a minimum vertical clearance of seven feet six inches (7' 6").

2. Awning signs must be located a minimum of 18 inches from the back of curb.
3. Awning signs must comply with Minnesota State Building and Fire Codes, including provisions for encroachment into the public right-of-way, structural requirements, sprinkler protections and similar regulations.
4. Awning signs must be made of a durable, weather-resistant material like canvas, canvas-like material, nylon, vinyl-coated fabric or metal.
5. Printing on any awning sign is limited to 30 percent of the surface area.
6. Awning signs are permitted lettering attached to and located above the top of a solid awning to a maximum height of 24 inches.
7. Awning signs may illuminate the printed area of the awning with gooseneck or similar external illumination. Back-lit awnings are prohibited.







8. Under-awning signs are permitted subject to the following:

   (a) Under-awning signs must be attached to the underside of an awning. Under-awning signs must not project beyond the awning.

   (b) Under-awning signs must maintain a minimum vertical clearance of seven feet.

   (c) A maximum of one under-awning sign is permitted per business establishment with frontage on the street where the awning is mounted.

   (d) Each under awning sign is limited to a maximum of six square feet.

   (e) Under-awning signs must be securely fixed to the awning with metal supports.

   (f) Under-awning signs must be made of wood, metal or plastic.

D. Exhibition banners.

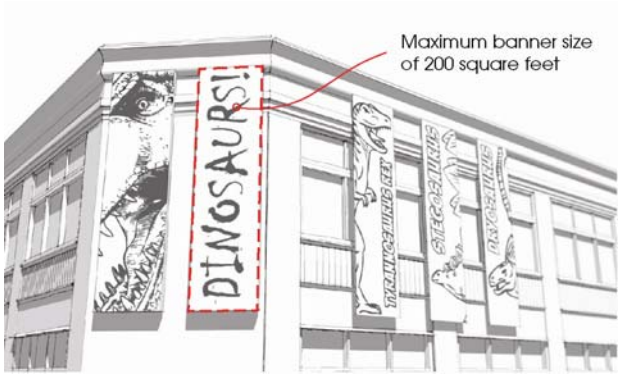
Exhibition banners are permitted for events and exhibitions as indicated in Table 50-27-4, subject to the following regulations.

1. Each use is permitted up to six exhibition banners during one display period. The display period is defined as the combined period of 30 days prior to the opening of the exhibit, the run of the exhibit, and for 14 days following the close of the exhibit.

2. Exhibition banners must be made of a durable, weather-resistant material like canvas, nylon or vinyl-coated fabric.

3. Each exhibition banner is limited to a maximum sign area of 200 square feet.

4. Exhibition banners must be securely and tautly attached to the wall of the structure and no exhibition banner may be located higher than the roofline.



E. Billboard.

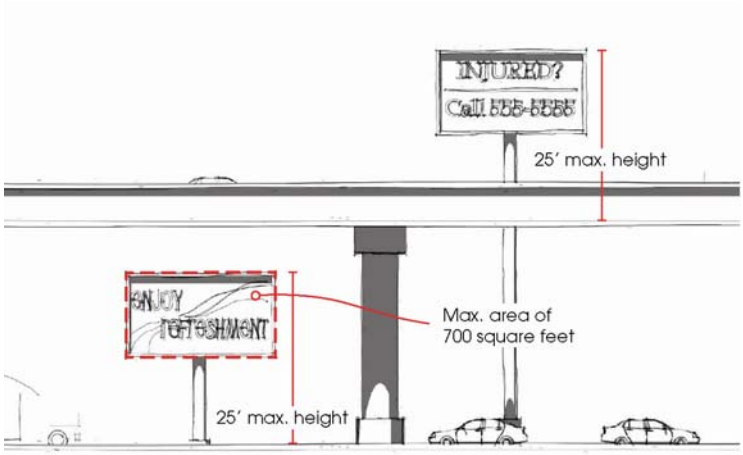
The following types of signs require a zoning permit before they can be erected on a site.

1. Billboards are permitted as indicated in Table 50-27-4 subject to the following regulations. However, billboards are only permitted in the MU-B and I-G districts with the use of an exception credit (Section 50-38.7). Billboards are also further restricted by the requirements of Minnesota State Statute Section 173.08, Subdivision 2, as amended from time to time.

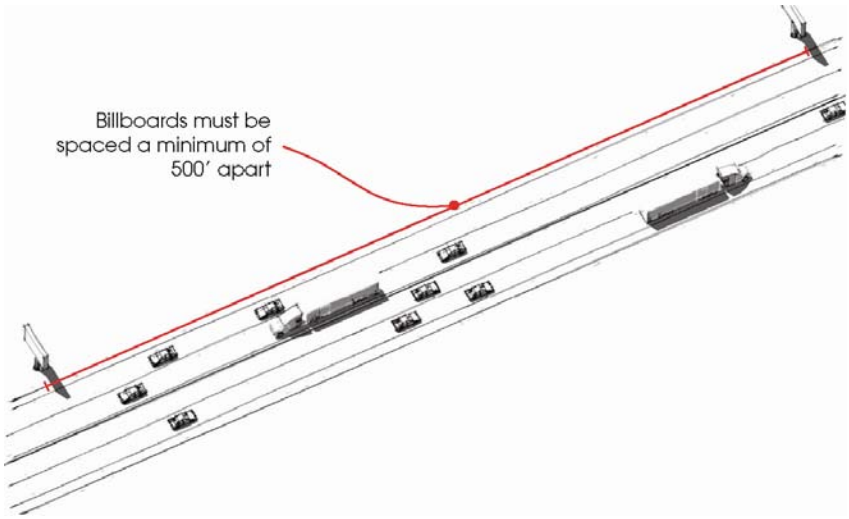
2. The maximum sign area for a billboard is 700 square feet.

3. Billboards adjacent to on-grade roadways are limited to a maximum height of 25 feet. Billboards adjacent to grade separated/elevated roadways are permitted to measure the 25 foot height from the roadbed crown to the tallest projection of the structure. This measurement is taken at a perpendicular angle between the grade separated/elevated roadway and the sign location.

4. Billboards may only be mounted as free-standing pole signs. However, when an exception credit is used, billboards may be wall-mounted and are limited to the wall sign area allowed for that district.



5. Billboards are required to be spaced 500 feet apart, subject to the following:
   (a) Billboards located along Interstate Highway No. 35 and Interstate Highway No. 535 must be spaced 800 feet apart, unless erected under an exception credit in which case only the 500 foot spacing is required.
   (b) Spacing is measured along the nearest edge of the right-of-way pavement to which the billboard is displayed and between points directly opposite the center of the billboard.
   (c) Spacing requirements apply only to billboards located on the same side of the same highway.
   (d) Multi-faced or back-to-back billboards, up to a maximum of a five foot separation between sign faces, are considered one billboard.



6. Electronic billboards are permitted only in the MU-C, MU-B, and I-G districts. Electronic billboards are subject to the following regulations:

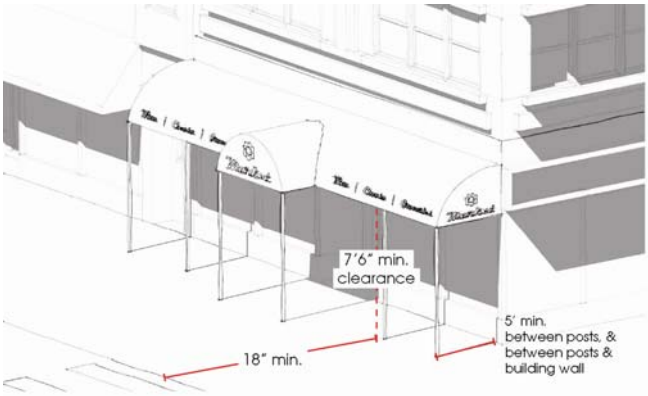
(a) An electronic billboard may only be erected if one (1) of the following criteria is met:

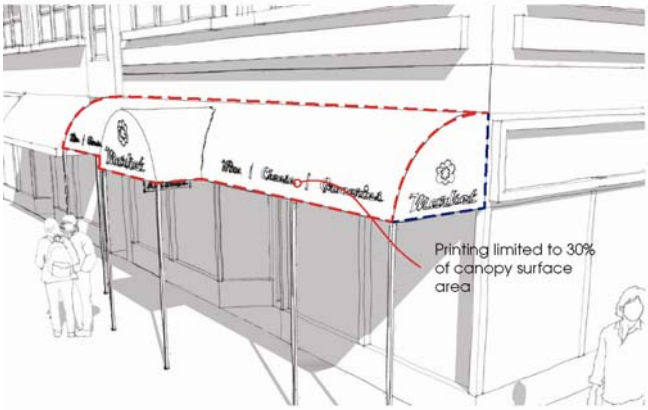
(i) The electronic billboard is constructed using exception credits. The number of exception credits, in square footage, must equal three (3) times the square footage of the electronic billboard to be constructed.

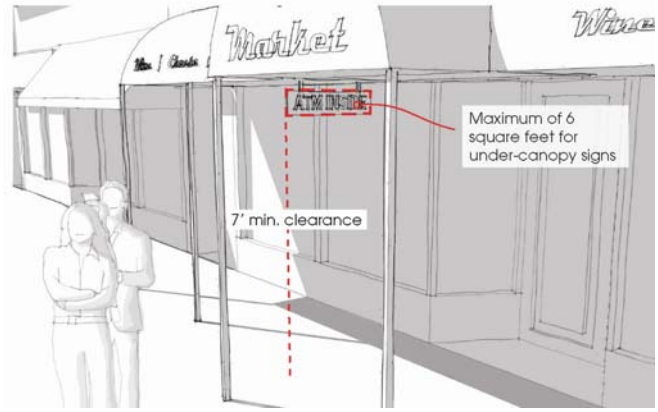
(ii) Nonconforming billboards of a total square footage are removed in an amount equal to three (3) times the square footage of the electronic billboard to be constructed.

(b) Each message displayed on an electronic billboard must be static or depicted for a minimum of eight (8) seconds. Any scrolling, flashing or movement of the message is prohibited.

(c) The maximum brightness of an electronic billboard is limited to five-thousand (5,000) nits or four-hundred sixty-four (464) candelas per square foot during daylight hours, and five-hundred (500) nits or forty-six (46) candelas per square foot between dusk to dawn. The billboard must have an automatic dimmer control that produces a distinct illumination change from a higher allowed illumination level to a lower allowed level for the time period between one-half hour before sunset and one-half hour after sunrise.







F Canopy

Canopies without printing, with the exception of a street address number (number only), are considered an architectural feature and are not regulated by this section. This section regulates canopy signs, which are used to identify a use by name or logo, the goods or services offered on-site, and similar sign information. Canopy signs are permitted as indicated in Table 50-27-4 subject to the following regulations.

1. Canopy signs must maintain a minimum vertical clearance of seven feet six inches (7' 6")

2. Canopy signs must be located at least eighteen (18) inches from the back of curb. Support posts must maintain a minimum separation of five (5) feet between posts and between the posts and any building wall. No obstructions are permitted within this area.
3. Canopy signs must comply with Minnesota State Building and Fire Codes, including provisions for encroachment into the public right-of-way, structural requirements, sprinkler protections and similar regulations.
4. Canopy signs must be made of a durable, weather-resistant material like canvas, canvas-like material, nylon, vinyl-coated fabric or metal.
5. Printing on any canopy sign is limited to thirty percent (30%) of the surface area.
6. Canopies may include underside, external illumination.
7. Under-canopy signs are permitted subject to the following:
   (a) Under-canopy signs must be attached to the underside of a canopy. Under-canopy signs must not project beyond the canopy.
   (b) Under-awning signs must maintain a minimum vertical clearance of seven (7) feet.
   (c) A maximum of one (1) under-canopy sign is permitted.
   (d) Each under-canopy sign is limited to a maximum of six (6) square feet.
   (e) Under-canopy signs must be securely fixed to the awning with metal supports.
   (f) Under-awning canopy must be made of wood, metal or plastic.

G. Electronic Message Sign

Electronic message signs are permitted as indicated in Table 50-27-4 subject to the following regulations. However, all filling stations in any district are permitted to display fuel prices by an electronic message component. Such component must only display numerical fuel prices and must be static.

1. Only one (1) electronic message sign per lot is permitted.
2. Each message or image displayed on an electronic message sign must be static or depicted for a minimum of eight (8) seconds. Any scrolling, flashing or movement of the message is prohibited.
3. The maximum brightness of an electronic message sign is limited to five-thousand (5,000) nits or four-hundred sixty-four (464) candelas per square foot during daylight hours, and five-hundred (500) nits or forty-six (46) candelas per square foot between dusk to dawn. The sign must have an automatic dimmer control that produces a distinct illumination change from a higher allowed illumination level to a lower allowed level for the time period between one-half hour before sunset and one-half hour after sunrise.

4. Electronic message signs are permitted as part of a freestanding sign, wall sign or marquee and, in addition, are subject to the requirements for those sign types.

5. Electronic message signs must be integrated into the larger sign structure and must include the name of the use as a non-electronic component as part of the sign structure. Electronic message signs are limited to a maximum of sixty percent (60%) of the sign area of a freestanding or wall sign.

6. Electronic message signs cannot display any off-premises commercial advertising.

7. Electronic display screens are prohibited.

8. The comment in the Daktronics memo about requiring an auto dimmer on existing signs, which may not be able to add such technology is a good observation. I agree that we should not require them if the sign cannot be modified to include them

H. Freestanding Signs-Pole and Monument

Freestanding signs are permitted as indicated in Table 50-27-4, subject to the following regulations.

1. Freestanding sign maximum height and sign areas are as indicated in Table 50-27-5.

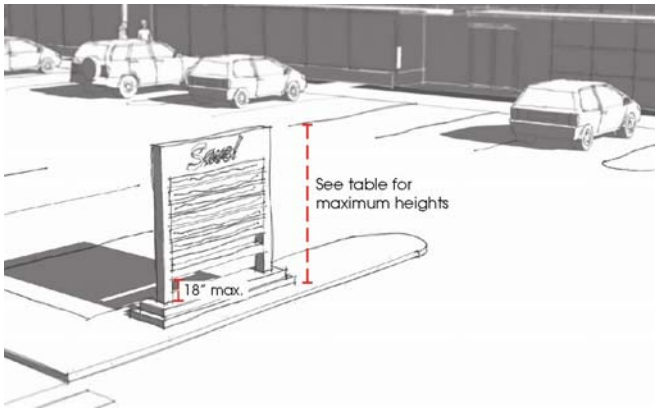
2. Only one (1) freestanding sign, either pole or monument, is permitted per street frontage of a lot. For each additional two-hundred (200) feet of street frontage, above an initial two-hundred (200) feet of frontage, an additional freestanding sign, either pole or monument, is permitted, up to a maximum of three (3) freestanding signs.

3. All freestanding signs over seven (7) feet in height must submit construction plans prepared by a design professional licensed in Minnesota that comply with the requirements of the Minnesota State Building Code.

4. No part of a freestanding sign may project into, over or otherwise encroach on a public right-of-way.

5. A freestanding pole sign must maintain a minimum vertical clearance of eight (8) feet. When the pole structure of a freestanding pole sign is wrapped in any decorative material, the decorative pole wrapping must be permanently installed. Decorative wrapping shall not be closer than 3 feet to the property line, and shall not be wider than 25% of the sign face. No temporary signs may be attached to the pole of a freestanding pole sign.

6. Freestanding monument signs may be internally or externally illuminated. If externally illuminated, all light must be directed onto the sign face. Freestanding pole signs may only be internally illuminated.



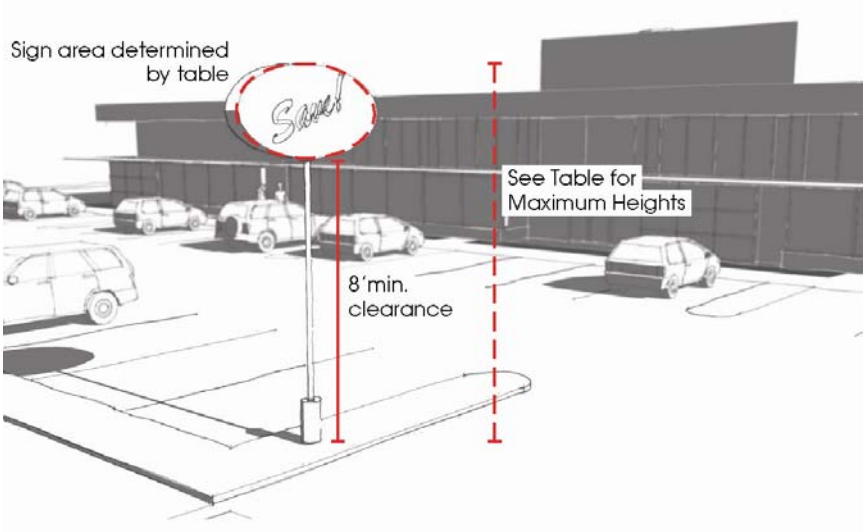

Sign area determined
by table
Sand
See Table for
Maximum Heights
8'min.
clearance

TABLE 50-27-5: FREESTANDING SIGN REGULATIONS			
DISTRICT	SIGN AREA	POLE SIGN	MONUMENT SIGN
	Maximum Sign Area (Square Feet)	**Maximum Sign Height (Feet)**	**Maximum Sign Height (Feet)**
R-C	42 sf	17	6
RR-1	42 sf	17	6
RR-2	42 sf	17	6
R-1	42 sf	17	6
R-2	42 sf	17	6
R-P	42 sf	17	6
MU-N	42 sf	17	6
MU-C*	60 sf	25	8
MU-I*	50 sf	25	8
MU-B*	50sf (Monument)	Prohibited	8
MU-W*	50 sf	20	6
MU-P*	60 sf	25	8
F-1	42 sf	17	6
F-2	42 sf	17	6
F-3	42 sf	17	6
F-4	42 sf	17	6
F-5	42 sf	17	6
F-6	42 sf	17	6
F-7	42 sf	17	6
F-8	42 sf	15	6
F-9	60 sf	25	8
I-G*	60 sf	25	8
I-W*	60 sf	25	8
P-1	42 sf	17	6

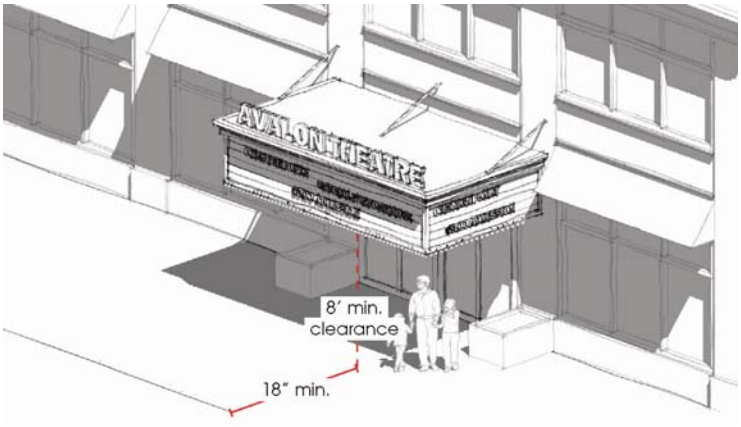
*Free Standing Pole and Monuments Signs in the MU-I, MU-B and MU-W zones are allowed a maximum of 50 square feet. However, for sites with lot frontage that exceeds 250 lineal feet, the maximum size area of the sign may equal up to 20 percent of the lineal street frontage on the street nearest the sign, up to a maximum sign area of 100 square feet.

