City of Duluth
Planning Division

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MEMORANDUM

DATE: September 3, 2014
TO: Planning Commissioners
FROM: Steven Robertson, Senior Planner
SUBJECT: Proposed Text Amendments to the UDC

The Planning Division is recommending several additional amendments to the UDC. After these proposed text amendments are reviewed by the Planning Commission and City Council, the City will reprint a new hard copy version of the UDC, and distribute to the Planning Commission, City staff, and individuals that purchased the UDC.

Planning Staff would prefer action at the September 9th Planning Commission meeting, but if additional discussion is warranted, all the items can be tabled until the next meeting with the exception of changes to the use table and use specific standards (50-19 and 50-20).

The Planning Commission is requested to review the following proposed changes.

Changes to 50-18.1.E, Storm Water Management and Erosion Control
Replace the current regulations as they relate to stormwater control. See attached memo by Tom Johnson, Project Engineer.

Changes to 50-24.2, Required Parking Spaces, and 50-37.9 Variances
Increase the required parking for restaurants (5 to 6.5 per 1,000 sq ft), and banks (2.5 to 3.5 per 1,000 sq ft). This is based off parking counts that staff observed over the course of several weeks. See attached memo by Jenn Moses, Planner II.

Also proposed is an increase the maximum limit for a parking variance (from 175% of required parking to 200% of required parking). Also clarify "use" variances, as they relate to signs.

I am recommending an additional change to required parking multi-family dwellings (1 to 1.25 per dwelling); this was not part of the parking study.

Changes to 50-19, Permitted Use Table, and 50-20 Use Specific Standards
Allow mini-storage facilities as a special use, but only in areas that both zoned RR-1 and in the airport overlay zone B.

Also clarify use specific standards for primary use parking lots.

Changes to 50-27, Signs, and 50-41 Definitions
Clarify regulations as they relate to signs (construction material, definitions, and LED lighting).

Changes to 50-14.5, R-1, and 50-21.2.E Definitions
Clarify standards for lots in R-1, and standards for required street improvement.

MEMORANDUM

DATE: September 4, 2014
TO: Interested Citizens
FROM: Tom Johnson, Project Engineer
SUBJECT: Proposed Ordinance Change

The amendments to the UDC are being made to reflect the changes in the re-issuance of the MPCA's MS4 permit. The City of Duluth is required to have a permit to discharge stormwater and therefore must comply with the new permit that was issued in August of 2013, requiring changes to the City's UDC by January 2015. The new permit has many changes from the previous permit, two of the items are related to development governed by the UDC, stormwater runoff discharge volume and total phosphorus (TP) (a pollutant found in stormwater).

Two more items have been clarified in the UDC, the first being the need for temperature control, reducing the temperature of stormwater discharge to a cold water – trout stream, this item was previously in the MPCA's Construction Activity permit. The second item is the responsibilities of a property owner to inspect and maintain their permanent stormwater management facilities. The new MS4 permit has many other items that impact the city's policy and procedures regarding stormwater management, but are separate from the UDC.

The following is a brief excerpt from the MPCA webpage.

MPCA - Stormwater Program

The surest way to improve water quality in Minnesota is to better manage stormwater. Unmanaged stormwater can have devastating consequences on the quality of lakes, streams and rivers we enjoy. Stormwater often contains oil, chemicals, excess phosphorous, toxic metals, litter, and disease-causing organisms. In addition, stormwater frequently overwhelms streams and rivers, scours streambanks and river bottoms and hurts or eliminates fish and other aquatic organisms.

To better manage stormwater across the state, the MPCA administers the requirements of the federal Clean Water Act in addition to its own State Disposal System requirements. At the MPCA, the Stormwater Program includes three general stormwater permits: the Municipal Separate Storm Sewer Permit, the Construction Stormwater Permit and the Industrial Stormwater Permit. Each program administers a general permit (and in some cases, individual permits) that incorporates federal and state requirements for Minnesota stormwater management.

GENERAL PERMIT Permit No: MNR040000
AUTHORIZATION TO DISCHARGE STORMWATER
ASSOCIATED WITH SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS
UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION
SYSTEM/STATE DISPOSAL SYSTEM (NPDES/SDS) PERMIT PROGRAM
EFFECTIVE DATE: August 1, 2013 EXPIRATION DATE: July 31, 2018

A MS4 is defined by the MPCA as:

A municipal separate storm sewer system is a conveyance or system of conveyances (roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, storm drains):

- *Owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage districts, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the Clean Water Act that discharges to waters of the United States;*
- *Designed or used for collecting or conveying stormwater;*
- *Which is not a combined sewer; and*
- *Which is not part of a publicly owned treatment works.*

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

14-xxx-O

ORDINANCE NO_____

AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, REGARDING CHANGES TO STORM WATER MANEWGMENT AND EROSION CONTROL

.

The city of Duluth does ordain:

Section 1. That Section 50-18.1.E of Chapter 50 be repealed and replaced as follows:

A. Storm Water Management and Erosion Control

1. **Goals and Purpose**

(a) The federal Clean Water Act (CWA) requires that municipal storm water discharges be authorized under the National Pollution Discharge Elimination System (NPDES). The city is allowed to discharge its storm water under coverage provided by a CWA Municipal Separate Storm Sewer System General Permit (MS4 Permit). As part of the requirements of the permit, the city is required to develop a Storm Water Pollution Prevention Program (MS4 Program) with specific goals requiring:

(i) Non-degradation of all city waters;

(ii) Restrictions to special designated waters in the city, including: (a) Lake Superior (which is an MPCA designated Outstanding Value Resource Water with both restricted discharge and impaired water designations); (b) St. Louis River (which is an MPCA designated impaired water and area of concern; and (c) 16 trout streams designated by the DNR.

(b) The goals described in the city's MS4 Program pertaining to illicit discharge detection and elimination, construction-site runoff controls, and post-construction runoff treatment are incorporated into this Chapter by reference.

(c) The purpose of this Section 50-18.1.E is to establish regulations to comply with the federal CWA and the city's MS4 Permit and to achieve the goals stated in the city's MS4 Program.

(d) All proposed developments shall follow the requirements in the most recent version of the City of Duluth, Engineering Guidelines for Professional Engineering Services and Developments, and the City of Duluth Construction Standards were applicable.

(e) Refer to the Minnesota Stormwater Manual and other stormwater management publications for temporary and permanent low impact development design practices.

2. **Temporary Erosion and Sediment Controls**

(a) **Applicability**

This Section 50-18.1.E.2 applies to all land disturbing activities within the city, except those specifically exempt in this section and those subject to a superseding or preemptive state or federal law. This section shall be deemed to supplement, but not to conflict with, the applicable provisions of the State Building Code.

(b) **Requirements**

All proposed development and redevelopment and all subdivision plats and re-plats shall include drainage system and temporary erosion and sediment Best Management Practices (BMPs) in compliance with the city's MS4 Program and the requirements shown in Table 50-18.1.E-1 below. Plans, engineering analysis and calculations, diagrams, drainage reports and other data shall be submitted, as required by the city engineer or designee with each development proposal or application for permit.

Table 50-18.1.E-1: Temporary Erosion and Sediment Controls

Land Area Disturbed ► / Development Plan Measures Required ▼	≤ 3,000 sq. ft. [1]		> 3,000 sq, ft. and < 1 acre[2]	≥ 1 acre
Temporary erosion and sediment controls to prevent any off-site migration of sediment	✓			
Site specific Erosion and Sediment Control Plan (ESCP) and ESCP Permit from city engineer			✓	✓
Site specific Storm Water Pollution Prevention Plan (SWPPP) meeting MPCA NPDES Permit requirements for Construction Activity			✓	✓
MPCA NPDES/State Disposal System Construction Activity Storm Water Permit				✓
MS4 Statement of Compliance from city engineer			✓	✓

[1] If the city engineer determines that the proposed development is in a vulnerable area, and may cause the degradation of the waters connected to the city's storm water system, then the provisions applicable to land disturbance areas greater than 3,000 sq. ft. shall apply.

[2] If land disturbed is within a mapped shorelands zone, an MS4 Statement of Compliance from the city engineer is also required.

(c) **Authority to Waive**

The city engineer has the authority to waive the requirements in Table 50-18.1.E.1 in accordance with the city's MS4 Permit, if storm water and erosion controls required by this subsection 2 are demonstrated to be technically feasible, provisions of this subsection 2 must be met to the maximum extent practicable.

3. **Permanent Water Quality and Discharge Rate, Volume and Temperature Controls**

(a) **Applicability**

(i) This Section 50-18.1.E.3 applies to all land disturbing activities within the city, except those specifically exempt in this section and those subject to a superseding or preemptive state or

federal law. This section shall be deemed to supplement, but not to conflict with provisions of the State Building Code.

(ii) This section does not apply to pavement resurfacing and pavement rehabilitation projects that meet all of the following conditions;

- no new impervious surface is created,
- there is no change to the configuration of the site,
- there is no change to the land use.

(b) **General Requirements**

All proposed development and redevelopment and all subdivision plats and re-plats shall include a drainage system with storm water runoff rate, volume and temperature controls and water quality treatment in compliance with the city's MS4 Program and the requirements shown in Table 50-18.1.E-2 below. Plans, engineering analysis and calculations, diagrams, drainage reports and other data shall be submitted, as required by the city engineer with each project (referred to as the "development plan" below).

Table 50-18.1.E-2: Permanent Water Quality and Discharge Rate, Volume and Temperature Controls
[See additional requirements for land in shorelands below]

Development Plan Measures required ▼	Total New Impervious Area Created or the Impervious Area Redeveloped[1][2]	
	≤ 3,000 sq. ft.	> 3,000 sq. ft. [3] [4]
Water quality treatment	NONE	✓
Runoff rate controls		✓
Volume Controls		✓
Temperature Controls [5]		✓
Drainage report		✓
Site specific SWPPP		✓
BMP Operation and Maintenance Manual		✓
MS4 Statement of Compliance from city engineer		✓

[1] The total area is the sum of both the new and redeveloped impervious areas that are part of the common plan of development or sale.

[2] A pavement resurfacing or pavement rehabilitation project is exempt where: (a) no new impervious surface is created; and (b) no change to configuration of the site occurs; and (c) no change to land-use occurs.

[3] An individual one-family or two-family residence (that is not part of a common plan of development) with less than 10,000 sq. ft. of disturbed area and less than 7,500 sq. ft. of new impervious area is exempt.

[4] If the site contains an existing impervious surface area greater than one acre, the drainage report must include a determination of the current total suspended solids removal across the entire site. If the current TSS removal is below 50%, the drainage report must include an evaluation of the feasibility of increasing the TSS removal to 50% on an annual basis across the entire site.

[5] Temperature controls are required for projects that discharge to, and are within 1 mile from a trout/cold water stream.

(c) **Authority to Waive**

The city engineer has the authority to waive one or more of the requirements in table 50.18.1.E-2 in accordance with the city's MS4 permit, if the developer demonstrates it to be technically non-feasible AND then mitigates for the non-compliance by increasing the level treatment or control of one of the other requirements.

(d) **Shoreland Requirements**

(i) In addition to the requirements in subsection 50-18.1.E.3(b) above, no residential development or redevelopment within a shoreland shall result in impervious surface area exceeding 25% of the lot area unless the owner (a) submits a development plan including water quality treatment and (b) obtains an MS4 Statement of Compliance by the city engineer.

(ii) In addition to the requirements in subsection50-18.1.E.3(b) above, no commercial, mixed use, institutional or industrial development or redevelopment within a shoreland shown on the NR-O Map shall create new impervious surface area unless the owner (a) submits a development plan including water quality treatment and (b) obtains an MS4 Statement of Compliance issued by the city engineer.

(e) **Water Quality Treatment Requirements**

Where subsection 50-18.1.E.3(b) requires that a development plan include water quality treatment, the development or redevelopment must provide at least the minimum treatment shown in Table 50-18.1.E.3.

Table 50-18.1.E-3: Water Quality Treatment Requirements (Total Suspended Solids TSS, Total Phosphorus TP)

Development Type	New and Existing Impervious surface	Required Treatment
New	> 3,000 S.F.	No net increase of TSS/TP from predevelopment conditions.
Redevelopment	>3,000 S.F. and < 1 acre	10% reduction in impervious surface or 50% TSS removal (TP to be removed via TSS Reduction).
Redevelopment	≥ 1 acre	50% TSS removal, No net increase in TP from pre-project condition.

(f) **Runoff Rate Control**

Where subsection 50-18.1.E.3(b) requires that a development plan include runoff rate control, the development or redevelopment must be designed to provide the controls as follows. Runoff rate control is beneficial in the upper, flatter part of the watershed above the bluff line. Below the bluff line, the topography is relatively steep and storm water flows quickly to Lake Superior and the St. Louis River. This bluff line designation is show on the NR-O Map.

The storm water rate control requirements for development and redevelopment are shown in Table 50-18.1.E-4:

Table 50.18.1.E-4: Discharge Rate Limits

Location ► / Type of Activity ▼	Post-Development Peak Flow Rates at Each Discharge Point Shall Not Exceed	
	Zone A -- Above Bluff Line	Zone B -- Below Bluff Line
New Development	75% of predevelopment peak flow rates for 10 and 100 year events; and 90% of predevelopment peak flow rate for 2 year event	Predevelopment peak flow rates for all storm events
Redevelopment	Predevelopment peak flow rates for all storm events	Predevelopment peak flow rates for all storm events

(g) **Storm Water Runoff Volume Control**

Where subsection 50-18.1.E.3(b) requires that a development plan include storm water runoff volume control, the development or redevelopment must be designed to provide the controls so that the volume of stormwater runoff discharged from a proposed project shall not exceed the pre-development site conditions.

(h) **Storm Water Temperature Control**

Temperature controls are required for development and redevelopment where subsection 50-18.1.E.3(b) specifies. Temperature controls are beneficial for trout/cold water streams, by minimizing the increase in stream temperatures from stormwater runoff from impervious surfaces that tend to be warmer than natural vegetated surfaces. The potential for the increase in temperature of stormwater runoff discharged from a proposed project shall be minimized through the use of certain BMPs and/or site design methods.

(i) **General Design Criteria**

(i) New minor system drainage systems shall be designed to efficiently convey the peak discharge rates for a 10-year flow.

(ii) New major system drainage systems shall be designed to efficiently convey the peak discharge rates for a 100-year flow.

(iii) The 100-year rainfall event or 100-year peak flow shall be evaluated to ensure that no damage occurs to adjacent properties for all systems.

(iv) The storm water management systems for any new or redevelopment project shall maintain at least two ft. of freeboard between the anticipated 100-year high water elevation and the minimum building opening.

(v) Consideration may be given for treating existing untreated impervious areas diverted to the site and included in the control area for analysis if it is in the best interest of the city.

(vi) All impervious areas shall be considered connected and curve numbers shall not be weighted for impervious areas except under special circumstances.

(vii) 95% of all newly added impervious surface shall have its runoff directed to the water quality treatment area. If it is impractical to direct 95% of the added impervious surface to water quality area, alternate methods may be used in combination so long as 95% is treated and all peak flow requirements are fulfilled.

(viii) Flow shall not be diverted from one major or minor system to another major or minor system.

(ix) When storm water management plans involve directing runoff from a site, it shall be the responsibility of the applicant to obtain from adjacent property owners any necessary easements or other property interests concerning flowage of water to a point where the storm water enters a major system.

(x) Adequate measures shall be taken to prevent uncontrolled drainage across lot lines.

