



City of Duluth
Planning Division

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MEMORANDUM

DATE: November 5, 2013
TO: Planning Commissioners
FROM: Steven Robertson, Senior Planner
SUBJECT: UDC Text Amendments Related to Historic Preservation

The Planning Division has been asked to present two text amendments to the UDC to promote the historic preservation of structures in Duluth. Two changes are being proposed at a public hearing on November 12, 2013. If the Planning Commission takes action, the proposed amendments would likely be reviewed by the City Council at the November 25 and December 9 City Council meetings.

1) Adaptive Reuse. Over the last several months, Planning Staff have discussed the general idea of amending the code to allow for adaptive reuse of historic structures. This would permit some uses, via an Interim Use Permit, in R-1 and R-2 districts that are not currently allowed.

2) Historic Preservation Commission designation of historic landmarks. The UDC permits the property owner to submit their property for designation of a historic landmark. The text amendment being proposed would also allow the Historic Preservation Commission to submit an application for historic designation, without the consent of the property owner.

50-20.7 Adaptive Reuse of Local Historic Landmarks

A. Intent

To allow for economic use of historic landmarks by allowing a variety of uses that are not normally permitted in some zoning districts. Standards for adaptive reuse are designed to ensure that the adaptive reuse of a local historic landmark is compatible with surrounding areas.

B. Applicability

The structure must be designated as a City of Duluth Local Historic Landmark.

C. Allowed Uses

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.

D. Process

In order to apply for Adaptive Reuse of a Local Historic Landmark, the following must be done prior to submitting an Interim Use Permit Application

1. Have an approved Preservation Plan.
2. Meet with the Heritage Preservation Commission to solicit comments on the proposed adaptive reuse.
3. Hold a community meeting to solicit comments from the public. Notice of the community meeting shall be mailed to all property owners within 350 feet of the landmark.

Provide all comments from the Heritage Preservation Commission and community meeting with the Interim Use application.

E. Standards

1. Traffic and Parking
 - (a) The adaptive reuse structure must be able to provide required off-street parking per Section 50-24. The City may require additional parking to minimize impact on the neighborhood.
 - (b) The adaptive reuse of the site must not create additional traffic after 10:00 pm on local residential streets.
 - (c) The adaptive reuse of the structure will not create frequent truck traffic on local residential streets.
2. Expansion of the Structure
 - (a) There shall be no expansion made to the footprint of the existing building.
3. Screening and Buffering
 - (a) Screening standards shall be required, as listed in Section 50-26. The City may require additional screening to reduce the impact of the adaptive reuse.
4. General Compatibility
 - (a) The proposed adaptive reuse of the historic structure must not change the essential character of the neighborhood.

5. Preservation

- (a) The structure must be preserved according to the Preservation Plan on file with the Heritage Preservation Commission.

F. Amendments to Approved Adaptive Reuse Plans

Any change to the use of the historic landmark must be approved through the normal Interim Use Permit process. Amendments to existing approved Adaptive Reuse Plans do not need to follow the process outlined in section D listed above.

50-37.8 Historic Resource Designation

A. Application

An application for historic resource designation shall be filed pursuant to Section 50-37.1.B.

1. The heritage preservation commission may, upon its own motion, propose and hear applications to designate a building, structure, site, or object as a local historic landmark. Any property owner or contract purchaser may petition the historic preservation commission to designate their building, structure, site, or object as a local historic landmark.
2. The application provisions of Section 37.1.B shall apply to the extent they are consistent with subsection 1 above.

B. Procedure

1. Review and Recommendation by Heritage Preservation Commission

The heritage preservation commission shall review the application, submit the application to the planning commission, conduct an investigation and public hearing pursuant to Section 50-37.1.I, with public notice as required by Section 50-37.1.H, make a recommendation to council, and report on the historical, cultural and architectural significance of the buildings, structures, sites or objects proposed for designation. The report shall also attempt to determine the economic status of the property or properties by providing information such as assessed value, recent real estate transactions and other appropriate data. A copy of the report shall be sent to the state historic preservation officer for review and comment in accordance with MSA 471.193. Any comments made by the planning commission and state historic preservation officer regarding a proposed designation must be included in the commission's recommendation to the council.

2. Review and Recommendation by Planning Commission

The planning commission shall review the application and make a recommendation to the heritage preservation commission and council. In its review and recommendation, the commission shall consider potential effects on the surrounding neighborhood, economics, environment and other planning considerations.

3. Designation by Council

Upon receipt of the report and recommendation of the heritage preservation commission, the council shall make a decision to approve, approve with