*Free Standing Pole and Monument Signs in the MU-C, MU-P, I-G, and I-W zones are allowed a maximum of 60 square feet. However, for sites with lot frontage that exceeds 300 lineal feet, the maximum size area of the sign may equal up to 20 percent of the lineal street frontage on the street nearest the sign, up to a maximum sign area of 150 square feet.

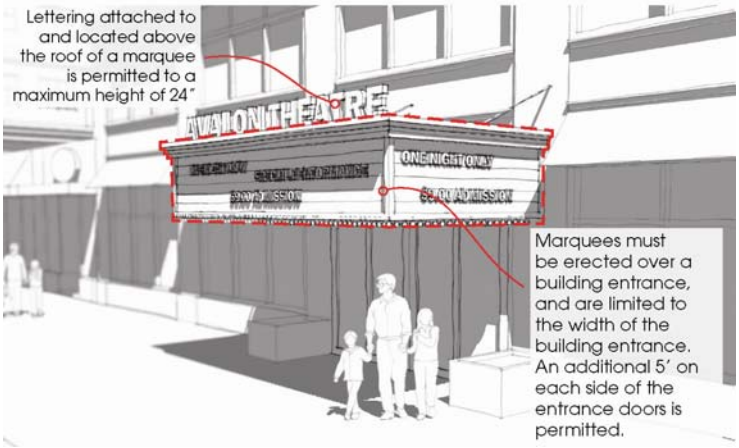
I. Marquee

Marquees are permitted as indicated in Table 50-27-4, subject to the following regulations.

1. Marquees must be supported solely by the building to which they are attached. No exterior columns or posts are permitted as supports.

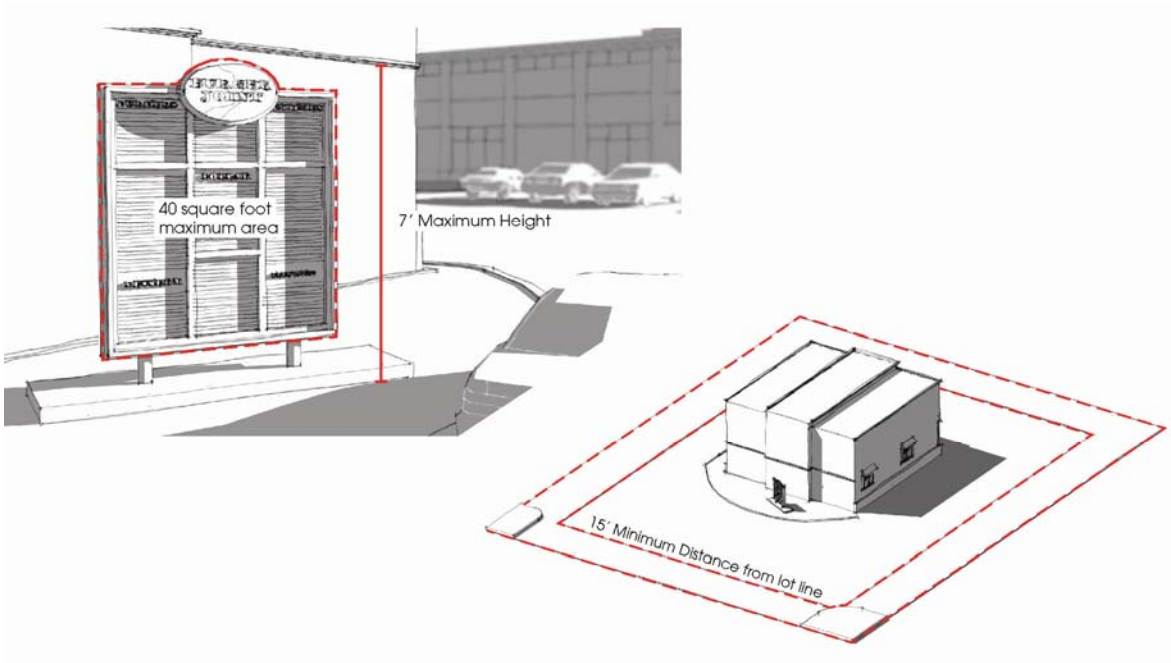


2. No marquee may be erected on any building or other structure of wood frame construction.
3. The roof of a marquee may not be used for any purpose other than to form and constitute a roof and must be constructed of noncombustible material.
4. Water from the roofs of a marquee may not drain, drip or flow onto the surface of a public sidewalk. Sufficient downspouts, drains and gutters must be installed as part of each marquee to prevent water from the roof of the marquee from flowing onto the surface of a public sidewalk.
5. Marquees must be erected over a building entrance and are limited to the width of the building entrance. An additional five (5) feet on each side of the entrance doors covered by the marquee is permitted.
6. All marquees must maintain a minimum vertical clearance of eight (8) feet and the roof of the marquee structure must be erected below the second floor window sill. Marquees may encroach up to eighteen (18) inches from the back of curb.
7. Marquees are permitted lettering attached to and located above the roof of a marquee to a maximum height of twenty-four (24) inches.
8. Marquees may be internally illuminated. External Illumination is prohibited.



J. Menuboard

Drive-through establishments are permitted one menuboard sign per drive-through lane, constructed as freestanding pole or monument sign, no more than 40 square feet in sign area, no more than seven feet in height and no less than 15 feet from any lot line. Menuboards may be internally or externally illuminated. For menuboards, the audio component is limited to communication between customer and service.



K. Projecting Signs

Projecting signs are permitted as indicated in Table 50-27-4, subject to the following regulations.

1. Projecting sign maximum area is as indicated in Table 50-27-6.
2. One (1) projecting sign is permitted per establishment with frontage on a street. For a corner lot, one (1) projecting sign is permitted for each street frontage. Projecting signs must be above or adjacent to the building entrance or, if a corner lot, the corner of the building.
3. Projecting signs may not project more than six (6) feet from the face of the building to which they are attached, including the area between the sign and the face of the building.
4. Projecting signs must maintain a minimum vertical clearance of eight (8) feet. No projecting sign affixed to a building may project higher than the building height, including the sign support structure.
5. Projecting signs, including frames, braces, and supports, must be designed by a licensed structural engineer or manufacturer. No projecting sign may be secured with wire, chains, strips of wood or nails nor may any projecting sign be hung or secured to any other sign. Any movable part of a projecting sign, such as the cover of a service opening, must be securely fastened by chains or hinges.

6. Projecting signs must be constructed of wood, metal, durable, weather-resistant material like canvas, canvas-like material, nylon or vinyl-coated fabric, or plastic. Projecting signs constructed of material must be mounted so that they are held taut between support posts.

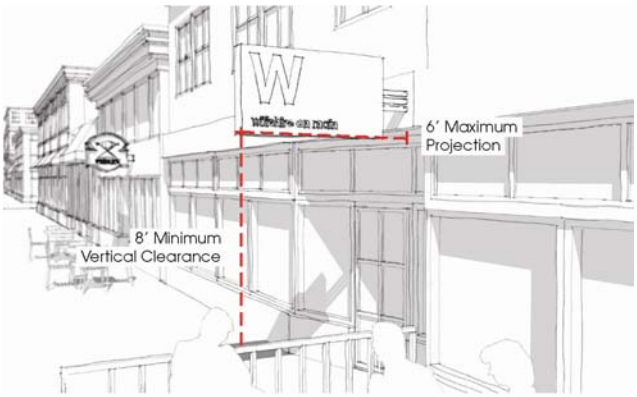
7. Projecting signs may be internally or externally illuminated. If externally illuminated, all lighting must be directed onto the sign face from above.

8. Maximum projecting sign areas are provided in Table 50-27-6: Projecting Sign Regulations.

9. Projecting signs errected on properties within the Entertainment District and Histocal Canal Park are subject to additional requirements as provided in 50-27.8.

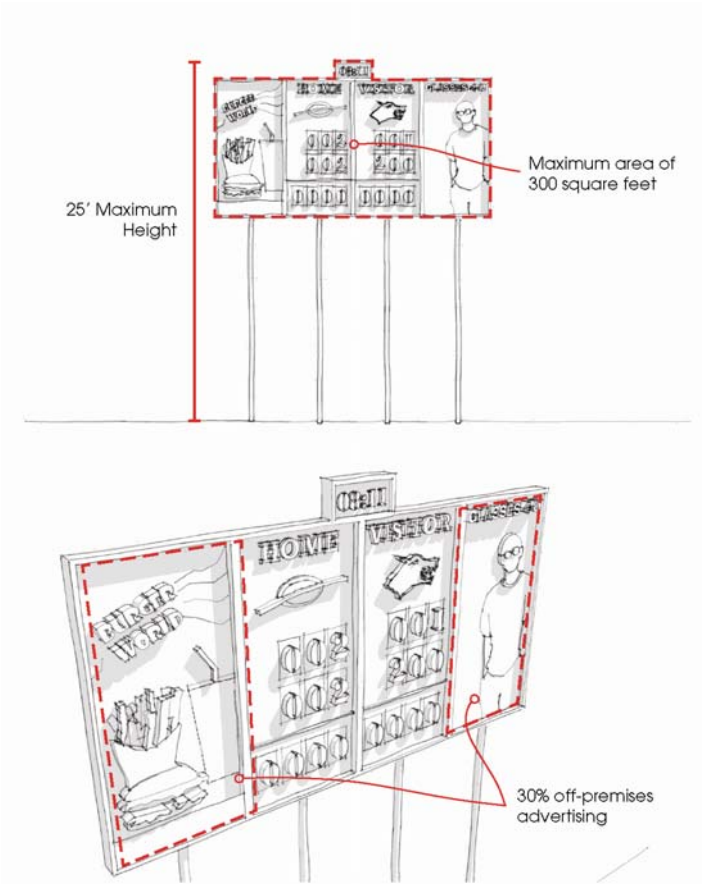
TABLE 50-27-6: PROJECTING SIGN REGULATIONS

DISTRICT	MAXIMUM AREA
R-C	Prohibited
RR-1	Prohibited
RR-2	Prohibited
R-1	Prohibited
R-2	Prohibited
R-P	Prohibited
MU-N	36sf
MU-C	48sf
MU-I	48sf
MU-B	48sf
MU-W	36sf
MU-P	48sf
F-1	36sf
F-2	36sf
F-3	36sf
F-4	36sf
F-5	36sf
F-6	36sf
F-7	36sf
F-8	48sf
F-9	48sf
I-G	48sf
I-W	48sf
P-1	Prohibited



L. Scoreboard and Outfield Signs

1. Scoreboards and outfield signs are permitted as indicated in Table 50-27-4, subject to the following regulations. Such signs are further restricted to recreational playing fields only.
2. Scoreboards must be constructed as a freestanding pole sign, no more than three hundred (300) square feet in sign area and twenty-five (25) feet in height.
3. The score-keeping portion of the scoreboard may utilize an electronic message component.



4. If the scoreboard cannot be viewed from any adjacent right-of-way as measured along five-hundred (500) foot sight lines from the scoreboard, up to thirty percent (30%) of the sign area may be used for off-premises advertising. If the scoreboard can be viewed from any adjacent right-of-way, up to twenty five percent (25%) of the sign area may be used for off-premises advertising.
5. There is no limit on the number of outfield advertising signs so long as no such signs are visible from an adjacent right-of-way. No permit is required for outfield advertising signs.
6. Scoreboards and outfield signs that are part of a sports stadium as a principal use are considered part of the structure and not subject to these standards.

M. Wall Signs

Wall signs are permitted as indicated in Table 50-27-4, subject to the following regulations.

1. The maximum size of a wall sign is established at two (2) square feet per linear foot of building façade where the wall sign will be mounted or forty (40) square feet, whichever is greater.

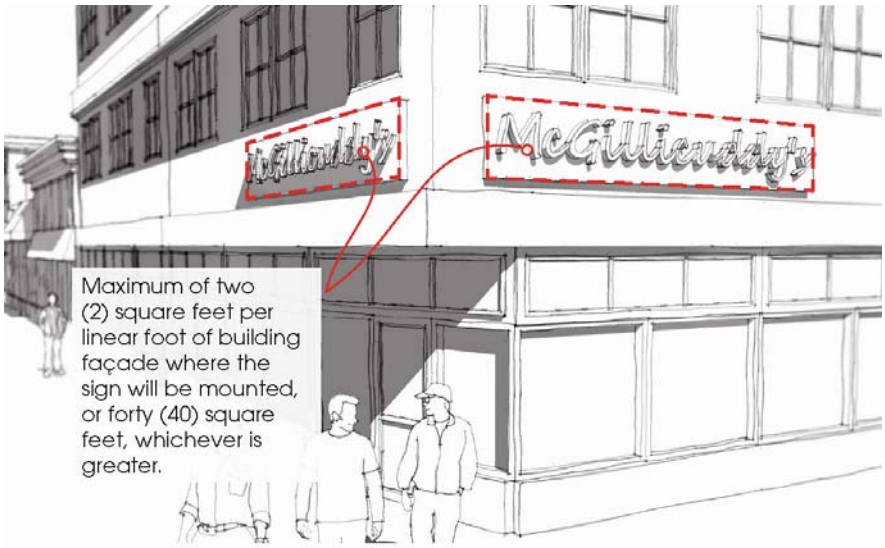
2. In addition, any structure over seven (7) stories in height is permitted one (1) additional wall sign per façade to identify the building, that must be placed within the top twenty (20) feet of the structure and cannot not cover any fenestration or architectural features. The maximum size is established at two (2) square feet per linear foot of building façade, measured at the roof line, where the wall sign will be mounted.

3. Wall signs may be internally or externally illuminated. If externally illuminated, all light must be directed onto the sign face from above.

4. Wall signs must be safely and securely attached to the building wall. Wall signs must be affixed flat against the wall and must not project more than eighteen (18) inches from the building wall.

5. If a wall sign projects more than two (2) inches from the surface, a minimum vertical clearance of eight (8) feet is required.

6. No wall sign mounted on a structure may project above the roof of the structure to which it is attached, including the sign support structure. Wall signs may be mounted on a parapet wall when such parapet is consistent with the architectural design of the structure and/or the larger development, and such parapet wall is constructed of the same primary building materials as the structure, excluding any accent materials. When attached to a parapet wall, wall signs may not project more than eight (8) feet above the roof of the structure, or fifteen (15) feet above the roof of the structure on properties zoned MU-C.



7. Wall signs must be constructed of wood, brick, metal or plastic. Wall signs constructed of material must be mounted so that they are held taut against the wall.

8. Wall signs must not cover windows, doors or architectural features. However, wall signs are permitted on architectural appurtenances, such as chimneys or penthouses, which are part of the original structure.

9. Ghost signs are considered wall signs. Existing ghost signs are exempt from these requirements and deemed conforming. Ghost signs may be maintained and repainted but no new information or images may be added to the existing sign. No new wall signs may be painted over ghost signs.

50-27.8 Areas of special sign control.

A. Purpose.

The City recognizes that certain areas present a unique character that could be strengthened and enhanced with the application of specific sign standards. These commercial areas are:

1. Entertainment Districts:

   (a) Lake Avenue South from Railroad Street to Lift Bridge.

   (b) East Superior Street from Lake Avenue to 9th Avenue East.

2. Historic Canal Park: Canal Park Drive from Lake Place Drive to Canal.

B. Entertainment district standards.

1. All projecting signs are permitted a maximum sign area of thirty-six (36) square feet, unless the zoning district allows a greater maximum sign area.

2. Marquee signs are permitted.

3. Electronic message signs are permitted as components of wall, marquee or freestanding signs, subject to the electronic message sign regulations.

C. Historical Canal Park standards.

1. All projecting signs are limited to a maximum sign area of twelve (12) square feet.

2. All projecting signs may only be externally illuminated from above.

3. All signs must be constructed of wood, brick or metal. Individually mounted plastic letters are permitted for wall signs if wholly covered with opaque paint.

