

ARTICLE TWO: ZONE DISTRICTS

50-13 GENERAL PROVISIONS

50-13.1 Purpose

This Article establishes the base and overlay zone districts available in the city to regulate land and implement the Comprehensive Land Use Plan. It also contains basic information pertaining to the districts, including statements of purpose and dimensional standards. Article 3, Permitted Uses, identifies the uses allowed within each district. Article 4, Development Standards, contains the site layout and building design standards that apply to development in the districts.

50-13.2 Article Organization

- A.** Section 50-13, General Provisions, establishes the zone districts and contains basic information pertaining to all districts and the zoning map.
- B.** Section 50-14, Residential Districts, describes the residential districts and includes purpose statements, dimensional requirements, photographic examples of typical structures, graphic sketches of allowed development and district-specific standards if applicable.
- C.** Section 50-15, Mixed Use Districts, describes the Mixed Use Districts and includes purpose statements, dimensional requirements, photographic examples of typical structures, graphic sketches of allowed development and district-specific standards if applicable.
- D.** Section 50-16, Form Districts, describes the form-based districts and includes purpose statements, regulating standards and regulating graphics of typical structures.
- E.** Section 50-17, Special Purpose Districts, describes the Special Purpose Districts and includes purpose statements, dimensional requirements, photographic examples of typical structures, graphic sketches of allowed development and district-specific standards if applicable.
- F.** Section 50-18, Overlay Districts, identifies the overlay districts and includes purpose statements and any district-specific standards.

50-13.3 Zone Districts Established

For the purposes of this Article, the city is hereby divided into districts, as follows:

Table 50-13.3-1: Zone Districts Established		
District Type	Abbreviation	District Name
Residential	R-C	Rural-Conservation
	RR-1	Residential-Rural 1
	RR-2	Residential-Rural 2
	R-1	Residential-Traditional
	R-2	Residential-Urban
	R-P	Residential-Planned
Mixed Use	MU-N	Mixed Use-Neighborhood
	MU-C	Mixed Use-Commercial
	MU-I	Mixed Use-Institutional
	MU-B	Mixed Use-Business Park
	MU-W	Mixed Use-Waterfront
	MU-P	Mixed Use-Planned
Form Based	F-1	Form District 1
	F-2	Form District 2
	F-3	Form District 3
	F-4	Form District 4
	F-5	Form District 5
	F-6	Form District 6
	F-7	Form District 7
	F-8	Form District 8
	F-9	Form District 9
Special Purpose	I-G	Industrial-General
	I-W	Industrial-Waterfront
	P-1	Park & Open Space
Overlay	NR-O	Natural Resources Overlay
	A-O	Airport Overlay
	SP-O	Skyline Parkway Overlay
	HR-O	Historic Resources Overlay
	HE-O	Higher Education Overlay

50-13.4 Zoning Map

A. Zoning Map

The boundaries of the districts set out in Table 50-13.3-1 are hereby established as shown on the city’s official zoning map, as that map may be updated by council from time to time. That map shall be maintained by the city and is hereby made a part of this Chapter and incorporated by reference.

B. Zoning Map Amendments

Procedures for amending the zoning map are in Article 5 of this Chapter.

C. Questions Regarding Zoning Designations

In the event of uncertainty regarding zoning designations or the exact boundaries of any zone district, the land use supervisor shall make a determination based upon the interpretation rules in subsection D below. The land use supervisor's determination shall be subject to appeal pursuant to Article 5 of this Chapter.

D. Interpretation of Map Boundaries

Where uncertainty exists with respect to the boundaries of the districts shown on the zoning map, the land use supervisor's decision shall be based on the following standards:

1. Where a district is bounded by a street, alley, or other public way, the centerline of the street, alley, or other public way shall be construed to be the boundary of the district;
2. Boundaries delineated by lot lines shall follow those lot lines;
3. Boundaries delineated by railroad lines shall be midway between the main tracks or the centerline of a single track;
4. Boundaries dividing a lot or transecting un-subdivided land shall be determined using the scale appearing on the zoning map, unless the boundary location is indicated by dimensions shown on the map;
5. Boundaries shown parallel to or as extensions of features indicated in this subsection shall be interpreted as such. Distances not specifically indicated on the zoning map shall be determined by the scale of the map;
6. Where the description of the property is contained in an ordinance, the metes and bounds description of the property in the ordinance shall control over the zoning map. When a metes and bounds description contained in an ordinance is for an unplatted tract of land, the land use supervisor is authorized to make the appropriate modifications to the zoning map at the time the property is platted so that the boundaries of the zone district coincide with the newly created property lines;
7. Whenever any street, alley, or other public way is vacated by official action of the council, the zone district adjoining each side of such street, alley, or public way shall be automatically extended to the center of such vacated street, alley, or public way, and all areas included in the vacated street, alley or public way shall be subject to all regulations of the extended district, unless otherwise approved by council.

E. Relationship to Overlay Districts

All lands within the city shall be designated as one of the base zone districts listed in Table 50-13-1. In addition, some lands may be located within one or more of the overlay districts listed in that table. Where the property is designated as an overlay district, the regulations governing development in the overlay district shall apply in addition to the regulations governing development in the underlying base district. In the event of an express conflict between the two sets of standards, the standards for the overlay district shall control.

F. Annexed Territory

All territory annexed to the city after November 19, 2010, shall be automatically classified as R-C, until a different zone district is assigned by council. In a newly annexed area classified as R-C, no permit for construction of a building other than a single-family dwelling or accessory building permitted in an R-C district shall be issued by the city until such permit

has been specifically authorized by council, or until the area is reclassified according to the rezoning procedures in Article 5.

G. Structure of Zone District Standards

1. Each of the following base zone district sections has a common structure consisting of a purpose statement and one or more of the following graphic illustrations, each of which is numbered for reference purposes.
 - (a) One or more tables setting out the district's bulk and dimensional requirements;
 - (b) A photograph representative of typical building forms;
 - (c) A graphic depiction of the district's primary bulk and dimensional standards.
2. The graphic illustrations in this Chapter are intended to illustrate the primary dimensional standards and the general character of each district, and do not necessarily reflect all the standards that may apply to a particular development. All development is subject to all dimensional standards of this Chapter, all applicable overlay district standards in this Chapter, the applicable use-specific standards in Article 3, and the applicable requirements of Article 4.

50-14 RESIDENTIAL DISTRICTS

50-14.1 General Purposes of Residential Zone Districts

The residential zone districts are intended to:

- A.** Provide appropriately located areas for residential development that are consistent with the Comprehensive Land Use Plan and with the public health, safety, and general welfare;
- B.** Ensure adequate light, air, and privacy for all dwelling units;
- C.** Protect the scale and character of existing residential neighborhoods and the community;
- D.** Discourage any use that, because of its character or size, would create additional requirements and costs for public services that are in excess of such requirements and costs if the district were developed solely for the intended type of residential uses;
- E.** Provide a mechanism – the R-P zone district – through which certain listed non-residential uses that serve neighborhoods can be integrated into residential developments.

50-14.2 Rural-Conservation (R-C)

A. Purpose

The R-C district is established to accommodate low-density, single-family detached residential uses on parcels of at least 10 acres each in areas where the Comprehensive Land Use Plan calls for protection of rural character. The district encourages development designs that conserve open space and natural resources and preserve rural character. Complimentary uses such as limited agriculture, parks, minor utilities and certain temporary uses are allowed as shown in Table 50-19.8.

TABLE 50-14.2-1 R-C DISTRICT DIMENSIONAL STANDARDS	
LOT STANDARDS	
Minimum lot area per family (calculated to include any highway easements or parts of highway easements within the original parcel of land)	10 acres
Minimum lot frontage	250 ft.
STRUCTURE SETBACKS	
Minimum depth of front yard	60 ft.
Minimum width of side yard	25 ft.
Minimum depth of rear yard	50 ft.
STRUCTURE HEIGHT	
Maximum height of structure	30 ft.
Section 50.21 <i>Dimensional Standards</i> contains additional regulations applicable to this district.	

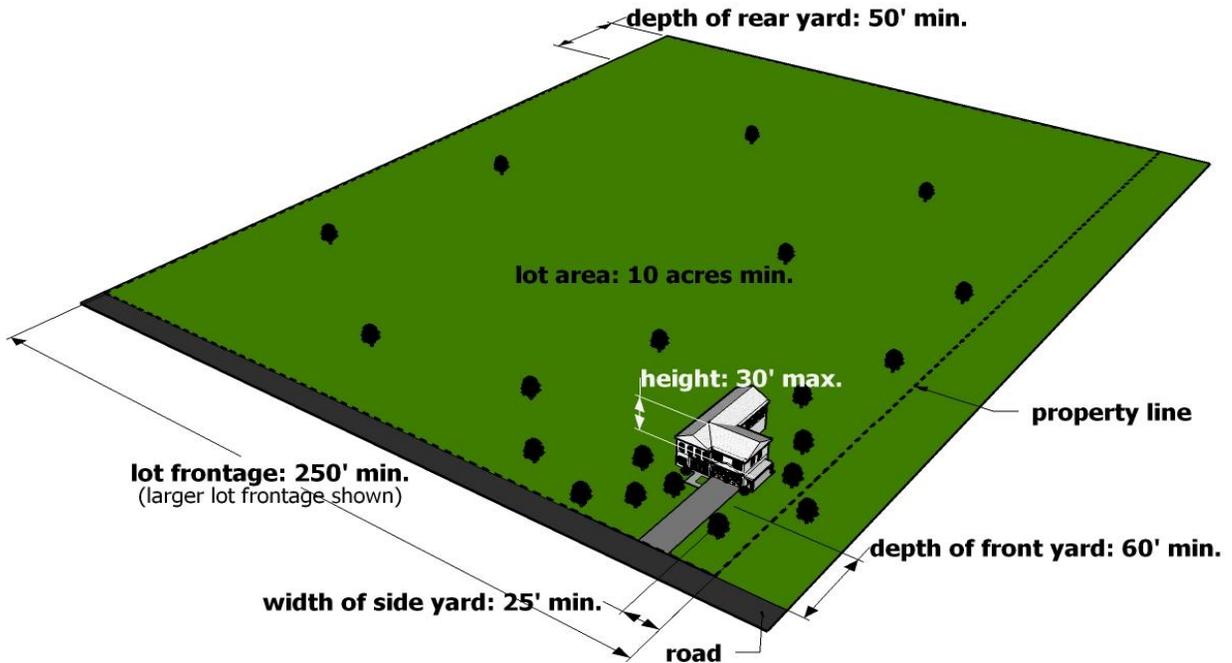
B. Example

R-C Example



C. Illustration

R-C Example Lot Layout



D. Development Standards

All homesites in the R-C zone district shall be located so as to preserve the rural character of the district and to avoid unnecessary fragmentation of the rural landscape by:

1. Designating a portion of the site containing no more than 1 acre of land in compact configuration as the homesite in which the primary dwelling and all major accessory buildings will be located;
2. Locating the homesite either (1) adjacent to a side or rear property line of the parcel, or (2) where the primary structure is hidden from view from public rights-of-way by an intervening natural feature such as a hillside, berm, or tree grove;
3. Locating the driveway leading from the public right-of-way to the homesite (1) as close to a side property line of the parcel as is reasonably possible without significant grading, vegetation, or stream crossings, or (2) in another location that will minimize the fragmentation of field, pasture, or naturally vegetated areas.

50-14.3 Residential-Rural 1 (RR-1)

A. Purpose

The RR-1 district is established to accommodate large-lot, single-family detached residential uses, typically surrounded by significant open space, on lots of at least 5 acres each. The district encourages distinctive neighbor-hoods with a semi-rural character. Complimentary uses such as limited agriculture, small-scale institutional uses, parks, minor utilities and certain temporary uses are allowed as shown in Table 50-19.8.

**TABLE 50-14.3-1
RR-1 DISTRICT DIMENSIONAL STANDARDS**

LOT STANDARDS	
Minimum lot area per family (calculated to include any highway easements or parts of highway easements within the original parcel of land)	5 acres
Minimum lot frontage	250 ft.
STRUCTURE SETBACKS	
Minimum depth front yard	60 ft.
Minimum width of side yard	25 ft.
Minimum depth of rear yard	50 ft.
STRUCTURE HEIGHT	
Maximum height of structure	30 ft.

Section 50.21 *Dimensional Standards* contains additional regulations applicable to this district.

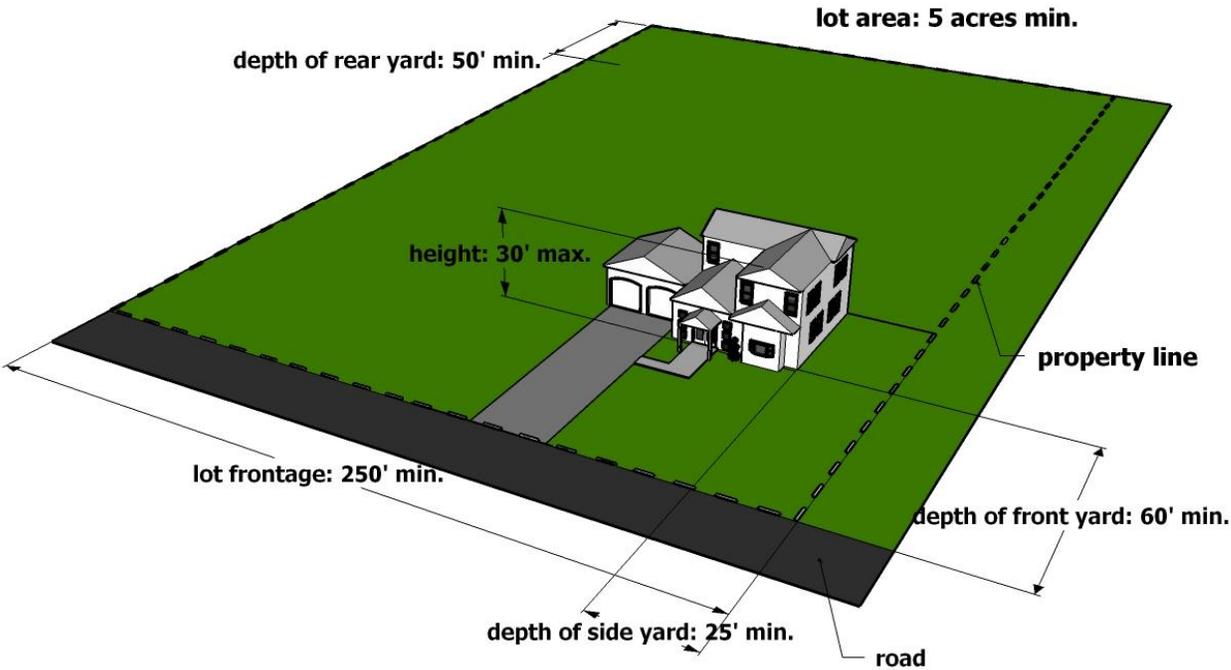
B. Example

RR-1 Example Building Form



C. Illustration

RR-1 Example Lot Layout



50-14.4 Residential-Rural 2 (RR-2)

A. Purpose

The RR-2 district is established to accommodate single-family detached residential uses on lots of at least 2 acres each. The district encourages distinctive neighborhoods with a suburban character. The district may serve as a transition between lower-density semi-rural areas and more intense residential or mixed use neighborhoods. Complimentary uses such as limited agriculture, small-scale institutional uses, parks, minor utilities and certain temporary uses are allowed as shown in Table 50-19.8.

**TABLE 50-14.4-1
RR-2 DISTRICT DIMENSIONAL STANDARDS**

LOT STANDARDS	
Minimum lot area per family	2 acres
Minimum lot frontage	100 ft.
STRUCTURE SETBACKS	
Minimum depth front yard	35 ft.
Minimum width of side yard	10 ft.
Corner Lot: width of front side yard	25 ft.
Minimum depth of rear yard	25 ft.
STRUCTURE HEIGHT	
Maximum height of structure	30 ft.

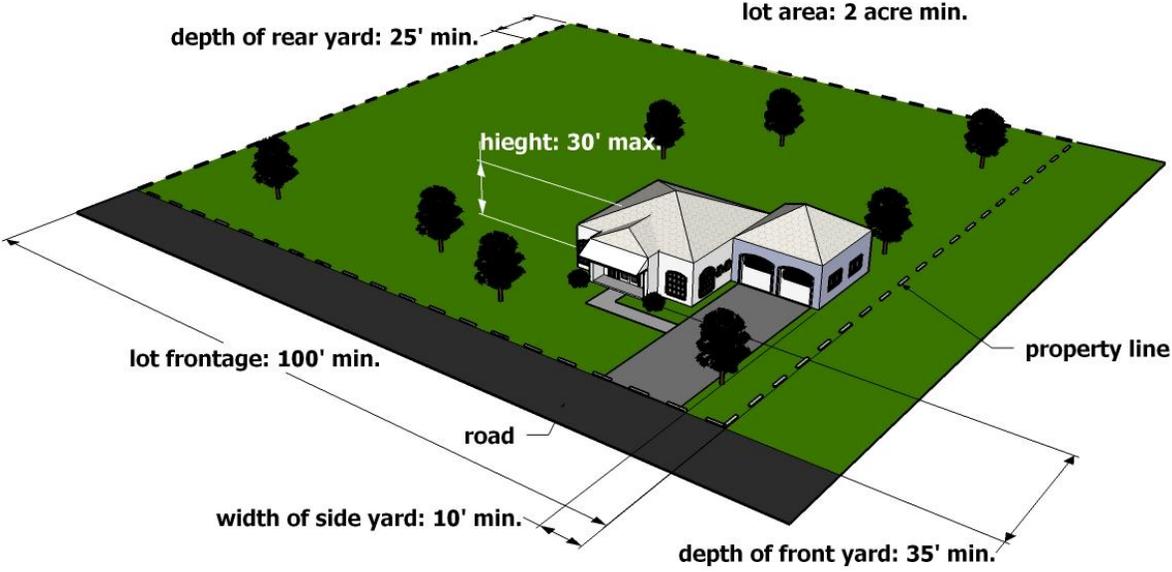
Section 50.21 *Dimensional Standards* contains additional regulations applicable to this district.

B. Example

RR-2 Example Building Form



C. Illustration



50-14.5 Residential-Traditional (R-1)

A. Purpose

The R-1 district is established to accommodate traditional neighborhoods of single-family detached residences, duplexes and townhouses on moderately sized lots. This district is intended to be used primarily in established neighborhoods. Many of the dimensional standards in this district require development and redevelopment to be consistent with development patterns, building scale, and building location of nearby areas. Uses are allowed as shown in Table 50-19.8.

TABLE 50-14.5-1 R-1 DISTRICT DIMENSIONAL STANDARDS		
LOT STANDARDS		
Minimum lot area per family (One-family) ^[1]		The smaller of 4,000 sq. ft. or average of developed 1-family lots on the block face
Minimum lot area per family (Two-family) ^[1]		The smaller of 3,000 sq. ft. or average of developed 2-family lots on the block face
Minimum lot area per family (Townhouse) ^[1]		2,500 sq. ft.
Minimum lot frontage (one-family, two-family, and townhouses) ^[1]		The smaller of 40 ft. or average of developed lots with similar uses on the block face
STRUCTURE SETBACKS		
Minimum depth of front yard		The smaller of 25 ft. or average of adjacent developed lots facing the same street
Minimum width of side yard (one- and two-family)	General	6 ft.
	Lots with less than 50 ft. frontage and garage	Combined width of side yards must be at least 12 ft.
Minimum width of side yard (Townhouse)		10 ft. if adjacent to another lot
		25 ft. if adjacent to platted street
Corner Lot: width of front side yard	Dwelling	15 ft.
	Detached accessory structure	20 ft.
	Permitted non-residential structure	25 ft.
Minimum depth of rear yard		25 ft.
STRUCTURE HEIGHT		
Maximum height of structure		30 ft.

^[1] Determined using "Lots on the Block Face" definition. When doing this calculation, exclude the subject lot from the calculation.

