



CITY OF DULUTH

DEPARTMENT OF PLANNING & CONSTRUCTION SERVICES
Community Development Division
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Keith A. Hamre, Director
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TO: Planning Commission
FROM: Suzanne Kelley, Planner
DATE: March 10, 2015
RE: Medical Cannabis Manufacturing and Distribution Facilities Study

PL 15-018

Background:

On November 10, 2014 the City Council approved an ordinance imposing a moratorium on medical cannabis manufacturing and distribution facilities so that a planning study could be completed to consider the need for any additions or amendments to the city's official controls to protect the health, safety, and welfare of city residents. This moratorium was in response to the Minnesota State Legislature enabling medical cannabis facilities in the state. The moratorium is effective for six months from the effective date of its enactment, which December 13, 2014; therefore any changes to the zoning ordinance would need to occur prior to the expiration of the moratorium.

Information:

A. State Legislation: Summary of definitions and restrictions regarding medical cannabis from the Minnesota State Legislation (Amended Chapter 311).

1. Definitions:

Medical Cannabis- "means any species of the genus cannabis plant, or any mixture of preparation of them, including whole plant extracts and resins, and is delivered in the form of:

- (1) liquid, including, but not limited to, oil;
- (2) pill;
- (3) vaporized delivery method with use of liquid or oil but which does not require the use of dried leaves or plant form; or
- (4) any other method, excluding smoking, approved by the commissioner

Medical cannabis manufacturer-"means an entity registered by the commissioner to cultivate, acquire, manufacture, possess, prepare, transfer, transport, supply, or dispense medical cannabis, delivery devices, or related supplies and educational materials."

Patient- "means a Minnesota resident who has been diagnosed with a qualifying medical condition by a health care practitioner and who has otherwise met other requirements for patients under sections 152.22 to 152.37 to participate in the registry program under sections 152.22 to 152.37."

2. **Limitations:** "The use of medical cannabis is not allowed, including (but not limited to):
a. on the grounds of any preschool or primary or secondary school
b. in any correctional facility
c. on the grounds of any child care facility or home daycare
d. where the vapor would be inhaled by a non-patient minor child
e. in any public place, including any indoor or outdoor area used by a or open to the general public or a place of employment..."

3. **Manufacturer Locational Requirements:** specific limitations restricting where a manufacture may not be located, including:
a. "A manufacturer may not operate in any location, whether for distribution or cultivation, harvesting, manufacturing, packaging, or processing within 1,000 feet of a public or private school existing before the date of the manufacturer's registration with the commissioner."

4. **Independent laboratory:** "each medical cannabis manufacturer is required to contract with an independent laboratory to test medical cannabis produced by the manufacturer."

B. City Zoning: The Unified Development Code (UDC) was approved by City Council on November 19, 2010 with the purpose of: "to protect public health, safety, and welfare and to implement the goals and objectives of the Comprehensive Land Use Plan using those authorities over the development, redevelopment, use, and occupancy of land and structures, and over the protection of the environment, granted to the city by the state."

1. **In Section 50-3, Findings of Fact**, sub section (b), it states, "Regulation of permitted uses in each zone district, and the designation of uses that require the issuance of a special use permit, are necessary to protect the Comprehensive Land Use Plan and to conserve and protect property and property values in neighborhoods"

2. **The moratorium** was passed to determine if amendments were necessary to protect the health, safety, or welfare of city residents. Medical cannabis is a new use in Minnesota, and the UDC does not address medical cannabis.

Issues:

A. Public Health, Safety, and Welfare: There are several concerns, either real or perceived regarding cannabis use, also known as marijuana. These concerns include:

1. **Public Health-** Having a manufacturer and/or dispensary may cause an increase in drug use which could negatively influence people. Although drug use is not a land use issue, it is an issue for police and health officials, the potential negative impacts of this use could impact neighboring properties.
2. **Safety-** Businesses involved with cannabis usually contain a large amount of money on site; therefore it is important that these businesses are in secure locations which would not negatively impact neighboring properties. It is also important that these types of businesses have a fully operational security system.
3. **Welfare-** Typically the use of cannabis creates a strong odor, although it is unknown how much odor would be created by the manufacturing and/or testing of cannabis products, it should be a factor when deciding the placement of a manufacturer and lab. It would be detrimental to allow a use that creates a strong negative odor to negatively impact neighboring properties.

B. Regional Location: The number of cannabis manufacturers and distributors is going to be limited in Minnesota, and there is an expectation that this use will generate a high amount of vehicle traffic. The City of Duluth is already a regional commercial, medical, and entertainment center in Minnesota. The location of a cannabis business should be in close proximity to a major roadway system to minimize traffic impacts and should be located in areas that will not negatively adjacent uses.

C. Building Requirements: As with all uses any building used for the manufacturing and/or distributing cannabis, will be required to meet all Construction codes and utility requirements. In addition, there may be other issues, including: regulating outdoor activities (if any), regulating

product storage, house of operation, and visual quality of the building.

Recommendations:

In reviewing the issues and the legislation, staff has the following recommendations for amending the UDC:

A. Site Locations:

1. Definitions: Due to consistency with state legislations, staff is recommending the following definitions be added to the UDC.

Medical Cannabis Manufacturer: “an entity registered by the commissioner (as required by state law) to cultivate, acquire, manufacture, possess, prepare, transfer, transport, supply, or dispense medical cannabis, delivery devices, or related supplies and educational materials. These specified uses may occur in separate buildings on the same parcel.”

Medical Cannabis Distributor: “an entity registered by the commissioner (as required by state law) to dispense medical cannabis, delivery devices, or related supplies and educational materials.”

Medical Cannabis Laboratory: “an entity approved by the commissioner (as required by state law) that tests cannabis to insure that the cannabis meets the state’s requirements.”

Medical Cannabis- “means any species of the genus cannabis plant, or any mixture of preparation of them, including whole plant extracts and resins, and is delivered in the form of:

- (1) liquid, including, but not limited to, oil;
- (2) pill;
- (3) vaporized delivery method with use of liquid or oil but which does not require the use of dried leaves or plant form; or
- (4) any other method, excluding smoking, approved by the commissioner

2. Zoning Districts: The purpose of zoning is to insure that incompatible uses are not located adjacent to each other, thereby protecting property values and helping to insure the location of similar type uses.

The manufacturing and testing of medical cannabis would be the most compatible with the uses listed in the I-G District. The purposed statement in the UDC for the Industrial-General District (I-G district): “is intended to provide for general to heavy impact industrial, processing, assembly, fabrication and manufacturing uses. Office uses are allowed provided they are clearly incidental to and supportive of on-site industrial uses, as shown in Table 50-19.8. The district is intended primarily for locations close to major transportation corridors and active commercial centers. This district should be located away from residential development.” The I-G district does permit “special manufacturing” with a special use permit and with the standards listed in 50-20.4.G met. Because medical cannabis would be a new use in the City of Duluth, it is recommended that the Special Use be an Interim Special Use to address any unknown potential impacts. The I-G district also permits specialized retail sales, therefore it would also be appropriate to permit a Medical Cannabis Distributor in this zone with approval of an Interim Special Use Permit.

The State Laws states that a manufacturer can dispense medical cannabis but a dispensary cannot manufacture medical cannabis. To provide greater flexibility in distributing medical cannabis, it appears that the Mixed Use-Business Park (MU-B) district may also be an appropriate zone for Medical Cannabis Distributor. The purpose statement

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for this zone is, "is intended to accommodate modern light industrial and technology-based developments of attractive integrated design and function. The development standards for this district are intended to ensure that projects minimize adverse impacts on surrounding uses and neighborhoods, reduce impacts on the natural environment, enhance the visual quality of development and ensure the provision of adequate and cost-efficient public facilities. Intended uses include wholesaling, industrial services, research laboratories, and light manufacturing needed to support the community and region at large." This zoning district currently permits medical and dental clinics, which could be construed as being a compatible use to Medical Cannabis Distributor. Since this is a new use in the City of Duluth, it is recommended that the Interim Special Use permit also be used.

In reviewing the 24 zoning districts in the UDC, it appears that only these two, the I-G and MU-B have the most compatible uses. Some uses may not be compatible with medical cannabis business due to traffic, hours of operation, and development standards. Uses that may not be compatible include residential uses, parks & playgrounds, and daycares and preschools are listed as permitted uses in the Residential Zoning Districts (RC, RR-1, RR-2, R-1, R-2, and R-P), listed as permitted uses in the Form Districts (F-1 through F-9), and in some of the Mixed Use Zoning Districts, (MU-N, MU-C, MU-I, MU-W, and MU-P).

3. **Separate of Uses:**

a. **State law-** to be consistent with State law, any business involved in the distribution or cultivation, harvesting, manufacturing, packaging, testing or processing of cannabis shall not be permitted within 1,000 feet of a property line of an existing public or private school.

b. **Separation distances-** to further address concerns regarding to the increase in traffic (it is expected to be heavily due to the state imposed limitation of facilities), safety, odor and land use compatibility, additional distance requirements may be necessary. The Medical Cannabis Possible Locations map show possible locations for Medical Cannabis businesses in the IG and MU-B zoning districts. These maps also show the 1000 foot requirement from public and private school property. In addition, these maps show a 200 foot boundary from zoning districts which permit residential uses. This 200 foot boundary would allow for the Medical Cannabis uses in the City, but would not allow them in residential neighborhoods that have the MU-B zoning district, such as the Lakeside/Lester Park Neighborhood and residential areas in the Gary-New Duluth, Morgan Park, and West Duluth. The 200 foot setback is the minimum necessary to insure that Medical Cannabis business are in the residential neighborhoods. Staff review if a 500 foot separation would be needed (as required by the City's Synthetic Ordinance), but it appears that separation requirement would be too dismissive and severely restrict the locations where Medical Cannabis business could operation.

4. Development Standards- To be consistent with other uses, staff is recommending that the parking requirements replicate either the medical/dental clinic (4 spaces per 1000 square feet of gross floor area) for the distribution of medical cannabis and apply the requirement 1 space per 1000 square feet of gross floor area for manufacturing of medical cannabis. Staff is also recommending that the loading, snow storage, landscaping, and other development standards be the same as the clinic or manufacturing uses.