4. All signs are limited to colors from the following color palette. Photographs of the color palette swatches are provided for illustrative purposes only. Applicants may view the original palette at the City of Duluth. For the purposes of this Ordinance, the specific colors are provided in two types. The first describes the paint colors originally cited in the DWMX District, which are a series of Ace Hardware paint colors. A general Pantone equivalent is also provided, which are the “uncoated” Pantone PMS colors. Pantone is a color system used in a variety of industries, primarily printing, and occasionally in the manufacture of colored paint, fabric, and plastics. Applicants may consult with the Land Use Supervisor to determine the final colors to be used in the sign, which must meet the general color requirements of this section.

COLOR PALETTE

Ace Hardware Paint Color	General Pantone Color (Uncoated) Equivalent	Ace Hardware Paint Color	General Pantone Color (Uncoated) Equivalent
Far Horizon 65A-2P	649	**Mirage Lake** 65A-3P	650
Cocoa Parfait 25C-1P	4755	**Malibu Sand** 25B-2T	466
Tuxedo Gray 78C-1P	650	**Gray Tweed** 78C-3D	5425
Gray Duck 73C-2P	651	**Symphony Blue** 73C-4D	5415
Bobby Blue 66B-2T	637	**Black Magic** 65A-1A	Process Black
Riviera Sky 75B-3D	646	**Spectrum Blue** 67B-4D	3005
Tahiti Blue 58C-2T	630	**Calico Blue** 75A-1A	2955
Green Stone 60C-2T	623	**Nanking Blue** 66B-4D	313
Sea Vista 56C-2T	629	**Veridiam** 60C-4D	371
Aqua Pool 56C-3D	326	**Gemstone** 56C-4D	3292

Ace Hardware Paint Color	General Pantone Color (Uncoated) Equivalent	Ace Hardware Paint Color	General Pantone Color (Uncoated) Equivalent
Cane 36B-1T	726	**Harvest** 36B-2D	727
Peach Velvet 15B-2T	699	**Dawn Sun** 15B-3D	708
Coral Reef 7B-2T	701	**Spectrum Red** 5A-1A	186
Pagoda Red 5C-4D	703	**War Dance** 14A-1A	188
Blushing Pink 4C-2T	673	**Rosalind** 4C-4D	207
Tarragon 25C-3D	465	**Stratum Rock** 38A-1A	462
Lobster Bisque 16C-1P	699	**Tile Tan** 16C-3D	486
Ripe Peach 22C-2T	722	**Bright Sienna** 22C-4D	723
Tile Tan 16C-3D	486	**Really Rust** 22A-1A	484
Bracken Brown 25C-2T	406	**Tobacco Gold** 47A-1A	4495

50-27.9 Master Sign Plan

A. Following the effective date of this section, an applicant is required to submit a master sign plan for any new commercial multi-tenant building or development that includes non-residential uses, including mixed-use development, for review and approval by the Planning Commission. The Planning Commission shall review the application, conduct a public hearing pursuant to Section 50-37.1.I, with public notice as required by Section 50-37.1.H, and make a decision to adopt, adopt with modifications, or deny the application.

B. The master sign plan must provide a coordinated design for all building-mounted signs including, at a minimum, criteria and specifications for sign locations, general range of sign area, and lighting. All freestanding signs must be shown on the sign plan, including size, location and lighting.

C. Once approved, signs erected within the multi-tenant development must follow the master sign plan.

D. The review and approval process for a master sign plan does not allow for variations to the requirements of this section.

50-27.10 Campus Sign Plan

A. The City recognizes that university or college or hospital campuses have unique sign needs that may need to depart from the requirements of this section. In such cases, the Planning Commission may recommend and City Council may approve such sign standards for temporary and permanent signs through the review and adoption of a Campus Sign Plan.

B. A Campus Sign Plan may be applied for by a university or college or hospital campus a minimum of two (2) acres in size. In calculating the area, the entire area does not have to be contiguous and may be separated by public rights-of-way or by individual parcels not owned by the institution. However, the entire area must function as a connected campus.

C. As part of the establishment of a Campus Sign Plan, a comprehensive sign plan must be submitted. The comprehensive sign plan must describe the sign standards for the campus, including all exceptions to the requirements of this section. A campus sign plan may be more permissive than the standards of this section. Directional signs within the campus may be described generally by sign area and height, and general locations.

D. The Planning Commission shall review the application, conduct a public hearing pursuant to Section 50-37.1.I, with public notice as required by Section 50-37.1.H, and make a decision to adopt, adopt with modifications, or deny the application.

E. Alternately, a Campus Sign Plan may be incorporated into the review and approval process of the District Plan Option of the MU-I District.

50-27.11 Classic Signs

A. Purpose.

Because the city recognizes that certain existing signs do not conform with this Chapter but are particularly unique and/or have historic value, including signs for products or businesses that are no longer located on-site, the classic sign designation is established where the city can designate certain signs as classic signs. Once designated, the classic sign is deemed conforming, and thus is no longer nonconforming, provided the sign is maintained in good condition and its physical integrity remains intact. Any sign designated on the national historic register is automatically considered a classic sign under this Section.

B. Eligibility.

1. An owner of a sign, or the city may apply for designation of an existing sign as a classic sign. Classic signs are exempt from area, setback, height, lighting, movement, placement, type, content, and construction materials requirements of this section.
2. To qualify for designation as a classic sign, the sign must:
   (a) Be at least 25 years old or an exact replica of an original sign where the combined age of the duplicate and original sign is at least 25 years.
   (b) Possess unique physical design characteristics, such as configuration, message, color, texture, etc.
   (c) Be of significance to the city, regardless of the use identified by the sign.
3. A sign designated a classic sign may remain on the premises even if the original use to which the sign relates is no longer located on the premises. A designated classic sign may also be moved to a new structure.

C. Application.

The application for classic sign status must be made to the land use supervisor, who will schedule a public hearing. The planning commission may approve or deny the application.

D. Maintenance.

The owner of a classic sign must ensure that the sign is not structurally dangerous, a fire hazard, an electrical shock hazard, or any other kind of hazard. Classic signs may be rebuilt if damaged.

E. Designated classic signs.

A list of designated classic signs is maintained by the land use supervisor.

Section 2. That Section 50-38.6 of Chapter 50 be amended as follows:

50-38.6 Non-conforming on-premises signs.

~~A Any sign lawfully placed prior to January 22, 1984, or prior to an amendment to the city's ordinances making the sign nonconforming, may be continued even though the sign does not conform to the provisions of this Chapter, with the exception of those signs listed in subsection B below. Subsection B shall not apply to any sign subject to the property acquisition provisions of MSA 173.17. Nonconforming signs may not be enlarged, extended, reconstructed or structurally altered. Normal maintenance, including repair and replacement of the sign face and support members so long as the location and configuration remain the same, and the changing, replacing or altering of the changeable copy of a nonconforming off-premises sign, shall not be~~

~~considered as an enlargement, extension, reconstruction or structural alteration of the sign.~~

~~B Any lawfully erected on-premises sign not permitted by this Chapter, and located within a residential district or a scenic sign area defined in Section 50-27.8, shall be removed within 5 years after the date the sign becomes nonconforming.~~

A. A legal nonconforming on-premises sign that was previously permitted may remain in use, so long as it remains otherwise lawful, and may be restored, repaired, or altered in the following ways: replacing lamps, replacing ballast, replacing transformers, painting the pole(s) and the cabinet, replacing or repairing the sign face(s), including H-bars and retainers behind the face(s), replacing trim, and replacement of sign fasteners, nuts, and washers. The following are not considered repair or restoration and shall require the legal nonconforming on-premises sign to be brought into conformance with this Chapter: change or replacement in poles, structural supports, bases or shrouds, footings, moving the sign for any reason, change or replacement of the interior and/or exterior cabinet frame (excluding trim) and any changes made to the size, height, light intensity or bulk of the sign or the temporary or permanent removal of the sign for the repair or replacement of the cabinet or any part thereof, not including the face. Temporary removal of the sign cabinet for the replacement of the sign face(s) is permitted and will not require that the sign be brought into conformance with all requirements of this Chapter.

B. No legal nonconforming sign may be relocated, in whole or in part, to any other location on the same or other lot, unless the entire sign conforms to all regulations of the zoning district in which the sign is relocated.

C. A legal nonconforming on-premises sign may not be altered in any way that would create any new nonconformity or increase the degree of any previously existing nonconformity.

D. In the event that any legal nonconforming sign is damaged or destroyed to the extent of more than 50 percent of its value prior to the damage, the sign cannot be restored or repaired unless it conforms to all applicable regulations for the district.

E. All electronic message signs and electronic billboards that do not conform with the display requirements of this Chapter, including brightness, message duration and similar performance requirements for the electronic component, are required to conform to the standards of this Chapter for the electronic component within 90 days of this date, (Date of Adoption) .

Section 3. That Section 50-38.7 of Chapter 50 be amended as follows:

50-38.7 Non-conforming off-premises signs.

In order to bring nonconforming off-premises signs into closer conformance with the purposes of Chapter, the following system is established to enable the reconstruction, structural alteration or relocation of certain nonconforming off-premises signs. Once rebuilt, the sign shall retain its status as a nonconforming off-premises sign.

A. **Reconstruction of existing signs.**

1. A sign permit for reconstruction on the same site of a nonconforming off-premises sign that either exists or has been destroyed no more than 6 months prior to written sign permit application, may be issued after the building official certifies that the sign to be reconstructed has less of an adverse impact on the area near the site than the sign being replaced. A reconstructed sign may be enlarged, up to the maximum size of an off-premises sign permitted within the applicable zone district, by use of an exception credit pursuant to subsection 2.

For purposes of this subsection the "same site" shall mean contiguous property owned by one person or entity, or a related person or entity, and not divided by an improved street.

2. No permit shall be issued until the sign to be reconstructed is removed.
3. All signs shall be constructed and placed in strict conformance with the permit and the failure to do so shall constitute a violation of this Chapter, and if not corrected shall be grounds for revocation of the permit and an order for removal of the sign.

B. **Exception credit system.**

1. The owner of a nonconforming off-premises sign may receive an exception credit if it is determined by the building official that a nonconforming off-premises sign is to be removed, or has been removed, due to a termination of lease for reasons beyond the reasonable control of the applicant, or other forced removal (not including destruction or other situations rendering the sign unusable). Such reasons include but are not limited to the refusal of a lessor to renew a lease or the applicant's inability to obtain a lease renewal on reasonable terms and conditions (including lease rent at a fair market rate). An exception credit may be issued for each such sign that has been removed no more than 30 days prior to written application for the exception credit.
2. The building official shall determine if the applicant is eligible to receive an exception credit and shall certify and keep a log of all such credits documenting the owner of the credit, cumulative square footage of sign area credited and number of locations available for sign structures. After approving the use of an exception credit, the building official shall notify the owner, in writing, of the owner's remaining credited total of available square footage of sign area and remaining credited number of locations available for sign structures.

C. **Use of exception credits.**

1. Exception credits may be used to permit the relocation of certain nonconforming off-premises signs that do not meet site, location or other requirements of this Chapter.
2. An application for an exception credit shall include a statement identifying the exception credit(s) to be used for the permit for the new location. No holder of a credit shall be granted a permit under this subsection 50-38.7 for more locations than it lost or for more square footage of sign area than it lost. No sign permit shall be issued until the sign(s) that is the basis for the credit is first removed.
3. All signs shall be constructed and placed in strict conformance with the sign permit and the failure to do so shall constitute a violation of this section, and if not corrected, shall be grounds for revocation of the sign permit and an order for removal of the sign. No sign permit issued under this section shall be valid until the applicant has complied with all applicable requirements of the NR-O, Natural Resources Overlay district, and MSA Chapter 173.

D. ~~**Sign relocation permits.**~~

~~Sign permits for relocation of nonconforming off-premises signs shall be approved only after the applicant demonstrates that the following requirements will be satisfied:~~

~~1. Location~~

~~The property on which the sign is to be relocated must be within the MU-B, MU-C, or I-G districts.~~

~~2. Compliance~~

~~The application complies with all applicable requirements of Section 50-27 except for proximity to residential zone districts and except for sign spacing, which shall be subject to subsections 5 and 6 below.~~

~~3. Criteria~~

~~The application is consistent with the intent stated in Section 50-27.1.A and will not cause material adverse impact on a significant scenic natural or manmade feature located near the site of the proposed sign through loss of view from or of such feature or through an architecturally inappropriate scale of the size of the sign in relationship to a nearby building or structure.~~

~~4. Height~~

~~The maximum height of the relocated sign does not exceed 25 ft., except that the sign may have a height of up to 35 ft. if it is found to be necessary for effective use of such sign and that such additional height will not have a material adverse impact on buildings or structures located near the sign or on views of significant natural or manmade features. For purposes of this subsection, the height of a sign shall be measured from the grade at the base of the sign or the surface of the roadway from which it is intended to be read, whichever is higher. A determination of whether a sign is intended to be read from a roadway shall be based upon the angle of the sign to the roadway, the duration of the view from the roadway, the size of the sign and any obstructions to the view from the roadway.~~

~~5. Spacing~~

(a) ~~The spacing restrictions for controlled highway sign districts in Section 50-27.7 shall not apply to signs permitted under this Section 50-38, but the following spacing restriction shall apply to such signs, and such signs must be located so that they do not interfere with the effectiveness of traffic signs or signals or interfere with a driver's view of approaching, merging or intersecting traffic. The highways subject to the spacing restrictions are as follows:~~

~~(i) Interstate Highway No. 35;~~

~~(ii) Interstate Highway No. 535;~~

~~(iii) Minnesota Highway No. 194 between the city limits and 11th Street;~~

~~(iv) U.S. Highway No. 53 between Central Entrance Road and West First Street.~~

(b) ~~No relocated off-premises sign located on a segment of the highways described above shall be placed within 500 ft. of another off-premises sign that is displayed principally towards the same highway. The 500 ft. spacing shall be measured along the nearest edge of the highway pavement to which the nonconforming off-premises sign is displayed and between points directly opposite the center of the off-premises signs. These spacing limitations shall apply only to off-premises signs located on the same side of the same highway. For purposes of this subsection, multiple-faced signs, back-to-back signs, and signs that are closer than two ft. from another sign shall be considered as one sign. The determination of whether an off-premises sign is intended to be read from a highway shall be determined under the same standard used in subsection D.4 above.~~

~~6. Setback from Railroad Tracks~~

~~Setback restrictions from railroad tracks shall be relaxed if the building official determines that it would not create a risk to public safety.~~

~~7. MU-B, MU-C, and I-G Districts~~

~~In addition to those off-premises signs permitted in the MU-B, MU-C, and I-G districts pursuant to Section 50-27, nonconforming off-premises signs may be relocated to or within the MU-B, MU-C, and I-G districts as wall signs.~~

~~8. Scenic Areas~~

~~Scenic areas for purposes of sign control are shown on the scenic areas map in Section 50-27.8. Nonconforming off-premises signs may be relocated within the scenic areas listed below, but only if views of scenic, historic, park or educational features are not obstructed or materially distracted from.~~

(a) ~~That part of the St. Louis Bay waterfront area, bounded by Interstate Highway No. 535, a line parallel to and 300 ft. west of Garfield Avenue, a line parallel to and 100 ft. south of Nelson Avenue and Interstate Highway No. 35 (the I-535 scenic area); provided that only exception credit(s) for nonconforming signs that were located in the I-535 scenic area may be used to relocate a nonconforming off-premises sign within such area.~~

(b) ~~The Evergreen Memorial Drive area~~

(c) ~~The London Road area, provided that only exception credit(s) for nonconforming signs that were located in the London Road scenic area may be used to relocate a nonconforming off-premises sign within the that area.~~

(d) ~~The Downtown Renaissance District.~~

(e) ~~The areas near parks, school grounds, public ways and historic sites.~~

Section 4. That Section 50-41 of Chapter 50 be amended as follows:

50-41 Definitions

50-41.1 Definitions: A

Accessory agriculture roadside stand

A structure erected for the display and sale of agriculture products grown on the premises and that is subordinate to the primary residential or agricultural use of the premises.

Accessory bed and breakfast

An owner-occupied building designed as a one-family dwelling that provides no more than 5 guest rooms for lodging accommodations by prior arrangements for compensation. The primary residence in the building or a separate, lawfully existing building located on the same site must be occupied by the building owner on a permanent basis. It may or may not include serving of meals to guests.

Accessory boat dock, residential

A personal use boating structure, subordinate to a primary residential use of property, that is built over or floats upon the water of a lake, river, or stream, and that serves one property owner for mooring boats or as a landing place for marine transport.

Accessory caretaker quarters

A subordinate dwelling unit intended for an employee or owner who looks after or takes charge of goods or property. The unit shall be either inside or attached to a main structure by a common wall. The unit is a complete, independent living facility with provisions for cooking, eating, sanitation, and sleeping.

Accessory communications tower for private use

Any structure, subordinate to a primary use of land, that is designed and constructed primarily for the purpose of supporting one or more wireless analog or digital telecommunication facilities, that is located on the ground or anchored to the ground and exceeds 24 ft. in height. Such a tower may have a variety of configurations, including a monopole, a lattice tower, or a guyed tower.

Accessory day care facility

A private or public establishment licensed by the state that regularly provides one or more dependents with care, training, supervision, rehabilitation or developmental guidance on a regular basis, for periods less than 24 hours a day, for gain or otherwise, as a secondary and subordinate activity to a permitted or approved special use of the property.