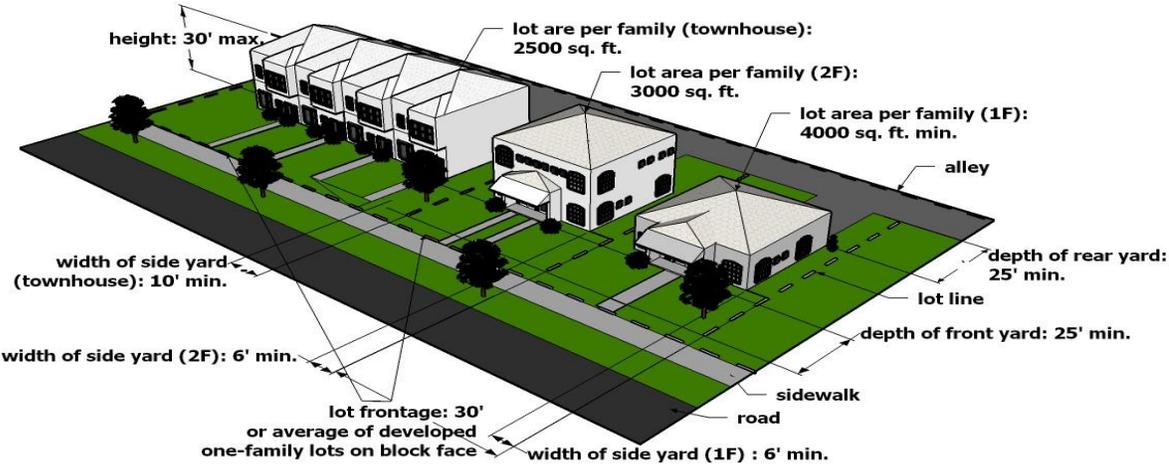
B. Example

R-1 Example Building Forms



C. Illustration

R-1 Example Lot Layout



50-14.6 Residential-Urban (R-2)

A. Purpose

The R-2 district is established to accommodate multi-family apartments and townhouses, in an urban setting. This district also allows for single-family detached dwellings, duplexes and group living accommodations as shown in Table 50-19.8. The district is intended primarily for locations closer to commercial and mixed use activity centers, and may serve as a transition between lower-density residential areas and more intense commercial and mixed use neighborhoods.

TABLE 50-14.6-1 R-2 DISTRICT DIMENSIONAL STANDARDS		
		LOT STANDARDS
Minimum lot area per family	One-family	4,000 sq. ft.
Minimum lot area per family	Two-family	2,500 sq. ft.
Minimum lot area per family	Multi-family	750 sq. ft.
Minimum lot area per family	Townhouse	2,200 sq. ft.
No lot of record containing 5,000 sq. ft. or less shall be used except for a one-family dwelling or a permitted non-dwelling use.		
Minimum lot frontage	One-family, two-family, and townhouse	30 ft.
	Multi-family and non-residential	50 ft.
STRUCTURE SETBACKS		
Minimum depth front yard	The smaller of 25 ft. or average of adjacent developed lots facing the same street	
Minimum width of side yard for structures less than 3 stories	6 ft.	
Minimum width of side yard for structures 3 stories or more	10 ft.	
Corner Lot: width of front side yard	Dwelling	15 ft.
	Detached accessory structure	20 ft.
	Permitted non-residential structure	25 ft.
Minimum depth of rear yard	25 ft.	
STRUCTURE HEIGHT		
Maximum height of structure	45 ft.	
Section 50.21 <i>Dimensional Standards</i> contains additional regulations applicable to this district.		

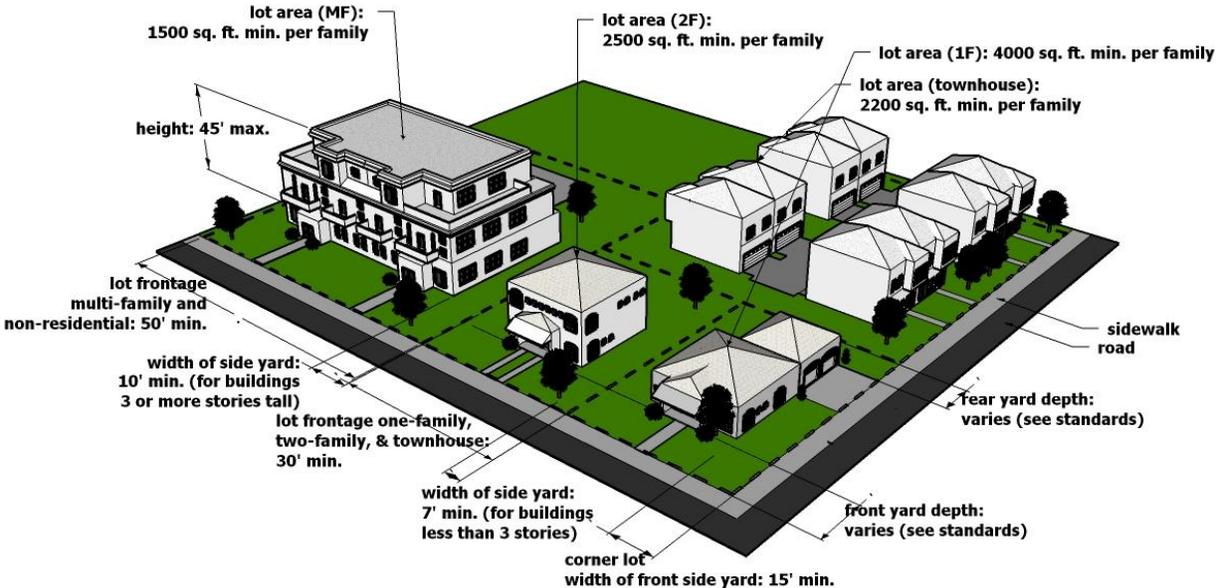
B. Example

R-2 Example Building Form



C. Illustration

R-2 Example Lot Layout



50-14.7 Residential-Planned (R-P)

A. Purpose

The R-P district is established to provide a flexible development option for residential projects that integrate creative site design, provide a variety of housing types, provide unique on-site amenities, conserve natural features, increase pedestrian connectivity, or otherwise result in a final product that provides a greater level of public benefit than would be required under the existing zone district. Each R-P district requires approval of an R-P regulating plan that includes the location, type, and intensity of proposed development and a description of public amenities or benefits included. Single-family residences, two-family residences, and townhouses, as well as accessory uses, are permitted, as shown in Table 50-19.8, provided projects are compatible in scale and character with the surrounding neighborhood and are included in the approved R-P plan.

B. Examples

R-P Example Building Forms



C. Modifications

An applicant may seek only the modifications in Table 50-14.7-1, based on demonstration of how the proposal supports the purpose of the R-P district as stated in Section 50-14.7.A and the following desired R-P amenities:

1. Significant preservation and protection of natural resources and undeveloped areas, including wetlands, trees, key habitat, and wildlife areas.
2. A higher level of sustainability, demonstrated in buildings, site design, and transportation, than required by Section 50-28.
3. More efficient and effective use of streets, utilities, and public facilities to support high quality development at a lesser cost.
4. Recreational facilities that are open to the public, such as parks and playgrounds.
5. Accommodations for and linkages to mass transit.
6. Creative site design as appropriate for the site, such as New Urbanist design for a walkable community or conservation development for a rural neighborhood.

- 7. Bike lanes and trails within the development and connecting to other trails and destinations.
- 8. Pedestrian amenities such as benches, plazas, pedestrian-scaled lighting, traffic calming, and art.

Table 50-14.7-1: Modifications Allowed	
Chapter Requirement	Maximum Modification Allowed
Distance from property lines	Reduction in setbacks; minimum 5' setback from rights of way
Lot frontage	25% decrease
Lot area, general	20% decrease
Lot area, when clustering is used to preserve open space	Overall density of the R-P district should demonstrate a maximum of 20% decrease over base zone districts. Individual lot sizes are allowed up to a 50% decrease.
Building height	Up to a 5' increase
Landscaping	15% decrease
Street width	As determined by City Engineer

D. Applicability

An R-P district shall only be established in the RR-1, RR-2, and R-1 districts provided the property meets the requirements in Table 50-14.7-2.

TABLE 50-14.7-2: Characteristics of R-P Areas	
Current zoning	RR-1, RR-2, R-1
Minimum lot size	4 acres

E. Rezoning Approval and Regulating Plan Required

The establishment of an R-P district requires rezoning the property per Section 50-37.3 from a current zone district to R-P and the approval of an R-P plan per Section 50-37.11 that governs the uses, location, density, dimensional standards and character of the proposed project.

In accordance with the purpose of the R-P district, approval of the R-P plan is deemed to include subdivision approval; R-P districts are not required to submit a separate subdivision application under Section 50-37.5.

F. Development Standards

1. The development standards of the base zone district(s) where the property is located shall apply to any R-P zoned land unless waived or varied by the terms of an approved R-P regulating plan. The ordinance approving an R-P district and the approved regulating plan shall identify the previous base zone districts for each portion of the property.
2. Overall density in residential portions of the R-P shall follow the density requirements of the previous zone district unless modified as part of the R-P plan.
3. Minimum percentage of property (excluding common open space) used for residential purposes shall be 66%.
4. Common open space. Adequate provisions shall be made for the permanent preservation and maintenance of active or passive open space. Common open space shall not be less than 30% of the area of the project (not including right of way) and shall comply with the following requirements:
 - (a) Common open space shall include the shore and bluff impact zones;
 - (b) Common open space shall include, where possible, lands within the Skyline Overlay;
 - (c) Common open space shall include, where possible, wetlands, floodplains, wildlife areas, steep slopes, rock outcrops, tree stands and areas unsuitable for development in their natural state;
 - (d) No more than one-quarter of the required common open space shall consist of wetlands;
 - (e) Common open space shall not include areas within 25 ft. of any structure, any impervious surface, or the area between buildings within an individual cluster of buildings;
 - (f) At least 50% of the common open space shall be retained in a contiguous area;
 - (g) Where possible, the design should utilize features such as vegetation, fences, topography, roads or trails to delineate the boundary of the common open space to minimize potential physical encroachments into the common open space by adjacent homeowners.
 - (h) Common open space shall not include land within rights of way.
 - (i) Ownership of common open space. Common open space shall be owned and managed by a property owners association and shall be encumbered through an easement, restrictive covenant or other instrument suitable to the city.
5. All shoreland setbacks and other dimensional requirements from Section 50-18.1 (NR-O) shall continue to apply and cannot be varied through the R-P process.

G. Required Rezoning Application and Regulating Plan Contents

1. The rezoning application (approved per Section 50-37.3) shall include the following information:
 - (a) A concept map showing the property to be rezoned and general uses within the area;
 - (b) Maximum residential densities and maximum square footage for nonresidential land uses;
 - (c) Maximum building heights.
2. The regulating plan (approved per Section 50-37.11) shall cover all of the land in the proposed R-P district and shall regulate all future development in the R-P district. An approved R-P plan is required before any building permits may be issued within the R-P district. The R-P plan shall include maps and text describing the following information:
 - (a) General layout of development areas and building parcels in relation to the natural features to be protected and the proposed road, trail and bicycle circulation systems;
 - (b) Lot sizes and widths, building setbacks, and maximum building heights for all proposed development parcels;
 - (c) Previous base zone districts;
 - (d) A road, trail and bicycle circulation plan (including how the circulation may intersect with transit use) and a description of proposed road, trail and bike route widths, trail surfaces, a proposal for maintenance of each road and trail (which may include dedication to and maintenance by the city), and a statement as to whether public access will be permitted on each road, trail, and bicycle route;
 - (e) A natural resources inventory and natural site features to be protected;
 - (f) Common open space to be provided, the location of that open space, a calculation of proposed open space as a percentage of the total land area in the R-P zone, a proposal for protection and maintenance of the open space over time and a statement as to whether public access to the open space shall be provided;
 - (g) Permitted and special uses for the site, which shall be consistent with those shown in Table 50-19.8; special uses listed in the R-P plan will need to apply for and receive a Special Use Permit prior to building.
 - (h) Maximum residential densities and maximum square footage for nonresidential land uses.
 - (i) A plan describing the demand for and location of water, sewer, and utility service to the property, including any additional right-of-way needed to accommodate those utilities. In addition, the plan shall indicate all utilities that will be owned or maintained by the public, and if any of those services are to be provided by the city or a public or quasi-public district, and provide a statement as to whether the proposed facilities will meet the engineering and maintenance standards of that entity;
 - (j) Details on buffering or transitioning between uses of different intensities both on- and off-site.
 - (k) A plan for storm water collection and treatment that includes a summary of land use and technical methods used to minimize storm water run-off from the site;

- (l) Off-street parking to be provided in driveways, surface lots and garages;
- (m) Any public amenities, other than common open space, to be provided by the applicant, together with a statement as to whether those amenities shall be available for public use;
- (n) Any required building types, form-based regulation or architectural design requirements, as well as a description of how those standards will be maintained and enforced over time.
- (o) If a project involves construction over a period of time in two or more phases, a phasing plan demonstrating that each phase meets density requirements, open space requirements, and provision of public amenities. Phasing plan shall include an approximate time frame for each phase of development. The applicant shall provide agreements, contracts, covenants, deed restrictions, and sureties acceptable to the City Attorney for the completion of the development according to the approved R-P plan.
- (p) Cross sections demonstrating the proportions of buildings and the relationship between those buildings, pedestrian spaces, and the streetscape.

H. Previously Approved Developments

All residential developments approved prior to November 19, 2010, as low-density planned developments pursuant to Sections 50-36.1 through 50-36.3 of the previous zoning code shall be treated as approved R-P developments, and will be rezoned to the R-P zone district.

I. Amendments

Applications to amend an existing R-P plan shall follow the process described in Section 50-37.3 if they relate to uses, densities, or height. All other amendments shall follow the process in Section 50-37.11.

50-15 MIXED USE DISTRICTS

50-15.1 General Purposes of Mixed Use Districts

The Mixed Use districts are established to:

- A.** Increase opportunities for residents to live in close proximity to jobs and non-residential development;
- B.** Accommodate the mix of residential and non-residential land uses common in and around downtown/waterfront areas, major universities and medical centers and along commercial corridors;
- C.** Encourage mixed use redevelopment, conversion, and reuse of aging and underutilized areas, and increase the efficient use of available commercial land in the city;
- D.** Create pedestrian-oriented environments that encourage transit use, pedestrian access, and more sustainable land use patterns;
- E.** Ensure that the appearance and function of residential and non-residential uses are of high and unique aesthetic character and quality, and are integrated with one another and the character of the area in which they are located.

50-15.2 Mixed Use-Neighborhood (MU-N)

A. Purpose

The MU-N district is established to accommodate a mix of neighborhood-scale, neighborhood serving non-residential uses and a range of residential uses located in close proximity. This district accommodates both horizontal (uses located in separate structures) and vertical (uses located in the same building) types of mixed use. Non-residential uses may include small-scale retail, service and professional offices that provide goods and services to the residents of the surrounding neighborhood, as shown in Table 50-19.8.

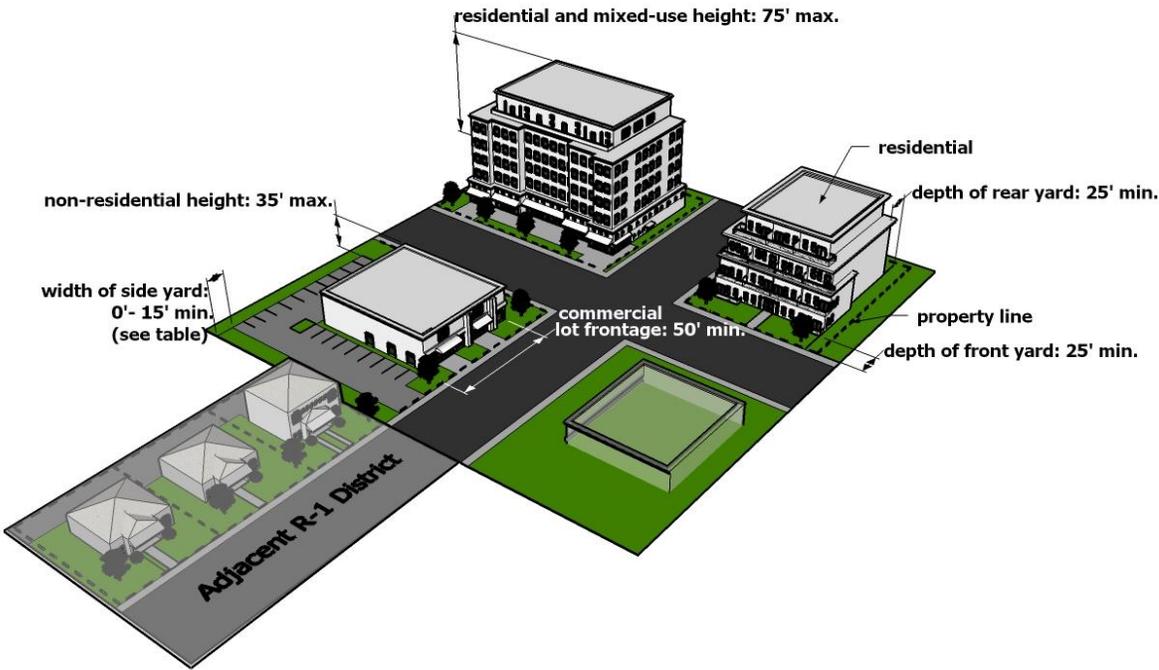
TABLE 50-15.2-1 MU-N DISTRICT DIMENSIONAL STANDARDS		
LOT STANDARDS		
Minimum lot area per family	One-family	4,000 sq. ft.
	Two-family	2,500 sq. ft.
	Multi-family	500 sq. ft.
	Efficiency unit	380 sq. ft.
	Townhouse or live-work dwelling	2,200 sq. ft.
No lot of record containing 5,000 sq. ft. or less shall be used except for a one-family dwelling or a permitted non-dwelling use		
Minimum lot frontage	One-family, two-family, or townhouse dwelling	30 ft.
	Multi-family or non-residential	50 ft.
STRUCTURE SETBACKS		
Minimum depth of front yard	One-family, non-residential, and mixed use	The smaller of 25 ft. or average of adjacent developed lots facing the same street
Minimum width of side yard	General, unless listed below	5 ft.
	Non-residential use adjacent to residential district or use	15 ft.
	Non-residential use adjacent to non-residential district or use	0 ft.
	Multi-family adjacent to single-family district or use	10 ft.
	Multi-family adjacent to multi-family district or use	0 ft.
Minimum depth of rear yard		25 ft.
STRUCTURE HEIGHT		
Maximum height of structure	Non-residential use	35 ft.
	Residential or mixed use (general)	75 ft.
	Residential or mixed use (within 500 ft. of R-1)	35 ft.
	Residential or mixed use (within 500 ft. of R-2)	50 ft.
Section 50.21 <i>Dimensional Standards</i> contains additional regulations applicable to this district.		

B. Example

MU-N Example Building Form



C. Illustration



50-15.3 Mixed Use-Commercial (MU-C)

A. Purpose

The MU-C district is established to provide for community and regional commercial development along commercial corridors and nodal centers. Intended non-residential uses include retail, lodging, service, and recreational facilities needed to support the community and region, as shown in Table 50-19.8. Development should facilitate pedestrian connections between residential and non-residential uses.

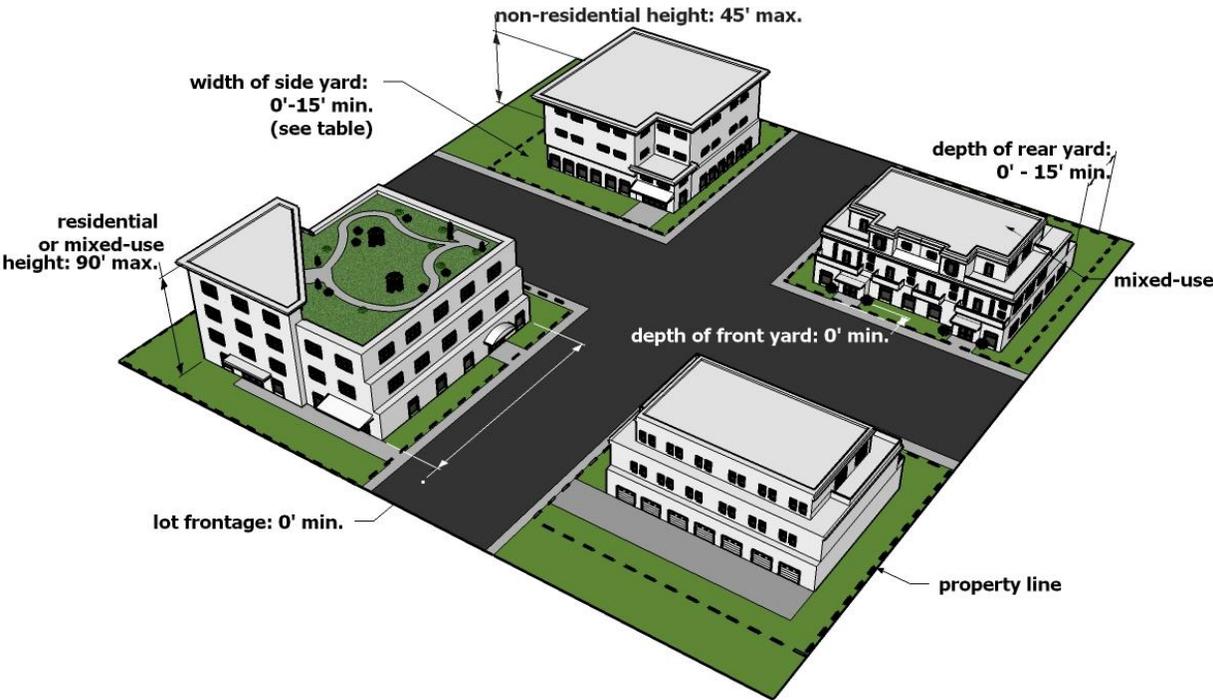
TABLE 50-15.3-1 MU-C DISTRICT DIMENSIONAL STANDARDS		
LOT STANDARDS		
Minimum lot area per family	Live-work dwelling	2,200 sq. ft.
	Multi-family	500 sq. ft.
	Efficiency unit	380 sq. ft.
Minimum lot frontage	Non-residential or mixed use	0 ft.
	Multi-family	50 ft.
STRUCTURE SETBACKS		
Minimum depth of front yard		0 ft.
Minimum width of side yard and rear yard	Non-residential district or use adjacent to residential or mixed use district or use	15 ft.
	Multi-family residential district or use adjacent to one-family residential district or use	10 ft.
	Non-residential use adjacent to commercial use or multi-family use adjacent to multi-family use	0 ft.
STRUCTURE HEIGHT		
Maximum height of structure	Non-residential use	45 ft.
	Residential or mixed use	90 ft.
	Residential or mixed use within 500 ft. of R-1	35 ft.
	Residential or mixed use within 500 ft. of R-2	50 ft.
Section 50.21 <i>Dimensional Standards</i> contains additional regulations applicable to this district.		