To address concerns with security, staff is recommending that the applicant provide a security plan that is reviewed by the City of Duluth Police Department. Due to the uniqueness of the use and the potential of different sites, it is recommended that the comments from the Police Department presented to the Planning Director and Planning Commission for incorporation into the Interim Special Use Permit. The security measures should include, but not be limited to:

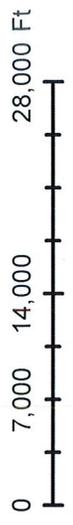
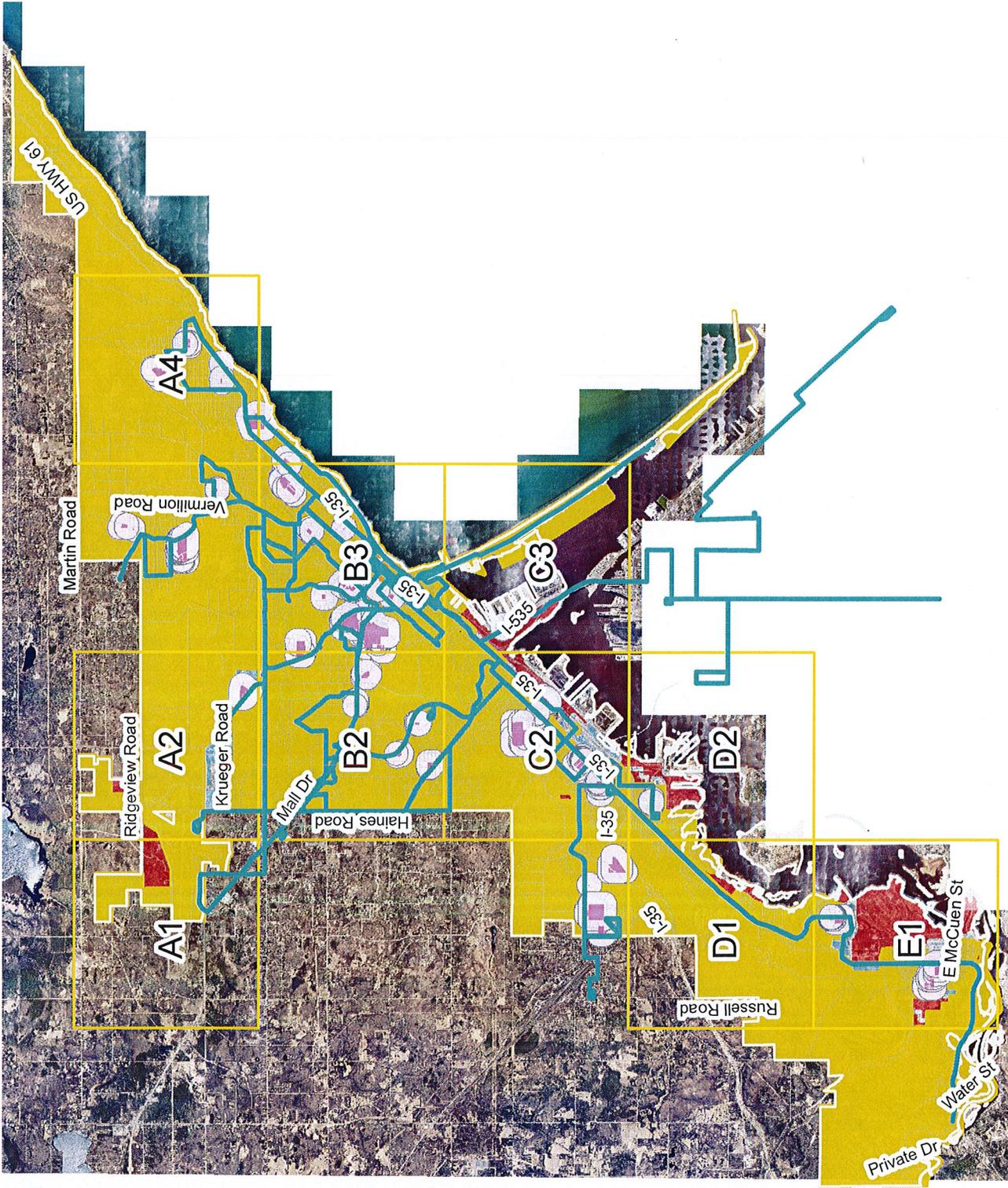
1. fencing;
2. lighting;
3. windows and door placement;
4. landscaping;
5. operation procedure;
6. hours of operation.

5. Process- To address the issues in this report and the uniqueness of applying the development standards, and since these are new uses in the City of Duluth; it is recommended that the Interim Special Use permit process be used for all uses relating to Medical Cannabis. This process would allow for additional review on Cannabis businesses to insure all the issues are addressed, provide an opportunity for City Council to review the applications and to further regulate the business if needed. The Interim Special Use permit also limits the length of a business, which may be needed if unforeseen impacts occur due to the business. The time limitation will also provide a mechanism in addressing legislation changes. This process would also allow for additional review and requirement that may be necessary due to odor control. Staff recommends that the Interim Special Use permit be limited to 3 years.

The Interim Special Use Permit process will also provide greater flexibility for medical cannabis businesses. This flexibility may include not limiting the hours of operation or days of operation (it is assumed that this uses will be a destination and having the dispensary opened longer than typical clinic businesses may be beneficial). The Interim Special Use Permit will also insure development standards such as lighting, fencing, and parking are tailored to the specific site instead of fitting a standard requirement that may not fully address an issue or over regulate an issue.

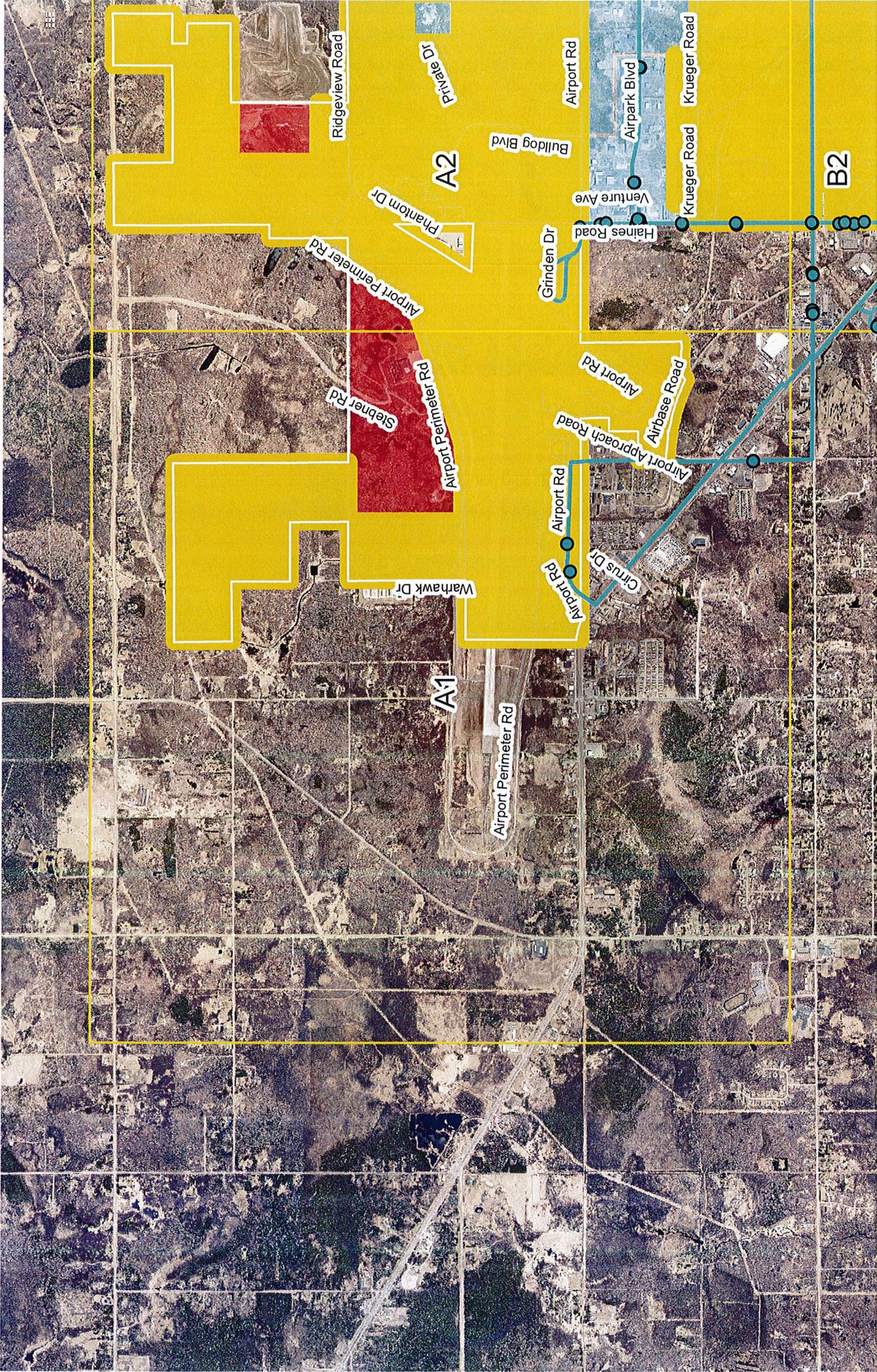
6. Ordinance- the Draft ordinance reflecting the issues in this report are attached.