Accessory dwelling unit

A subordinate dwelling unit added to, created within, or detached from a single-family residence, but located on the same lot or parcel as a primary residential structure, that provides basic requirements for living, sleeping, cooking, and sanitation.

Accessory heliport

An area used or intended to be used for the landing and takeoff of helicopters that is secondary and incidental to, and is operated in support of, a permitted or approved special use on the same property, including operations facilities, such as maintenance, loading, and unloading, storage, fueling, or terminal facilities.

Accessory home occupation

A business or occupation incidental and subordinate to the principal residential use. All home occupations must comply with the conditions in Section 50-20.5.F. Examples include but are not limited to: artist's studio; dressmaking; accessory beauty salon or barber shop, office of a physician or dentist for consultation or emergency treatment but not for general professional practice, lawyer, engineer, architect or accountant; teaching, with musical instruction limited to not more than two pupils at the same time. A home occupation shall not be interpreted to include accessory bed and breakfast, restaurants or tea rooms.

Accessory recycling collection point

A facility used for the collection and temporary storage of empty beverage containers, aluminum, glass, paper or clothing for recycling purposes conducted totally within an enclosed structure or container, and that is accessory to a permitted or approved special use in the zone district. This definition does not include processing except for can banks that crush cans as they are deposited.

Accessory sidewalk dining area

An outdoor eating and drinking area that is generally associated with and subordinate to a permitted or approved special use on the same property and that is, located on a public sidewalk. This use may include removable tables, chairs, planters, or similar features and equipment.

Accessory solar or geothermal power equipment

Accessory uses and structures that are clearly subordinate in size and use to the primary use and structure on the property, and that are used to reduce energy consumption or to generate energy from non-fossil fuel and non-carbon dioxide emitting sources on the

property. These structures and uses may include but are not limited to the following, and may be located at ground level or above or below ground unless specifically limited in this Chapter, provided that they meet all other applicable requirements of this Chapter: solar photovoltaic modules, solar thermal hot water collectors, solar arrays; and geothermal heat pumps, earth tubes, or downhole heat exchangers.

Accessory use or structure

A use or structure subordinate in use, area or purpose to the principal use or structure on the same lot and serving a purpose naturally and normally incidental to the principal use or structure and that is not included in a separate definition of an accessory use or structure in this Chapter. Where an accessory building is attached to the principal building in a substantial manner by a wall or a roof, it shall be considered part of the principal building. An accessory building or use may be permitted on a lot of record that abuts or is separated by a public easement of no more than 25 feet in width to another lot or lots on which the primary use is located, provided all lots are owned by the same owner and none of the parcels are severed, legally sold, conveyed, or used without the other parcels. Examples include but are not limited to: pet houses, storage sheds, swimming pools, garages, accessory uses and structures for energy conservation and renewable energy production, and accessory structures for stormwater management and water conservation.

Accessory vacation dwelling unit

An accessory dwelling unit as defined by this chapter that is used for periods of occupancy from 3 to 21 days.

Accessory wind power equipment

A small scale accessory wind power generating or distribution system, that is clearly subordinate in size and use to the primary use and structure on the property, and that is used to reduce energy consumption or to generate energy from non-fossil fuel and non-carbon dioxide emitting sources on the property. Accessory wind power equipment is designed to generate no more than 10Kw of energy.

Accessory wireless antenna attached to existing structure

Any wireless service antenna located in or on the roof or upper facade of a structure that is not a telecommunications tower, such as a building, water tower, steeple, silo or utility pole.

Adjacent developed lots facing the same street

Where a dimensional standard is related to dimensions on “adjacent developed lots facing the same street” the measurement shall only include those lots that contain a primary structure and that share a side lot line with the subject property and shall not include corner lots where the primary structure faces a different street. If there is only one adjacent developed lot that fronts the same street, the measure shall refer only to the dimension on that lot. For purposes of this measurement, all contiguous lots in common ownership shall be considered as a single lot, not as separate platted lots.

Adult entertainment establishment

See definition in Chapter 5 of the City Code.

Adult book store

See definition in Chapter 5 of the City Code.

Agriculture, general

The production of livestock, dairy animals, dairy products, poultry or poultry products, fur-bearing animals, horticultural or nursery stock, fruit, vegetables, forage, grains, timber, trees, or bees and apiary products primarily for distribution and consumption beyond the Duluth/Superior area. This use also includes wetlands, pasture, forest land, wildlife land, and other uses that depend on the inherent productivity of the land, but not include a use meeting the definition of "agriculture, urban."

Agriculture, urban

The raising of crops and small livestock primarily for local sustenance, rather than commercial purposes, for sale and consumption within the immediate Duluth/Superior area.

Airport boundary

Those lands including the property owned by the city, state, and the United States, and their respective political subdivisions, that are used for aeronautical purposes and are contiguous with the runway and building area facilities. The Duluth International Airport boundaries are illustrated on Sheet 3, airport property map, of the approved set of airport layout plans on file in the offices of the Duluth Airport Authority. The Sky Harbor Municipal Airport boundaries are illustrated on Exhibit 50-18.2-2.

Airport elevation

The established elevation of the highest point on the usable landing area, which elevation is established to be 1,438 feet above mean sea level for Duluth International Airport and 610 feet above mean sea level for Sky Harbor Municipal Airport.

Airport hazard

Any structure, tree, or use of land that obstructs the air space required for, or is otherwise hazardous to, the flight of aircraft in landing or taking off at the airport; and any use of land that is hazardous to persons or property because of its proximity to the airport.

Airport and related facilities

An area of land that is used or intended for the landing and takeoff of aircraft, and includes its buildings and facilities, if any. Accessory uses may include but are not limited to: car rental, aircraft servicing, fueling, or leasing, private aviation clubs or associations, and hotels.

Alley

A dedicated public right-of-way not more than thirty (30) feet wide affording a secondary means of access to abutting property and not intended for general traffic circulation.

Alley line

The established side line of an alley easement.

Antenna

A system of electrical conductors that transmit or receive electromagnetic waves or radio frequency or other wireless signals.

Apartment

A part of a building consisting of a room or suite of rooms intended, designed or used as a residence by an individual or a one-family, including full cooking and bathroom facilities for individual use.

Apartment hotel

A building designed for or containing not less than 20 apartments, individual guest rooms or suites and in which may be furnished services ordinarily furnished by hotels, such as drugstores, tea room, barbershop, cigar and newsstands when such uses are located entirely within the building with no separate entrance from the street, and having no sign or display visible from the outside of the building indicating the existence of such use.

Automobile and light vehicle sales, rental, or storage

The sale, display, lease, rental, or storage of light motor vehicles, including automobiles, vans, light trucks, light trailers, boats, and recreational vehicles. This shall not include salvage operations, scrap operations, vehicle impound yards, or commercial parking lots available for short-term use.

Automobile and light vehicle repair and service

Any building, structure, or lot used for the business of repairing automobiles and small engines or the sale and installation of tires, batteries, and other minor accessories and services for automobiles and small engines. This shall not include car washes, retail sale of automotive supplies, tires, or parts unrelated to repairs being performed on the premises, the retreading or vulcanizing of tires, filling stations, or convenience stores that sell gasoline or lubricating oil, but not other automotive accessories or services.

Average lot depth

The average of the lengths of the two side lot lines of a platted lot. In the case of flag lots (lots where the buildable portion of the lot is connected to a public street by an access or driveway 20 feet wide or less), the length of the access or driveway portion of the lot shall be ignored in measuring either side lot line.

50-41.2 Definitions: B

Bank

An establishment that provides retail banking, mortgage lending, and financial services to individuals and businesses, and including check-cashing facilities. Accessory uses may include automatic teller machines, offices, and parking.

Basement

Any area of a structure, including crawl spaces, having its floor or base subgrade below ground level on all four sides, regardless of the depth of excavation below ground level.

Bed and breakfast

A building designed as a one-family dwelling and operated as a primary use of land containing habitable units providing up to 12 guest rooms of lodging accommodations by prior arrangements, for compensation. It may or may not include serving of meals to guests and the general public, and the operator need not live inside the dwelling.

Block

An area of land enclosed by four public or dedicated private streets, or by a combination of public or dedicated private streets and a railroad right-of-way or a natural feature such as a lake shore, riverfront or stream.

Block face

All lots abutting both sides of a street (street A) between the nearest two streets that intersect street A.

Bluff

A topographic feature such as a hill, cliff, or embankment having all of the following characteristics:

D. Part or all of the feature is located in a shoreland area;

E. The slope rises at least 25 ft. above the Ordinary High Water level of the water body or bottom of the bluff;

F. The grade of the slope from the toe of the bluff to the top of the bluff averages 30% or greater

Bluff, bottom of

The ordinary high water level or the lower point of a horizontal ten foot segment with an average slope exceeding 18 percent.

Bluff, top of

The higher point of a horizontal ten feet segment with an average slope exceeding 18 percent.

Bluff impact zone

A bluff and land located within 20 feet of a bluff.

Bluff line

The designation of a line to administratively divide the city as above or below the escarpment for purposes of requiring stormwater detention for future development.

Boathouse

A structure designed and used solely for the storage of boats or boating equipment and that is not used for human habitation. Any door or opening exceeding 40 inches in width in a boathouse shall face the water.

Buffer Area

A strip of land with natural or planted vegetation located between a structure and a side or rear property line intended to separate and partially obstruct the view of two adjacent land uses or properties from one another. A buffer area may include any required screening for the site.

Buffer, Naturally Vegetative

Land that is used to protect adjacent lands and waters from development and more intensive land uses. The land is kept in a natural state of trees, shrubs, and low ground cover and

understory of plants and functions to filter runoff, control sediment and nutrient movement, and protect fish and wildlife habitat.

Build-to zone

The maximum horizontal distance, or a range of maximum horizontal distances, between a front lot line and a building or structure required by this Chapter.

Building

Any structure designed or built for the support, enclosure, shelter or protection of persons, animals, chattels or property of any kind, and when separated by party or division walls without openings, each portion of such building so separated shall be deemed a separate building.

Building material sales

An establishment engaged in the storage, distribution, and sale of building materials such as lumber, brick, tile, cement, insulation, floor covering, lighting, plumbing supplies, electrical supplies, cabinetry and roofing materials. Accessory uses may include repair or delivery services and outside sale of plants and gardening supplies.

Bulk storage not listed elsewhere

An establishment engaged in the storage of oils, lubricants, grains, mineral products or other commodities not listed separately as specific types of warehousing, wholesaling or storage.

Bus or rail transit station

A facility or structure where bus transit or rail transit vehicles stop to provide transportation services to the public. Accessory uses can include convenience retail or restaurants.

Business, art, or vocational school

A school, other than a college, that provides specialized training and education beyond the high school level, principally in the business, commercial or vocational arts, that does not provide lodging or dwelling units for students or faculty, and that has programs that typically result in the awarding of a certificate.

Business park support activities

An establishment primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing, consulting services, protective services, equipment rental, leasing and financial services. Uses must be incidental to and supportive of business park uses and shall not include activities that are primarily retail in nature and devoted to the sale of consumer goods.

50-41.3 Definitions: C

Cemetery or mausoleum

Land used or dedicated to the burial of the dead or the storage of cremated remains in a columbaria, and including necessary sales and maintenance facilities.

Channel

A natural or artificial depression of perceptible extent with a definite bed and banks to confine and conduct flowing water either continuously or periodically.

Club or lodge (private)

A building or portion of a building or premises owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service that is customarily carried on as a business. This category includes fraternities and sororities.

Co-housing facility

A residential development that combines individual owned dwelling units with smaller or partial kitchens and a larger community kitchen and dining room intended for communal use on a regular basis, and in which all residents agree to share in the provision of regular communal services such as cooking meals or providing child care.

Co-location

The use of an existing tower or structure to support antennae for the provision of wireless services. A replacement tower that is constructed on the same site as an existing tower will be considered a co-location as long as the new tower is no taller than the old tower and that the old tower is removed in a reasonably short time frame after the new tower is constructed.

Coldwater river

Rivers including trout streams and their tributaries.

Commercial impracticability or commercially impracticable

The inability to perform an act on terms that are reasonable in commerce; the cause or occurrence of which could not have been reasonably anticipated or foreseen and that jeopardizes the financial efficacy of the project. The inability to achieve a satisfactory financial return on investment or profit, standing alone, shall not deem a situation to be commercial impracticable and shall not render an act or the terms of an agreement commercially impracticable.

Common open space

A portion of a development permanently set aside to preserve elements of the natural landscape for public or private use, which will not be developed or subdivided and is either owned in common by the individual owners in the development or by a permanently established management entity. Common open space does not include the area within 25 feet of any structure, any impervious surface, or the area between buildings within an individual cluster of buildings when the development is designed using clustered compact lots or clustered units or sites to create and preserve green space, such as in a conservation subdivision, planned unit development, or resort.

Common plan of development or sale

A contiguous area where multiple separate and distinct construction activities are planned to occur at different times on different schedules under one plan. For redevelopment projects, contiguous includes parcels separated by a right-of-way.

Composting

The controlled microbial degradation of organic waste to yield a humus-like product.

Confined animal feeding operation

A facility, area, or place where the feeding of livestock, poultry, pigs, or small animals takes place for commercial purposes in lots, pens, ponds, sheds or buildings where food is supplied primarily by means other than grazing, foraging, or other natural means.

Construction debris

Waste building materials, packaging and rubble resulting from construction, remodeling, repair and demolition of buildings and roads.

Contractor's shop and storage yard

A lot or portion of a lot or parcel used to store and maintain construction equipment and other materials and facilities customarily required in the building trade by a construction contractor. This definition includes architects, engineers, surveyors' construction offices and shops, real estate sign placement service, and showroom and shops for the display and sale of electrical, plumbing, heating, air conditioning, sheet metal and other material in connection with contracting services.

Convention or event center

A facility specially designed to host conferences, exhibitions, events, large meetings, seminars and training facilities, which may be associated with a hotel or motel.

Critical root radius

An area around a tree measured with a radius of one foot for every in. diameter of the tree, which is generally the area of soil that must remain undisturbed to ensure long-term viability of the tree.

Cutoff angle

For purposes of exterior lighting regulations, the angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source above from which no light is emitted.

50-41.4 Definitions: D

Data Center

An establishment primarily involved in the compiling, storage, conversion or analysis and maintenance of documents, records, and other types of information in digital form.

Day care facility

A facility that provides accommodations for persons of any age who receive custodial care for less than 24 hours by individual other than parents or guardians, relatives by blood, marriage, or adoption, and in a place other than the home of the person cared for.

Decorative fence

A powder coated steel fence, solid core ornamental fence, decorative wood fence, or fence of similar construction or appearance, but not including a snow fence, chain link or highway guard rail.

Demolition debris

Solid waste resulting from the demolition of buildings, roads and other man-made structures including concrete, brick, bituminous concrete, untreated wood, masonry, glass, trees, rock and plastic building parts. It does not include asbestos wastes, appliances, furniture or household refuse.

Dense urban screen

Continuous screening wall, berm, fence, or row of planting at least six feet tall, with screening material designed to provide 75 percent opacity one year after planting along the full required height and length of the screening buffer.

Design storm

A rainfall event used in the analysis and design of drainage facilities.

Detention

The temporary storage of drainage water.

Deteriorated

A building or component of a building shall be deemed to have deteriorated when its function has been so impaired by natural forces including but not limited to weathering or decay that it needs to be replaced to restore its functionality.

Developable area

All land within a zone district not occupied by streets and public rights-of-way.

Development

The construction of a building or structure, any clearing, grading, excavation or other movement of land, or the division of a parcel of land into two or more parcels.

Diameter at breast height (DBH)

The primary method of measuring the diameter of a tree trunk. Diameter is measured in inches 54 inches above the ground. If the tree splits into multiple trunks at a height below 54 inches, but above the ground, the diameter is measured at the highest point beneath the split.

Direct illumination

Illumination by light sources that are effectively visible, either directly or through a translucent material, as a part of the sign and illuminating outward.

Discharge

The discharge of any pollutant into the waters of the state from any point source.

Discharge rate

The rate at which drainage water is released from a specific site and expressed as a volume per unit of time, such as cubic feet per second.

District

Any section of the city within which the zoning regulations are uniform.

DNR

Minnesota department of natural resources.

Drainage basin

The tributary area through which drainage water is collected, regulated, transported and discharged to receiving waters.

Drainage system

Any system that conveys stormwater or surface water including sewers culverts, ditches, and swales.

Drainage water

Stormwater, snow melt, surface and irrigation water, water from footing drains and sump pumps or other drains approved by the city.

Drip line

A vertical line extending from the outermost edge of a tree's canopy to the ground.

Dry cleaning or laundry plant

An establishment where laundry or dry cleaning is performed in bulk and primarily for commercial and institutional customers. This use does not include facilities where the public drops off or picks up dry cleaning or laundry that is cleaned off-site.

Dwelling

Any building or portion of a building that is designed for or used for residential purposes and that either (a) has a minimum width of 20 feet, or (b) has a principal entrance facing the front lot line.

Dwelling unit

A habitable unit in a dwelling providing sleeping, cooking, eating, living and sanitation facilities designed for and occupied by one family only, occupied by the owner or by another family for periods of occupancy exceeding one week, and that is physically separated from any other habitable unit that may be located in the same building.

Dwelling unit, efficiency

A dwelling unit consisting of one principal room, exclusive of bathroom, kitchen, hallway, closets or dining alcove directly off the principal room, providing that such dining alcove does not exceed 125 square feet in area.

Dwelling, live-work

A dwelling unit containing an integrated living and working space that is intended to function predominately as business workspace with incidental residential use. The unit typically has a store-front, with the workspace, public display area, or show-room on the ground floor of the unit and the majority of the residence located either on the upper floor if there are two floors, or the back of the unit if there is only one floor.