4. **General Storm Water Restrictions**

The City of Duluth has numerous ordinances regarding storm water runoff and the protection of the area's water resources. Please refer to the Duluth, MN - Legislative Code, Chapter 43 Article XI Stormwater Utility System, Chapter 45 Division 2 – Improvements by Private Party and Article VIII – Obstructions to Watercourses, and Illicit Discharge.

http://library.municode.com/index.aspx?clientId=50009

5. **Ownership and Maintenance**

(a) **Maintenance of Temporary Erosion and Sediment Control Practices**

During the period of a land disturbing activity, the person engaging in the construction shall be responsible for installing and maintaining erosion and sediment control practices. After construction is completed, the owner of the property shall be responsible for installing and maintaining erosion and sediment control practices. For the purposes of inspection during construction monitoring, the permittee shall maintain inspection logs and will make them available to the city upon request. The permittee shall retain the inspection logs for 3 years after the project is complete.

(b) **Ownership of Permanent Stormwater Management Facilities**

(i) All components of the storm water management system shall be constructed, owned, operated and maintained by the developer or owner(s) to their confluence with the major system or city owned minor system.

(ii) In the case of developments in which right-of-way is transferred to public ownership, the storm drain system within the city right-of-way shall be owned and maintained by the city. Storm water treatment facilities and ponds shall be in common space and shall be owned and maintained by the developer or the owners

of the development. Storm water treatment facilities shall not be located in the public right-of-way.

(c) **Owner Inspection, Operation and Maintenance**

(i) A stormwater management facilities operation and maintenance manual shall be prepared by an engineer for the development and approved by the city engineer.

(ii) Storm water management facilities shall be designed to minimize maintenance and provide inspection and maintenance access.

(iii) All facilities shall have a plan of operation and maintenance that assures continued effective removal of runoff pollutants and accumulated sediment.

(iv) The developer or the owner(s) shall be responsible for inspection, maintenance and reporting for all non-publicly owned storm water management facilities associated with the development. Facilities shall include structural components and all non-structural components (buffer strips, swales and other stormwater management practices that were part of the approved development).

(v) An annual inspection and maintenance report shall be submitted to the city engineer. Inspection and maintenance shall be performed on a regular basis so the stormwater management facilities function as designed, but not less than annually. Maintenance work and repairs identified in the annual report shall be completed within three month of the annual inspection.

(vi) The inspection and maintenance of the stormwater facility shall be performed by a qualified professional and who will prepare and sign the annual inspection/maintenance report.

Copies of the inspection and maintenance records shall be maintained by the developer or owner for a period of six years. Copies of all inspection records shall be provided to the city upon request.

Definitions:

Design Storm: A rainfall event used in the analysis and design of drainage facilities. See the Engineering Guidelines for the current rainfall data.

Discharge Volume: The volume of drainage water discharged from a site from a single rainfall event, expressed as cubic feet or acre-feet.

Rainfall Events: See the Engineering Guidelines for the current rainfall data.

Receiving Waters: Lake Superior, St. Louis River, St. Louis Bay and the 16 trout streams, which are the major receivers of city drainage.

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

STATEMENT OF PURPOSE:

Action Deadline: Not Applicable

PL: 14-117

DRAFT

DEPARTMENT OF PLANNING & CONSTRUCTION SERVICES
Planning Division

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TO: Charles Froseth, Land Use Supervisor

FROM: Rachel Phelps, Planning Intern
Jenn Reed Moses, Planner II

DATE: September 2, 2014

RE: UDC Requirements for Off-Street Parking for Banks, Restaurants, Grocery Stores, and Coffee shops

Duluth currently implements a minimum parking requirement for all businesses. Recent meetings with business owners have sparked interest in parking requirement changes. Meeting attendees have suggested allowing an increase in off-street parking for their businesses to accommodate peak times of the day.

The current UDC's minimum off-street parking requirements are based on the total gross square footage of the building and may be adjusted to 30% less or 50% more as needed. Research was conducted to determine actual parking usage in Duluth for banks, restaurants, coffee shops, and grocery stores during peak business hours.

Methods

Parking space statistics were gathered throughout several weeks of site visits at specific hours throughout the week. Each business type's time was based on potential peak business times. Staff visited the lot and counted the number of cars in the lot at a given point in time. These numbers were then calculated into ratios of ***parking spaces per 1,000 square feet***, both to match UDC parking requirements and to enable comparisons between businesses of different sizes.

Current Regulations

The City of Duluth's current minimum and maximum parking were put into effect on the adoption date of the updated UDC in 2010. Current regulations are based upon the total gross square footage of the facility in which the business resides. Each building use, whether it is a coffee shop or grocery store, has a parking space minimum (See Table 1). These requirements may be adjusted to 30% less or 50% more.

Table 1: Off-Street Parking Spaces Required

Use	Requirement Minimum	Requirement Maximum
Bank	2.5 per 1,000 sq. ft. of gross floor area	3.75 per 1,000 sq. ft. of gross floor area
Restaurant	5 per 1,000 sq. ft. of gross floor area.	7.5 per 1,000 sq. ft. of gross floor area.
Grocery Store	3 per 1,000 sq. ft. of gross floor area.	4.5 per 1,000 sq. ft. of gross floor area

Analysis of Data

BANKS

Recent conversations with new banks being proposed suggest a trend of smaller buildings with the same amount of customers. This would mean an increase in parking needed per 1,000 sq. ft. Observations show that of the six banks researched, only one bank's parking count falls within the range of the parking regulations. The remaining banks, however, have a parking usage that demonstrates a mix of above and below the UDC range. Universally, the lots themselves are larger than the UDC maximums and larger than actually needed based on these observations.

Name	Total Ft^2	Existing Parking	UDC Requirements		Observed	Suggested Parking Requirement Adjustment
			Minimum Required	Maximum Allowed		
Duluth Teachers Credit Union (Trinity Rd.)*	1,085	27	3	4	9-10	Increase
North Shore Bank of Commerce (E. Superior St.)	4,556	45	11	17	1-7	Possible Decrease
U.S. Bank (Arrowhead Rd.)	2,530	26	7	10	4-13	Possible Increase
U.S. Bank (W. Superior St.)	9,270	18	23	34	4-6	Decrease
Wells Fargo (Arrowhead Rd.)	2,400	22	6	9	7-16	Possible Increase
Western Bank (Central Ave.)	5,664	27	13	19	8-10	Possible Decrease

* Shared parking space with Valvoline auto shop.

Calculated to a ratio of parking spaces per 1,000 square foot, the parking usage can be compared between banks and against the UDC requirements:

	Parking Per 1,000 sq ft	
	UDC	Parking Being Used
Duluth Teachers Credit Union (Trinity Rd.)	2.5 - 3.75	8.3 - 9.2
North Shore Bank of Commerce (E. Superior St.)	2.5 - 3.75	0.2 - 1.5
U.S. Bank (Arrowhead Rd.)	2.5 - 3.75	1.6 - 5.1
U.S. Bank (W. Superior St.)	2.5 - 3.75	0.4 - 0.6
Wells Fargo (Arrowhead Rd.)	2.5 - 3.75	2.9 - 6.7
Western Bank (Central Ave.)	2.5 - 3.75	1.4 - 1.8

FAST FOOD RESTAURANTS

Observations show that existing fast food parking lots, with the exception of McDonald's, are larger than the observed maximum requirements. For half the restaurants, observed use falls within the UDC limits and could handle a decrease. For the other half, observed use is slightly over the UDC maximums, except for Culver's where usage greatly exceeds maximum.

Name	Total Ft^2	Existing Parking	UDC Requirements		Observed	Suggested Parking Requirement Adjustment
			Minimum Required	Maximum Allowed		
Arby's	4,083	40	20	26-30	14	Possible Decrease
Burger King	2,756	28	12	21	8-11	Possible Decrease
Culver's	4,399	73	22	33	30-51	Increase
McDonald's (21st Ave E.)	5,026	35	25	38	21-37	Sufficient
Subway (Grand Ave)	2,480	38	12	18	2-8	Possible Decrease*
Subway (Kenwood)	1,997	29	10	15	10-18	Possible Increase
Taco Bell (Miller Hill)	1,944	36	10	15	7-21	Possible Increase

*Mid-day observation occurred at 1:15 and are likely higher at a slightly earlier time

Calculated as a ratio of parking spaces per 1,000 square foot, the parking usage can be compared between restaurants and against the UDC requirements:

	Parking Per 1,000 sq ft	
	UDC	Parking Being Used
Arby's	5.0 - 7.5	3.4 - 3.4
Burger King	5.0 - 7.5	2.9 - 4.0
Culver's	5.0 - 7.5	6.8 - 11.6
McDonald's (21st Ave E.)	5.0 - 7.5	4.2 - 7.4
Subway (Grand Ave)	5.0 - 7.5	5.0 - 9.0
Subway (Kenwood)	5.0 - 7.5	0.8 - 3.2
Taco Bell (Miller Hill)	5.0 - 7.5	3.6 - 10.8

SIT DOWN RESTAURANTS

Observations show insufficient parking, causing overflow and crowded lots for Olive Garden, Grizzly's, Panera, and Red Lobster. Texas Road House has extra parking spaces, as does Valentini's which uses the extra spots from the Surgery Center for their evening dinner hours.

Name	Total Ft^2	Existing Parking	UDC Requirements		Observed	Suggested Parking Requirement
			Minimum Required	Maximum Allowed		
Olive Garden	6,895	72	35	51	52-86	Increase (overflow into Home Depot lot)
Grizzly's*	5,300	40	25	41	39-46	Possible Increase
Red Lobster	11,185	77	55	83	34-74	Sufficient but crowded, esp. during tourist season
Texas Road House	6,892	163	35	51	32-108	Increase
Valentini's Vicino Lago**	5,927	50	30	45	12-53	Possible Increase
Panera***	4,500	28	20	35	28-45	Possible Increase-overflow into empty shared lots. Congested drive-thru.

*shared parking with auto body shop
** shared parking with Lakewalk surgery
*** shared parking with 3 other businesses

Calculated as a ratio of parking spaces per 1,000 square foot, the parking usage can be compared between restaurants and against the UDC requirements:

	Parking Per 1,000 sq ft	
	UDC	**Parking Being Used**
Olive Garden	5.0 - 7.5	7.5 - 12.5
Grizzly's	5.0 - 7.5	7.4 - 8.7
Red Lobster	5.0 - 7.5	3.0 - 6.6
Texas Road House	5.0 - 7.5	4.6 - 15.7
Valentini's Vicino Lago	5.0 - 7.5	2.0 - 8.9
Panera	5.0 - 7.5	6.2 - 10.0

COFFEE SHOPS

The data shows insufficient and crowded parking for Caribou Coffee and Starbucks which both have shared lots. Caribou Coffee is a special circumstance as it is located in Canal Park which already has tight parking, especially during tourist season. Dunn Bros has crowded lots with patrons parking off-street on London Rd and the neighborhood street of 24th Ave E.

Name	Total Ft^2	Existing Parking	UDC Requirements		Observed	Suggested Parking Requirement
			Minimum Required	Maximum Allowed		
Caribou Coffee (Canal Park)*	1,650	31	8	12	6-26	Increase
Caribou Coffee (Miller Hill)	1,500	29	8	12	3-22	Increase
Starbucks**	1,225	10	6	9	2-7	Sufficient
Dunn Bros	1,176	10	6	9	9-11	Potential Increase

* shared space with ICO and Vitta Pizza
** shared space with 4 other businesses.

Calculated as a ratio of parking spaces per 1,000 square foot, the parking usage can be compared between coffee shops and against the UDC requirements:

	Parking Per 1,000 sq ft	
	UDC	Parking Being Used
Caribou Coffee (Canal Park)*	5.0 - 7.5	3.6 - 15.8
Caribou Coffee (Miller Hill)	5.0 - 7.5	2.0 - 14.7
Starbucks**	5.0 - 7.5	1.6 - 5.7
Dunn Bros	5.0 - 7.5	7.7 - 9.3

GROCERY STORES

With the exception of Whole Foods Co-op, grocery stores' usage is below the UDC required minimums.

Name	Total Ft^2	Existing Parking	UDC Requirements		Observed	Suggested Parking Requirement
			Minimum Required	Maximum Allowed		
Cub Foods	89,698	195	269	403	62-129	Decrease
Mount Royal	45,909	134	138	207	53-112	Decrease
Super One (West Duluth)	66,112	320	198	297	67-110	Decrease
Super One (East Duluth)	24,889	113	75	113	26-65	Decrease
Super One (Arrowhead)	46,644	156	140	210	57-78	Decrease
Super One (Miller Hill)	73,622	165	221	332	62-130	Decrease
Whole Foods Co-op	11,170	72	34	51	28-48	Sufficient

Calculated as a ratio of parking spaces per 1,000 square foot, the parking usage can be compared between grocery stores and against the UDC requirements:

	Parking Per 1,000 sq ft	
	UDC	Parking Being Used
Cub Foods	3.0 - 4.5	0.7 - 1.4
Mount Royal	3.0 - 4.5	1.2 - 2.7
Super One (West Duluth)	3.0 - 4.5	1.0 - 1.7
Super One (East Duluth)	3.0 - 4.5	1.0 - 2.6
Super One (Arrowhead)	3.0 - 4.5	1.2 - 1.7
Super One (Miller Hill)	3.0 - 4.5	0.8 - 1.8
Whole Foods Co-op	3.0 - 4.5	2.5 - 4.3

Conclusions:

Based on the parking observed at the above businesses, we conclude the following:

- It appears that small banks use more parking per 1,000 square feet, but larger banks use less.
- Fast food restaurants demonstrate a wide range of parking usage. Some use far less than current requirements, and some clearly need more parking than the UDC would allow. Based on the size of existing parking lots, it seems that all the fast food restaurants studied are willing to provide more parking than allowed by the UDC.
- Sit down restaurants show a need for an increase in parking maximums.
- Coffee shops clearly show there is a huge demand for parking, with lots of customers at peak times. Coffee shops demonstrate parking ratios higher than other types of restaurants.
- Large grocery stores exhibit oversized parking lots, and observed usage suggests that even the parking minimums are far too high. Small grocery stores have higher parking ratios; for these grocery stores, the current UDC standards appear sufficient to meet parking needs.

Recommendations

In traditional zoning practice, parking minimums are established for various uses, based on typical vehicle demands, to ensure that a proposed development provides adequate parking for its users and minimizes demands on on-street parking. Duluth has long used parking minimums, with a few exceptions – notably the downtown area and Canal Park, which have had exemptions from providing parking because there is sufficient public lots and parking ramps, as well as transit nearby.

In the last couple of decades, parking research has highlighted the need to also establish parking maximums. While providing off-street parking has provided a convenience to many customers, it also has come with its own costs: increased stormwater runoff from impervious surfaces; increased water pollution from oil, salt, and other contaminants; increased public costs for roads to get vehicles to destinations; decreased pedestrian access since buildings are often sited behind large parking lots and require more space in between buildings; and a development pattern that is less dense, more sprawl-like, and contributes to less green space.

Parking requirements should provide a balance – they should support economic development by encouraging parking for customers, but should also minimize unneeded impervious surface. Parking maximums can result in full parking lots that may encourage customers to carpool, take transit, or visit at non-peak times, but should not result in an overall decrease in business.

