



City of Duluth
Planning Division

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MEMORANDUM

DATE: December 4, 2013
TO: Planning Commissioners
FROM: Steven Robertson, Senior Planner
SUBJECT: Additional Text Changes to the UDC

The Planning Division is recommending a few changes to the UDC. There will be a public information meeting on December 2nd for citizen comment before the December 10th Planning Commission meeting. Since there will be a special Planning Commission scheduled for December 17th to discuss the small area plan, staff recommend the Planning Commission hold the public hearing on the 10th, but table final decision on the changes until the 17th. It would give staff more time to make additional last minute changes to the text, and since the City Council will not see this item until the January Council meetings, it will not slow down the adoption process. Listed below is a partial summary of the changes being proposed.

Brief Summary of Comments

- Question on Form District Changes (does double side aisle parking also include cottage commercial I and/or main street I)
- Question on how build to zone is calculated (do you take the width of the driveway out before you make the calculation). Note: staff understanding that only Main Street I allows the removal of the driveway before doing the build-to-zone calculation)
- Desire for more allowed parking for restaurants
- Concern over required landscaping (some landscaping trees are dying, possibly due to sand exposure)

Article 2

- Label images to more clearly identify different form district building types
- Clarify primary streets for the Higher Education Overlay District

Article 3

- Remove and rewrite the use table legend (the current legend is blocky and consumes too much of the table)
- Add language in the use table to more clearly differentiate between when a Planning Commission Review may be required (in the past some citizens have confused staff "Plan Review" with "Planning Commission Review").
- Add veterinarian or animal clinic as a permitted use in the F-1, F-3, and F-6 zones.
- Add building types allowed in form districts to the use table (for easier citizen access)
- Adaptive Reuse of Historic Structures (addressed earlier by the public hearing scheduled and currently under City Council consideration)

Article 4

- Clarify where zoning encroachments are allowed
- Form District: Arrange building type definitions to more clear (its current location is often overlooked by citizens....a simple reformatting should improve clarity)
- Form District: Clarify the requirement for "occupied space" (it is clear that occupied space goes 30 feet into a structure, but it is not clear how high the occupied space must go....this is related to multi story parking structures).
- Form District Building Changes: 1) for some building types, reduce build to zone requirements to 65%, 2) For all building types, eliminate the internal floor-to-height minimum and maximum limits, 3) For some building types, allow double aisle parking (some are currently limited to single aisle parking) , 4) For some building types, allow loading area on either side of a structure (some are currently limited to loading in only the rear or one side of the structure), 5) For some building types, allow one entrance per 50 feet (some are currently limited to one entrance per 75 feet), 6) For all building types, change height limits from floor/feet to just feet (example...instead of maximum height of 2.5 stories/33', it would just be 33')

- Clarify where parking is allowed on a lot
- Change the required parking table to more clearly indicate minimum parking, required parking, and maximum parking (some of the text that impacts the table is found two pages after the table, and is sometimes missed by citizens). Note, change not done yet.
- Minor changes to clarify the sign code (such as adding a reasonable size limit on political signs) Note, change not done yet.
- Move language on required road frontage to the platting section (the current location of the text is overlooked by some citizens) Note, change not done yet.

Article 5

- Amend the summary table to require a sign notice when doing a quick plat (currently no public notice is required)
- Change the quick plat and boundary line adjustment process (suggested that we look at the newly revised St. Louis County minor subdivision process for examples). Note, change not done yet.
- Give the Historic Preservation Commission authority to nominate properties for historic designation without the consent of the property owner (addressed earlier by the public hearing scheduled)
- Raise the limit for when a non-conforming building cannot be rebuilt without meeting standards (currently it is 50%....propose raising it to 60%, which is similar to some state building code rules). Note, this would only apply to non-conforming structures as they relate to zoning...we would still leave the limit at 50% for structures that are non-conforming due to floodplain issues (required by the state/FEMA).

Finally, there have been several Land Use Supervisor interpretations that need to be incorporated with new/amended text to the UDC.

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



Example of Main Street I



Example of a Main Street I

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



Example of Corridor Building I



Example of Cottage Commercial I

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.

Building Types	Form Districts								
	F-1	F-2	F-3	F-4	F-5	F-6	F-7	F-8	F-9
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



Example of Main Street Building II



Example of Main Street Building II

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



Example of Corridor Building II



Example of Cottage Commercial III

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



Example of Corridor Building II



Example of Main Street Building II

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



Example of Cottage Commercial I



Example of Main Street Building II

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



Example of Main Street Building III



Example of Main Street Building III

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.

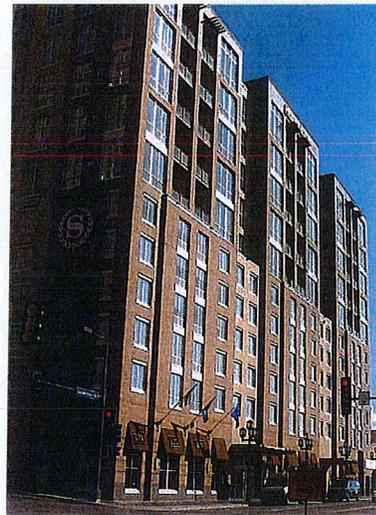
		Form Districts								
		F-1	F-2	F-3	F-4	F-5	F-6	F-7	F-8	F-9
Building Types	Main Street Building I	•	•							
	Main Street Building II			•	•	•	•			
	Main Street Building III							•	•	
	Corridor Building I		•							
	Corridor Building II				•	•				
	Lakefront Corridor									•
	Corridor Building III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

B. Example

F-8 Example Building Forms



Example of Main Street Building III



Example of Corridor Building III

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.

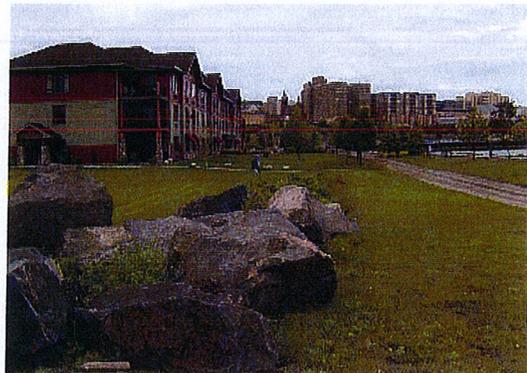
	Form Districts								
	F-1	F-2	F-3	F-4	F-5	F-6	F-7	F-8	F-9
Main Street Building I	•	•							
Main Street Building II			•	•	•	•			
Main Street Building III							•	•	
Corridor Building I		•							
Corridor Building II				•	•				
Lakefront Corridor									•
Corridor Building III								•	
Cottage Commercial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

B. Example

F-9 Example Building Forms



Example of Lakefront Corridor



Example of Lakefront Corridor

C. Illustration

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

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.