Dwelling, multi-family

A building containing three or more dwelling units that is not a townhouse.

Dwelling, one-family

A building containing one dwelling unit designed for exclusive occupancy by one family and occupied exclusively by one family, having a minimum outside width of 20 feet measured at its narrowest point and placed on a permanent foundation that complies with the State Building Code. This definition includes a manufactured or modular home that meets this definition and the requirements of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sections 5401 et. seq.).

Dwelling, townhouse

A structure containing three to eight dwelling units each sharing two vertical party or division walls, except that each end unit will have a single party or division wall, with no dwelling units sharing a common horizontal surface.

Dwelling, two-family

A building containing two dwelling units designed for exclusive occupancy by two families and occupied exclusively by two families.

50-41.5 Definitions: E

Electric power or heat generation plant

A facility or area that generates electricity from mechanical power produced by the firing of fossil fuels, or that produces heat or steam for space heating and other similar uses.

Electric power transmission line or substation

A conductor of electric energy and associated facilities designed for and capable of operation at a nominal voltage of more than 46 kilovolts and less than 200 kilovolts. Associated facilities shall include insulators, towers and terminals operating at a nominal voltage greater than 46 kilovolts and less than 200 kilovolts, as well as substations related to those facilities.

Elevation (flood)

In the context of flood related regulation, that elevation above mean sea level referenced in the National Geodetic Datum of 1929.

Encroachment lines

In the context of flood related regulation, the lateral limits or lines drawn along each side and generally parallel to a stream or another body of water, which delineates the floodway and within which the flood carrying capacity of the stream or other body of water is to be preserved. Their location, if along a stream, should be such that the floodway between them will effectively carry and discharge a flood not less than the regional flood.

Equal degree of encroachment

In the context of flood related regulation, a method of determining the location of encroachment lines so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows. This is determined by considering the effect of encroachment on the hydraulic efficiency of the flood plain along both sides of a stream for a significant reach.

Erosion

Any process that wears away the surface of the land by the action of water, wind, ice or gravity. Erosion can be accelerated by the activities of man and nature.

Erosion and sediment control plan

A plan that is designed to minimize the accelerated erosion and sediment runoff at a site during construction activities.

Erosion and sedimentation practice specifications, or practice

The management procedures, techniques and methods adopted by the city to adequately and effectively control soil erosion and sedimentation incident to land disturbing activity within the city. The specifications are primarily based upon the MPCA handbook entitled Protecting Water Quality in Urban Areas, published in October of 1989, but may be varied on a case by case basis to effectively control erosion and sedimentation.

Established residential neighborhood in a built up urban area (ERN BUUA)

In the context of airport regulation, an area that, if it existed on or before January 1, 1978 (for low density structures and lots) and an area that, if it existed on or before July 2, 1979 (for all other land uses) shall be considered a conforming use that shall not be prohibited except as provided in this Chapter. The following criteria shall be applied and considered in determining what constitutes an ERN BUUA:

A. Location of the airport;

B. Nature of the terrain within safety zones A and B;

C. Existing land uses and character of the neighborhood around the airport;

D. Population of the community;

E. That the average population density in all areas within one mile of any point on a runway shall be equal to or greater than one dwelling unit per acre;

F. Population density near the airport compared with population density in other areas of the community;

G. The age, and the economic, political, and social stability of the neighborhood and the community as a whole;

H. The proximity of supporting school, commercial, religious, transportation and other facilities, and their degree of integration with residential land uses;

I. Presence or absence of public utilities including, but not limited to, public sanitary sewer system, electric service and gas mains;

J. Whether or not the factors listed in subparagraphs H and I above tend to make the community surrounding the airport a self sufficient unit;

K. Whether the areas within one mile of the perimeter of the airport property would be considered primarily residential in character;

L. Other material factors deemed relevant in distinguishing the area in question as established, residential, urban, and built up.

Excepted parcel (airport overlay)

In the context of airport regulation, any parcel of land exempted from any or all of the regulations imposed by Section 50-18.2, Airport Overlay, because the joint airport zoning board determines that the otherwise applicable requirements or proscriptions are not reasonably necessary to effectuate the purposes of Section 50-18.2 by reason of flying operations expected to be conducted, the location of the airport, the nature of the terrain within the airport hazard area, existing land uses and character of the neighborhood around

the airport, the uses to which the property to be zoned are planned and adaptable and the social and economic costs of restricting land uses versus benefits derived from application of Section 50-18.2, as authorized by MSA 360.066, subd. 1.

Expression line

A decorative, three-dimensional, linear element, horizontal or vertical, protruding or indented at least one inch from the exterior facade of a building and extending the length or height of the building with minimal interruptions from doors and windows. This element typically delineates the floors or stories of a building.

50-41.6 Definitions: F

FAA

The federal aviation administration or its duly designated and authorized successor agency.

Family

One or more persons related by blood, marriage or adoption, including foster children, and in addition to and including five other unrelated persons occupying a dwelling and living as a single housekeeping unit.

FCC

The federal communications commission or its duly designated and authorized successor agency.

Filling station

A building, structure or land used primarily for the dispensing, sale or offering for sale at retail of any automobile fuels, oils or accessories, including lubrication of automobiles and replacement or installation of minor parts and accessories but not including major repair work such as motor replacement, body and fender repair or spray painting. This use may include the retail sales of convenience goods.

Flood

A temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.

Flood frequency

The frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

Flood fringe

That portion of the flood plain outside of the floodway. Flood fringe is synonymous with “floodway fringe.”

Flood hazard area

The areas identified as flood plain, floodway, or flood fringe at or below the flood protection elevation.

Flood peak

The highest value of stage or discharge attained during a flood event; thus peak stage or peak discharge.

Flood plain

The beds proper and the areas adjoining a wetland, lake, or watercourse that have been or may in the future be covered by a regional flood.

Flood profile

A graph or a longitudinal plot of water surface elevations of a flood event along a reach of a stream or river.

Floodproofing

A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

Flood protection elevation

An elevation corresponding with a point not less than two feet above the water surface profile associated with the regional flood plus any increases in flood stages attributable to encroachments on the flood plain.

Floodway

The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining flood plain that are reasonably required to carry and store the regional flood discharge.

Food processing

The sorting, treatment, or preparation of food products for sale or as inputs to further processing, but not including the slaughtering of small or large livestock or confined animal feeding operations. Examples include: creamery operations and poultry processing.

Forest management

Tree removal from a predominantly forested area with the intent of maintaining forest cover and not resulting in conversion to non-forest, such as grassy fields or pavement. Clearcuts constitute forest management as long as tree cover returns by planting or natural regeneration.

Frontage

All the property on one side of a street between two streets that intersect such street (crossing or terminating), measured along the line of the street, or if the street is dead ended, then all of the property abutting on one between a street that intersects such street and the dead end of the street.

Funeral home or crematorium

An establishment providing services such as preparing the human dead for burial, cremating human remains, and arranging and managing funerals. This use does not include cemeteries and columbaria.

Garage, private

An accessory building designed or used for the storage only of not more than four motor driven vehicles. Not more than one of the vehicles may be a commercial vehicle, and that vehicle shall not exceed a two ton capacity.

Garden material sales

An establishment engaged in the storage, distribution, and sale of garden materials, including a green house used to raise flowers, shrubs and plant for sale. Accessory uses may include delivery services.

General development waters

Includes lakes that are generally large, deep lakes or lakes of varying sizes and depths with high levels and mixes of existing development at the time of the original classification. These lakes often are extensively used for recreation. General development rivers include agriculture and urban rivers. This class has a wide variety of existing land and recreational land use characteristics.

General flood plain

The area within a flood plain that is not in a floodway or flood fringe.

Golf course

A tract of land laid out with at least 9 holes for playing the game of golf and improved with tees, greens, fairways and hazards. This use does not include a miniature golf course. A golf course may include a driving range, clubhouse, restaurant, putting and chipping greens, maintenance facilities, and shelters as accessory uses.

Government building or public safety facility

A building or facility housing the offices or operations of a department or agency of the city, county, state, or federal government, or a quasi-governmental, including but not limited to a building or facility that provides fire protection, police protection, or emergency medical services (not including a hospital or medical or dental clinic), together with incidental storage and maintenance of necessary vehicles.

Grade

A. For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street;

B. For buildings having walls adjoining more than one street, the average of the elevations of the sidewalk at the centers of all walls adjoining the streets;

C. For buildings having no wall adjoining a street, the average level of the finished surface of the ground adjacent to the exterior walls of the building;

D. Any wall approximately parallel to and not more than 15 feet from a street line is to be considered as adjoining the street. Where sidewalks do not exist the grade shall be as established by the office of the city engineer.

Grocery store

A retail sales establishment selling primarily food and beverages for off-site preparation and consumption that maintains a sizable inventory of fresh fruits, vegetables, fresh-cut meats, or

fresh seafood or specialize in the sale of one type of food item. This use may also include sales of personal convenience and small household goods.

A. A small grocery store is one that contains less than 50,000 square feet of gross floor area;

B. A large grocery store is one that contains 50,000 square feet or more of gross floor area.

Groundwater management area

A geographically defined area that may be particularly sensitive in terms of groundwater quantity or quality by nature of the use or movement of groundwater, or the relationship between groundwater and surface water, and where special management measures are deemed necessary to protect groundwater and surface water resources.

Groundwater recharge volume

The portion of the water quality volume used to maintain groundwater recharge rates at development sites.

50-41.8 Definitions: H

Habitable room

Any room used or intended to be used for sleeping, cooking, living or eating purposes, excluding such enclosed spaces as closets, pantries, bath or toilet facilities, service rooms, corridors, laundries, unfinished attics, foyers, storage space, utility rooms or similar spaces.

Habitable unit

Any habitable room or group of habitable rooms that provide sleeping facilities alone or in combination with required cooking, eating or living facilities.

Hardship

The property in question cannot be put to reasonable use under existing regulations and the plight of the landowner is due to circumstances unique to the property and not created by the landowner. Economic considerations alone shall not constitute a hardship.

Hazardous waste

Any refuse, sludge or other waste material or combinations of refuse, sludge or other waste material in solid, semisolid, liquid or contained gaseous form that because of its quality, concentration, or chemical, physical or infectious characteristics may:

A. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or

B. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. Categories of hazardous waste materials include, but are not limited to: explosives, flammables, oxidizers, poisons, irritants and corrosives. Hazardous waste does not include: source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended.

Height of building

The vertical distance at the center of the principal front of a building, measured from the grade on that front to the highest point of a flat roof or to the deck line of a mansard roof or to

the average height of the highest gable or of a mean height level between eaves and hip or gambrel roof.

Height of tower or structure

The vertical distance measured from the pre-existing grade level to the highest point on the tower or structure, even if said highest point is an antenna or lightening protection device.

Height of wall or fence

The vertical distance measured from finished grade on the highest side of the fence or wall to the top of the fence or wall.

Historic preservation district

A contiguous collection or group of lands, parcels, sites, structures, buildings or objects that is determined to be historically, culturally or architecturally significant as a whole and has been locally designated as a historic preservation district pursuant to Section 50-18.3 of this Chapter.

Historic preservation guidelines

The established criteria by which any proposed changes, including architectural or site modifications to a designated historic preservation district or landmark shall be judged.

Historic preservation landmark

Any individual property, parcel, place, building, structure, work of art or other object that has been determined to be historically, culturally or architecturally significant and has been locally designated as a historic preservation landmark pursuant to Section 50-18.3 of this Chapter.

Hotel or motel

A building or series of buildings operated as a commercial establishment providing accommodations to the transient traveling public in habitable units for compensation, and including both short-stay and extended stay facilities, and that may offer customarily incidental services.

Hospital

An institution or place where sick or injured in-patients are given medical or surgical care, at either public or private expense, but excluding a nursing home and excluding institutions where persons suffering from permanent types of illness, injury, deformity or deficiency or age are given care and treatment on a prolonged or permanent basis.

50-41.9 Definitions: I

Impaired waters

Those streams, rivers and lakes that currently do not meet their designated use classification and associated water quality standards under the federal Clean Water Act.

Impervious surface

A constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities or at an increased rate than prior to

development. Examples include but are not limited to: conventional roofs, concrete/ bituminous surfaces, stone pavers and gravel surfaces.

Indirect illumination

Illumination that is derived from light sources that are not visible to intended viewers of the sign but which illuminate the sign by being directed at the sign's reflective face.

Indoor entertainment facility

A facility providing entertainment or recreation activities where all activities take place within enclosed structures, but not including a theater or a convention or event center. Examples include but are not limited to: bowling alleys, trampoline centers, video arcades, climbing wall centers, paintball or laser tag centers.

Industrial services

A facility or area where industrial services such as heating, ventilation, cooking and refrigeration supplies, motion picture production, plumbing supplies, printing and photocopying, publishing, engraving, exposition building or center, and other uses designed to support industrial or heavy commercial activities in the vicinity, provided that such services are not listed separately as a permitted of special use in this Chapter.

Industrial stormwater permit

A national pollutant discharge elimination system (NPDES) permit issued to a commercial industry or group of industries that regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

Industrial use

The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities or other wholesale items.

Infill development

Land development that occurs within designated areas based on local land use, watershed, or utility plans where the surrounding area is generally developed, and where the site or area is either vacant or has previously been used for another purpose.

Infiltration

The process of percolating stormwater into the subsoil.

Infiltration facility

Any structure or device designed to infiltrate retained water to the subsurface. These facilities may be above grade or below grade.

Institution

An established organization or foundation, especially one dedicated to education, medicine, public service, or culture, or an organization founded for a specific purpose, such as a hospital, synagogue, college, service club, or charitable entity.

Institutional support use

An establishment primarily engaged in rendering services to institutions on a fee or contract basis, such as advertising and mailing, consulting services, protective services, equipment

rental, leasing and financial services. Uses must be incidental to and supportive of institutional uses and shall not include activities that are primarily retail in nature and devoted to the sale of consumer goods.

50-41.10 Definitions: J

Junk or salvage service

A facility or area for storing, keeping, selling, dismantling or salvaging scrap or discarded material or equipment, including ore and elevators. The term "scrap or discarded materials" includes but is not limited to metal, paper, rags, tires, bottles or inoperable or wrecked motor vehicles, motor vehicle parts, machinery, structural steel, equipment and appliances. This definition includes indoor facilities for recycling recoverable resources, such as newspapers, magazines, books and other paper products, glass, metal cans and other products, to return such products to a condition in which they may again be used for production.

Jurisdictional wetland

An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

50-41.11 Definitions: K

Kennel

Any facility, public or private, where domesticated animals are temporarily boarded, groomed, and sold for compensation, including animal day care/spa facilities, but not including zoos or veterinary hospitals. This use also includes public facilities for the temporary impoundment of animals.

50-41.12 Definitions: L

Land development

A human-made change to, or construction on, the land surface that changes its runoff characteristics.

Land disturbing activity

Land change that may result in soil erosion from water or wind and the movement of sediments into or upon waters or lands of or downstream of the city, including clearing, grading, excavating, transporting and filling of land. Land disturbing activity does not include:

A. Minor land disturbing activities such as home gardens and individual home landscaping, repairs and maintenance work;

B. Construction, installation and maintenance of electric, telephone and cable television utility lines or individual service connection to these utilities;

C. Installation of septic tank lines or drainage fields unless included in an overall plan for a land disturbance activity relating to construction of a building to be served by the septic tank system;

D. Tilling, planting or harvesting of agricultural, horticultural or silviculture crops;

E. Installation of fence, sign, telephone and electric poles and other kinds of posts or poles;

F. Emergency work to protect life, limb or property and emergency repairs, except if the land disturbing activity would have required an approved erosion and sediment control plan except for the emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of Section 50-18.1.E.

Landing area

The area of the airport used for the landing, taking off, or taxiing of aircraft.

Land owner

The legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

Landscape plan

An accurate scale drawing that indicates the major natural features of a site and all proposed buildings, structures and site improvements in sufficient detail to allow the evaluation of impacts on natural systems and other aspects of the development.

Laundromat

An establishment providing home type (large institutional or commercial type) washing, drying or ironing machines for use on the premises.

Link

For purposes of the connectivity index described in Section 50-23.3, links are stretches of road that connect “nodes” as defined below. Street stub-outs are considered as links, but temporary dead-end streets internal to a development, private streets in gated sections or alleys shall not be counted as links. Every road segment that connects a node in the development to the external street network shall be counted as a link in the index calculation.

Loading space

A space within the principal building or on the same lot as the principal, providing for the off street standing, loading or unloading of trucks and trailers.

Local watershed

All the water that drains to a natural waterway located primarily within the city.

Lot

Land occupied or intended for occupancy by a use permitted in this Chapter, including one main building together with its accessory buildings, and the yards and parking spaces required by this Chapter, and having its principal frontage upon a street or upon an officially approved place. For the purposes of this Chapter, the term “lot” may include two or more lots of record that are contiguous or separated only by a public easement not exceeding 25 feet in width, are owned by the same owner and where none of the parcels can be severed or legally sold, conveyed or used without the other parcels by virtues of a legally binding agreement that runs with the land and is recorded in the office of the county recorder. If at any time any parcel that had been recognized as part of any lot by reason of such proximity, ownership and agreement are severed, legally sold, conveyed or used separately from the other parcel or parcels making up said lot, the parcel so severed, legally sold, conveyed or used shall henceforth not be considered part of the lot, any uses relying on its status as part

of the lot shall become nonconforming and the provision of Section 50-39 shall not be applicable to any such use.

