City of Duluth
Planning Division

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MEMORANDUM

DATE: March 18, 2013
TO: Planning Commissioners
FROM: Steven Robertson, Senior Planner
SUBJECT: Additional Change to the UDC

The Planning Division is recommending a few changes to the UDC; some of these are changes requested by staff, and others are requested by the administration. There was a public information meeting on March 14, 2013. Comments are listed below. The plan is to have preliminary conversation at the March 26th Planning Commission meeting, and then bring any changes forward to a final draft to be presented on April 9th, 2013.

Comments from meeting (six citizens attended)

-I like the change to R-1 (lot frontage and lot area). This change is very workable and makes more sense that the current rules

-Why can't we build very tall buildings in downtown Duluth? They allow tall buildings in Minneapolis, and look at all the growth they have had? I understand we have a nice lake to look at, but it isn't like a few tall buildings are going to ruin 100% of the view

-Question over twinhome definition: would I need two 40 foot lots, or one 40 foot lot for both parts of the twinhome?

-The changes to churches are a step in the right direction (limit of 40,000 sq ft in some zone districts). Would prefer that there are no restrictions, but this is a good change. A better change would be to remove the restriction and simply have "large" churches a special use in RR-1, RR-2, and R-1 zones. That way the churches could still build, but the community would have some say at a public process.

-About the 40,000 sq ft limit: how is it defined? There are several different ways to determine square footage of a structre. The UDC should be more clear

-General concerns with vacation rental home (*note: there was some confusion about the change in length for vacation rentals to 2 nights...that change was not intended for R-1 zones. When that was made clear, it relieved some concern*).

-Like the idea of removing landscaping requirements from signs. Landscaping may be a challenge for property owners to maintain.

Item 1, Page 1. Change Calculation for Lot area and Lot Frontage in R-1 zones. **Intent/reason for recommend change:** this calculation has cause a lot of confusion with citizens. It was supposed to help with making new lots relate to their surroundings so that newly platted lots had to have the same basic size of surrounding lots. But it has proven a challenge to regulate and may not be meeting its original goal.

Item 2. Page 2 to 6. Change Maximum Height When Near R-1/R-2 areas for MU-N, MU-C, MU-I, MU-W, and MU-B (from 200 feet to 500 feet), and add "general" side yard setback of 5 feet for MU-N. **Intent/reason for recommend change:** the existing standard of 200 feet may not be sufficient to meet the original goal of reducing conflict created between existing residential areas and newly constructed, tall, structures. A larger setback distance for new tall structures is suggested to meet the original goal.

Item 3. Page 7 to 12, and pages 18 to 21. Change Historic Preservation Commission to Heritage Preservation Commission, remove Local Designated Landmarks table from UDC, and clarify designation process. **Intent/reason for recommend change:** requested by HPC.

Item 4. Page 13. Change currently permitted uses in MU-N to R-2 (Restaurants, Filing Stations, Theaters, Hotels, Grocery Store (Small). Change Grocery Store (Small) to special use in R-2. **Intent/reason for recommend change:** requested as a discussion item by City Council resolution (12-0492r) to reexamine if currently allowed uses are too broad.

Item 5. Page 13. Change grocery store small to 15,000 sq ft (from less than 50,000) and change grocery store large to 15,000 sq ft or more (from 50,000 or more). **Intent/reason for recommend change:** requested as a discussion item by City Council resolution (12-0492r) to reexamine if currently allowed uses are too broad.

Item 6. Page 14. Change to allowe size of clubs and religious uses from 40,000 sq ft for principal structure to max of 50,000 sq ft for sum of all structures. Eliminate size limit in R-2 for religious uses (only apply to RR-1, RR-2, and R-1). Note: there is an alternate idea of keeping the 40,000 sq ft limit as a definition of "large churches", and then to have "large churches" a special use in RR-1, RR-2, and R-1.). **Intent/reason for recommend change:** several local churches have requested the City reexamine purpose and scope of the 40,000 sq ft limit. The Planning Division still sees a need to reduce large developments in rural and/or environmentally sensitive areas, but is supportive of a discussion of alternatives.

Item 7. Page 14. Change max size of restaurants in MU-N to 5,000 sq ft (similar to R-2). **Intent/reason for recommend change:** requested as a discussion item by City Council resolution (12-0492r) to reexamine if currently allowed uses are too board.

Item 8. Page 15. Reduce requirement for number of nights stayed in vacation rental homes **Intent/reason for recommend change:** requested to reexamine if it would appropriate to allow reduced rental periods in dense residential areas.

Item 9. Page 17. Change language with improvements to lot frontage to make clear that existing, legally built structures that do not have direct public street access do not need to

provide new road if expanding. **Intent/reason for recommend change:** requested by Planning Division to improve the function and original intent.

Item 10. Page 22. Add two new definitions (twin home and mixed use building). **Intent/reason for recommend change:** twinhome requested by developer to clearly allow more flexible housing options, and mixed use building requested by Planning Division to provide clarity as to what should constitute a mixed use building, as indicated in zone district dimensional standards.