These parking goals and best practices were considered when developing recommendations based on the observed parking use. Recommendations for the Planning Commission and Planning staff to consider implementing include:

- Increase the minimum requirements for bank parking from 2.5 spaces per 1,000 square feet to 3.5 spaces per 1,000 square feet. This recommended ratio provides a balance between the needs of larger banks versus smaller banks, and makes it more likely that the newer model of small branch banks could locate in Duluth.
- Increase the minimum requirements for fast-food and sit-down restaurants from 5 spaces per 1,000 square feet to 6 spaces per 1,000 square feet. Although not all restaurants demonstrate a need for this much parking, most are already providing parking lots in this range; and, for those that can't, reductions are available for shared parking and locating near a transit line.
- Although coffee shops are not currently defined as a separate use in the UDC, they exhibit higher parking usage than other types of restaurants. If the parking requirements are amended to define coffee shops separate from other restaurants, the recommended parking ratio is 7.5 spaces per 1,000 square feet.
- To reduce the amount of unused impervious surface, the observed parking use suggests that large grocery stores could be reduced from 3.0 parking spaces per 1,000 square feet to 2.5 parking spaces per 1,000 square feet.

- Because of the variable needs demonstrated in most categories that were studied, the existing cap on parking variances (175% of the required minimums) is likely insufficient. If a proposed use can meet the variance standards for practical difficulty or undue hardship, they may be able to demonstrate a legitimate need for parking beyond the 175% cap.
- Future study should investigate:
    - Is there a way to take into account a business's proximity to available on-street parking when calculating parking requirements? For instance, Texas Roadhouse must accommodate all vehicle traffic on-site, where restaurants such as Va Bene or Chester Creek Café have additional parking resources nearby.
    - How can we further encourage sharing of parking lots, such as Valentini's?
    - Are there ways to mitigate the negative consequences of parking lots (stormwater, water quality, pedestrian access, density) that do not involve parking minimums and maximums?

Attachments: Parking Research - Banks, Restaurants, and Grocery Stores; March –August 2014

Duluth Parking Research

Banks, Restaurants, and Grocery Stores

* Shared Building

** Shared Parking

Name	Address	Building Type	Total Square Feet	Existing Parking	Traffic Counts															Drive-Thru	Comments
					Morning			Mid-Morning			Noon			Late Afternoon			Evening				
					Count	Time	Day	Count	Time	Day	Count	Time	Day	Count	Time	Day	Count	Time	Day		
*Duluth Teachers Credit Union	4431 Trinity Rd Duluth, MN 55811	Bank	1,085	27**				9	10:15 AM	W	10	12:57 PM	F	10	3:39 AM	Th				Yes	
North Shore Bank of Commerce	4801 E Superior St Duluth, MN 55804	Bank	4,556	37				7	10:53AM	W	1	12:39 PM	Th	2	3:01 PM	Th				Yes	
U.S. Bank	1337 W Arrowhead Rd Duluth, MN 55811	Bank	2,530	26				13	10:35 AM	W	9	12:25 PM	F	4	4:03 PM	Th				Yes	
U.S. Bank	2000 W Superior St Duluth, MN 55806	Bank	9,270	18				6	10:00 AM	F	6	1:14 PM	F	4	4:00 AM	W				Yes	
Wells Fargo	1339 W Arrowhead Rd Duluth, MN 55811	Bank	2,400	24				16	10:37 AM	W	16	12:30 PM	F	7	4:00 PM	Th				Yes	
Western Bank	201 N Central Ave Duluth, MN 55807	Bank	5,664	27				10	9:15 AM	W	10	1:07 PM	F	8	4:05 AM	W				Yes	
Arby's	1362 W Arrowhead Rd Duluth, MN 55811	Fast Food Restuaurant	4,083	40**							14	12:25 PM	W				14	6:27 PM	M	Yes	
Burger King	208 E Central Entrance Duluth, MN 55811	Fast Food Restuaurant	2,756	28							11	12:56 PM	W				8	6:28 PM	W	Yes	
Culver's	1301 Mall Dr Duluth, MN 55811	Fast Food Restuaurant	4,399	73							51	12:45 PM	Sa				30	6:41 PM	W	Yes	
McDonald's	2105 London Rd Duluth, MN 55812	Fast Food Restuaurant	5,026	42							37	12:00 PM	W				21	6:11 PM	W	Yes	
Subway	1420 Kenwood Avenue Duluth, MN 55811	Fast Food Restuaurant	1,997	31							18	12:26 PM	W				10	6:27 PM	M	No	
*Subway	4918 Grand Avenue Duluth, MN 55807	Fast Food Restuaurant	2,480	38**							8	1:15 PM	W				2	6:00 PM	Tu	No	
Taco Bell	1031 W Central Entrance Duluth, MN 55811	Fast Food Restuaurant	1,944	38							21	12:45 PM	W				7	7:00 PM	W	Yes	
*Caribou Coffee	307 Canal Park Dr #1 Duluth, MN 55802	Coffee Shop	1,650	31**	6	8:05 AM	W	16	11:05 AM	W	26	12:03 PM	W							No	
*Caribou Coffee	627 W Central Entrance Duluth, MN 55811	Coffee Shop	1,500	29**	3	7:48 AM	F	11	10:25 AM	W	22	12:39 PM	F							No	
*Starbucks	1405 Miller Trunk Hwy Duluth, MN 55811	Coffee Shop	1,225	10**	2	7:45 AM	Th	4	10:32 AM	Th	7	12:48 PM	F							No	
Dunn Bros Coffee	2401 London Rd Duluth, MN 55812	Coffee Shop	1,176	10	9	8:30 AM	W	9	11:00 AM	W	11	1:05 PM	Th							Yes	
Olive Garden	901 Mall Dr Duluth, MN 55811	Sit Down Restaurant	6,895	71**							52	12:42 PM	F				86	6:38 PM	W	No	
Grizzly's	1722 Miller Trunk Hwy Duluth, MN 55811	Sit Down Restaurant	5,300	40							39	12:52 PM	F				46	6:48 PM	W	No	
*Red Lobster	301 S Lake Ave Duluth, MN 55802	Sit Down Restaurant	11,185	77							34	12:48 PM	Th				74	6:05 PM	W	No	
Texas Road House	902 Mall Dr Duluth, MN 55811	Sit Down Restaurant	6,892	163							32	12:19 PM	Th				108	6:35 PM	W	No	
Valentini's Vicino Lago	1400 London Rd Duluth, MN 55805	Sit Down Restaurant	5,927	15							12	12:14 PM	F				53	6:14 PM	W	No	
Panera	2108 Maple Grove Rd Duluth, MN 55811	Sit Down Restaurant	4,500	28							28	12:39 PM	W	Friday Evening			45	6:46 PM	W	Yes	
Cub	615 W Central Entrance Duluth, MN 55811	Grocery Store	89,698	195				62	10:40	Sa	74	11:18 AM	M	129	5:00	F	91	6:15 PM	W		
Mount Royal Fine Foods	1600 Woodland Ave Duluth, MN 55803	Grocery Store	45,909	134**				80	10:50 AM	Sa	53	10:47 AM	W	66	5:00	F	112	5:43 PM	M		
Super One	5300 Bristol St Duluth, MN 55807	Grocery Store	66,112	320**				67	9:15 AM	Sa	105	11:15 AM	Th	110	5:30 PM	F	76	6:00PM	Tu		
Super One	5928 E Superior St Duluth, MN 55804	Grocery Store	24,889	113				25	9:00 AM	Sa	42	12:49 PM	Th	64	5:00 PM		65	6:18 PM	Tu		
Super One	1316 W Arrowhead Rd Duluth, MN 55811	Grocery Store	46,644	156**							78	10:44 AM		65	5:48 PM	F	57	5:55 PM	W		
*Super One	5401 Burning Tree Rd Duluth, MN 55811	Grocery Store	73,622	165**				71	10:30 AM	Sa	105	11:08 AM		130	4:40 PM	F	62	6:52 PM	W		
Whole Foods Co-op	610 E 4th St Duluth, MN 55805	Grocery Store	11,170	48				48	10:20	Sa							28	6:23 PM	W		

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

14-xxx-O

ORDINANCE NO_____

AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, REGARDING CHANGES RELATED TO REQUIRED PARKING SPACES AND VARIANCES

The city of Duluth does ordain:

Section 1. That Section 50-24.2 of Chapter 50 be amended as follows:

50-24.2 Required Parking Spaces

In all districts there shall be provided, at the time any building or structure is erected, except as provided in Section 50-24.5 Calculation of Parking Spaces the number of off-street parking spaces shown in Table 50-24-1, unless an exemption from or variation of this requirement is provided in another section of this Chapter.

Table 50-24-1: Off-Street Parking Spaces Required

Use	Requirement* (May Be Adjusted to 30% Less or 50% More)
RESIDENTIAL USES	
Dwelling, one-family	1 space per dwelling unit
Dwelling, two-family	
Dwelling, townhouse	
Dwelling, live-work Co-housing facility	
Dwelling, Multi-family	1.25 space per dwelling unit
Assisted living facility (elderly)	1 space per 3 habitable units
Residential care facility	1 space per 9 residential care beds, but not less than 2 spaces
Rooming house	1 space per habitable unit
PUBLIC, INSTITUTIONAL, AND CIVIC USES	
Bus or rail transit station	No requirement
Business, art, or vocational school	1 parking space for each 8 seats in the main auditorium or 3 spaces for each classroom, whichever is greater
Cemetery or mausoleum	No requirement
Club or lodge (private)	2.5 spaces per 1,000 square feet of floor area
Government building or public safety facility	As determined by land use supervisor based on anticipated use and neighborhood impacts
Hospital	2 spaces per 1,000 sq. ft.
Medical or dental clinic	4 spaces per 1,000 sq. ft. of gross floor area
Museum, library, or art gallery	1 space per 1,000 sq. ft. of gross floor area
Nursing home	1 space per 6 beds
Park, playground, or forest reserve	No requirement
Religious assembly	1 space per 4 seats or per 100 sq. ft. in main auditorium, whichever is greater
School, elementary	1 parking space for each 10 seats in the auditorium or main assembly room or 1 space for each classroom, whichever is greater
School, middle or high	1 parking space for each 8 seats in the main auditorium or 3 spaces for each classroom, whichever is greater

Table 50-24-1: Off-Street Parking Spaces Required	
Use	**Requirement* (May Be Adjusted to 30% Less or 50% More)**
University or college	2 space per 1,000 sq. ft. of office, research, and library area plus 1 space per 1 space per 125 sq. ft, of auditorium space.
Other community facility or institutional support uses not listed	As determined by land use supervisor based on anticipated use and neighborhood impacts
COMMERCIAL USES	
Adult book store	2.5 spaces per 1,000 sq. ft. of gross floor area
Adult entertainment establishment	5 per 1,000 sq. ft. of gross floor area
Agriculture	No requirement
Automobile and light vehicle repair and service	2 spaces per 1,000 sq. ft. of gross floor area
Automobile and light vehicle sales, rental, or storage	2 spaces per 1,000 sq. ft. of gross floor area
Bank	~~2~~3.5 spaces per 1,000 sq. ft. of gross floor area
Bed and breakfast	1 space for manager plus 1 space per habitable unit
Building material sales	1 space per 1,000 sq ft. of gross floor area
Business park support activities	2 spaces per 1,000 sq. ft. of gross floor area
Convention and Event Center	1 space per 4 seats or per 100 sq. ft. in a main auditorium, whichever is greater
Day care facility	1 space per 5 persons care capacity
Data center	1 space per 1,000 sq. ft. of gross floor area
Filing station	4 spaces per 1,000 sq. ft. of gross floor area plus 1 per service stall
Funeral home or crematorium	1 space per 50 square feet of floor space in slumber rooms, parlors, or individual funeral service rooms
Garden material sales	1 space per 1,000 sq. ft. of gross floor area
Grocery store	3 spaces per 1,000 sq. ft. of gross floor area
Golf course	2.5 spaces per 1,000 square feet of clubhouse area
Hotel or motel	2 spaces per 3 guest rooms plus 1 per 200 sq. ft. of gross floor area in all accessory uses including restaurants and meeting rooms
Indoor entertainment facility	2.5 spaces per 1,000 sq. ft. of gross floor area.
Kennel	1 space per 1,000 sq. ft. of gross floor area
Marina or yacht club	2.5 spaces per 1,000 sq. ft. of clubhouse area, plus 1 per 10 boat slips
Mini-storage facility	1 space per 20 storage units
Office	2.5 spaces per 1,000 sq. ft. of gross floor area
Parking lot or parking structure (primary use)	No requirement
Personal service or repair	2.5 spaces per 1,000 sq. ft. of gross floor area
Preschool	1 space per 5 persons care capacity
Restaurant	~~5~~6.5 spaces per 1,000 sq. ft. of gross floor area
Retail store	3 spaces per 1,000 sq. ft. of gross floor area
Riding stable	No requirement
Seasonal camp or cabin	1 space for every two beds, or for each cabin or sleeping unit, whichever is greater
Theater	1 space per 6 seats or per 100 sq. ft. in main auditorium, whichever is greater
Tourist or trailer camp	2 spaces per 3 sleeping rooms, suites, or trailer spaces
Truck or heavy vehicle sales, rental, repair, or storage	1 space per 1,000 sq. ft. of gross floor area
Veterinarian or animal hospital	2.5 spaces per 1,000 sq. ft. of gross floor area
Other commercial use not listed	As determined by land use supervisor based on anticipated use and neighborhood impacts
INDUSTRIAL USES	
Airport and related facilities	As determined by airport management

Table 50-24-1: Off-Street Parking Spaces Required	
Use	**Requirement* (May Be Adjusted to 30% Less or 50% More)**
Electric power or heat generation plant; Electric power transmission line; Junk and salvage services; Major utility or wireless communication tower; Radio or television broadcasting tower; Railroad or shipyard and related facilities; Solar or geothermal power facility (primary use); Truck freight or transfer terminal; Water or sewer works; Wind power facility (primary use); and Bulk storage not listed	No requirement
Contractor's shop and storage yard; Dry cleaning or laundry plant; Recycling collection point (primary use); and Solid waste disposal or processing facility	1 per 1,000 sq. ft. of gross floor area
Manufacturing, light; Manufacturing, heavy; Manufacturing, hazardous or special; Storage warehouse; Water-dependent manufacturing, light or heavy; and Wholesaling	1 per 1,000 sq. ft. of gross floor area
Research laboratory	As determined by land use supervisor based on anticipated use and neighborhood impacts
Other Industrial uses not listed	As determined by land use supervisor based on anticipated use and neighborhood impacts
ACCESSORY USES	
Accessory bed and breakfast	1 space for primary use dwelling; plus 1 space per habitable unit
Accessory caretaker quarters	1 space
All other accessory uses	No requirement
TEMPORARY USES	
Temporary real estate sales office	2 spaces
All other temporary uses	No requirement

*The Parking Space Requirement May be Modified by Section 50-18.5 (Higher Education Overlay District), Section 50-24.3 (Adjustment to Required Off-Street Parking), and 50-24.4 (Maximum Parking Spaces)

Section 2. That Section 50-37.9 of Chapter 50 be amended as follows:

50.37.9 Variance

This section applies to applications for a variance from the terms and provisions of this Chapter. Different types of variances are subject to differing criteria for approval, and in many cases are also subject to limitations on the types of variances that can be granted.

A. Application

An application for a variance shall be filed pursuant to Section 50-37.1.B.

B. Procedure

The planning commission shall review the application, conduct a public hearing on the application pursuant to Section 50-37.1.I, with public notice as required by Section 50-37.1.H, and shall make a decision on the application based on the criteria in subsections 50-37.9.C through M below, as applicable to the specific type of variance being requested. The planning commission may grant a different variance or different form of relief than that requested by the applicant if it determines that the alternative relief better meets the criteria in subsections C through M below. The commission may impose appropriate conditions and safeguards to protect adjacent properties and the public interest, including but not limited to financial security pursuant to Section 50-37.1.P or a development agreement regarding the design, construction and operation of the project, to protect the Comprehensive Land Use Plan, to conserve and protect property and property values in the neighborhood and to ensure that all conditions of the variance will continue to be met. Constructing any improvement or beginning any activity authorized by the variance shall constitute the applicant's agreement to conform to all terms and conditions of the permit.

