UNIFIED DEVELOPMENT CHAPTER

Chapter 50 of the City of Duluth
Legislative Code

Amended August 2025

TABLE OF CONTENTS

ARTICLE ONE: GENERAL PROVISIONS

50-1 HOW TO USE THIS UNIFIED DEVELOPMENT CHAPTER 1-1

50-2 PURPOSE 1-1

50-3 FINDINGS OF FACT 1-2

50-4 CITATION 1-3

50-5 EFFECTIVE DATE 1-3

50-6 APPLICABILITY 1-3

50-7 EFFECT OF CHAPTER 1-4

50-8 RELATIONSHIP TO THE COMPREHENSIVE LAND USE PLAN 1-4

50-9 CONFLICTING REGULATIONS OR PROVISIONS 1-5

50-10 INTERPRETATION 1-5

50-11 TRANSITION REGULATIONS 1-6

50-12 SEVERABILITY 1-7

ARTICLE TWO: ZONE DISTRICTS

50-13 GENERAL PROVISIONS 2-1

50-14 RESIDENTIAL DISTRICTS 2-5

50-15 MIXED USE DISTRICTS 2-20

50-16 FORM DISTRICTS 2-38

50-17 SPECIAL PURPOSE DISTRICTS 2-48

50-18 OVERLAY DISTRICTS 2-55

ARTICLE THREE: PERMITTED USES

50-19 PERMITTED USE TABLE 3-1

50-20 USE SPECIFIC STANDARDS 3-12

ARTICLE FOUR: DEVELOPMENT STANDARDS

50-21 DIMENSIONAL STANDARDS 4-1

50-22 BUILDING FORM STANDARDS 4-5

50-23 CONNECTIVITY AND CIRCULATION 4-45

50-24 PARKING AND LOADING 4-49

50-25 LANDSCAPING AND TREE PRESERVATION 4-59

50-26 SCREENING, WALLS AND FENCES 4-69

50-27 SIGNS 4-75

50-28 STORM WATER DRAINAGE AND EROSION CONTROL 4-105

50-29 SUSTAINABILITY STANDARDS 4-106

50-30 DESIGN STANDARDS 4-109

50-31 EXTERIOR LIGHTING 4-115

50-32 HOUSING AND PROPERTY MAINTENANCE CODE 4-118

50-33 PLATS 4-119

50-34 MAINTENANCE AND OPERATING STANDARDS 4-124

ARTICLE FIVE: ADMINISTRATION AND PROCEDURES

50-35 SUMMARY TABLE 5-1

50-36 REVIEWERS AND DECISION-MAKERS 5-2

50-37 REVIEW AND APPROVAL PROCEDURES 5-6

50-38 NONCONFORMITIES 5-47

50-39 ENFORCEMENT AND PENALTIES 5-53

ARTICLE SIX: DEFINITIONS

50-40 RULES OF CONSTRUCTION 6-1

50-41 DEFINITIONS 6-2

APPENDICES

APPENDIX A: ZONING MAP

APPENDIX B: NATURAL RESOURCES OVERLAY

ARTICLE ONE. GENERAL PROVISIONS.

50-1 HOW TO USE THIS UNIFIED DEVELOPMENT CHAPTER.

1. Consult the zoning map. Consult the zoning map to identify the base zone district for your property. There are four types of base zone districts: Residential (R), Mixed Use (MU), Form (F) and Special Purpose (SP);
2. Review your base zone district. Find the description of that base zone district in Article II**.** In some cases there are special controls or procedures that apply to the base zone district;
3. Review the overlay zone districts. Also review Section 50-18 in Article II to determine if your property is included in any of the city's four overlay zone districts – the Natural Resources Overlay (NR-O), Airport Overlay (AO), Historic Resources Overlay (HR-O), or Skyline Parkway Overlay (SP-O). Each overlay includes additional development regulations that modify the base district regulations. It is particularly important that you review the Natural Resources Overlay in Section 50-18.1, because federal, state, or local environmental controls may determine what parts of the property may be developed;
4. Find permitted uses of property. Review the permitted use table in Article III to determine whether your proposed use of the property is permitted by right, or available as a special use, or is prohibited in your base zone district. Article III also contains use-specific standards that control how some uses may be developed or operated;
5. Review what development standards apply. Review Article IV to determine what type and size of structure may be constructed on your property and what quality standards will apply to the development. If your property is located in a Form District (one that begins with an "F"), only specific types of structure will be allowed, and those structure types are explained in Section 50-22. If your property is located in an R, MU, or SP district, the basic lot and building requirements are found in Section 50-21. The remaining provisions of Article IV apply to all zone districts;
6. Find what procedures may be required. If your proposed use requires a special use permit, you will need to follow the process for obtaining that permit as described in Article V. If your proposed development requires any other types of approvals (for example, a variance from setback requirements), those procedures are also described in Article V. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 1.)

50-2 PURPOSE.

The purpose of this unified development chapter is 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. This general purpose includes, but is not limited to, the following:

(a) To provide for more sustainable development within the city by reducing carbon emissions, vehicle miles travelled, energy consumption, and water consumption, and by encouraging production of renewable energy and food production;
(b) To control or eliminate soil erosion and sedimentation within the city;
(c) To protect and enhance the city's attractions to residents, tourists and visitors, and serve as a support and stimulus to business and industry;
(d) To enhance the visual and aesthetic character, diversity and interest of the city;
(e) To promote the use and preservation of historic landmarks and districts for the educational and general welfare of the people of the city;
(f) To regulate erection and maintenance of signs in the city in order that signs might fulfill their necessary and useful function in such a way to preserve the public welfare and safety;
(g) To preserve the integrity of residential areas and the character and dignity of public structures, parks and other open spaces;
(h) To enhance property values and the general appearance and natural beauty of the city;
(i) To protect the public investment in streets and highways;

(j) To establish a comprehensive system of sign controls governing the display, design, construction, installation and maintenance of signs and to promote the orderly and effective display of outdoor advertising;
(k) To promote, preserve, and enhance the water resources and environment within the city and protect them from adverse effects caused by poorly sited or incompatible development in wetlands, shorelands and floodplains. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 2; Ord. No. 10192, 12-17-2012, § 1.)

50-3 FINDINGS OF FACT.

The council hereby finds that:
(a) In order to implement the comprehensive land use plan and to promote the orderly development and redevelopment of property in the city, several ordinances related to land use, permitted construction, and environmental protection need to be consolidated into a single unified development chapter;
(b) 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;
(c) The regulation of the creation of subdivision plats and the creation of individual building lots in the city is necessary to ensure accuracy and consistency in legal descriptions of land, to ensure that all created lots have adequate access to roads, to ensure that adequate public services are available to serve new development, and to protect the environment;
(d) The provision of a residential-planned zone district is necessary to encourage a variety of housing types within established neighborhoods while maintaining the character and vitality of such neighborhoods, and to allow variation in the relationship of uses and required yards in developments compatible with the massing, use and scale of structures within established neighborhoods;
(e) The provision of a mixed use-commercial zone district is necessary to ensure orderly and attractive commercial growth in areas of the city that exhibit sensitive environmental problems, traffic congestion or other characteristics of urban sprawl, and that individualized review of the design of development within the zone district is necessary in order to minimize blighting influences on surrounding uses and neighborhoods, reduce adverse effects of development on the natural environment, enhance the visual and aesthetic quality of development and ensure the provision of adequate and cost efficient public facilities;
(f) The provision of a mixed use-business zone district is necessary in order to provide for modern light industrial developments of attractive integrated design and function while also accommodating older light industrial developments in the city;
(g) Regulation of land disturbance activities is necessary to control or eliminate soil erosion and sedimentation within the city. It establishes standards and specifications for conservation practices and planning activities that minimize soil erosion and sedimentation and provides a permit system to secure the enforcement of these standards and specifications;
(h) The preservation, protection, perpetuation and use of areas, places, structures, lands, districts and other objects having a special historical, cultural or aesthetic interest or value is a public necessity and is required in the interest of public health, prosperity, safety and welfare of the people of the city;
(i) Protection of the water resources found within the city is necessary for the public good. These water resources relate strongly to other valuable natural resources that include, but are not limited to, air, soil, plants, animals and scenic and aesthetic values. Uncontrolled and inadequately planned use of natural resources adversely affects the public health, safety and general welfare by contributing to pollution, erosion, flooding and other environmental problems, and by creating nuisances, impairing other beneficial uses of environmental and natural resources or destroying the resources themselves, impairing the quality of life of the community, impairing the local tax base and hindering the ability of the city to provide adequate water, flood and fire protection and other community services. In addition, extraordinary public expenditures may be required for the protection of persons and property in areas that may be affected by unplanned land usage;

(j) Regulation of the erection and maintenance of signs is necessary to ensure that signs fulfill their function in such a way to preserve the public welfare and safety; to preserve the integrity of residential areas and the character and dignity of public structures, parks and other open spaces; to enhance property values and the general appearance and natural beauty of the city; to protect the public investment in streets and highways; to assure creation of an attractive business environment and to promote the orderly and effective display of outdoor advertising;

(k) Regulation of the use of private rights-of-way, or portions of public rights-of-way, by nearby private development is necessary to protect the public health, safety, and welfare of auto and bicycle users as well as pedestrians, and to avoid congestion of streets, sidewalks and walkways;

(l) Wireless telecommunications facilities may pose significant concerns to the health, safety, public welfare, character and environment of the city and its inhabitants. The city also recognizes that facilitating the development of wireless service technology can be an economic development asset to the city and of significant benefit to the city and its residents. This Chapter intends to minimize impacts of wireless telecommunications facilities, establish a fair and efficient process for review and approval of applications, assure an integrated, comprehensive review of environmental impacts of such facilities, and protect the health, safety and welfare of the city. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 3.)

50-4 CITATION.

This ordinance may be cited as the Duluth unified development chapter (UDC) and cited as Chapter 50 of the Code. (Ord. No. 10044, 8-16-2010, § 6.)

50-5 EFFECTIVE DATE.

The effective date of this UDC is November 19, 2010. (Ord. No. 10044, 8-16-2010, § 6.)

50-6 APPLICABILITY.

This Chapter shall apply to all lands within the boundaries of the city unless specifically exempted by the terms of specific sections of this UDC or unless applicability is prohibited by law. (Ord. No. 10044, 8-16-2010, § 6.)

50-7 EFFECT OF CHAPTER.

50-7.1 Compliance required.

Following the adoption of this Chapter, (1) no land shall be used, and (2) no structure shall be erected, converted, enlarged, reconstructed, moved, structurally altered, or used, and (3) no platted lot or tract of land shall be created or modified, and (4) the minimum yards, parking spaces, and open spaces, including lot area per family existing on July 14, 1958, or for any structure constructed after that date shall not be encroached upon or considered as part of the yard or parking space or open space required of any other lot or structure, except in accordance with all provisions of this ordinance that apply in the zone district where the property is located and to the type of use, structure or development in question and in accordance with all provisions and conditions attached to any approval or permit granted for the use, structure, activity or development. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 4.)