B. Example

MU-C Example Building Forms



C. Illustration



D. Planning Commission Approval Required

A planning review by the planning commission, pursuant to the procedures in Article 5, shall be required for all new development, redevelopment and expansions in the MU-C district, including but not limited to construction of driveways or other access from public streets, and construction of off-premises signs, but excluding the following:

1. Building construction or expansion of less than 500 sq. ft. in area;
2. Building renovations that affect the exterior of structures that do not result in an increase in building square footage;
3. Grading and construction of parking areas less than 3,000 sq. ft.

Development may not proceed until the planning commission has approved the project through planning review.

E. Development Standards

1. The location, size and number of curb cuts shall be designed to minimize traffic congestion or hazard in the area. Any traffic control improvements required as a result of the proposal such as traffic signals, turning lanes, medians, signage and other types of improvements necessary to accommodate traffic flow to and from the proposed project shall be paid for by the property owner. Any additional right-of-way or easements needed shall be provided by the property owner at no cost to the city.
2. Any necessary public easements over the subject property shall be dedicated, and any necessary improvements within such easements or other easements adjacent to the subject property shall be made.

50-15.4 Mixed Use-Institutional (MU-I)

A. Purpose

The MU-I district is established to provide for the unique development needs and impacts of major medical, educational and research institutional development. The intent is to give institutional landowners the flexibility to plan and develop their facilities while ensuring that surrounding neighborhoods are protected from adverse impacts, such as traffic, overshadowing buildings, noise, and unexpected expansion of institutional uses into residential areas.

TABLE 50-15.4-1 MU-I DISTRICT DIMENSIONAL STANDARDS		
		LOT STANDARDS
Minimum lot area per family	Multi-family	500 sq. ft.
	Efficiency unit	380 sq. ft.
		STRUCTURE SETBACKS
Structures and parking facility setbacks		0 ft.
		STRUCTURE HEIGHT
Maximum height of structure	Generally	120 ft.
	On development sites totaling not more than 15% of developable area of the zone district, but not within those areas where a lower maximum is noted below.	300 ft.
	Within 200 ft. of R-1	46 ft.
	Within 200 ft. of R-2	66 ft.
	Within 200 ft. of MU-N	91 ft.

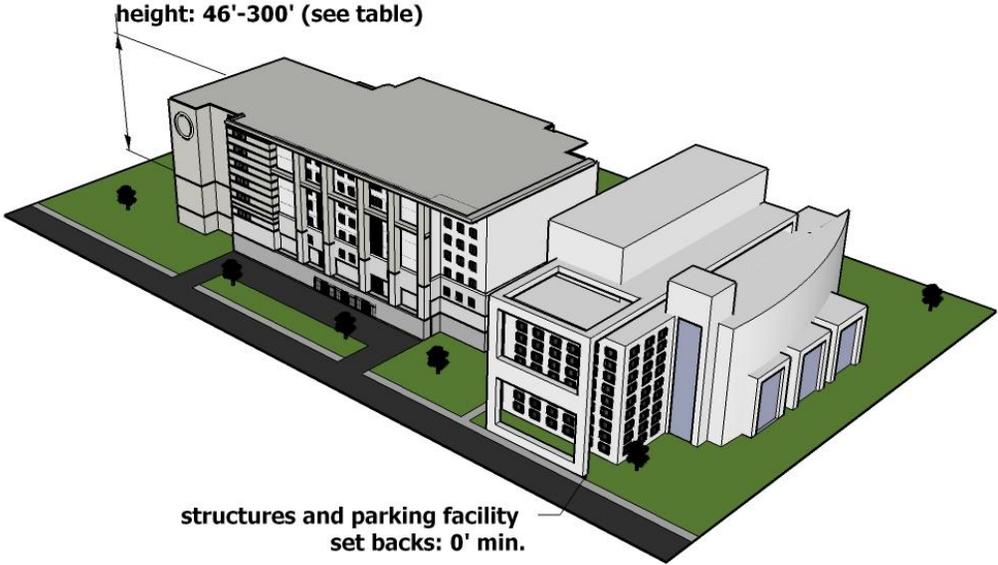
Section 50.21 *Dimensional Standards* contains additional regulations applicable to this district.

B. Example

MU-I Example Building Forms



C. Illustration



D. Planning Commission Approval Required

1. A planning review by the planning commission, pursuant to the procedures in Article 5, shall be required for all development and redevelopment, unless the applicant chooses to use the District Plan Option described below. Development may not proceed until the planning commission has approved the project through planning review or the District Plan Option.
2. Any proposed rezoning of land from an R district into the MU-I district shall require the preparation of a plan addressing how traffic, parking, and view impacts from the proposed redevelopment will be minimized for those lands on nearby R district properties or mitigated within existing MU-I lands, and planning review shall be based on that plan. The plan shall include any land and facilities within the current MU-I district that will be used to support the use or development of the property to be rezoned, and shall demonstrate how the rezoned and existing institutional properties will functionally relate in terms of parking, circulation, noise, visual impacts, and other applicable development standards.
3. Applicants that do not opt for approval of a district plan shall obtain separate approval for each future expansion or development project through the planning review procedures pursuant to 50-37.11 which may include requirements for special use permits or variances. Such approval will require review of vehicle circulation and building scale.

E. District Plan Option

1. In an MU-I zone district that contains 10 acres or more of land and multiple buildings owned or operated by a single institution, the institution may choose to obtain approval of a district plan from the city as set forth in Article 5.
2. After a district plan that complies with this Section 50-15.4 is approved, all subsequent development proposed by the institution that substantially complies with the density, location and uses of the approved district plan shall be administratively approved by the land use supervisor through the planning review process in Section 50-37.11 without the need for additional planning commission review or public hearings.

F. Optional District Plan Requirements

1. **Planning Area**

The planning area for the optional district plan shall include all the contiguous areas and properties under the ownership and control of the institution. All maps submitted under this Section also shall depict properties within 500 ft. of the planning area boundaries.

2. **Plan Requirements**

An optional district plan shall, at a minimum, include the following information unless the land use supervisor determines that some elements are not necessary to evaluate the institution's future impacts on surrounding neighborhoods:

- (a) A statement as to whether the institution intends to acquire any additional properties in the surrounding area for conversion to institution uses over the ten year period, and, if so, the general direction of that proposed expansion;
- (b) A plan and description of the maximum amount of development of land and buildings expected to occur within the planning area boundaries within over the next ten years, including:
 - (i) Location of each potential new building or significant expansion of or addition to existing buildings;
 - (ii) Maximum floor area and height of potential new buildings and additions to and expansions of existing buildings;
 - (iii) Any setbacks and buffering from the external planning area boundaries;
 - (iv) Total number and location of parking spaces that will be developed to serve any new development;
 - (v) A statement of any sensitive natural areas or site features that will be protected from development, and the measures to be taken to protect them;
 - (vi) A statement as to any public improvements anticipated to be required from the city or any public or quasi-public entity to serve the proposed development;
- (c) A transportation and parking management element that identifies traffic circulation patterns, entry and exit points for traffic at the planning area boundaries, any anticipated increases or decreases in traffic entering or exiting the planning area, how parking needs and transit service will be accommodated within the planning area and any measures to be used to mitigate traffic and parking impacts on surrounding areas. If the district plan reflects an increase of 10% or more in building gross square footage or an

increase of 10% or more of employment or enrolled students within the planning areas, the city may require that the institution base this element on a traffic and parking study prepared by a qualified consultant;

- (d) An open space, trail and pedestrian/bicycle circulation element that describes how those features will be integrated into the proposed development and connected to similar features in the surrounding area;
- (e) A massing plan showing the locations of all existing and planned buildings more than 20 ft. taller than the maximum height allowed in any adjacent residential zone district, together with any design standards to be applied on those buildings to reduce the degree to which those buildings obstruct views of Lake Superior from adjacent residential neighborhoods;
- (f) A description of any requested variation from the development standards in Article 4 that would otherwise apply to the planning area. Unless varied by the district plan, the provisions otherwise applicable to the MU-I zone district will apply.

G. Community Meeting

The applicant shall hold at least one community meeting to discuss the district plan before submitting the plan for review and approval by the city. Notice of the public meeting shall be mailed to all property owners within 350 ft. outside the planning area boundaries, and the city shall provide the applicant with the names and address of those property owners upon request. The applicant shall submit with the application documentation that the community meeting has taken place, the date and time of the meeting, the number of attendees, any issues raised regarding the district plan and any responses to those concerns incorporated in the district plan.

H. Approval Criteria

The city shall approve an optional district plan if it finds that the application meets all of those district plan approval criteria in Section 50-37.4C and in addition meets the following criteria:

1. The district plan complies with all applicable standards of this Chapter, or offers sound reasons for variations from those standards;
2. The district plan mitigates any potential significant adverse impacts to surrounding areas, including but not limited to traffic, parking, and visual obstruction of views of Lake Superior and the St. Louis River to the extent reasonable;
3. Sufficient public safety, transportation and utility facilities and services are available to serve the planning area at the proposed level of development, while maintaining sufficient levels of service to existing and anticipated development in surrounding areas.

50-15.5 Mixed Use-Business Park (MU-B)

A. Purpose

The MU-B district is intended to accommodate modern light industrial and technology-based developments of attractive integrated design and function. The development standards for this district are intended to ensure that projects minimize adverse impacts on surrounding uses and neighborhoods, reduce impacts on the natural environment, enhance the visual quality of development and ensure the provision of adequate and cost-efficient public facilities. Intended uses include wholesaling, industrial services, research laboratories, and light manufacturing needed to support the community and region at large, as shown in Table 50-19.8.

TABLE 50-15.5-1 MU-B DISTRICT DIMENSIONAL STANDARDS		
STRUCTURE SETBACKS		
Minimum depth of front yard	General	25 ft.
	Lots with less than 250 ft. average depth	Larger of 10 ft. or 10% of lot depth
Minimum width of side yard	Adjacent to residential use or district	6 ft.
	General	0 ft.
Minimum depth of rear yard	Adjacent to residential use or district	10 ft.
	General	0 ft.
STRUCTURE HEIGHT		
Maximum height of structure	General	60 ft.
	Within 500 ft. of R-1 district	35 ft.
	Within 500 ft. of R-2 district	50 ft.

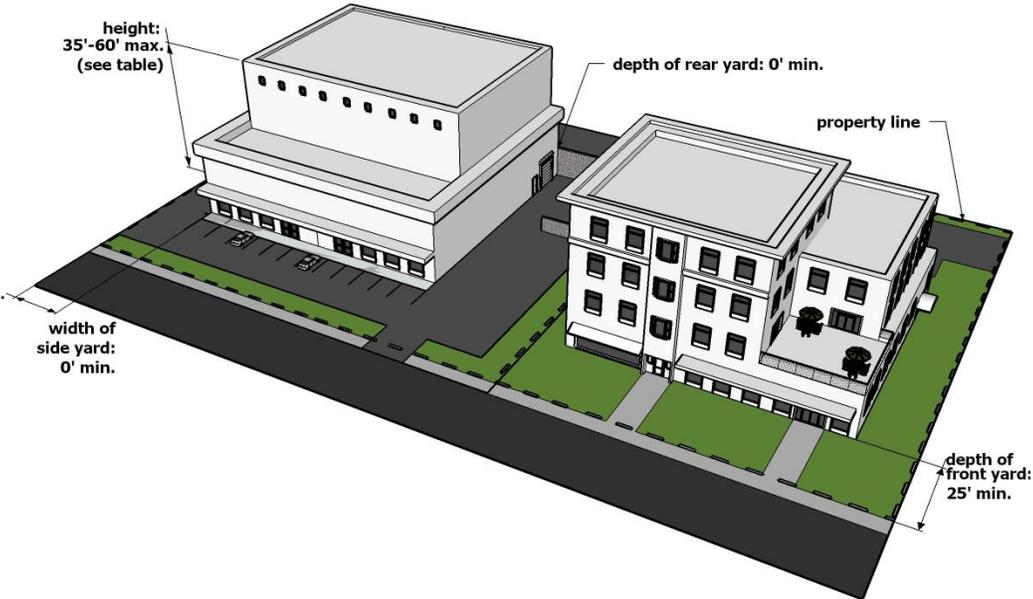
Section 50.21 *Dimensional Standards* contains additional regulations applicable to this district.

B. Example

MU-B Example Building Forms



C. Illustration



D. Development Standard

In portions of the MU-B zone district developed after May 7, 1979, (a) all truck loading, unloading, and maneuvering areas shall be constructed in side or rear yard areas with a durable dust free material having a smooth hard surface, and shall be defined on all sides by raised cast-in-place concrete curbs, and (b) all truck loading, unloading, and maneuvering operations shall be conducted so that no truck movement interferes with ingress or egress of traffic on a street and no truck shall be required to back into loading areas from a street.

50-15.6 Mixed Use-Waterfront (MU-W)

A. Purpose

The MU-W district is intended to provide for waterfront-dependent commercial uses and medium to high density residential development. Intended non-residential uses include visitor-related retail and services, lodging, recreational facilities and maritime uses, as well retail and service uses that take advantage of the waterfront setting, as shown in Table 50-19.8. Development may include horizontal or vertical mixed use, and should facilitate transit and pedestrian connections between developments and the surrounding areas and community.

TABLE 50-15.6-1 MU-W DISTRICT DIMENSIONAL STANDARDS		
LOT STANDARDS		
Minimum lot area per family	Townhouse or live-work dwelling	2,200 sq. ft.
	Multi-family	500 sq. ft.
	Efficiency unit	380 sq. ft.
Minimum lot frontage		50 ft.
STRUCTURE SETBACKS		
Minimum depth of front yard		0 ft.
Minimum width of side yard	Non-residential use adjacent to residential district or use	15 ft.
	Non-residential use adjacent to non-residential district or use	0 ft.
	Multi-family adjacent to single-family district or use	10 ft.
	Multi-family adjacent to multi-family district or use	0 ft.
Minimum depth of rear yard		25 ft.
STRUCTURE HEIGHT		
Maximum height of structure	Residential or mixed use	120 ft.
	Non-residential	45 ft.
	Within 500 ft. of R-1 district	35 ft.
	Within 500 ft. of R-2 district	50 ft.

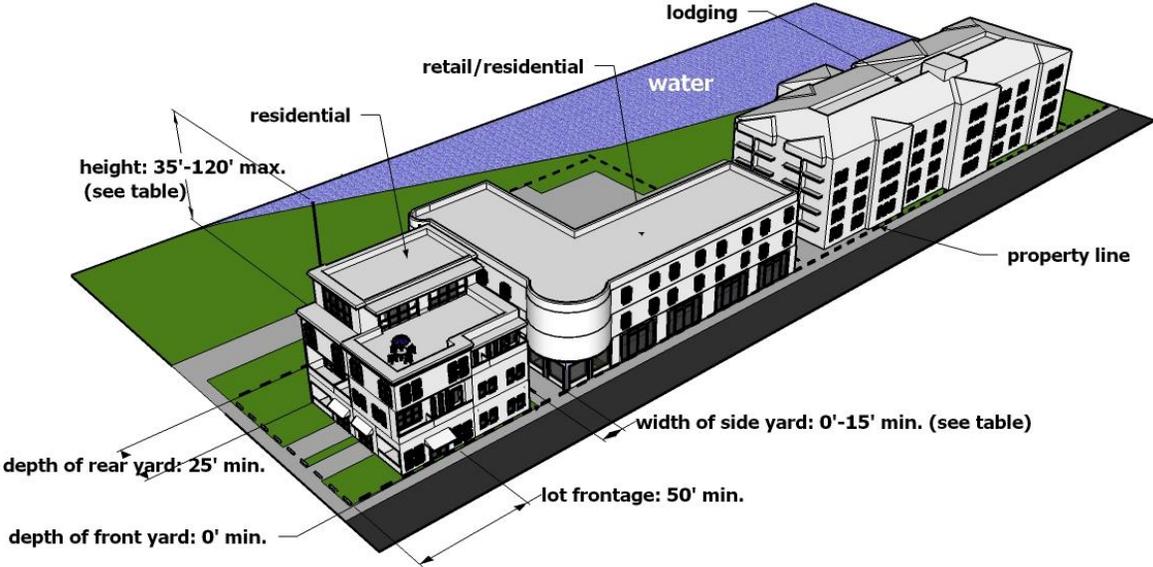
Section 50.21 *Dimensional Standards* contains additional regulations applicable to this district.

B. Example

MU-W Example Building Forms



C. Illustration



D. Planning Commission Approval Required

A planning review by the planning commission, pursuant to the procedures in Article 5, shall be required for all development, redevelopment and expansions in the MU-W district, including but not limited to construction of driveways or other access from public streets and construction of off-premises signs, but excluding the following:

1. Building construction or expansion of less than 500 sq. ft. in area;
2. Building renovations that affect the exterior of structures that do not result in an increase in building square footage;
3. Grading and construction of parking areas less than 3,000 sq. ft.

Development may not proceed until the planning commission has approved the project through planning review.

E. Development Standards

All permitted development in the MU-W shall comply with the following development standards:

1. Proposed development shall be visually and functionally oriented toward the waterfront of Lake Superior, the harbor and the St. Louis River to the maximum extent possible so that users of buildings and associated outdoor areas have direct views and physical access to the waterfront;
2. To protect public views to the waterfront from the closest landward public street running approximately parallel to the water, all primary structures shall have a maximum width of 200 ft. measured along the shoreline and shall be separated from other primary structures by a minimum of 50 ft. These requirements shall not apply to portions of buildings that do not block public views of Lake Superior, the harbor and the St. Louis River from the closest landward public street running approximately parallel to the water due to topography or the location;

3. Buildings shall have a primary façade, with a functioning entrance for residents, employees or patrons facing the waterfront, and a second primary façade with a similar functioning entrance facing at least one of the adjacent streets, to the maximum extent feasible;
4. The quality of façade design and materials and the level of detail on the building façade facing the water shall be comparable to that on any other building façade containing a functioning entrance. The building façade facing the water shall have at least 40% transparency, measured as set forth in Section 50-22.5D.1; no rectangular area greater than 30% of each story of the façade facing the water may be windowless, as measured from floor to floor, and no horizontal distance greater than 15 ft. of each story of a facade facing the water may be windowless;
5. The parking requirements in Section 50-24 shall be met, except that where a property is not adjacent to an R zone district, the required parking may be reduced by 30% if the applicant can demonstrate that nearby properties provide supplemental on-street or off-street parking.

50-15.7 Mixed Use-Planned (MU-P)

A. Purpose

The MU-P district is established to provide a flexible development option for mixed use projects that integrate creative site design, provide a variety of building types, provide unique on-site amenities, conserve natural features, increase pedestrian connectivity, or otherwise result in a final product that provides a greater level of public benefit than would be required under the existing zone district. Each MU-P district requires approval of an MU-P regulating plan that includes the location, type, and intensity of proposed development and a description of public amenities or benefits included. A variety of residential and commercial uses are permitted, as shown in Table 50-19.8, provided projects are compatible in scale and character with the surrounding neighborhood and are included in the approved MU-P plan.

B. Examples

MU-P Example Building Forms



C. Modifications

An applicant may seek only the modifications in Table 50-15.7-1, based on demonstration of how the proposal supports the purpose of the MU-P district as stated in Section 50-15.7.A and the following desired MU-P amenities:

1. Significant preservation and protection of natural resources and undeveloped areas, including wetlands, trees, key habitat, and wildlife areas.
2. A higher level of sustainability, demonstrated in buildings, site design, and transportation, than required by Section 50-28.
3. More efficient and effective use of streets, utilities, and public facilities to support high quality development at a lesser cost.
4. Recreational facilities that are open to the public, such as parks and playgrounds.
5. Accommodations for and linkages to mass transit.
6. Creative site and building design.
7. Bike lanes and trails within the development and connecting to other trails and destinations.
8. Pedestrian amenities such as benches, plazas, pedestrian-scaled lighting, traffic calming, and art.