Lot, corner

A lot abutting upon two or more streets at their intersection.

Lot, double frontage

A lot having a frontage on two streets as distinguished from a corner lot.

Lot, flag

A lot so shaped and designed that the main building site is setback from the street and that portion of the lot providing access has a width less than 25% of the lot width at its greatest point.

Lot, front

The area of a lot that abuts a public street is the front of the lot. For corner lots, the shortest side fronting upon a street shall be considered the front of the lot unless structures exist on the lot. In that case, the frontage shall be established by the orientation of the buildings, or of the principle entrance if building orientation does not clearly indicate lot frontage. For corner lots, where no other method determines conclusively the front of a lot, the city engineer shall select one frontage on the basis of traffic flow on adjacent streets, so that the lot is considered to front on the street with the greatest traffic flow.

Lot frontage

Frontage shall be the dimension of the lot line at the street, except where the lot line at the street is not straight, in which case the frontage shall be the dimension across the lot at the required front yard line.

Lot of record

A parcel of land that is part of a subdivision, the map of which has been recorded by the county recorder or a parcel of land described by metes and bounds the description of which has been recorded by the county recorder.

Lots on the block face

When a dimensional standard is calculated based on a dimension measured for “lots on the block face” the measurement shall apply only to (a) developed lots on the same side of the street between the next two intervening side streets, and (b) lots that face developed streets (not to streets shown on a plat or map that have not been constructed). For purposes of this measurement, all contiguous lots in common ownership shall be considered as a single lot (not as separate platted lots).

Low density residential lot

A single lot located in an area that is zoned for one-family or two-family residences and in which the predominant land use is such type of residences.

Low density residential structure

A one-family or two-family home.

Lowest floor

The lowermost floor of the lowest enclosed area, including basement and crawl space. An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement or crawl space area, is not considered a building's lowest floor.

50-41.13 Definitions: M

Maintenance agreement

A legally recorded document that acts as a property deed restriction, and that provides for long-term maintenance of stormwater BMPs.

Major system

In the context of stormwater management, one of the 42 major watercourses, or tributaries, as described by the Urban Study for Duluth Area Stormwater Flooding March 1976. Includes Lester/Amity Creeks, Tischer Creek, Brewery, Oregon, Miller, Coffee, Kingsbury, Knowlton, Stewart, Sargent, Mission, Buckingham, Chester and other systems as designated by the city.

Manufacturing, light

A facility or area used for the assembly, fabrication, or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place, where such processes are housed entirely within a building, or where the area occupied by outside operations or storage of goods and materials used in the assembly, fabrication, or processing does not exceed 25 percent of the floor area of buildings on the lot. Examples include but are not limited to: food processing, electronic equipment assembly and manufacturing and assembly from finished products.

Manufacturing, heavy

An establishment or use of land that includes the assembly, fabrication, or processing of goods and materials using processes that ordinarily have impacts on the environment or significant impacts on the use and enjoyment of surrounding properties in terms of noise, smoke, fumes, odors, glare, or health or safety hazards, or any use where the area occupied by outside storage of goods and materials used in the assembly, fabrication, or processing exceeds 25 percent of the floor area of buildings on the lot. Examples include but are not limited to: battery, chemicals, machinery, and plastics manufacture; mushroom plant; batching plant; beverage bottling and distribution, packaging plant; slaughterhouse; and rendering plant. This use does not include any use that meets the definition of "light manufacturing" or "hazardous or special manufacturing", or a solid waste disposal site, or a yard waste compost facility, and does not include any use that constitutes a public nuisance.

Manufacturing, hazardous or special

An establishment or business that uses hazardous inputs or creates hazardous by-products in the course of manufacturing, assembly, fabrication, or materials treatment, or that uses manufacturing, assembly, fabrication, or treatment processes that create potentially hazardous impacts on the environment or surrounding areas. Examples include but are not limited to: acid manufacture; acid bulk storage; cement, lime, gypsum or plaster of paris manufacture; central concrete mixing or concrete proportioning plant; distillation, manufacture or refining of bones, coal or tar asphalt; explosives, manufacture or storage; fat, grease, lard

or tallow rendering or refining; fertilizer manufacture from organic matter; glue or size manufacture; paper manufacture; petroleum or asphalt refining or storage; smelting of tin, copper, zinc or iron ores; storage or processing raw hides or fur; and stockyards or slaughter of animals other than poultry.

Marina or yacht club

A facility or area for storing, servicing, fueling, berthing, securing, and launching of private pleasure craft that may include the sale of fuel and incidental supplies for the boat owners, crews and guests. Accessory uses may include restaurants and bars.

Maximum extent practicable (MEP)

The statutory standard (33 U.S.C. 1342(p)(3)(B)(iii)) that establishes the level of pollutant reductions that an Owner or Operator of Regulated MS4s must achieve. The USEPA has intentionally not provided a precise definition of MEP to allow maximum flexibility in MS4 permitting. The pollutant reductions that represent MEP may be different for each Small MS4, given the unique local hydrologic and geologic concerns that may exist and the differing possible pollutant control strategies. Therefore, each permittee will determine appropriate BMPs to satisfy each of the six minimum control measures through an evaluative process. The USEPA envisions application of the MEP standard as an iterative process.

Medical or dental clinic

An establishment where patients who are not lodged overnight are admitted for examination and treatment by a group of licensed health care practitioners, dentists, or licensed health care practitioners and dentists in practice together.

Migratory bird flight path

The zone of jurisdictional land located from the Lake Superior and Saint Louis River shorelines to no less than two miles inland or where Skyline Parkway runs parallel to the shoreline, an area from the shoreline to Skyline Parkway or two miles inland, whichever is greater.

Mining, extraction and storage

The extraction, removal or the processing of sand, clay, loam, gravel, rock, top soil or fill materials (exclusive of sod) for commercial purposes, except as a necessary incident to any construction on the premises.

Mini-storage facility

A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized and controlled access units or lockers.

Minor system

Those other city drainage systems that empty into the major system, which mainly consists of storm sewer, culverts and smaller open channel sections such as swales and small ditches.

Minor utilities

A piece or system of service equipment or infrastructure that is necessary to support development within the immediate vicinity and that involves only small structures. Employees typically are not located at the site on an ongoing basis. Examples include but are not limited to: electric transformer stations, gas regulator stations, telephone exchange buildings, cable

equipment boxes, district power distribution lines, electric utility boxes, and well, water and sewer pumping stations.

Modify or modification

When used in the context of wireless telecommunications facility, the addition, removal or change of any of the physical and visually discernable components or aspects of a wireless facility, such as antennas, cabling, equipment shelters, landscaping, fencing, utility feeds, changing the color or materials of any visually discernable components, vehicular access, and parking. Adding a new wireless carrier or service provider to a telecommunications tower or telecommunications site as a co-location is a modification. A modification shall not include the replacement of any components of a wireless facility where the replacement is identical to the component being replaced or for any matters that involve the normal repair and maintenance of a wireless facility without adding, removing or changing anything, nor does it include upgrades or changeouts of equipment or antennas where the replacement is of similar size and appearance.

Motor Vehicle

Any self propelled vehicle designed primarily for transportation of person or goods. It does not include an electric personal wheelchair.

Municipal separate storm sewer system (MS4)

A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains):

A. Owned or operated by a state, city, town, borough, county, parish, district, association or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial water, stormwater or other wastes. Including special district, or similar entity or an Indian tribe or an authorized Indian tribal organization or a designated and approved management agency under Section 208 of the CWA (33 U. S. C.1288) that discharges to waters of the United States;

B. Designed or used for collecting or conveying stormwater;

C. That is not a combined sewer; and

D. That is not part of a publicly owned treatment works (POTW) as defined in 40 CFR 122.2.

MPCA

Minnesota pollution control agency.

Museum, library, or art gallery

A facility or area that is open to the public and is intended for the acquisition, preservation, study, and exhibition of works of artistic, historical or scientific value.

50-41.14 Definitions: N

Nameplate

An accessory sign containing only the name of the occupant of a dwelling and an occupation permitted in that zone district.

National register of historic places

The nation's official list of properties worthy of preservation designated by the United States department of the interior, national park service.

Natural environment waters

Include rivers that are forest previously classified remote, forest, transitional river segments, and tributary river segments that flow into natural environment lakes. The types and intensities of recreational uses within this class vary widely.

Natural resource inventory

An inventory that identifies and maps the critical natural resources on a site, including the following resources: existing land cover of vegetative types; streams; wetlands; lakes; significant, sensitive, threatened, or endangered species; critical wildlife habitat; soil types; geologic hazards (floodplains, unstable slopes, highly erodible soils); and mineral resources.

Natural state

Where vegetation exists in a wild state, where the condition of the ground and shrub layers and floristic composition of the plant community is substantially unaltered by humans, where restoration has been consistent with Commissioner 525 Guidelines or local government approved plans, or where the vegetation has been unaltered for at least one growing season.

Navigable airspace

Airspace at and above the minimum flight altitudes prescribed in the FARs including airspace needed for safe takeoff and landing (refer to FAR Part 77 and 91).

NIER

Non-ionizing electromagnetic radiation.

Node

For purposes of the connectivity index described in Section 50-23.3, a node exists at each street intersection and cul-de-sac head within the development subject to the connectivity index.

Nonconforming use

Any building or land lawfully occupied by a use at the time of passage of this Chapter or an amendment to this Chapter that does not conform after the passage of this Chapter or amendment to this Chapter with the use regulations of the district in which it is situated.

Nonpoint source pollution

Pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include but not be limited to pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

Nonprecision instrument runway

A runway having an existing or planned straight-in instrument approach procedure utilizing air navigation facilities with only horizontal guidance, and for which no precision approach facilities are planned or indicated on an approved planning document.

Non-structural measure

When used in the context of stormwater control, a stormwater control and treatment technique that uses natural processes, restoration or enhancement of natural systems, or design approaches to control runoff or reduce pollutant levels. Such measures are used in lieu of or to supplement structural practices on a land development site. Non-structural measures include but are not limited to: minimization or disconnection of impervious surfaces; development design that reduces the rate and volume of runoff; restoration or enhancement of natural areas such as riparian areas, wetlands, and forests; and on-lot practices such as rain barrels, cisterns, and vegetated areas that intercept roof and driveway runoff.

NPDES

National pollution discharge elimination system.

Nursing home

Licensed facilities primarily engaged in providing shelter, food and intermediate or long term nursing and health related care for individuals, including assisted living facilities, but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

50-41.15 Definitions: O

Obstruction

In the context of flood protection, any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse or regulatory flood plain that may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

Office

A facility where business or philanthropic activities are conducted in an office environment. Examples include but are not limited to: administration of business, civic, religious, or charitable organizations, financial services processing, and radio or television broadcasting stations or studio.

Off-site facility

As used in stormwater management, a stormwater best management practice located outside the subject property boundary described in the permit application for land development activity.

On-site facility

As used in stormwater management, a stormwater best management practice located within the subject property boundary described in the permit application for land development activity.

Ordinary high water mark

A mark delineating the highest water level that has been maintained for a sufficient period of time to leave evidence upon the landscape. The ordinary high water mark is commonly that

point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

Outdoor entertainment or recreation use

An outdoor facility whose main purpose is to provide entertainment or recreation, with or without charge, including amusement parks, batting cages, drive-in theatres, golf driving ranges, miniature golf courses, go-cart tracks, target sport ranges, skating rinks, skateboard parks, swimming pools, tennis courts, sports courts, water parks, zoological parks and similar uses, but not including auto or horse race tracks.

Owner

In the context of stormwater management, the owner or owners of the freehold or a lesser estate of a premises, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a piece of land. Owner also refers to, in the appropriate context: (a) any other person authorized to act as the agent for the owner, (b) any person who submits a stormwater management concept or design plan for approval or requests issuance of a permit, when required, authorizing land development to commence, and (c) any person responsible for complying with an approved stormwater management design plan.

50-41.16 Definitions: P

Park, playground or forest reserve

A facility or area for recreational, cultural, or aesthetic use owned or operated by a public or quasi-public agency and available to the general public. This definition may include but is not limited to: parks, public lawns, active and passive recreation areas, playgrounds, water courses and wooded areas. Facilities may also include fountains, swimming pools, pavilions and similar public facilities within their boundaries.

Parking area

An open unoccupied space used or required for use for parking of motor vehicles exclusively and in which no gasoline or vehicular accessories are sold or no other business is conducted and no fees are charged.

Parking structure

A structure designed to accommodate vehicular parking spaces that are fully or partially enclosed or located on the deck surface of a building. This definition includes parking garages, deck parking, and underground or under-building parking areas.

Parking lot

An off-street area used for the temporary storage of operable and street legal motor vehicles. Includes parking spaces, aisles, drives and landscaped areas, and provides vehicular access to public street.

Parking space

An off-street space available for the parking of one motor vehicle.

Patterned wall

Walls with a patterned or textured look to mimic stone or similar design or patterned to create reveals and shadow lines. No blank concrete or wood timber walls shall be permitted.

Permanent stormwater best management practice (BMP)

A stormwater best management practice (BMP) that will be operational after the construction phase of a project and that is designed to become a permanent part of the site for the purposes of managing stormwater runoff.

Personal services and repair (small)

An establishment containing less than 10,000 square feet of gross floor area and generally having no more than ten employees on site at one time, that is engaged in the provision of informational, instructional, personal improvement, personal care, and similar services. Examples include but are not limited to: catering establishments, custom dressmaking, film processing, garment printing and embroidering, licensed massage salons, optical and optician services, real estate sign placement service, service and repair establishments, sun tan centers, bicycle rental, small craft rental, tailor shops, and laundromats.

Personal services and repair (large)

An establishment, containing 10,000 square feet of gross floor area and generally having more than 10 employees on site at one time, that is engaged in the provision of informational, instructional, personal improvement, personal care, and similar services.

Personal wireless facility

See wireless telecommunications facilities.

Personal wireless service or PWS

This term, which is sometimes also referred to as “personal telecommunications service” or “PCS,” shall have the same meaning as defined and used in the 1996 Federal Telecommunications Act.

Place

An open, unoccupied space or thoroughfare other than a street or alley permanently reserved as a principal means of access to abutting property.

Place of public or semi-public assembly

A place of public or semi-public assembly is defined as a building or portions of a building used for the gathering of persons for such purposes as deliberation, education, instruction, worship, entertainment, amusement, drinking, dining or awaiting transportation.

Planned future airport improvement

As used in Section 50-18.2, Airport Overlay, those proposed future airport developments that are indicated on a planning document having the approval of the federal aviation administration, Minnesota department of transportation, office of aeronautics, and Duluth airport authority.

Power transmission line

A conductor of electric energy and associated facilities designed for and capable of operation at a nominal voltage of more than 46 kilovolts and less than 200 kilovolts. Associated facilities shall include insulators, towers and terminals operating at a nominal voltage greater than 46 kilovolts and less than 200 kilovolts.

Precision instrument runway

A runway having an existing instrument approach procedure utilizing an instrument landing system (ILS) or a precision approach radar (PAR), or a runway for which a precision instrument approach system is planned and is so indicated on an approved planning document.

Premises

A lot together with all buildings and structures existing on the lot.

Preschool

An establishment licensed by the state to provide a systematic organization or arrangement of activities, personnel, materials, and equipment in a facility to promote the physical, intellectual, social, and emotional development of a child, who is at least 33 months old but who has not yet attended the first day of kindergarten, in the absence of the parent for a period of less than 24 hours a day.

Principle use or structure

All uses or structures that are not accessory uses or structures.

Public assembly bulletin board

A bulletin board accessory to and located on the same property as a religious assembly or educational use listed in Table 50-19.8 that identifies the name of the institution and the dates and times of events related to that institution to which some or all of the public are invited.

Pylon

A decorative extension above the roof line of a building that is designed as an integral part of the building and that is constructed of masonry or is completely enclosed by the same material as the main exterior walls of the building.

50-41.17 Definitions: Q

No definitions

50-41.18 Definitions: R

R-district parking area

The area on a lot in a residential district where vehicles may be parked, unless a front yard parking variance has been approved pursuant to Section 50-37.9. The parking area shall be limited to an area that may include one side yard, the rear yard, and the following additional areas of the lot:

A. On a lot, other than a corner lot, containing a dwelling unit without garage, the parking area also includes the area between one side lot line and the nearest wall of the dwelling unit and its extension to the improved street abutting the front yard;

B. On a lot, other than a corner lot, containing a dwelling unit with a detached garage, the parking area also includes the area between the closest side lot line to the side

wall of the dwelling unit nearest the garage and its extension to the improved street abutting the front yard;

C. On a lot, other than a corner lot, containing a dwelling unit with attached garage, the parking area also includes the area between the closest side lot line and the common wall separating the dwelling unit and the garage and its extension to the improved street abutting the front yard;

D. On any corner lot, any parking area in addition to the rear yard and one side yard may be granted by variance as provided in Section 50-37.9.

Radio or television broadcasting tower

A structure that is designed and constructed primarily for the purpose of supporting one or more antennae that transmit information (audio, video, data, but not personal wireless communications) in the form of electromagnetic signals to one or more receivers without the use of a physical connection between the transmitting and receiving source. The term includes but is not limited to: lattice towers, guyed towers, and monopole towers. The term does not include a wireless communication tower, clock tower, bell tower, steeple, light pole, power pole, water tower, or similar structure that incidentally supports antennae.

Railroad yard or shipyard and related facilities

An area of land, a portion of which is covered by a system of tracks, that provides for the making up of trains by one or more railroads or private industry concerns including roadhouses and repair and overhaul shops. Necessary functions of a railroad yard include but are not limited to the classifying, switching, storing, assembling, distributing, consolidating, repairing, weighing, or transferring of cars, trains, engines, locomotives, and rolling stock. In addition, this use includes a facility or area containing wharves, docks, or other facilities used in connection with water transportation or navigation, and for the repair, service, sales or storage of boats.