D. Primary Streets

This following streets are designated as primary streets in the Higher Education Overlay District:

1. Woodland Avenue
2. St. Marie Street
3. Arrowhead Road
4. College Street
5. Kenwood Avenue, North of College Street
6. 4th Street
7. London Road
8. Superior Street
9. 9th Street, Between 6th Avenue East and 15th Avenue East
10. 8th Street, Between 15th Avenue East and Woodland Avenue

50-19: Permitted Use Table

50-19.7 Unlisted Uses

When a proposed land use is not explicitly listed in the use table, the land use supervisor shall determine whether or not it is included in the definition of a listed use or is so consistent with the size, scale, operating characteristics and external impacts of a listed use that it should be treated as the same use. Any such interpretation shall be made available to the public and shall be binding on future decisions of the city until the land use supervisor makes a different interpretation.

50-19.8 Permitted Use Table Legend

The following legend in table 50-19.8.1 shall be referenced when using the Permitted Use Table in 50-19.9.

Use Table Legend for 50-19.9	
Abbreviation	Reference
P	Permitted Use
S	Special Use
I	Interim Use
A	Accessory Use
U	Use Allowed in the Upper Stories of the Form District Building
1	May Require Planning Commission Review Hearing (MU-C, MU-I, and MU-W Only)
2	May Require Additional Development Standards and Planning Commission Review if in the Higher Education Overlay District (HE-O)
	Additional Restrictions May Apply on Uses If They are Within the Natural Resources, Airport, Historic Resources, or Skyline Parkway Overlay Districts (NR-O, A-O, HR-O, SP-O)
Notes	All uses that are permitted in the MU-N zone district shall be considered as eligible for an Interim Use Permit in R-1 or R-2 district for Structures Identified as a City of Duluth Local Historic Landmark.

50-19.9 Permitted Use Table

TABLE 50-19.8: USE TABLE

P = Permitted Use U = Upper Story

A = Accessory Use

S = Special Use or Interim Use

I = Interim Use

NOTE: Uses in the Natural Resources Overlay (NR-O) are limited by Section 50-18.1

NOTE: Uses in the Airport Overlay (A-O) district are limited by Section 50-18.2

NOTE: Uses listed in the R-P district are only allowed if included in an approved regulating plan for the area

Zone District Name	Residential			Mixed Use								Form							Special		Use Specific Standards					
	RR-1	RR-2	R-1	R-2	R-P	MU-N	MU-C	MU-I	MU-B	MU-W	MU-P	F-1	F-2	F-3	F-4	F-5	F-6	F-7	F-8	F-9		I-C	I-W	I-P		
LAND-USE-CATEGORY																										
RESIDENTIAL USES																										
Household Living																										
Dwelling, one-family	P	P	P	P	P	P						P	U	U	U	U	U	U	U	U						
Dwelling, two-family			P	P	P	P						P	U	U	U	U	U	U	U	U						
Dwelling, townhouse			S	P ²	P	P ²						P ¹	P													50-20.1.A
Dwelling, multi-family				P ²		P ²	P ¹	P	U	U	U	U	U	U	U	P						50-20.1.B				
Dwelling, live-work						P ²	P ¹	P	P	P	P	P	P	P	P	P						50-20.1.C				
Group Living																										
Co-housing facility				S	S ²	P	P ²																			
Residential care facility/assisted living (6 or fewer)			P	P	P	P ²	P ²					P	U	U	U	U	U	U	U	P						50-20.1.D
Residential care facility/assisted living (7 or more)				S	P ²		P ²	P ¹	P ¹	P ¹	P ¹	P	U	U	U	U	U	U	U	P						50-20.1.D
Rooming house					S ²		P ²	P ¹	P ¹	P ¹	P ¹	P	U	U	U	U	U	U	U	P						50-20.1.E
PUBLIC, INSTITUTIONAL AND CIVIC USES																										
Community and Cultural Facilities																										
Bus or rail transit station							P ²	P ¹	P ¹	P	P ¹	P	P	P	P	P	P	P	P	P						
Cemetery or mausoleum	S	S	S	S	S ²	P	S ²	S	S	S													S			
Club or lodge (private)					S ²	P	P ²	P ¹	P ¹	P ¹	P ¹	P	P	P	P	P	P	P	P	P			S			50-20.2.A

50-19: Permitted Use Table

TABLE 50-19.8: USE TABLE

NOTE: Uses in the Natural Resources Overlay (NR-O) are limited by Section 50-18.1
 NOTE: Uses in the Airport Overlay (A-O) district are limited by Section 50-18.2
 NOTE: Uses listed in the R-P district are only allowed if included in an approved regulating plan for the area
 P = Permitted Use U = Upper Story
 A = Accessory Use
 S = Special Use or Interim Use
 I = Interim Use

Zone-District Name	Residential				Mixed Use								Form						Special		Use-Specific Standards			
	RR-1	RR-2	R-1	R-2	R-P	MU-N	MU-C	MU-I	MU-B	MU-W	MU-P	F-1	F-2	F-3	F-4	F-5	F-6	F-7	F-8	F-9		I-G	M-I	P-1
LAND USE CATEGORY																								
Agriculture, urban	P	P	P	P ²	P						P													
Kennel	S	S				S	S	P		P														
Riding stable	S	S	S		P				S														S	
Veterinarian or animal hospital	S	S		P ²	P	P ¹	P ¹	P	P ¹	P	P	P	P	P	P	P	P	P						50-20.3.U
Food, Beverage, and Indoor Entertainment																								
Adult entertainment establishment																								
Convention or event center						P ¹			P	P ¹	P				P	P	P	P	P	P	P			50-20.3.A
Indoor entertainment facility						P ¹			P	P ¹	P				P	P	P	P	P	P	P			50-20.3.H
Restaurant (no drive-in/drive-through, less than 5,000 sq ft)				S ²	P	P ¹	P ¹	P	P ¹	P	P	P	P	P	P	P	P	P	P	P	P			50-20.3.P
Restaurant (no drive-in/drive-through, 5,000 sq ft or more)					P	P ¹	P ¹	P	P ¹	P	P	P	P	P	P	P	P	P	P	P	P			50-20.3.P
Restaurant (with drive-in/drive-through)						P ¹			P		P				P									50-20.3.Q
Theater						S ²	P ¹			P ¹	P				P	P	P	P	P	P	P			
Lodging																								
Hotel or motel						S ²	P ¹	P	P ¹	P	P	P	P	P	P	P	P	P	P	P	P			
Bed and breakfast					S	P ²	P	P ¹	P	P ¹	P				P									50-20.3.F
Seasonal camp or cabin	P	P			P					P ¹													S	50-20.3.S
Vacation dwelling unit			I	I	I	I									I									50-20.3.V
Offices																								
Bank					I	S ²	P ¹	P	P ¹	P	S	P	P	P	P	P	P	P	P	P	P			50-20.3.E