Item 11. Page 23 to Page 27. Changes to the sign code. Remove landscaping requirement, change rules for memorial plaques, clarify display period for temporary window signs, change size and number of parking lot information signs, remove regulations on menuboards, change language on A-frames (limit on one per business), clarify material standards for wall signs and free standing signs, add restrictions on scoreboards in scenic areas (was removed from UDC). **Intent/reason for recommend change:** some requested by planning division (temporary window signs and material standards for wall signs), the requested by Administration. The reintroduction of scenic area billboard limits requested by public.

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 larger 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 larger 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)~~[2]~~ [1]		~~The larger of 30 ft.~~ 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 building	20 ft.
	Permitted non-residential building	25 ft.
Minimum depth of rear yard		25 ft.
STRUCTURE HEIGHT		
Maximum height of building		30 ft.

[1] ~~Minimum lot area is~~ determined using "Lots on the Block Face" definition
~~[2] Minimum lot frontage is determined using "Block Face" definition~~
Section 50.21 *Dimensional standards* contains additional regulations applicable to this district.

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

A. Purpose.

The MU-N district is established to accommodate a mix of neighborhood-scale, neighbor-hood 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 building	Non-residential use	35 ft.
	Residential or mixed use (general)	75 ft.
	Residential or mixed use ~~(~~within ~~200~~ 500 ft. of R-1 district~~)~~	35 ft.
	Residential or mixed use ~~(~~within ~~200~~ 500 ft. of R-2 district~~)~~	50 ft.

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

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 connec-tions 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 building	Non-residential use	45 ft.
	Residential or mixed use	90 ft.
	Residential or mixed use within ~~200~~ 500 ft. of R-1 district	35 ft.
	Residential or mixed use within ~~200~~ 500 ft. of R-2 district	50 ft.

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

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 building	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 2500 ft. of R-1 district	46 ft.
	Within 2500 ft. of R-2 district	66 ft.
	Within 2500 ft. of MU-N district	91 ft.

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

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 building	General	60 ft.
	Within ~~2~~500 ft. of R-1 district district	35 ft.
	Within ~~2~~500 ft. of R-2 district district	50 ft.

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

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 building	Residential or mixed use	120 ft.
	Non-residential	45 ft.
	Within ~~2~~500 ft. of R-1 district district	35 ft.
	Within ~~2~~500 ft. of R-2 district district	50 ft.

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

50-18.3 Historic Resources Overlay (HR-O).

B. 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;

C. 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 ~~historic~~ 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 ~~listed on Exhibit 50-18.3-3~~;
2. The ~~historic~~ 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;

D. Review of construction/demolition activities.

Within those designated historic preservation districts shown on Exhibit 50-18.3-1 and those historic preservation landmarks landmarks on file with the Secretary of the Planning Commission ~~listed on Exhibit 50-18.3-2~~:

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;

E. 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 ~~historic~~ heritage preservation commission of the action and specify the facts or conditions constituting the emergency situation;

