

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

15-021-O(b)

ORDINANCE NO. _____

AN ORDINANCE ADDING SECTION 50-17.5, AND AMENDING SECTIONS 50-13.3, 50-19.1, 50-19.8, AND 50-41.1 OF THE DULUTH CITY CODE, 1959, AS AMENDED, TO AMEND THE PERMITTED USE TABLE TO ALLOW FOR A NEW AIRPORT ZONE DISTRICT

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That Section 50-17.5 of the Duluth City Code, 1959, as amended, is added 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, is 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
	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

Table 50-13.3-1: Zone Districts Established		
District Type	Abbreviation	District Name
	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 50-19.1 of the Duluth City Code, 1959, as amended, is amended as follows:

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.

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 <u>Permitted</u> 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.

Section 4. That Section 50-19.8 of the Duluth City Code, 1959, as amended, is amended as follows:

50-19.8 Permitted use table.

TABLE 50-19.8: USE TABLE

	Residential						Mixed Use					Form									Special				Use-Specific Standards			
	R-C	RR-1	RR-2	R-1	R-2	R-P	MU-N	MU-C	MU-I	MU-B	MU-W	MU-P	F-1	F-2	F-3	F-4	F-5	F-6	F-7	F-8	F-9	I-G	I-W	P-1		AP		
RESIDENTIAL USES																												
Household Living																												
Dwelling, one-family	P	P	P	P	P	P	P					P	U	U	U	U	U	P	U	U	U							
Dwelling, two-family				P	P	P	P					P	U	U	U	U	U	P	U	U	U							50-20.1.A
Dwelling, townhouse				S	P ²	P	P ²				P ¹	P																50-20.1.B
Dwelling, multi-family					P ²	P	P ²	P ¹	P ¹		P ¹	P	U	P	U	P	P	P	U	P	P							50-20.1.C
Dwelling, live-work							P ²	P ¹	P ¹		P ¹	P	P	P	P	P	P	P		P	P							
Manufactured home park				S	S ²	P	S ²																					50-20.1.F
Group Living																												
Co-housing facility				S	S ²	P	P ²					P																
Residential care facility/assisted living (6 or fewer)		P	P	P	P ²	P	P ²					P	U	P	U	P	P	U	U	P	P							50-20.1.D
Residential care facility/assisted living (7 or more)				S	P ²	P	P ²	P ¹	P ¹		P ¹	P	U	P	U	P	P	U	U	P	P							50-20.1.D
Rooming house					S ²		P ²	P ¹	P ¹		P ¹	P	U	P	U	P	P	U	U	P	P							50-20.1.E
PUBLIC, INSTITUTIONAL AND CIVIC USES																												
Community and Cultural Facilities																												
Bus or rail transit station							P ²	P ¹	P ¹	P	P ¹	P	P	P	P	P	P	P	P	P	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	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	P			
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	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	P							50-20.2.C

TABLE 50-19.8: USE TABLE

	Residential						Mixed Use					Form									Special				Use-Specific Standards		
	R-C	RR-1	RR-2	R-1	R-2	R-P	MU-N	MU-C	MU-I	MU-B	MU-W	MU-P	F-1	F-2	F-3	F-4	F-5	F-6	F-7	F-8	F-9	I-G	I-W	P-1		AP	
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	P						
School, elementary		P	P	P	P ²	P	P ²	P ¹	P ¹			P	U	P	U	P	P	U	U	U							
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							
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							
Nursing home					P ²	P	P ²	P ¹	P ¹		P ¹	P		P		P											
Other institutional support uses not listed in this table									P ¹																		
COMMERCIAL USES																											
Agriculture and Animal-Related																											
Agriculture, general	P	P																									
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									
Food, Beverage and Indoor Entertainment																											
Adult entertainment establishment																						P					
Convention or event center								P ¹		P	P ¹	P				P	P		P	P	P						
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						
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						
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						

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-H	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	
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.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					
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						
Daycare 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
Daycare 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	S	P	S							50-20.3.I
Funeral home or crematorium					S ²		S ²	P ¹	P ¹	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 bookstore																						P					Chapter 5
Building materials sales								S		P	P																50-20.3.G

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		AP	
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
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					
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				

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		AP							
Transportation-Related																																	
Airport and related facilities	S																										P			P	50-20.4.A		
Railroad yard or shipyard and related facilities																											P	P					
Truck freight or transfer terminal											P																P	P					
Utilities																																	
Electric power or heat generation plant																											P	P					
Electric power transmission line or substation	S	S	S	S	S ²	P	S ²	S	S	S	S	P	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	50-20.4.C	
Major utility or wireless telecommunication facility	S	S	S	S	S ²	P	S ²	S	S	S	S	P	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	50-20.4.E	
Radio or television broadcasting tower		S								S													S	S								50.20.4.I	
Solar, geothermal or biomass power facility (primary use)		S				P		S	S	P		P											P	S									
Water or sewer pumping stations/reservoirs	S	S	S	S	S ²	P	S ²	S	S	S	S	P	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		
Water or sewer treatment facilities																							P	P									
Wind power facility (primary use)		S								S	S												P	S								50-20.4.M	
Waste and Salvage																																	
Junk and salvage services																							S	S								50.20.4.D	
Recycling collection point (primary use)								S	S	S													P	P									
Solid waste disposal or processing facility		S								S													S	S									50-20.4.J
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	

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		AP	
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				
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	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	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	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	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	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	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	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					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													

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		AP
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 5. That Section 50-41.1 of the Duluth City Code, 1959, as amended, is 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 this ordinance shall take effect 30 days after its passage and publication.

Approved to as form:


Attorney

PC/PLNG SR:cs 3/20/2015

STATEMENT OF PURPOSE: This ordinance implements text amendments to Chapter 50 of the City Code, known as the Unified Development Chapter (UDC).

The new airport district is being created to clarify the boundaries of two existing airports in Duluth, which are currently zoned R-1 (Sky Harbor Airport) and RR-1, MU-N and I-G (Duluth International Airport). The new zoning district will only allow two uses as permitted uses, government or public safety buildings, and airport or related facilities. The new airport zone district will be created with this ordinance; planning staff will seek to rezone the public land around the airports later this year.

The proposed changes were discussed at a published public hearing on March 10, 2015. After the public hearing was closed, the Duluth planning commission made a motion to approve the recommended amendments to the permitted use table. The vote passed with a vote of 6 yeas, 1 nays and 0 abstentions, with two planning commission members being absent from the meeting.

Action deadline: not applicable

PL: 15-018