50-7.2 One principle structure per lot.

Except as specifically provided in this Chapter, every structure erected or altered after November 19, 2010, shall be located on a lot as defined in this Chapter. There shall be only one principle structure on one lot unless a specific exception is stated in this UDC;

Accessory structures shall not be constructed or occupied prior to the construction and occupation of the principle structure without prior written approval from the Land Use Supervisor unless allowed in 50-20.5.J. The Land Use Supervisor may attach reasonable conditions to the approval, which shall include but is not limited to a financial security to guarantee removal of the accessory structure if the principle structure is not constructed within two years of the accessory structure's construction;

(Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 4; Ord. No. 10723, 12-14-2020, § 1)

50-7.3 Permits and approvals required.

Following the adoption of this Chapter, no person shall use land, or erect or modify a structure, or create or modify a platted lot within the city without first receiving any approvals or permits required by this Chapter for such use, structure or lot. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 4.)

50-8 RELATIONSHIP TO THE COMPREHENSIVE LAND USE PLAN.

A primary intent of this Chapter is to implement the goals and objectives of the comprehensive land use plan, as that plan may be amended by the council from time to time. The provisions of this Chapter will be interpreted liberally to achieve the goals and objectives of the comprehensive land use plan while remaining consistent with all applicable requirements of federal and state law. (Ord. No. 10044, 8-16-2010, § 6.)

50-9 CONFLICTING REGULATIONS OR PROVISIONS.

In their interpretation and application, the provisions of this Chapter shall be construed to be the minimum requirements for the promotion of public health, safety and general welfare. It is not intended that this Chapter interfere with, abrogate or annul any other resolution or rules, regulations or permits previously adopted or issued or that shall be adopted or issued not in conflict with any of the provisions of this Chapter. If there is a conflict or alleged conflict between regulations related to this Chapter, the land use supervisor shall determine which provision applies. (Ord. No. 10044, 8-16-2010, § 6.)

50-9.1 Provisions of this chapter.

In the case of conflict between one part of this Chapter and any other part of this Chapter, the more restrictive provision shall apply, except that provisions of overlay zone districts shall prevail over other provisions of this Chapter regardless of whether they are less or more restrictive. (Ord. No. 10044, 8-16-2010, § 6.)

50-9.2 Municipal ordinances or regulations.

In the case of a conflict between any part of this Chapter with any other provision of the city code or ordinance of the city, the more restrictive provision shall apply. (Ord. No. 10044, 8-16-2010, § 6.)

50-9.3 Other ordinances or regulations.

In the case of a conflict between any part of this Chapter and any other public law, ordinance, or regulation, the provisions that are more restrictive or that impose higher standards or requirements shall govern, unless state or federal law requires a different outcome. (Ord. No. 10044, 8-16-2010, § 6.)

50-9.4 Third-party private agreements.

This Chapter is not intended to interfere with, abrogate, or annul any easements, covenants or other private agreements between parties. However, where this Chapter imposes a greater restriction or higher standards or requirements upon the use of land, structures or premises than those imposed or required by other easements, covenants or agreements, the provisions of this Chapter shall govern. Nothing in this Chapter shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not excuse any failure to comply with this Chapter. In no case shall the city be obligated to enforce the provisions of any easements, covenants or agreements between private parties. (Ord. No. 10044, 8-16-2010, § 6. Ord. No. 10096, 7-18-2011, § 5.)

50-10 INTERPRETATION.

1. The land use supervisor shall be authorized to interpret the provisions of this Chapter unless a different city official is specifically designated in this Chapter to make a particular interpretation. The decisions of the land use supervisor are subject to appeal as described in Article V;

2. Land use supervisor interpretations affecting specific projects or property. Notice shall be provided by first class mail to owners of property located within 100 feet of any land use supervisor interpretations when the land use supervisor determination is limited in application to a specific project or property. The notice shall be mailed within 10 days of the date the interpretation is made. This requirement does not apply to land use supervisor determinations made under Section 50-37.1.L;

3. A notice of an interpretation of the land use supervisor that is not limited to any one subject property but applies to an area or region of the city such as all property within a specific zone district, shall be noticed in a newspaper of general circulation at least twice within 21 days of the date of the interpretation, and shall also be published on the City's website within 10 days of the date of the interpretation being made;

4. Notices under this section shall not be deemed to be effective until the later of the date of mailing or publication; (Ord. No. 10044, 8-16-2010, § 6, Ord. No. 10723, 12-14-2020, § 2)

50-11 TRANSITION REGULATIONS.

50-11.1 Approved projects.

A. Validity.

Permits and approvals that are valid on November 19, 2010, shall remain valid until their expiration date. Projects with valid approvals or permits may be carried out in accordance with the development standards in effect at the time of approval, provided that the permit or approval is valid and has not lapsed;

B. Changes.

Nothing in this Chapter shall require any change in the plans, construction, size or designated use of a structure or part of a structure for which a building permit has been granted or for which plans were on file with the building official before November 19, 2010, provided that construction pursuant to the building permit begins before the building permit expires. If any of these requirements have not been fulfilled or if the building operations are voluntarily discontinued for a period of 90 days, any further construction shall be in conformity with the provisions of this Chapter;

C. Extensions and re-application.

The decision-making body that granted the original approval may renew or extend the time of a previous approval if the required standards or criteria for approval remain valid. Any extension granted shall not exceed the time specified for the extension of the specific permit approval in this Chapter. Any re-application for an expired project approval shall meet the standards in effect at the time of re-application. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 6.)

50-11.2 Applications in progress.

A. Completed applications.

Complete applications for permits and other approvals pursuant to this Chapter that have been accepted as complete and are pending approval on November 19, 2010, may, at the applicant's option, be reviewed wholly under the terms of the previous chapters of the City Code. If approved, these projects may be carried out in accordance with the development standards in effect at the time of application. Any re-application for an expired permit shall meet the standards in effect at the time of re-application. The applicant may not choose to have some parts of the previous chapters and other parts of the current Chapter apply to the project;

B. No applications submitted.

Projects for which an application (including all required supporting materials) has not been submitted and accepted as complete prior to November 19, 2010, shall be subject to all requirements and standards of this Chapter;

C. Expiration.

Regardless of whether or not a completed application has been received prior to the adoption of this Chapter, any permit or approval issued following the adoption of this Chapter shall be subject to any provisions for the lapsing of that type of permit or approval contained in this Chapter. (Ord. No. 10044, 8-16-2010, § 6.)

50-11.3 Special use permits deemed approved.

If (a) a use of land or structure was listed as a permitted use in a specific zone district under the previous sections of the City Code consolidated into this Chapter, and (b) that use of land or structure was established prior to the adoption of this Chapter, and (c) the same use of land or property is now listed as a special use in the same zone district, then the established use shall be deemed to have received a special use permit and shall be a legal, conforming use of land. Upon documentation by the property owner that the use was established prior to approval of this Chapter, the land use supervisor shall provide written confirmation of the legal, conforming status of the use. (Ord. No. 10044, 8-16-2010, § 6.)

50-11.4 Violations continue.

Any violation occurring under previous sections of the city code consolidated into this Chapter will continue to be a violation under this Chapter and be subject to penalties and enforcement pursuant to Section 50-39, *Enforcement and penalties,* unless the use, development, construction, or other activity complies with the provisions of this Chapter. Any violation issued prior to the adoption date of this Chapter shall be subject to the fines and penalties of the previous ordinance unless the violation is not addressed by the property owner and is reissued by the city after the adoption of this Chapter, in which case the violation shall be subject to the fines and penalties in Section 50-39. (Ord. No. 10044, 8-16-2010, § 6.)

50-11.5 Nonconformities continue.

Any nonconformity under previous sections of the Code consolidated into this Chapter will also be a legal nonconformity under this Chapter, as long as the situation that resulted in the nonconforming status under the previous Code section continues to exist. If a nonconformity under the previous code section becomes conforming because of the adoption of this Chapter, then the situation will no longer be a nonconformity. (Ord. No. 10044, 8-16-2010, § 6.)

50-12 SEVERABILITY.

If any provision or section of this Chapter is determined to be invalid, illegal, or inoperative for any reason, or to constitute a taking or deprivation of property in violation of the constitutions of the state or of the United States, that provision or section shall be severed from the remaining provisions of the Chapter, and the remainder of this Chapter shall remain effective and fully operative as far as possible. (Ord. No. 10044, 8-16-2010, § 6.)

ARTICLE TWO. ZONE DISTRICTS.

50-13 GENERAL PROVISIONS DISTRICTS.

50-13.1 Purpose.

This Article establishes the base and overlay zone districts available in the city to regulate land and implement the comprehensive land use plan. It also contains basic information pertaining to the districts, including statements of purpose and dimensional standards. Article III, *Permitted Uses*, identifies the uses allowed within each districts. Article IV, *Development Standards,* contains the site layout and building design standards that apply to development in the districts. (Ord. No. 10044, 8-16-2010, § 6.)

50-13.2 Article organization.

A. Section 50-13, G*eneral provisions*, establishes the zone districts and contains basic information pertaining to all districts and the zoning map;

B. Section 50-14, *Residential districts*, describes the residential districts and includes purpose statements, dimensional requirements, photographic examples of typical structures, graphic sketches of allowed development and district-specific standards if applicable;

C. Section 50-15, *Mixed use districts*, describes the mixed use districts and includes purpose statements, dimensional requirements, photographic examples of typical structures, graphic sketches of allowed development and district-specific standards if applicable;

D. Section 50-16, *Form districts*, describes the form-based districts and includes purpose statements, regulating standards and regulating graphics of typical structures;

E. Section 50-17, *Special purpose districts*, describes the special purpose districts and includes purpose statements, dimensional requirements, photographic examples of typical structures, graphic sketches of allowed development and district-specific standards if applicable;

F. Section 50-18, *Overlay districts*, identifies the overlay districts and includes purpose statements and any district-specific standards. (Ord. No. 10044, 8-16-2010, § 6.)

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
	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

(Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10192, 12-17-2012, § 2.; Ord. No 10355, 4-13-2015, § 2)

50-13.4 Zoning map.