Table 50-15.7-1: Modifications Allowed	
Chapter Requirement	Maximum Modification Allowed
Distance from property lines	No required yards
Building height	20% increase if not within 200' of an R-1 or R-2
Lot frontage	10% decrease
Buildings per lot	More than one building may be placed on one lot
Parking	10% decrease in addition to other allowable chapter reductions or a 10% increase over the maximum
Landscaping	20% decrease
Street width	As determined by City Engineer
Building design standards	Can propose alternative standards
Higher Education Overlay	Can propose alternative standards

D. Applicability

An MU-P district shall only be established in the R-2, MU-N, MU-C, and MU-B districts provided the property meets the requirements in Table 50-15.7-2.

TABLE 50-15.7-2: Characteristics of MU-P Areas	
Current zoning	R-2, MU-N, MU-C, MU-B
Minimum lot size	2 acres

E. Rezoning Approval and Regulating Plan Required

The establishment of an MU-P district requires rezoning the property per Section 50-37.3 from a current zone district to R-P and the approval of an R-P plan per Section 50-37.11, that governs the uses, location, density, dimensional standards and character of the proposed project.

In accordance with the purpose of the MU-P district, approval of the MU-P plan is deemed to include subdivision approval; MU-P districts are not required to submit a separate subdivision application under Section 50-37.5.

F. Development Standards

1. The development standards of the base zone district(s) where the property is located shall apply to any MU-P zoned land unless waived or varied by the terms of an approved MU-P regulating plan. The ordinance approving an MU-P district and the approved regulating plan shall identify the previous base zone districts for each portion of the property.
2. Overall density in residential portions of the MU-P shall follow the density requirements of the previous zone district unless modified as part of the MU-P plan.
3. Height standards:
 - (a) Maximum building height within 200 ft. of an R-1 district is 35 ft.
 - (b) Maximum building height within 200 ft. of an R-2 district is 50 ft.
4. Common open space. Adequate provisions shall be made for the permanent preservation and maintenance of active or passive open space. Common open space shall not be less than 20% of the area of the project and shall comply with the following requirements:
 - (a) Common open space shall include the shore and bluff impact zones;
 - (b) Common open space shall include, where possible, wetlands, floodplains, wildlife areas, steep slopes, rock outcrops, tree stands and areas unsuitable for development in their natural state;
 - (c) At least 50% of the common open space shall be retained in a contiguous area;
 - (d) Common open space shall not include roads or right of way.
5. The development shall encourage walkable, bikeable communities through the use of complete streets, alleys, sidewalks and trails, interconnected street networks, small blocks, front porches, and buildings that are sited adjacent to streets;
6. All shoreland setbacks and other dimensional requirements from Section 50-18.1 (NR-O) shall continue to apply and cannot be varied through the MU-P process.

G. Required Rezoning Application and Regulating Plan Contents

1. The rezoning application (approved per Section 50-37.3) shall include the following information:
 - (a) A concept map showing the property to be rezoned and general uses within the area;
 - (b) Maximum residential densities and maximum square footage for nonresidential land uses;
 - (c) Maximum building heights.

2. The regulating plan (approved per Section 50-37.11) shall cover all of the land in the proposed MU-P district and shall regulate all future development in the MU-P district. An approved MU-P plan is required before any building permits may be issued within the MU-P district. The MU-P plan shall include maps and text describing the following information:

- (a) General layout of development areas and building parcels in relation to the natural features to be protected and the proposed road, trail and bicycle circulation systems;
- (b) Lot sizes and widths, building setbacks, and maximum building heights for all proposed development parcels;
- (c) Previous base zone districts;
- (d) A traffic impact analysis;
- (e) A road, trail and bicycle circulation plan (including how the circulation may intersect with transit use) and a description of proposed road, trail and bike route widths, trail surfaces, a proposal for maintenance of each road and trail (which may include dedication to and maintenance by the city), and a statement as to whether public access will be permitted on each road, trail, and bicycle route;
- (f) A natural resources inventory and natural site features to be protected;
- (g) Common open space to be provided, the location of that open space, a calculation of proposed open space as a percentage of the total land area in the MU-P zone, a proposal for protection and maintenance of the open space over time and a statement as to whether public access to the open space shall be provided;
- (h) Permitted and special uses for the site, which shall be consistent with those shown in Table 50-19.8; special uses listed in the MU-P plan will need to apply for and receive a Special Use Permit prior to building.
- (i) Maximum residential densities and maximum square footage for nonresidential land uses.
- (j) A plan describing the demand for and location of water, sewer, and utility service to the property, including any additional right-of-way needed to accommodate those utilities. In addition, the plan shall indicate all utilities that will be owned or maintained by the public, and if any of those services are to be provided by the city or a public or quasi-public district, and provide a statement as to whether the proposed facilities will meet the engineering and maintenance standards of that entity;
- (k) Details on buffering or transitioning between uses of different intensities both on- and off-site.
- (l) A plan for storm water collection and treatment that includes a summary of land use and technical methods used to minimize storm water run-off from the site;
- (m) Off-street parking to be provided in driveways, surface lots and garages;
- (n) Any public amenities, other than common open space, to be provided by the applicant, together with a statement as to whether those amenities shall be available for public use;

- (o) Any required building types, form-based regulation or architectural design requirements, as well as a description of how those standards will be maintained and enforced over time.
- (p) If a project involves construction over a period of time in two or more phases, a phasing plan demonstrating that each phase meets density requirements, open space requirements, and provision of public amenities. Phasing plan shall include an approximate time frame for each phase of development. The applicant shall provide agreements, contracts, covenants, deed restrictions, and sureties acceptable to the City Attorney for the completion of the development according to the approved MU-P plan.
- (q) Cross sections demonstrating the proportions of buildings and the relationship between those buildings, pedestrian spaces, and the streetscape.

H. Amendments

Applications to amend an existing MU-P plan shall follow the process described in Section 50-37.3 if they relate to uses, densities, or height. All other amendments shall follow the process in Section 50-37.11.

50-16 FORM DISTRICTS

50-16.1 General Purposes of Form Districts

Nine new districts were created for those areas within the city to be regulated by form-based coding. Sections 50-16.2 through 50-16.10 below contain brief descriptions of each of the Form Districts. Section 50-22, Building Form Standards, provides additional information that applies to these districts and regulates the types of buildings, development and rezoning permitted in each district.

50-16.2 Form District 1 (F-1) Low-Rise Neighborhood Shopping

A. Purpose

The F-1 District consists of only one building type, Main Street Building I. This district is meant to be mapped within the East Superior Street study area (Lakeside/Lester Park) along the commercial nodes that take the form of traditional mixed use development. Main Street Building I has a build-to zone of between 0 and 15 ft., that allows the building to either be built adjacent to the sidewalk or set back further on the lot to match its surrounding residential context. This building type also requires a high amount of transparency on the ground floor. Permitted and special uses are shown in Table 50-19.8

		Form Districts								
		F-1	F-2	F-3	F-4	F-5	F-6	F-7	F-8	F-9
Building Types	Main Street Building I	•	•							
	Main Street Building II			•	•	•	•			
	Main Street Building III							•	•	
	Corridor Building I		•							
	Corridor Building II				•	•				
	Lakefront Corridor									•
	Corridor Building III								•	
	Cottage Commercial I		•				•			
	Cottage Commercial II				•					
	Iconic Building		•		•	•			•	

B. Example

F-1 Example Building Forms



C. Illustration

See Section 50-22 for illustrations of building types permitted in the F-1 district.

50-16.3 Form District 2 (F-2) Low-Rise Neighborhood Mix

A. Purpose

The F-2 District permits Main Street Building I, Corridor Building I, Cottage Commercial Building I and the Iconic Building. This district was designed for both the East Superior Street (Lakeside/Lester Park) and London Road (12th to 21st Avenues East) study areas, and is meant to serve as a mixed use, neighborhood-scale commercial district. Corridor Building I is better suited for office or residential (apartment) uses. Due to its residential character, Cottage Commercial I is well suited to commercial uses that may occur adjacent to a residential area. Permitted and special uses are shown in Table 50-19.8.

		Form Districts								
		F-1	F-2	F-3	F-4	F-5	F-6	F-7	F-8	F-9
Building Types	Main Street Building I	•	•							
	Main Street Building II			•	•	•	•			
	Main Street Building III							•	•	
	Corridor Building I		•							
	Corridor Building II				•	•				
	Lakefront Corridor									•
	Corridor Building III								•	
	Cottage Commercial I		•				•			
	Cottage Commercial II				•					
	Iconic Building		•		•	•			•	

B. Example

F-2 Example Building Forms



C. Illustration

See Section 50-22 for illustrations of building types permitted in the F-2 district.

50-16.4 Form District 3 (F-3) Mid-Rise Community Shopping

A. Purpose

Several pockets within the West Duluth (Grand Avenue and Central Avenue), and Canal Park study areas contain older mixed use buildings, with retail or office uses on the ground floor and office or residential uses on the upper floors. F-3: Main Street Building II was created to preserve this style of development and provide standards for future infill development to emulate the style as well. Main Street Building II has a small build-to zone, requiring the building to be constructed fairly close to the front property line. Permitted and special uses are shown in Table 50-19.8.

		Form Districts								
		F-1	F-2	F-3	F-4	F-5	F-6	F-7	F-8	F-9
Building Types	Main Street Building I	•	•							
	Main Street Building II			•	•	•				
	Main Street Building III							•	•	
	Corridor Building I		•							
	Corridor Building II				•	•				
	Lakefront Corridor									•
	Corridor Building III								•	
	Cottage Commercial I		•				•			
	Cottage Commercial II				•					
	Iconic Building		•		•	•			•	

B. Example

F-3 Example Building Forms



C. Illustration

See Section 50-22 for illustrations of building types permitted in the F-3 district.

50-16.5 Form District 4 (F-4) Mid-Rise Community Mix

A. Purpose

Portions of the London Road and West Duluth (Grand Avenue and Central Avenue) study areas either contain auto-oriented development or a mixture of different building types. The F-4 District was created for those areas that are not strictly comprised of mixed use buildings. These areas are often transitional in nature, as the study area switches from commercial to residential. The integration of Corridor Building II and Cottage Commercial II will assist in stepping down the intensity as the district approaches residential neighborhoods. Permitted and special uses are shown in Table 50-19.8.

		Form Districts								
		F-1	F-2	F-3	F-4	F-5	F-6	F-7	F-8	F-9
Building Types	Main Street Building I	•	•							
	Main Street Building II			•	•	•	•			
	Main Street Building III							•	•	
	Corridor Building I		•							
	Corridor Building II				•	•				
	Lakefront Corridor									•
	Corridor Building III								•	
	Cottage Commercial I		•				•			
	Cottage Commercial II				•					
	Iconic Building		•		•	•			•	

B. Example

F-4 Example Building Forms



C. Illustration

See Section 50-22 for illustrations of building types permitted in the F-4 district.

50-16.6 Form District 5 (F-5) Mid-Rise Community Shopping and Office

A. Purpose

The F-5 District is applied to both the West Superior Street study area (Lincoln Park) and the transitional areas surrounding Downtown, including Canal Park and Central Hillside (2nd Street from 6th Ave. West to 3rd Ave. East). These areas consist of a combination of traditional mixed use buildings and office buildings, which conform to the style of Main Street Building II and Corridor Building II. Permitted and special uses are shown in Table 50-19.8.

		Form Districts								
		F-1	F-2	F-3	F-4	F-5	F-6	F-7	F-8	F-9
Building Types	Main Street Building I	•	•							
	Main Street Building II			•	•	•	•			
	Main Street Building III							•	•	
	Corridor Building I		•							
	Corridor Building II				•	•				
	Lakefront Corridor									•
	Corridor Building III								•	
	Cottage Commercial I		•				•			
	Cottage Commercial II				•					
	Iconic Building		•		•	•			•	

B. Example

F-5 Example Building Forms



C. Illustration

See Section 50-22 for illustrations of building types permitted in the F-5 district.

50-16.7 Form District 6 (F-6) Mid-Rise Neighborhood Shopping

A. Purpose

This district was created to respond to the commercial nodes present in the Central Hillside neighborhood (4th St. from Mesaba Ave. to 3rd Ave. East). These nodes are separated by residential developments, which were not included in the study area. Main Street Building II and Cottage Commercial Building I provide flexibility in the style of commercial building, with the Cottage Commercial building type especially applicable when it's located adjacent to residential development. Permitted and special uses are shown in Table 50-19.8.

		Form Districts								
		F-1	F-2	F-3	F-4	F-5	F-6	F-7	F-8	F-9
Building Types	Main Street Building I	•	•							
	Main Street Building II			•	•	•	•			
	Main Street Building III							•	•	
	Corridor Building I		•							
	Corridor Building II				•	•				
	Lakefront Corridor									•
	Corridor Building III								•	
	Cottage Commercial I		•				•			
	Cottage Commercial II				•					
	Iconic Building		•		•	•			•	

B. Example

F-6 Example Building Forms



C. Illustration

See Section 50-22 for illustrations of building types permitted in the F-6 district.

50-16.8 Form District 7 (F-7) Downtown Shopping

A. Purpose

To preserve the historic mixed use core of Downtown, F-7 was created to be applied in specific areas along Superior Street. This district permits only Main Street Building III, which seeks to codify the existing urban structure of the heart of Downtown. The building type requires a storefront on the ground floor and that the building be located adjacent to the sidewalk. The F-7 and F-8 districts also permit the highest intensity development, with a maximum height along Superior Street of 15 stories. Permitted and special uses are shown in Table 50-19.8.

		Form Districts								
		F-1	F-2	F-3	F-4	F-5	F-6	F-7	F-8	F-9
Building Types	Main Street Building I	•	•							
	Main Street Building II			•	•	•	•			
	Main Street Building III							•	•	
	Corridor Building I		•							
	Corridor Building II				•	•				
	Lakefront Corridor									•
	Corridor Building III								•	
	Cottage Commercial I		•				•			
	Cottage Commercial II				•					
	Iconic Building		•		•	•			•	

B. Example

F-7 Example Building Forms



C. Illustration

See Section 50-22 for illustrations of building types permitted in the F-7 district.

50-16.9 Form District 8 (F-8) Downtown Mix

A. Purpose

F-8 applies to other Downtown areas not included in the F-7 district. The district provides slightly more flexibility in building form than does F-7, as it permits both Main Street Building III and Corridor Building III for office and residential uses. Permitted and special uses are shown in Table 50-19.8.

		Form Districts								
		F-1	F-2	F-3	F-4	F-5	F-6	F-7	F-8	F-9
Building Types	Main Street Building I	•	•							
	Main Street Building II			•	•	•	•			
	Main Street Building III							•	•	
	Corridor Building I		•							
	Corridor Building II				•	•				
	Lakefront Corridor									•
	Corridor Building III								•	
	Cottage Commercial I		•				•			
	Cottage Commercial II				•					
	Iconic Building		•		•	•			•	

B. Example

F-8 Example Building Forms



C. Illustration

See Section 50-22 for illustrations of building types permitted in the F-8 district.

50-16.10 Form District 9 (F-9) Canal Park Lakefront

A. Purpose

F-9 applies specifically to the east side of Canal Park Drive, addressing the parcels currently occupied by hotels. This district is unique in that the parcels are deep and front both Lake Superior and Canal Park Drive. The Lakefront Corridor Building was developed specifically for these locations, requiring frontage on both sides with enough depth to nestle parking in between the buildings. Views through these parcels to the lake are also addressed with view corridors. Permitted and special uses are shown in Table 50-19.8.

		Form Districts								
		F-1	F-2	F-3	F-4	F-5	F-6	F-7	F-8	F-9
Building Types	Main Street Building I	•	•							
	Main Street Building II			•	•	•	•			
	Main Street Building III							•	•	
	Corridor Building I		•							
	Corridor Building II				•	•				
	Lakefront Corridor									•
	Corridor Building III								•	
	Cottage Commercial I		•				•			
	Cottage Commercial II				•					
	Iconic Building		•		•	•			•	

B. Example

F-9 Example Building Forms



C. Illustration

See Section 50-22 for illustrations of building types permitted in the F-9 district.

50-17 SPECIAL PURPOSE DISTRICTS

50-17.1 General Purposes

The special purpose zone districts are intended to:

- A.** Preserve, protect and promote employment-generating uses;
- B.** Create suitable environments for various types of commercial and industrial uses and protect them from the adverse effects of incompatible uses;
- C.** Help implement the Comprehensive Land Use Plan by accommodating special land uses needed by Duluth's residents, businesses, visitors and workers;
- D.** Encourage site planning, land use planning and architectural design that create an interesting, pedestrian-friendly environment where appropriate;
- E.** Minimize potential negative impacts of non-residential development on adjacent residential areas;
- F.** Preserve the natural resources of the city.

50-17.2 Industrial-General (I-G)

A. Purpose

The I-G district is intended to provide for general to heavy impact industrial, processing, assembly, fabrication and manufacturing uses. Office uses are allowed provided they are clearly incidental to and supportive of on-site industrial uses, as shown in Table 50-19.8. The district is intended primarily for locations close to major transportation corridors and active commercial centers. This district should be located away from residential development.

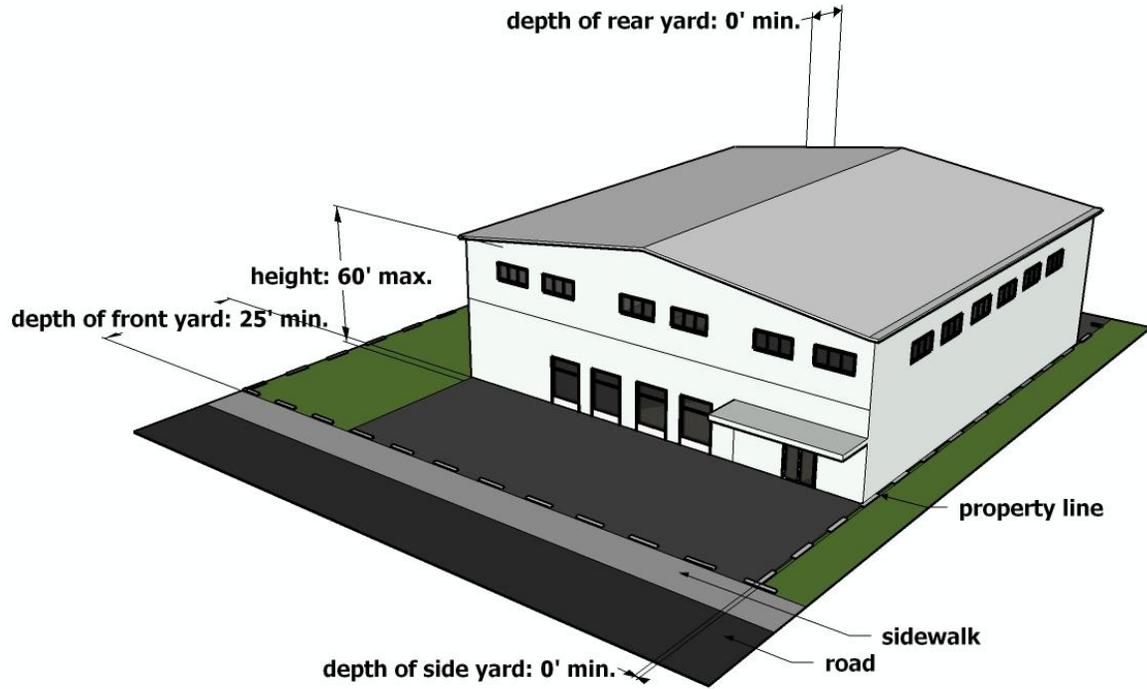
TABLE 50-17.2-1 I-G DISTRICT DIMENSIONAL STANDARDS		
		LOT STANDARDS
Minimum lot area		0 sq. ft.
Minimum lot frontage		0 ft.
STRUCTURE SETBACKS		
Minimum depth of front yard	General	25 ft.
	Lots with less than 250 ft. average depth	Larger of 10 ft. or 10% of lot depth
Minimum width of side yard	General	0 ft.
	Adjacent to residential use or district	15 ft.
Minimum depth of rear yard (ft)	General	0 ft.
	Adjacent to residential use or district	25 ft.
STRUCTURE HEIGHT		
Maximum height of structure	General	60 ft.
	Within 200 ft. of R-1 district	35 ft.
	Within 200 ft. of R-2 district	50 ft.
Section 50.21 <i>Dimensional Standards</i> contains additional regulations applicable to this district.		

B. Example

I-G Example Building Form



C. Illustration



50-17.3 Industrial-Waterfront (I-W)

A. Purpose

The I-W district is intended to provide for water-dependent and port-dependent industrial uses as shown in Table 50-19.8. Office uses are allowed provided they are clearly incidental to and supportive of on-site industrial uses. This district should be located away from residential development.

**TABLE 50-17.3-1
I-W DISTRICT DIMENSIONAL STANDARDS**

		LOT STANDARDS
Minimum lot area		0 sq. ft.
Minimum lot frontage		0 ft.
		STRUCTURE SETBACKS
Minimum depth of front yard	General	25 ft.
	Lots with less than 250 ft. average depth	Larger of 10 ft. or 10% of lot depth
Minimum width of side yard	General	0 ft.
	Adjacent to residential	15 ft.
Minimum depth of rear yard	General	0 ft.
	Adjacent to residential	25 ft.
		STRUCTURE HEIGHT
Maximum height of structure	General	60 ft.
	Within 200 ft. of R-1 district	35 ft.
	Within 200 ft. of R-2 district	50 ft.