50-19: Permitted Use Table

TABLE 50-19.8: USE TABLE

NOTE: Uses in the Natural Resources Overlay (NR-O) are limited by Section 50-18.1
 NOTE: Uses in the Airport Overlay (A-O) district are limited by Section 50-18.2
 NOTE: Uses listed in the R-P district are only allowed if included in an approved regulating plan for the area
 P= Permitted Use U= Upper Story
 A= Accessory Use
 S= Special Use or Interim Use
 I= Interim Use

Zone-District Name	Residential				Mixed Use								Form								Special		Use-Specific Standards		
	R-C	RR-1	RR-2	R-1	R-2	R-P	MU-N	MU-C	MU-I	MU-B	MU-W	MU-P	F-1	F-2	F-3	F-4	F-5	F-6	F-7	F-8	F-9	F-10		M-I	U
LAND-USE CATEGORY																									
Office					S ²		P ²	P ¹	P ¹	P	P ¹	P	P	P	P	P	P	P	P	P	P				50-20.3.M
Data center							S	P ¹	P ¹	P	S	P	U	U	U	U	U	U	U	U	U	P			
Outdoor Recreation & Entertainment																									
Golf course																									
Marina or yacht club						S	S																	P	
Tourist or trailer camp																								S	
Other outdoor entertainment or recreation use not listed																								S	50-20.3.T
Personal Services																									50-20.3.N
Business park support activities																									
Preschool																									
Day care facility, small (14 or fewer)						S	S	S	P ²	P	P ²	P ¹	P ¹	P ¹	P ¹	P	P	P	P	P	S				
Day care facility, large (15 or more)						P	P	P	P ²	P	P ²	P ¹	P ¹	P ¹	P ¹	P	P	P	P	P	P				
Funeral home or crematorium																									50-20.3.I
Mini-storage facility																									50-20.3.I
Personal service and repair, small (less than 10,000 sq ft)																									
Personal service and repair, large (10,000 sq. ft. or more)																									
Retail Sales																									
Adult book store																									
Building materials sales																									
																									Chapter 5
																									50-20.3.G

50-19: Permitted Use Table

TABLE 50-19.8: USE TABLE

NOTE: Uses in the Natural Resources Overlay (NR-O) are limited by Section 50-18.1 P = Permitted Use U = Upper Story

NOTE: Uses in the Airport Overlay (A-O) district are limited by Section 50-18.2 A = Accessory Use

NOTE: Uses listed in the R-P district are only allowed if included in an approved regulating plan for the area S = Special Use or Interim Use

I = Interim Use

Zone District Name	Residential										Mixed Use							Form							Special			Use-Specific Standards
	RR-1	RR-2	R-1	R-2	R-P	MU-N	MU-C	MU-I	MU-B	MU-W	MU-P	F-1	F-2	F-3	F-4	F-5	F-6	F-7	F-8	F-9	IG	MI	TI					
LAND-USE CATEGORY																												
Garden material sales	S						P ¹								P													
Grocery store, small (less than 15,000 sq ft)					P	P ²	P ¹					P			P	P	P	P	P					50-20.3.K				
Grocery store, large (15,000 sq ft or more)							P ¹																	50-20.3.K				
Retail store not listed, small (less than 15,000 sq ft)					S ²	P ²	P ¹	P ¹				P	P	P	P	P	P	P	P					50-20.3.R				
Retail store not listed, large (15,000 sq ft or more)							P ¹					P			P	P	P	P						50-20.3.R				
Vehicle-Related																												
Automobile and light vehicle repair and service						S ²	P ¹	P				P	P	P	P	P	P							50-20.3.C				
Automobile and light vehicle sales, rental, or storage							P ¹	P																50-20.3.D				
Filling station					S ²	P	S ²	P ¹	P			P	P	P	P	P	P							50-20.3.J				
Parking lot or parking structure (primary use)					I		P ¹	P	P ¹	P	S	S	S	S	S	S	S	S	S	S	S	P	P	50-20.3.O				
Truck or heavy vehicle sales, rental, repair, or storage								P																				
INDUSTRIAL USES																												
Industrial Service																												
Contractor's shop and storage yard									P						P						P	P		50-20.4.B				
Dry cleaning or laundry plant									P												P	P						
Research laboratories							P ¹	P													P	P						
Industrial services								P													P	P						
Manufacturing and Mining																												
Manufacturing, light							P ¹	P							P						P			50-20.4.F				

Table 50-21.3-1: Exceptions and Encroachments

Structure or Feature	Conditions or Limits
Encroachments into Required Yard Areas	
Architectural features (sills, belt courses, eaves, cornices) awnings and canopies, bay windows, gutters and downspouts	No more than <u>Up to 18 in.</u> into any required yard area
Unenclosed or lattice-enclosed stairs, fire escapes, and balconies opening upon fire towers	No more than <u>Up to 5 ft.</u> into any required rear yard, except as required to comply with applicable fire code or Americans with Disabilities Act
Chimneys and flues	No more than <u>Up to 2 ft.</u> into any required front or side setback.
Open sided porch, deck, or paved terrace	<u>Not more than Up to 10 ft.</u> into front yard, <u>but no closer than 5 ft. from any street line on a corner lot</u>
Enclosed vestibule or fixed canopy with a floor area of not more than 40 sq. ft.	No more than <u>Up to 4 ft.</u> into front yard
Fuel pumps or pump islands	<u>Not closer than Up to 15 ft.</u> from any street line or closer than 50 ft. from any residential <u>use district boundary</u>
Fences meeting the standards of Section 50-26.4	Fences may not be located closer than 3 ft. to any publicly maintained right-of-way
Porte cochere, carport, or canopy if every part is unenclosed except for necessary structural supports	Permitted in any side setback, but not less than 5 ft. from any side lot line
Accessory Structures	No accessory structure may be located: (a) between a street and any façade of a primary building facing that street, or (b) closer than 10 ft. to any principal structure on an adjoining property, or (c) closer than 5 ft. to any rear lot line, or (d) closer than 3 ft. to any side lot line, except as listed for specific accessory structures below.
Accessory boat dock, residential	No setback required from property lines along the water
Accessory clotheslines, play equipment, trash containers, odor-controlled composting bins and rainwater harvesting tanks	Permitted in side and rear yards
Accessory raingarden	Permitted in all (front, side and rear) yards
Accessory wind power equipment	Permitted in side and rear yards except where prohibited by adopted building code
Exceptions to Building Height Limits	
Television and radio towers, accessory communications towers for private use, religious assembly or ornamental spires and towers, belfries, monuments, tanks, water and fire towers, stage tower or scenery lofts, cooling towers, <u>ornamental towers</u> , chimneys, elevator penthouses, air conditioning penthouses, skylights, smokestacks, conveyors, storage elevators and facilities, flagpoles, accessory wind power equipment, or accessory rooftop solar collectors.	Exempt from height limit. The provisions for religious assembly <u>towers and or ornamental spires and towers</u> only apply if the applicant proposes an Iconic Building in a Form District.