A. Zoning map.

The boundaries of the districts set out in Table 50-13.3-1 are hereby established as shown on the city's official zoning map, as that map may be updated by council from time to time. That map shall be maintained by the city and is hereby made a part of this Chapter and incorporated by reference;

B. Zoning map amendments.

Procedures for amending the zoning map are in Article V of this Chapter;

C. Questions regarding zoning designations.

In the event of uncertainty regarding zoning designations or the exact boundaries of any zone district, the land use supervisor shall make a determination based upon the interpretation rules in subsection D below. The land use supervisor's determination shall be subject to appeal pursuant to Article V of this Chapter;

D. Interpretation of map boundaries.

Where uncertainty exists with respect to the boundaries of the districts shown on the zoning map, the land use supervisor's decision shall be based on the following standards:

1. Where a district is bounded by a street, alley or other public way, the centerline of the street, alley, or other public way shall be construed to be the boundary of the district;
2. Boundaries delineated by lot lines shall follow those lot lines;
3. Boundaries delineated by railroad lines shall be midway between the main tracks or the centerline of a single track;
4. Boundaries dividing a lot or transecting un-subdivided land shall be determined using the scale appearing on the zoning map, unless the boundary location is indicated by dimensions shown on the map;
5. Boundaries shown parallel to or as extensions of features indicated in this subsection shall be interpreted as such. Distances not specifically indicated on the zoning map shall be determined by the scale of the map;
6. Where the description of the property is contained in an ordinance, the metes and bounds description of the property in the ordinance shall control over the zoning map. When a metes and bounds description contained in an ordinance is for an unplatted tract of land, the land use supervisor is authorized the make the appropriate modifications to the zoning map at the time the property is platted so that the boundaries of the zone district coincide with the newly created property lines;
7. Whenever any street, alley or other public way is vacated by official action of the council, the zone district adjoining each side of such street, alley, or public way shall be automatically extended to the center of such vacated street, alley or public way, and all areas included in the vacated street, alley or public way shall be subject to all regulations of the extended district, unless otherwise approved by council;

E. Relationship to overlay districts.

All lands within the city shall be designated as one of the base zone districts listed in Table 50-13-1. In addition, some lands may be located within one or more of the overlay districts listed in that table. Where the property is designated as an overlay district, the regulations governing development in the overlay district shall apply in addition to the regulations governing development in the underlying base district. In the event of an express conflict between the two sets of standards, the standards for the overlay district shall control;

F. Annexed territory.

All territory annexed to the city after November 19, 2010, shall be automatically classified as R-C, until a different zone district is assigned by council. In a newly annexed area classified as R-C, no permit for construction of a building other than a single-family dwelling or accessory building permitted in an R-C district shall be issued by the city until such permit has been specifically authorized by council, or until the area is reclassified according to the rezoning procedures in Article V;

G. Structure of zone district standards.

1. Each of the following base zone district sections has a common structure consisting of a purpose statement and one or more of the following graphic illustrations, each of which is numbered for reference purposes.
    (a) One or more tables setting out the district's bulk and dimensional requirements;
    (b) A photograph representative of typical building forms;
    (c) A graphic depiction of the district's primary bulk and dimensional standards;
2. The graphic illustrations in this Chapter are intended to illustrate the primary dimensional standards and the general character of each district, and do not necessarily reflect all the standards that may apply to a particular development. All development is subject to all dimensional standards of this Chapter, all applicable overlay district standards in this Chapter, the applicable use-specific standards in Article III, and the applicable requirements of Article IV. (Ord. No. 10044, 8-16-2010, § 6.)

50-14 RESIDENTIAL DISTRICTS.

50-14.1 General purposes of residential zone districts.

The residential zone districts are intended to:

A. Provide appropriately located areas for residential development that are consistent with the comprehensive land use plan and with the public health, safety, and general welfare;
B. Ensure adequate light, air, and privacy for all dwelling units;
C. Protect the scale and character of existing residential neighborhoods and the community;
D. Discourage any use that, because of its character or size, would create additional requirements and costs for public services that are in excess of such requirements and costs if the district were developed solely for the intended type of residential uses;
E. Provide a mechanism – the R-P zone district – through which certain listed non-residential uses that serve neighborhoods can be integrated into residential developments. (Ord. No. 10044, 8 16 2010, § 6.)

50-14.2 Rural-Conservation (R-C).

A. Purpose.

The R-C district is established to accommodate low-density, single-family detached residential uses on parcels of at least ten acres each in areas where the comprehensive land use plan calls for protection of rural character. The district encourages development designs that conserve open space and natural resources and preserve rural character. Complimentary uses such as limited agriculture, parks, minor utilities and certain temporary uses are allowed as shown in Table 50-19.8.

TABLE 50-14.2-1
R-C DISTRICT DIMENSIONAL STANDARDS

LOT STANDARDS	
Minimum lot area per family (calculated to include any highway easements or parts of highway easements within the original parcel of land)	10 acres
Minimum lot frontage (ft)	250 ft.
STRUCTURE SETBACKS	
Minimum depth of front yard (ft)	60 ft.
Minimum width of side yard (ft)	25 ft.
Minimum depth of rear yard (ft)	50 ft.
STRUCTURE HEIGHT	
Maximum height of building (ft)	30 ft.

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

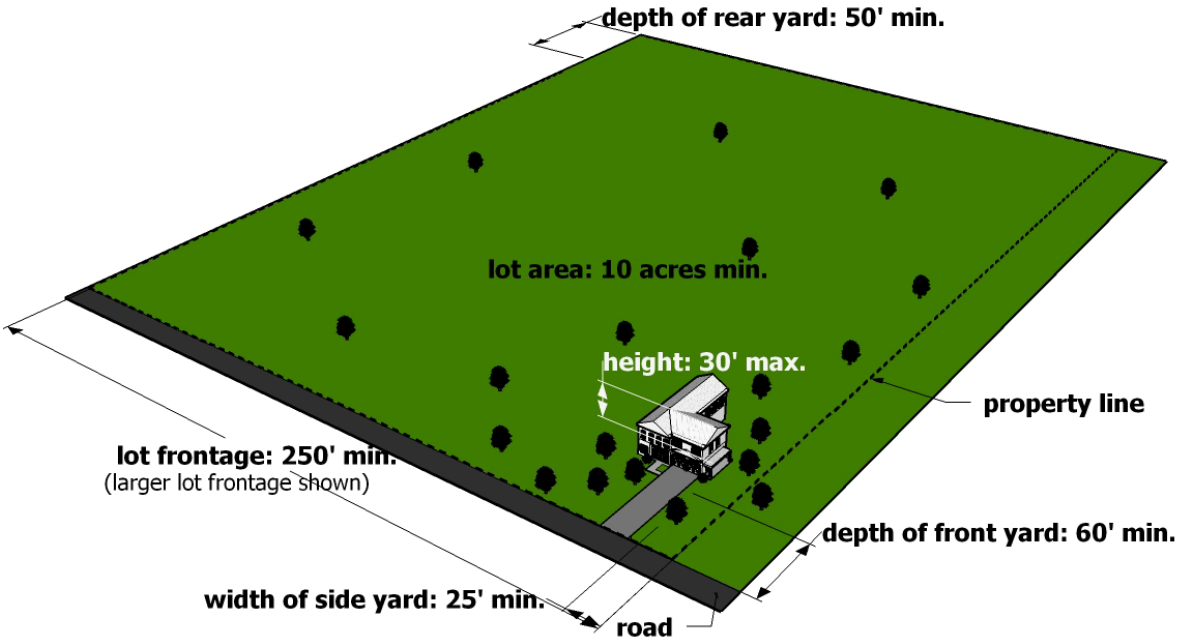
B. Example.





C. Illustration.

R-C Example Lot Layout



D. Development standards.

All homesites in the R-C zone district shall be located so as to preserve the rural character of the district and to avoid unnecessary fragmentation of the rural landscape by:

1. Designating a portion of the site containing no more than one acre of land in compact configuration as the homesite in which the primary dwelling and all major accessory buildings will be located;
2. Locating the homesite either (1) adjacent to a side or rear property line of the parcel, or (2) where the primary structure is hidden from view from public rights-of-way by an intervening natural feature such as a hillside, berm, or tree grove;
3. Locating the driveway leading from the public right-of-way to the homesite (1) as close to a side property line of the parcel as is reasonably possible without significant grading, vegetation, or stream crossings, or (2) in another location that will minimize the fragmentation of field, pasture, or naturally vegetated areas. (Ord. No. 10044, 8-16-2010, § 6.)

50-14.3 Residential-Rural 1 (RR-1).

A. Purpose.

The RR-1 district is established to accommodate large-lot, single-family detached residential uses, typically surrounded by significant open space, on lots of at least 5 acres each. The district encourages distinctive neighborhoods with a semi-rural character. Complimentary uses such as limited agriculture, small-scale institutional uses, parks, minor utilities and certain temporary uses are allowed as shown in Table 50-19.8.

TABLE 50-14.3-1
RR-1 DISTRICT DIMENSIONAL STANDARDS

LOT STANDARDS	
Minimum lot area per family (calculated to include any highway easements or parts of highway easements within the original parcel of land)	5 acres
Minimum lot frontage	250 ft.
STRUCTURE SETBACKS	
Minimum depth front yard	60 ft.
Minimum width of side yard	25 ft.
Minimum depth of rear yard	50 ft.
STRUCTURE HEIGHT	
Maximum height of building	30 ft.

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

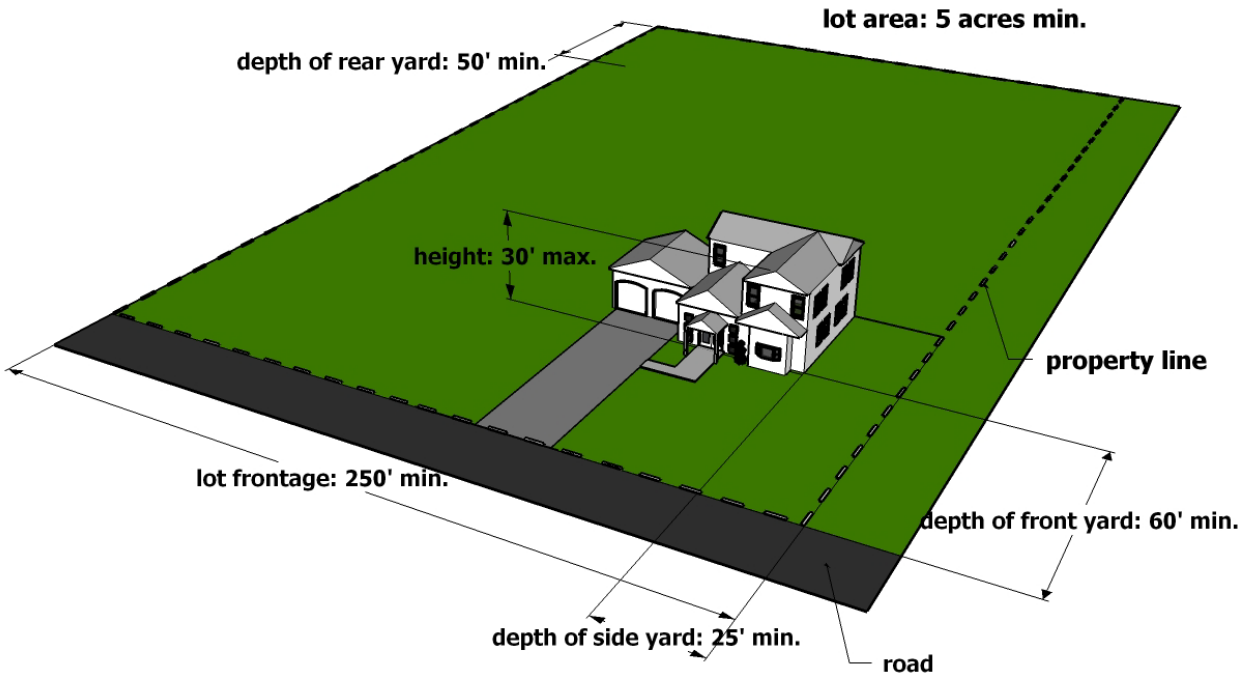
B. Example.