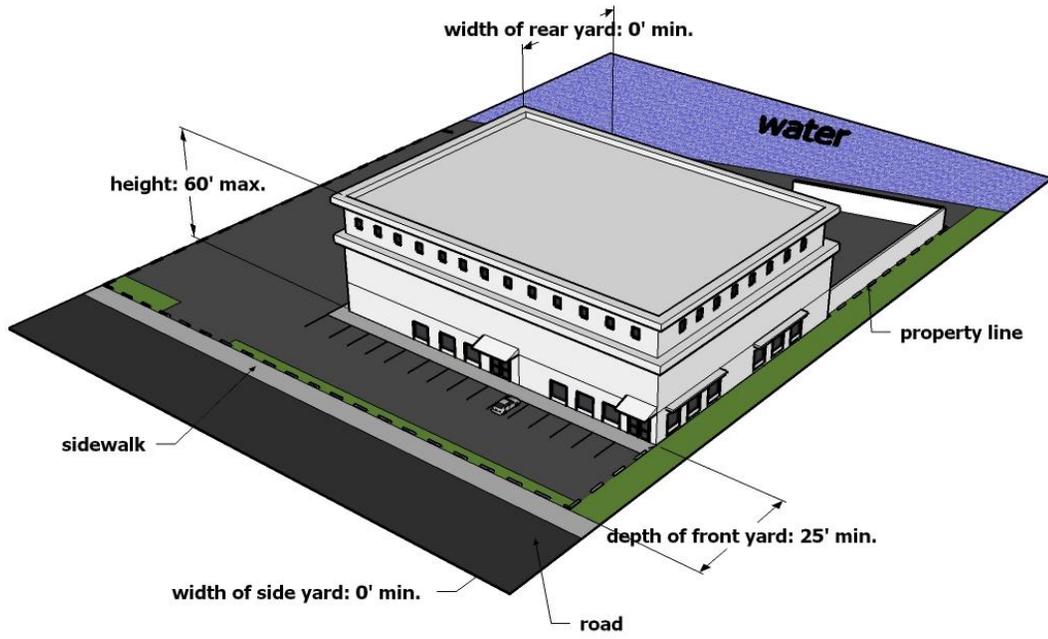
Section 50.21 *Dimensional Standards* contains additional regulations applicable to this district.

B. Example

I-W Example Building Form



C. Illustration



50-17.4 Park and Open Space District (P-1)

A. Purpose

The P-1 district is intended to protect and reserve lands for recreational, scenic and natural resource uses. It is intended to be applied to publicly owned land but may be applied to private property with the landowner’s written consent. Both passive recreational (e.g., walking paths, picnic tables) and active recreational (e.g., playgrounds, ball fields, tennis courts) uses may be permitted, as shown in Table 50-19.8. Small-scale buildings, structures and development (e.g., parking) that are incidental to and supportive of an approved use may also be permitted. All uses and structures shall be compatible in scale, design and impact with the natural features and character of the land.

**TABLE 50-17.4-1:
P-1 DISTRICT DIMENSIONAL STANDARDS**

LOT STANDARDS	
Minimum lot area	0 sq. ft.
Minimum lot frontage	0 ft.
STRUCTURE SETBACKS	
Minimum depth of front yard	25 ft.
Minimum width of side yard	25 ft.
Minimum depth of rear yard	25 ft.
STRUCTURE HEIGHT	
Maximum height of structure	30 ft.

Section 50.21 *Dimensional Standards* contains additional regulations applicable to this district.

B. Example

P-1 Example Pictures



50-18 OVERLAY DISTRICTS

50-18.1 Natural Resources Overlay (NR-O)

A. General

1. Purpose Statement

The purpose of this overlay is to promote, preserve and enhance the water resources and environment within the city and protect them from adverse effects caused by poorly sited or incompatible development. It is intended to implement the Minnesota Wetland Conservation Act (WCA), Federal Emergency Management Agency (FEMA) rules, and the Minnesota Department of Natural Resources (DNR) shoreland regulations. In accordance with this regulatory framework, wetlands, flood plains, and shorelands are protected by regulating developments that would have an adverse or potentially irreversible impact on unique and fragile land, by minimizing conflicts and encouraging compatibility between environmentally sensitive lands, and by requiring detailed review standards and procedures for developments proposed for such areas, thereby achieving a balance between urban growth and development and protection of natural areas.

2. NR-O Map

The NR-O Map contains data from the following sources:

- (a) For wetlands, there is no official wetlands map. All lands in the city that meet the definition of wetlands in Article 6 are considered wetlands for the purposes of this Section.
- (b) For flood plains, the Flood Boundary and Floodway Map for Duluth, Minnesota, published with an effective date of February 1, 1980, by the U.S. Department of Housing and Urban Development, and all subsequent amendments thereto. Determinations of flood plain status on individual properties shall be made based on the official version of this map on file with the city.
- (c) For shorelands, boundaries shall be based on (i) waters shown as protected on the map and inventory of protected waters in Duluth prepared by the DNR commissioner pursuant to Chapter 199, Laws of Minnesota, 1979, and (ii) selected waters that the city has added to the commissioner's survey as being worthy of shoreland protection. All of these waters are shown on the NR-O Map as currently revised as of November 19, 2010.
- (d) Where interpretation is needed as to the exact location of any boundary as shown on an official map, the city engineer shall make the necessary interpretation based on available technical data, and, in the case of flood plains, based particularly on elevations on the regional flood profile or hydraulic modeling data.
- (e) The NR-O Map may be amended in the future, and any revisions shall become effective upon adoption of the revised NR-O map as an amendment to this Chapter.

B. WETLANDS

This Section 50-18 shall apply to all wetlands within the city. All development in the city shall comply with state statutes and regulations. In addition, any development impacting wetlands requires formal approval by the designated city wetland representative.

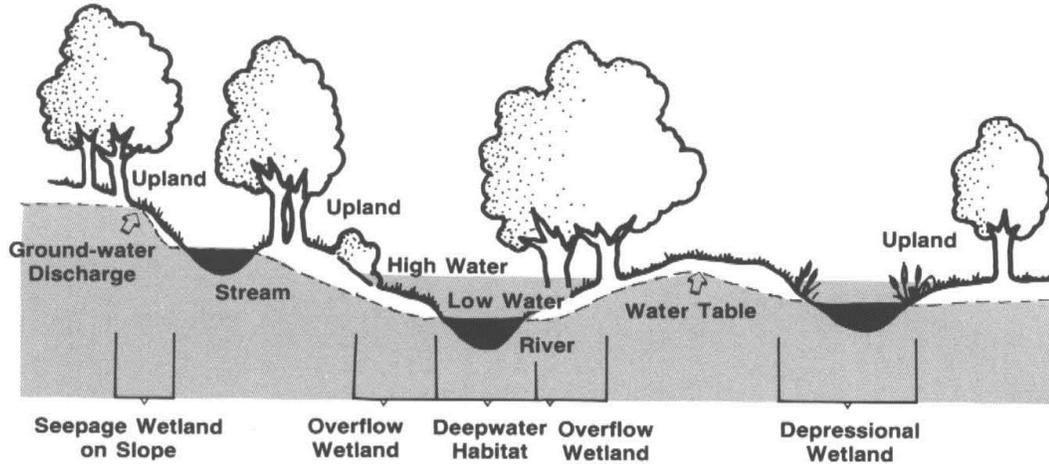


Figure 50-18.1-1: Typical Inland Wetland. Graphic taken from *Floodplain Management in the United States: An Assessment Report*, prepared for the Federal Interagency Floodplain Management Task Force 1992.

1. The building official shall require each permit applicant to specify on the permit application whether or not the proposed site contains wetlands. Regardless of the answer given, if the building official has reasonable grounds to believe the site contains wetlands, the official shall make a determination as to the existence of wetlands. In making that determination, the building official may require any of the following:
 - (a) Require the applicant to submit a complete wetland delineation as outlined in WCA and performed by a professional wetland delineator, including information such as soil analysis, surveys of vegetation and engineering or hydrological data, to aid in the determination;
 - (b) Conduct a site inspection and evaluation;
 - (c) Consult with the city engineer, St. Louis County Soil and Water Conservation District, Board of Water and Soil Resources, and other available wetland experts;
 - (d) Use any other reasonable method to determine if the site contains wetlands.

C. Flood Plains

This section shall apply to all lands within the city that are shown as flood plains on the NR-O Map. All lands within flood plains shall be divided into floodway districts, flood fringe districts, or general flood plain districts. For purposes of relating those districts to plats and lots within the city, the NR-O Map shall be used as a working map in the administration of the flood plain controls unless it is clearly shown that there is an inconsistency between the Flood Boundary and Floodway Map and said NR-O Map, in which case the Flood Boundary and Floodway Map shall control.

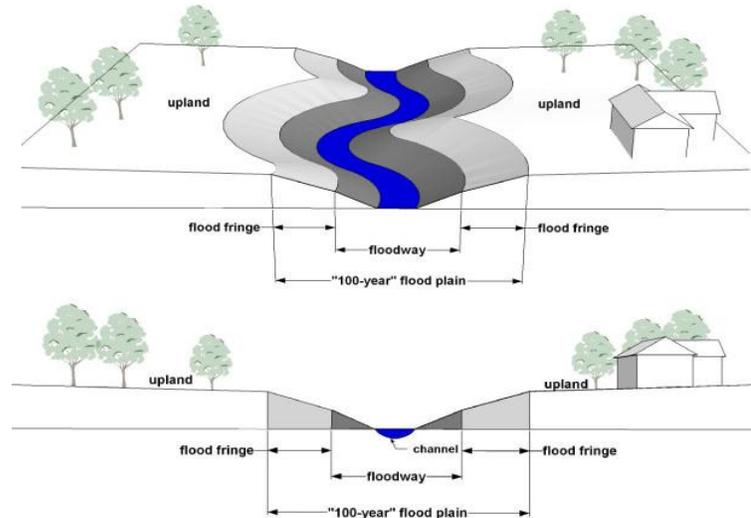


Figure 50-18.1-2: Flood plain, floodway, and flood fringe. Graphic taken from *Floodplain Management in the United States: An Assessment Report*, prepared for the Federal Interagency Floodplain Management Task Force 1992.

1. Compliance

On or after January 28, 1980, no new structure or land shall be used and no structure shall be constructed, located, extended, converted or structurally altered without full compliance with the terms of this Section 50-18.1.C. Within the floodway, flood fringe and general flood plain districts, all uses not listed as permitted uses or special uses are prohibited.

2. Uses and Special Use Permits – Floodway

(a) Permitted Uses

Only the following uses shall be permitted within the floodway, and only if the land use supervisor determines that (a) the use is shown as a permitted use in the underlying zone district in Table 50-19.8, (b) the use has a low flood damage potential, (c) the use will not obstruct flood flows or increase flood elevations, and (d) the use does not involve structures, fill, obstructions, excavations or storage of materials or equipment:

- (i) Agriculture;
- (ii) Industrial, commercial and mixed use loading areas, parking areas and airport landing strips;
- (iii) Outdoor recreation and entertainment facilities that do not include temporary or permanent residences or occupied structures;
- (iv) Residential lawns, gardens, parking areas and play areas.

(b) Special Uses

The following uses involving accessory structures or fill or storage of materials or equipment may be permitted only after the issuance of a special use permit pursuant to Article 5:

- (i) Structures accessory to a permitted use;
- (ii) Mining, extraction and storage of sand, gravel and other materials;
- (iii) Marina or yacht club or accessory residential boat dock;
- (iv) Railroad yard or shipyard and related facilities, electric power transmission lines, major utilities or wireless communication towers and minor utilities and accessory wireless antennas attached to existing structures;
- (v) Bulk storage not listed elsewhere;
- (vi) Placement of fill or construction of fences;
- (vii) Tourist trailer or camp;
- (viii) Water-dependent manufacturing, light or heavy, and water-dependent bulk storage or wholesaling not listed elsewhere;
- (ix) Structural works for flood control such as levees, dikes, and floodwalls constructed to any height where the intent is to protect individual structures;
- (x) Other uses consistent with the stated purposes and provisions of this Section 50.18.1.C.

(c) Standards for special use permits

A special use permit for uses and structures listed in subsection (b) above shall only be issued if the following standards are met:

- (i) The proposed use or structure will not cause any increase in the stage of the 100-year or regional flood or cause an increase in flood damages in the reach or reaches affected;
- (ii) Any fill deposited in the floodway shall be no more than the minimum amount necessary to grade or landscape, shall not in any way obstruct the flow of flood waters and shall be protected from erosion by the planting of vegetative ground cover, the use of rip rap or other method approved by the city;
- (iii) Accessory structures are not designed for human habitation, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters, shall be constructed whenever possible with the longitudinal axis parallel to the direction of flood flow, shall be placed approximately on the same flood flow lines as those of adjoining structures and shall be floodproofed to the flood protection elevation in accordance with the State Building Code;
- (iv) The building official may require that floodproofed accessory structures meet the following additional standards, if the building official determines that compliance is necessary to carry out the stated purposes of this Section 50-18.1.C:
 - (1) The structure must be adequately anchored to prevent flotation, collapse or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls;

- (2) Any mechanical and utility equipment in a structure must be elevated to or above the regulatory flood protection elevation or properly floodproofed;
- (3) The structure must be constructed to allow water to flow through it in case of flooding;
- (v) The use will not include the storage or processing of materials that are, in time of flooding, flammable, explosive or injurious to human, animal or plant life. All materials or equipment stored shall be readily removable from the area within the time available after a flood warning;
- (vi) Any structural works for flood control that will change the course, current, or cross-section of wetlands or public waters shall comply with state standards and regulations;
- (vii) Any levee, dike or floodwall constructed in the floodway shall not cause an increase to the 100-year or regional flood, based on technical analysis that assumes equal conveyance or storage loss on both sides of a waterway.

3. Uses and Special Use Permits - Flood Fringe

(a) Permitted Uses

Those uses listed in Table 50-19.8 as permitted uses in the zone district where the property is located, provided that the building official determines that:

- (i) All structures, including accessory structures, shall be elevated so that a structure's lowest floor is above the regulatory flood protection elevation. The structure's design and as-built condition in relation to the regulatory flood protection elevation must be certified by a professional engineer or architect licensed in Minnesota;
- (ii) Any non-residential basements below the regulatory flood protection elevation will be structurally dry floodproofed in accordance with the State Building Code;
- (iii) As an alternative to elevation, accessory structures that constitute a minimal investment and that do not exceed 500 sq. ft. may be internally floodproofed in accordance with Section 18.1.C.2(c)(iii) and (iv) above;
- (iv) Any placement of fill with a cumulative volume in excess of 1,000 cubic yards at any one time may only be used to elevate a structure in accordance with this subsection 3.(a);
- (v) Any stored materials or equipment shall be elevated on fill to the regulatory flood protection elevation.

(b) Special Uses

The placement of more than 1,000 cubic yards of fill or other similar material, other than for the purpose of elevating a structure to the regulatory flood protection elevation, or the storage of materials and equipment below the regulatory flood protection elevation, may be permitted only after the issuance of a special use permit as provided in Article 5. In addition, this use is subject to the limitations on flood plain variances in Article 5 and the following requirements:

- (i) Any fill deposited in the floodway shall be no more than the minimum amount necessary to grade or landscape, shall not in any way obstruct the flow of flood waters and shall be protected from erosion by the planting of vegetative ground cover, the use of rip rap or other method approved by the city;
 - (ii) The use will not include the storage or processing of materials that are, in time of flooding, flammable, explosive or injurious to human, animal or plant life. All materials or equipment stored shall be readily removable from the area within the time available after a flood warning.
- (c) Standards for all Flood Fringe Uses
- (i) All new principal structures must have vehicular access at or above an elevation not more than two ft. below the regulatory flood protection elevation. If a variance to this requirement is granted, limitations on the period of use or occupancy of the structure for times of flooding may be specified.
 - (ii) Flood plain developments shall not adversely affect the hydraulic capacity of the channel and adjoining flood plain.

4. General Flood Plain District

- (a) Permitted uses.
- (i) The uses listed in subsection 50-18.1.C.2(a) above shall be permitted uses;
 - (ii) All other uses shall be subject to the floodway/flood fringe evaluation criteria below and the resulting designation shall be used in determining uses;
 - (iii) Land determined to be in the floodway pursuant to subsection 4.(a)(ii) shall have those permitted and special uses listed in Section 50-18.C.2 above;
 - (iv) Land determined to be in the flood fringe pursuant to subsection 4.(a)(ii) shall have those permitted and special uses listed in Section 50-18.C.3 above;
- (b) Procedures for floodway and flood fringe determinations within the general flood plain district:
- (i) The applicant shall submit appropriate information to a designated engineer or other expert person or agency for technical assistance in determining whether the proposed use is in the floodway or flood fringe district and to determine the regulatory flood protection elevation. Procedures consistent with Minnesota Regulations 1983, Parts 6120.5000 – 6120.6200 and 44 Code of Federal Regulations Part 65 shall be followed in this expert evaluation. The designated engineer or expert is strongly encouraged to discuss the proposed technical evaluation methodology with the respective DNR Area Hydrologist prior to commencing the analysis. The designated engineer or expert shall:
 - (1) Estimate the peak discharge of the regional flood;
 - (2) Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas;
 - (3) Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than 0.5 foot. A lesser stage increase than 0.5 foot shall be required if, as a result of the

additional stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach shall be assumed in computing floodway boundaries.

- (ii) The city engineer shall present the technical evaluation and findings to the city council. The city council must formally accept the technical evaluation and the recommended floodway and/or flood fringe district boundary and that the proposed use is allowed in the area where it is proposed, or deny the permit application. Prior to official action the city council may submit the application and all supporting data and analyses to FEMA, the DNR or the planning commission for review and comment. Once the floodway and flood fringe district boundaries have been determined, and assuming the proposed use is allowed in the area where it is proposed, the city council shall refer the matter to staff who shall process the permit application consistent with the applicable provisions of this section 50-18.1.C.

5. **Public Utilities, Railroads, Roads and Bridges**

- (a) All public utilities and facilities such as gas, electrical, sewer and water supply systems, with the exception of sumps and wet wells, to be located in the floodway or flood fringe shall be floodproofed in accordance with the State Building Code or elevated to above the regulatory flood protection elevation.
- (b) Railroad tracks, roads and bridges to be located within the floodway or flood fringe shall comply with subsections 2 and 3 above, as applicable. Elevation to the regulatory flood protection elevation shall be provided where failure or interruption of these transportation facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.

D. Shorelands

In furtherance of the policies declared by the state legislature, waters in the city have been classified as general development waters (GD), natural environment waters (NE) or coldwater rivers (CW). The shoreland overlay applies to lands within 1,000 ft. of Lake Superior or within 300 ft. of rivers, creeks, streams and tributaries and floodplains, as designated on the NR-O Map. If a parcel or development lies only partially within a shoreland area, only the portion of the property within the shoreland is subject to these provisions.

1. **Shoreland Permit Required**

The following activities and structures require a shoreland permit if located within a shoreland:

- (a) All structures;
- (b) All grading, filling and excavating;
- (c) All construction of impervious surfaces, including roads, driveways, parking areas and trails;
- (d) All removal of natural vegetation;
- (e) Any construction activity that removes or disturbs natural beach grasses on Park Point.

2. **Standards for Shoreland Permit**

- (a) Erosion and sediment control measures shall be required for any land disturbing activity.
- (b) Grading and filling of more than 250 sq. ft. or placement of more than 10 cubic yards of material within the shore impact zone shall only be permitted if a plan for erosion control, storm water management and shoreline buffer restoration is approved by the city and effectively implemented.
- (c) Impervious surfaces shall be designed and constructed to minimize and control runoff and erosion into the regulated waters.
- (d) Any removal of natural vegetation shall be designed to prevent erosion into regulated waters and to preserve shoreland aesthetics.
- (e) Removal of trees or shrubs in a contiguous patch, strip, row or block is prohibited in shore impact zones.
- (f) The project does not result in the proposed building being located in a shore or bluff impact zone.
- (g) Naturally vegetative buffers shall be restored to the extent feasible after any project is complete.