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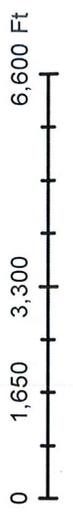


Medical Cannabis Possible Locations

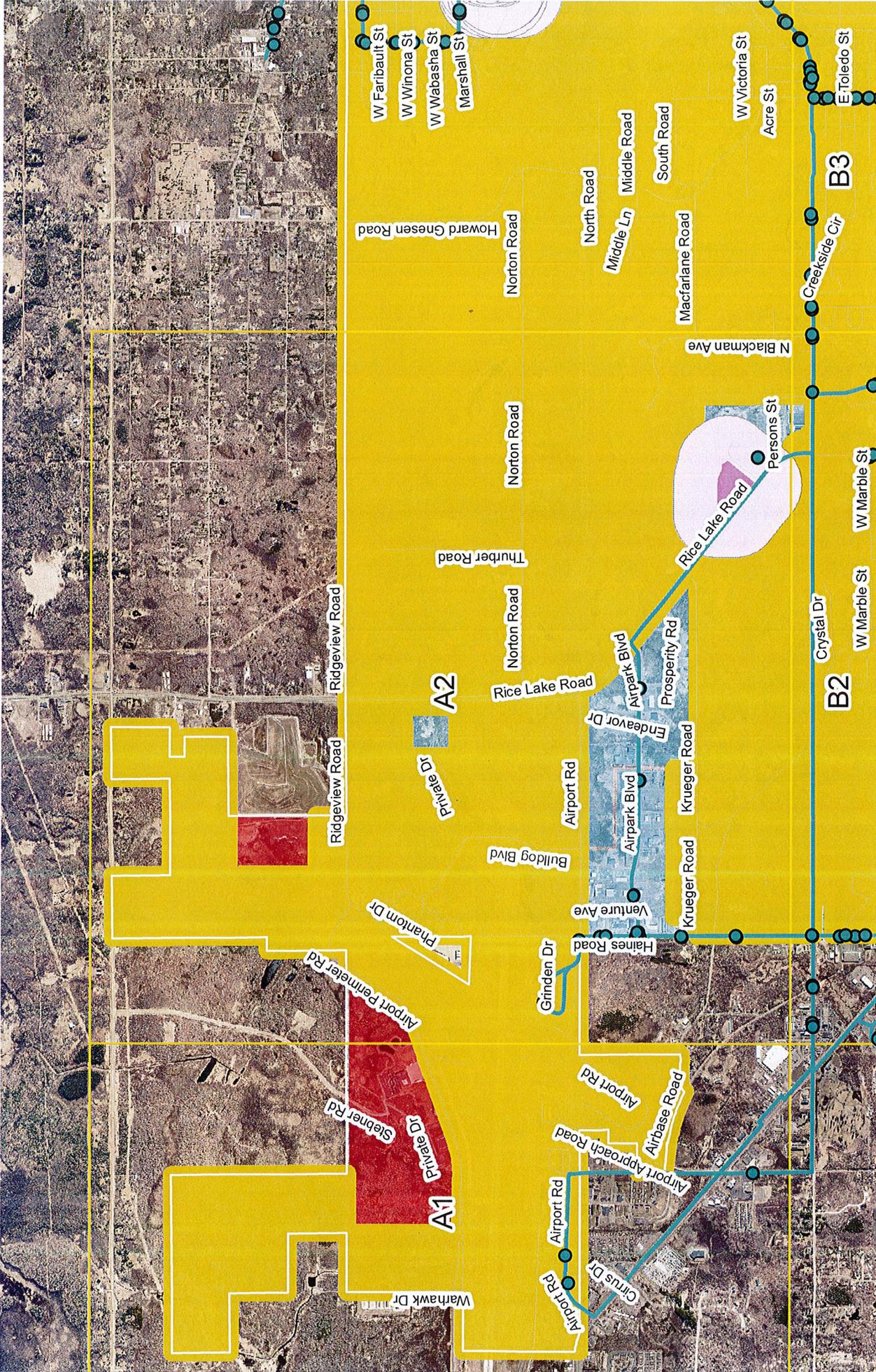
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- Index
- Medical District
- School Zone
- School Zone 1000 ft. Buffer
- Residential Zones 200ft
- Zoning Designation
- I-G
- MU-B



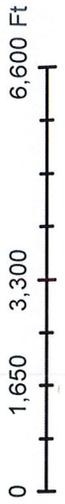
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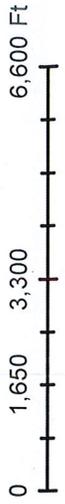
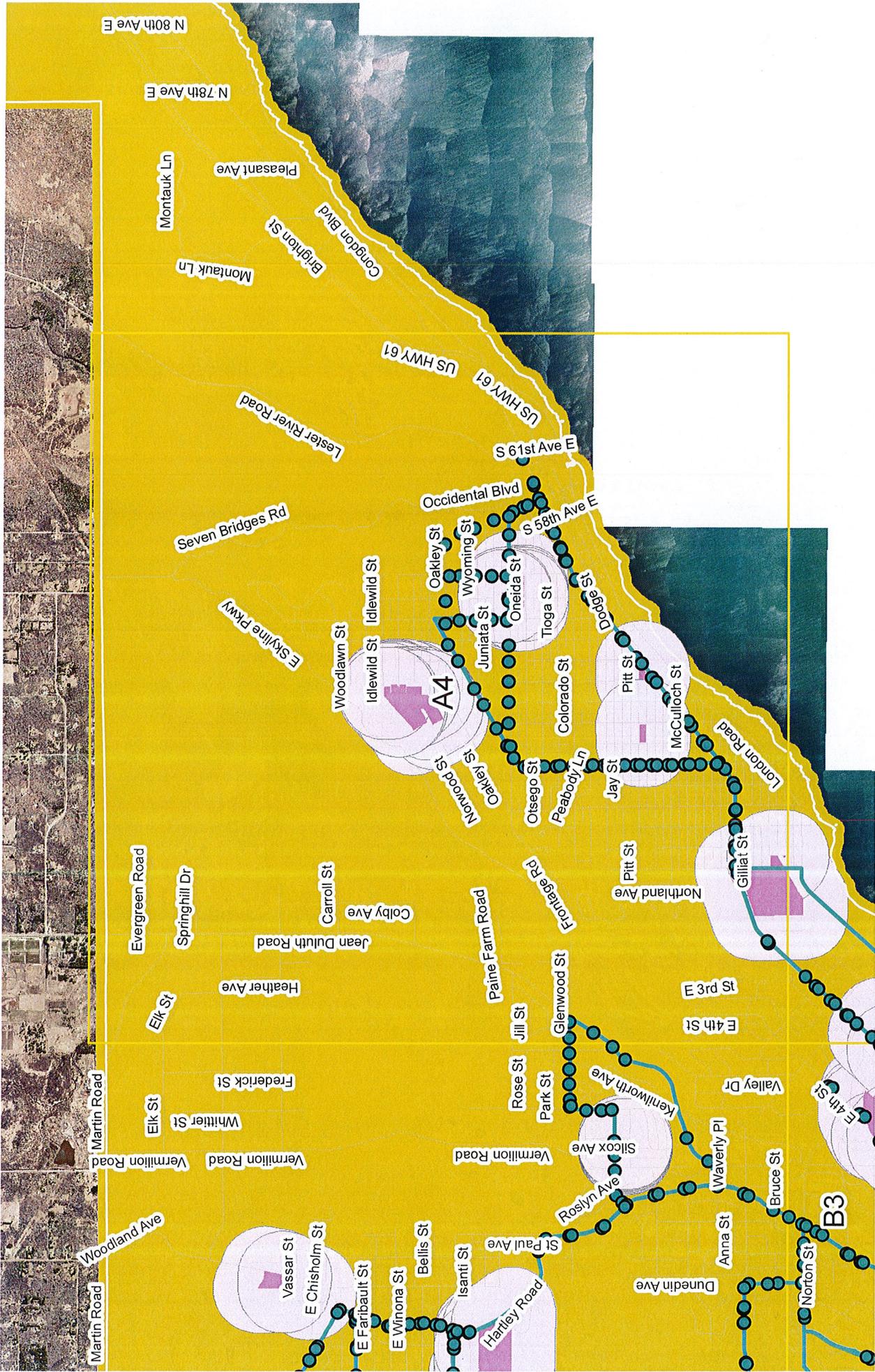