C. Illustration.

RR-1 Example Lot Layout



(Ord. No. 10044, 8-16-2010, § 6.)

50-14.4 Residential-Rural 2 (RR-2).

A. Purpose.

The RR-2 district is established to accommodate single-family detached residential uses on lots of at least two acres each. The district encourages distinctive neighborhoods with a suburban character. The district may serve as a transition between lower-density semi-rural areas and more intense residential or mixed use neighborhoods. Complimentary uses such as limited agriculture, small-scale institutional uses, parks, minor utilities and certain temporary uses are allowed as shown in Table 50-19.8.

TABLE 50-14.4-1
RR-2 DISTRICT DIMENSIONAL STANDARDS

LOT STANDARDS	
Minimum lot area per family	2 acres
Minimum lot frontage	100 ft.
STRUCTURE SETBACKS	
Minimum depth front yard	35 ft.
Minimum width of side yard	10 ft.
Corner Lot: width of front side yard	25 ft.
Minimum depth of rear yard	25 ft.
STRUCTURE HEIGHT	
Maximum height of building	30 ft.

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

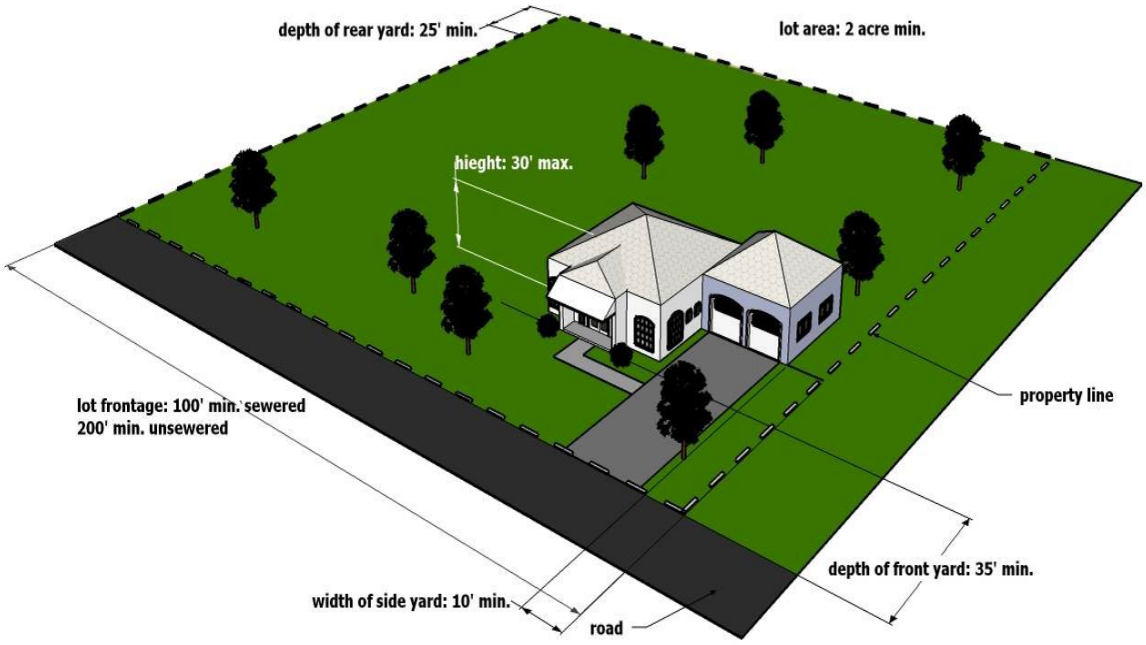
B. Example.





C. Illustration.

RR-2 Example Lot Configuration



(Ord. No. 10044, 8-16-2010, § 6.)

50-14.5 Residential-Traditional (R-1).

A. Purpose.

The R-1 district is established to accommodate traditional neighborhoods of single-family detached residences, duplexes and townhouses on moderately sized lots. This district is intended to be used primarily in established neighborhoods. Many of the dimensional standards in this district require development and redevelopment to be consistent with development patterns, building scale, and building location of nearby areas. Uses are allowed as shown in Table 50-19.8;

TABLE 50-14.5-1
R-1 DISTRICT DIMENSIONAL STANDARDS

LOT STANDARDS		
Minimum lot area per family [1] [2] [3]	One-family	The smaller of 4,000 sq. ft. or average of developed 1-family lots on the block face
	Two-family	2,000 sq. ft.
	Townhouse	2,500 sq. ft.
Minimum lot frontage [1] [2] [3]	One-family and two-family	The smaller of 40 ft. or average of developed lots with similar uses on the block face
	Townhouse, per family	20 ft
STRUCTURE SETBACKS		
Minimum depth of front yard		The smaller of 20 ft. or average of adjacent developed lots facing the same street
Minimum width of side yard (one- and two-family)	General	6 ft.
	Lots with less with 30 ft or less of frontage	3 ft.
	Two-family shared wall	0 ft setback for portion of the principal structure with the shared wall
Minimum width of side yard (all other principal structures)	General	10 ft.
	Townhouse shared wall	0 ft setback for portion of the principal structure with the shared wall
Corner Lot: width of front side yard	Principal and accessory structures	15 ft.
Minimum depth of rear yard		15 ft.
STRUCTURE HEIGHT		
Maximum height of bulding		30 ft.

[1] Determined using "Lots on the block face" definition. When doing this calculation, exclude the subject lot from the calculation.
[2] Lots without municipal sewer must also meet requirements of 50-21.2.
[3] Existing structures that have a change of use from one-family to two-family must meet minimum lot area and frontage, but not setbacks. For lots with less than the minimum lot frontage, refer to 50-38.5
Section 50.21 *Dimensional standards* contains additional regulations applicable to this district.
Note: Building and Fire Codes may require plan/design changes and additional fire protection for structures built close to the property line.

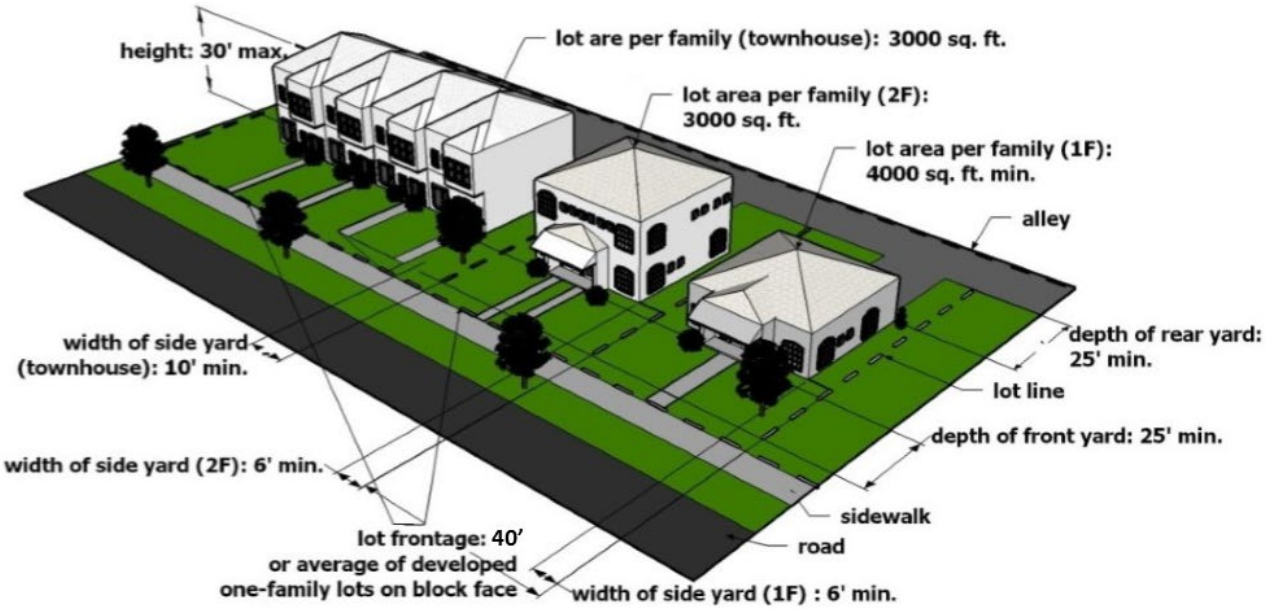
B. Example.





C. Illustration.

R-1 Example Lot Layout



(Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 7; Ord. No. 10225, 5-28-2013, § 1; Ord. No. 10337, 11-24-2014, § 1; Ord. No. 10421, 11-9-2015, § 1; Ord. No. 10659, 10-28-2019 §1, Ord. No 10888, 6-3-2024, § 1)

50-14.6 Residential-Urban (R-2).

A. Purpose.

The R-2 district is established to accommodate multi-family apartments and townhouses, in an urban setting. This district also allows for single-family detached dwellings, duplexes and group living accommodations as shown in Table 50-19.8. The district is intended primarily for locations closer to commercial and mixed use activity centers, and may serve as a transition between lower-density residential areas and more intense commercial and mixed use neighborhoods;

TABLE 50-14.6-1
R-2 DISTRICT DIMENSIONAL STANDARDS

LOT STANDARDS		
Minimum lot area per family	One-family	4,000 sq. ft. or average of the developed 1-family lots on the block face
	Two-family	2,000 sq. ft.
	Multi-family	750 sq. ft.
	Townhouse	2,200 sq. ft.
Minimum lot frontage	One-family and two-family	30 ft. or the average of the developed lots with similar uses on the block face
	Townhouse, per family	20 ft.
	Multi-family and non-residential	50 ft.
STRUCTURE SETBACKS		
Minimum depth front yard		The smaller of 15 ft. or average of adjacent developed lots facing the same street
Minimum width of side yard (one and two-family)	General	6 ft
	For lots with 30 ft or less of frontage	3 ft.
	Two-family shared wall	0 ft setback for portion of the principal structure with the shared wall
Mnimum width of side yard (other principal structures)	General	10 ft.
	Townhouse shared wall	0 ft setback for portion of the principal structure with the shared wall
Corner Lot: width of front side yard	Principal and Accessory Structures	10 ft.
Minimum depth of rear yard		15 ft.
STRUCTURE HEIGHT		
Maximum height of building		50 ft.

Section 50.21 *Dimensional standards* contains additional regulations applicable to this district. For lots with less than the minimum lot frontage, refer to 50-38.5.

Note: Building and Fire Codes may require plan/design changes and additional fire protection for structures built close to the property line.

