

Considering an Existing Building for your Business

Before committing to the purchase or lease of an existing building for your business, you need to know whether you can use the building for the purpose you intend. If the use is allowed, sometimes the building code will require some repair or alterations to make the building safer, accessible, and energy efficient.

This is intended to be a concise guide through the very early planning phase of moving a business into an existing building in Duluth. It focuses on the land use and building code related questions you need to ask before making a financial commitment to a specific location. Understanding the costs and implications of complying with state and local regulations, will better equip you to decide whether the building or space is the right fit for your business now.

We will start with the big questions that indicate whether the use is allowed in the particular location and building, then we will move on to the questions that determine requirements that tend to trigger the highest costs. Finally, we will give an idea about some of the smaller details that frequently come up in existing buildings. We'll provide hints for resources to find answers to questions, tips clarifying uncommon terms and ideas, and nutshell explanations of technicalities. An architect may be very helpful in this early phase. In most cases, you will eventually need an architect to prepare plans and compile code information in order to obtain permits for changes, repairs, or to change the use of the space for your type of business (more about that later.) Using an architect to help you choose a location can pay off in the end.

Big Questions

These questions will help you determine whether your business is allowed in the building or space, whether the move would be a 'change of use', and whether some of the required elements with potential for high costs or reduction in floor area will need to be added in the building or space.

Do land use regulations allow me to use this lot or building for my purposes?

Duluth's Unified Development Chapter (UDC) is a local ordinance that stipulates what kinds of businesses and residences can be located in each area of the city by establishing zoning districts. Allowed uses sometimes change from block to block or even lot to lot within a block, so you always need to ask these questions for the specific location you are considering.

- What is the zoning district for this location?
- Is my business allowed in this zoning district?
- Are special zoning approvals required? Can these be handled administratively or is this a Planning Commission or City Council decision?

Find out

Start by contacting the Land Use Techs in Construction Services.
Permittingservices@duluthmn.gov or (218)730-5240

TIP

Zoning regulations are local rules about what uses are allowed at a property and other things like parking requirements, landscaping requirements, trash and mechanical equipment screening, lighting, and sometimes exterior building design aesthetics. You can read Duluth's zoning regulations, the Unified Development Chapter, at Community Planning's website.

What was the last use approved by Construction Services/Building Safety for the space?

One of the variables that trigger building and zoning code requirements is whether the use of the space is changing from what was approved previously to something else.

Find out

Start by contacting the Land Use Techs in Construction Services.
Permittingservices@duluthmn.gov or (218)730-5240. Sometimes this information takes some time to research, especially if the last approval was many years in the past.

TIP

You may hear CSI/Building Safety the Fire Marshal, and Zoning folks and your architect use the terms '**change of use**' or '**change of occupancy**'. Code requirements are based on the classification of the use of a space or building. Requirements for a retail store are different from requirements for a restaurant, hospital, school, or manufacturing facility. Sometimes (not always), classification of a use depends on small details, like the size of the space or type of products made. What seems like a similar use at first look might be different for purposes of applying the building and zoning codes. Changes in use in existing buildings sometimes trigger code requirements that require significant work.

Are there Fire Marshal's office, property maintenance, or building code correction orders for the building?

Even when you aren't changing the use or planning to do any construction work, if there are outstanding orders on the building, they will have to be resolved before the space can be used again.

Find out

Start by contacting the Land Use Techs in the Construction Services One Stop Shop.
Permittingservices@duluthmn.gov or (218)730-5240. You can also call the Fire Marshal's office at (218)730-4380 to find out about fire code or property maintenance violations.

TIP

You want to have as much information as possible as you make decisions about the space for your business. With this information, you can factor costs and the time needed for making corrections into your plans.

Is the building sprinklered?

All buildings are not required to be sprinklered, but sprinklers (technically called automatic fire sprinkler systems) are required in some cases. The requirement depends on many factors, including size, use, configuration and construction details. Sprinklers do provide more flexibility for the use and design of buildings and spaces.

Find out

Ask the building owner or manager whether the building is fully sprinklered.

TIP

In some (not all) situations, the requirement for sprinklers can be avoided by modifying other components of the building; But the required details of construction are often difficult and laborious (expensive), and functionality and use of the building can be limited. Sometimes sprinklers can decrease insurance costs. If you have a choice, before deciding whether or not to add sprinklers, get detailed cost information from a sprinkler installer, and work with an architect to understand how a choice not to install sprinklers may affect your project.

Is accessibility provided in the building or space?