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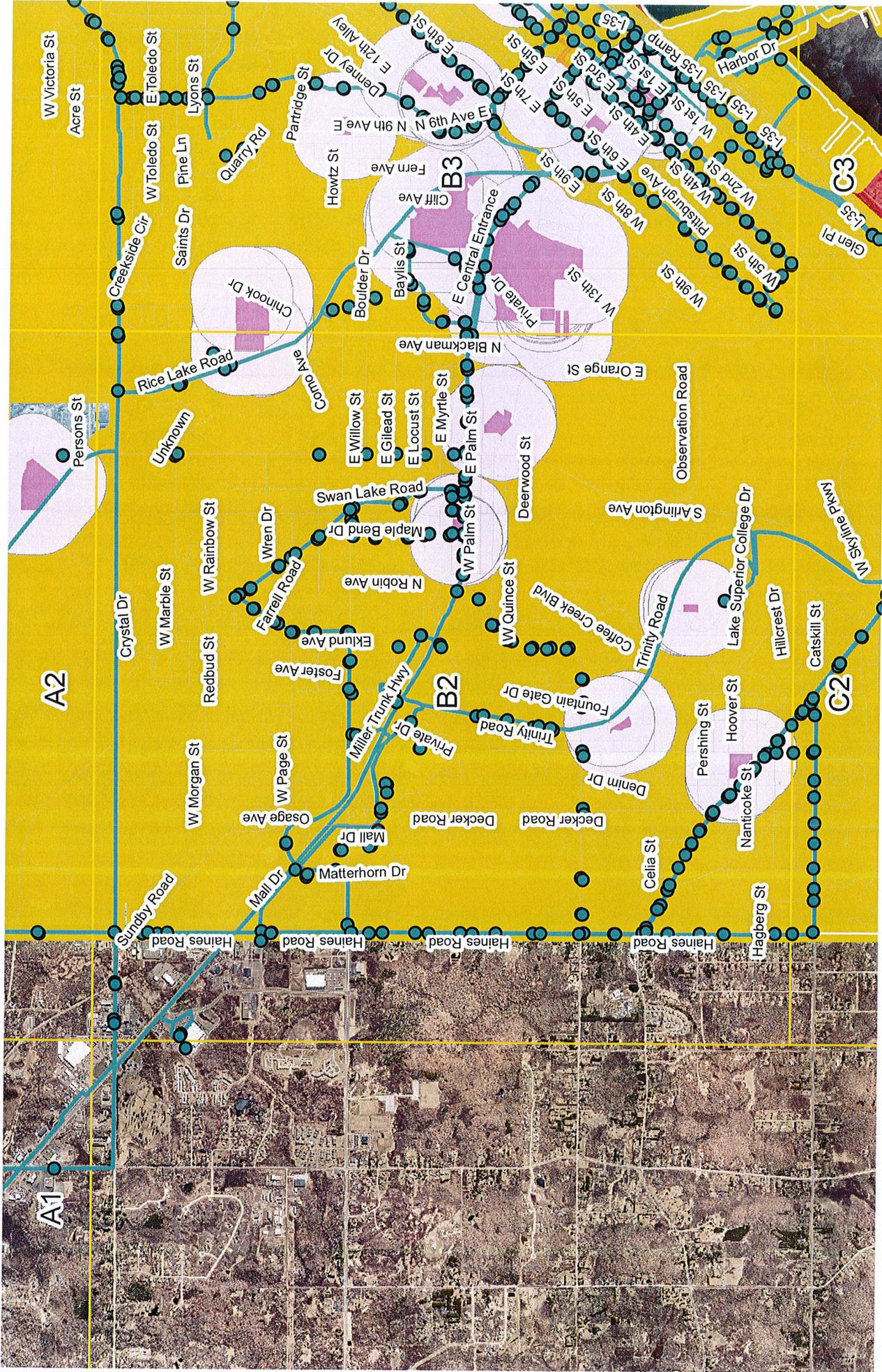
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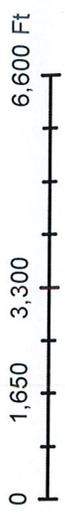
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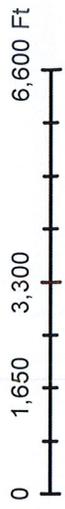
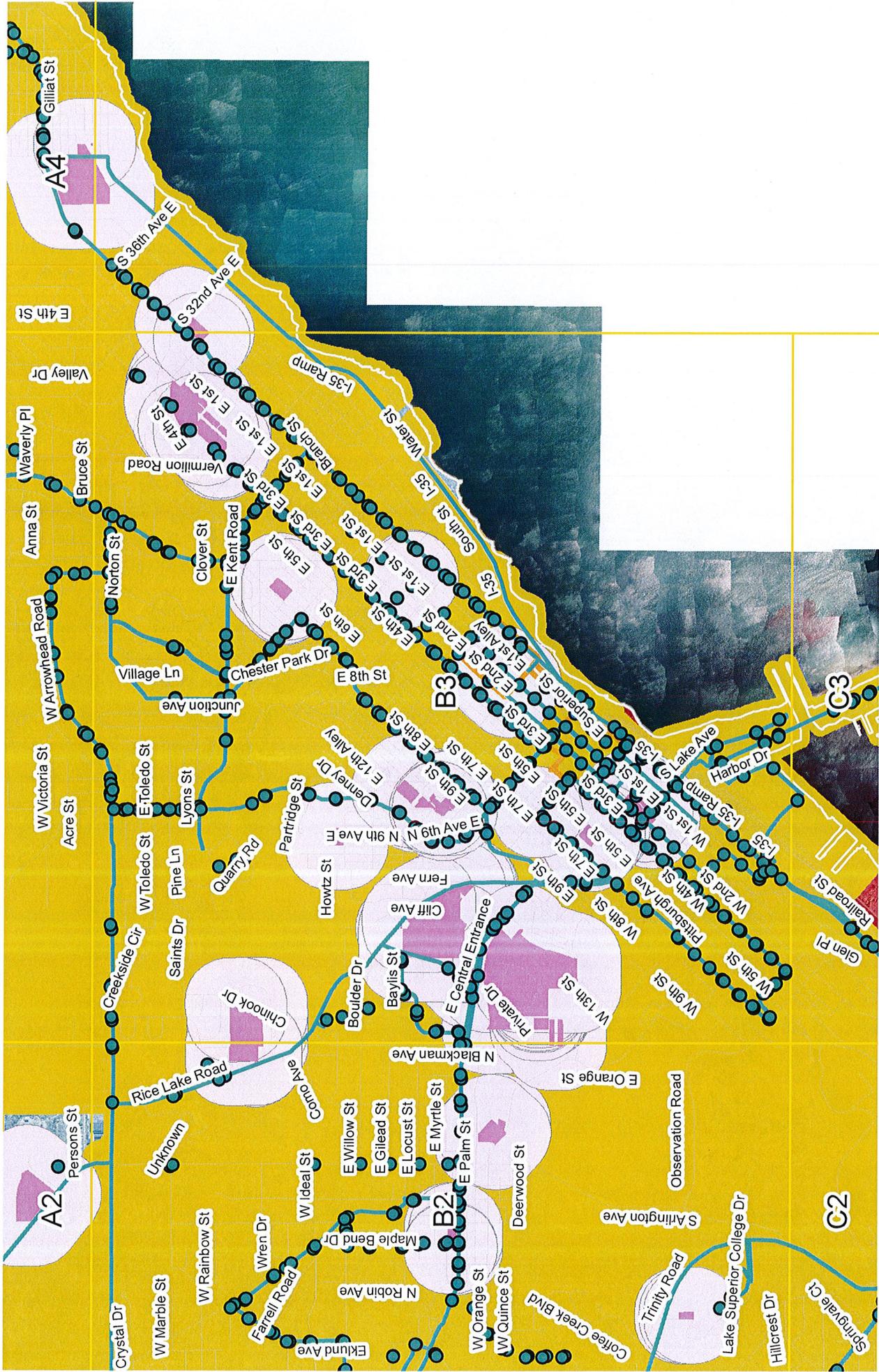