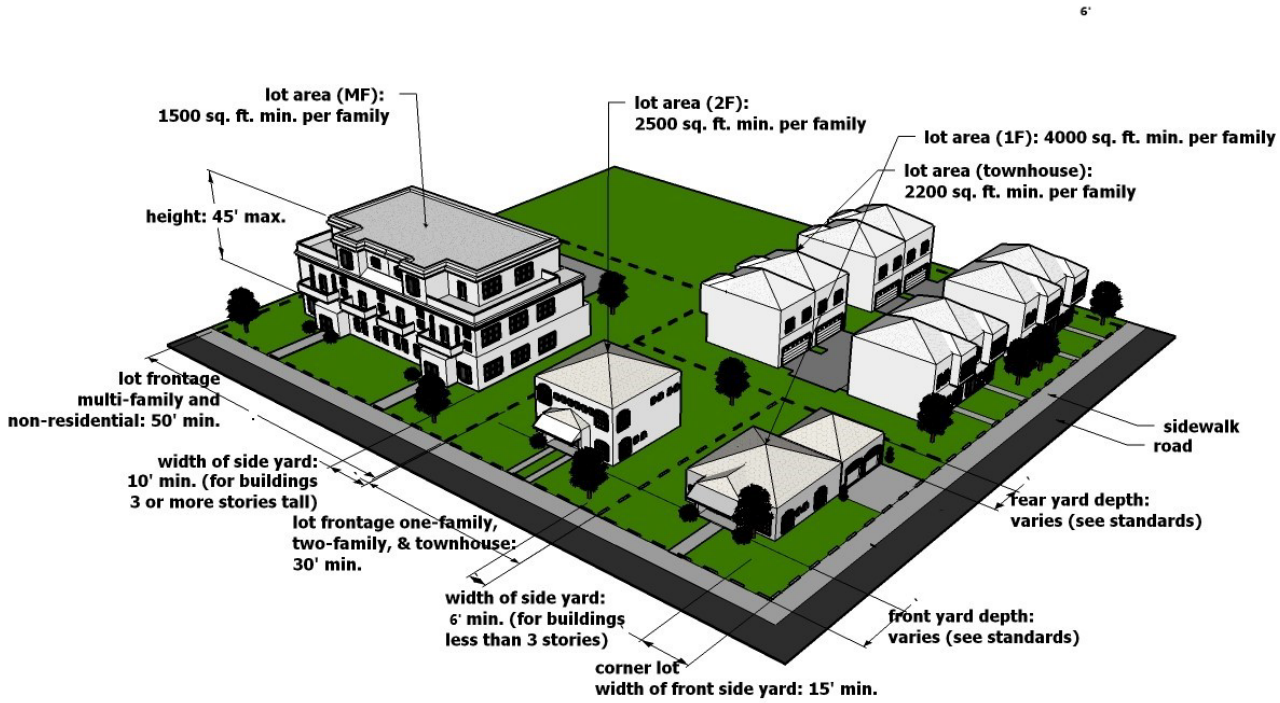
B. Example.





C. Illustration.

R-2 Example Lot Layout



(Ord. No. 10042, 8-16-2010, § 1; Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2-11. § 8; Ord. No. 10192, 12-17-2012, § 3, Ord. No. 10659, 10-28-2019 § 2, Ord. No 10888, 6-3-2024, § 2)

50-14.7 Residential-Planned (R-P).

A. Purpose.

The R-P district is established to provide a flexible development option for residential projects that integrate creative site design, provide a variety of housing types, provide unique on-site amenities, conserve natural features, increase pedestrian connectivity, or otherwise result in a final product that provides a greater level of public benefit than would be required under the existing zone district. Each R-P district requires approval of an R-P regulating plan that includes the location, type and intensity of proposed development and a description of public amenities or benefits included. Single-family residences, two-family residences and townhouses, as well as accessory uses, are permitted, as shown in Table 50-19.8, provided projects are compatible in scale and character with the surrounding neighborhood and are included in the approved R-P plan;

B. Examples.



C. Modifications.

An applicant may seek only the modifications in Table 50-14.7-1, based on demonstration of how the proposal supports the purpose of the R-P district as stated in subsection 50-14.7.A and proposes as part of the project to be achieved through the R-P rezoning three or more of the following priorities:

1. Significant preservation and protection of natural resources and undeveloped areas, including wetlands, trees, key habitat, and wildlife areas.
2. A higher level of sustainability, demonstrated in buildings, site design, and transportation, than required by Section 50-28.
3. More efficient and effective use of streets, utilities, and public facilities to support high quality development at a lesser cost.
4. Recreational facilities that are available for regular public use, such as parks, trails, and playgrounds. Accommodations for and linkages to mass transit.
5. Compact residential development that incorporates small lots and significant density (for single-family developments this would be 4-10 units/acre).
6. Bike lanes and trails within the development that connect to other trails and destinations in the city's transportation system.
7. Pedestrian services such as benches, plazas, pedestrian-scaled lighting, traffic calming, and art.

Table 50-14.7-1: Modifications Allowed	
Chapter Requirement	**Maximum Modification Allowed**
Distance from property lines	No required yards
Lot frontage	No required minimum lot frontage
Lot area, general	No required minimum lot area
Building height	Up to a 50% increase, if application demonstrates avoidance of substantial impacts to views from uphill sites
Parking	Provided in accordance with the parking needs for proposed development, as demonstrated through a professionally completed parking study approved by the Land Use Supervisor
Landscaping	Alternative or off-site landscaping permitted
Street cross-section	Public or private street permitted, as determined by City Engineer If private street provided, cross section as determined by Land Use Supervisor.

D. Applicability.

An R-P district shall only be established in the RR-2, R-1, and R-2 districts provided the property meets the requirements in Table 50-14.7-2;

TABLE 50-14.7-2: Characteristics of High-Density and Low-Density in R-P Areas	
Current zoning	RR-2, R-1, R-2
Minimum lot size	4 acres

E. Rezoning approval and regulating plan required.

The establishment of an R-P district requires rezoning the property per Section 50-37.3 from a current zone district to R-P and the approval of an R-P plan per Section 50-37.11 that governs the uses, location, density, dimensional standards and character of the proposed project.

In accordance with the purpose of the R-P district, approval of the R-P plan is deemed to include subdivision approval; R-P districts are not required to submit a separate subdivision application under Section 50-37.5;

F. Development standards.

1. The development standards of the base zone district(s) where the property is located shall apply to any R-P zoned land unless waived or varied by the terms of an approved R-P regulating plan. The ordinance approving an R-P district and the approved regulating plan shall identify the previous base zone districts for each portion of the property;
2. Overall density in residential portions of the R-P shall follow the density requirements of the previous zone district unless modified as part of the R-P plan;
3. Minimum percentage of property (excluding common open space) used for residential purposes shall be 66 percent;
4. Common open space. Adequate provisions shall be made for the permanent preservation and maintenance of active or passive open space. Common open space shall not be less than 30 percent of

the area of the project (not including right-of-way or access easements) and shall follow generally accepted conservation design practices and include preservation of views, sensitive natural areas, trees, and natural habitat. Common open space should endeavor to be contiguous and shall be owned and managed by a property owners association or, if acceptable to the city, dedicated to the public.

5. All shoreland setbacks and other dimensional requirements from Section 50-18.1 (NR-O) shall continue to apply and cannot be varied through the R-P process;

G. Required community meeting.

The applicant shall hold at least one community meeting to discuss the plan before submitting the rezoning application for review and approval by the city. Notice of the public meeting shall be mailed to all property owners within 350 feet outside the planning area boundaries, and the city shall provide the applicant with the names and address of those property owners upon request. The applicant shall submit with the application documentation that the community meeting has taken place, the date and time of the meeting, the number of attendees, any issues raised regarding the plan and any responses to those concerns incorporated in the plan;

H. Required rezoning application and regulating plan contents.

1. The rezoning application (approved per Section 50-37.3) shall include the following information:
   (a) A concept map showing the property to be rezoned and general uses within the area;
   (b) Maximum residential densities and maximum square footage for nonresidential land uses;
   (c) Maximum building heights;
2. The regulating plan (approved per Section 50-37.11) shall cover all of the land in the proposed R-P district and shall regulate all future development in the R-P district. An approved R-P plan is required before any building permits may be issued within the R-P district. The R-P plan shall include maps and text describing the following information:
   (a) General layout of development areas and building parcels in relation to the natural features to be protected and the proposed road, trail and bicycle circulation systems;
   (b) Lot sizes and widths, building setbacks, and maximum building heights for all proposed development parcels;
   (c) Previous base zone districts;
   (d) A road, trail and bicycle circulation plan (including how the circulation may intersect with transit use) and a description of proposed road, trail and bike route widths, trail surfaces, a proposal for maintenance of each road and trail (which may include dedication to and maintenance by the city), and a statement as to whether public access will be permitted on each road, trail, and bicycle route;
   (e) A natural resources inventory and natural site features to be protected;
   (f) Common open space to be provided, the location of that open space, a calculation of proposed open space as a percentage of the total land area in the R-P zone, a proposal for protection and maintenance of the open space over time and a statement as to whether public access to the open space shall be provided;
   (g) Permitted and special uses for the site, which shall be consistent with those shown in Table 50-19.8; special uses listed in the R-P plan will need to apply for and receive a special use permit prior to building;
   (h) Maximum residential densities and maximum square footage for nonresidential land uses;
   (i) A plan describing the demand for and location of water, sewer, and utility service to the property, including any additional right-of-way needed to accommodate those utilities. In addition, the plan shall indicate all utilities that will be owned or maintained by the public, and if any of those services are to be provided by the city or a public or quasi-public district, and provide a statement as to whether the proposed facilities will meet the engineering and maintenance standards of that entity;
   (j) Details on buffering or transitioning between uses of different intensities both on- and off-site;

(k) A plan for stormwater collection and treatment that includes a summary of land use and technical methods used to minimize storm water run-off from the site;
(l) Off street parking to be provided in driveways, surface lots and garages;
(m) Any public infrastructure, other than common open space, to be provided by the applicant, together with a statement as to whether those amenities shall be available for public use, and how those amenities will be maintained;
(n) Any required building types, form-based regulation or architectural design requirements, as well as a description of how those standards will be maintained and enforced over time;
(o) If a project involves construction over a period of time in two or more phases, a phasing plan demonstrating that each phase meets density requirements, open space requirements, and provision of public amenities. Phasing plan shall include an approximate time frame for each phase of development. The applicant shall provide agreements, contracts, covenants, deed restrictions, and sureties acceptable to the city attorney for the completion of the development according to the approved R-P plan;
(p) Cross sections demonstrating the proportions of buildings and the relationship between those buildings, pedestrian spaces, and the streetscape;

I. Previously approved developments.

All residential developments approved prior to November 19, 2010, as low-density planned developments pursuant to Sections 50-36.1 through 50-36.3 of the previous zoning code shall be treated as approved developments, and will be rezoned to the R-P zone district;

J. Amendments.

Applications to amend an existing R-P plan shall follow the process described in Section 50-37.3 if they relate to uses, densities, or height. All other amendments shall follow the process in Section 50-37.11. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 9; Ord. No. 10192, 12-17-2012, § 4; Ord. No. 10286, 3-10-2014, § 1; Ord. No. 10801, 4-11-2022, § 1)

50-15 MIXED USE DISTRICTS.