This is important to know before you commit to the location. The term ‘**accessibility**’ describes the features that facilitate access for people with physical challenges. Rules for accessibility are part of the Minnesota State Building Code. Accessible requirements apply to almost all buildings and spaces. The code is very specific about which accessible features are required when a project involves additions, alterations, or changes of use. Adding accessibility might affect costs and configuration of spaces, so it’s smart to ask these questions early in the planning process so you can choose the building that is right for your business now.

- Is there an accessible route to the entrance from the parking lot or (if there is no parking lot) from the sidewalk?

Nutshell

An accessible route is an even, hard surface without steps and with a slope of not more than one foot in twenty feet.

- Is the entrance accessible? Is the route from the entrance to the spaces in the building accessible?

Nutshell

The doorway of an accessible entrance must be 32 inches clear in width, have space on the latch side of the door for a person on a wheelchair to maneuver when opening, and have a threshold of ½ inch or less with no steps. An accessible route from the entrance to the spaces in the building will have no steps or stairs. Interior ramps can have a maximum slope of one foot in twelve feet. A lift or elevator is usually required for spaces with multiple stories or levels.

- Is an accessible toilet room located on an accessible level?

Nutshell

There are many specific dimensional requirements for accessible toilet rooms. One is a minimum 60-inch wheelchair turning space. If the building or space lacks accessible toilet rooms, reconfiguration or construction of a new one may be required, adding cost and possibly taking up floor space.

Find out

The best way to find out whether an existing building ticks all the boxes for accessibility is to visit the site with an architect.

TIP

Accessibility requirements take many business owners moving into existing buildings by surprise. Our recommendation is that you consult with an architect early in your planning process. We encourage you and your architect to come in for an early consult meeting, to make sure we are all on the same page about what is required and how you plan to meet the requirements.

Also note, for existing buildings, Minnesota State Building Code accessibility requirements may be less restrictive than federal ADA requirements. You should be aware of ADA requirements and factor those requirements in to your decision-making when planning your project. Your architect can assist with understanding ADA requirements.

Retaining an Architect

An architect can help you select the best site for your business and your budget. If your project will include any changes to the building or its systems or if you are changing the use of the building or space, Minnesota statutes likely require that an architect design the work. Consider involving an architect early in your planning.

Details

When your architect works with you on your project, and when the plans and other information are submitted for plan review, many details factor in to the design of the project and our review of the project for code compliance. These are just a sample of the details your architect and Construction Services will need:

What is the building's construction type (rated or unrated wood, rated or unrated non-combustible, heavy timber)?

How many stories are in the building?

What is the distance from the lowest exterior grade to the level of the first floor above grade?

What is the size and area of each level of the building, including the basement?

What is the total area of the building?

What is each level of the building to be used for?

What is the size of each room in the building?

What is the use of the building overall?

What is the use of each space in the building?

Does the building have the required number of exits?

How many accesses to the building's exit to the exterior are there from each space and each level of the building?

Are stairways enclosed with walls and doors, or are the levels open to each other?

What is the distance from the most remote point on each floor to an exterior exit or an enclosed stair?

Where are the property lines in relationship to the building?

Do the exits from the building open onto the same parcel of land that the building is on?

Are any new windows or doors proposed?

Does the building have a fire alarm system?

Are any changes planned for the mechanical system?

Are new mechanical exhaust openings needed?

Are openings needed between the levels of the building for the mechanical system?

Is cooking of any kind part of the planned use of the building? If so, what type of cooking?

Is there an existing kitchen hood, what type of hood?

Is there an existing grease trap?

Okay, what else?

A few more things you may need to know as you plan for your business:

- If food preparation is part of your business, you will very likely need a commercial kitchen hood, and you may need a fire suppression system in the hood. You may also need an exterior grease trap. Learn the requirements and costs before committing to the project. An architect, mechanical engineer and mechanical contractor can help with this.
- After your permits are issued and the work is inspected and approved, you will need a new or revised Certificate of Occupancy. Your inspector will initiate this for you.
- You will need a fire operational permit from the Duluth Fire Marshal's office before you can operate your business in the building or space. Call the Fire Prevention Office at (218) 730-4380.

- You might need a business license from the Duluth City Clerk's office.
Call the City Clerk's office at 218-730-5500.
- If you have a kitchen or serve food, you might need inspections and approval from the Minnesota Department of Health.
MNDoH website: www.health.state.mn.us/communities/environment/food/license/planreview
- WLSSD will determine whether the new use of the building or space will trigger payment of a capacity availability fee.
WLSSD CAF info: <https://wlssd.com/doing-business/new-sewer-connections> or contact WLSSD at caf@wlssd.com or (218) 722-3336

Reach Out

We hope this information is helpful as you start exploring locations for your business. We are here to help answer questions, so call us at (218) 730-5240, or email permittingservices@duluthmn.gov, or stop in to the office in Room 100 of City Hall.