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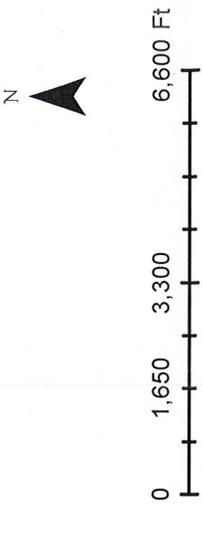
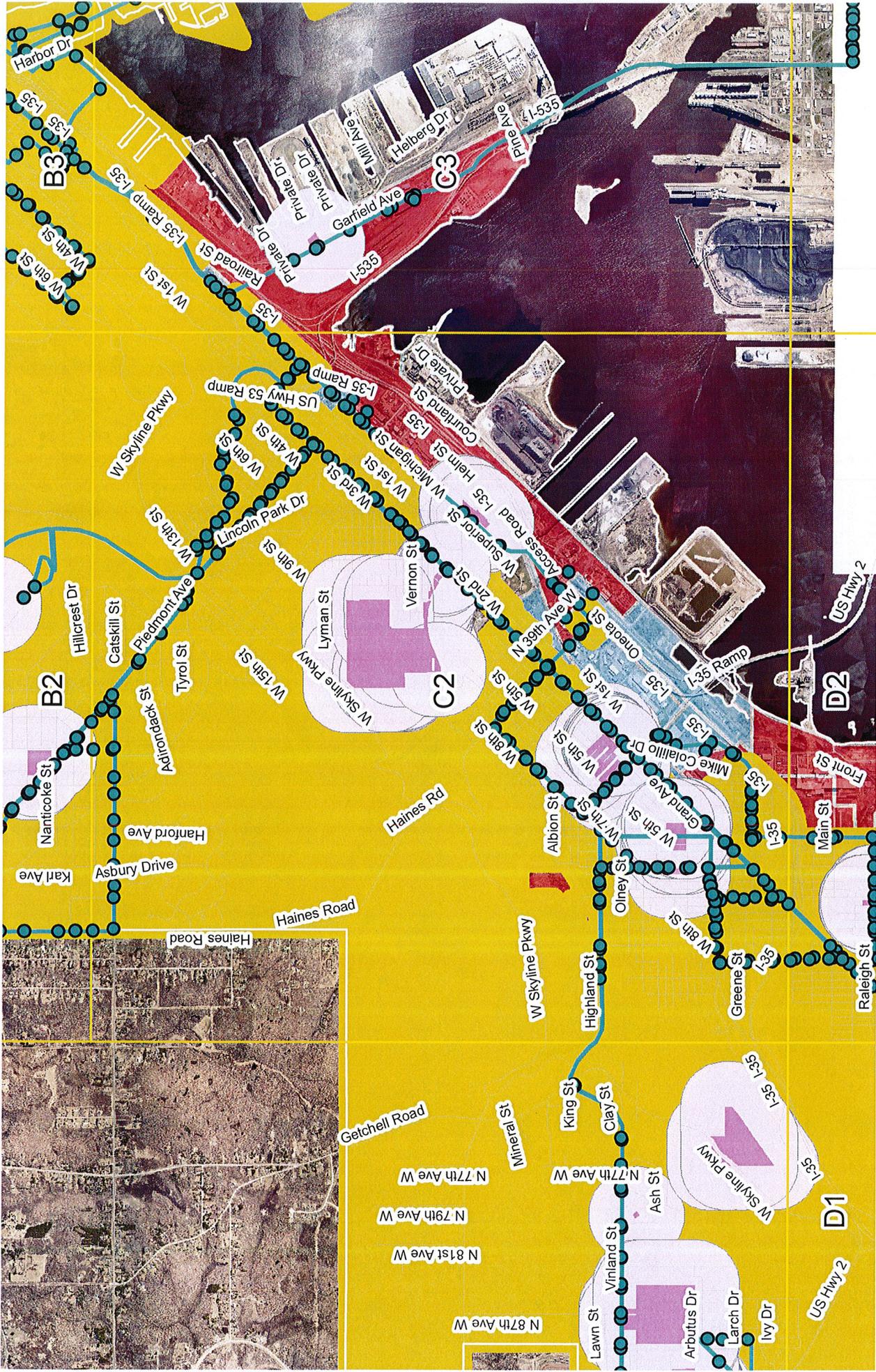
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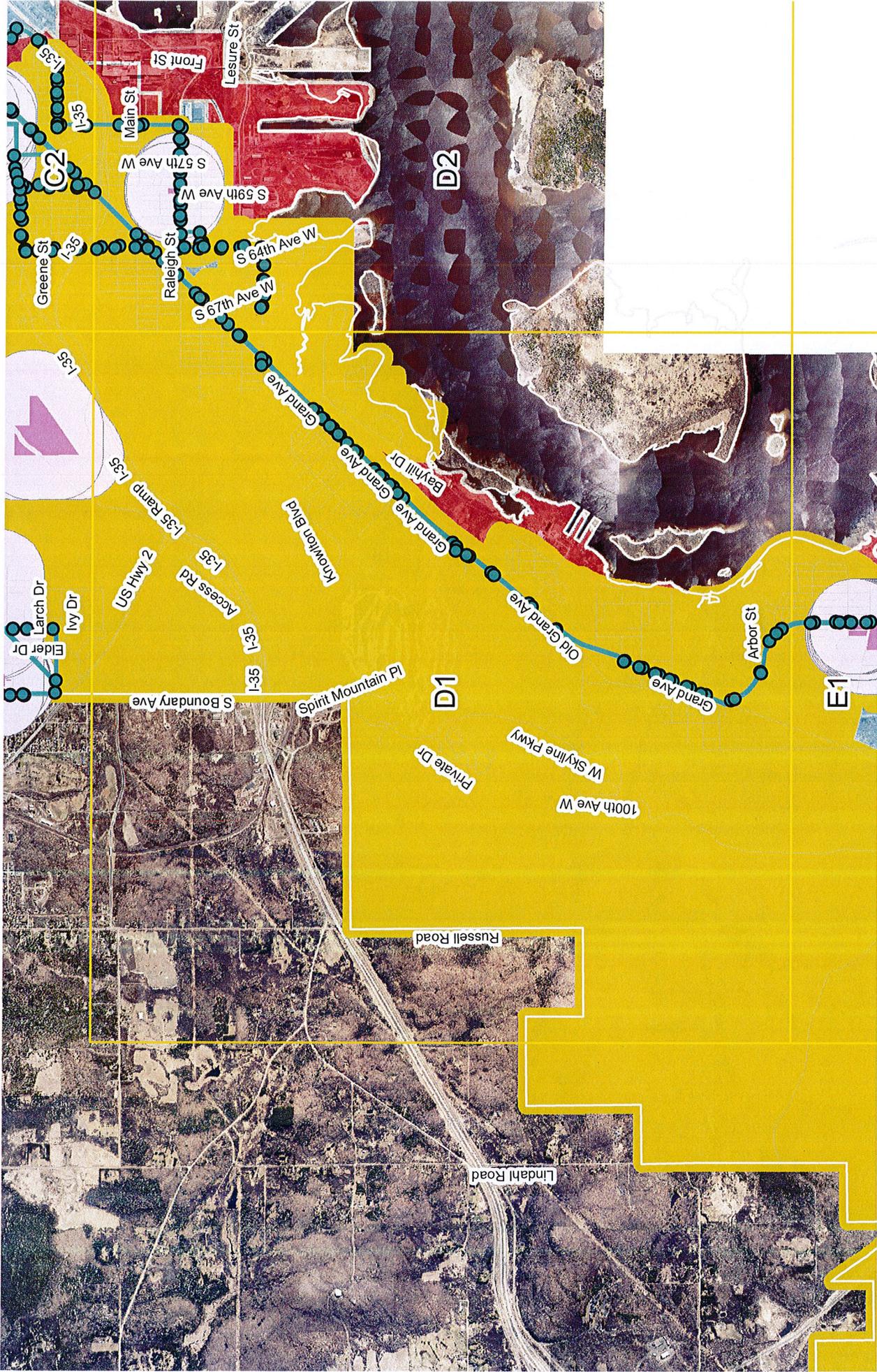
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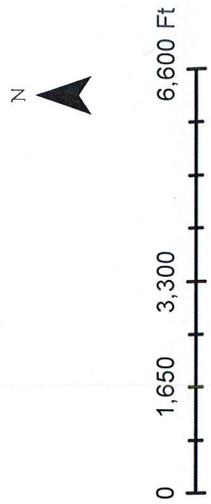
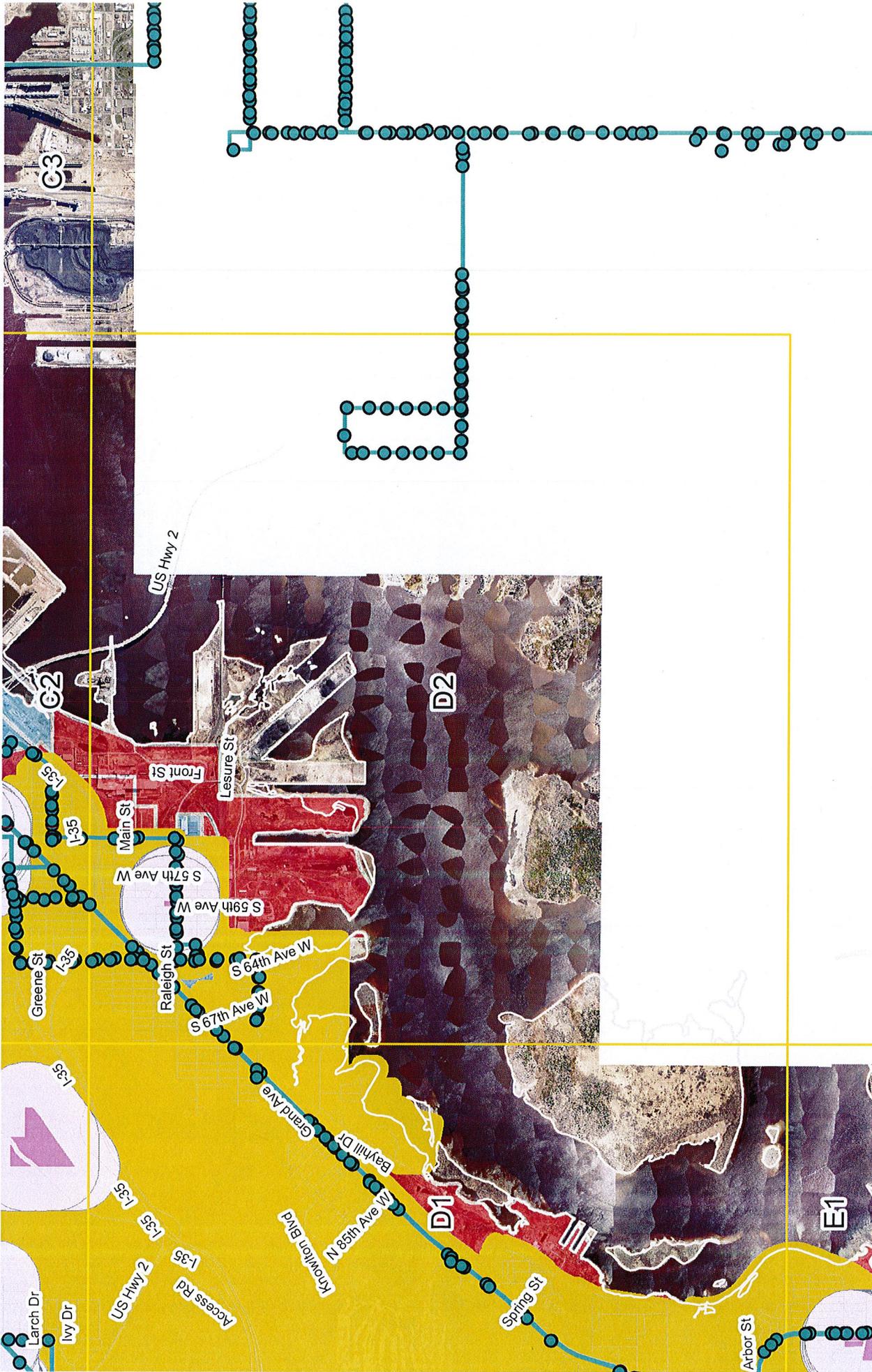
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Medical Cannabis Possible Locations

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D2

D1

E1

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

15-XXX-O

ORDINANCE NO. 10xxx

AN ORDINANCE CREATING SECTION 50-17.5, AND AMENDING SECTIONS 50-13.3, 50-19, 50-20.2, 50-41.1, AND 50-41.13 OF THE DULUTH CITY CODE, 1959, AS AMENDED, TO AMEND THE PERMITTED USE TABLE TO ALLOW FOR A NEW AIRPORT ZONE DISTRICT AND MEDICINAL CANNABIS LAND USES

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That Section 50-17.5 of the Duluth City Code, 1959, as amended, be created as follows:

50-17.5 Airport District (AP).

A. Purpose.

The AP district is intended to protect and reserve lands dedicated for airport operations. Structures and development (e.g., parking, hangars) that are incidental to and supportive of airport operations may be permitted.

TABLE 50-17.5-1: AP DISTRICT DIMENSIONAL STANDARDS	
LOT STANDARDS	
Minimum lot area	0 sq. ft.
Minimum lot frontage	0 ft.
STRUCTURE SETBACKS	
Minimum depth of front yard	5 ft.
Minimum width of side yard	5 ft.
Minimum depth of rear yard	5 ft.
STRUCTURE HEIGHT	
Maximum height of building	30 ft., or Per 50-18.2, whichever is greater

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

Section 2. That Section 50-13.3 of the Duluth City Code, 1959, as amended, be amended as follows:

50-13.3 Zone districts established.