Variance

C. General Variance Criteria

Unless different or inconsistent criteria or limitations are stated in subsections 50-37.9.D through M below for the specific type of variance being requested, the planning commission shall approve an application for a variance, or approve it with conditions, if it finds that the proposed variance meets the following criteria. If there is a direct conflict between a provision or criteria in subsections D through M below and the general criteria in this subsection C, the provisions in subsections D through M shall govern:

1. Because of the exceptional narrowness, shallowness or shape of the applicant's property, or because of exceptional topographic or other conditions related to the property, the strict application of the requirements of this Chapter would result in peculiar and practical difficulties or exceptional or undue hardship to the property owner;

2. The special circumstances or conditions that create the need for relief were not directly or indirectly created by the action or inaction of the property owner or applicant;
3. The special circumstances or conditions applying to the building or land in question are peculiar to such property or immediately adjoining property, and do not apply generally to other land or buildings in the vicinity;
4. The relief is necessary for the preservation and enjoyment of a substantial property right and not merely to serve as a convenience to the applicant;
5. The relief will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets or the danger of fire or imperil the public safety or unreasonably diminish or impair established property values within the surrounding areas or in any other respect impair the health, safety or public welfare of the inhabitants of the city;
6. The relief may be granted without substantially impairing the intent of this Chapter and the official zoning map;
7. The relief does not allow any type of sign that is not allowed in the zone district where the property is located, pursuant to Section 50-27;
8. The relief complies with any additional limitations or criteria applicable to that variance in subsections D through M below.

D. No Use Variances

No variance may be permitted to allow any use that is not listed in Table 50-19.8 as a permitted or special use in the zone district where the property is located, or Table 50-27.4 for a permitted sign in the district where the property is located

E. Variances to Lot Size in Unsewered Areas

A variance from the minimum lot size in unsewered area shall not be granted without presentation of a permit or letter of intent to issue a permit for onsite sewerage treatment from the county.

F. Variances for Two-Family Dwellings in the R-1 District

The commission shall not grant any variance from the requirements for the allowance of two-family dwellings within the R-1 zone district except:

1. A variance from the required front yard setback;
2. A variance reducing the minimum dimensional requirements by up to 10%.

G. Variances From Parking and Loading Regulations

1. **Residential Districts**
   (a) A variance may be granted to allow parking on a portion of a lot in an R zone where parking is not permitted by Section 50-24.6.B in the following two cases:

(i) On any non-corner lot in an R district where the permitted parking area as shown in Table 50-24-3 is of insufficient size or configuration to allow for compliance with the off street parking requirements of this Chapter, and the applicant demonstrates hardship;

(ii) On any corner lot in an R district where the R district parking area is of insufficient size or configuration to allow for compliance with the off street parking requirements of this Chapter, without a showing of hardship.

(b) The variance shall be subject to the following conditions, and any other conditions determined by the commission to be reasonable and necessary to protect the interests of the abutting property owners and the residential character of the surrounding neighborhood:

(i) On a non-corner lot with frontage of less than 50 ft., only one parking area may be located outside the R district parking area;

(ii) On a corner lot with frontage of less than 50 ft., the variance may allow for compliance with the off street parking requirements of this Chapter;

(iii) On a corner or non-corner lot with frontage of 50 ft. or greater, no variance may allow a parking area, including any driveway area leading to it, to exceed an additional 30% of the front yard;

(iv) The proposed parking area shall be entirely located on the applicant's lot and shall not encroach across any abutting lot line unless such abutting lot and the subject lot are under the same ownership and the abutting lot is not occupied by a dwelling unit;

(v) Where the proposed parking area will encroach into any unimproved area of a street, the variance shall expire upon improvement of the street;

(vi) Economic considerations, in whole or part, shall not constitute a hardship.

2. **Reducing Required Parking Spaces**

Except as provided in 50-37.9.G, variances from the minimum amount of off-street parking required may be approved if a smaller amount of off-site parking will be adequate to meet the needs of the facility because the facility is restricted to occupancy or use by populations with documented lower vehicle uses, such as the elderly or disabled.

3. **Exceeding Required Parking Spaces**

Variances from the maximum parking limits provided in 50-24.4 shall not exceed ~~175~~200% of the minimum requirement provided in Table 50-24.1

H. Variances to Reduce Setbacks

When the application is for the reduction of a required front, rear or side yard setback, the commission may require the submission of a landscaping and buffering plan, and may require that all required landscaping or buffering, or landscaping and buffering of equal effectiveness, be installed within the reduced setback area. Decorative fencing and decorative wall structures may be proposed where more intense vegetated landscaping will not provide adequate mitigation of impacts on adjacent properties. The commission shall only approve the variance if the landscaping and buffering will mitigate impacts on adjacent properties as effectively as those required by Sections 50-25 and 50-26 of this Chapter.

I. Variances in the MU-C District

1. Within the MU-C district, the only variances that may be approved are variations in any dimensional standard in Sections 50-15.3 and 50-21 by no more than 10%. However, if the need for a variance is the result of a government taking pursuant to eminent domain powers, then (a) the limits of this subsection I.1 shall not apply and (b) all or part of the required landscaping and buffering may be placed in the public right-of-way if the property owner executes a perpetual maintenance agreement with the owner of the right-of-way.
2. In the case of a setback reduction variance, the landscaping and buffering in any reduced setback area shall be at least four ft. in height and screen out at least 50% of the view of any parking area, unless the setback is reduced to less than 5 ft., in which case it shall screen out at least 75% of the view of the parking area.

J. Variances in A-O Airport Overlay District

Variances shall be pursuant to and consistent with the procedures in the Duluth International Airport Zoning Ordinance adopted by the city and four other jurisdictions, and in the event of an inconsistency between that Airport Zoning Ordinance and this Chapter, the provisions of the Airport Zoning Ordinance shall govern.

K. Variances from Flood Plain Regulations

Variances to the flood plain regulations in Section 50-18.1.C shall only be granted in compliance with the limitations in this subsection K.

1. **In a floodway:**
   (a) No variance shall be granted that would result in any increase in flood levels during the base flood discharge;
   (b) No variance shall authorize the placement of a manufactured home, dwelling unit or any structure designed for human habitation;
   (c) No variance shall be granted authorizing a lesser degree of floodproofing or flood protection than is required by Section 50-18.1.C;
   (d) Variances shall be limited to giving the applicant a minimal reasonable use of the site.
2. **In a flood fringe:**
   (a) No variance shall authorize a lesser degree of floodproofing or flood protection than is required by Section 50-18.1.C;
   (b) Variances shall not produce any adverse effects to the flood capacity or efficiency of the watercourse.
3. **Flood insurance notice and recordkeeping**

   The building official shall notify the applicant for a variance that:
   (a) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage;
   (b) Construction below the 100 year or regional flood level increases risks to life and property. Such copy notification shall be maintained with a record of all variance actions. The building official shall maintain a record of all variance actions, including justification for their issuance, and report such variances

issued in its annual or biennial report submitted to the administrator of the national flood insurance program.

4. **General considerations**

The city shall consider the following factors in granting variances and imposing conditions on permits and variances in flood plains:

(a) The potential danger to life and property due to increased flood heights or velocities caused by encroachments;

(b) The danger that materials may be swept onto other lands or downstream to the injury of others;

(c) The proposed water supply and sanitation systems, if any, and the ability of these systems to minimize the potential for disease, contamination and unsanitary conditions;

(d) The susceptibility of any proposed use and its contents to flood damage and the effect of such damage on the individual owner;

(e) The importance of the services to be provided by the proposed use to the community;

(f) The requirements of the facility for a waterfront location;

(g) The availability of viable alternative locations for the proposed use that are not subject to flooding;

(h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;

(i) The relationship of the proposed use to the Comprehensive Land Use Plan and flood plain management program for the area;

(j) The safety of access to the property in times of flood for ordinary and emergency vehicles; and

(k) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.

5. **Submittal of hearing and decision notices to the DNR.**

(a) The planning commission shall submit to the commissioner of the DNR a copy of the application for proposed variance sufficiently in advance so that the commissioner will receive at least ten days' notice of the hearing. Such notice shall specify the time, place, and subject matter of the hearing and shall be accompanied by such supporting information as is necessary to indicate the nature and effect of the proposed use. The notice may be sent by electronic mail or U.S. mail to the respective DNR area hydrologist;

(b) A copy of all decisions granting variances shall be forwarded to the commissioner of the DNR within ten days of such action. The notice may be sent by electronic mail or U.S. mail to the respective DNR area hydrologist.

6. **Additional federal emergency management agency conditions**

The following additional conditions of FEMA must be satisfied:

(a) Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;

(b) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

7. **Conditions attached to variances**

Upon consideration of the factors listed above and the purpose of this Section, the planning commission may attach such conditions to the granting of variances and permits as it deems necessary to fulfill the purposes of this Section. Such conditions may include, but are not limited to, the following:

(a) Modification of waste treatment and water supply facilities;
(b) Limitations on period of use, occupancy, and operation;
(c) Imposition of operational controls, sureties, and deed restrictions;
(d) Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures; and
(e) Floodproofing measures, in accordance with the State Building Code and this chapter. The applicant shall submit a plan or document certified by a registered professional engineer or architect that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors.

L. Standards for Variances in Shorelands

No variance shall be granted that compromises the general purposes or intent of Section 50-18.1.D or results in adverse consequences to the environment. Variances shall include a requirement for the applicant to mitigate the impacts of the variance on shoreland areas.

M. Reconstruction of a Non-Conforming Building

A variance may be granted to permit the reconstruction of a nonconforming building that has been damaged from any cause or has deteriorated to the extent of more than 60 percent of its assessed market value as determined by the city assessor, if the commission determines that it is necessary for the preservation and enjoyment of a substantial property right and is not detrimental to the public welfare of the city.

Section 3. That this ordinance shall take effect 30 days after its passage and publication. (Effective date: xxxxx, 2014)

DRAFT

Approved to as form:

_____

Attorney

PLANNING SR

STATEMENT OF PURPOSE:

Action Deadline: Not Applicable

PL: 14-117

DRAFT

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

14-xxx-O

ORDINANCE NO_____

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

The city of Duluth does ordain:

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

DRAFT

50-19.8 Permitted Use Table Use Table.

TABLE 50-19.8: USE TABLE

	Residential						Mixed Use						Form									Special			
	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	Use-Specific Standards
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

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	
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	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	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	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			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
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]																

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	
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							50-02.3~~U~~T
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				
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~~Q
Restaurant (5,000 sq ft or more)						S		P^1	P^1	P	P^1	S	P	P	P	P	P	P	P	P	P				50-20.3.~~P~~Q
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.~~V~~U
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			

TABLE 50-19.8: USE TABLE

	Residential						Mixed Use						Form									Special			
	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	Use-Specific Standards
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				P			
Mini-storage facility		S								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					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				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

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	
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	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			

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	
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		
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	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	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	

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	
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
Wholesale Distribution and Storage																									
Storage warehouse										P							P					P			50-20.4.K
Wholesaling										P							P					P			50-20.4.L
Bulk storage not listed elsewhere																						P			
Water-dependent bulk storage or wholesaling not listed elsewhere																							P		
ACCESSORY USES																									
Accessory agriculture roadside stand	A	A																						A	50-20.5.A
Accessory bed and breakfast	A	A	A	A	A	A	A		A		A														50-20.5.B
Accessory boat dock, residential	A	A	A	A	A	A	A	A	A		A														50-20.5.C
Accessory caretaker quarters										A												A	A	A	
Accessory communications tower for private use	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Accessory day care facility	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A				
Accessory dwelling unit	A	A	A	A	A	A	A																		50-20.5.D
Accessory heliport	A								A			A										A			50-25.5.E
Accessory home occupation	A	A	A	A	A	A	A	A	A		A	A	A	A	A	A	A	A	A	A	A				50-20.5.F
Accessory recycling collection point					A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		

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	
Accessory sidewalk dining area					A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A				50-20.5.G
Accessory solar or geothermal power equipment	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	50-20.5.H
Accessory uses and structures not listed elsewhere	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	50-20.5.I
Accessory vacation dwelling unit		I	I	I	I	I	I										I								50-20.5.L
Accessory wind power equipment	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	50-20.5.J
Minor utilities and accessory wireless antennas attached to existing structures	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	50-20.5.K
TEMPORARY USES																									
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	50-20-6.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	50-20-6.B
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		50-20.6.~~A~~C
Temporary real estate sales office				A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A				50-20-6.D
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	
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 Section 50-20.3 of Chapter 50 be amended as follows:

50-20.3 Commercial Uses

A. Adult Entertainment Establishment

All adult entertainment establishments shall comply with MSA 617.242 and Chapter 5 of this code.

B. Agriculture, General

1. No killing or dressing of poultry, rabbits or other small or large animals, fish or creatures shall be permitted, other than the animals, fish or creatures raised on the premises and that such killing or dressing is done in an accessory building located not less than 200 ft. from any lot line.
2. All buildings and enclosures, including fences, for the feeding, breeding or milking of large livestock or small animals, such as poultry, rabbits, fish and other similar animals, but not including pasturing and grazing, of such animals, must be located not less than 200 ft. from any lot line.

C. Automobile and Light Vehicle Repair and Service

1. No displays or storage of merchandise, parts or refuse may be located closer than 20 ft. from any public right-of-way.
2. A dense urban screen must be installed and maintained along all side and rear property lines abutting a residential or mixed use district.
3. All areas for outdoor storage of automobiles or light vehicles shall be screened from adjacent properties by a dense urban screen regardless of the use on the adjacent property.

D. Automobile or Light Vehicle Sales, Rental or Storage

In the MU-C district, the use is permitted when located at least 100 ft. from any R district.

E. Bank

1. When in the MU-N district, the following standards apply:
   (a) The speaker box and drive-through window must be at least 50 feet from any property line containing a residential structure;
   (b) Drive-through may not open before 7:00 a.m. or after 10:00 p.m. during the weekday, or before 8:00 a.m. or after 10:00 p.m. on the weekend;
   (c) Glare from cars in the drive-through lane and stacking space shall be shielded from adjacent residential properties through the use of screening, fencing or a dense urban screen;
   (d) The land use supervisor may require that the drive-through be located on the opposite side of the building from a residential use or that a masonry sound wall be constructed;
   (e) Banks are limited to no more than two drive-through windows and one drive-through lane for ATM services on the premises;
2. Any drive-through lane that is located between a bank and a residential district or structure shall be buffered from the residential district or structure by a dense urban screen and shall not be open past 10:00 p.m.

3. Banks in the R-P, F-1, F-3, F-5, F-6, F-7, F-8 or F-9 districts may not have drive-through facilities.
4. Drive-through lanes shall allow for stacking space for three cars.