3. **Dimensional Standards**

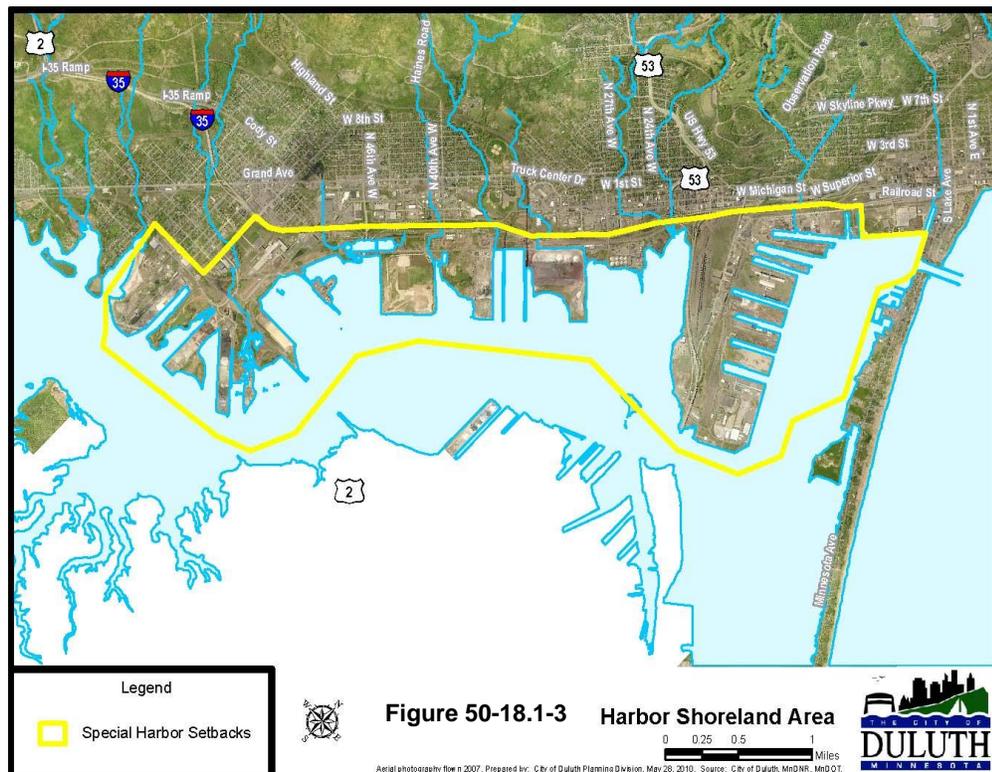
- (a) No shoreland permit shall be approved unless the standards in Table 50-18.1.D-1 are met or a variance obtained pursuant to Article 5.

Table 50-18.1.D-1: Minimum Shoreland Area Standards			
Standards	General Development Waters ^[1]	Natural Environmental Waters	Coldwater River
Minimum setbacks from Ordinary High Water Level or highest known water level, whichever is higher			
Structures	50 ft.	75 ft.	150 ft.
Commercial, mixed use, & industrial structures in the harbor, shown in Figure 50-18.1-3	25 ft.	N/A	N/A
Impervious Surfaces in the Shore Impact Zone	50 ft.	50 ft.	75 ft.
Lowest floor elevation above Ordinary High Water Level or highest known water level, whichever is higher	3 ft.		
Width of naturally vegetative buffer	50 ft.		

^[1] All Lake Superior shoreland is classified as general development waters.

(b) Exceptions to Dimensional Standards

- i. Commercial, mixed use, & industrial structures in the harbor, shown in Figure 50-18.1-3: 0 ft. setback for grain elevators, cranes, loading bins, and other equipment necessary for loading and unloading, including impervious surface necessary to support these activities.
- ii. Public trails no more than 10 ft. wide may be constructed within these setbacks, provided that a minimum amount of natural vegetation is removed and provided that permits are obtained from the DNR and MPCA, if required.
- iii. Properties in Stormwater Zone B, as defined in Section 50-19.1.E.3(f), that have been previously developed with 75% or greater impervious surface may use one of the following methods to determine building setback:
 - Use the impervious surface setback for the shoreland classification as the building setback.
 - When principal structures exist on the adjoining lots on both sides of a proposed building site, the structure setbacks can be altered to conform to the adjoining setbacks, provided the proposed building site is not located within the setback required for the naturally vegetative buffer.
- iv. Park equipment such as playground structures and ball fields (but not including structures such as garages, storage buildings, toilets or warming houses) may be placed closer than the required structure setback provided they lie outside the area required for the native vegetative buffer.



4. Uses and Special Use Permits

- (a) Those permitted and special uses shown in Table 50.19.8, subject to the issuance of any shoreland permit required by subsection 18.1.D.1 and compliance with the standards of subsection 18.1.D.2, except as listed below. Agricultural uses are not permitted in the shore impact zone. Within shoreland areas that are outside of the shore impact zone, agricultural uses are permitted if steep slopes are maintained in permanent vegetation or the land is operated under an approved conservation plan from the St. Louis County Soil and Water Conservation District.
- (b) All industrial uses, including mining, extraction and storage, on coldwater rivers or natural environmental waters require a special use permit pursuant to Article 5. The application for a special use permit must include a thorough evaluation of the topographic, vegetation and soils conditions on the site.
- (c) Standards for Special Use Permit
 - (i) Compliance with all development requirements for shorelands in this Section 50-18.1.D;
 - (ii) Prevention of soil erosion, storm water runoff or other possible pollution of public waters, both during and after construction or use;
 - (iii) Restoration of the shoreline buffer to a natural state;
 - (iv) Screening of structures and other facilities as viewed from regulated waters, as shown on the NR-O map.

5. Subdivisions

New subdivisions in the shoreland area shall meet the following requirements:

- (a) The land shall not be subdivided until the land has been rezoned into the R-P zone district, and the concept and detailed development plans required in the R-P districts shall be designed to comply with the provisions of this Section 50-18.1.D;
- (b) A buffer at least 50 ft. in width, consisting of trees, shrubs and ground cover of plants and understory in a natural state, is required within a line parallel to the Ordinary High Water level or highest known water level, whichever is higher, and as close to the Ordinary High Water level as topography and the health of the plants will permit.
- (c) After construction is completed, the owner of the property shall be responsible for any continued need for erosion and sediment control and restoration on the property.

6. Nonconforming Lots of Record

Lots of record in the office of the county recorder on November 19, 2010, may be allowed an exception from the structure setback requirement in subsection 18.1.D.3. If the lot of record cannot be developed under the setback requirements of subsection 18.1.D.3, then:

- (a) The lot may be developed without a variance if (1) principal structures exist on the adjoining lots on both sides of a proposed building site, and (2) the proposed structure will be located no closer to the protected shore than the principal structure on either adjoining site, and (3) the resulting adjusted setback does not result in the proposed building being located in a shore impact zone; or
- (b) The lot may be developed if a variance is obtained pursuant to Article 5.

E. Storm Water Management and Erosion Control

1. Goals and Purpose

- (a) The federal Clean Water Act (CWA) requires that municipal storm water discharges be authorized under the National Pollution Discharge Elimination System (NPDES). The city is allowed to discharge its storm water under coverage provided by a CWA Municipal Separate Storm Sewer System General Permit (MS4 Permit). As part of the requirements of the permit, the city is required to develop a Storm Water Pollution Prevention Program (MS4 Program) with specific goals requiring:
 - (i) Non-degradation of all city waters;
 - (ii) Restrictions to special designated waters in the city, including: (a) Lake Superior (which is an MPCA designated Outstanding Value Resource Water with both restricted discharge and impaired water designations); (b) St. Louis River (which is an MPCA designated impaired water and area of concern; and (c) 16 trout streams designated by the DNR.
- (b) The goals described in the city's MS4 Program pertaining to illicit discharge detection and elimination, construction-site runoff controls, and post-construction runoff treatment are incorporated into this Chapter by reference.
- (c) The purpose of this Section 50-18.1.E is to establish regulations to comply with the federal CWA and the city's MS4 Permit and to achieve the goals stated in the city's MS4 Program.

2. Temporary Erosion and Sediment Controls

(a) Applicability

This Section 50-18.1.E.2 applies to all land disturbing activities within the city, except those specifically exempt in this section and those subject to a superseding or preemptive state or federal law. This section shall be deemed to supplement, but not to conflict with, the applicable provisions of the State Building Code.

(b) Requirements

All proposed development and redevelopment and all subdivision plats and re-plats shall include drainage system and temporary erosion and sediment Best Management Practices (BMPs) in compliance with the city's MS4 Program and the requirements shown in Table 50-18.1.E-1 below. Plans, engineering analysis and calculations, diagrams, drainage reports and other data shall be submitted, as required by the city engineer or designee with each development proposal or application for permit.

Table 50-18.1.E-1: Temporary Erosion and Sediment Controls				
Land Area Disturbed ▶	≤ 3,000 sq. ft. ^[1]	> 3,000 and ≤ 10,000 sq. ft. ^[2]	> 10,000 sq. ft. and < 1 acre	≥ 1 acre
Development Plan Measures Required ▼				
Temporary erosion and sediment controls to prevent any off-site migration of sediment	✓			
Site specific Erosion and Sediment Control Plan (ESCP) and ESCP Permit from city engineer		✓	✓	
Site specific Storm Water Pollution Prevention Plan (SWPPP) meeting MPCA NPDES Permit requirements for Construction Activity				✓
MPCA NPDES/State Disposal System Construction Storm Water Permit				✓
MS4 Statement of Compliance from city engineer		✓	✓	✓

^[1] If the city engineer determines that the proposed development is in a vulnerable area and may cause the degradation of the waters connected to the city’s storm water system, then the provisions applicable to land disturbance areas between 3,000 and 10,000 sq. ft. shall apply.

^[2] If land disturbed is within a mapped shorelands zone, an MS4 Statement of Compliance from the city engineer is also required.

(c) Authority to Waive

The city engineer has authority to waive the requirements in Table 50-18.1.E.1 in accordance with the city’s MS4 Permit. If storm water and erosion controls required by this subsection 2 are demonstrated to be technically feasible, provisions of this subsection 2 must be met to the maximum extent practicable.

3. Permanent Water Quality and Discharge Rate Controls

(a) Applicability

- (i) This Section 50-18.1.E.3 applies to all land disturbing activities within the city, except those specifically exempt in this section and those subject to a superseding or preemptive state or federal law. This section shall be deemed to supplement, but not to conflict with provisions of the State Building Code.
- (ii) This section does not apply to pavement resurfacing and pavement rehabilitation projects where: no new impervious surface is created, there is no change to the configuration of the site, and there is no change to the land use.

(b) General Requirements

All proposed development and redevelopment and all subdivision plats and re-plats shall include drainage system and storm water runoff rate controls and water quality treatment in compliance with the city’s MS4 Program and the requirements shown in Table 50-18.1.E-2 below. Plans, engineering analysis and calculations, diagrams, drainage reports and other data shall be submitted, as required by the city engineer with each project (referred to as the “development plan” below).

Table 50-18.1.E-2: Permanent Water Quality and Discharge Rate Controls [See additional requirements for land in shorelands below]			
Development Plan Measures required ▼	Total New Impervious Area Created or the Impervious Area Redeveloped^{[1][2]}		
	≤ 3,000 sq. ft.	> 3,000 sq. ft. and < 1 acre^[3]	≥ 1 acre^[4]
Water quality treatment	NONE	✓	✓
Runoff rate controls		✓	✓
Drainage report		✓	✓
Site specific SWPPP			✓
MS4 Statement of Compliance from city engineer		✓	✓

^[1] The total area is the sum of both the new and redeveloped impervious areas that are part of the common plan of development or sale.

^[2] A pavement resurfacing or pavement rehabilitation project is exempt where: (a) no new impervious surface is created; and (b) no change to configuration of the site occurs; and (c) no change to land-use occurs.

^[3] An individual one-family or two-family residence (that is not part of a common plan of development) with less than 10,000 sq. ft. of disturbed area and less than 7,500 sq. ft. of new impervious area is exempt.

^[4] If the site contains an existing impervious surface area greater than one acre, the drainage report must include a determination of the current total suspended solids removal across the entire site. If the current TSS removal is below 50%, the drainage report must include an evaluation of the feasibility of increasing the TSS removal to 50% on an annual basis across the entire site.

(c) Authority to Waive

The city engineer has authority to waive the requirements in Table 50-18.1.E-2 in accordance with the city’s MS4 Permit. If storm water and erosion controls required by this subsection 3 are demonstrated to be technically feasible, provisions of this subsection 3 must be met to the maximum extent practicable.

(d) Shoreland Requirements

(i) In addition to the requirements in subsection 50-18.1.E.3(b) above, no residential development or redevelopment within a shoreland shall result in impervious surface area exceeding 25% of the lot area unless the owner (a) submits a development plan including water quality treatment and (b) obtains an MS4 Statement of Compliance by the city engineer.

(ii) In addition to the requirements in subsection 50-18.1.E.3(b) above, no commercial, mixed use, institutional or industrial development or redevelopment within a shoreland shown on the NR-O Map shall create new impervious surface area unless the owner (a) submits a development plan including water quality treatment and (b) obtains an MS4 Statement of Compliance issued by the city engineer.

(e) Water Quality Treatment Requirements

Where subsection 50-18.1.E.3(b) requires that a development plan include water quality treatment, the development or redevelopment must be designed to provide the following treatment, volume reduction and pollutant removal:

(i) Treatment Requirements

The development or redevelopment must provide at least the minimum treatment shown in Table 50-18.1.E.3.

Table 50-18.1.E-3: Treatment Requirements		
Development Type	New and Existing Impervious surface	Required Treatment
New	< 1 acre	The first 1-in. Water Quality Volume (WQV) of rainfall or 80% Total Suspended Solids (TSS) removal ^[1]
New	> 1 acre	The first 1-in. WQV of rainfall ^[1]
Redevelopment	< 1 acre	10% reduction in impervious surface or 50% TSS removal
Redevelopment	> 1 acre	50% TSS removal

^[1] Refer to additional requirements under Section 3(e)(iii) Pollutant Removal

(ii) Storm Water Flow Volume Reduction

Storm water flow volume reduction shall be provided to the maximum extent practicable. Refer to the Minnesota Storm Water Manual. Volume reduction techniques may include:

- (1) Infiltration into the ground;
- (2) Evaporation or transpiration;
- (3) Storage for re-use;
- (4) Enhanced infiltration swales, filter strips, or disconnected impervious area;
- (5) Other demonstrable methods that reduce volume.

(iii) Pollutant Removal

Projects able to provide volume reduction for the first one-half in. of rainfall from newly created impervious surface shall have met city pollution abatement requirements and are exempt from this paragraph. Projects that do not meet the requirements of subsection 50-18.1.E.3(ii) above are required to complete computer modeling to show that water quality treatment shall provide 85% total suspended solids (TSS) removal, and the applicant shall also be required to describe and provide additional BMPs for temperature control.

(f) Runoff Rate Control

Where subsection 50-18.1.E.3(b) requires that a development plan include runoff rate control, the development or redevelopment must be designed to provide the controls as follows. Runoff rate control is beneficial in the upper, flatter part of the watershed above the bluff line. Below the bluff line, the topography is relatively steep and storm water flows quickly to Lake Superior and the St. Louis River. This bluff line designation is show on the NR-O Map.

The storm water rate control requirements for development and redevelopment are shown in Table 50-18.1.E-4:

Table 50.18.1.E-4: Discharge Rate Limits		
Location ▶	Post-Development Peak Flow Rates at Each Discharge Point Shall Not Exceed	
Type of Activity ▼	Zone A -- Above Bluff Line	Zone B -- Below Bluff Line
New Development	75% of predevelopment peak flow rates for 10 and 100 year events; and 90% of predevelopment peak flow rate for 2 year event	Predevelopment peak flow rates for all storm events
Redevelopment	Predevelopment peak flow rates for all storm events	Predevelopment peak flow rates for all storm events

(g) General Design Criteria

- (i) New minor system drainage systems shall be designed to efficiently convey the peak discharge rates for a 10-year flow.
- (ii) New major system drainage systems shall be designed to efficiently convey the peak discharge rates for a 100-year flow.
- (iii) The 100-year rainfall event or 100-year peak flow shall be evaluated to ensure that no damage occurs to adjacent properties for all systems.
- (iv) The storm water management systems for any new or redevelopment project shall maintain at least two ft. of freeboard between the anticipated 100-year high water elevation and the minimum building opening.
- (v) Consideration may be given for treating existing untreated impervious areas diverted to the site and included in the control area for analysis if it is in the best interest of the city.
- (vi) All impervious areas shall be considered connected and curve numbers shall not be weighted for impervious areas except under special circumstances.
- (vii) 95% of all newly added impervious surface shall have its runoff directed to the water quality treatment area. If it is impractical to direct 95% of the added impervious surface to water quality area, alternate methods may be used in combination so long as 95% is treated and all peak flow requirements are fulfilled.
- (viii) Flow shall not be diverted from one major or minor system to another major or minor system.
- (ix) When storm water management plans involve directing runoff from a site, it shall be the responsibility of the applicant to obtain from adjacent property owners any necessary easements or other property interests concerning flowage of water to a point where the storm water enters a major system.
- (x) Adequate measures shall be taken to prevent uncontrolled drainage across lot lines.

4. General Storm Water Restrictions

- (a) Applying fertilizer, pesticides or any chemicals on impervious surfaces, within any part of storm water drainage system or any drainage way, within 25 ft.

of any wetland edge or Ordinary High Water level or bank edge of any drainage course, or within any water resource buffer area is prohibited.

- (b) Sweeping, raking, blowing or otherwise placing yard waste, unless the yard waste is securely contained, in the street, ditch, gutter, storm inlet, catch basin or any part of any drainage way or other area that would allow yard waste to enter the storm drainage system is prohibited.
- (c) Yard waste segregated for pickup must be securely contained until removed.
- (d) Topsoil and erodible soil stockpiles shall be distributed within three days or covered to prevent erosion of the stockpile.

5. Ownership and Maintenance

(a) Maintenance of Temporary Erosion and Sediment Control Practices

During the period of a land disturbing activity, the person engaging in the construction shall be responsible for installing and maintaining erosion and sediment control practices. After construction is completed, the owner of the property shall be responsible for installing and maintaining erosion and sediment control practices.

(b) Ownership

- (i) All components of the storm water management system shall be constructed, owned, operated and maintained by the developer or owner(s) to their confluence with the major system or city owned minor system.
- (ii) In the case of developments in which right-of-way is transferred to public ownership, the storm drain system within the city right-of-way shall be owned and maintained by the city. Storm water treatment facilities and ponds shall be in common space and shall be owned and maintained by the developer or the owners of the development. Storm water treatment facilities shall not be located in the public right-of-way.

(c) Owner Inspection and Maintenance

- (i) Storm water management facilities shall be designed to minimize maintenance and provide maintenance access. All facilities shall have a plan of operation and maintenance that assures continued effective removal of runoff pollutants and accumulated sediment. The developer or the owner(s) shall be responsible for inspection, maintenance and reporting for all non-publicly owned storm water management facilities associated with the development. Copies of the inspection records shall be maintained by the developer or owner for a period of six years. Copies of all inspection records shall be provided to the city upon request.
- (ii) For the purposes of inspection during construction monitoring, the permittee shall submit an inspection log to the city on the first day of each month during the entire duration of construction.
- (iii) For the purposes of ongoing monitoring and maintenance after construction is complete, the owner shall conduct inspections on all non-publicly owned structural components and all non-structural components (including swales and pond areas) of the storm water management system and:
 - (1) Submit a written report approved by an engineer summarizing findings and maintenance needs;

- (2) Submit a written report of work completed to maintain storm water facilities. Work must be completed within three months of annual inspection.

50-18.2 Airport Overlay (A-O)

The A-O district is intended to protect the lives and property of users of Duluth International Airport and Sky Harbor Municipal Airport from hazards and to protect the lives and property of residents living in the vicinity of the airports from risks and impacts of airport-related activities. The purpose of this district is also to prevent and, when possible, to minimize, reduce or remove hazards that interfere with the safe operation of the respective airports.