For the purposes of this Article, the city is hereby divided into districts, as follows:

Table 50-13.3-1: Zone Districts Established		
District Type	Abbreviation	District Name
Residential	R-C	Rural-Conservation

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Table 50-13.3-1: Zone Districts Established		
District Type	Abbreviation	District Name
	RR-1	Residential-Rural 1
	RR-2	Residential-Rural 2
	R-1	Residential-Traditional
	R-2	Residential-Urban
	R-P	Residential-Planned
Mixed Use	MU-N	Mixed Use-Neighborhood
	MU-C	Mixed Use-Commercial
	MU-I	Mixed Use-Institutional
	MU-B	Mixed Use-Business Park
	MU-W	Mixed Use-Waterfront
	MU-P	Mixed Use-Planned
Form Based	F-1	Form District 1
	F-2	Form District 2
	F-3	Form District 3
	F-4	Form District 4
	F-5	Form District 5
	F-6	Form District 6
	F-7	Form District 7
	F-8	Form District 8
	F-9	Form District 9
Special Purpose	I-G	Industrial-General
	I-W	Industrial-Waterfront
	P-1	Park & Open Space
	AP	Airport
Overlay	NR-O	Natural Resources Overlay
	A-O	Airport Overlay
	SP-O	Skyline Parkway Overlay
	HR-O	Historic Resources Overlay
	HE-O	Higher Education-Overlay

Section 3. That Section 50-19 of the Duluth City Code, 1959, as amended, be amended as follows:

50-19 Permitted Use Table

50-19.1 General.

Table 50-19.8, use table, lists land uses and indicates whether they are allowed by right or with a special use permit, or prohibited in each base zone district. The use table also includes references to any additional regulations applicable to that use.

The following legend in Table 50-19.1 shall be referenced when using the Permitted Use Table in 50-19.8.

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TABLE 50-19.1: Use Table Legend for 50-19.8	
Abbreviation	Reference
P	Permitted Use
S	Special Use
I	Interim Use
A	Accessory Use
U	Use Allowed Permitted in the Upper Stories of the Form District Building
¹	May Require Planning Commission Review Hearing (MU-C, MU-I, and MU-W Only)
²	May Require Additional Development Standards and Planning Commission Review if in the Higher Education Overlay District (HE-O)
Notes:	
Additional restrictions may apply on uses within the natural resources, airport, historic resources, or skyline parkway overlay districts (NR-O, A-O, HR-O, SP-O)	
All permitted uses in the MU-N Zone District shall be considered as eligible for an interim use permit in R-1 or R-2 District for structures identified as a city of Duluth Local historic landmark, per Section 50-20.7.	

50-19.2 Permitted uses.

A "P" in a cell of the use table indicates that the land use is allowed by right in that base zone district, subject to compliance with the use-specific standards referenced in the final column of the use table. A "U" in a cell of the use table indicates that the land use is allowed by right in that base district on any floor of the structure other than the ground floor, subject to compliance with the use-specific standards referenced in the final column of the table. A "P" in the R-P and M-P zone district column indicates that the use is permitted only if its included in a plan or plan amendment for the R-P and MU-P district. Permitted uses are subject to all other applicable requirements of this UDC, including those set forth in Article IV, *Development Standards*.

50-19.3 Special uses and interim uses.

An "S" or an "I" in a cell of the use table indicates that the land use is allowed in that base zone district only upon approval of a special use or interim use permit as described in Section 50-37.10 and compliance with any use-specific standards referenced in the final column of the use table. Uses subject to a special use or interim use permit are subject to all other applicable requirements of this UDC, including those set forth in Article IV, *Development Standards*. In addition, council may approve interim uses through the procedure described in Section 50-37.10.

50-19.4 Prohibited uses.

A blank cell in the use table indicates that the land use is prohibited in that base zone district.

50-19.5 Overlay districts provisions govern.

When a property is located within the boundaries of an overlay district, the provisions for that overlay district prevail over those in the base zone district. For example, if a use is prohibited in the base zone district where the property is located, but is a permitted use in an overlay district applicable to the same property, then the use is allowed on that property. On the other hand, if a use is listed as a permitted use in the base zone district but is listed as a special use in an overlay zone district applicable to the same property, then the use is a special use for that property. Where a property is located in more than one overlay district, then the most restrictive use provision in those overlay zone districts shall apply to the property.

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50-19.6 Use-specific standards.

When a land use is a permitted or a special use in a zone district, there may be additional standards that apply to that specific use. Those additional standards are cross-referenced in the last column of the use table (use-specific standards). The cross-referenced standards appear in Section 50-20 immediately following the use table.

50-19.7 Unlisted uses.

When a proposed land use is not explicitly listed in the use table, the land use supervisor shall determine whether or not it is included in the definition of a listed use or is so consistent with the size, scale, operating characteristics and external impacts of a listed use that it should be treated as the same use. Any such interpretation shall be made available to the public and shall be binding on future decisions of the city until the land use supervisor makes a different interpretation.

50-19.8 Permitted use table.

DRAFT

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-1	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	AP				
RESIDENTIAL USES																													
Household Living																													
Dwelling, one-family	P	P	P	P	P	P	P				P	U	U	U	U	U	U	U	U	U	U								
Dwelling, two-family				P	P	P	P				P	U	U	U	U	U	U	U	U	U	U								
Dwelling, townhouse				S	P ²	P	P ²				P ¹	P																50-20.1.A	
Dwelling, multi-family							P ²	P ¹	P ¹	P ¹	P ¹	U	U	U	U	U	U	U	U	U	P	P					50-20.1.B		
Dwelling, live-work								P ²	P ¹	P ¹	P ¹	P	P	P	P	P	P	P	P	P	P	P					50-20.1.C		
Manufactured home park				S	S ²	P	S ²	P																				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	U	U	U	U	U	U	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	U	U	U	U	U	U	U	U	P	P						50-20.1.D	
Rooming house					S ²	P	P ²	P ¹	P ¹	P ¹	P	U	U	U	U	U	U	U	U	U	P	P						50-20.1.E	
PUBLIC, INSTITUTIONAL AND CIVIC USES																													
Community and Cultural Facilities																													
Bus or rail transit station																													
Cemetery or mausoleum	S	S	S	S	S ²	P	S ²	S	S	S	P																		
Club or lodge (private)					S ²	P	P ²	P ¹	P ¹	P ¹	P	P	P	P	P	P	P	P	P	P	P	P							
Government building or public safety facility		P	P	S	P ²	P	P ²	P ¹	P ¹	P ¹	P	P	P	P	P	P	P	P	P	P	P	P	S	S	S	S	P		50-20.2.A
Museum, library or art gallery				S	S ²	P	P ²	P ¹	P ¹	P ¹	P	P	P	P	P	P	P	P	P	P	P	P							
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	P							
Religious assembly, small (less than 50,000 sq. ft.)		P	P	S	P ²	P	P ²	P ¹	P ¹	P ¹	P	P	P	P	P	P	P	P	P	P	P	P							50-20.2.GE
Religious assembly, large (50,000 sq. ft. or more)		S	S	S	S ²	P	P ²	P ¹	P ¹	P ¹	P	P	P	P	P	P	P	P	P	P	P	P							50-20.2.GE

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TABLE 50-19.8: USE TABLE

	Residential				Mixed Use				Form							Special	Use-Specific Standards									
	R-C	RR-1	RR-2	R-1	R-2	R-P	MU-N	MU-C	MU-1	MU-B	MU-W	MU-P	F-1	F-2	F-3			F-4	F-5	F-6	F-7	F-8	F-9	I-G	I-W	P-1
Educational Facilities																										
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	P	P	P	P	P	P	P	P	P	U					50-20.2.DG
School, middle or high		S	S	S	S ²	P	S ²	S ¹	S ¹		P	P	P	P	P	P	P	P	P	P	U					50-20.2.DG
University or college								P ¹	P ¹		P	P	P	P	P	P	P	P	P	P	U					
Health Care Facilities																										
Hospital								P ¹	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.BE
Nursing home					P ²	P	P ²	P ¹	P ¹		P ¹	P	P	P	P	P										
Medical cannabis distribution facility									I													I				50-20.2.B
Medical cannabis laboratory									I													I				50-20.2.C
Medical cannabis manufacturer																						I				50-20.2.D
Other institutional support uses not listed in this table									P ¹																	
COMMERCIAL USES																										
Agriculture and Animal-Related																										
Agriculture, general	P	P																								50-20.3.B
Agriculture, urban		P	P	P	P ²	P	P ²				P															
Kennel	S	S						S	S	P	P															
Riding stable	S	S	S			P					S												S			
Veterinarian or animal hospital	S	S			P ²	P	P ²	P ¹	P ¹	P	P ¹	P	P	P	P	P	P	P	P	P						50-20.3.T
Food, Beverage and Indoor Entertainment																										
Adult entertainment establishment																										
Convention or event center								P ¹	P	P ¹	P	P	P	P	P	P	P	P	P	P		P				50-20.3.A
Indoor entertainment facility								P ¹	P	P ¹	P	P	P	P	P	P	P	P	P	P						50-20.3.H
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						50-20.3.Q

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TABLE 50-19.8: USE TABLE

	Residential						Mixed Use						Form						Special			Use-Specific Standards			
	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	AP
Restaurant (5,000 sq. ft. or more)					S	P ¹	P ¹	P ¹	P	S	P	P	P	P	P	P	P	P	P	P					50-20.3.Q
Theater						S ²	P ¹			P ¹	P	P	P	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	P	P	P					
Bed and breakfast			S	P ²	P	P ²	P ¹	P ¹	P	P ¹	P	P	P	P	P	P	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										50-20.3.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 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	S	P	U	U	U	U	U	U	U	U	U					
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	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	P	P	P	P	P	P	P	P	P	P	S	S				
Daycare facility, small (14 or fewer)	P	P	P	P ²	P	P ²	P ¹	P ¹	P	P	P	P	P	P	P	P	P	P	P	P					50-20.3.I
Daycare facility, large (15 or more)			S	S	S ²	P ²	P ¹	P ¹	P	P	P	P	P	P	P	P	P	P	P	S	S				50-20.3.I
Funeral home or crematorium						S ²	P ¹	P ¹	P	P	P	P	P	P	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					