50-15.1 General purposes of mixed use districts.

The mixed use districts are established to:

A. Increase opportunities for residents to live in close proximity to jobs and non-residential development;

B. Accommodate the mix of residential and non-residential land uses common in and around downtown/waterfront areas, major universities and medical centers and along commercial corridors;

C. Encourage mixed use redevelopment, conversion and reuse of aging and underutilized areas, and increase the efficient use of available commercial land in the city;

D. Create pedestrian-oriented environments that encourage transit use, pedestrian access, and more sustainable land use patterns;

E. Ensure that the appearance and function of residential and non-residential uses are of high and unique aesthetic character and quality, and are integrated with one another and the character of the area in which they are located. (Ord. No. 10044, 8 16 2010, § 6.)

50-15.2 Mixed Use-Neighborhood (MU-N).

A. Purpose.

The MU-N district is established to accommodate a mix of neighborhood-scale, neighbor-hood serving non-residential uses and a range of residential uses located in close proximity. This district accommodates both horizontal (uses located in separate structures) and vertical (uses located in the same building) types of mixed use. Non-residential uses may include small-scale retail, service and profes-sional offices that provide goods and services to the residents of the surrounding neighborhood, as shown in Table 50-19.8;

TABLE 50-15.2-1
MU-N DISTRICT DIMENSIONAL STANDARDS

LOT STANDARDS		
Minimum lot area per family	One-family	4,000 sq. ft.
	Two-family	2,500 sq. ft.
	Multi-family	500 sq. ft.
	Efficiency unit	380 sq. ft.
	Townhouse or live-work dwelling	2,200 sq. ft.
Minimum lot frontage	Townhouse, per family	20 ft
	One-family, or two-family dwelling	30 ft.
	Multi-family or non-residential	50 ft.
STRUCTURE SETBACKS		
Minimum depth of front yard	For all structures 35 feet in height or less	The smaller of 10 ft. or average of adjacent developed lots facing the same street
	For portions of all structures higher than 35 feet	An additional 10 feet beyond the required front yard setback above
Minimum width of side yard	General, unless listed below	5 ft.
	Two-family or townhouse shared wall	0 ft setback for portion of the principal structure with the shared wall
	Non-residential use adjacent to residential district or use	15 ft.
	Multi-family adjacent to single-family district or use	10 ft.
Minimum depth of rear yard		15 ft.
STRUCTURE HEIGHT		
Maximum height of building	Non-residential use	45 ft.
	Residential or mixed use (general)	75 ft.
	Residential or mixed use (within 500 ft. of R-1 or R-2 district)	50 ft.

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

Note: Building and Fire Codes may require plan/design changes and additional fire protection for structures built close to the property line.

B. Example.





C. Illustration.



(Ord. No. 10041, 8-16-2010, § 1; Ord. No. 10042, 8-16-2010, § 2; Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 10; Ord. No. 10192, 12-17-2012, § 5; Ord. No. 10232, 6-10-2013, § 1; Ord. No. 10286, 3-10-2014, § 2; Ord No. 10468, 8-29-2016, §1, Ord. No 10888, 6-3-2024, § 3)

50-15.3 Mixed Use-Commercial (MU-C).

A. Purpose.

The MU-C district is established to provide for community and regional commercial development along commercial corridors and nodal centers. Intended non-residential uses include retail, lodging, service, and recreational facilities needed to support the community and region, as shown in Table 50-19.8. Development should facilitate pedestrian connections between residential and non-residential uses;

TABLE 50-15.3-1
MU-C DISTRICT DIMENSIONAL STANDARDS

LOT STANDARDS		
Minimum lot area per family	Live-work dwelling	2,200 sq. ft.
	Multi-family	500 sq. ft.
	Efficiency unit	380 sq. ft.
Minimum lot frontage	Non-residential or mixed use	0 ft.
	Multi-family	50 ft.
STRUCTURE SETBACKS		
Minimum depth of front yard	For all structures 35 feet in height or less	0 ft.
	For portions of all structures higher than 35 feet	12 ft.
Minimum width of side yard and rear yard	Non-residential district or use adjacent to residential or mixed use district or use	15 ft.
	Multi-family residential district or use adjacent to one-family residential district or use	10 ft.
	Non-residential use adjacent to commercial use or multi-family use adjacent to multi-family use	0 ft.
STRUCTURE HEIGHT		
Maximum height of building	Non-residential use	45 ft.
	Residential or mixed use	90 ft.
	Residential or mixed use within 500 ft. of R-1 or R-2 district	45 ft.

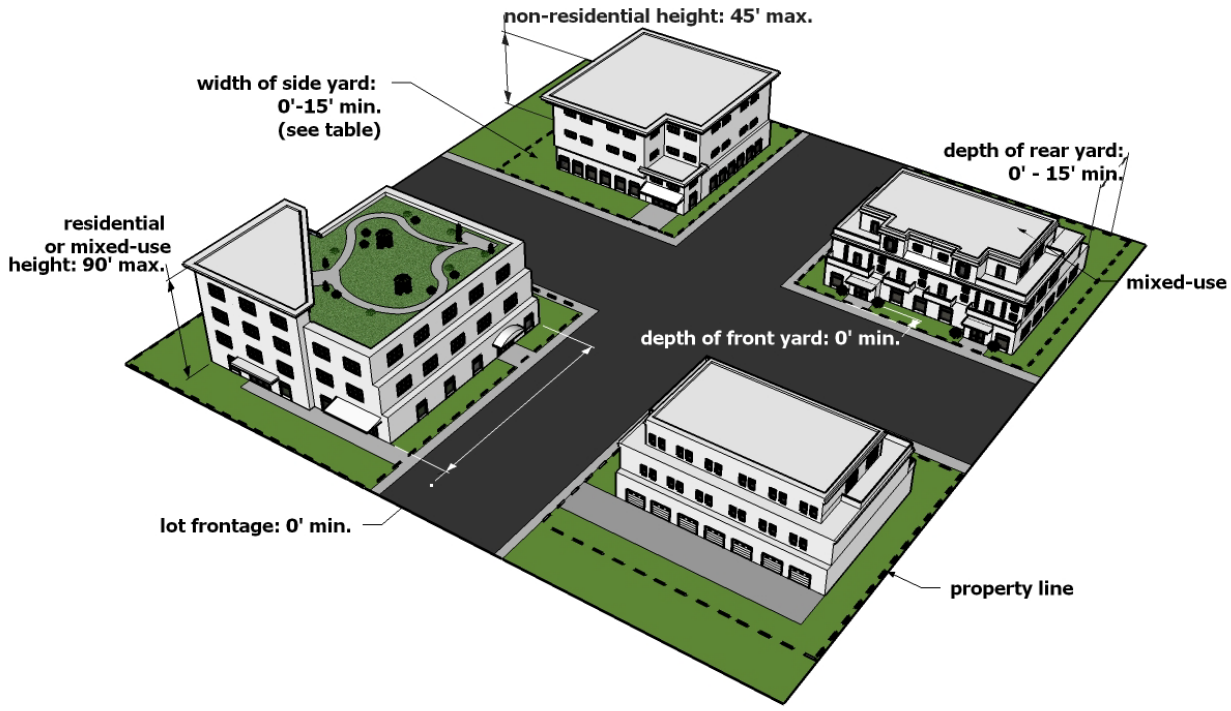
Section 50.21 *Dimensional standards* contains additional regulations applicable to this district.

B. Example.





C. Illustration.



D. Planning commission approval required.

A planning review by the planning commission, pursuant to the procedures in Article V, shall be required for all new development, redevelopment and expansions in the MU-C district, including but not limited to construction of driveways or other access from public streets, and construction of off-premises signs, but excluding the following:

1. Building construction or expansion of less than 500 square feet in area;
2. Building renovations that affect the exterior of structures that do not result in an increase in building square footage;
3. Grading and construction of parking areas less than 3,000 square feet.

Development may not proceed until the planning commission has approved the project through planning review;

E. Development standards.

1. The location, size and number of curb cuts shall be designed to minimize traffic congestion or hazard in the area. Any traffic control improvements required as a result of the proposal such as traffic signals, turning lanes, medians, signage and other types of improvements necessary to accommodate traffic flow to and from the proposed project shall be paid for by the property owner. Any additional right-of-way or easements needed shall be provided by the property owner at no cost to the city;
2. Any necessary public easements over the subject property shall be dedicated, and any necessary improvements within such easements or other easements adjacent to the subject property shall be made. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10232, 6-10-2013, § 2; Ord No. 10468, 8-29-2016, §2)

50-15.4 Mixed Use-Institutional (MU-I).

A. Purpose.

The MU-I district is established to provide for the unique development needs and impacts of major medical, educational and research institutional development. The intent is to give institutional landowners the flexibility to plan and develop their facilities while ensuring that surrounding neighborhoods are protected from adverse impacts, such as traffic, overshadowing buildings, noise and unexpected expansion of institutional uses into residential areas;

TABLE 50-15.4-1
MU-I DISTRICT DIMENSIONAL STANDARDS

LOT STANDARDS		
Minimum lot area per family	Multi-family	500 sq. ft.
	Efficiency unit	380 sq. ft.
STRUCTURE SETBACKS		
Structures and parking facility setbacks		0 ft.
STRUCTURE HEIGHT		
Maximum height of building	Generally	120 ft.
	On development sites totaling not more than 15% of developable area of the zone district, but not within those areas where a lower maximum is noted below.	300 ft.
	Within 200 ft. of R-1	46 ft.
	Within 200 ft. of R-2	66 ft.
	Within 200 ft. of MU-N	91 ft.

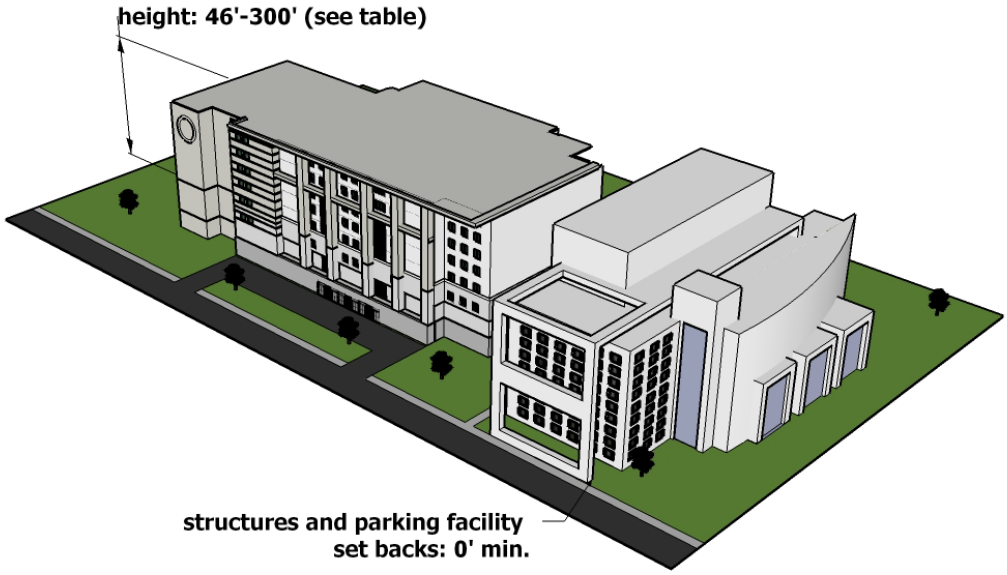
Section 50.21 *Dimensional standards* contains additional regulations applicable to this district.