F. 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.

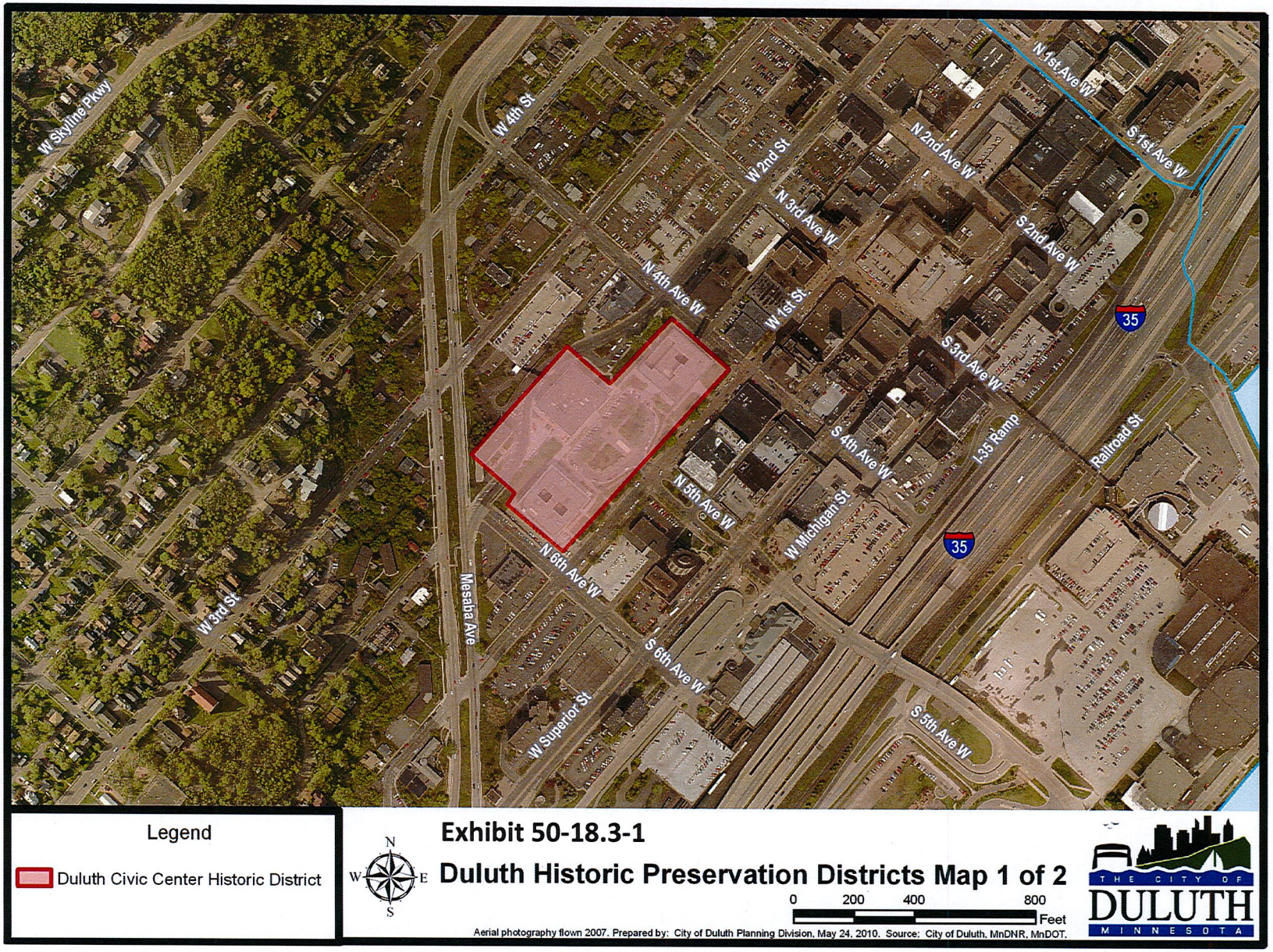
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Exhibit 50-18.3-1
Duluth Historic Preservation Districts Map 1 of 2
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Feet
Aerial photography flown 2007. Prepared by: City of Duluth Planning Division, May 24, 2010. Source: City of Duluth, MnDNR, MnDOT.
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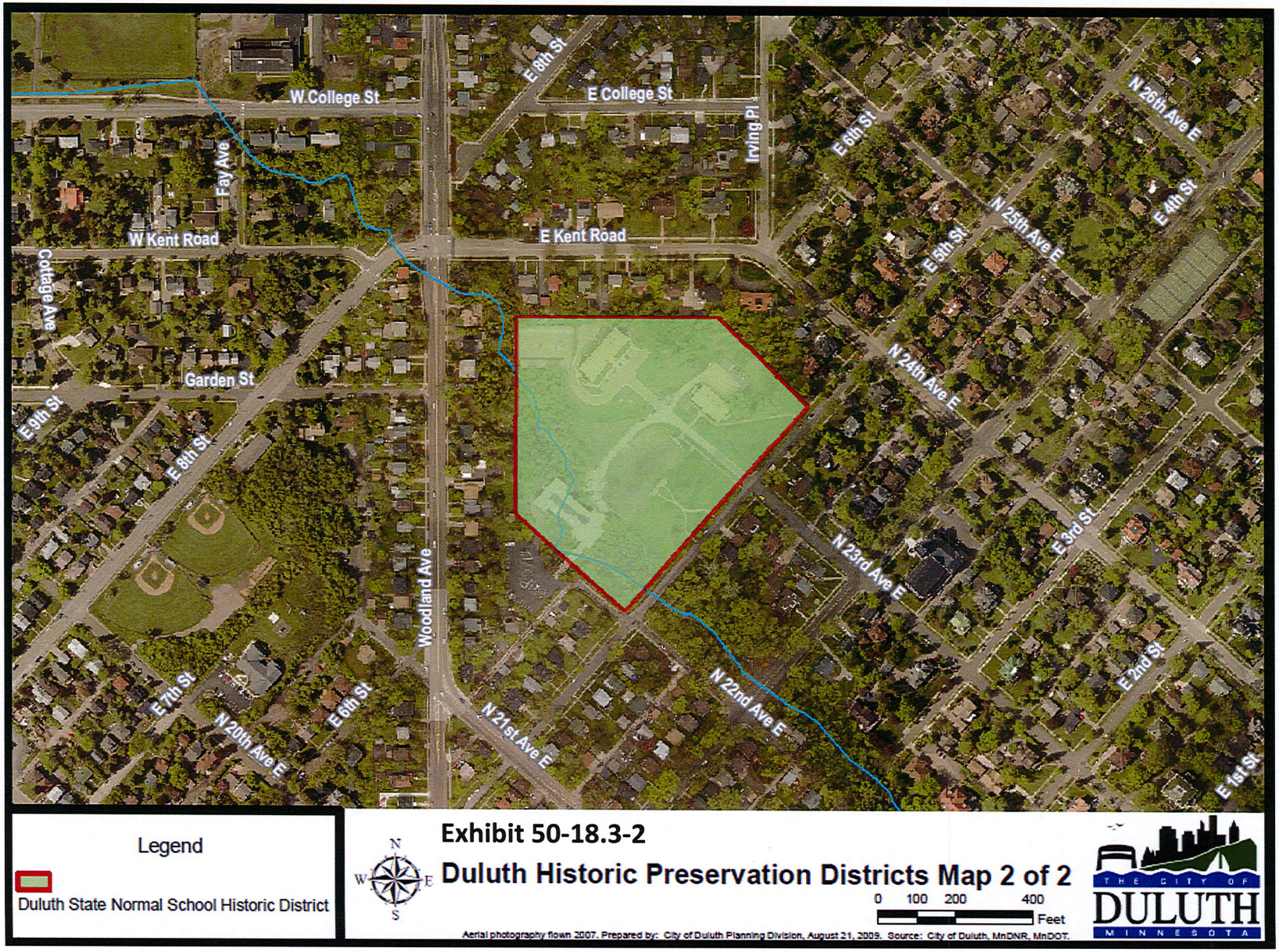
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Exhibit 50-18.3-2
Duluth Historic Preservation Districts Map 2 of 2
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Aerial photography flown 2007. Prepared by: City of Duluth Planning Division, August 21, 2009. Source: City of Duluth, MnDNR, MnDOT.
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Exhibit 50-18.3-3. Local Designated Historic Landmarks			
Name	Location	Type	Designation Date
Aerial Lift Bridge	Lake Ave over Duluth Ship Canal	Bridge	4/11/1993
Building for Women	32 E. 1st St.	Building	7/21/1999
Dandrea Building	102-108 E. Superior St.	Building	2/11/1998
Duluth Central High School	Lake Ave. and 2nd St.	Building	4/11/1993
Duluth City Hall (Former)	132 E Superior St.	Building	6/27/1997
Duluth City Police Headquarters & Jail (Former)	126 E. Superior St.	Building	6/27/1997
Duluth Public Library	101 W. 2nd St.	Building	11/02/1991
Duluth Union Depot	5th Ave. W. & Michigan St.	Building	11/02/1991
E. College St. & E. 7th St. & Irving Pl.	E. College St. & E. 7th St. & Irving Pl.	Streets	7/3/2000
Former Lester Park/Lakeside Branch Library (Lakeside Lester Park Community Club)	106 N. 54th Ave. E.	Building	9/18/1998
Former Lincoln Library	2229 W. 2nd St.	Building	1/28/1996
Former KBJR Building	230 E. Superior St.	Building	6/9/1999
Former Woodland Branch Library	3732 Woodland Ave.	Building	7/22/1998
Hacienda del Sol	319 E. Superior St..	Building	7/21/1999
Harry C & Marjory Congdon Dudley Residence	3600 London Rd.	Building	6/09/1996
Independent School District #709	215 N. 1st Ave. E.	Building	6/4/1999
Irving School	101 N. 56th Ave. W.	Building	4/11/1993
Killorin Residence	2708 Branch St.	Building	11/27/2000
Lakewood Pumping Station	8130 Congdon Blvd.	Building	9/18/1998
Masonic Temple Building (Orpheum)	203 E Superior St	Building	11/02/1991
Minnesota Point Lighthouse	Minnesota Point	Building	8/27/1995
Music Centers, Inc.	132 E. Superior St.	Building	10/13/1999

