

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

14-024-O

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, REGARDING CHANGES TO THE PERMITTED USE TABLE.

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That Section 50-19.8 of Chapter 50 be amended as follows:

50-19.8 Permitted Use Table.

TABLE 50-19.8: USE TABLE																								
	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	I-G	I-W	
RESIDENTIAL USES																								
Household Living																								
Dwelling, one-family	P	P	P	P	P	P	P				P	U	U	U	U	U	P	U	U	U				
Dwelling, two-family				P	P	P	P				P	U	U	U	U	U	P	U	U	U				50-20.1.A
Dwelling, townhouse				S	P ²	P	P ²			P ¹	P													50-20.1.B
Dwelling, multi-family					P ²	P	P ²	P ¹	P ¹	P ¹	P	U	P	U	P	P	P	U	P	P				50-20.1.C
Dwelling, live-work							P ²	P ¹	P ¹	P ¹	P	P	P	P	P	P	P		P	P				
Manufactured home park				S	S ²	P	S ²																	50-20.1.F
Group Living																								
Co-housing facility				S	S ²	P	P ²				P													
Residential care facility/assisted living (6 or fewer)		P	P	P	P ²	P	P ²				P	U	P	U	P	P	U	U	P	P				50-20.1.D
Residential care facility/assisted living (7 or more)				S	P ²	P	P ²	P ¹	P ¹	P ¹	P	U	P	U	P	P	U	U	P	P				50-20.1.D
Rooming house					S ²		P ²	P ¹	P ¹	P ¹	P	U	P	U	P	P	U	U	P	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	P	P	P	P	P	P	P	P			S	50-20.2.A
Government building or public safety facility		P	P	S	P ²	P	P ²	P ¹	P	P	P ¹	P	P	P	P	P	P	P	P	P	S	S	S	
Museum, library, or art gallery				S	S ²	P	P ²	P ¹		S	P ¹	P	P	P	P	P	P	P	P	P			S	
Park, playground, or forest reserve	P	P	P	P	P ²	P	P ²	P ¹	P ¹		P ¹	P	P	P	P	P	P	P	P	P			P	
Religious assembly, small (less than 50,000 sq. ft.)		P	P	S	P ²	P	P ²	P ¹	P ¹	S	P ¹	P	P	P	P	P	P	P	P	P				50-20.2.C

TABLE 50-19.8: USE TABLE

	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	I-G	I-W		P-1
Religious assembly, large (50,000 sq. ft. or more)		S	S	S	S ²	P	P ²	P ¹	P ¹	S	P ¹	P	P	P	P	P	P	P	P	P					50-20.2.C
Educational Facilities																									
Business, art, or vocational school							P ²	P ¹	P ¹	P	P ¹	P	P	P	P	P	P	P	P	P					
School, elementary		P	P	P	P ²	P	P ²	P ¹	P ¹			P	U	P	U	P	P	U	U	U					50-20.2.D
School, middle or high		S	S	S	S ²	P	S ²	S ¹	S ¹			P	U	P	U	P	P	U	U	U					50-20.2.D
University or college									P ¹			P			U	P	P	U	U	U					
Health Care Facilities																									
Hospital									P ¹																
Medical or dental clinic					S ²	P	P ²	P ¹	P ¹	P	P ¹	P	P	P	P	P	P	P	P	P					50-20.2.B
Nursing home					P ²	P	P ²	P ¹	P ¹		P ¹	P		P	P										
Other institutional support uses not listed in this table									P ¹																
COMMERCIAL USES																									
Agriculture and Animal-Related																									
Agriculture, general	P	P																							50-20.3.B
Agriculture, urban		P	P	P	P ²	P	P ²					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 ²	P ¹	P ¹	P	P ¹	P	P	P	P	P	P	P							50-02.3HT
Food, Beverage, and Indoor Entertainment																									
Adult entertainment establishment																						P			50-20.3.A
Convention or event center								P ¹		P	P ¹	P				P	P		P	P	P				50-20.3.H
Indoor entertainment facility								P ¹		P	P ¹	P	P		P	P		P	P	P					