D. Alternative Compliance in Form Districts

Where compliance with the specific requirements of section 50-22 is not possible as a result of unique site conditions abutting or surrounding a proposed site, an owner may propose alternatives consistent with the goals of sections 50-16 and 50-22. The Land Use Supervisor may approve a proposal under this section where an applicant can demonstrate the following:

1. The renovation does not increase the existing primary structure's footprint; and
2. It is determined that the proposed renovation achieves the goals stated in 50-16 relevant to the particular form district to the same degree, or better than, the building form standards set forth in section 50-22.

50-22.2 General Building Type Descriptions

Four major categories of building types are described in this section: Main Street Building, Corridor Building, Cottage Commercial Building, and Iconic Building. The building types proposed for the Form Districts include three variations of the Main Street Building, three variations of the Corridor Building, two variations of the Cottage Commercial Building, and one version of the Iconic Building. The building type variations go from least intense (Type I) to most intense (Type III). Main Street Buildings, in general, are pedestrian-oriented, mixed use buildings. This building type typically has a storefront on the ground floor with offices or residential uses on the upper floors. The ground floor of the Main Street Building has a high amount of transparency, so that pedestrians walking by can look into the interior space. Corridor Buildings are primarily meant to house office or multi-family residential uses, with less transparency required on the ground floor. The Cottage Commercial Building is primarily commercial in nature but, unlike the Main Street Building, it is similar in form to single-family residential areas, providing transitions between commercial and residential areas. While the previously mentioned building types are intended to serve as the fabric buildings of the city, the Iconic Building is a unique civic or institutional building that has distinctive character and function within the community.

A. Main Street Buildings

Main Street Buildings, in general, are pedestrian-oriented, mixed use buildings. This building type typically has a storefront on the ground floor with offices or residential uses on the upper floors. The ground floor of the Main Street Building has a high amount of transparency, so that pedestrians walking by can look into the interior space.

1. Main Street Building I

This building type allows for service, retail, and office uses on the ground floor and office or residential above. It is appropriate for commercial uses adjacent to residential neighborhoods, as the intensity of this building type is not as high as the other Main Street Building types. It has a larger build-to zone and a maximum height of two-and-a-half or three stories depending on location.

2. Main Street Building II

Main Street Building II is slightly more intense than Main Street Building I, as it is required to be built up to the right-of-way and may generally be up to 4 stories tall. This building type also permits service, retail and office uses on the ground floor and office or residential on upper floors.

3. Main Street Building III

Main Street Building III is the most intense of the Main Street Building types, as it is meant to be used in the downtown area. It is located directly adjacent to the sidewalk and should include retail or service uses on the ground floor whenever possible. Main Street Building III has a maximum height of 15 stories in limited locations.

B. Corridor Buildings

Corridor Buildings are primarily meant to house office or multi-family residential uses, with less transparency required on the ground floor.

1. Corridor Building I

This building type can house a single category of uses, such as office or residential, or a mix of uses. Corridor Building I is the least intensive Corridor Building, located in the more neighborhood oriented study area locations. It has a larger build-to zone that is set back farther than the other Corridor Buildings, and is permitted to be a maximum of 3 stories.

2. Corridor Building II

Corridor Building II is an intermediary building type between the more neighborhood scale locations and the intensity of downtown. It is similar to Corridor Building I in many ways, but is permitted to be built up to the sidewalk and may also be taller, with generally a maximum height of 4 stories.

3. Lakefront Corridor Building

The Lakefront Corridor Building is a variation on Corridor Building II that was created for use along Lake Superior in Canal Park. These buildings front the lake, but also require some level of frontage on Canal Park Drive. The maximum height is 4 stories.

4. Corridor Building III

Corridor Building III was created for use in downtown. It is required to be built adjacent to the sidewalk and has a maximum height of 15 stories in specified locations. While the Corridor building types are meant to house primarily office and residential uses, commercial uses are also permitted to create a vibrant commercial core for downtown.

C. Cottage Commercial

The Cottage Commercial Building is primarily commercial in nature but, unlike the Main Street Building, it is similar in form to single-family residential areas, providing transitions between commercial and residential areas.

1. Cottage Commercial I

The Cottage Commercial Building type is residential in character but commercial in use. At a maximum height of two and a half stories, it is meant to blend in with a surrounding residential neighborhood while at the same time providing neighborhood-scale commercial uses. Cottage Commercial I is for use as a transition to residential locations, with a larger build-to zone and permitted side aisle of parking. Cottage Commercial I may also include multiple principal structures on one lot, provided that each building meets the requirements of the building type.

2. **Cottage Commercial II**

Cottage Commercial II is similar to Cottage Commercial I but is used in the West Duluth study area, which is a more intense context. This building type may be built to the front property line and must locate parking in the rear.

D. Iconic Building

While the previously mentioned building types are intended to serve as the fabric buildings of the city, the Iconic Building is a unique civic or institutional building that has distinctive character and function within the community. The Iconic Building type is a unique building type meant to house community, cultural, civic, educational or governmental uses. The Iconic Building has more flexible requirements for building location and transparency than the other non-residential building types due to its unique nature.

D. Parking Structure

Occupied space for parking structures shall be provided at the depth required, and at a height of 30 feet. Facades of parking structures visible from any public right-of-way shall meet the following requirements:

1. Vertical expression lines are required every 60 ft.
2. Ramped floors shall not be visible from the street. Garage openings shall be organized in stories. Story dimensions shall match adjacent buildings, measured between 9 ft. and 14 ft. floor to floor.
3. The street facing façade surface of the structure shall be articulated with the same level of detail and the same type of material as adjacent buildings. Brick masonry shall be the dominant surface material, occupying a minimum of 50% of the street facing façade surface.
4. Garage entries and exits shall be located on secondary streets or alleys.