B. Example.





C. Illustration.



D. Planning commission approval required.

1. A planning review by the planning commission, pursuant to the procedures in Article V, shall be required for all development and redevelopment, unless the applicant chooses to use the district plan option described below. Development may not proceed until the planning commission has approved the project through planning review or the district plan option;
2. Any proposed rezoning of land from an R district into the MU-I district shall require the preparation of a plan addressing how traffic, parking, and view impacts from the proposed redevelopment will be minimized for those lands on nearby R district properties or mitigated within existing MU-I lands, and planning review shall be based on that plan. The plan shall include any land and facilities within the current MU-I district that will be used to support the use or development of the property to be rezoned, and shall demonstrate how the rezoned and existing institutional properties will functionally relate in terms of parking, circulation, noise, visual impacts, and other applicable development standards;
3. Applicants that do not opt for approval of a district plan shall obtain separate approval for each future expansion or development project through the planning review procedures pursuant to Section 50-37.11, which may include requirements for special use permits or variances. Such approval will require review of vehicle circulation and building scale;

E. District plan.

1. In an MU-I zone district that contains land and multiple buildings owned or operated by a single institution, the institution may choose to obtain approval of a district plan from the city as set forth in Section 50-37.4 or the ordinance amending the zoning applicable to the subject property to MU-I may provide that the ordinance shall not be effective until 30 days after the ordinance's passage and publication or until the Land Use Supervisor files with the city clerk a copy of an approved district plan for the subject property, whichever is later;
2. After a district plan that complies with this Section 50-15.4 is approved, all subsequent development proposed by the institution that substantially complies with the density, location and uses of the approved district plan shall be administratively approved by the land use supervisor through the planning review process in Section 50-37.11 without the need for additional planning commission review or public hearings;

F. District plan requirements.

Planning area.

1. The planning area for the district plan shall include all the contiguous areas and properties under the ownership and control of the institution. All maps submitted under this Section also shall depict properties within 500 feet of the planning area boundaries;

Plan requirements.

2. A district plan shall, at a minimum, include the following information unless the land use supervisor determines that some elements are not necessary to evaluate the institution's future impacts on surrounding neighborhoods:
    (a) A statement as to whether the institution intends to acquire any additional properties in the surrounding area for conversion to institution uses over the ten year period, and, if so, the general direction of that proposed expansion;
    (b) A plan and description of the maximum amount of development of land and buildings expected to occur within the planning area boundaries within over the next ten years, including:
        (i) Location of each potential new building or significant expansion of or addition to existing buildings;
        (ii) Maximum floor area and height of potential new buildings and additions to and expansions of existing buildings;
        (iii) Any setbacks and buffering from the external planning area boundaries;
        (iv) Total number and location of parking spaces that will be developed to serve any new development;
        (v) A statement of any sensitive natural areas or site features that will be protected from development, and the measures to be taken to protect them;
        (vi) A statement as to any public improvements anticipated to be required from the city or any public or quasi-public entity to serve the proposed development;
    (c) A transportation and parking management element that identifies traffic circulation patterns, entry and exit points for traffic at the planning area boundaries, any anticipated increases or decreases in traffic entering or exiting the planning area, how parking needs and transit service will be accommodated within the planning area and any measures to be used to mitigate traffic and parking impacts on surrounding areas. If the district plan reflects an increase of ten percent or more in building gross square footage or an increase of ten percent or more of employment or enrolled students within the planning areas, the city may require that the institution base this element on a traffic and parking study prepared by a qualified consultant;
    (d) An open space, trail and pedestrian/bicycle circulation element that describes how those features will be integrated into the proposed development and connected to similar features in the surrounding area;
    (e) A massing plan showing the locations of all existing and planned buildings more than 20 feet taller than the maximum height allowed in any adjacent residential zone district, together with any design standards to be applied on those buildings to reduce the degree to which those buildings obstruct views of Lake Superior from adjacent residential neighborhoods;
    (f) A description of any requested variation from the development standards in Article IV that would otherwise apply to the planning area. Unless varied by the district plan, the provisions otherwise applicable to the MU-I zone district will apply;
    (g) The district plan may establish height limitations below the maximum heights established as permissible in the MU-I zone to better fit with the character of the surrounding neighborhood (including the height of existing structures), or to limit potential impacts to access to light and air by nearby properties.

G. Community meeting.

The applicant shall hold at least one community meeting to discuss the district plan before submitting the plan for review and approval by the city. Notice of the public meeting shall be mailed to all property

owners within 350 feet outside the planning area boundaries, and the city shall provide the applicant with the names and address of those property owners upon request. The applicant shall submit with the application documentation that the community meeting has taken place, the date and time of the meeting, the number of attendees, any issues raised regarding the district plan and any responses to those concerns incorporated in the district plan;

H. Approval criteria.

The city shall approve an optional district plan if it finds that the application meets all of those district plan approval criteria in Section 50-37.4C and in addition meets the following criteria:

1. The district plan complies with all applicable standards of this Chapter, or offers sound reasons for variations from those standards;
2. The district plan mitigates any potential significant adverse impacts to surrounding areas – including but not limited to traffic, parking, and visual obstruction of views of Lake Superior and the St. Louis River to the extent reasonable;
3. Sufficient public safety, transportation and utility facilities and services are available to serve the planning area at the proposed level of development, while maintaining sufficient levels of service to existing and anticipated development in surrounding areas. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 11; Ord. No. 10769, 9-27-2021, § 1)

50-15.5 Mixed Use-Business Park (MU-B).

A. Purpose.

The MU-B district 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, as shown in Table 50-19.8;

TABLE 50-15.5-1
MU-B DISTRICT DIMENSIONAL STANDARDS

STRUCTURE SETBACKS		
Minimum depth of front yard	General	25 ft.
	Lots with less than 250 ft. average depth	Larger of 10 ft. or 10% of lot depth
Minimum width of side yard	Adjacent to residential use or district	6 ft.
	General	0 ft.
Minimum depth of rear yard	Adjacent to residential use or district	10 ft.
	General	0 ft.
STRUCTURE HEIGHT		
Maximum height of building	General	60 ft.
	Within 500 ft. of R-1 or R-2 district	45 ft.

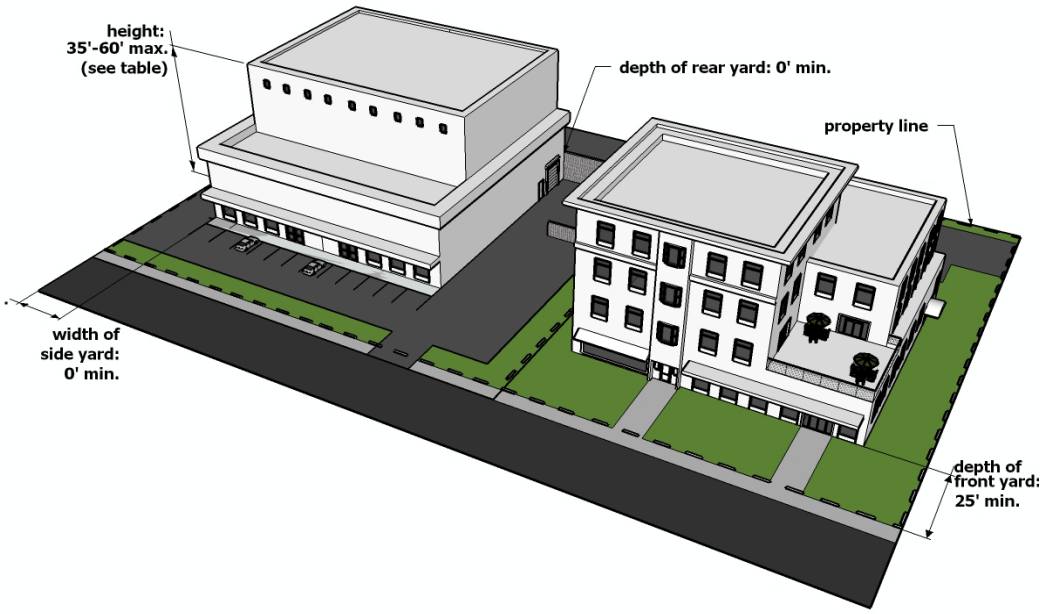
Section 50.21 *Dimensional standards* contains additional regulations applicable to this district.

B. Example.





C. Illustration.



D. Development standard.

In portions of the MU-B zone district developed after May 7, 1979, (a) all truck loading, unloading, and maneuvering areas shall be constructed in side or rear yard areas with a durable dust free material having a smooth hard surface, and shall be defined on all sides by raised cast-in-pace concrete curbs, and (b) all truck loading, unloading, and maneuvering operations shall be conducted so that no truck movement interferes with ingress or egress of traffic on a street and no truck shall be required to back into loading areas from a street. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10232, 6-10-2013, § 3, Ord No. 10468, 8-29-2016, §3)

50-15.6 Mixed Use-Waterfront (MU-W).

A. Purpose

The MU-W district is intended to provide for waterfront-dependent commercial uses and medium to high density residential development. Intended non-residential uses include visitor-related retail and services, lodging, recreational facilities and maritime uses, as well retail and service uses that take advantage of the waterfront setting, as shown in Table 50-19.8. Development may include horizontal or vertical mixed use, and should facilitate transit and pedestrian connections between developments and the surrounding areas and community;

TABLE 50-15.6-1
MU–W DISTRICT DIMENSIONAL STANDARDS

LOT STANDARDS		
Minimum lot area per family	Townhouse or live-work dwelling	2,200 sq. ft.
	Multi-family	500 sq. ft.
	Efficiency unit	380 sq. ft.
Minimum lot frontage		50 ft.
STRUCTURE SETBACKS		
Minimum depth of front yard		0 ft.
Minimum width of side yard		25 ft.
Minimum depth of rear yard		25 ft.
STRUCTURE HEIGHT		
Maximum height of building	Residential or mixed use	120 ft.
	Non-residential	60 ft.
	Within 500 ft. of R-1 district	35 ft.
	Within 500 ft. of R-2 district	50 ft.