Exhibit 50-18.3-3. Local Designated Historic Landmarks			
Name	Location	Type	Designation Date
Sacred Heart Cathedral	211 W 4th St	Building	8/27/1995
Shel/Don Reproduction Center	124 E. Superior St.	Building	8/11/1999
St. Louis Co. Heritage and Arts Center	506 W. Michigan St.	Building	4/28/1999

(Ord. No. 10041, 8-16-2010, § 4; Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 14.)

Use Table 50-19.8

Change 5 Items to be Changed to Special Uses	R-2	MU-N
Restaurant (no drive-in/drive-through)	S	~~P~~ S
Theater		~~P~~ S
Hotel or motel		~~P~~ S
Grocery store, small (less than ~~50,000~~ 15,000 sq ft)	~~P~~ S	~~P~~ S
Grocery store, large (~~50,000~~ 15,000 sq ft or more)		
Filling station	S	~~P~~ S

50-20.2 Public, institutional and civic uses.

A. Club or lodge (private).

1. In the R-2 district, the club or lodge shall be operated by a not-for-profit civic, cultural or educational organization, and the primary activity cannot be any service that is customarily carried on as a business;
2. In the RR-1 district, any such buildings shall occupy not more than ten percent of the total area of the lot and shall be set back from all yard lines a distance of not less than two feet for each foot of building height;
3. In the RR-1, RR-2, R-1 and R-2 zone districts, ~~the maximum size of a primary building for religious assembly~~ the sum of all structures on the lot shall be not more than ~~40,000~~ 50,000 square feet;
4. In the R-1 and R-2 zone districts, each property boundary with a lot occupied by a residential use shall be buffered with a dense urban screen;

B. Medical or dental clinic.

1. In the residential districts, the clinic shall occupy 10,000 square feet or less in total floor area;
2. In the MU-N district, the clinic shall occupy 20,000 square feet or less in total floor area;

C. Religious assembly.

1. In the RR-1 district, any such buildings shall occupy not more than ten percent of the total area of the lot and shall be set back from all yard lines a distance of not less than two feet for each foot of building height;
2. In the RR-1, RR-2, and R-1 ~~and R-2~~ zone districts, ~~the maximum size of a primary building for religious assembly~~ the sum of all structures on the lot shall be not more than ~~40,000~~ 50,000 square feet;
3. In the R-1 and R-2 zone districts, each property boundary with a lot occupied by a residential use shall be buffered with a dense urban screen;

D. School, elementary, middle or high.

1. In the RR-1, RR-2 and R-1 districts, the school shall have a curriculum similar to that ordinarily given in public schools and having no rooms regularly used for housing or sleeping purposes, except staff quarters, when located on the premises for the school;
2. In the RR-1, RR-2, R-1, R-2, MU-N and MU-C districts, any such building shall be located not less than 40 feet from any side or rear lot line;
3. Notwithstanding any lower maximum height stated in Article II, in all zone districts except the form districts, the maximum height for this use shall be 45 feet. (Ord. No. 10044, 8-16-2010, § 6.)