50-22.7 Building Type Summary Table

Table 50-22.7-1: Building Type Summary Table

	Street Frontage			Side & Rear Setbacks			Buildable Area	
	Multiple Buildings Permitted on a Lot	Front Yard BTZ or setback (feet)	Corner Side Yard BTZ or setback (feet)	Minimum Coverage of Front Build-to Zone	Minimum Side Yard Setback (feet)	Minimum Rear Yard Setback (feet)	Minimum Landscape Area	Minimum Lot Width (feet)
Main Street Building I	No	0-15	0-15	65% 85% , BTZ may exclude permitted driveway	0	5	10%	30
Main Street Building II	No	0-5	0-5	95%	0	5	0%	20
Main Street Building III	No	0-5	0-5	95%	0	5	0%	20
Corridor Building I	Yes	5-15	5-15	65% 75%	0	5	15%	30
Corridor Building II	Yes	0-15	0-15	75%	0	5	15%	50
Lakefront Corridor Building	Yes	0-25 BTZ on Lakefront; 0-15 BTZ along Canal Park Drive	0-15	33% on street face; 65% on Lakefront	10% of lot width on each side or aggregate on one side	Not applicable	20%	50
Corridor Building III	No	0-5	0-5	85%	0	5	0%	50
Cottage Commercial I	Yes	5-20	5-20	60%	5	5	20%	50
Cottage Commercial II	No	0-15	0-15	60%	0	5	20%	50
Iconic Building	Yes	5' Setback	5' Setback	Not applicable	5	5	20%	50

¹Tower permitted for all Building Types

² 2 driveways may be permitted through [special exception] if frontage exceeds 200'

³ 15 stories or 188' as measured from W Superior Street; Permitted from Mesaba Ave to N 4th Ave E

⁴ Ground floor transparency may be greater depending on base type.

50-22: Building Form Standards

Parking & Access		Building Height		Transparency		Entrance	Cap & Base Type		
Location of Parking Facilities (yard)	Number of Permitted Driveways	Minimum Principle Building Height (stories)	Maximum Principle Building Height	Minimum Front & Corner Side Façade Transparency per Story ^d		Blank Wall Limitations	Primary Entrance Locations	Allowed Cap Types ¹	Allowed Base Types
Rear	1 driveway permitted per frontage ²	1	2.5 stories / 37' along East Superior Street; 3 stories / 45' along London Road	20%	Required	Front or Corner Side Façade	Parapet, Flat Roof, Pitched Roof	Storefront	
Rear	If no alley exists, 1 driveway permitted per frontage ²	1	4 stories / 55'; 6 stories / 80' on Lake Avenue	20%	Required	Front or Corner Side Façade	Parapet, Flat Roof, Pitched Roof	Arcade, Storefront	
Rear	If no alley exists, 1 driveway permitted per frontage	1; 2 along Superior Street	6 stories / 80'; 9 stories / 116' on corner parcels only; 15 stories / 188' along Superior Street ³	20%	Required	Front or Corner Side Façade	Parapet, Flat Roof	Arcade, Storefront	
<i>or double</i> Rear, Single side aisle permitted	1 driveway permitted per frontage ²	1	3 stories / 45'	20%	Required	Front or Corner Side Façade	Parapet, Flat Roof, Pitched Roof	Stoop, Porch	
Rear	If no alley exists, 1 driveway permitted per frontage ²	1	4 stories / 55'; 6 stories / 80' on Lake Avenue	20%	Required	Front or Corner Side Façade	Parapet, Flat Roof, Pitched Roof	Stoop, Porch	
Must be screened from the Lakefront by building	1 driveway permitted per every 140' of frontage	1	4 stories / 55'	20%	Required only on street or Lakefront facades	Visible from street	Parapet, Flat Roof, Pitched Roof	Stoop or Porch on Lake or parking lot face; Storefront or Stoop on street face	
Rear	If no alley exists, 1 driveway permitted per frontage	1	6 stories / 80'; 9 stories / 116' on corner parcels only; 15 stories / 188' along Superior Street ³	20%	Required	Front or Corner Side Façade	Parapet, Flat Roof	Stoop	
Rear, Single side aisle permitted	1 driveway permitted per frontage ²	1	2.5 stories / 33'	20%	Not required	Front or Corner Side Façade	Pitched Roof	Shopfront, Porch, Stoop	
Rear	If no alley exists, 1 driveway permitted per frontage ²	1	2.5 stories / 33'	20%	Not required	Front or Corner Side Façade	Pitched Roof	Shopfront, Porch, Stoop	
Rear, Single side aisle permitted	1 driveway permitted per frontage ²	1	4 stories / 55'	10%	Not required	Front or Corner Side Façade	Parapet, Flat Roof, Pitched Roof	Stoop	

50-22.1 Main Street Building I

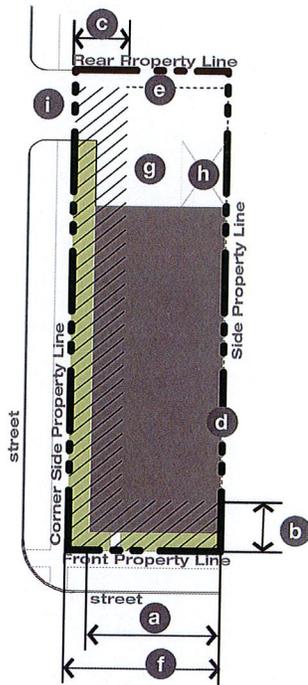


Figure 50-22.8(A): Building Siting.

A. Building Siting	
1. Street Frontage	
Multiple Principal Buildings	Not permitted
Front Build-to Zone Coverage	65% 85%; BTZ may exclude permitted driveway a
Occupation of Corner	Required
Front BTZ	0' to 15' b
Corner BTZ	0' to 15' c
2. Buildable Area	
Side Yard Setback	0' d
Rear Yard Setback	5' e
Minimum Lot Width	30' f
Minimum Landscape Area	10%
3. Parking Lot, Loading & Access	
Parking Lot Location	Rear yard g
Loading Facility Location	Rear building façade h
Access	1 driveway permitted per frontage; 2 driveways may be permitted through [special exception] if frontage exceeds 200' i

B. Height	
Minimum Overall Height	1 story j
Maximum Overall Height	2.5 stories / 37' along East Superior; 3 stories / 45' along London Road k
Ground Story: Minimum Height	15' l
Maximum Height	24' l
Upper Stories: Minimum Height	9' m
Maximum Height	14' m

Notes:
¹ If 20' or more in height, ground story shall count as 2 stories towards maximum building height.