F. Bed and Breakfast

This is a primary use of land, and the owner need not reside in the use. The use shall:

1. Have no more than 12 habitable units.
2. If located in a residential zone district, the use shall appear outwardly to be a one-family dwelling, giving no appearance of a business use other than allowed signs.
3. If located in a residential zone district, the use shall have no greater impact on surrounding public areas or infrastructure or natural resources than a fully occupied private home with house guests.
4. Be located on a lot or tract containing a minimum of 0.6 acre.
5. Contain a minimum of 1,500 sq. ft. of area on the first floor of the main building.
6. Dining areas shall not exceed five seats per habitable unit. In addition to resident guests, only guests of resident guests shall be permitted to dine in a bed and breakfast, or guests participating in meetings or other private events hosted by the facility when other overnight guests are not present, not to exceed the approved seating capacity of the facility. For-profit events on the premises that involve a total number of participants in excess of the approved dining area seating capacity shall be limited to 6 days per year and shall be restricted to the period of October 15 through June 15.
7. Shall not have signage exceeding 12 sq. ft. in size, and any signage shall complement the architecture of the structure.
8. Shall limit each guest stay to a maximum of 21 consecutive days.

G. Building Materials Sales

1. Outdoor storage is limited to 10% of the parcel's land area, and shall not be permitted in any required front yard area.
2. Each such area shall be screened from view from any ground floor window or door on any adjacent property, and from all adjacent rights-of-way, by an opaque fence or wall between 6 ft. and 8 ft. in height. The fence may exceed 8 ft. in height where the difference in grade between the property line or right-of-way and the outdoor storage area makes a taller fence necessary to effectively screen the area.
3. A landscaped earth berm may be used instead or in combination with a required fence or wall.

H. Convention or Event Centers

1. A convention center may not exceed 50,000 square feet if it is within 500 feet of a multi-family use, or 15,000 square feet if it is within 500 feet of a one or two family use.

I. Day Care Facility, Small and Large

1. In the RR-1 and RR-2 districts this use and related parking facilities and structures other than driveways are limited to no more than 20% of the lot or parcel area.

J. Filling Station

1. No displays or storage of merchandise, parts or refuse may be located closer than 10 feet from any public right-of-way.
2. A dense urban screen must be installed and maintained along all side and rear property lines abutting a Residential or Mixed Use District.

K. Grocery Stores, Small and Large

1. Merchandise shall not be located within or obstruct required parking and pedestrian and vehicular circulation areas.
2. Outdoor display is for the temporary display of merchandise and not for the permanent storage of stock.

L. Mini-Storage Facility

This use shall comply with the following standards:

1. The use shall be contained within an enclosed building or buildings;
2. If the use abuts a residential zone district on any property line, building architecture shall employ sloped roofs and shall display wall relief features and colors commonly found in residential construction;
3. The use shall be designed so that doors to individual storage units do not face any abutting street frontage;
4. At least 50% of the wall surface area of any wall facing an abutting public street shall be faced with brick or split-block materials. Exposed concrete masonry unit (CMU) construction is not permitted on those facades;
5. Hours of public access to mini-storage units abutting one or more residential zone districts shall be restricted to the period from 6:00 a.m. to 10:00 p.m.;
6. Signage shall be limited to one 40 sq. ft. illuminated pole and 20 sq. ft. of non-illuminated wall signage. Signs shall not be located closer than ten ft. to the front property line and no closer than 50 ft. to any side property line;
7. ~~In the RR-1 district, there shall be a minimum of 50 ft. of landscaped or naturally vegetated buffer from all property lines;~~ Mini-storage facilities are only allowed on properties within the RR-1 district that are also within the Airport Overlay District Safety Zone B. There shall be a minimum of 50 ft. of landscaped or naturally vegetated buffer from all property lines;
8. In the R districts a dense urban screen shall be installed along all side and rear property lines.

M. Office

1. In the MU-I district, offices are limited to those in support of the permitted institutional uses in the district; general offices unrelated to the activities of those institutions are not permitted.
2. In the MU-B district, offices are limited to those in support of the permitted industrial uses in that zone district; general offices unrelated to the activities of those institutions are not permitted.
3. In the F-6 district, offices may not have drive-through facilities.

N. Other Outdoor Entertainment or Recreation Use Not Listed

1. No circus ground, carnival ground, event ground, or amusement park shall be approved within 300 ft. of an R-C, RR-2 or R district.

O. Parking Lot or Parking Structure (Primary Use)

1. In the MU-C district, any parking structure shall be located at least 50 ft. from any RC, RR or R district.
2. In F-1, F-2, F-3, F-4, F-6, F-8 and F-9 districts, only parking lots are allowed as primary uses. In F-7, only parking structures are allowed as primary uses. In F-5, parking lots and parking structures are allowed as primary uses.
3. Parking lots (primary use) are stand alone and self-contained, separate and distinct from other adjacent land uses. They need to conform to UDC requirements, such as lot frontage and drive aisle width, independent of adjacent properties.

P. Recreational Vehicle (RV) Park

1. Within any flood plain district, recreational vehicles that do not meet the exemption criteria specified in Subsection 2 below shall be subject to the elevation and anchoring provisions of Section 50-18.1.C for new structures.
2. Criteria for exempt recreational vehicles:
   (a) The vehicle must have a current license required for highway use;
   (b) The vehicle must be highway ready, meaning on wheels or the internal jacking system, attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks;
   (c) No permanent structural type additions may be attached to the vehicle;
   (d) The vehicle and associated use must be permissible in any pre-existing, underlying zoning district;
   (e) Accessory structures are not permitted within the floodway district. Any accessory structure in the flood fringe district must be constructed of flood-resistant materials and be securely anchored as specified in Section 50-18.1.C.3.v;
   (f) Cost of an accessory structure must not exceed $500;
3. Recreational vehicles that are exempt in Section 50-20.3.P.2 lose this exemption when development occurs on the site exceeding $500 for an accessory structure such as a garage or storage building. The recreational vehicle and all accessory structures will then be treated as a new structure and shall be subject to the elevation/floodproofing

requirements and the land use standards specified in Section 50-18.1.C.3(C) of this ordinance. No development or improvement on the parcel or attachment to the recreational vehicle is allowed that would hinder the removal of the vehicle to a flood-free location.

4. New commercial recreational vehicle parks or campgrounds, subdivisions or condominium associations, and the expansion of any similar existing use exceeding five units or dwelling sites may be allowed subject to the following:
   (a) On any new or replacement recreational vehicle site in the flood fringe district, the recreational vehicle and its contents must be placed on fill above the regulatory flood protection elevation and adequate road access to the site must be provided in accordance with Section 50-18.1.C.5(d). No fill placed in the floodway to meet the requirements of this section shall increase the flood stage of the regional flood;
   (b) Any new or replacement recreational vehicle site located in the floodway district, or as an alternative to 4(a) above in the flood fringe district, may be allowed as a special use in accordance with the following provisions and the provisions of Section 50-37.10;
      - The applicant must submit an emergency plan for the safe evacuation of all vehicles and people acceptable to the city council as specified in Section 50-18.1.C.5(d). The plan shall demonstrate that adequate time and personnel exist to carry out an evacuation, and that all vehicles will meet the exemption criteria specified in Section 50-20.Q.2 above; and
      - All attendant sewage and water facilities for new or replacement recreational vehicles must be protected or constructed so as to not be impaired or contaminated during times of flooding.

Q. Restaurant

1. In the R-2 and MU-N district, no use shall exceed 5,000 sq. ft. in gross floor area.
2. Drive-ins and drive-throughs for restaurants are only allowed in the MU-N, MU-C, MU-B, MU-P, F-2, F-3, F-4, and F-5 zone districts zone districts.
3. Drive-through lanes shall allow for stacking space for 5 cars.
4. When in the MU-N district, the following additional standards apply:
   (a) The speaker box and drive-through window must be at least 50 feet from any property line containing a residential structure;
   (b) Drive-through may not open before 7:00 a.m. or after 10:00 p.m. during the weekday, or before 8:00 a.m. or after 10:00 p.m. on the weekend;
   (c) Glare from cars in the drive-through lane and stacking space shall be shielded from adjacent residential properties through the use of screening, fencing, or a dense urban screen;
   (d) The land use supervisor may require that the drive-through be located on the opposite side of the building from a residential use or that a masonry sound wall be constructed.
   (e) Restaurants are limited to one drive through lane and one speaker box;
5. When in the F-3 and F-5 districts, the following additional standards apply;
   (a) Access to and from the drive-through must be through the alley, if alley exists;
   (b) Restaurants are limited to one drive through lane;

R. Retail Stores, Small and Large

1. Merchandise shall not be located within or obstruct required parking and pedestrian and vehicular circulation areas.
2. Outdoor display is for the temporary display of merchandise and not for the permanent storage of stock.
3. Retail stores limited to one drive-through window.
4. Any drive-through lane that is located between a retail store and a residential district or structure shall be buffered from the residential district or structure by a dense urban screen and shall not be open past 10:00 p.m.

S. Seasonal Camp or Cabin

1. In the R-C and RR-1 districts, buildings shall be located not less than 200 ft. from any R district.
2. In the R-C district, the design of the site shall preserve the rural character by:
   (a) Separating each camp or cabin site by at least 50 ft., measured from the closest points on each tent or cabin area;
   (b) Preserving all natural vegetation not required to be removed for access roads, trails or public safety;
   (c) Using gravel or pervious paving, rather than impervious materials, for all access road and driveways serving fewer than 25 camp or cabin sites.

T. Veterinarian or Animal Hospital

1. In the R-C and RR-1 districts, this use is permitted provided that service is limited to large livestock/large animal care and any building or enclosure so used shall be located not less than 100 ft. from any lot line.
2. In the R-2, R-P, MU-N and MU-C districts, this use is permitted provided that practice is limited to the treatment of small animals (household pets, i.e. dogs, cats, birds, that are ordinarily permitted in the house for company) and that all aspects of the facility are totally contained (including kennel runs and exercise areas) within a soundproof building with adequate ventilation.

U. Vacation Dwelling Unit

1. The minimum rental period shall be as follows:
   (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 except for the period from June 15 to September 15 when the minimum rental period shall not be less than 3 nights.
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, 1 space

(b) 3-4 bedroom unit, 2 spaces

(c) 5+ bedroom unit, 3 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 3 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.

Section 3. That this ordinance shall take effect 30 days after its passage and publication. (Effective date: xxxxx, 2014)

Approved to as form:

_____

Attorney

PLANNING SR

DRAFT

Action Deadline: Not Applicable

PL: 14-117

DRAFT

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

14-xxx-O

ORDINANCE NO_____

AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, REGARDING CHANGES RELATED TO SIGNS AND DEFINITIONS

The city of Duluth does ordain:

Section 1. That Section 50-27.1 of Chapter 50 be amended as follows:

50-27.1 Permit Required

A. All signs that require a permit, as described in Section ~~50-27.5 (Sign Types – Permit Required)~~ 50-27.7, must obtain a zoning permit as described in Section 50-37.13 (Zoning Permit) of this Unified Development Chapter.

B. When submitting a zoning permit application for a sign, the applicant must submit photographs and dimensions of all signs existing on the lot, including all signs that will be removed. The City may request that the applicant submit photographs of all new signs erected on the lot after permit issuance.

C. The applicant must sign the zoning permit application attesting to the accuracy of the information provided. The City may revoke any sign permit where there has been a violation of the provisions of this section or misrepresentation of fact on the zoning permit application.

D. All freestanding signs over seven (7) feet in height must submit construction plans prepared by a design professional licensed in Minnesota that comply with the requirements of the Minnesota State Building Code.

Section 2. That Section 50-27.4 of Chapter 50 be amended as follows:

50-27.4 Illumination Standards

The following illumination standards apply to on-premises signs. Illumination of billboards (off-premises) are regulated separately in Section 50-27.7. Additional illumination requirements for electronic message signs are found in Section 50-27.7.

A. Any sign illumination, including gooseneck reflectors, external illumination and internal illumination, must be designed, located, shielded and directed to prevent the casting of glare or direct light upon roadways and surrounding properties, or the distraction of motor vehicle operators or pedestrians in the public right-of-way.

B. The sign face of internally illuminated signs must function as a filter to diffuse illumination. The sign face must cover all internal illumination components so that no exposed bulbs are visible.

C. All external illumination of a sign must concentrate the illumination upon the printed area of the sign face.

D. No sign illumination may exceed one (1) footcandle of illumination at the property line.

E. The use of neon lighting as a sign material or sign accent is permitted for signs within the mixed-use, form-based and special purpose districts, with the exception of the MU-N and MU-B Districts where it is prohibited. Neon lighting is subject to the following:

1. When lit, neon lighting must be continuously illuminated. Flashing neon is prohibited.
2. Neon lighting cannot be combined with any reflective materials (e.g., mirrors, polished metal, highly-glazed tiles, or other similar materials) that would cause glare and increase the spread of light.
3. Neon lighting to outline doors and windows is prohibited.

F. The use of LED lighting as a sign accent is permitted, subject to the following:

1. LED lighting as an accent is only permitted for non-residential uses in the mixed-use, form-based and special purpose districts where electronic message center signs are permitted. LED accent lighting is prohibited in any residential district.
2. LED lighting as an accent must comply with all illumination requirements of an electronic message center sign.
3. The addition of LED lighting as an accent to an existing sign requires a zoning permit.
4. When lit, LED lighting must be continuously illuminated. Flashing LED is prohibited.
5. LED lighting cannot be combined with any reflective materials (e.g., mirrors, polished metal, highly-glazed tiles, or other similar materials) that would cause glare and increase the spread of light.
6. LED lighting to billboards, free standing monument signs, outline doors, windows, <u>any part of a structure,</u> and automobile and filling station gas canopies is prohibited;
7. LED lighting to outline free standing pole signs is allowed but lighting must conform to the same brightness standards as electronic message centers as identified in UDC Section 50-27.7.G.

Section 3. That Section 50-27.7.C of Chapter 50 be amended as follows:

C Awning

Awnings without printing, with the exception of a street address number (number only), are considered an architectural feature and are not regulated by this section. This section regulates awning signs, which are used to identify a use by name or logo, the goods or services offered on-site, and similar sign information. Awning signs are permitted as indicated in Table 50-27-4, subject to the following regulations

1. Awning signs must maintain a minimum vertical clearance of seven feet six inches (7′ 6″).
2. Awning signs must be located a minimum of eighteen (18) inches from the back of curb.
3. Awning signs must comply with Minnesota State Building and Fire Codes, including provisions for encroachment into the public right-of-way, structural requirements, sprinkler protections and similar regulations.
4. Awning signs must be made of a durable, weather-resistant material like canvas, canvas-like material, nylon, vinyl-coated fabric or metal. Solid, flat-roofed awnings may also be made out of finished wood, wood and plastic composites, metal or metal cladding, stucco or EIFS.
5. Printing on any awning sign is limited to thirty percent (30%) of the surface area.
6. Awning signs are permitted lettering attached to and located above the top of a solid awning to a maximum height of twenty-four (24) inches. Signs mounted to solid, flat roofed awnings are limited to individually-mounted letters with internal illumination (if illuminated) or a sign board with external illumination – no internally illuminated cabinet signs.