A. Purpose and Authority

The council, pursuant to the provisions and authority of Minnesota Statute Sec. 360.063, hereby finds and declares that:

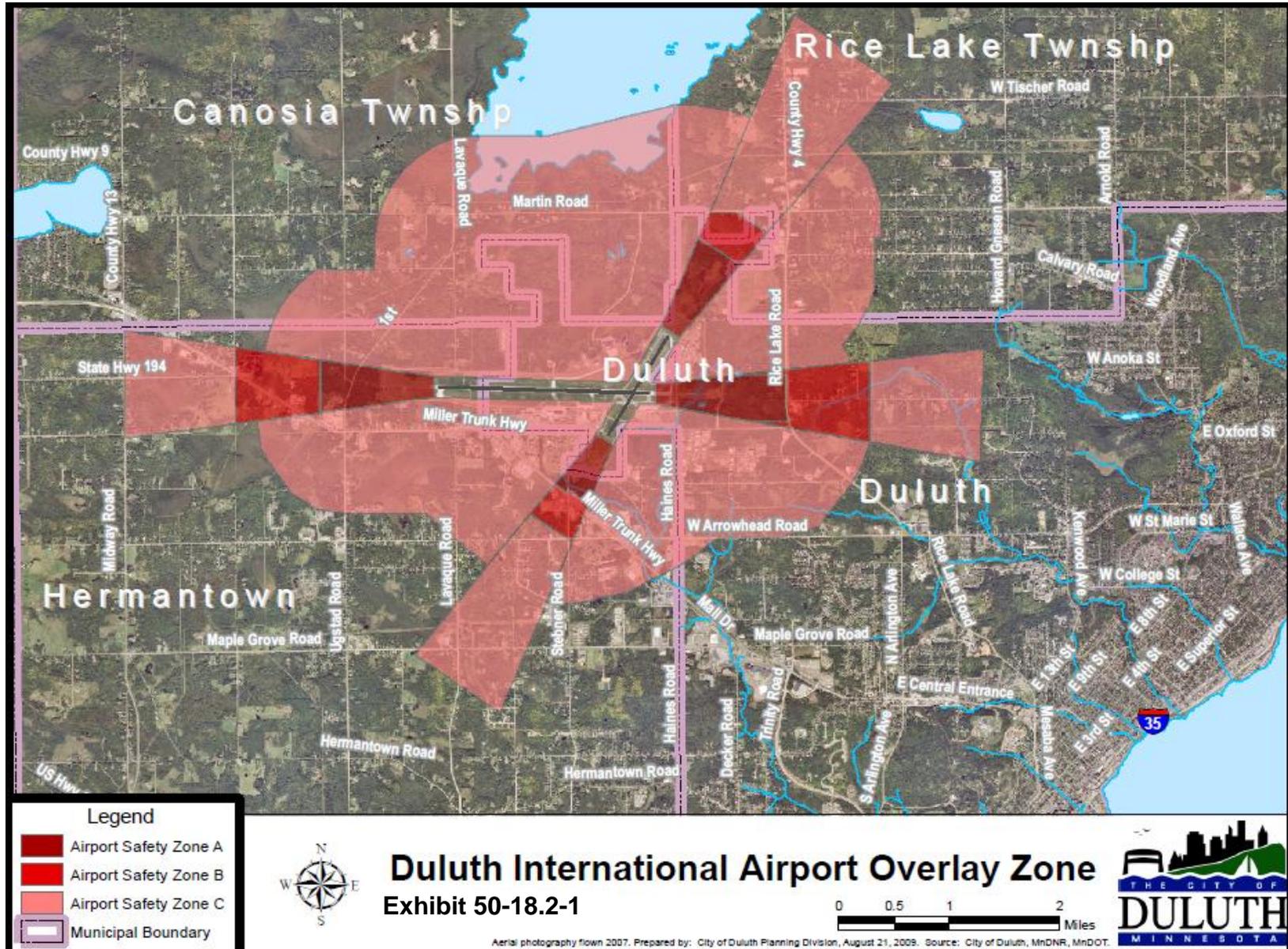
1. Airport hazards endanger the lives and property of users of Duluth International Airport and the Sky Harbor Municipal Airport, and property or occupants of land in their vicinity, and may reduce the size of the area available for the landing, takeoff and maneuvering of aircraft, thus tending to destroy or impair the utility of the airports and the public investments they represent;
2. The creation or establishment of an airport hazard is a public nuisance and an injury to the region served by both airports;
3. For the protection of the public health, safety, and welfare, it is necessary to prevent the creation or establishment of airport hazards;
4. The prevention of these airport hazards should be accomplished, to the extent legally possible, by the exercise of the police power without compensation;
5. The prevention of the creation or establishment of airport hazards, and the elimination, removal, alteration mitigation, or marking and lighting of existing airport hazards are public purposes.

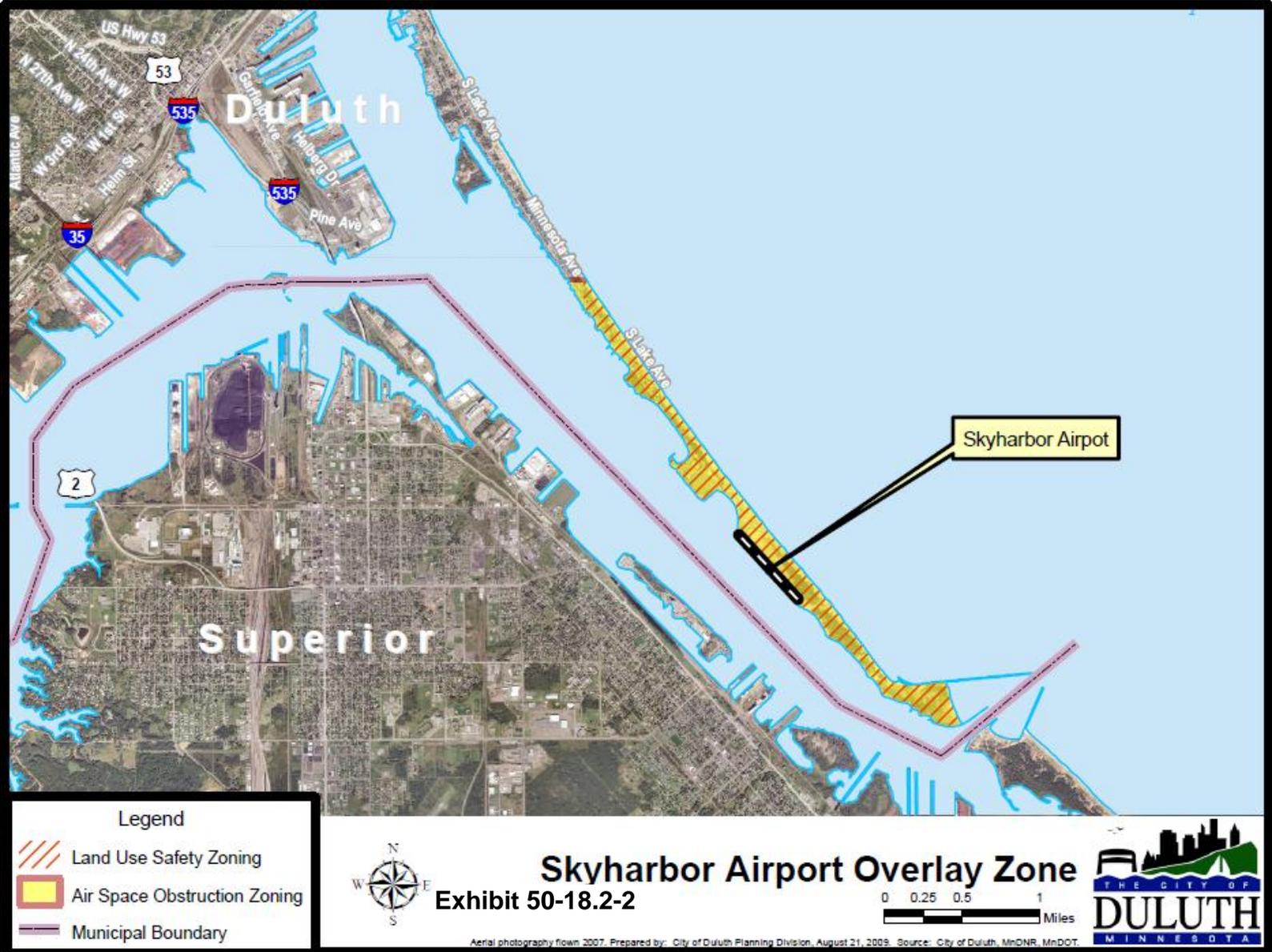
B. Airport Zoning Ordinance Incorporated

This Section 50-18.2 incorporates the Duluth International Airport Zoning Ordinance, as amended, created by the Duluth Airport Authority and the Duluth International Airport Zoning Board under the authority of the Laws of Minnesota 1969, Chapter 577, and MSA 360.061 to 360.074, as amended. Any changes to this Section 50-18.2 must comply with the requirements of MSA 360.061 to 360.074, as amended.

C. Land Affected

The land affected by this Section 50-18.2 is shown on Exhibits 50-18.2-1 and 2.

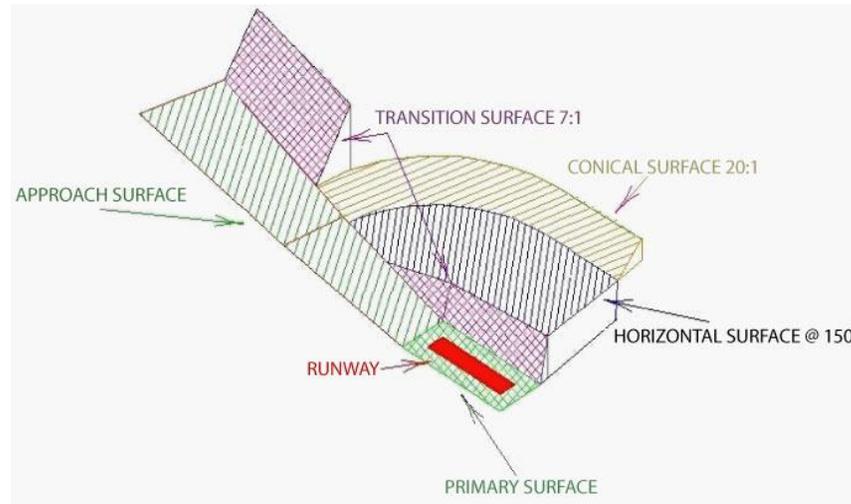




D. Air Space Obstruction Zones

1. Air Space Zones

In order to carry out the purpose of this section, the following air space zones are hereby established: primary zone, horizontal zone, conical zone, approach zone, and transitional zone.



2. Primary Zone

All land that lying directly under an imaginary primary surface longitudinally centered on a runway and (a) extending 200 ft. beyond each end of Sky Harbor Municipal Airport Runway 14-32 and Duluth International Airport Runways 9-27, 3-21 and 13-21; and (b) coinciding with each end of Runways 14-32, 9-27, 3-21 and 13-21. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is:

- (a) 1,000 ft. for Duluth International Airport Runways 9-27 and 3-21;
- (b) 500 ft. for Sky Harbor Municipal Airport Runway 14-32.

3. Horizontal Zone

All land lying directly under an imaginary horizontal surface 150 ft. above the established airport elevation, or a height of 1,580 ft. above mean sea level for Duluth International Airport and 760 ft. above mean sea level for Sky Harbor Municipal Airport, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:

- (a) 10,000 ft. for Duluth International Airport Runway 9-27 and 3-21;
- (b) 6,000 ft. for Sky Harbor Municipal Airport Runway 14-32.

4. Conical Zone

All land lying directly under an imaginary conical surface extending upward and outward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of 4,000 ft. as measured radially outward from the periphery of the horizontal surface.

5. **Approach Zone**

All land lying directly under a surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to the end of a runway based on the type of approach available or planned for that runway.

- (a) The inner edge of the approach surface is the width as the primary surface and it expands uniformly to a width of: (i) 1,250 ft. for that end of a utility runway with only visual approaches; (ii) 1,500 ft. for that end of a runway other than a utility runway with only visual approaches; (iii) 2,000 ft. for that end of a utility runway with a nonprecision instrument approach; (iv) 3,500 ft. for that end of a nonprecision instrument runway other than utility, having visibility minimums greater than three-fourths of a statute mile; (v) 4,000 ft. from that end of a nonprecision instrument runway, other than utility, having a nonprecision instrument approach with visibility minimums as low as three-fourths statute mile; and (vi) 16,000 ft. for precision instrument runways.
- (b) The approach surface extends for a horizontal distance of (i) 5,000 ft. at a slope of 20:1 for all utility and visual runways; (ii) 10,000 ft. at a slope of 34:1 for all nonprecision instrument runways other than utility, and (iii) 10,000 ft. at a slope of 50:1 with an additional 40,000 ft. at a slope of 40:1 for all precision instrument runways.
- (c) The outer width of an approach surface to an end runway will be that width prescribed in this subsection 5 for the most precise approach existing or planned for that runway end.

6. **Transitional Zone**

All land lying directly under surfaces that extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7: 1 from the sides of the primary surface and from the sides of the approach surfaces. Transitional surfaces for those portions of the precision approach surface that project through and beyond the limits of the conical surface, extend a distance of 5,000 ft. measured horizontally from the edge of the approach surface and at right angles to the runway centerline.

7. **Height Restrictions**

Except as necessary and incidental to airport operations, no structure or tree shall be constructed, altered, maintained or allowed to grow in any air space obstruction zone so as to project above any of the imaginary air space surfaces described in subsections 1 through 6. Where an area is covered by more than one height limitation, the more restrictive limitation shall apply.

8. **Traverse ways**

For the purpose of determining height limits in this Section 50-18.2, traverse ways shall be increased in height by 17 ft. for interstate highways; 15 ft. for all other public roadways; 10 ft. or the height of the highest mobile object that would normally traverse the road, whichever is greater, for private roads; 23 ft. for railroads; and for waterways and all other traverse ways not previously mentioned, an amount equal to the height of the highest mobile object that would normally traverse it.

E. Land Use Safety Zoning

1. Safety Zone Boundaries

Safety zones are created to protect the surrounding community and to assist aircraft in the event of emergency landings. Safety zones seek to limit the population and building density to protect life and property in case of accident. In order to carry out the purpose of this section to restrict those uses that may be hazardous to the operational safety of aircraft operating to and from the Duluth International Airport or Sky Harbor Municipal Airport, the following land use safety zones are established:

2. Safety Zone A

All land in that portion of the approach zones of a runway, as defined in subsection 50-18.2.D, that extends outward from the end of primary surface a distance equal to 2/3 of the planned length of the runway, which distance is:

- (a) 7,435 ft. for Duluth International Airport runway 9-27;
- (b) 5,415 ft. for Duluth International Airport runway 3-21;
- (c) 2,230 ft. for Sky Harbor Municipal Airport runway 14-32.

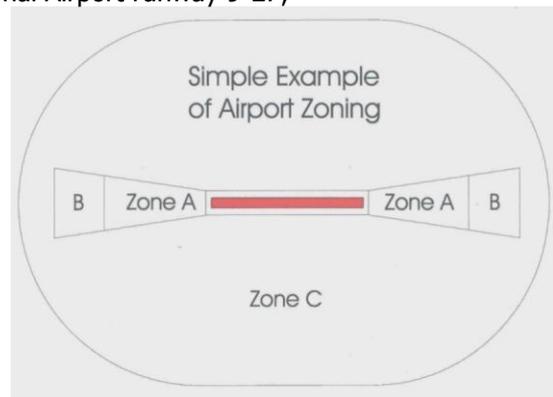
3. Safety Zone B

All land in that portion of the approach zones of a runway, as defined in subsection 50-18.2.D that extends outward from Safety Zone A a distance equal to 1/3 of the planned length of the runway, which distance is:

- (a) 3,718 ft. for Duluth International Airport runway 9-27;
- (b) 2,708 ft. for Duluth International Airport runway 3-21;
- (c) 1,120 ft. for Sky Harbor Municipal Airport runway 14-32.

4. Safety Zone C

All that land that is enclosed within the perimeter of the horizontal zone, as defined in subsection 50-18.2.D, and that is not included in Safety Zone A, Safety Zone B, or the exempted parcels referred to in Section 50-18.2.D.5.



F. Land Use Restrictions

1. General

No use shall be made of any land in any land use safety zone that creates or causes interference with the operations of radio or electronic facilities on the airport or with radio or electronic communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and other lights, results in glare in the eyes of pilots using the airport, impairs visibility in the vicinity of the airport or otherwise endangers the landing, taking off or maneuvering of aircraft.

2. **Zone A**

Areas designated as Zone A shall contain no buildings, temporary structures, exposed transmission lines, or other similar above ground land use structural hazards, and shall be restricted to those uses that will not create, attract or bring together an assembly of more than 100 persons on the property. Permitted uses may include but are not limited to: agriculture (seasonal crops), horticulture, animal husbandry, raising of livestock, wildlife habitat, light outdoor recreation (non spectator), cemeteries and automobile parking.

3. **Zone B**

Areas designated as Zone B shall be restricted in use as follows:

- (a) Each use shall be on a site of not less than 3 acres;
- (b) Each use shall not create, attract or bring together a site population that would exceed 15 times that of the site acreage. Compliance with this subsection shall be determined by multiplying the number of required parking spaces for each use on the site by the vehicle occupancy rates for each use on the site, as provided in Table 50-18.2.-1;

TABLE 50-18.2-1: Vehicle Occupancy Rates	
Land Use	Vehicle Occupancy Rate
Industrial / Storage / Transportation	1.2
Educational	1.2
Health Care	1.7
Retail Store	1.5
Restaurant / Community and Cultural Facility / Recreational	2.0

Example: The site population for a 1,500 sq. ft. restaurant is calculated as follows: 15 (i.e., 1 parking space per 100 sq. ft) X 2.0 (i.e., vehicle occupancy rate) = 30 people. Therefore, the site would need to be at least 2 acres in size to meet the 15 people / acre maximum site population limit.

- (c) Each site shall have no more than one building plot upon which any number of structures may be erected;
- (d) A building plot shall be a single, uniform and non-contrived area, whose shape is uncomplicated and whose area shall not exceed the following minimum ratios with respect to the total site area:

TABLE 50-18.2-2: Ratio of Site Area to Building Area		
Site area	Ratio of site area to building plot area	Building plot area (sq. ft)
3.00 – 3.99 acres	12:1	10,900
3:00 – 5.99 acres	10:1	17,400
6:00 – 9.99 acres	8:1	32,700
10:00 – 19.99 acres	6:1	72,600
20:00 acres or more	4:1	218,000

- (e) The following uses are specifically prohibited in Zone B: churches, hospitals, schools, theaters, stadiums, hotels, motels, trailer courts, campgrounds and other places of frequent public or semi public assembly

4. **Zone C**

Zone C is subject only to height restrictions set forth in subsection 50-18.2.D above and to the general restrictions contained in subsection F.1 above.

5. **Exemptions for Established Residential Neighborhoods**

Land uses that existed as of June 18, 1988, for the Duluth International Airport, and as of January 1, 1994, for Sky Harbor Municipal Airport, and that were established residential neighborhoods in built-up urban areas on those dates, are subject to the height restrictions of subsection 50-18.2.D above, but are not subject to the additional restrictions in subsections 50-18.2.F.2 or 3 above. Land uses that came or come into existence after those dates, are treated as though they were or are not in a listed established residential neighborhood and are subject to the restrictions in subsections 50-18.2.F.2 or 3 above, as applicable based on the location of the property.

50-18.3 Historic Resources Overlay (HR-O)

A. Purpose

The purpose of this Section 50-18.3 is to preserve, protect and promote any areas, places, buildings, structures, lands, districts and other objects having a special historical, community or aesthetic interest or value. The Historic Resources Overlay:

1. Safeguards the heritage of the city by preserving properties that reflect elements of the city's cultural, social, economic, political, engineering, visual or architectural history;
2. Protects and enhances the city's appeal and attraction to residents, visitors and tourists, while enhancing its economic viability through the protection and promotion of its unique character as related to its history and heritage;
3. Enhances the visual and aesthetic character, diversity and interest of the city;
4. Fosters civic pride in the beauty and notable accomplishments of the past;
5. Promotes the preservation and continued use of historic properties for the education and general welfare of the people of the city.

B. Designation of Historic Resources

1. Through the process for designating historic resources in Section 50-37.8, or its predecessor ordinance previously codified as Chapter 28A of the city code, the heritage preservation commission has designated:
 - (a) Two historic preservation districts: the Duluth Civic Center Historic District, and the Duluth State Normal School Historic District, whose boundaries are shown on Exhibits 50-18.3-1 and 50-18.3-2; and
 - (b) Those designated historic preservation landmarks on file with the secretary of the planning commission.
2. The heritage preservation commission and planning commission may from time to time recommend, and the council may approve, additional historic preservation districts or landmarks pursuant to Section 50-37.8.