50-20.3.Q Restaurant (no drive-in/ drive-through).

In the R-2 and MU-N district, no use shall exceed 5,000 square feet in gross floor area;

50-20.3.V Vacation dwelling unit.

1. The minimum rental period shall as follows: ~~not be less than five nights during the period from June 15 to September 15. The minimum rental period shall not be less than two nights during the rest of the year~~;
   (a) For properties zoned RR-1, RR-2, R-1, and R-P the minimum rental period shall not be less than 2 nights except for the period from June 15 to September 15 when the minimum rental period shall not be less than 5 nights;
   (b) For properties zoned R-2, MU-N, and F-5 the minimum rental period shall not be less than 2 nights year round;
2. The total number of persons that may occupy the vacation dwelling unit is one person plus the number of bedrooms multiplied by two;
3. Off street parking shall be provided at the following rate:
   (a) 1-2 bedroom unit, one space;
   (b) 3-4 bedroom unit, two spaces;
   (c) 5+ bedroom unit, three spaces;
4. Only one motorhome (or pickup-mounted camper) and/or one trailer either for inhabiting or for transporting recreational vehicles (ATVs, boat, personal watercraft, snowmobiles, etc.) may be parked at the site, on or off the street;
5. The property owner must obtain all licenses and permits from the city of Duluth and state of Minnesota required for guest occupancy on the property for three to 21 days;
6. The property owner must provide required documents and adhere to additional requirements listed in the city of Duluth's UDC application manual related to the keeping of a guest record, designating and disclosing a local contact, property use rules, taxation, and interim use permit violations procedures;
7. The interim use permit shall expire upon change in ownership of the property or in six years, whichever occurs first. (Ord. No. 10039, 8-16-2010, § 1; Ord. No. 10041, 8-16-2010, § 5; Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 17; Ord. No. 10153, 5-14-2012, § 2 Ord. No. 10192, 12-17-2012, § 10.)

50-20.5.L Accessory vacation dwelling unit.

An accessory vacation dwelling unit may be created within, or detached from, any one-family dwelling or vacation dwelling unit in those districts shown where allowed by Table 50-19.8, provided these standards are met:

1. Only one accessory vacation dwelling unit may be created per lot;
2. No variances shall be granted for an accessory vacation dwelling unit;
3. An accessory vacation dwelling unit shall contain no more than 800 square feet of floor area and shall be consistent in character and design with the primary dwelling;
4. If a separate outside entrance is necessary for an accessory vacation dwelling unit located within the primary building, that entrance must be located either on the rear or side of the building;
5. The minimum rental period shall as follows: ~~not be less than five nights during the period from June 15 to September 15. The minimum rental period shall not be less than two nights during the rest of the year~~;
   (a) For properties zoned RR-1, RR-2, R-1, and R-P the minimum rental period shall not be less than 2 nights except for the period from June 15 to September 15 when the minimum rental period shall not be less than 5 nights;
   (b) For properties zoned R-2, MU-N, and F-5 the minimum rental period shall not be less than 2 nights year round;
6. The total number of persons that may occupy the vacation dwelling unit is one person plus the number of bedrooms multiplied by two;

7. Off-street parking shall be provided at the following rate:
   (a) 1-2 bedroom unit, one space;
   (b) 3-4 bedroom unit, two spaces;
   (c) 5+ bedroom unit, three spaces;
8. Only one motorhome (or pickup-mounted camper) and/or one trailer either for inhabiting or for transporting recreational vehicles (ATVs, boat, personal watercraft, snowmobiles, etc.) may be parked at the site, on or off the street;
9. The property owner must obtain all licenses and permits from the city of Duluth and State of Minnesota required for guest occupancy on the property for three to 21 days;
10. The property owner must provide required documents and adhere to additional requirements listed in the city of Duluth's UDC application manual related to the keeping of a guest record, designating and disclosing a local contact, property use rules, taxation, and interim use permit violations procedures;
11. The interim use permit shall expire upon change in ownership of the property or in six years, whichever occurs first. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 19; Ord. No. 10192, 12-17-2012, § 11.)

50-21.2.E Street Frontage Improvements to lot frontage.

Except as provided in Section 50-37.1.L, for lots developed with a legally constructed principle structure, the street frontage requirements contained in Article 2 need not be met when the landowner proposes an expansion of the existing legally constructed structure or a new principle structure if the landowner provides evidence of a perpetual easement to access the property from an improved street of a distance not greater than 150 feet, and such access shall be improved to meet fire code standards. ~~in addition to the lot frontage requirements contained in Article II for development of a previously undeveloped lot, the street frontage shall be improved to the following standards~~:

1. The street frontage shall be improved to the most current standards on file in the office of the city engineer and shall be designed for the road classification within the zone in which the property is located;

2. The street shall be improved across the entire frontage of the lot proposed to be developed and all other contiguous property owned by the owner of the subject lot;

3. Any street improvement that results in a dead-end street that is greater than 150 feet in length shall require construction of a turn-around for emergency and maintenance vehicles approved by the city fire marshal. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 21.)

