

UDC Interpretation	#14-07	
	Classification of a licensed health care practitioner practicing individually in the Use Table (Table 19.8)	
	UDC Section: 50-20.2.B	Date of Interpretation: 4/8/2014
Approved by:	Charles Froseth, Land Use Supervisor 	

BACKGROUND: The Unified Development Chapter of the City of Duluth Legislative Code (UDC) is the official body of rules and regulations to guide land use and development in the City of Duluth, Minnesota. UDC Sec. 50-10 *Interpretation* authorizes the Land Use Supervisor to interpret the provisions of this Chapter.

An individual licensed health care practitioner (not as a member of a group of practitioners) is not specifically mentioned in the UDC and, therefore, the question was asked about which use category best fits that use?

CODE INFORMATION: In Sec. 50-41 the definition of Medical or Dental Clinic states "an establishment where patients who are not lodged overnight are admitted for examination and treatment by a group of licensed health care practitioners, dentists, or licensed health care practitioners and dentists in practice together." This does not address an licensed health care practitioner practicing alone, such as a chiropractor or mental health therapist. Staff considered alternative interpretations, such as considering these practitioners as Personal Services or just another Office use, but found that licensed health care practitioners to be less like a Personal Service use (which includes things like yoga studios, massage salons, and opticians) and less like the administrative or financial functions of an Office use and more like a Medical or Dental Clinic because of the similarity in the hours of operation and types of visits by clients.

UDC INTERPRETATION:

A licensed health care or dental practitioner operating as an individual, rather than as part of a group of practitioners, is included in the definition of Medical or Dental Clinic. The City anticipates a technical correction to Sec. 50-41 will be part of the annual UDC amendment package in late 2014 or early 2015.

DISCLAIMER: While it is the intent of the administration to submit a technical correction to the City Council consistent with this interpretation, the code can only be amended by City Council action. This interpretation is not intended to be a promise or guarantee that the proposed amendment will be enacted.