C. Review of Construction/Demolition Activities

Within those designated historic preservation districts shown on Exhibits 50-18.3-1 and 50-18.3-2 and those historic preservation landmarks on file with the secretary of the planning commission:

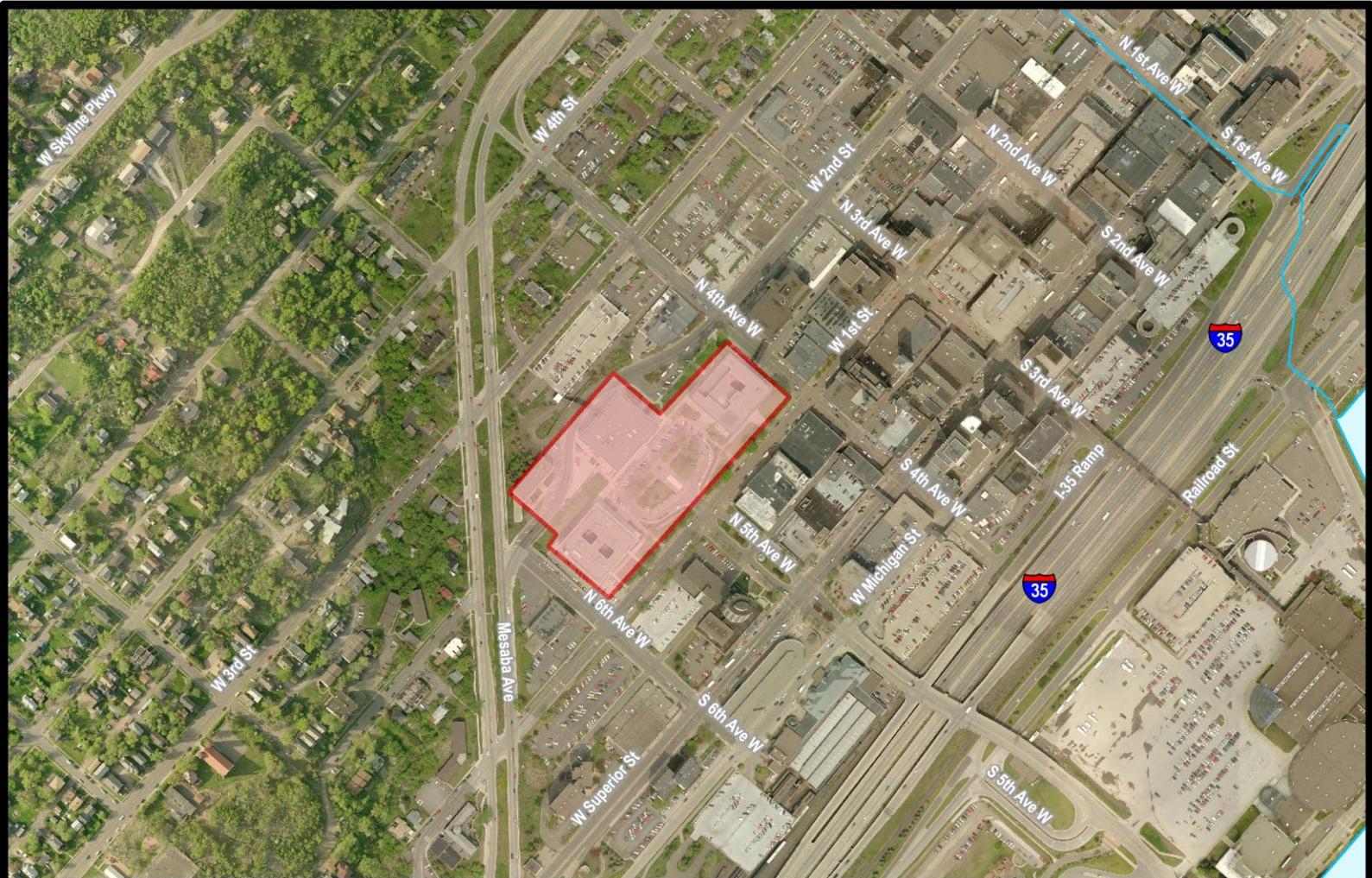
1. Construction and demolition activities, including all street and utility activities, shall be approved pursuant to Section 50-37.14;
2. The issuance of city permits to do any of the following shall be approved pursuant to Section 50-37.14:
 - (a) Remodel, repair or alter in any manner that will change the exterior appearance;
 - (b) New construction, including parking facilities;
 - (c) Move a building;
 - (d) Change the nature or appearance of a designated historic preservation landmark or district, including landscape features;
 - (e) Demolition in whole or in part.

D. Emergency Repair

In emergency situations where immediate repair is needed to protect the safety of the structure and its inhabitants, the building official may approve the repair of only those items needed to ensure safety. Such repairs shall be limited to those necessary to correct the safety emergency. In the case of a permit issued pursuant to this subsection D, the building official shall require that the repairs be made in conformance with the U.S. Secretary of Interior's recommended standards for historic preservation projects and adopted historic preservation guidelines for the landmark or district to the extent possible. In addition, the building official shall immediately notify the heritage preservation commission of the action and specify the facts or conditions constituting the emergency situation.

E. Building Code Enforcement

This Section 50-18.3 is also intended to encourage the sensitive rehabilitation, restoration, stabilization and preservation of historic buildings throughout the city. These rehabilitation and preservation efforts should provide for the upgrading and maintenance of the safety features of the building or structure to provide a practical level of safety to the public and surrounding properties. While ensuring this increased level of public safety, the enforcement authorities are encouraged to be open to acceptable alternative solutions and alternative compliance concepts, where practical, that will permit the continued use of existing buildings and structures without creating overly restrictive financial burdens on owners or occupants. Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior elements of any building or structure.

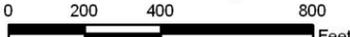


Legend

 Duluth Civic Center Historic District



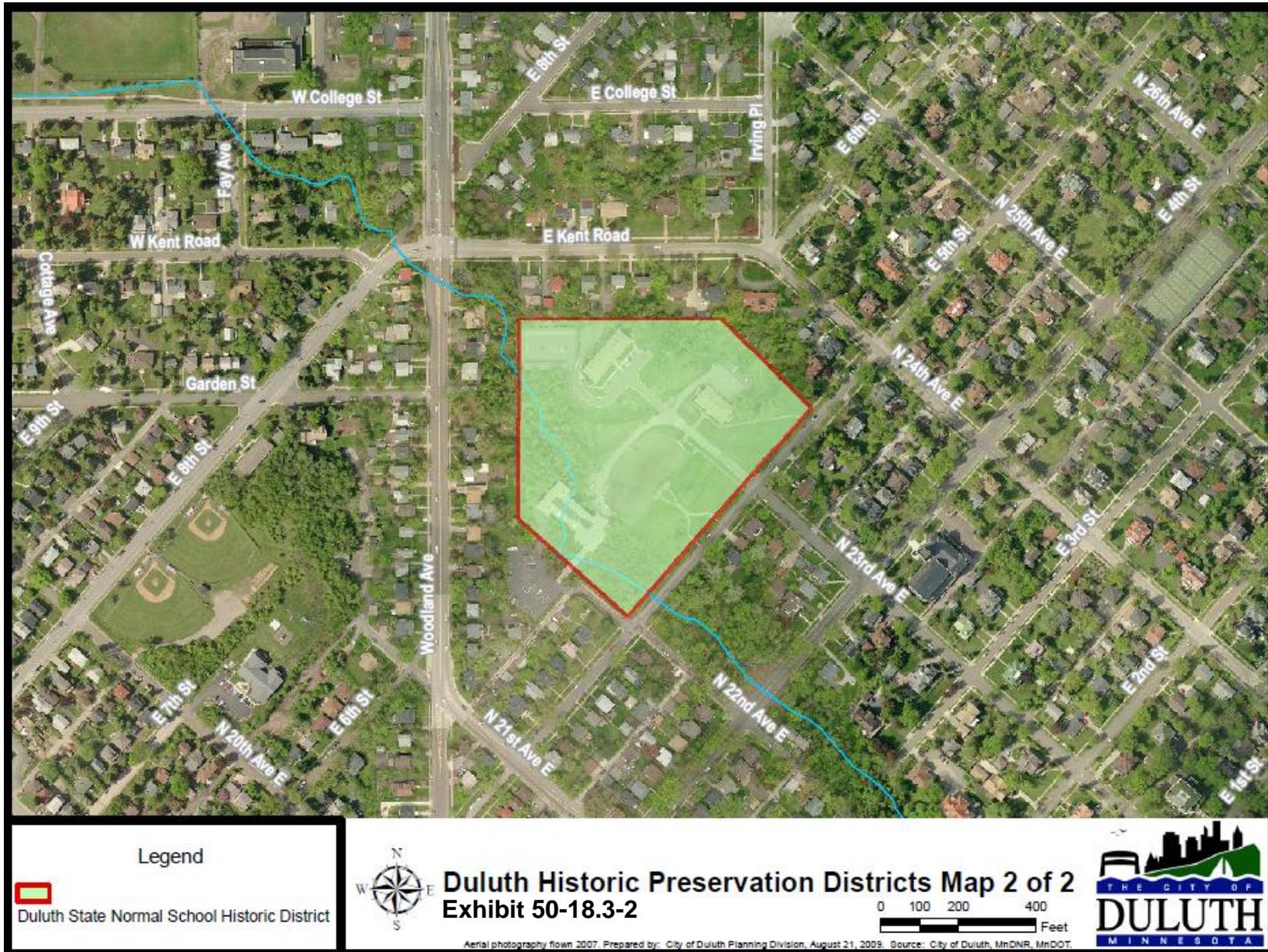
Duluth Historic Preservation Districts Map 1 of 2
Exhibit 50-18.3-1



Aerial photography flown 2007. Prepared by: City of Duluth Planning Division, May 24, 2010. Source: City of Duluth, MnDNR, MnDOT



50-18: Overlay Districts



50-18.4 Skyline Parkway Overlay (SP-0)

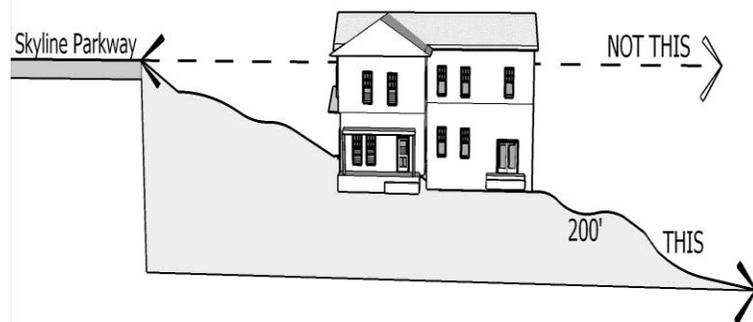
A. Purpose

The purpose of this Section 50-18.4 is to protect the unique character and visual qualities of Skyline Parkway as documented in the Skyline Parkway Corridor Management Plan and the Comprehensive Land Use Plan while protecting the property rights of private property owners affected by these regulations. One key purpose is to protect views from Skyline Parkway toward Lake Superior, the St Louis River, and the harbor, from a wide variety of vantage points along the Parkway and to encourage the construction of narrower buildings located farther from the Skyline Parkway rather than wider buildings located closer to the Parkway.

B. Land Affected

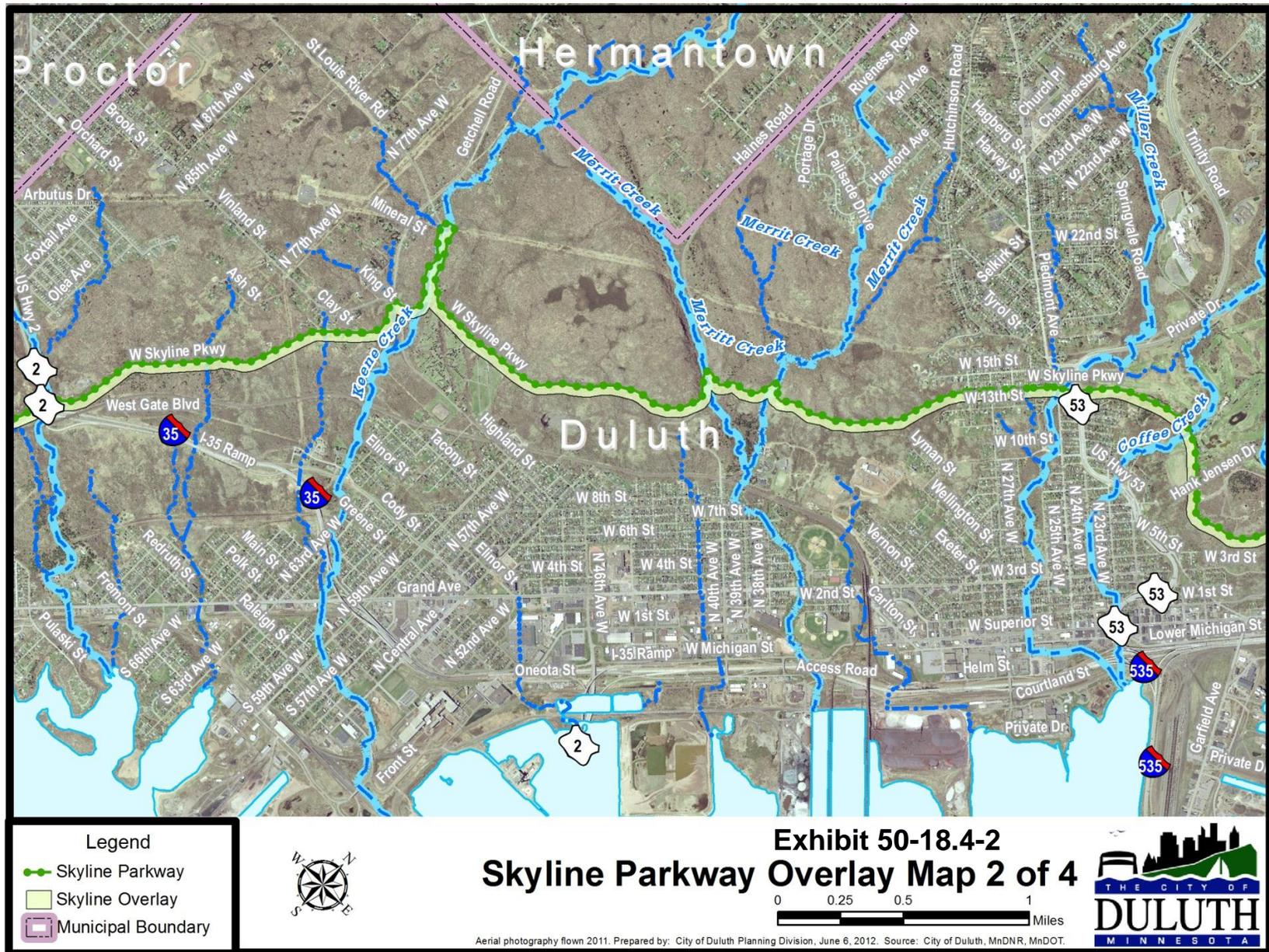
The regulations of this Section 50-18.4 apply to all private and public property located within 200 ft. of the downhill side of Skyline Parkway as shown on Exhibits 50-18.4-1 to 4. The 200 ft. distance shall be measured from the edge of the right-of-way along the slope of the affected property (not horizontally from the road), as shown in Figure 50-18.4-1.

Figure 50-18.4-1: Measurement of 200' boundary



The Skyline Parkway Overlay maps are shown only for illustrative purposes and are not intended to regulate the boundary of the 200 ft. distance.





50-18: Overlay Districts





C. Construction and Reconstruction Affected

This Section 50-18.4 shall apply to (1) all construction of new buildings or additions to buildings, (2) all reconstruction of an existing building or addition, (3) all construction of fences and walls, and (4) all installation and maintenance of landscaping within the SP-O zone district, after November 19, 2010, Buildings, additions, fences and walls that are permitted or exist on November 19, 2010, shall not be required to comply with the provisions of this Section, and shall be considered conforming structures for zoning purposes.

D. Design Controls

When construction of a building or an addition to a building, or reconstruction of an existing building or addition is proposed within the SP-O zone district, the following standards shall apply:

1. The building or addition shall be located at least 50 ft. from the right-of-way of Skyline Parkway, or as close to that distance as is reasonably possible without violating required side or rear setbacks;

Exhibit 50-18.4-6:
Measurement of Long Axis

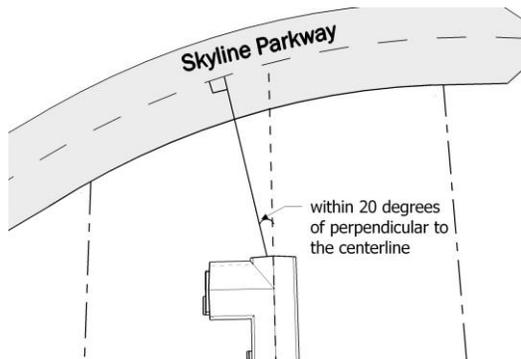
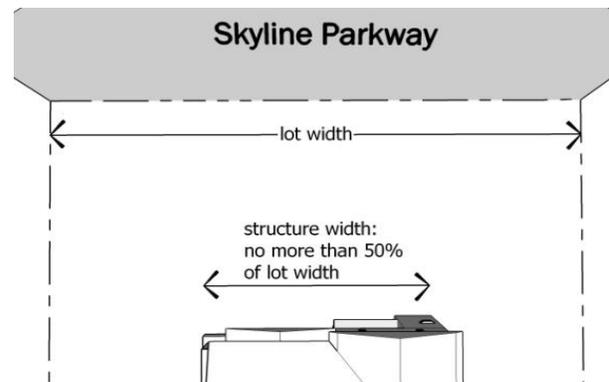


Exhibit 50-18.4-7:
Measurement of 50% of Lot Width



2. The long axis of a new structure shall be located within 20 degrees of perpendicular to the right-of-way line of Skyline Parkway at the midpoint of the front property line, or if that is not possible due to site or engineering constraints, then as close to that number as is reasonably possible;
3. The width of a new primary structure closest to Skyline Parkway shall not exceed 50% of the width of the lot at the point closest to or adjacent to the Skyline Parkway right-of-way. For purposes of this paragraph, the width shall include all portions of the structure, including attached garages or enclosed porches;
4. Where an addition to an existing structure is proposed, the location of that addition shall not result in the width of structure and addition, taken together, exceeding 50% of the width of the lot at the point closest to or adjacent to the Skyline Parkway right-of-way;

5. The provisions of subsections 18.4.D.1 through 4 above shall not apply to any structure located and designed so that no part of the structure (other than chimneys) extends taller than three ft. above the elevation of Skyline Parkway closest to the structure;
6. No wall located within 50 ft. of horizontal distance from the property line along Skyline Parkway shall exceed a height of 3 ft. above the elevation of the centerline of Skyline Parkway;
7. All portions of a fence located within 50 ft. of horizontal distance from the property line along Skyline Parkway and extending more than 3 ft. above the elevation of the centerline of Skyline Parkway shall be at least 75% transparent. No more than 25% of the area bounded by the top, bottom, and sides of the fence may be constructed of solid or opaque materials;
8. No landscaping located on the 50% of the lot width not occupied by the primary structure may be of a species that will have a height at maturity of more than 3 ft. above the elevation of the centerline of Skyline Parkway, and all installed landscaping in those areas shall be maintained so that its height does not exceed 3 ft. above the elevation of the centerline of Skyline Parkway.

50-18.5 Higher Education Overlay (HE-O)

A. Purpose

The purpose of this Section 50-18.5 is to minimize the impacts of potential student use on adjacent residential neighborhoods and to encourage the development of pedestrian friendly neighborhood destinations near the UMD and St. Scholastica campuses.

B. Applicability

This section applies to land within the HE-O, shown in Exhibit 50-18.5-1, that (a) is zoned R-2 or MU-N; and (b) includes new development or redevelopment where the value of the redevelopment exceeds 75% of the market value of the land and buildings, as indicated by tax assessor's records; except for:

1. One-family or two-family dwellings
2. Any residential development where all of the dwelling units are restricted by development agreement or covenant for occupancy by those aged 50 and over or for occupancy by those individuals and households protected by the federal Fair Housing Act amendments of 1988.

A planning review by the planning commission, pursuant to the procedures in Article 5, shall be required unless exempt in the above applicability standards.

C. Development Standards

1. General
 - (a) Vehicle ingress and egress shall be located in a manner that avoids or minimizes impacts to residents in adjacent R-1 districts and that reduces the potential for pedestrian-vehicular conflicts.
 - (b) Primary buildings shall adhere to a build-to zone of 5 feet to 20 feet along primary streets. This requirement shall supersede building setbacks in Section 50-14.6 and 50-15.2. Alternatively, if the Land Use Supervisor determines that site conditions such as existing buildings or topography make this unfeasible, pedestrian walkways can be used to connect people from public sidewalks along primary streets to businesses and residences. These walkways shall:
 - Include pedestrian-scaled lighting.
 - Be raised or otherwise designed to encourage run-off and limit ponding during wet weather.
 - Be visually recognizable to both pedestrians and motorists.
 - Include trees and other landscaping along the length of the walkway; this landscaping can also be used to meet parking lot landscaping requirements in Section 50-25.4.
 - Be at least 5 feet wide.
 - Include well-marked crossings where the walkway intersects with private vehicle drives.
 - (c) Unless lighting meets exception criteria in Section 50-31.1.B, the maximum height of any light pole is 20 feet.

2. Residential

- (a) Required resident parking spaces shall be provided at the ratio of 0.7 space per bedroom, with a minimum of one space per dwelling unit.
- (b) Visitor parking spaces shall be provided at the rate of 15% of required resident parking spaces.
- (c) At least one bicycle or motorized scooter parking space per five parking spaces shall be provided, which shall not be located in any required yard or between the principal dwelling and the street.
- (d) A development that provides an enhanced shelter with space dedicated solely for bicycle or motorized scooter parking shall be granted a reduction in the off-street parking requirement of 5% if the shelter complies with the following standards:
 - The enhanced shelter shall not be located in any required yard setback.
 - The enhanced shelter shall not be located between the principal building and a public street.
 - The enhanced shelter shall be enclosed on at least three sides and covered to adequately protect bicycles from the elements.
 - The enhanced shelter shall utilize primary exterior materials that match the primary exterior materials of the principal structure.
- (e) If the development or redevelopment is determined to have mitigated the impacts of potential student use in the adjacent residential neighborhood, the development or redevelopment may adjust the parking requirements as provided in either Section 50-24.3.A or 50-24.3.B if eligible, but may not utilize both adjustments.
- (f) No residential balcony, patio, or deck shall be located on any side of the property facing and within 200 feet of an R-1 district.

3. Commercial

- (a) Commercial development shall be concentrated on major roads, not on streets intended primarily for neighborhood traffic.

50-18: Overlay Districts