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TABLE 50-19.8: USE TABLE

	Residential										Mixed Use						Form						Special			Use-Specific Standards					
	RR				R			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		Ap				
	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	Ap						
Temporary moveable storage container	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			50-20.6.C				
Temporary real estate sales office				A	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	A						
FORM DISTRICT BUILDING TYPES																															
Main Street Building I													P	P																	
Main Street Building II															P	P	P														
Main Street Building III																				P	P										
Corridor Building I														P																	
Corridor Building II															P	P															
Lakefront Corridor Building																															
Corridor Building III																															
Cottage Commercial I														P																	
Cottage Commercial II																P															
Iconic Building														P	P	P	P														

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Section 4. That Section 50-20.2 of the Duluth City Code, 1959, as amended, be amended as follows:

50-20.2 Public, Institutional, and Civic Uses

A. Club or lodge (private).

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

B. Medical Cannabis Distribution Facility

1. An interim use permit shall be required to operate a medical cannabis distribution facility. The maximum length of an interim use permit shall be three (3) years. Interim use permits granted pursuant to this section are not transferable and terminate upon sale of the facility or discontinuance of use.
2. In addition to the interim use permit requirements provided for under state law and Section 50-37 of the UDC, an applicant seeking to operate a medical cannabis distribution facility must submit a security plan stating how the facility will address public health, welfare and safety concerns including, but not limited to: parking, traffic flow, security, fencing, lighting, window and door placement, landscaping, and hours of operation.
3. The distance limitations on location of a medical cannabis distribution facility in relation to a public or private school provided for under Minn. Stat. § 152.29, as may be amended, are incorporated herein. A medical cannabis distribution facility shall not be closer than 200 feet of a zoning district that allows single family, two-family, townhomes, or multi-family dwellings as a permitted use.
4. A medical cannabis distribution facility shall be setback from all property lines a minimum of 25 feet.
5. Medical cannabis distribution facilities are prohibited from operating drive-throughs.
6. Parking, design standards, and other applicable requirements under the unified development chapter for this use will be the same as for other medical or dental clinics.

C. Medical Cannabis Laboratory

1. An interim use permit shall be required to operate a medical cannabis laboratory. The maximum length of an interim use permit shall be three (3) years. Interim use permits granted pursuant to this section are not transferable and terminate upon sale of the facility or discontinuance of use.
2. In addition to the interim use permit requirements provided for under state law and Section 50-37 of the UDC, an applicant seeking to operate a medical cannabis laboratory must submit a security plan stating how the facility will

address public health, welfare and safety concerns including, but not limited to: parking, traffic flow, security, fencing, lighting, window and door placement, landscaping, and hours of operation

3. A medical cannabis laboratory shall be setback from all property lines a minimum of 25 feet.
4. Parking, design standards, and other applicable requirements under the unified development chapter for this use will be the same as for other medical or dental clinics.

D. Medical Cannabis Manufacturer

1. An interim use permit shall be required to operate a medical cannabis manufacturing facility. The maximum length of an interim use permit shall be three (3) years. Interim use permits granted pursuant to this section are not transferable and terminate upon sale of the facility or discontinuance of use.
2. In addition to the interim use permit requirements provided for under state law and Section 50-37 of the UDC, an applicant seeking to operate a medical cannabis distribution facility must submit a security plan stating how the facility will address public health, welfare and safety concerns including, but not limited to: parking, traffic flow, security, fencing, lighting, window and door placement, landscaping, hours of operation, and odor produced by the manufacturing process.
3. The distance limitations on location of a medical cannabis manufacturing facility in relation to a public or private school provided for under Minn. Stat. § 152.29, as may be amended, are incorporated herein. A medical cannabis manufacturer shall not be closer than 200 feet of a zoning district that allows single family, two-family, townhomes, or multi-family dwellings as a permitted use.
4. A medical cannabis manufacturing facility shall be setback from all property lines a minimum of 50 feet.
5. No odor produced by a medical cannabis manufacturing facility shall be detectable at the manufacturer's property lines surrounding the facility.
6. Parking, design standards, and other applicable requirements under the unified development chapter for this use will be the same as for other medical or dental clinics.

BE Medical or dental clinic.

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

CF Religious assembly.

9. In the RR-1 district, any such buildings shall occupy not more than ten percent of the total area of the lot and shall be set back from all yard lines a distance of not less than two feet for each foot of building height;
10. In the RR-1, RR-2 and R-2 zone districts, the sum of all structures on the lot shall not exceed 50,000 square feet without a special use permit. A special use permit is required for all religious assemblies in the R-1 zone districts;
11. In the R-1 and R-2 zone districts, each property boundary with a lot occupied by a residential use shall be buffered with a dense urban screen;

DG School, elementary, middle or high.

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

Section 5. That Section 50-41.1 of the Duluth City Code, 1959, as amended, be amended as follows:

50-41.1. Definitions: A.

Accessory agriculture roadside stand. A structure erected for the display and sale of agriculture products grown on the premises and that is subordinate to the primary residential or agricultural use of the premises.

Accessory bed and breakfast. An owner-occupied building designed as a one-family dwelling that provides no more than five guest rooms for lodging accommodations by prior arrangements for compensation. The primary residence in the building or a separate, lawfully existing building located on the same site must be occupied by the building owner on a permanent basis. It may or may not include serving of meals to guests.

Accessory boat dock, residential. A personal use boating structure, subordinate to a primary residential use of property, that is built over or floats upon the water of a lake, river, or stream, and that serves one property owner for mooring boats or as a landing place for marine transport.

Accessory caretaker quarters. A subordinate dwelling unit intended for an employee or owner who looks after or takes charge of goods or property. The unit shall be either inside or attached to a main structure by a common wall. The unit is a complete, independent living facility with provisions for cooking, eating, sanitation and sleeping.

Accessory communications tower for private use. Any structure, subordinate to a primary use of land, that is designed and constructed primarily for the purpose of supporting one or more wireless analog or digital telecommunication facilities, that is located on the ground or anchored to the ground and exceeds 24 feet in height. Such a tower may have a variety of configurations, including a monopole, a lattice tower or a guyed tower.

Accessory day care facility. A private or public establishment licensed by the state that regularly provides one or more dependents with care, training, supervision, rehabilitation or developmental guidance on a regular basis, for periods less than 24 hours a day, for gain or otherwise, as a secondary and subordinate activity to a permitted or approved special use of the property.

Accessory dwelling unit. A subordinate dwelling unit added to, created within, or detached from a single-family residence, but located on the same lot or parcel as a primary residential structure, that provides basic requirements for living, sleeping, cooking and sanitation.

Accessory heliport. An area used or intended to be used for the landing and takeoff of helicopters that is secondary and incidental to, and is operated in support of, a permitted or approved special use on the same property, including operations facilities, such as maintenance, loading, and unloading, storage, fueling or terminal facilities.

Accessory home occupation. A business or occupation incidental and subordinate to the principal residential use. All home occupations must comply with the conditions in Section 50-20.5.F. Examples include but are not limited to: artist's studio; dressmaking; accessory beauty salon or barber shop, office of a physician or dentist for consultation or emergency treatment but not for general professional practice, lawyer, engineer, architect or accountant; teaching, with instruction limited to not more than two pupils at the same time. A home occupation shall not be interpreted to include accessory bed and breakfast, restaurants or tea rooms.

Accessory recycling collection point. 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, and that is accessory to a permitted or approved special use in the zone district. This definition does not include processing except for can banks that crush cans as they are deposited.

Accessory sidewalk dining area. An outdoor eating and drinking area that is generally associated with and subordinate to a permitted or approved special use on the same property and that is, located on a public sidewalk. This use may include removable tables, chairs, planters, or similar features and equipment.

Accessory solar or geothermal power equipment. Accessory uses and structures that are clearly subordinate in size and use to the primary use and structure on the property, and 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, and 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: solar photovoltaic modules, solar thermal hot water collectors, solar arrays; and geothermal heat pumps, earth tubes, or downhole heat exchangers.

Accessory use or structure. A use or structure subordinate in use, area or purpose to the principal use or structure on the same lot and serving a purpose naturally and normally incidental to the principal use or structure and that is not included in a separate definition of an accessory use or structure in this Chapter. Where an accessory building is attached to the principal building in a substantial manner by a wall or a roof, it shall be considered part of the principal building. An accessory building or use may be permitted on a lot of record that abuts or is separated by a public easement of no more than 25 feet in width to another lot or lots on which the primary use is located, provided all lots are owned by the same owner and none of the parcels are severed, legally sold, conveyed, or used without the other parcels. Examples include but are not limited to: pet houses, storage sheds, swimming pools, garages, accessory uses and structures for energy conservation and renewable energy production, and accessory structures for stormwater management and water conservation.

Accessory vacation dwelling unit. An accessory dwelling unit as defined by this Chapter that is used for periods of occupancy from three to 21 days.

Accessory wind power equipment. A small scale accessory wind power generating or distribution system, that is clearly subordinate in size and use to the primary use and structure on the property, and that is used to reduce energy consumption or to generate energy from non-fossil fuel and non-carbon dioxide emitting sources on the property. Accessory wind power equipment is designed to generate no more than 10Kw of energy.

Accessory wireless antenna attached to existing structure. Any wireless service antenna located in or on the roof or upper facade of a structure that is not a telecommunications tower, such as a building, water tower, steeple, silo or utility pole.

Adjacent developed lots facing the same street. Where a dimensional standard is related to dimensions on "adjacent developed lots facing the same street" the measurement shall only include those lots that contain a primary structure and that share a side lot line with the subject property and shall not include corner lots where the primary structure faces a different street. If there is only one adjacent developed lot that fronts the same street, the measure shall refer only to the dimension on that lot. For purposes of this measurement, all contiguous lots in common ownership shall be considered as a single lot, not as separate platted lots.

Adult entertainment establishment. See definition in Chapter 5 of the City Code.

Adult bookstore. See definition in Chapter 5 of the City Code.

Agriculture, general. The production of livestock, dairy animals, dairy products, poultry or poultry products, fur-bearing animals, horticultural or nursery stock, fruit, vegetables, forage, grains, timber, trees, or bees and apiary products primarily for distribution and consumption beyond the Duluth/Superior area. This use also includes wetlands, pasture, forest land, wildlife land, and other uses that depend on the inherent productivity of the land, but not include a use meeting the definition of "agriculture, urban."