C. Uses	
Ground Story	Refer to Article 3. Permitted Uses n
Upper Story	Refer to Article 3. Permitted Uses o
Parking within Building	Permitted in the rear of the ground floor and fully in any other floor p
Occupied Space	30' depth space required on ground floor facing Primary Street

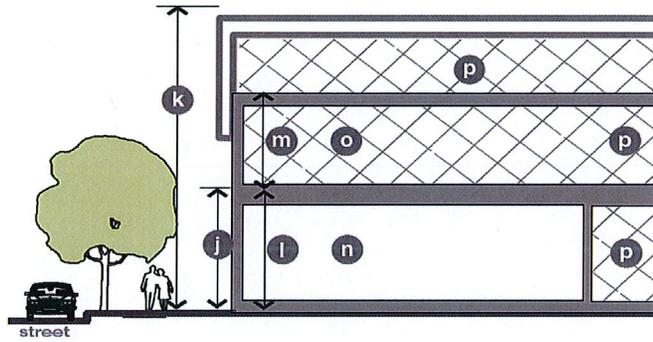


Figure 50-22.8(B): Height & Use Requirements.

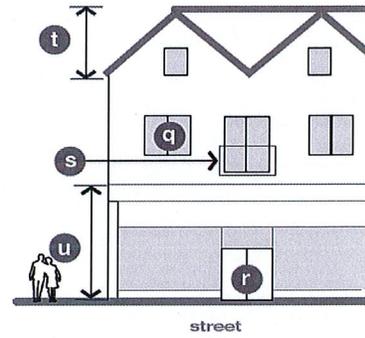


Figure 50-22.8(C): Facade Requirements.

D. Street Façade Requirements	
1. Transparency (q)	
Minimum Transparency	20% per floor
Blank Wall Limitations	Required
2. Building Entrance	
Principal Entrance Location	Front or Corner Side Façade of building (r)
Street Façades: Number of Entrances	1 per ^{50'} 75' of Front Façade
3. Balconies (if provided) (s)	
Size	Minimum 3' deep and 5' wide
Façade Coverage	Maximum 30% of front & corner side façades, calculated separately
Access to Balcony	Maximum one (1) dwelling unit
Structure	Independently secured and unconnected to other balconies; or integral to the façade

E. Cap & Base Type Requirements	
Cap Type	Parapet, Flat Roof, Pitched Roof (t)
Tower	Permitted
Street Façade Base Type	Storefront (u)

50-22.4 Corridor Building I

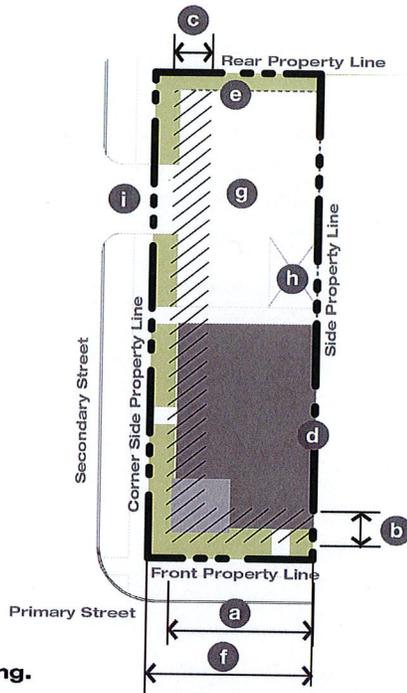


Figure 50-22.11(A): Building Siting.

A. Building Siting	
1. Street Frontage	
Multiple Principal Buildings	Permitted
Front Build-to Zone Coverage	75% 65% (a)
Occupation of Corner	Required
Front BTZ	5' to 15' (b)
Corner BTZ	5' to 15' (c)
2. Buildable Area	
Side Yard Setback	0' (d)
Rear Yard Setback	5' (e)
Minimum Lot Width	30' (f)
Minimum Landscape Area	15%
3. Parking Lot, Loading & Access	
Parking Lot Location	Rear yard; Single aisle <i>or double</i> permitted in side yard (g)
Loading Facility Location	<u>Rear building facade</u> (h)
Access	1 driveway permitted per frontage; 2 driveways may be permitted through [special exception] if frontage exceeds 200' (i)

B. Height	
Minimum Overall Height	1 story (j)
Maximum Overall Height	3 stories / 45' (k)
Ground Story: Minimum Height 15'	(l)
Maximum Height 24'	(m)
Upper Stories: Minimum Height 9'	
Maximum Height 14'	
Notes:	
1 If 20' or more in height, ground story shall count as 2 stories towards maximum building height.	

C. Uses	
Ground Story	Refer to Article 3. Permitted Uses (n)
Upper Story	Refer to Article 3. Permitted Uses (o)
Parking within Building	Permitted in the rear of the ground floor and fully in any other floor (p)
Occupied Space	30' depth space required on ground floor facing Primary Street

Rear or side building facade

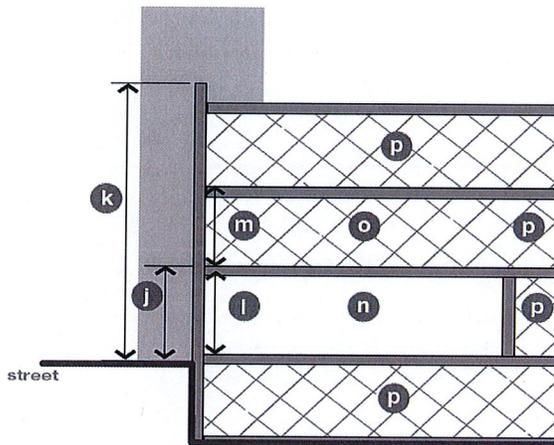


Figure 50-22.11(B): Height & Use Requirements.

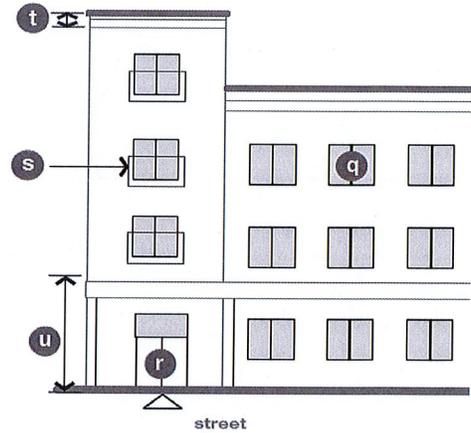


Figure 50-22.11(C): Facade Requirements.