Rainfall events

The design storm definitions for Duluth from “Bulletin – 71” 1992, Rainfall Frequency Atlas of the Midwest.

	Design Year	Inches
100 yr 24 hr Rainfall	100	5.2
50 yr 24 hr Rainfall	50	4.64
10 yr 24 hr Rainfall	10	3.36
5 yr 24 hr Rainfall	5	2.88
2 yr 24 hr Rainfall	2	2.31

Reach

As used in the context of flood prevention, the hydraulic engineering term used to describe longitudinal segments of a stream or river influenced by a natural or manmade obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would typically constitute a reach.

Readerboard

A sign or portion of a sign face that allows for the creation of messages by physical manipulation of simple block letters, but not including a changeable message sign (MCS) or electronic sign (ES).

Receiving stream or channel

The body of water or conveyance into which stormwater runoff is discharged.

Receiving waters

Lake Superior, St. Louis River and St. Louis Bay, which are the major receivers of city drainage.

Recharge

The replenishment of underground water reserves.

Recycling collection point (primary use)

A facility used for the collection and temporary storage of empty beverage containers, aluminum, glass, paper or clothing for recycling purposes conducted totally within an enclosed structure or container. This definition does not include processing except for can banks that crush cans as they are deposited.

Redevelopment

A change to previously existing, improved property, including but not limited to the demolition or building of structures, filling, grading, paving or excavating, but excluding ordinary maintenance activities. For purposes of the erosion and stormwater controls in Section 50-18.1.E, redevelopment does not include remodeling of buildings on the existing footprint, resurfacing of paved areas, and exterior changes or improvements that do not result in the disturbance of equal to or greater than one acre of land.

Regional flood

A flood that is representative of large floods known to have occurred generally in the state and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of a 100-year recurrence interval.

Regional stormwater

Stormwater BMPs designed to control stormwater runoff from multiple properties or a particular land use district, and where the owners or developers of the individual properties may participate in the provision of land, financing, design, construction or maintenance of the facility.

Religious assembly

A facility or area for people to gather together for public worship, religious training or other religious activities including a church, temple, mosque, synagogue, convent, monastery or other structure, together with its accessory structures, including a parsonage or rectory. This use does not include home meetings or other religious activities conducted in a privately occupied residence. Accessory uses may include meeting rooms and childcare provided for persons while they are attending assembly functions.

Repairs and maintenance

When used in the context of wireless telecommunications, the replacement of any components of a wireless facility where the replacement is identical to the component being replaced or for any matters that involve the normal repair and maintenance of a wireless facility without the addition, removal or change of any of the physical or visually discernable components or aspects of a wireless facility that will add to the visible appearance of the facility as originally permitted.

Research laboratory

A facility or area for conducting scientific research, investigation, testing, or experimentation, but not including facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory. This definition also includes labs for the manufacture of dentures and prostheses.

Residential care facility/Assisted living facility

A building that houses persons, on a 24 hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment which provides personal care services. The occupants are capable of responding to an emergency situation without physical assistance from staff. This classification shall include, but not be limited to, the following; residential board and care facilities, assisted living facilities, halfway houses, group homes, congregate care facilities, social rehabilitation facilities, alcohol and drug abuse centers, and convalescent facilities.

Responsible party

In the context of stormwater regulations, any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity or their legal representatives, agents or assigns, that is named on a stormwater maintenance agreement as responsible for long-term operation and maintenance of one or more stormwater BMPs.

Restaurant (no drive-in/drive-through)

A commercial establishment, including but not limited to taverns and brewpubs, where food and beverages are prepared, served, and consumed primarily within the principal building.

Restaurant (with drive-in/drive-through)

A commercial establishment, including but not limited to taverns and brewpubs, where customers order and are served their food and beverages at a walk-up counter or in a motor vehicle to be consumed on or off the site.

Retail store

A facility or area for the retail sale of general merchandise or food to the general public for direct consumption and not for wholesale. Typical general merchandise includes clothing and other apparel, equipment for hobbies or sports, gifts, flowers and household plants, dry goods, convenience and specialty foods, toys, furniture, books and stationery, pets, drugs, hardware and similar consumer goods. This definition does not include retail uses defined elsewhere in this Chapter.

A. A small retail store is one that contains less than 15,000 square feet of gross floor area;

B. A large retail store is one that contains 15,000 ~~squaer~~ square feet or more of gross floor area.

Riding stable

An establishment or area for keeping horses or other domestic animals other than for the property owner's personal use, for compensation, hire, boarding, riding or show.

Rooming house

A building containing habitable units and that provide sleeping or living accommodations by prior arrangements, regardless of whether those accommodations are offered for

compensation or not, and for definite time periods. Some or all bathroom and/or kitchen facilities, where provided, are for use on a communal basis. Individual habitable units are not owned by occupants, except that a habitable unit may be occupied by the owner of the building.

Runway

Any existing or planned paved surface or turf covered area of the airport that is specifically designated and used or planned to be used for the landing or taking off of aircraft.

50-41.19 Definitions: S

School, elementary

An public or private establishment providing educational services from kindergarten or Grade 1 through Grade 5, or from kindergarten or first grade through Grade 8, or some combination of those included years, together with incidental sports and outdoor activity areas.

School, middle or high

A public or private establishment providing educational services from Grade 6 through Grade 12, or from Grade 6 through 8, or from Grade 9 through Grade 12, or some combination of those included years, together with incidental sports and outdoor activity areas.

Seasonal camp or cabin

A facility containing one or more tent sites or cabins that is offered for use on short-term during defined seasons of the year, for compensation, and that may include accessory facilities such as showers, laundries or cooking and dining facilities.

Sediment

Solid mineral or organic material that, in suspension, is being transported, or has been moved from its original site by air, water, gravity or ice and has been deposited at another location.

Sedimentation

The process or action of depositing sediment that is determined to have been caused by erosion.

Setback

The minimum horizontal distance between a lot line and a building or structure required by this Chapter.

Shore impact zone

Land located between the ordinary high water level of public waters and a line parallel to it at a setback of 50 percent of the required structure setback, but not less than 50 feet.

Shoreland

Lands within 1,000 feet of a lake or within 300 feet of a river and its floodplain, as shown on the NR-O map. The limits of shorelands may be less than the above limits whenever the waters involved are bounded by topographic divides that extend landward from the waters for lesser distances and when approved by the commissioner.

Sidewalk

A paved surface located in the public right of way and used as a pedestrian walkway.

Sidewalk Cafe

An outdoor dining area located within the public right of way in front or adjoining a restaurant or other eating and drinking establishment.

Sign

Any letter, word, symbol, model, printed, projected or affixed device, poster, picture, reading matter or representation in the nature of an advertisement, announcement, direction or informative device including its structure or component parts, which is more than one square foot in area and is located outdoors or is affixed to the interior or exterior of a window or door, or is displayed within 12 inches of a window intended for viewing from the exterior of the building. ~~is located outdoors, when more than one suare foot in area; but shall not be deemed to~~ A sign shall not include (a) temporary parks and recreation signs permitted pursuant to Chapter 35 of the City Code, or (b) overhead banners and devices regulated under Article III of Chapter 45 of the City Code, or (c) any street name sign, public directional, utility or transportation sign, or motor vehicle traffic signs of any kind when officially placed, or to advertising or other information affixed to any motor vehicle, provided that such vehicle's primary use is not as a stationary advertising device, or (d) any inscription on any publicly owned building when the inscription is incorporated into the architectural design as a permanent feature.

Sign, A-Frame

A sign ordinarily in the shape of the letter “A,” or some variation thereof, that is displayed on the ground, not permanently attached, and usually two-sided.

Sign, agricultural identification

A sign describing an agricultural use that includes the name of the farm and/or the products grown on-site.

Sign, animated

~~An animated sign is one that has any moving, rotating or otherwise physically animated part, as distinguished from lights that give the appearance of animation by flashing, blinking or fluctuating, but does not include changeable message signs that are stationary for a continuous time period of at least four seconds in each eight second period.~~ A sign that uses movement or change of lighting to depict action or to create a special effect or scene. Animated signs do not include electronic message signs.

Sign, attention getting

Flags, pennants, streamers and similar devices or ornamentations designated for the purpose of attracting attention. Flags of nations, states, and cities, or fraternal, religious and civic organizations, permanent commercial flags, or temporary holiday decorations are not considered attention getting devices.

Sign, awning

~~Any sign affixed to an awning, as that term is defined in Section 4506 of the Uniform Building Code, 1982 Edition.~~ A sign that is printed or displayed upon an awning. An awning is a roof-like cover designed for protection from the weather or as a decorative embellishment, which

projects from a wall or roof of a structure over a window, walkway or door, with no supports that extend to the ground.

Sign, ballons

Balloons or inflated devices used as a means of directing attention to a business or service offered.

Sign, banner

A sign that is printed or displayed upon flexible material with or without frames.

Sign, banner-exhibition

A sign that is printed or displayed upon flexible material with or without frames in conjunction with a special exhibit for an educational facility, government building, museum, library or art gallery, or religious assembly.

Sign, billboard

A sign that directs attention to a business, commodity, service, event or other activity that is sold, offered or conducted other than on the premises where the sign is located.

Sign, building directory

A sign that serves as common or collective classification for a group of persons or businesses operating in the same building or on the same lot. A building directory sign may name the persons or businesses included, but carry no other advertising matter.

~~Sign, changeable message (CMS)~~

~~Any off-premises advertising sign, display or device that changes the message or copy on the sign by means of electronic rotation or panels or slats. CMSs are outdoor advertising signs and must comply with all requirements applicable to outdoor advertising signs. This includes a flashing sign that is off-premises.~~

Sign, canopy

A sign that is printed or displayed upon a canopy. A canopy is a roofed structure constructed of fabric or other material placed to extend outward from the building and supported both by the structure and by supports that extend to the ground directly under the canopy.

Sign, construction ~~contractor~~

~~An accessory sign informing the public that construction or remodeling is taking place on the property and identifying the architect(s), engineer(s), prime contractor(s) and subcontractor(s) working on the project~~. A temporary sign that identifies an architect, contractor, subcontractor and/or material supplier participating in construction on the property on which the sign is located and which may identify the proposed use for the property.

Sign, community event

Temporary signs that announce community events and activities, including the activities of religious assemblies, social clubs or similar groups, or special events such as fairs, rummage sales and garage sales.

~~Sign, double or triple faced~~

~~A double or triple faced sign is any sign having displays on an integral structure that has two or three faces that are either back to back or "V" or triangular shaped with no internal angle of more than 60 degrees.~~

Sign, directional-parking lot

A sign that identifies parking lot entrances and exits, driveway intersections, drive-through lanes, and features of a similar nature.

~~Sign, electronic~~

~~An off-premise advertising sign, display or device that changes the message copy on the sign by means of light emitting diodes (LEDs), fiber optics, light bulbs or other illumination devices with the display area.~~

Sign, electronic display screen

A sign, or portion of a sign, that displays electronic video via television screens, plasma screens, digital screens, flat screens, LED screens, video boards, and holographic displays.

Sign, electronic message

Any sign, or portion of a sign, that uses changing lights to form a sign message or messages in text or image form where the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. Time/temperature signs are not considered electronic message signs.

Sign, flashing

~~A sign that has direct illumination that is not kept constant in intensity at all times when in use, or that exhibits sudden or marked changes in lighting effects. Signs with direct illumination that indicate the time, temperature, date or other public service information shall not be considered flashing signs.~~ A sign which contains an intermittent or sequential flashing light source used primarily to attract attention. Flashing Signs do not include Electronic Message Signs.

Sign, freestanding

A sign that is placed on or supported by the ground, independent of the principal structure on the lot. Freestanding Signs may be either pole or monument signs.

Sign, freestanding monument

A freestanding sign where the base of the sign structure is on the ground or up to a maximum of twenty-four (24) inches above ground. The monument base must be designed as an integral part of the sign structure. The width of the top of the sign structure can be no more than one-hundred twenty percent (120%) of the width of the base.

Sign, freestanding pole

A freestanding sign that is affixed, attached or erected on one (1) or two (2) poles that is not itself an integral part of the sign.

Sign, ghost

A painted wall sign that remains from an earlier time or advertises the use of a building that provides evidence of the history of the use of the building or activities of the community. A GHOST SIGN is not considered an off-premises sign.

Sign, government information sign

Traffic signs, legal notices, railroad crossing signs, signs regulating vehicular or pedestrian traffic, or designating or giving direction to streets, schools, historic sites or public buildings, and temporary emergency signs.

Sign, home occupation

~~An accessory sign identifying a home occupation that is permitted in the zone district where the property is located and the individual or entity performing the home occupation~~. A sign identifying a home occupation or permitted accessory use on the premises.

Sign, illumination types

A. GOOSENECK REFLECTOR. Lighting designed for mounting above or to the side of signs with a long, shepherd hook-shaped arm to hold fixtures at a distance from the area of illumination.

B. ILLUMINATION, EXTERNAL. Lighting of a sign where lighting components are outside the sign structure and light is directed at the sign face.

C. ILLUMINATION, INTERNAL. Lighting of a sign constructed so that all lighting components are internal and illumination occurs as lighting is diffused through the sign face surfaces.

Sign, marquee

~~Any sign affixed to a marquee, as that term is defined in Section 414 of the Uniform Building Code, 1982 Edition.~~ A permanent roof-like sign structure constructed over a building entry, with no supports extending to the ground, where a changeable message area is part of the vertical sign fascia.

Sign, memorial plaque

A sign, tablet or plaque memorializing a historic person, event, structure or site.

Sign, menuboard

A device that lists items for sale at an establishment with drive-through facilities.

~~Sign, mobile~~

~~Any sign so constructed as to permit movement from place to place, whether on wheels or otherwise.~~

~~Sign, monument~~

~~A permanent sign in which all or substantially all of the bottom of the sign is affixed to the ground or to a base structure, not to a post, pole or portion of a building.~~

Sign, moving

A sign that, in whole or in part, rotates, elevates or in any way alters position or geometry. Moving signs do not include clocks.

Sign, nameplate

A sign that is affixed flat against a wall of a building or imprinted into the wall of a building that designates the name of the building or the name and profession of one who resides or occupies space in the building.

Sign, non-commercial

A sign advocating action on a public issue or recommending a candidate for public office.

Sign, off-premises

A sign that directs attention to a business, product, service or entertainment not conducted, sold or offered upon the premises where the sign is located. (Ord. No. 10044, 8-16-2010, § 6.)

Sign, on-premises

A sign that directs attention to the name of the building or the name of the building management firm or to a business, principal product, service or entertainment conducted, sold or offered upon the premises where such sign is located.

~~Sign, pole~~

~~Any free standing, elevated sign erected on a pole or poles connected to the ground and that is less than 60 square feet in area.~~

Sign, parking lot information

Signs that provide information on the operation of a parking lot, such as “No Parking” or “Unauthorized users shall be towed.”

Sign, political

Any sign that directs attention to an issue in an election or to either the name of a candidate running for election to a public office or the name of the office for which he is a candidate, or both.

Sign, portable

A sign whose principal supporting structure is intended, by design and construction, to rest upon the ground for support and may be easily moved or relocated for reuse. Portable signs include, but are not limited to, signs mounted upon a trailer, wheeled carrier or other non-motorized mobile structure, with wheels or with wheels removed. Portable signs do not include A-frame signs.

Sign, projecting

~~An accessory sign that is affixed to the outside of an exterior wall of any building and that extends more than 18 inches from the building wall face.~~ A sign that is attached to a structure that extends beyond the surface of the structure to which it is attached.

Sign, property identification/management

An accessory sign containing only messages related to the identification or management of the property where the sign is located, including but not limited to signs identifying entrances, exits, parking areas or hazardous areas, prohibiting trespassing, or information about limits on property use.

Sign, property ~~owner opinion~~ identification

~~A sign that conveys a noncommercial message.~~ A sign identifying the property management company or apartment complex name of a multi-family dwelling.

Sign, public information

Signs within an educational facility, cemetery or mausoleum, museum, library or art gallery, and park, playground or forest reserve property that provide information on the use of the facility, such as directional signs, trailhead locations and information kiosks.

~~Sign, readerboard~~

~~A sign, including a portable or temporary sign, where all or substantially all of at least one sign face is a readerboard.~~

~~Sign, recreational field~~

~~Recreational field complex signs include no more than one directional sign identifying the entrance to the complex, no more than one building mounted sign identifying the complex, and up to one scoreboard sign for each play area.~~

~~Sign, real estate~~

~~An accessory sign advertising property for sale, lease or rent, or informing that property has been sold, leased or rented~~. A sign advertising the real estate upon which the sign is located as being for rent, lease or sale. A real estate sign can also advertise an open house.

~~Sign, residential complex~~

~~An accessory sign identifying a multi-building residential complex that identifies the name of the complex or the property management company.~~

Sign, roof

~~Any sign erected, constructed or maintained above and connected to the roof of any building. For purposes of this definition a penthouse, elevator housing or any structure housing mechanical equipment of any kind shall not be deemed a part of the roof of any building.~~ A sign that is wholly erected, constructed or maintained above the roof structure or parapet of any building with the principal support attached to the roof structure.

Sign, scoreboard

A sign that records and displays the score of a game and may include such information as the name of the field or home team and advertising.