Agriculture, urban. The raising of crops and small livestock primarily for local sustenance, rather than commercial purposes, for sale and consumption within the immediate Duluth/Superior area.

Airport boundary. Those lands including the property owned by the city, state, and the United States, and their respective political subdivisions, that are used for aeronautical purposes and are contiguous with the runway and building area facilities. The Duluth International Airport boundaries are

illustrated on Sheet 3, airport property map, of the approved set of airport layout plans on file in the offices of the Duluth Airport Authority. The Sky Harbor Municipal Airport boundaries are illustrated on Exhibit 50-18.2-2.

Airport elevation. The established elevation of the highest point on the usable landing area, which elevation is established to be ~~1,438~~ 1,428 feet above mean sea level for Duluth International Airport and 610 feet above mean sea level for Sky Harbor Municipal Airport.

Airport hazard. Any structure, tree, or use of land that obstructs the air space required for, or is otherwise hazardous to, the flight of aircraft in landing or taking off at the airport; and any use of land that is hazardous to persons or property because of its proximity to the airport.

Airport and related facilities. An area of land that is used or intended for the landing and takeoff of aircraft, and includes its buildings and facilities, if any. Accessory uses may include but are not limited to: car rental, aircraft servicing, fueling, or leasing, private aviation clubs or associations, and hotels.

Alley. A dedicated public right-of-way not more than 30 feet wide affording a secondary means of access to abutting property and not intended for general traffic circulation.

Alley line. The established side line of an alley easement.

Antenna. A system of electrical conductors that transmit or receive electromagnetic waves or radio frequency or other wireless signals.

Apartment. A part of a building consisting of a room or suite of rooms intended, designed or used as a residence by an individual or a one-family, including full cooking and bathroom facilities for individual use.

Apartment hotel. A building designed for or containing not less than 20 apartments, individual guest rooms or suites and in which may be furnished services ordinarily furnished by hotels, such as drugstores, tea room, barbershop, cigar and newsstands when such uses are located entirely within the building with no separate entrance from the street, and having no sign or display visible from the outside of the building indicating the existence of such use.

Automobile and light vehicle sales, rental, or storage. The sale, display, lease, rental, or storage of light motor vehicles, including automobiles, vans, light trucks, light trailers, boats, and recreational vehicles. This shall not include salvage operations, scrap operations, vehicle impound yards, or commercial parking lots available for short-term use.

Automobile and light vehicle repair and service. Any building, structure, or lot used for the business of repairing automobiles and small engines or the sale and installation of tires, batteries, and other minor accessories and services for automobiles and small engines. This shall not include car washes, retail sale of automotive supplies, tires, or parts unrelated to repairs being performed on the premises, the retreading or vulcanizing of tires, filling stations, or convenience stores that sell gasoline or lubricating oil, but not other automotive accessories or services.

Average lot depth. The average of the lengths of the two side lot lines of a platted lot. In the case of flag lots (lots where the buildable portion of the lot is connected to a public street by an access or driveway 20 feet wide or less), the length of the access or driveway portion of the lot shall be ignored in measuring either side lot line.

Section 6. That Section 50-41.13 of the Duluth City Code, 1959, as amended, be amended as follows:

50-41.13 Definitions: M.

Maintenance agreement. A legally recorded document that acts as a property deed restriction, and that provides for long-term maintenance of stormwater BMPs.

Major system. In the context of stormwater management, one of the 42 major watercourses, or tributaries, as described by the Urban Study for Duluth Area Stormwater Flooding March 1976. Includes Lester/Amity Creeks, Tischer Creek, Brewery, Oregon, Miller, Coffee, Kingsbury, Knowlton, Stewart, Sargent, Mission, Buckingham, Chester and other systems as designated by the city.

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Manufactured home. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include the term "recreational vehicle."

Manufacturing, light. A facility or area used for the assembly, fabrication, or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place, where such processes are housed entirely within a building, or where the area occupied by outside operations or storage of goods and materials used in the assembly, fabrication, or processing does not exceed 25 percent of the floor area of buildings on the lot. Examples include but are not limited to: food processing, electronic equipment assembly and manufacturing and assembly from finished products.

Manufacturing, heavy. An establishment or use of land that includes the assembly, fabrication, or processing of goods and materials using processes that ordinarily have impacts on the environment or significant impacts on the use and enjoyment of surrounding properties in terms of noise, smoke, fumes, odors, glare, or health or safety hazards, or any use where the area occupied by outside storage of goods and materials used in the assembly, fabrication, or processing exceeds 25 percent of the floor area of buildings on the lot. Examples include but are not limited to: battery, chemicals, machinery, and plastics manufacture; mushroom plant; batching plant; beverage bottling and distribution, packaging plant; slaughterhouse; and rendering plant. This use does not include any use that meets the definition of "light manufacturing" or "hazardous or special manufacturing", or a solid waste disposal site, or a yard waste compost facility, and does not include any use that constitutes a public nuisance.

Manufacturing, hazardous or special. An establishment or business that uses hazardous inputs or creates hazardous by-products in the course of manufacturing, assembly, fabrication, or materials treatment, or that uses manufacturing, assembly, fabrication, or treatment processes that create potentially hazardous impacts on the environment or surrounding areas. Examples include but are not limited to: acid manufacture; acid bulk storage; cement, lime, gypsum or plaster of paris manufacture; central concrete mixing or concrete proportioning plant; distillation, manufacture or refining of bones, coal or tar asphalt; explosives, manufacture or storage; fat, grease, lard or tallow rendering or refining; fertilizer manufacture from organic matter; glue or size manufacture; paper manufacture; petroleum or asphalt refining or storage; smelting of tin, copper, zinc or iron ores; storage or processing raw hides or fur; and stockyards or slaughter of animals other than poultry.

Marina or yacht club. A facility or area for storing, servicing, fueling, berthing, securing, and launching of private pleasure craft that may include the sale of fuel and incidental supplies for the boat owners, crews and guests. Accessory uses may include restaurants and bars.

Maximum extent practicable (MEP). The statutory standard (33 U.S.C. 1342(p)(3)(B)(iii)) that establishes the level of pollutant reductions that an Owner or Operator of Regulated MS4s must achieve. The USEPA has intentionally not provided a precise definition of MEP to allow maximum flexibility in MS4 permitting. The pollutant reductions that represent MEP may be different for each Small MS4, given the unique local hydrologic and geologic concerns that may exist and the differing possible pollutant control strategies. Therefore, each permittee will determine appropriate BMPs to satisfy each of the six minimum control measures through an evaluative process. The USEPA envisions application of the MEP standard as an iterative process.

Medical cannabis. Medical cannabis shall mean the definition for same provided under Minn. Stat. § 152.22, subd. 6, as may be amended.

Medical cannabis distribution facility. Medical cannabis distribution facility shall mean a facility operated by a medical cannabis manufacturer for purposes of distributing medical cannabis in accordance with Minn. Stat. § 152.29, subd. 1(a), as may be amended, and the requirements of the Commissioner of the Minnesota Department of Health or other applicable state law.

Medical cannabis laboratory. Medical cannabis laboratory shall mean an independent laboratory permitted to test medical cannabis produced by a medical cannabis manufacturer in accordance with Minn. Stat. § 152.29, subd. 1(b), as may be amended, and the requirements of the Commissioner of the Minnesota Department of Health or other applicable state law.

Medical cannabis manufacturer. Medical cannabis manufacturer shall mean the definition for same provided under Minn. Stat. § 152.22, subd. 7, as may be amended.

Medical or dental clinic. An establishment where patients who are not lodged overnight are admitted for examination and treatment by a group of licensed health care practitioners, dentists, or licensed health care practitioners and dentists in practice together.

Migratory bird flight path. The zone of jurisdictional land located from the Lake Superior and Saint Louis River shorelines to no less than two miles inland or where Skyline Parkway runs parallel to the shoreline, an area from the shoreline to Skyline Parkway or two miles inland, whichever is greater.

Mining, extraction and storage. The extraction, removal or the processing of sand, clay, loam, gravel, rock, top soil or fill materials (exclusive of sod) for commercial purposes, except as a necessary incident to any construction on the premises.

Mini-storage facility. A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized and controlled access units or lockers.

Minor system. Those other city drainage systems that empty into the major system, which mainly consists of storm sewer, culverts and smaller open channel sections such as swales and small ditches.

Minor utilities. A piece or system of service equipment or infrastructure that is necessary to support development within the immediate vicinity and that involves only small structures. Employees typically are not located at the site on an ongoing basis. Examples include but are not limited to: electric transformer stations, gas regulator stations, telephone exchange buildings, cable equipment boxes, district power distribution lines, electric utility boxes, and well, water and sewer pumping stations.

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

Modify or modification. When used in the context of wireless telecommunications facility, the addition, removal or change of any of the physical and visually discernable components or aspects of a wireless facility, such as antennas, cabling, equipment shelters, landscaping, fencing, utility feeds, changing the color or materials of any visually discernable components, vehicular access and parking. Adding a new wireless carrier or service provider to a telecommunications tower or telecommunications site as a co-location is a modification. A modification shall not include 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 adding, removing or changing anything, nor does it include upgrades or changeouts of equipment or antennas where the replacement is of similar size and appearance.

Motor vehicle. Any self propelled vehicle designed primarily for transportation of person or goods. It does not include an electric personal wheelchair.

Municipal separate storm sewer system (MS4). A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains):

A. 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 water, stormwater or other wastes. Including special district, 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 CWA (33 U. S. C.1288) that discharges to waters of the United States;

B. Designed or used for collecting or conveying stormwater;

C. That is not a combined sewer; and

D. That is not part of a publicly owned treatment works (POTW) as defined in 40

CFR 122.2.

MPCA. Minnesota pollution control agency.

Museum, library, or art gallery. A facility or area that is open to the public and is intended for the acquisition, preservation, study, and exhibition of works of artistic, historical or scientific value.

Section 7. That this ordinance shall take effect 30 days after its passage and publication. (Effective date: May xx, 2015)