D. Street Façade Requirements	
1. Transparency (q)	
Minimum Transparency	20% per floor
Blank Wall Limitations	Required
2. Building Entrance	
Principal Entrance Location	Front or Corner Side Façade of building (r)
Street Façades: Number of Entrances	1 per 75' of Front Façade
3. Balconies (if provided) (s)	
Size	Minimum 3' deep and 5' wide
Façade Coverage	Maximum 30% of front & corner side façades, calculated separately
Access to Balcony	Maximum one (1) dwelling unit
Structure	Independently secured and unconnected to other balconies; or integral to the façade

E. Cap & Base Type Requirements	
Cap Type	Parapet, Flat Roof, Pitched Roof (t)
Tower	Permitted
Street Façade Base Type	Stoop, Porch ² (u)

Notes:

² Porch, Stoop, or stairs may encroach to within 2' of the property line

50-22.8 Cottage Commercial I

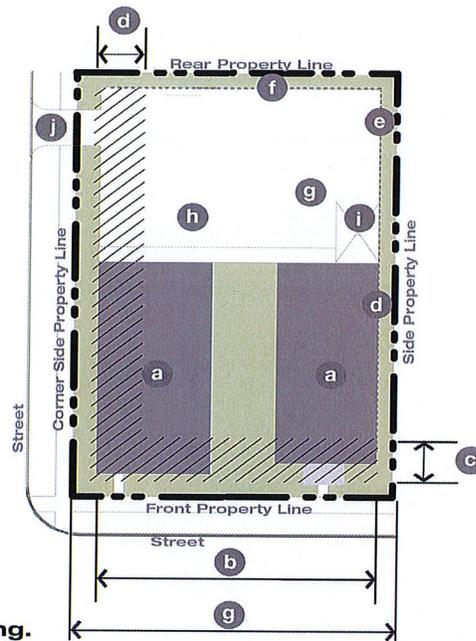


Figure 50-22.15(A): Building Siting.

A. Building Siting		
1. Street Frontage		
Multiple Principal Buildings	Permitted ¹	(a)
Front Build-to Zone Coverage	60%	(b)
Occupation of Corner	Required	
Front BTZ	5' to 20'	(c)
Corner BTZ	5' to 20'	(d)
2. Buildable Area		
Side Yard Setback	5'	(e)
Rear Yard Setback	5'	(f)
Minimum Lot Width	50'	(g)
Minimum Landscape Area	20%	
3. Parking Lot, Loading & Access		
Parking Lot Location	Rear Yard; Single side aisle permitted	(h)
Loading Facility Location	Rear Building Façade	(i)
Access	1 driveway permitted per frontage; 2 driveways may be permitted through [special exception] if frontage exceeds 200'	(j)

Notes:

¹ Each principal building shall have a width of less than 75' and meet the applicable requirements for the Building Type included in this Section.

B. Height		
Minimum Overall Height	1 story	(k)
Maximum Overall Height	2.5 stories / 33'	(l)
Ground Story: Minimum Height	15'	(m)
	Maximum Height 24'	
Upper Stories: Minimum Height	9'	(n)
	Maximum Height 14'	

Notes:

² If 20' or more in height, Ground Story shall count as 2 Stories towards maximum building height.

C. Uses		
Ground Story	Refer to Article 3. Permitted Uses	(o)
Upper Story	Refer to Article 3. Permitted Uses	(p)
Parking within Building	Permitted in the Rear of all Floors and fully in any Basement	(q)
Occupied Space	30' depth space facing Primary Street or space on front façade	

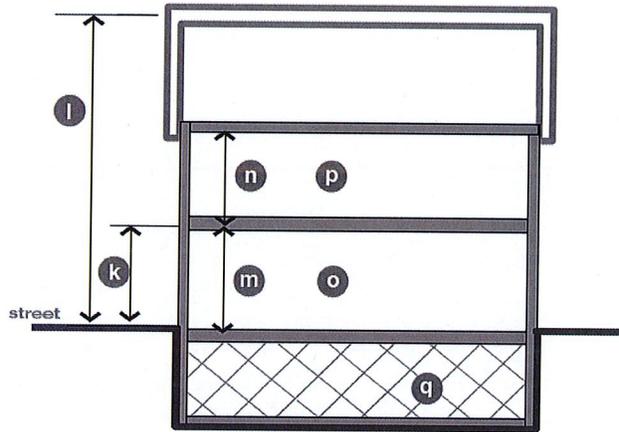


Figure 50-20.15(B): Height & Use Requirements.

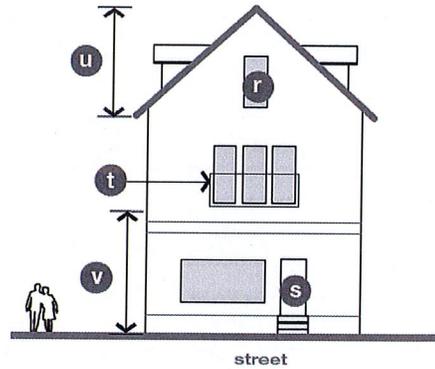
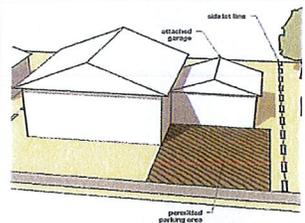
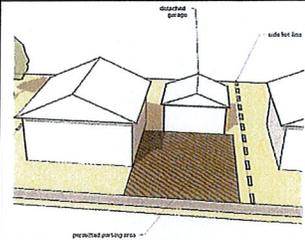
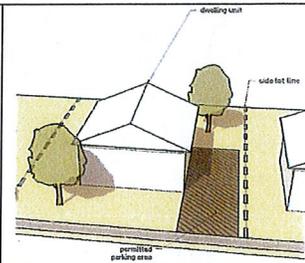


Figure 50-22.15(C): Façade Requirements.