Sign, snipe

An off-premises sign painted, pasted or otherwise affixed to any tree, rock, retaining wall, fence, utility pole, hydrant, bridge, sidewalk, curb or street, bench or trash receptacle. Logos and labels located on mechanical equipment, recycling bins, trash containers or dumpsters, which are part of the equipment as manufactured and/or installed, are not snipe signs.

Sign, temporary off-premises

~~A sign usually made of a relatively lightweight and inexpensive material, that is easily moved, and generally is displayed only until the event advertised by the sign is completed. Examples include but are not limited to: balloons or other inflatable devices, flags, streamers, sandwich signs, banners, posters, sidewalk or curb signs.~~ A temporary sign that advertises a business,

commodity, service, event or other activity that is sold, offered or conducted other than on the premises where the sign is located, or is sold, offered or conducted on the premises only incidentally, if at all.

Sign, under-awning

A sign that is attached to and mounted under an awning.

Sign, under-canopy

A sign that is attached to and mounted under a canopy.

Sign, wall

~~A sign that is affixed to the outside of an exterior wall of any building when such sign extends no more than four feet above the top of such exterior wall and is parallel to that wall, and when such sign projects no more than 18 inches from the building wall face or from a parapet constructed on the wall face. Signs painted directly on the surface material of a building shall be considered a wall sign only if limited in content to the name of the principal firm or establishment located in such building or the name of the building's management firm.~~ A sign that is mounted flat against or painted on a wall, and projects no more than twelve (12) inches from the wall of a structure with the exposed face of the sign in a plane parallel to the face of the wall. Wall sign does not include window sign. For the purposes of this definition, a fence is not considered a wall and wall signs are prohibited mounted on fences.

Sign, window

A sign that is attached to, placed upon, printed on the interior or exterior of a window or door of a building, or displayed within twelve (12) inches of a window intended for viewing from the exterior of such a building. A window sign may be either permanent or temporary. Window clings are considered a window sign and subject to all window sign regulations.

~~Sign area~~

~~The space inside a continuous line drawn around and enclosing all letters, designs and background material, except that the area of a double or triple faced sign shall be the area of the largest face, and the area of a spherical sign shall be the area of the outline against the horizon formed by the largest dimension of the sphere.~~

~~Sign height~~

~~The vertical distance from the average finished grade directly below the sign to the uppermost point on the sign or sign structure, whichever is higher.~~

Significant tree

All trees of more than ten inches DBH, and all special tree species of more than six inches DBH shall be considered significant, unless they are under power lines or deemed hazardous by a certified arborist or landscape architect or professional forester. In addition, any replacement tree planted as part of a tree replacement plan shall be considered significant, even if it does not meet the size definition above.

Site

A parcel or several adjoining parcels of land under common ownership. For purposes of the natural resources overlay district, this definition is limited to apply to any parcel of land upon which work requiring a permit under this Chapter is to be performed, and includes any adjacent lands owned by the owner of the subject parcel on the date of application for any

permit and any lands adjacent to the subject parcel that were owned by the same person owning the subject parcel as of January 1, 1980.

Site plan

An accurate scale drawing that indicates the major features of a proposed development in sufficient detail to allow the evaluation of the land planning, building design and other aspects of the development, and meeting all requirements of the UDC application manual.

Slope

An incline from the horizontal expressed in an arithmetic ratio of horizontal magnitude to vertical magnitude (e.g., slope = 3:1 = 3 feet horizontal to 1 feet vertical).

Solar, geothermal or biomass power facility (primary use)

Uses and structures that are used to reduce energy consumption or to generate energy from non-fossil fuel and non-carbon dioxide emitting sources on the property. These structures and uses may include but are not limited to the following: solar panels (photovoltaic and hot water), heat exchanges, biomass firing equipment, piping, and other transfer mechanisms, controls and related structural support for transporting and storing collected energy from solar, geothermal, or biomass energy systems. These structures and uses may be located at ground level or above or below ground unless specifically limited in this Chapter, provided that they meet all other applicable requirements of this Chapter.

Solid land

Any land that is neither a wetland nor located in a floodway.

Solid waste

As defined in MSA 116.06, Subd. 22, and also including medical wastes and petroleum contaminated soils.

Solid waste disposal or processing facility

Any tract or parcel of land, including any constructed facility that is designed or operated for the purpose of disposing of solid waste on or in the land, at which solid waste is disposed of in or on the land or processed for disposal or reuse, together with any appurtenant facilities needed to process solid waste for disposal or for transfer to another solid waste facility, and that is not listed as a separate use in this Chapter.

Special tree species

White pines, red (Norway) pines, white cedars, white spruces, eastern hemlocks, sugar maples, American basswoods, American elms, yellow birches and all oak species.

Special use

A specific type of structure or land use listed in Table 50-19.8 that may be allowed only after review and evaluation of potential impacts on surrounding properties and the attachment of any conditions necessary to mitigate those impacts.

Stealth or stealth technology

When used in the context of wireless telecommunications, to minimize adverse aesthetic and visual impacts on the land, property, buildings and other facilities adjacent to, surrounding and in generally the same area as the requested location of such wireless telecommunications facilities, which shall mean using the least visually and physically

intrusive facility that is not technologically or commercially impracticable under the facts and circumstances.

Steep slope

Land having average slopes over 12 percent, as measured over horizontal distances 50 feet or more, and that are not bluffs.

Storage warehouse

A structure containing an area available for storing raw materials, produce, goods or property, but not including mini-storage facilities.

Stormwater

Stormwater runoff, snowmelt runoff, surface runoff and drainage.

Stormwater management

The use of structural or non-structural practices that are designed to reduce stormwater runoff pollutant loads, discharge volumes, peak flow discharge rates and detrimental changes in stream temperature that affect water quality and habitat.

Stormwater pollution prevention plan

A plan, usually required by a permit, to manage stormwater associated with industrial, commercial, public, institutional, civic or other land use activities, including construction. The plan commonly describes and ensures the implementation of practices that are to be used to reduce pollutants in stormwater and non-stormwater discharges

Stormwater pollution prevention program (MS4 program)

A compilation of best management practices (BMPs) to address the six minimum control measures and other provisions of the MS4 permit, that is designed and managed to reduce the discharge of pollutants from your MS4 to the maximum extent practicable as appropriate to the community.

Stormwater best management practice (BMP)

A measure, either structural or nonstructural, that is determined to be the most effective, practical means of preventing or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies. Non-structural BMPs are those practices that require modified or additional operational or behavioral practices, such as sweeping or having spill response equipment on site. Structural BMPs are those that require the construction of a structure or other physical modification on the site.

Stormwater retrofit

A stormwater BMP designed for an existing development site that previously had either no stormwater BMP in place or a practice inadequate to meet the stormwater management requirements of the site.

Stormwater runoff

Flow on the surface of the ground resulting from precipitation.

Story

That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

Story, half

A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than 4 feet above the floor of such story, except that any partial story used for residence purposes, other than for a janitor or caretaker or his family, or by a family occupying the floor immediately below it, shall be deemed a full story.

Stream buffer

An area of land at or near a stream bank, wetland or water body that has intrinsic water quality value due to the ecological and biological processes it performs or is otherwise sensitive to changes that may result in significant degradation to water quality.

Street

A public dedicated right-of-way, other than an alley, which affords the principal means of access to abutting property.

Street line

The established side line of a street easement or right-of-way.

Structure

Anything constructed or erected, the use of which requires a location on the ground, or attached to some thing having a location on the ground. Examples include but are not limited to: backstops for tennis courts, fences or pergolas.

Structural alteration

Any change in the supporting members of a building, such as bearing walls, columns, beams or girders, or any substantial changes in the roofs or exterior walls but not including openings in bearing walls as permitted by existing ordinances.

Subdivision

The division of a lot, tract or parcel of land into three or more lots, plats, sites or other divisions of land of one acre or less in area, for the purpose, whether immediate or future, of sale or of building development. This term also includes the division of a lot, tract or parcel of land into two or more lots, plat, sites or other divisions of land of more than one acre and less than ten acres in area, if the division provides or there is shown on a plat of the division a new street or highway. The term also includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.

Sustainable Development

Development that maintains or enhances economic opportunity and community well being while protecting and restoring the natural environment upon which people and economies depend. Sustainable development meets the needs of the present without compromising the ability of future generations to meet their own needs.

Telecommunications

The transmission or reception of audio, video, data, and other information by wire, radio frequency, light and other electronic or electromagnetic systems.

Telecommunications site

See wireless telecommunications facilities.

Telecommunications structure

A structure used in the provision of services described in the definition of wireless telecommunications facilities.

Temporary

A fixed period of time not to exceed 180 days. For the purposes of wireless telecommunications, temporary means not more than 90 days.

Temporary construction office or yard

A facility or area used as a temporary field construction office, temporary outdoor storage of construction equipment and materials associated with an active permit to demolish or construct buildings, structures or infrastructure.

Temporary event or sales

A temporary outdoor use of land for the purposes of an event or sale including but not limited to: a circus, carnival, fair, part, or celebration that reasonably may be expected to attract more than 100 persons at any one time; or any sale made by a person, firm or corporation engaging in the temporary business of selling goods, wares or merchandise from a tent, truck, vending cart or other area outside of a permanent structure on property owned or leased by the person, firm or corporation. The temporary event or sale must be secondary to or incidental to the permitted use or structure existing on the property and not incompatible with the intent of the zone district.

Temporary moveable storage container

A container designed for the storage of personal property that is typically rented to owners or occupants of property for their temporary use, and that customarily is delivered and removed by truck.

Temporary real estate sales office

A facility or area used as a temporary office to sell land or buildings within a specified area or subdivision.

Theater

A building, structure or part of a building devoted to showing motion pictures, or for dramatic, dance, musical, or other live performances.

Tourist or trailer camp

Any park, trailer park, trailer court, camp, site, lot, parcel or tract of land designed, maintained or intended for the purpose of supplying a location or accommodations for any trailer coach or trailer coaches or upon which any trailer coach or trailer coaches are parked, and shall

include all buildings used or intended for use as part of the equipment or establishment, whether or not a charge is made for the use of the trailer camp and its facilities. Trailer camp shall not include automobile or trailer sales lots on which unoccupied trailers are parked for purposes of inspection and sale.

Tower

In the context of wireless telecommunications, any structure designed primarily to support an antenna for receiving or transmitting a wireless signal.

Trailer

Any vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle. T he term shall include trailers whose wheels or axles have been removed.

Truck

Every motor vehicle designed, used or maintained primarily for the transportation of property.

Truck freight or transfer terminal

A facility in which goods shipped by truck are loaded, unloaded, or transferred between trucks for shipping or distribution, together with incidental truck storage, maintenance, and administrative offices.

Truck or heavy vehicle sales, rental, repair or storage

A facility that is engaged in the sales, rental, repair or storage of heavy equipment typically used in agricultural, commercial or industrial operations, including tractors, trucks with a gross vehicle weight of over 10,000 pounds, semi trucks or trailers, harvesters, loaders and tracked vehicles as well as sales of parts, whether new or used, for heavy equipment.

50-41.21 Definitions: U

University or college

An educational institution authorized by the state to award associate, baccalaureate, or higher degrees.

Useable open space

Open space, other than required building setback areas, that is utilized exclusively for active recreational purposes such as softball, tennis or playgrounds or for passive recreational purposes such as pedestrian walkways or trails that have been preserved in their natural setting or landscaped. Areas with slopes of 15 percent or greater, and areas of wet, spongy land saturated and partially or intermittently covered with water shall not be considered useable open space. Useable open space shall not include streets or other vehicular access not used exclusively for the maintenance of such open space. Land on which buildings or other facilities are located may be considered useable open space if those buildings or other facilities are used for noncommercial, recreational or cultural purposes that are compatible with useable open space objectives and have been specifically approved as part of the development plan.

Utility, major

A facility providing an important regional utility service, such as water, sewer, or drainage, that normally entails construction of new buildings or structures, and that typically has employees on the site on an ongoing basis. Examples include but are not limited to: water works, sewage treatment plants, reservoirs, regional stormwater detention ponds and other similar facilities.

Utility, minor

Equipment necessary to support utility services to development within the immediate vicinity and that involves only minor accessory structures. Employees typically are not located at the site on an ongoing basis. Examples include but are not limited to: electric transformer stations and service boxes, gas regulator stations, telephone service boxes, and well, water and sewer pumping stations, and related underground and aboveground pipes and wires, but excluding those that meet the definition of an electric power transmission line.

Utility runway

A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

50-41.22 Definitions: V

Vacation dwelling unit

A habitable unit in a dwelling providing sleeping, cooking, eating, living and sanitation facilities that are physically separated from other habitable units that may or may not be located in the same building for periods of occupancy from 3 to 21 days. This use does not include hotels, motels, or bed and breakfasts.

Veterinarian or animal hospital

A facility for the diagnosis, treatment or hospitalization of animals, and including the incidental boarding or breeding of animals.

Visual runway

A runway intended solely for the operation of aircraft using visual approach procedures, with no straight in instrument approach procedure and no instrument designation indicated on an approved planning document.

50-41.23 Definitions: W

Watercourse

A channel in which a flow of water occurs either continuously or intermittently in a definite direction. The term applies to either natural or artificially constructed channels.

Water-dependent bulk storage or wholesaling not listed elsewhere

A bulk storage or wholesaling use as defined by this Chapter, but not separately defined, that must be located near water because of the nature of the goods being stored or wholesaled or

the means by which they are being transferred to or from the site, or because the establishment's suppliers or customers must be located near water

Water dependent manufacturing, light or heavy

A light or heavy manufacturing use, as defined by this Chapter, that must be located near water because of the nature of the goods being manufactured, assembled, fabricated, or treated or the means by which they or their inputs are being transferred to or from the site, or because the establishment's suppliers or customers must be located near water

Water management district

Land that by definition is in a flood plain district, a shoreland district, or a wetland.

Water or sewer pumping station/reservoir

Facilities to collect or distribute water or wastewater from a defined service area, and that typically does not have employees at the site, including but not limited to water-pumping stations, water reservoirs and sewage pumping stations.

Water or sewer treatment facility

An establishment to treat water or wastewater from a defined service area, and that typically has employees at the site, including but not limited to water treatment plants, sewage treatment plants and sewage disposal plants.

Waters of the state

All streams lakes ponds, marshes, water course, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, that are contained within, flow through or border upon the state or any portion of the state. Constructed wetlands designed for wastewater treatment are not waters of the state

Wetland

Those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands must have the following attributes:

A. A predominance of hydric soils;

B. Inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in a saturated soil condition;

C. Under normal circumstances support a prevalence of such vegetation.

Wholesaling

A use engaged in enclosed wholesale of manufactured products, supplies, and equipment, including accessory offices and showrooms. Products may be picked up on-site or delivered to the customer. This use does not include sales to the public at large or to consumers who are members or a club or association, regardless of whether the name of the business includes some version of the word "wholesale

Wind power facility (primary use)

A primary use of land including an aggregation of parts including the base, tower, generator, rotor, blades, supports, guy wires and accessory equipment such as utility interconnect and battery banks, in a configuration necessary to convert the power of wind into mechanical or electrical energy. Examples include but are not limited to: wind charger, windmill and wind turbine.

Wireless telecommunications facilities

A structure, facility or location designed, or intended to be used as, or used to support antennas or other transmitting or receiving devices. This includes without limit, towers of all types and kinds and structures, including but not limited to buildings, church steeples, silos, water towers, signs or other structures that can be used as a support structure for antennas or the functional equivalent of antennas. It also includes all related facilities and equipment such as cabling, equipment shelters and other structures associated with the site. It is a structure and facility intended for transmitting and/or receiving radio, television, cellular, SMR, paging, 911, personal communications services (PCS), commercial satellite services, microwave services and any commercial wireless telecommunication service not licensed by the FCC. This term also includes a telecommunications site and personal wireless facility.

50-41.24 Definitions: X

No definitions

50-41.25 Definitions: Y

Yard

An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.

Yard depth or width

In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used. (Ord. No. 10044, 8-16-2010, § 6.)

Yard, front

A yard extending across the front of a lot between the side lot lines, and being the minimum horizontal distance between the street line and the primary building, but ignoring projections permitted by this chapter.

Yard, rear

A yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear of the primary building, but ignoring projections permitted by this Chapter. On all lots the rear yard shall be at the opposite end of the lot from the front yard.

Yard, side

A yard between the main building and the side line of the lot, and extending from the front yard to the rear yard, and being the minimum horizontal distance between a side lot line and the side of the primary building, but ignoring projections permitted by this Chapter.

Yard waste

The garden wastes, leaves, lawn cuttings, weeds and prunings generated at residential or commercial properties.

Yard waste compost facility

A site used to compost or co-compost yard waste that originates off of the site including all structures or processing equipment used to control drainage, collect and treat leachate, and storage area for the incoming yard waste, the final product and residual resulting from the composting process.

50-41.26 Definitions: Z

No definitions

Section 5. That this ordinance shall take effect 30 days after its passage and publication.

PLANNING SR:ek 11/14/2012

STATEMENT OF PURPOSE: This ordinance implements revisions to 4 sections of the Unified Development Chapter as part of the annual UDC Update process.

There were several public information meetings were held to gather comment and feedback from the public on changes to portions of the UDC: Thursday, February 9, Wednesday, May 30, Wednesday, September 12, and Wednesday, November 7, 2012. There were two public hearings held by the Planning Commission on Tuesday, October 9 and Tuesday, November 13, 2012.

At the end of the public hearing on November 13, 2012, the Duluth Planning Commission made four separate motions to approve the changes on the following four major areas: signage, higher education overlay district, changes to R-P and creation of MU-P, and vacation rental homes. Each of the four motions to recommend the changes of the UDC passed with a vote of 7 yeas, 0 nays and 0 abstentions.