~~50-36.3 Historic~~ Heritage preservation commission.

A. Creation.

Pursuant to Minnesota Statute 471.193, there is hereby created and established a city of Duluth historical preservation commission, hereinafter called the "commission." The commission shall have the responsibility of recommending to the city council the adoption of ordinances designating areas, places, building structures, works of art or other objects having special historical, cultural or architectural interest for the community as historical preservation landmarks or districts;

B. Membership and terms.

The commission shall consist of seven voting members, all of whom are to be citizens of the city, five of whom will be appointed by the mayor with the approval of the council; one will be appointed by the county historical society, and one will be appointed by the planning commission. Members shall be persons who have demonstrated an interest in the historical, cultural or architectural development of the city or who own property within a historic preservation district. At least two of the five members appointed by the mayor shall be preservation-related professionals;

Appointments shall be for a term of three years. In the event of a vacancy, the vacancy for the unexpired term shall be filled in the same manner as the appointment was originally made. Members shall serve without compensation and shall continue to hold office until their successors have been appointed and confirmed;

C. Powers.

The ~~historic~~ heritage preservation commission shall have the following powers:

1. Recommendation of historic preservation sites and districts to the city council;
2. Approve, approve with conditions or deny applications for historic construction and demolition permits pursuant to Section 50-37.14;
3. Recommend historic preservation guidelines specific to a landmark or district;
4. Make an annual report to the state historic preservation officer by October 31 of each year;
5. Conduct continuing survey of all areas, places, buildings, structures or similar objects in the city that the commission, on the basis of information available or presented to it, has reason to believe are or will be eligible for designation as historic preservation landmarks or districts;
6. Work for the continuing education of the citizens of the city with respect to the historic and architectural heritage of the city and keep current and public an official list of designated historic preservation landmarks and districts;
7. The commission may retain the services, on a permanent or part-time basis, of technical experts and other persons as may be required to perform the commission's duties;
8. The commission shall have authority to solicit gifts and contributions to be made to the city and to assist in the preparation of applications for grant funds to be made to the city for the purpose of historic preservation;
9. The commission may recommend to the planning commission and council that certain properties eligible for designation as historic preservation landmarks or districts be acquired by gift, by negotiation or other legal means;
10. Upon final designation of a historic preservation landmark or district, adopt historic preservation guidelines specific to the landmark or district. Such guidelines shall detail allowable architectural and/or site modifications, essential features to be retained and any other criteria by which future proposals for

modifications shall be judged. The United States secretary of the interior standards for treatment of historic properties shall be among the standards used to create such a program. These guidelines are intended to provide assurance to owners of properties within historic preservation landmarks or districts that any permit review process will be based on clear and objective standards rather than the taste of individual commission members;

11. The commission may nominate a historic preservation landmark or district to the national register of historic places, but only with the consent of the council. (Ord. No. 10041, 8-16-2010, § 10; Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 47.)

50.37.8 Historic resource designation.

A. Application.

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

B. Procedure.

1. Review and recommendation by ~~historic~~ 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 design~~n~~-nation must be included in the commissioner~~er~~'s recommendation to the council;

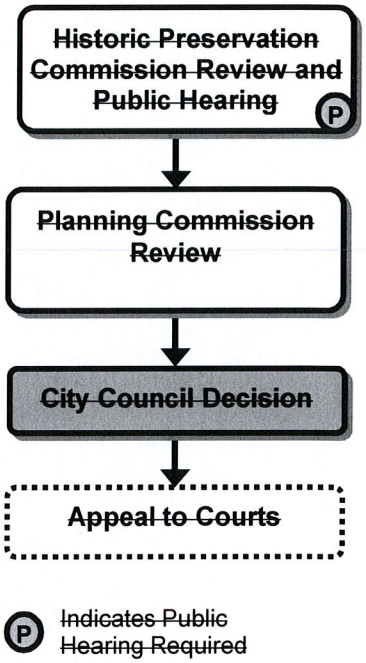
2. Review and recommendation by planning commission.

   The planning commission shall review the application and make a recommendation to the ~~historic~~ 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.

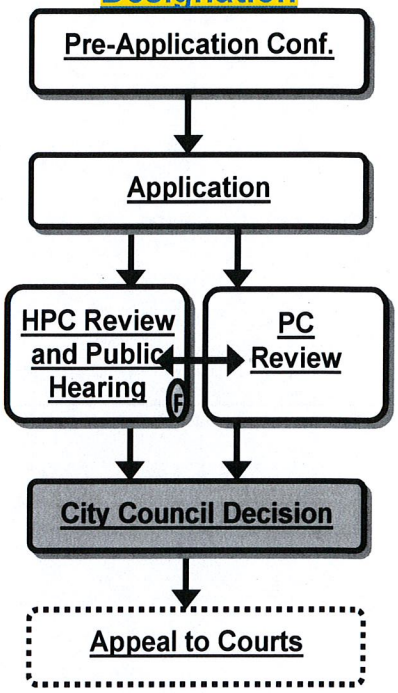
   Upon receipt of the report and recommendation of the ~~historic~~ heritage preservation commission, the council shall make a decision to approve, approve with modifications or deny the designation, in whole or part, based on the criteria in

~~Historic Resource Designation~~



P ~~Indicates Public Hearing Required~~

Historic Resource Designation



P Indicates Public Hearing Required

subsection C below. The council action shall be by ordinance;