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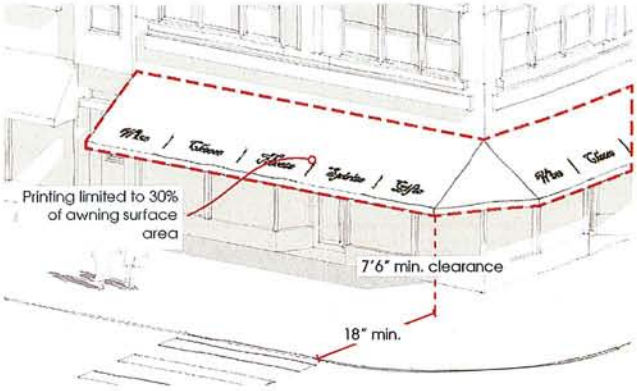
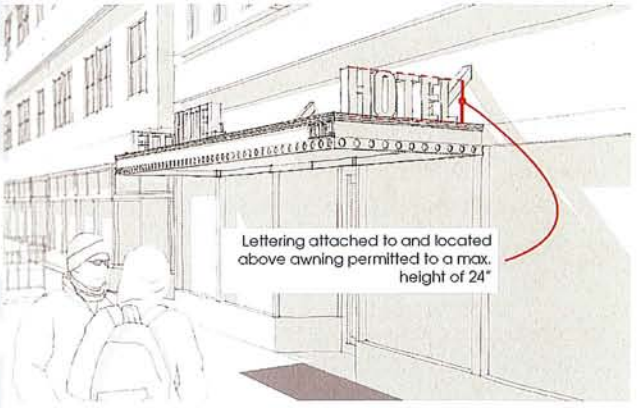
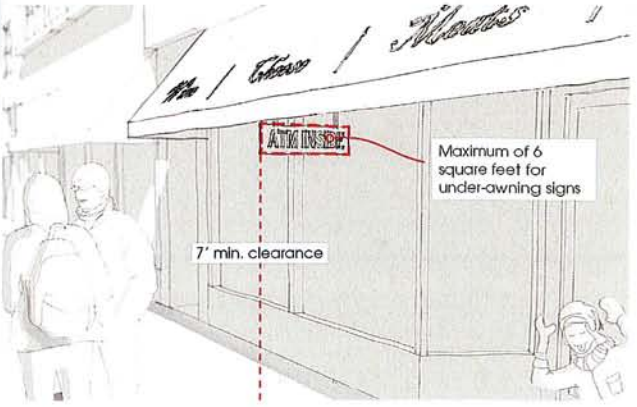
7. Awning signs may illuminate the printed area of the awning with gooseneck or similar external illumination. Back-lit awnings are prohibited.



8. Under-awning signs are permitted subject to the following:
   a. Under-awning signs must be attached to the underside of an awning. Under-awning signs must not project beyond the awning.
   b. Under-awning signs must maintain a minimum vertical clearance of seven (7) feet.
   c. A maximum of one (1) under-awning sign is permitted per business establishment with frontage on the street where the awning is mounted.
   d. Each under awning sign is limited to a maximum of six (6) square feet.
   e. Under-awning signs must be securely fixed to the awning with metal supports.
   f. Under-awning signs must be made of wood, metal or plastic.





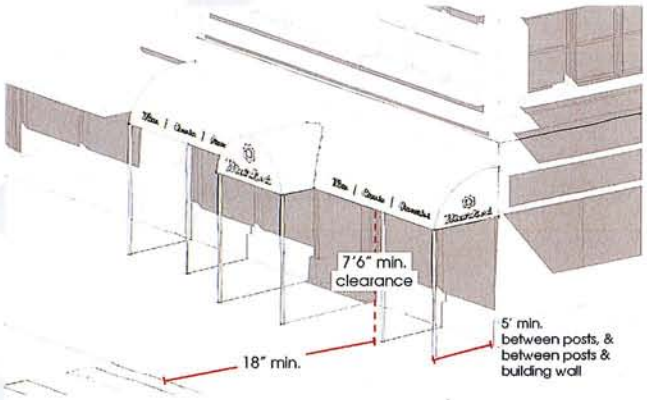
9. <u>A sign permit is required for recovering or resurfacing an existing awning.</u>

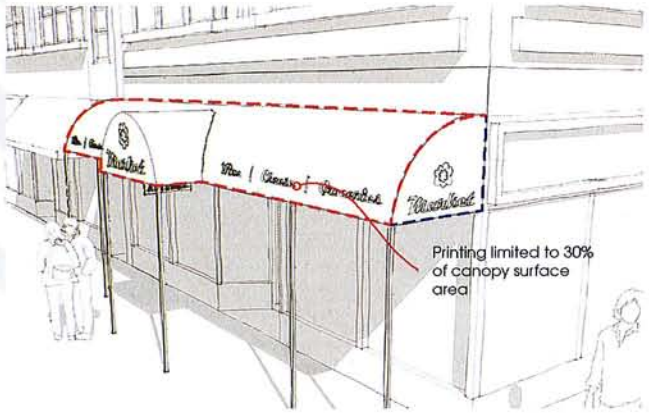
Section 4. That Section 50-27.7.F of Chapter 50 be amended as follows:

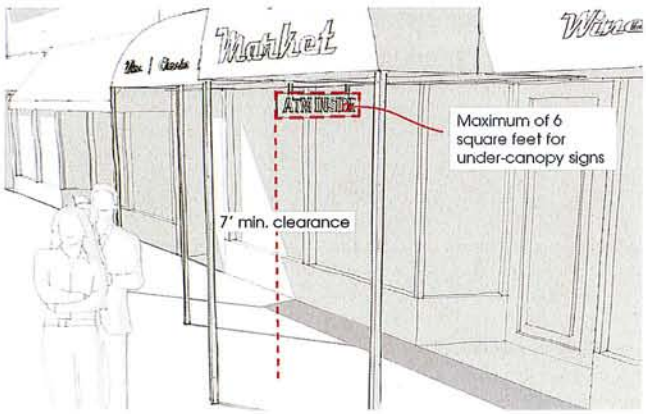
F. Canopy

Canopies without printing, with the exception of a street address number (number only), are considered an architectural feature and are not regulated by this section. This section regulates canopy signs, which are used to identify a use by name or logo, the goods or services offered on-site, and similar sign information. Canopy signs are permitted as indicated in Table 50-27-4 subject to the following regulations.

1. Canopy signs must maintain a minimum vertical clearance of seven feet six inches (7' 6").
2. Canopy signs must be located at least eighteen (18) inches from the back of curb. Support posts must maintain a minimum separation of five (5) feet between posts and between the posts and any building wall. No obstructions are permitted within this area.
3. Canopy signs must comply with Minnesota State Building and Fire Codes, including provisions for encroachment into the public right-of-way, structural requirements, sprinkler protections and similar regulations.







4. Canopy signs must be made of a durable, weather-resistant material like canvas, canvas-like material, nylon, vinyl-coated fabric or metal. Solid, flat-roofed canopies may also be made out of finished wood, wood and plastic composites, metal or metal cladding, stucco or EIFS.
5. Printing on any canopy sign is limited to thirty percent (30%) of the surface area. Signs mounted to solid, flat roofed canopy are limited to individually-mounted letters with internal illumination (if illuminated) or a sign board with external illumination – no internally illuminated cabinet signs.
6. Canopies may include underside, external illumination.
7. Under-canopy signs are permitted subject to the following:
   (a) Under-canopy signs must be attached to the underside of a canopy. Under-canopy signs must not project beyond the canopy.
   (b) Under-awning signs must maintain a minimum vertical clearance of seven (7) feet.
   (c) A maximum of one (1) under-canopy sign is permitted.
   (d) Each under-canopy sign is limited to a maximum of six (6) square feet.
   (e) Under-canopy signs must be securely fixed to the awning with metal supports.
   (f) Under-awning canopy must be made of wood, metal or plastic.

Section 5. That Section 50-27.7.G of Chapter 50 be amended as follows:

G. Electronic Message Sign

Electronic message signs are permitted as indicated in Table 50-27-4 subject to the following regulations. However, all filling stations in any district are permitted to display fuel prices by an electronic message component. Such component must only display numerical fuel prices and must be static.

1. Only one (1) electronic message sign per lot is permitted.
2. Each message or image displayed on an electronic message sign must be static or depicted for a minimum of eight (8) seconds. Any scrolling, flashing or movement of the message is prohibited.
3. The maximum brightness of an electronic message sign is limited to five-thousand (5,000) nits or four-hundred sixty-four (464) candelas per square foot during daylight hours, and five-hundred (500) nits or forty-six (46) candelas per square foot between dusk to dawn. The sign must have an automatic dimmer control that produces a distinct illumination change from a higher allowed illumination level to a lower allowed level for the time period between one-half hour before sunset and one-half hour after sunrise.
4. Electronic message signs are permitted as part of a freestanding sign, wall sign or marquee and, in addition, are subject to the requirements for those sign types.

5. Electronic message signs must be integrated into the larger sign structure and must include the name of the use as a non-electronic component as part of the sign structure. Electronic message signs are limited to a maximum of sixty percent (60%) of the sign area of a the freestanding or wall sign with which it is integrated.
6. Electronic message signs cannot display any off-premises commercial advertising.
7. Electronic display screens are prohibited.

Section 6. That Section 50-41.4 of Chapter 50 be amended as follows:

50-41.4 Definitions: D

Data Center

An establishment primarily involved in the compiling, storage, conversion or analysis and maintenance of documents, records, and other types of information in digital form.

Day care facility

A facility that provides accommodations for persons of any age who receive custodial care for less than 24 hours by individual other than parents or guardians, relatives by blood, marriage, or adoption, and in a place other than the home of the person cared for.

Decorative fence

A powder coated steel fence, solid core ornamental fence, decorative wood fence, or fence of similar construction or appearance, but not including a snow fence, chain link or highway guard rail.

Demolition debris

Solid waste resulting from the demolition of buildings, roads and other man-made structures including concrete, brick, bituminous concrete, untreated wood, masonry, glass, trees, rock and plastic building parts. It does not include asbestos wastes, appliances, furniture or household refuse.

Dense urban screen

Continuous screening wall, berm, fence, or row of planting at least six feet tall, with screening material designed to provide 75 percent opacity one year after planting along the full required height and length of the screening buffer.

Design storm

A rainfall event used in the analysis and design of drainage facilities. See the Engineering Guidelines for the current rainfall data.

Detention

The temporary storage of drainage water.

Deteriorated

A building or component of a building shall be deemed to have deteriorated when its function has been so impaired by natural forces including but not limited to weathering or decay that it needs to be replaced to restore its functionality.

Developable area

All land within a zone district not occupied by streets and public rights-of-way.

Development

The construction of a building or structure, any clearing, grading, excavation or other movement of land, or the division of a parcel of land into two or more parcels. Within flood plain districts, development is defined as any manmade change to improved or unimproved real estate, including but not limited to: buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.construction of a building or structure, any clearing, grading, excavation or other movement of land, or the division of a parcel of land into two or more parcels.

Diameter at breast height (DBH)

The primary method of measuring the diameter of a tree trunk. Diameter is measured in inches 54 inches above the ground. If the tree splits into multiple trunks at a height below 54 inches, but above the ground, the diameter is measured at the highest point beneath the split.

Direct illumination

Illumination by light sources that are effectively visible, either directly or through a translucent material, as a part of the sign and illuminating outward.

Discharge

The discharge of any pollutant into the waters of the state from any point source.

Discharge rate

The rate at which drainage water is released from a specific site and expressed as a volume per unit of time, such as cubic feet per second.

Discharge volume

The volume of drainage water discharged from a site from a single rainfall event, expressed as cubic feet or acre-feet

District

Any section of the city within which the zoning regulations are uniform.

DNR

Minnesota department of natural resources.

Drainage basin

The tributary area through which drainage water is collected, regulated, transported and discharged to receiving waters.

Drainage system

Any system that conveys stormwater or surface water including sewers culverts, ditches, and swales.

Drainage water

Stormwater, snow melt, surface and irrigation water, water from footing drains and sump pumps or other drains approved by the city.

Drip line

A vertical line extending from the outermost edge of a tree's canopy to the ground.

Dry cleaning or laundry plant

An establishment where laundry or dry cleaning is performed in bulk and primarily for commercial and institutional customers. This use does not include facilities where the public drops off or picks up dry cleaning or laundry that is cleaned off-site.

Dwelling

Any building or portion of a building that is designed for or used for residential purposes and that either (a) has a minimum width of 20 feet, or (b) has a principal entrance facing the front lot line.

Dwelling unit

A habitable unit in a dwelling providing sleeping, cooking, eating, living and sanitation facilities designed for and occupied by one family only, occupied by the owner or by another family for periods of occupancy exceeding one week, and that is physically separated from any other habitable unit that may be located in the same building.

Dwelling unit, efficiency

A dwelling unit consisting of one principal room, exclusive of bathroom, kitchen, hallway, closets or dining alcove directly off the principal room, providing that such dining alcove does not exceed 125 square feet in area.

Dwelling, live-work

A dwelling unit containing an integrated living and working space that is intended to function predominately as business workspace with incidental residential use. The unit typically has a store-front, with the workspace, public display area, or show-room on the ground floor of the unit and the majority of the residence located either on the upper floor if there are two floors, or the back of the unit if there is only one floor.

Dwelling, multi-family

A building containing three or more dwelling units that is not a townhouse.

Dwelling, one-family

A building containing one dwelling unit designed for exclusive occupancy by one family and occupied exclusively by one family, having a minimum outside width of 20 feet measured at its narrowest point and placed on a permanent foundation that complies with the State Building Code. This definition includes a manufactured or modular home that meets this definition and the requirements of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sections 5401 et. seq.).

Dwelling, townhouse

A structure containing three to eight dwelling units each sharing two vertical party or division walls, except that each end unit will have a single party or division wall, with no dwelling units sharing a common horizontal surface.

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 extending to the front and rear lot lines, but is on two separate lots.

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Section 7. That Section 50-41.16 of Chapter 50 be amended as follows:

50-41.16 Definitions: P

Park, playground or forest reserve

A facility or area for recreational, cultural, or aesthetic use owned or operated by a public or quasi-public agency and available to the general public. This definition may include but is not limited to: parks, public lawns, active and passive recreation areas, playgrounds, water courses and wooded areas. Facilities may also include fountains, swimming pools, pavilions and similar public facilities within their boundaries.

Parking area

An open unoccupied space used or required for use for parking of motor vehicles exclusively and in which no gasoline or vehicular accessories are sold or no other business is conducted and no fees are charged.

Parking structure

A structure designed to accommodate vehicular parking spaces that are fully or partially enclosed or located on the deck surface of a building. This definition includes parking garages, deck parking, and underground or under-building parking areas.

Parking lot

An off-street area used for the temporary storage of operable and street legal motor vehicles. Includes parking spaces, aisles, drives and landscaped areas, and provides vehicular access to public street.

Parking space

An off-street space available for the parking of one motor vehicle.

Patterned wall

Walls with a patterned or textured look to mimic stone or similar design or patterned to create reveals and shadow lines. No blank concrete or wood timber walls shall be permitted.

Permanent stormwater best management practice (BMP)

A stormwater best management practice (BMP) that will be operational after the construction phase of a project and that is designed to become a permanent part of the site for the purposes of managing stormwater runoff.

Personal services and repair (small)

An establishment containing less than 10,000 square feet of gross floor area and generally having no more than ten employees on site at one time, that is engaged in the provision of informational, instructional, personal improvement, personal care, and similar services. Examples include but are not limited to: catering establishments, custom dressmaking, film processing, garment printing and embroidering, licensed massage salons, optical and optician

services, real estate sign placement service, service and repair establishments, sun tan centers, bicycle rental, small craft rental, tailor shops, and laundromats.

Personal services and repair (large)

An establishment, containing 10,000 square feet of gross floor area and generally having more than 10 employees on site at one time, that is engaged in the provision of informational, instructional, personal improvement, personal care, and similar services.

Personal wireless facility

See wireless telecommunications facilities.

Personal wireless service or PWS

This term, which is sometimes also referred to as "personal telecommunications service" or "PCS," shall have the same meaning as defined and used in the 1996 Federal Telecommunications Act.

Place

An open, unoccupied space or thoroughfare other than a street or alley permanently reserved as a principal means of access to abutting property.