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	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	I-G	I-W		P-1
Restaurant (less than 5,000 sq ft)					S ²	S	S ²	P ¹	P ¹	P	P ¹	S	P	P	P	P	P	P	P	P	P				50-20.3.PQ
Restaurant (5,000 sq ft or more)						PS		P ¹	P ¹	P	P ¹	PS	P	P	P	P	P	P	P	P	P				50-20.3.PQ
Theater							S ²	P ¹			P ¹	P		P		P	P		P	P	P				
Lodging																									
Hotel or motel							S ²	P ¹	P ¹	P	P ¹	P		P		P	P		P	P	P				
Bed and breakfast				S	P ²	P	P ²	P ¹	P ¹	P	P ¹	P		P		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 ²	I	I ²										I								50-20.3.VU
Offices																									
Bank							S ²	P ¹	P ¹	P	S	P	P	P	P	P	P	P	P	P	P				50-20.3.E
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 ²	P ¹	P ¹	P	S	P	U	U	U	U	U	U	U	U	U	P			
Outdoor Recreation & Entertainment																									
Golf course		S	S			P																		P	
Marina or yacht club											P ¹											S	S		
Recreational vehicle park	S	S	S								S												S		50-20.3.P
Other outdoor entertainment or recreation use not listed		S						S		S	S														50-20.3.N
Personal Services																									
Business park support activities										P	P														
Preschool		S	S	S	P ²	P	P ²	P ¹	P ¹		P ¹	P	P	P	P	P	P	P	S	P	S				
Day care facility, small (14 or fewer)	P	P	P	P	P ²	P	P ²	P ¹	P ¹		P ¹	P	P	P	P	P	P	P	P	P	P				50-20.3.I
Day care facility, large (15 or more)		S	S	S	S ²	P	P ²	P ¹	P ¹		P ¹	P	P	P	P	P	P	P	S	P	S				50-20.3.I
Funeral home or crematorium					S ²		S ²	P ¹	P ¹	P		P		P		P						P			

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	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	I-G	I-W		P-1	
Mini-storage facility									P													P	P		50-20.3.L	
Personal service and repair, small (less than 10,000 sq ft)						P	P ²	P ¹	P ¹	P	P ¹	P	P	P	P	P	P	P	P	P	P					
Personal service and repair, large (10,000 sq. ft. or more)							S ²	P ¹	P ¹	P	P ¹	P		P		P		P		P		P				
Retail Sales																										
Adult book store																						P			Chapter 5	
Building materials sales								S		P	P														50-20.3.G	
Garden material sales		S						P ¹			P				P											
Grocery store, small (less than 15,000 sq ft)						P	P ²	P ¹		P ¹	P		P		P	P	P	P	P	P					50-20.3.K	
Grocery store, large (15,000 sq ft or more)								P ¹			P														50-20.3.K	
Retail store not listed, small (less than 15,000 sq ft)					S ²	P	P ²	P ¹	P ¹	P ¹	P	P	P	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 ¹	P		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												P			50-20.3.D	
Filling station					S ²	P	S ²	P ¹		P	P ¹	P		P		P	P				P	P		50-20.3.J		
Parking lot or parking structure (primary use)								P ¹	P ¹	P	P ¹	P	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												P				
INDUSTRIAL USES																										
Industrial Service																										
Contractor's shop and storage yard										P	P						P					P	P		50-20.4.B	
Dry cleaning or laundry plant										P												P				
Research laboratories									P ¹	P	P											P	P			
Industrial services										P												P	P			