D. Street Façade Requirements	
1. Transparency l	
Minimum Transparency	20% per floor
Blank Wall Limitations	Required
2. Building Entrance	
Principal Entrance Location	Front or Corner Side Façade s
Street Façades: Number of Entrances	Not required
3. Balconies (if provided) t	
Size	Minimum 3' deep and 5' wide
Façade Coverage	Maximum 30% of Front & Corner Side Façades, calculated separately
Access to Balcony	Maximum one (1) dwelling unit
Structure	Independently secured and unconnected to other balconies; or integral to the Façade

E. Cap & Base Type Requirements	
Cap Type	Pitched Roof u
Tower	Permitted
Street Façade Base Type	Shopfront, Porch, Stoop ³ v
Notes:	
³ Porch, Stoop, or stairs may encroach to within 2' of the property line	

Table 50-24-3: Permitted Parking Areas	
Type of Lot	Permitted Parking Area
Residential Districts	
All Lots	The rear yard and one side yard
Non-corner lot with dwelling unit and no garage	The rear yard, and the area between one side lot line and the nearest side wall of the dwelling unit and its extension to the improved street abutting the front yard. (See diagram to the right)
Non-corner lot with dwelling unit and detached garage	The rear yard, and the area between the closest side lot line to the side wall of the dwelling unit nearest to the garage, and its extension to the improved street abutting the front yard. (See diagram to the right)
Non-corner lot with dwelling unit and attached garage	The rear yard, and the area between the closest side lot line to the common wall separating the dwelling unit and garage, and its extension to the improved street abutting the front yard. (See diagram to the right)
Corner lot	The rear yard and one side yard, or Bby variance per Section 50-37.9
Mixed Use and Special Purpose Districts	
All Mixed Use and Special Purpose Districts	Buildings or projects constructed after November 19, 2010, shall locate no more than 50% of off-street accessory parking within the front yard.
Form Districts	Parking only permitted on those portions of the lot permitted for the building type being constructed pursuant to Sections 50-16 and 50-22.



ARTICLE FIVE: ADMINISTRATION & PROCEDURES

This section is intended to comply with all applicable provisions of MSA Chapter 462, as amended, and shall be interpreted to comply with those provisions wherever possible.

50-35 SUMMARY TABLE

TABLE 50-35-1: PROCEDURES SUMMARY TABLE

Type of Application	Review, Decision, & Appeal Authority							
R = Review D = Decision A = Appeal <> = Hearing S = Sign Notice M = Mail Notice N = Newspaper Notice RES = Resolution ORD = Ordinance AL= Action Letter COA = Certificate of Appropriateness	Public Notice Required	Pre-Application Required	Staff	Land Use Supervisor	Historic Preservation Commission	Planning Commission	Council	Final Action
Comprehensive Land Use Plan	N			R		<R>	D	RES
UDC Text or Zoning Map Amendment								
Text Amendment	N			R		<R>	D	ORD
Map Amendment	N, S,	✓		R		<R>	D	ORD
District Plan Adoption/Amendment	S	✓		R		<D>	<A>	
Subdivision Plat Approval								
Concept Plan		✓		R				**
Preliminary Plat	S			R		<D>		AL
Final Plat				R		<D>		AL***
Quick Plat/Registered Land Survey	S			R		D		AL
Vacation of Street	S, M	✓		R		<R>	D	RES
Concurrent Use of Streets Permit	S	✓		R		<R>	D	ORD
Historic Resource Designation	M				<R>	R	D	ORD
Variance	S, M		R			<D>	<A>	AL
Special Use Permit	S, M	✓		R		<D>	<A>	AL
Interim Use Permit	S, M	✓		R		<R>	D	RES
Planning Review								
General Planning Review				D		<A>		AL
Planning Commission Review When required in MU-C, MU-W, and MU-I Districts R-2 and Mixed Use Districts	S, M	✓		R		<D>	<A>	AL
Temporary and Sidewalk Use Permit				D		<A>		AL
Zoning Permit****			D			<A>		AL
Historic Construction/Demolition Permit	S				<D>		<A>	COA
Wetland/WCA Permits			D			<A>		AL

* Mailed notice is required to affected property owners within 350 ft. when the amendment involves changes in district boundaries affecting an area of 5 acres or less.

** Planning staff will provide applicant with a pre-application verification.

*** Applicant must provide documentation that the final plat has been recorded with the County Recorder.

****This category includes shoreland permit, erosion and sediment control permit, sign permit, fence permit and airport environs permits. Appeals of Airport Environs Permits related to Duluth International Airport are heard by the airport board of adjustment.

2. Any alteration or addition to a nonconforming structure or use that would result in increasing the flood damage potential of that structure or use shall be floodproofed in accordance with the State Building Code. Alterations or additions that equal or exceed 50% of the market value of the structure shall meet the specific flood protection standards in Section 50-18.1.C. No alteration or addition that would obstruct flood flow or raise regional flood elevation shall be permitted;
3. If any nonconforming use is destroyed by any means, including floods, to an extent of 50% or more of its market value, it shall not be reconstructed except in conformity with the provisions of Section 50-18.1.C;
4. If any nonconforming structure is destroyed or damaged in any part, the structure may be repaired or replaced so long as it is not expanded or enlarged from the size of the structure prior to its destruction and so long as any such activity that occurs within a flood plain will provide for adequate protection of the portion of the structure being repaired or replaced to flood protection elevations where applicable and will not result in any increase in flood levels during the occurrence of the base flood discharge;
5. Any existing well or private sanitary sewer septic system may be repaired and maintained in accordance with standards prescribed by the appropriate state or county agencies;
6. The provisions of this Section 50-38 do not permit any use, repair, replacement, maintenance, improvement or expansion of any nonconformity that would make the city ineligible to participate in the National Flood Insurance Program or would increase flood damage potential or increase the degree of obstruction to flood flows in the floodway.

50-38.3 Nonconforming Buildings

- A. A nonconforming building may continue to be used, and may be expanded provided that the expansion does not increase or extend any nonconformity horizontally or vertically. All additions must comply with the dimensional requirements in Article 2 and Section 50-21 or 50-22, as applicable, and the parking requirements of Section 50-24 must be satisfied for the expansion area.
- B. A nonconforming building that has been damaged from any cause or has deteriorated to the extent of more than 50% of its reconstruction value at the time of the damage shall not be restored, except in conformity with this Chapter, unless the owner obtains a variance pursuant to Section 50-37.9. When damaged by less than 50% 60% of its reconstruction assessed market value as determined by the City Assessor, a nonconforming building may be repaired or reconstructed, provided that a building permit is applied for within 180 days and such repairs or reconstruction are completed within 1 year of the date of the damage.

50-38.4 Nonconforming Uses of Buildings and Land

- A. Any building existing on July 14, 1958, or existing on the date of the adoption of a city ordinance making it nonconforming, may continue to be used for the purposes it was used when it became nonconforming, even though that use does not conform to this Chapter, but may not be expanded or changed in a way that would increase any nonconformity.
- B. The nonconforming use of a building may be extended throughout those parts of the building that were clearly arranged or designed for such use on the date the building became nonconforming.