Place of public or semi-public assembly

A place of public or semi-public assembly is defined as a building or portions of a building used for the gathering of persons for such purposes as deliberation, education, instruction, worship, entertainment, amusement, drinking, dining or awaiting transportation.

Planned future airport improvement

As used in Section 50-18.2, Airport Overlay, those proposed future airport developments that are indicated on a planning document having the approval of the federal aviation administration, Minnesota department of transportation, office of aeronautics, and Duluth airport authority.

Power transmission line

A conductor of electric energy and associated facilities designed for and capable of operation at a nominal voltage of more than 46 kilovolts and less than 200 kilovolts. Associated facilities shall include insulators, towers and terminals operating at a nominal voltage greater than 46 kilovolts and less than 200 kilovolts.

Precision instrument runway

A runway having an existing instrument approach procedure utilizing an instrument landing system (ILS) or a precision approach radar (PAR), or a runway for which a precision instrument approach system is planned and is so indicated on an approved planning document.

Premises

A lot together with all buildings and structures existing on the lot.

Preschool

An establishment licensed by the state to provide a systematic organization or arrangement of activities, personnel, materials, and equipment in a facility to promote the physical, intellectual, social, and emotional development of a child, who is at least 33 months old but who has not yet attended the first day of kindergarten, in the absence of the parent for a period of less than 24 hours a day.

Principle use or structure

All uses or structures that are not accessory uses or structures.

~~Public assembly bulletin board~~

~~A bulletin board accessory to and located on the same property as a religious assembly or educational use listed in Table 50-19.8 that identifies the name of the institution and the dates and times of events related to that institution to which some or all of the public are invited.~~

Pylon

A decorative extension above the roof line of a building that is designed as an integral part of the building and that is constructed of masonry or is completely enclosed by the same material as the main exterior walls of the building.

Section 8. That Section 50-41.18 of Chapter 50 be amended as follows:

50-41.8 Definitions: R

R-district parking area

The area on a lot in a residential district where vehicles may be parked, unless a front yard parking variance has been approved pursuant to Section 50-37.9. The parking area shall be limited to an area that may include one side yard, the rear yard, and the following additional areas of the lot:

A. On a lot, other than a corner lot, containing a dwelling unit without garage, the parking area also includes the area between one side lot line and the nearest wall of the dwelling unit and its extension to the improved street abutting the front yard;

B. On a lot, other than a corner lot, containing a dwelling unit with a detached garage, the parking area also includes the area between the closest side lot line to the side wall of the dwelling unit nearest the garage and its extension to the improved street abutting the front yard;

C. On a lot, other than a corner lot, containing a dwelling unit with attached garage, the parking area also includes the area between the closest side lot line and the common wall separating the dwelling unit and the garage and its extension to the improved street abutting the front yard;

D. On any corner lot, any parking area in addition to the rear yard and one side yard may be granted by variance as provided in Section 50-37.9.

Radio or television broadcasting tower

A structure that is designed and constructed primarily for the purpose of supporting one or more antennae that transmit information (audio, video, data, but not personal wireless communications) in the form of electromagnetic signals to one or more receivers without the use of a physical connection between the transmitting and receiving source. The term includes but is not limited to: lattice towers, guyed towers, and monopole towers. The term does not include a wireless communication tower, clock tower, bell tower, steeple, light pole, power pole, water tower, or similar structure that incidentally supports antennae.

Railroad yard or shipyard and related facilities

An area of land, a portion of which is covered by a system of tracks, that provides for the making up of trains by one or more railroads or private industry concerns including roadhouses and repair and overhaul shops. Necessary functions of a railroad yard include but are not limited to the classifying, switching, storing, assembling, distributing, consolidating, repairing, weighing, or transferring of cars, trains, engines, locomotives, and rolling stock. In addition, this use includes a facility or area containing wharves, docks, or other facilities used in connection with water transportation or navigation, and for the repair, service, sales or storage of boats.

Rainfall events

~~The design storm definitions for Duluth from "Bulletin – 71" 1992, Rainfall Frequency Atlas of the Midwest.~~ See the Engineering Guidelines for the current rainfall data.

	~~Design Year~~	~~Inches~~
~~100 yr 24 hr Rainfall~~	~~100~~	~~5.2~~
~~50 yr 24 hr Rainfall~~	~~50~~	~~4.64~~
~~10 yr 24 hr Rainfall~~	~~10~~	~~3.36~~
~~5 yr 24 hr Rainfall~~	~~5~~	~~2.88~~
~~2 yr 24 hr Rainfall~~	~~2~~	~~2.31~~

Reach

As used in the context of flood prevention, the hydraulic engineering term used to describe longitudinal segments of a stream or river influenced by a natural or manmade obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would typically constitute a reach.

~~Readerboard~~

~~A sign or portion of a sign face that allows for the creation of messages by physical manipulation of simple block letters, but not including a changeable message sign (MCS) or electronic sign (ES).~~

Receiving stream or channel

The body of water or conveyance into which stormwater runoff is discharged.

Receiving waters

Lake Superior, St. Louis River, ~~and~~ St. Louis Bay, and the 16 trout streams, which are the major receivers of city drainage.

Recharge

The replenishment of underground water reserves.

Recreational Vehicle

A vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this chapter, the term recreational vehicle shall be synonymous with the term "travel trailer/travel vehicle."

Recycling collection point (primary use)

A facility used for the collection and temporary storage of empty beverage containers, aluminum, glass, paper or clothing for recycling purposes conducted totally within an enclosed structure or container. This definition does not include processing except for can banks that crush cans as they are deposited.

Redevelopment

A change to previously existing, improved property, including but not limited to the demolition or building of structures, filling, grading, paving or excavating, but excluding ordinary maintenance activities. For purposes of the erosion and stormwater controls in Section 50-18.1.E, redevelopment does not include remodeling of buildings on the existing footprint, resurfacing of paved areas, and exterior changes or improvements that do not result in the disturbance of equal to or greater than one acre of land.

Regional flood

A flood that is representative of large floods known to have occurred generally in the state and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of a one percent chance or 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in a flood insurance study.

Regional stormwater

Stormwater BMPs designed to control stormwater runoff from multiple properties or a particular land use district, and where the owners or developers of the individual properties may participate in the provision of land, financing, design, construction or maintenance of the facility.

Regulatory flood protection elevation

An elevation corresponding with a point not less than two feet above the water surface profile associated with the regional flood plus any increases in flood stages attributable to encroachments on the flood plain. Within an A-O zone, as shown on the flood insurance rate map adopted in Section 18.1.A.2(b), an elevation above the highest adjacent grade of an existing or proposed structure equivalent to two feet plus the depth number in feet specified on the flood insurance rate map.

Religious assembly

A facility or area for people to gather together for public worship, religious training or other religious activities including a church, temple, mosque, synagogue, convent, monastery or other structure, together with its accessory structures, including a parsonage or rectory. This

use does not include home meetings or other religious activities conducted in a privately occupied residence. Accessory uses may include meeting rooms and childcare provided for persons while they are attending assembly functions.

Repairs and maintenance

When used in the context of wireless telecommunications, the replacement of any components of a wireless facility where the replacement is identical to the component being replaced or for any matters that involve the normal repair and maintenance of a wireless facility without the addition, removal or change of any of the physical or visually discernable components or aspects of a wireless facility that will add to the visible appearance of the facility as originally permitted.

When used in the context of repairing or reconstructing damaged or deteriorated non-conforming structures, the proposed repair or reconstruction must be of the same volume or smaller as the original structure, be located in the same footprint as the original structure, and have fewer adverse impacts on the surrounding properties as the original structure.

Research laboratory

A facility or area for conducting scientific research, investigation, testing, or experimentation, but not including facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory. This definition also includes labs for the manufacture of dentures and prostheses.

Residential care facility/Assisted living facility

A building that houses persons, on a 24 hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment which provides personal care services. The occupants are capable of responding to an emergency situation without physical assistance from staff. This classification shall include, but not be limited to, the following; residential board and care facilities, assisted living facilities, halfway houses, group homes, congregate care facilities, social rehabilitation facilities, alcohol and drug abuse centers, and convalescent facilities.

Responsible party

In the context of stormwater regulations, any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity or their legal representatives, agents or assigns, that is named on a stormwater maintenance agreement as responsible for long-term operation and maintenance of one or more stormwater BMPs.

Restaurant (no drive-in/drive-through)

A commercial establishment, including but not limited to taverns and brewpubs, where food and beverages are prepared, served, and consumed primarily within the principal building.

Restaurant (with drive-in/drive-through)

A commercial establishment, including but not limited to taverns and brewpubs, where customers order and are served their food and beverages at a walk-up counter or in a motor vehicle to be consumed on or off the site.

Retail store

A facility or area for the retail sale of general merchandise or food to the general public for direct consumption and not for wholesale. Typical general merchandise includes clothing and other apparel, equipment for hobbies or sports, gifts, flowers and household plants, dry goods, convenience and specialty foods, toys, furniture, books and stationery, pets, drugs, hardware and similar consumer goods. This definition does not include retail uses defined elsewhere in this Chapter.

A. A small retail store is one that contains less than 15,000 square feet of gross floor area;

B. A large retail store is one that contains 15,000 square feet or more of gross floor area.

Riding stable

An establishment or area for keeping horses or other domestic animals other than for the property owner's personal use, for compensation, hire, boarding, riding or show.

Rooming house

A building containing habitable units and that provide sleeping or living accommodations by prior arrangements, regardless of whether those accommodations are offered for compensation or not, and for definite time periods. Some or all bathroom and/or kitchen facilities, where provided, are for use on a communal basis. Individual habitable units are not owned by occupants, except that a habitable unit may be occupied by the owner of the building.

Runway

Any existing or planned paved surface or turf covered area of the airport that is specifically designated and used or planned to be used for the landing or taking off of aircraft.

DRAFT

Section 9. That Section 50-41.19 of Chapter 50 be amended as follows:

50-41.19 Definitions: S

School, elementary

An public or private establishment providing educational services from kindergarten or Grade 1 through Grade 5, or from kindergarten or first grade through Grade 8, or some combination of those included years, together with incidental sports and outdoor activity areas.

School, middle or high

A public or private establishment providing educational services from Grade 6 through Grade 12, or from Grade 6 through 8, or from Grade 9 through Grade 12, or some combination of those included years, together with incidental sports and outdoor activity areas.

Seasonal camp or cabin

A facility containing one or more tent sites or cabins that is offered for use on short-term during defined seasons of the year, for compensation, and that may include accessory facilities such as showers, laundries or cooking and dining facilities.

Sediment

Solid mineral or organic material that, in suspension, is being transported, or has been moved from its original site by air, water, gravity or ice and has been deposited at another location.

Sedimentation

The process or action of depositing sediment that is determined to have been caused by erosion.

Setback

The minimum horizontal distance between a lot line and a building or structure required by this Chapter.

Shore impact zone

Land located between the ordinary high water level of public waters and a line parallel to it at a setback of 50 percent of the required structure setback, but not less than 50 feet.

Shoreland

Lands within 1,000 feet of a lake or within 300 feet of a river and its floodplain, as shown on the NR-O map. The limits of shorelands may be less than the above limits whenever the waters involved are bounded by topographic divides that extend landward from the waters for lesser distances and when approved by the commissioner.

Sidewalk

A paved surface located in the public right of way and used as a pedestrian walkway.

Sidewalk Cafe

An outdoor dining area located within the public right of way in front or adjoining a restaurant or other eating and drinking establishment.

Sign

Any letter, word, symbol, model, printed, projected or affixed device, poster, picture, reading matter or representation in the nature of an advertisement, announcement, direction or informative device including its structure or component parts, which is more than one square foot in area and is located outdoors or is affixed to the interior or exterior of a window or door, or is displayed within 12 inches of a window intended for viewing from the exterior of the building. A sign shall not include (a) temporary parks and recreation signs permitted pursuant to Chapter 35 of the City Code, or (b) overhead banners and devices regulated under Article III of Chapter 45 of the City Code, or (c) any street name sign, public directional, utility or transportation sign, or motor vehicle traffic signs of any kind when officially placed, or to advertising or other information affixed to any motor vehicle, provided that such vehicle's primary use is not as a stationary advertising device, or (d) any inscription on any publicly owned building when the inscription is incorporated into the architectural design as a permanent feature.

Sign, A-Frame

A sign ordinarily in the shape of the letter "A," or some variation thereof, that is displayed on the ground, not permanently attached, and usually two-sided.

Sign, agricultural identification

A sign describing an agricultural use that includes the name of the farm and/or the products grown on-site.

Sign, animated

A sign that uses movement or change of lighting to depict action or to create a special effect or scene. Animated signs do not include electronic message signs.

Sign, attention getting

Flags, pennants, streamers and similar devices or ornamentations designated for the purpose of attracting attention. Flags of nations, states, and cities, or fraternal, religious and civic organizations, permanent commercial flags, or temporary holiday decorations are not considered attention getting devices.

Sign, awning

A sign that is printed or displayed upon an awning. An awning is a roof-like cover designed for protection from the weather or as a decorative embellishment, which projects from a wall or roof of a structure over a window, walkway or door, with no supports that extend to the ground.

Sign, ballons

Balloons or inflated devices used as a means of directing attention to a business or service offered.

Sign, banner

A sign that is printed or displayed upon flexible material with or without frames.

Sign, banner-exhibition

A sign that is printed or displayed upon flexible material with or without frames in conjunction with a special exhibit for an educational facility, government building, museum, library or art gallery, or religious assembly.

Sign, billboard

A sign that directs attention to a business, commodity, service, event or other activity that is sold, offered or conducted other than on the premises where the sign is located.

Sign, building directory

A sign that serves as common or collective classification for a group of persons or businesses operating in the same building or on the same lot. A building directory sign may name the persons or businesses included, but carry no other advertising matter.

Sign, canopy

A sign that is printed or displayed upon a canopy. A canopy is a roofed structure constructed of fabric or other material placed to extend outward from the building and supported both by the structure and by supports that extend to the ground directly under the canopy.

Sign, construction

A temporary sign that identifies an architect, contractor, subcontractor and/or material supplier participating in construction on the property on which the sign is located and which may identify the proposed use for the property.

Sign, community event

Temporary signs that announce community events and activities, including the activities of religious assemblies, social clubs or similar groups, or special events such as fairs, rummage sales and garage sales.

Sign, directional-parking lot

A sign that identifies parking lot entrances and exits, driveway intersections, drive-through lanes, and features of a similar nature.

Sign, electronic display screen

A sign, or portion of a sign, that displays electronic video via television screens, plasma screens, digital screens, flat screens, LED screens, video boards, and holographic displays.

Sign, electronic message

Any sign, or portion of a sign, that uses changing lights to form a sign message or messages in text or image form where the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. Time/temperature signs are not considered electronic message signs.

Sign, flashing

A sign which contains an intermittent or sequential flashing light source used primarily to attract attention. Flashing Signs do not include Electronic Message Signs.

Sign, freestanding

A sign that is placed on or supported by the ground, independent of the principal structure on the lot. Freestanding Signs may be either pole or monument signs.

Sign, freestanding monument

A freestanding sign where the base of the sign structure is on the ground or up to a maximum of twenty-four (24) inches above ground. The monument base must be designed as an integral part of the sign structure. The width of the top of the sign structure can be no more than one-hundred twenty percent (120%) of the width of the base.

Sign, freestanding pole

A freestanding sign that is affixed, attached or erected on one (1) or two (2) poles that is not itself an integral part of the sign.

Sign, ghost

A painted wall sign that remains from an earlier time or advertises the use of a building that provides evidence of the history of the use of the building or activities of the community. A ghost sign is not considered an off-premises sign.