TABLE 50-19.8: USE TABLE

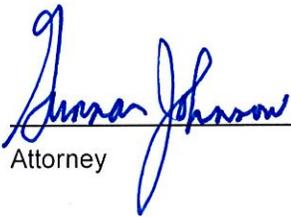
	Residential						Mixed Use						Form									Special			Use-Specific Standards	
	R-C	RR-1	RR-2	R-1	R-2	R-P	MU-N	MU-C	MU-I	MU-B	MU-W	MU-P	F-1	F-2	F-3	F-4	F-5	F-6	F-7	F-8	F-9	I-G	I-W	P-1		
Manufacturing and Mining																										
Manufacturing, light									P ¹	P	P						P						P			50-20.4.F
Manufacturing, heavy																							P			
Manufacturing, hazardous or special																							S			50-20.4.G
Mining, extraction and storage		S																					S	S		50-20.4.H
Water-dependent manufacturing, light or heavy																								P		
Transportation-Related																										
Airport and related facilities	S																						P			50-20.4.A
Railroad yard or shipyard and related facilities																							P	P		
Truck freight or transfer terminal										P													P	P		
Utilities																										
Electric power or heat generation plant																							P	P		
Electric power transmission line or substation	S	S	S	S	S ²	P	S ²	S	S	S	S	P	S	S	S	S	S	S	S	S	S	S	S	S	S	50-20.4.C
Major utility or wireless telecommunication facility	S	S	S	S	S ²	P	S ²	S	S	S	S	P	S	S	S	S	S	S	S	S	S	S	S	S	S	50-20.4.E
Radio or television broadcasting tower		S								S													S	S		50-20.4.I
Solar, geothermal, or biomass power facility (primary use)		S				P		S	S	P	P												P	S		
Water or sewer pumping stations/reservoirs	S	S	S	S	S ²	P	S ²	S	S	S	S	P	S	S	S	S	S	S	S	S	S	S	S	S	S	
Water or sewer treatment facilities																							P	P		
Wind power facility (primary use)		S							S	S													P	S		50-20.4.M
Waste and Salvage																										
Junk and salvage services																							S	S		50-20.4.D
Recycling collection point (primary use)								S	S	S													P	P		
Solid waste disposal or processing facility		S								S													S	S		50-20.4.J

TABLE 50-19.8: USE TABLE

	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	I-G	I-W		P-1			
Temporary construction office or yard	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Temporary event or sales	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Temporary moveable storage container	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		50-20.6.A
Temporary real estate sales office				A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A				
Temporary use not listed in this table	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
FORM DISTRICT BUILDING TYPES																												
Main Street Building I													P	P														
Main Street Building II															P	P	P	P										
Main Street Building III																			P	P								
Corridor Building I														P														
Corridor Building II																P	P											
Lakefront Corridor Building																						P						
Corridor Building III																					P							
Cottage Commercial I														P				P										
Cottage Commercial II																P												
Iconic Building														P		P	P	P			P							

Section 2. That this ordinance shall take effect 30 days after its passage and publication.
(Effective date: xxxxx, 2014)

Approved to as form:



Attorney

PLANNING SR 4/30/14

STATEMENT OF PURPOSE: This ordinance implements text amendments to chapter 50 of the City Code, known as the Unified Development Chapter (UDC). It includes four changes to the permitted use table: 1) allow major utility or wireless telecommunication facilities (cell towers) as special uses in P-1 zone districts; 2) elementary schools as permitted uses and middle and high schools as special uses in MU-I zone districts; 3) Mining, Extraction, and Storage (including gravel pits) as a special uses in RR-1 zone districts; and 4) restaurants that are over 5,000 square feet as special uses instead of permitted uses in R-P and MU-P zone districts.

The proposed changes were discussed at a published public hearing on April 30, 2014. After the public hearing was closed, the Duluth Planning Commission made a motion to approve the recommended amendments to the permitted use table passed with a vote of 8 yeas, 0 nays and 0 abstentions, with 1 Planning Commission member being absent from the meeting.

The Planning Division intends to submit one more UDC change in the very near future concerning the platting process. In addition, later this summer or fall of this year, the Engineering division will be asking for some modification of the storm water management language. Other than those two items, the Planning Division does not anticipate any significant text changes to the UDC in the next 12 months.