4. Registration of historic sites.

   The city clerk shall record or file with the county recorder the legal description of all properties affected by the council action. The city clerk shall also distribute an official list of all locally designated historic preservation landmarks and districts to the land use supervisor and the state historic preservation officer;

C. Criteria.

Historic preservation landmarks and districts shall only be designated when the property or properties are found to meet one of the following criteria:

1. It has character, interest or value as part of the development, heritage or cultural characteristics of the city, state, or the United States;
2. Its location was a site of a significant historical event;
3. It is identified with a person or persons who significantly contributed to the culture or development of the city, state, or the United States;
4. It embodies a distinguishing characteristic of an architectural type;
5. It is identified as the work of an architect or master builder whose individual work has influenced the development of the city or state;
6. It embodies elements of architectural design, detail, materials or craftsmanship that represents significant architectural innovation;
7. Its unique location or singular physical characteristics represents an established and familiar visual feature of a neighborhood, community or city. (Ord. No. 10041, 8-16-2010, § 11; Ord. No. 10044, 8-16-2010, § 6.)

New Definitions

Dwelling, two-family. A building containing two dwelling units designed for exclusive occupancy by two families and occupied exclusively by two families. A twin home is a two-family dwelling where each unit shares a common vertical wall, and where a side lot line exists on the common wall exteding to the front and rear lot lines, but is on two separate lots.

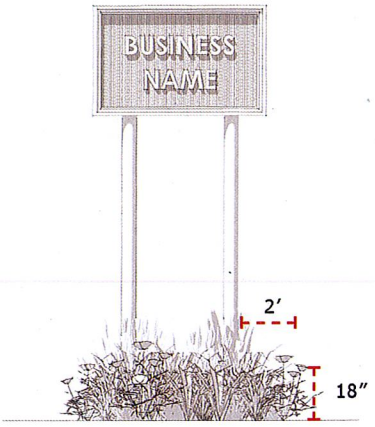
Mixed Use Structure. A structure containing a mix of the four major land uses, as defined by the permitted use table in UDC section 50-19 (residential, public, commercial, and industrial). To be considered a mixed use structure, a structure must have at least 20% of its total square footage used for by one of the four different major land use than its principal use.

Signage, delete required landscaping

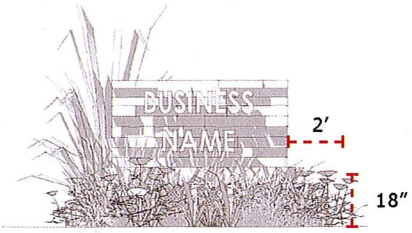
~~Required Landscaping~~

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

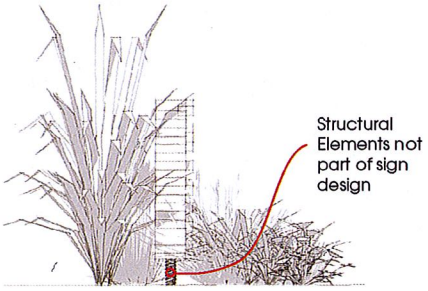
1. ~~Freestanding signs must be landscaped with small shrubs a minimum of eighteen (18) inches in height at planting, spaced appropriately based on mature height and spread to provide continuous screening of sign base once shrubs have reached maturity. The remainder of the landscape area must be planted with perennials, turf or other live groundcover.~~



2. ~~Landscape must extend a minimum of two (2) feet from the sign base on all sides. If this two (2) foot area extends into the right-of-way, landscape is not required within the right-of-way area. All landscape must be maintained in good condition, and free and clear of rubbish and weeds. Landscape around the base of a sign is included in the total amount of landscape required on a site, if applicable.~~



3. ~~There is no requirement regarding the mature height of landscape, though landscape must be tailored to the scale of the sign. Landscape may be trimmed and maintained along the sign base to maintain visibility of the sign face.~~



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

Signage, Change rules for memorial plaques

TABLE 50-27-1: EXEMPT PERMANENT SIGN REGULATIONS						
SIGN	PERMITTED DISTRICT OR USE	PERMITTED SIGN TYPE	MAXIMUM SIZE	MAXIMUM HEIGHT (FREESTAND-ING SIGNS)	REQUIRED SETBACK OR LOCATION (FREESTANDING SIGNS)	NUMBER PER LOT
Memorial Plaque	All districts & uses	Freestanding or wall	~~6sf~~ no limit	5' Limited to maximum height of zoning district	5' from any lot line	1 per lot
Parking Lot Information Sign	All parking lots & structures	Freestanding or wall	16sf	~~8'~~ 12'	0' from any lot line	~~2~~3 per access point