Sign, government information sign

Traffic signs, legal notices, railroad crossing signs, signs regulating vehicular or pedestrian traffic, or designating or giving direction to streets, schools, historic sites or public buildings, and temporary emergency signs.

Sign, home occupation

A sign identifying a home occupation or permitted accessory use on the premises.

Sign, illumination types

A. GOOSENECK REFLECTOR. Lighting designed for mounting above or to the side of signs with a long, shepherd hook-shaped arm to hold fixtures at a distance from the area of illumination.

B. ILLUMINATION, EXTERNAL. Lighting of a sign where lighting components are outside the sign structure and light is directed at the sign face.

C. ILLUMINATION, INTERNAL. Lighting of a sign constructed so that all lighting components are internal and illumination occurs as lighting is diffused through the sign face surfaces.

Sign, marquee

A permanent roof-like sign structure constructed over a building entry, with no supports extending to the ground, where a changeable message area is part of the vertical sign fascia.

Sign, memorial plaque

A sign, tablet or plaque memorializing a historic person, event, structure or site.

Sign, menuboard

A device that lists items for sale at an establishment with drive-through facilities.

Sign, moving

A sign that, in whole or in part, rotates, elevates or in any way alters position or geometry. Moving signs do not include clocks.

Sign, nameplate

A sign that is affixed flat against a wall of a building or imprinted into the wall of a building that designates the name of the building or the name and profession of one who resides or occupies space in the building.

Sign, non-commercial

A sign advocating action on a public issue or recommending a candidate for public office.

Sign, off-premises

A sign that directs attention to a business, product, service or entertainment not conducted, sold or offered upon the premises where the sign is located.

Sign, on-premises

A sign that directs attention to the name of the building or the name of the building management firm or to a business, principal product, service or entertainment conducted, sold or offered upon the premises where such sign is located.

Sign, parking lot information

Signs that provide information on the operation of a parking lot, such as "No Parking" or "Unauthorized users shall be towed."

Sign, political

Any sign that directs attention to an issue in an election or to either the name of a candidate running for election to a public office or the name of the office for which he is a candidate, or both.

Sign, portable

A sign whose principal supporting structure is intended, by design and construction, to rest upon the ground for support and may be easily moved or relocated for reuse. Portable signs include, but are not limited to, signs mounted upon a trailer, wheeled carrier or other non-motorized mobile structure, with wheels or with wheels removed. Portable signs do not include A-frame signs.

Sign, projecting

A sign that is attached to a structure that extends beyond the surface of the structure to which it is attached.

Sign, property identification/management

An accessory sign containing only messages related to the identification or management of the property where the sign is located, including but not limited to signs identifying entrances, exits, parking areas or hazardous areas, prohibiting trespassing, or information about limits on property use.

Sign, property identification

A sign identifying the property management company or apartment complex name of a multi-family dwelling.

Sign, public information

Signs within an educational facility, cemetery or mausoleum, museum, library or art gallery, and park, playground or forest reserve property that provide information on the use of the facility, such as directional signs, trailhead locations and information kiosks.

Sign, Public assembly bulletin board

A bulletin board accessory to and located on the same property as a religious assembly or educational use listed in Table 50-19.8 that identifies the name of the institution and the dates and times of events related to that institution to which some or all of the public are invited. These signs are allowed where electronic message signs are allowed, and are subject to the same regulations and standards.

Sign, real estate

A sign advertising the real estate upon which the sign is located as being for rent, lease or sale. A real estate sign can also advertise an open house.

Sign, readerboard

A sign or portion of a sign face that allows for the creation of messages by physical manipulation of simple block letters, but not including an electronic message sign or electronic billboard. These signs are allowed where electronic message signs are allowed, and are subject to the same regulations and standards.

Sign, roof

A sign that is wholly erected, constructed or maintained above the roof structure or parapet of any building with the principal support attached to the roof structure.

Sign, scoreboard

A sign that records and displays the score of a game and may include such information as the name of the field or home team and advertising.

Sign, snipe

An off-premises sign painted, pasted or otherwise affixed to any tree, rock, retaining wall, fence, utility pole, hydrant, bridge, sidewalk, curb or street, bench or trash receptacle. Logos and labels located on mechanical equipment, recycling bins, trash containers or dumpsters, which are part of the equipment as manufactured and/or installed, are not snipe signs.

Sign, temporary off-premises

A temporary sign that advertises a business, commodity, service, event or other activity that is sold, offered or conducted other than on the premises where the sign is located, or is sold, offered or conducted on the premises only incidentally, if at all.

Sign, under-awning

A sign that is attached to and mounted under an awning.

Sign, under-canopy

A sign that is attached to and mounted under a canopy.

Sign, wall

A sign that is mounted flat against or painted on a wall, and projects no more than twelve (12) inches from the wall of a structure with the exposed face of the sign in a plane parallel to the face of the wall. Wall sign does not include window sign. For the purposes of this definition, a fence is not considered a wall and wall signs are prohibited mounted on fences.

Sign, window

A sign that is attached to, placed upon, printed on the interior or exterior of a window or door of a building, or displayed within twelve (12) inches of a window intended for viewing from the exterior of such a building. A window sign may be either permanent or temporary. Window clings are considered a window sign and subject to all window sign regulations.

Significant tree

All trees of more than ten inches DBH, and all special tree species of more than six inches DBH shall be considered significant, unless they are under power lines or deemed hazardous by a certified arborist or landscape architect or professional forester. In addition, any replacement tree planted as part of a tree replacement plan shall be considered significant, even if it does not meet the size definition above.

Site

A parcel or several adjoining parcels of land under common ownership. For purposes of the natural resources overlay district, this definition is limited to apply to any parcel of land upon which work requiring a permit under this Chapter is to be performed, and includes any adjacent lands owned by the owner of the subject parcel on the date of application for any permit and any lands adjacent to the subject parcel that were owned by the same person owning the subject parcel as of January 1, 1980.

Site plan

An accurate scale drawing that indicates the major features of a proposed development in sufficient detail to allow the evaluation of the land planning, building design and other aspects of the development, and meeting all requirements of the UDC application manual.

Slope

An incline from the horizontal expressed in an arithmetic ratio of horizontal magnitude to vertical magnitude (e.g., slope = 3:1 = 3 feet horizontal to 1 feet vertical).

Solar, geothermal or biomass power facility (primary use)

Uses and structures that are used to reduce energy consumption or to generate energy from non-fossil fuel and non-carbon dioxide emitting sources on the property. These structures and uses may include but are not limited to the following: solar panels (photovoltaic and hot water), heat exchanges, biomass firing equipment, piping, and other transfer mechanisms, controls and related structural support for transporting and storing collected energy from solar, geothermal, or biomass energy systems. These structures and uses may be located at ground level or above or below ground unless specifically limited in this Chapter, provided that they meet all other applicable requirements of this Chapter.

Solid land

Any land that is neither a wetland nor located in a floodway.

Solid waste

As defined in MSA 116.06, Subd. 22, and also including medical wastes and petroleum contaminated soils.

Solid waste disposal or processing facility

Any tract or parcel of land, including any constructed facility that is designed or operated for the purpose of disposing of solid waste on or in the land, at which solid waste is disposed of in or on the land or processed for disposal or reuse, together with any appurtenant facilities needed to process solid waste for disposal or for transfer to another solid waste facility, and that is not listed as a separate use in this Chapter.

Special tree species

White pines, red (Norway) pines, white cedars, white spruces, eastern hemlocks, sugar maples, American basswoods, American elms, yellow birches and all oak species.

Special use

A specific type of structure or land use listed in Table 50-19.8 that may be allowed only after review and evaluation of potential impacts on surrounding properties and the attachment of any conditions necessary to mitigate those impacts.

Stealth or stealth technology

When used in the context of wireless telecommunications, to minimize adverse aesthetic and visual impacts on the land, property, buildings and other facilities adjacent to, surrounding and in generally the same area as the requested location of such wireless telecommunications facilities, which shall mean using the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances.

Steep slope

Land having average slopes over 12 percent, as measured over horizontal distances 50 feet or more, and that are not bluffs.

Storage warehouse

A structure containing an area available for storing raw materials, produce, goods or property, but not including mini-storage facilities.

Stormwater

Stormwater runoff, snowmelt runoff, surface runoff and drainage.

Stormwater management

The use of structural or non-structural practices that are designed to reduce stormwater runoff pollutant loads, discharge volumes, peak flow discharge rates and detrimental changes in stream temperature that affect water quality and habitat.

Stormwater pollution prevention plan

A plan, usually required by a permit, to manage stormwater associated with industrial, commercial, public, institutional, civic or other land use activities, including construction. The plan commonly describes and ensures the implementation of practices that are to be used to reduce pollutants in stormwater and non-stormwater discharges

Stormwater pollution prevention program (MS4 program)

A compilation of best management practices (BMPs) to address the six minimum control measures and other provisions of the MS4 permit, that is designed and managed to reduce the discharge of pollutants from your MS4 to the maximum extent practicable as appropriate to the community.

Stormwater best management practice (BMP)

A measure, either structural or nonstructural, that is determined to be the most effective, practical means of preventing or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies. Non-structural BMPs are those practices that require modified or additional operational or behavioral practices, such as sweeping or having spill response equipment on site. Structural BMPs are those that require the construction of a structure or other physical modification on the site.

Stormwater retrofit

A stormwater BMP designed for an existing development site that previously had either no stormwater BMP in place or a practice inadequate to meet the stormwater management requirements of the site.

Stormwater runoff

Flow on the surface of the ground resulting from precipitation.

Story

That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

Story, half

A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than 4 feet above the floor of such story, except that any partial story used for residence purposes, other than for a janitor or caretaker or his family, or by a family occupying the floor immediately below it, shall be deemed a full story.

Stream buffer

An area of land at or near a stream bank, wetland or water body that has intrinsic water quality value due to the ecological and biological processes it performs or is otherwise sensitive to changes that may result in significant degradation to water quality.

Street

A public dedicated right-of-way, other than an alley, which affords the principal means of access to abutting property.

Street line

The established side line of a street easement or right-of-way.

Structure

Anything constructed or erected, the use of which requires a location on the ground, or attached to some thing having a location on the ground. Examples include but are not limited to: backstops for tennis courts, fences or pergolas.

Structural alteration

Any change in the supporting members of a building, such as bearing walls, columns, beams or girders, or any substantial changes in the roofs or exterior walls but not including openings in bearing walls as permitted by existing ordinances.

Subdivision

The division of a lot, tract or parcel of land into three or more lots, plats, sites or other divisions of land of one acre or less in area, for the purpose, whether immediate or future, of sale or of building development. This term also includes the division of a lot, tract or parcel of land into two or more lots, plat, sites or other divisions of land of more than one acre and less than ten acres in area, if the division provides or there is shown on a plat of the division a new street or highway. The term also includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.

Sustainable development

Development that maintains or enhances economic opportunity and community well being while protecting and restoring the natural environment upon which people and economies depend. Sustainable development meets the needs of the present without compromising the ability of future generations to meet their own needs.

Substantial damage

Damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 60 percent of the assessed market value of the structure as determined by the city assessor before the damage occurred. For flood plain management and flood hazard purposes, substantial damage shall occur when damage of any origin sustained by a structure, where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the assessed market value of the structure as determined by the city assessor before the damage occurred.

Substantial improvement

Within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition or other improvement of a structure, the cost of which equals or exceeds 60 percent of the assessed market value of the structure as determined by the city assessor before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. For flood plain management and flood hazard purposes, substantial improvement shall be within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the assessed market value of the structure as determined by the city assessor before the "start of construction" of the improvement.

The term does not, however, include either:

(a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions;

(b) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure." For the purpose of this Chapter, "historic structure" shall be as defined in 44 Code of Federal Regulations, Part 59.1.

DRAFT

Section 10. That this ordinance shall take effect 30 days after its passage and publication. (Effective date: xxxxx, 2014)

Approved to as form:

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Attorney

PLANNING SR

STATEMENT OF PURPOSE:

Action Deadline: Not Applicable

PL: 14-117

DRAFT

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

14-xxx-O

ORDINANCE NO_____

AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, REGARDING CHANGES RELATED TO R-1 ZONE DISTRICT AND IMPROVEMENT OF STREET FRONTAGE

The city of Duluth does ordain:

Section 1. That Section 50-14.5 of Chapter 50 be amended as follows:

DRAFT

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] [2]		The smaller of 4,000 sq. ft. or average of developed 1-family lots on the block face
Minimum lot area per family (Two-family) [1] [2] [3]		The smaller 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) [1]		The smaller of 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 structure	20 ft.
	Permitted non-residential structure	25 ft.
Minimum depth of rear yard		25 ft.
STRUCTURE HEIGHT		
Maximum height of structure		30 ft.

[1] Determined using "Lots on the Block Face" definition. When doing this calculation, exclude the subject lot from the calculation.

[2] Lots without municipal sewer must also meet requirements of 50-21.2

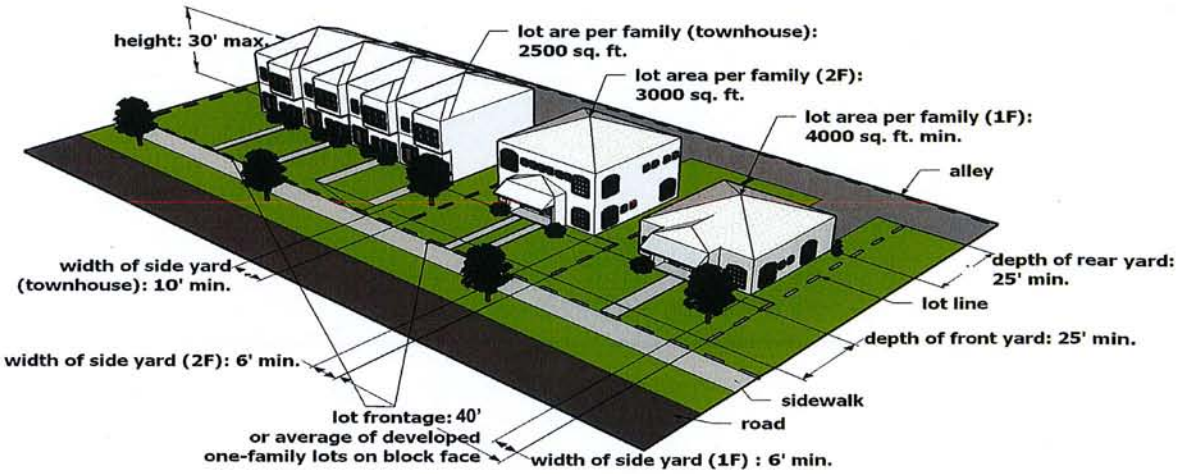
[3] Existing structures that have a change of use from one-family to two-family must meet minimum lot area and frontage, but not setbacks.

B. Example

R-1 Example Building Forms

C. Illustration

R-1 Example Lot Layout



Section 2. That Section 50-21.2.E of Chapter 50 be amended as follows:

E Street Improvements ~~To Lot Frontage~~

Except as provided in Section 50-37.1.L, for lots without a structure: ~~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~~:

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 improvements 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 marshall.

For lots developed with an existing legal principle structure, the street improvement requirements need not be met when the landowner proposes an expansion of the existing legally constructed structure or a replacement 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.

Section 3. That this ordinance shall take effect 30 days after its passage and publication. (Effective date: xxxxx, 2014)

DRAFT

Approved to as form:

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Attorney

PLANNING SR

STATEMENT OF PURPOSE:

Action Deadline: Not Applicable

PL: 14-117

DRAFT