Action Deadline: Not Applicable

PL: 14-027



City of Duluth
Planning Division

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MEMORANDUM

DATE: Revised April 25, 2014
TO: Planning Commissioners
FROM: Steven Robertson, Senior Planner
SUBJECT: Proposed Text Amendments to the UDC Use Table

The Planning Division is recommending several small adjustments to 50-19.8 use table.

Major Utility or Wireless Telecommunication Facility.

Proposal: allow this as a special use in the P-1 (Parks and Open Space) zoning district (currently not allowed). The standards in 50-20.4.E require that new facilities be located first on City owned properties before properties in special purpose districts, mixed use/form districts, or residential districts. There may be some city owned properties in P-1 zones where a telecommunications facility would not be inappropriate if the visual impact was minimized (such as Wheeler Athletic Field).

Elementary and Middle and High School:

Proposal: allow elementary schools (as permitted) and middle and high schools (as special use) in the MU-I (Mixed Use-Institutional) zone district. The purpose statement of the MU-I zone district is:

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.

The Planning Division believes based on the purpose statement, and the allowance of other similar, but more intensive uses in MU-I (such as business, art, and vocational school and university or college), that amending the use table to include elementary, middle, and high school uses would be appropriate. In addition, the comprehensive plan indicates that schools have a relationship with the Institutional Future Land Use designation.

Mining, Extraction, and Storage:

Proposal: to allow mining, extraction, and storage as a special use in RR-1 zone districts (currently not allowed). This category includes gravel pits which are often located on large properties in rural areas (not industrial). The existing use specific standards would apply to the special or interim use permit, including specifications about the excavation slopes, hours of operation, how the operation is conducted, and eventually closed and the site reused. There is also the provision for the applicant to post financial security to ensure compliance with the terms.

Restaurants (5,000 sq. ft. or more):

Proposal: require restaurants over 5,000 sq. ft. to be a special use (instead of a permitted use), in R-P and MU-P zone districts. The City Council approved the last round of UDC changes, which included changing the definitions of drive-throughs and restaurants. The use table now just references the size of the structure (5,000 square feet, greater or lower), but there are now more clear use specific standards for restaurant drive-throughs. At the March 12th Planning Commission meeting, the Commissioners' consensus was that both small and large restaurants should be special uses in the R-P and MU-P zones.

As a footnote, it should be understood that this proposed amendment in the use table would apply to future R-P and MU-P plans, and would not directly impact already approved R-P and MU-P plans (Ramsey Village, Spirit Cove, East Ridge Estates, and Bluestone). As long as development proceeds in accordance with what was previously approved by the City, the additional requirement of a Special Use Permit for restaurants would not be applicable.



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TABLE 50-19.8: USE TABLE

	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	I-G		I-W	P-1
Educational Facilities																									
School, elementary		P	P	P	P ²	P	P ²	P ¹	S ¹			P	U	P	U	P	P	U	U	U					50-20.2.D
School, middle or high		S	S	S	S ²	P	S ²	S ¹	P ¹			P	U	P	U	P	P	U	U	U					50-20.2.D
Utilities																									
Major utility or wireless telecommunication facility	S	S	S	S	S ²	P	S ²	S	S	S	S	P	S	S	S	S	S	S	S	S	S	S	S	S	50-20.4.E
Manufacturing and Mining																									
Mining, extraction and storage		S																				S	S		50-20.4.H
Food, Beverage, and Indoor Entertainment																									
Restaurant (less than 5,000 sq ft)					S ²	S	S ²	P ¹	P ¹	P	P ¹	S	P	P	P	P	P	P	P	P	P				50-20.3.P
Restaurant (5,000 sq ft or more)					PS		P ¹	P ¹	P	P ¹	PS	P	P	P	P	P	P	P	P	P	P				50-20.3.P