Signage, Clarify time limit for temporary window signs

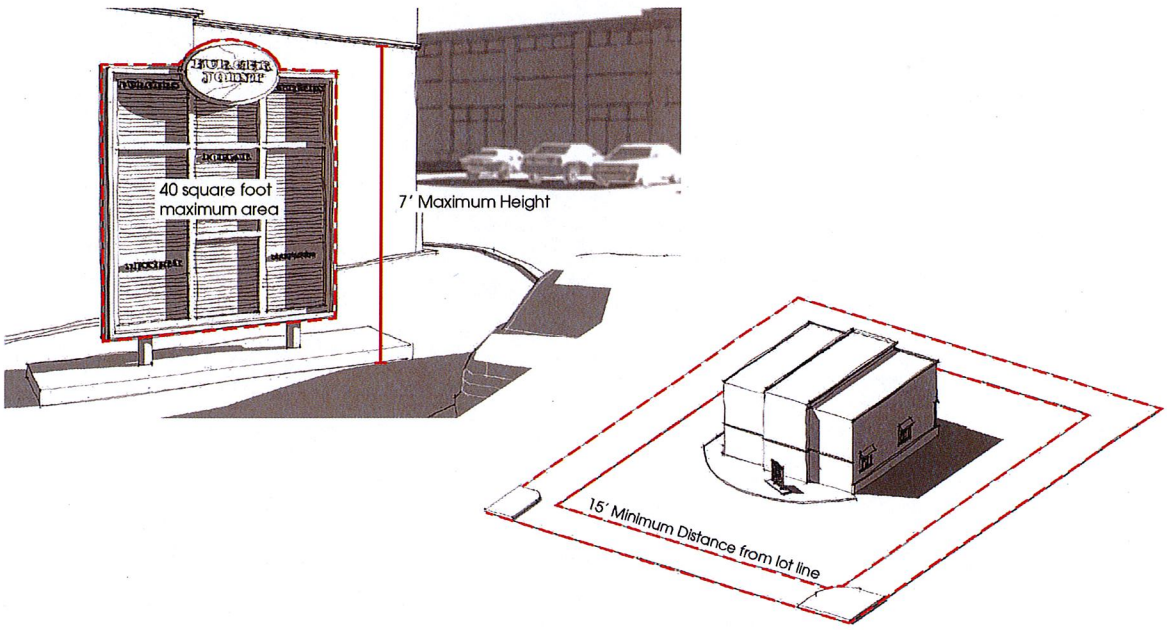
TABLE 50-27-2: EXEMPT TEMPORARY SIGN PERMITTED DISPLAY PERIOD	
SIGN	PERMITTED DISPLAY PERIOD
Temporary Window Sign	~~No display period limitation~~ Limited to no more than 4 display periods in a year for a total aggregate display time of 30 days per year

Signage, Delete menuboards

TABLE 50-27-4: SIGN TYPES – PERMIT REQUIRED: DISTRICT AND USE PERMISSIONS																									
KEY (REFERENCE TABLE 50-19.8 FOR USES) 1 : Residential Uses 1A : Multi-Family Dwelling Only 3 : Commercial Uses 4 : Industrial Uses																									
	R-1	RR-1	RR-2	R-2	R-3	R-4	MH-1	MH-2	MH-3	MH-4	MH-5	MH-6	I-1	I-2	I-3	I-4	I-5	I-6	I-7	I-8	I-9	I-10	I-11	I-12	I-13
~~Menuboard~~	~~3~~	~~3~~	~~3~~	~~3~~	~~3~~	~~3~~	~~3~~	~~3~~	~~3~~	~~3~~	~~3~~	~~3~~	~~3~~	~~3~~	~~3~~	~~3~~	~~3~~	~~3~~	~~3~~	~~3~~	~~3~~	~~3~~	~~3~~	~~3~~	~~3~~

~~Menuboard~~

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



Signage, Clarify material standards for wall signs and free-standing signs

Wall signs

7. Wall signs must be constructed of wood, brick, metal or plastic. ~~Wall signs constructed of material must be mounted so that they are held taut against the wall.~~ Wall signs of durable, weather-resistant material like canvas, canvas-like material, nylon or vinyl-coated fabric are also permitted but the signs must be held taught to the building with no sags or wrinkles and the mounting devices must be concealed by a frame that covers the entire perimeter of the banner.

Free Standing Signs

1 Freestanding sign maximum height and sign areas are as indicated in Table 50-27-5. Free standing signs must be constructed of solid or composite finished wood, metal, masonry, neon, glass, or non-woven plastic.

Change rules on A-frames

1. A-frame signs are limited to six square feet in area per side and four feet in height. The use of A-frame signs is limited to business hours only, and may not be displayed for more than 16 hours in a 24 hour period. Signs must be stored indoors at all other times.

2. ~~The use of A-frame signs is limited to business hours only. Signs must be stored indoors at all other times. A-frame signs must not be used outdoors when high winds, heavy rain or heavy snow conditions are present. A-frame signs may be removed during city snow removal operations and the city is not liable for any damage to signs caused by snow removal operations.~~

3. ~~One A-frame sign is permitted per business, per street frontage of that business. A minimum eight foot separation is required between all A-frame signs.~~

4. An A-frame sign must be placed on the property where the business is located, and within ten feet of the primary entrance of the business or on the right-of-way in front of property. A-frame signs must provide an unobstructed sidewalk width of at least five feet for pedestrian passage and must not interfere with pedestrian traffic or violate standards of accessibility as required by the ADA or other accessibility codes.

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

6. ~~For A-frame signs located within the right-of-way, the sign permit must be renewed on an annual basis.~~

Scenic areas sign restrictions (add back into the code the 3 maps from the UDC indicating scenic areas)

No off-premises sign in excess of 60 square feet shall be erected or maintained in any area shown on the maps in Exhibit 50-27.8-1.