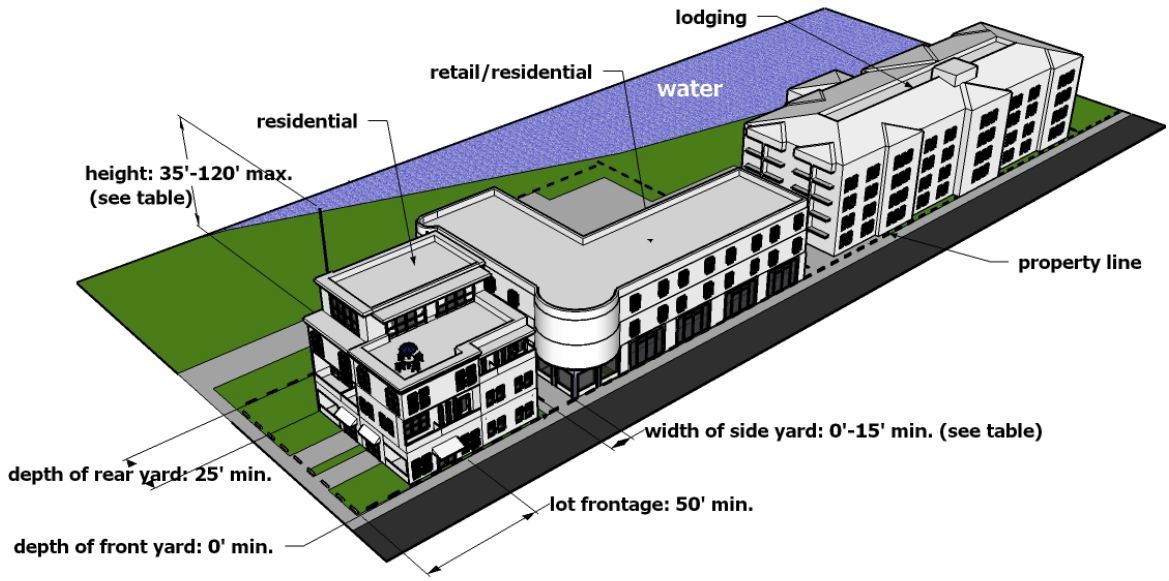
Section 50.21 *Dimensional standards* contains additional regulations applicable to this district.

B. Example.





C. Illustration.



D. Planning commission approval required.

A planning review by the planning commission, pursuant to the procedures in Article V, shall be required for all development, redevelopment and expansions in the MU-W district, including but not limited to construction of driveways or other access from public streets and construction of off-premises signs, but excluding the following:

1. Building construction or expansion of less than 500 square feet in area;
2. Building renovations that affect the exterior of structures that do not result in an increase in building square footage;
3. Grading and construction of parking areas less than 3,000 square feet.

Development may not proceed until the planning commission has approved the project through planning review;

E. Development standards.

All permitted development in the MU-W shall comply with the following development standards:

1. Proposed development shall be visually and functionally oriented toward the waterfront of Lake Superior, the harbor and the St. Louis River to the maximum extent possible so that users of buildings and associated outdoor areas have direct views and physical access to the waterfront;
2. To protect public views to the waterfront from the closest landward public street running approximately parallel to the water, all primary structures shall have a maximum width of 200 feet measured along the shoreline and shall be separated from other primary structures by a minimum of 50 feet;
3. Buildings shall have a primary façade, with a functioning entrance for residents, employees or patrons facing the waterfront, and a second primary façade with a similar functioning entrance facing at least one of the adjacent streets, to the maximum extent feasible;
4. The quality of façade design and materials and the level of detail on the building façade facing the water shall be comparable to that on any other building façade containing a functioning entrance. The building façade facing the water shall have at least 40 percent transparency, measured as set forth in Section 50-22.5.D.1; no rectangular area greater than 30 percent of each story of the façade facing the water may be windowless, as measured from floor to floor, and no horizontal distance greater than 15 feet of each story of a facade facing the water may be windowless;
5. For any development, redevelopment, or expansion of an existing structure or use, the parking requirements in Section 50-24 shall be met without use of the reduction allowed by 50-24.3, adjustment to

required off-street parking. However, the required parking may be reduced as allowed by 50-24.3 only if the applicant can demonstrate to the Land Use Supervisor's satisfaction that nearby properties provide sufficient supplemental off-street parking and that all the parking needs generated by the use can be met on site. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10232, 6-10-2013, § 4; Ord. No. 10286, 3-10-2014, § 3; Ord. No. 10589, 9-24-2018, § 1; Ord. No. 10723, 12-14-2020, § 3)

50-15.7 Mixed Use-Planned (MU-P).

A. Purpose.

The MU-P district is established to provide a flexible development option for mixed use projects that integrate creative site design, provide a variety of building types, provide unique on-site amenities, conserve natural features, increase pedestrian connectivity, or otherwise result in a final product that provides a greater level of public benefit than would be required under the existing zone district. Each MU-P district requires approval of a MU-P regulating plan that includes the location, type, and intensity of proposed development and a description of public amenities or benefits included. A variety of residential and commercial uses are permitted, as shown in Table 50-19.8, provided projects are compatible in scale and character with the surrounding neighborhood and are included in the approved MU-P plan;

B. Examples.



C. Modifications.

An applicant may seek only the modifications in Table 50-15.7-1, based on demonstration of how the proposal supports the purpose of the MU-P district as stated in Section 50-15.7.A and proposes as part of the project to be achieved through the MU-P rezoning three or more of the following priorities:

1. Significant preservation and protection of natural resources and undeveloped areas, including wetlands, trees, key habitat, and wildlife areas;
2. A higher level of sustainability, demonstrated in buildings, site design, and transportation, than required by Section 50-28;
3. More efficient and effective use of streets, utilities, and public facilities to support high quality development at a lesser cost;
4. Recreational facilities that are available for regular public use, such as parks, trails, and playgrounds.
5. Accommodations for and linkages to mass transit;
6. Creative site and building design;
7. Bike lanes and trails within the development that connect to other trails and destinations in the city's transportation systems;
8. Pedestrian services such as benches, plazas, pedestrian-scaled lighting, traffic calming, and art;

Table 50-15.7-1: Modifications Allowed.	
Chapter Requirement	**Maximum Modification Allowed**
Distance from property lines	No required yards
Building height	50% increase if not within 200' of an R-1 or R-2, if application demonstrates avoidance of substantial impacts to views from uphill sites
Lot frontage	No required lot frontage
Buildings per lot	More than one building may be placed on one lot
Parking	Provided in accordance with the parking needs for proposed development, as demonstrated through a professionally completed parking study approved by the Land Use Supervisor
Landscaping	Alternative or off-site landscaping permitted
Street cross-section	Public or private street permitted, as determined by City Engineer If private street provided, cross section as determined by Land Use Supervisor.
Building design standards	May propose alternative standards
Higher Education Overlay	May propose alternative standards

D. Applicability.

A MU-P district shall only be established in the R-2, MU-N, MU-C, and MU-B districts provided the property meets the requirements in Table 50-15.7-2.

TABLE 50-15.7-2: Characteristics of MU-P Areas.	
Current zoning	R-2, MU-N, MU-C, MU-B
Minimum lot size	1 acre

E. Rezoning approval and regulating plan required.

The establishment of an MU-P district requires rezoning the property per Section 50-37.3 from a current zone district to MU-P and the approval of an MU-P plan per Section 50-37.11, that governs the uses, location, density, dimensional standards and character of the proposed project.

In accordance with the purpose of the MU-P district, approval of the MU-P plan is deemed to include subdivision approval; MU-P districts are not required to submit a separate subdivision application under Section 50-37.5.

F. Development standards.

1. The development standards of the base zone district(s) where the property is located shall apply to any MU-P zoned land unless waived or varied by the terms of an approved MU-P regulating plan. The ordinance approving an MU-P district and the approved regulating plan shall identify the previous base zone districts for each portion of the property;
2. Overall density in residential portions of the MU-P shall be identified;
3. Adequate provisions shall be made for the permanent preservation and maintenance of active or passive open space. Common open space shall not be less than 20 percent of the area of the project
4. The development shall encourage walkable, bikeable communities through the use of complete streets, alleys, sidewalks and trails, interconnected street networks, small blocks, front porches, and buildings that are sited adjacent to streets;
5. All natural resource requirements from Section 50-18.1 (NR-O) shall continue to apply and cannot be varied through the MU-P process;

G. Required community meeting.

The applicant shall hold at least one community meeting to discuss the project plan before submitting an application for MU-P rezoning for review and approval by the city. Notice of the public meeting shall be mailed to all property owners within 350 feet outside the planning area boundaries, and the city shall provide the applicant with the names and address of those property owners upon request. The applicant shall submit with the application documentation that the community meeting has taken place, the date and time of the meeting, the number of attendees, any issues raised regarding the plan and any responses to those concerns incorporated in the plan;

H. Required rezoning application and regulating plan contents.

1. The rezoning application (approved per Section 50-37.3) shall include the following information:
   (a) A concept map showing the property to be rezoned and general uses within the area;
   (b) Maximum residential densities and maximum square footage for nonresidential land uses;
   (c) Maximum building heights;
2. The regulating plan (approved per Section 50-37.11) shall cover all of the land in the proposed MU-P district and shall regulate all future development in the MU-P district. An approved MU-P plan is required before any building permits may be issued within the MU-P district. The MU-P plan shall include maps and text describing the following information:
   (a) General layout of development areas and building parcels in relation to the natural features to be protected and the proposed road, trail and bicycle circulation systems;
   (b) Lot sizes and widths, building setbacks, and maximum building heights for all proposed development parcels;
   (c) Previous base zone districts;
   (d) A traffic impact analysis;
   (e) A road, trail and bicycle circulation plan (including how the circulation may intersect with transit use) and a description of proposed road, trail and bike route widths, trail surfaces, a proposal for maintenance of each road and trail (which may include dedication to and maintenance by the city), and a statement as to whether public access will be permitted on each road, trail, and bicycle route;
   (f) A natural resources inventory and natural site features to be protected;
   (g) Common open space to be provided, the location of that open space, a calculation of proposed open space as a percentage of the total land area in the MU-P zone, a proposal for protection and maintenance of the open space over time and a statement as to whether public access to the open space shall be provided;
   (h) Permitted and special uses for the site, which shall be consistent with those shown in Table 50-19.8; special uses listed in the MU-P plan will need to apply for and receive a special use permit prior to building;
   (i) Maximum residential densities and maximum square footage for nonresidential land uses;

(j) A plan describing the demand for and location of water, sewer, and utility service to the property, including any additional right-of-way needed to accommodate those utilities. In addition, the plan shall indicate all utilities that will be owned or maintained by the public, and if any of those services are to be provided by the city or a public or quasi-public district, and provide a statement as to whether the proposed facilities will meet the engineering and maintenance standards of that entity;
(k) Details on buffering or transitioning between uses of different intensities both on- and off-site;
(l) A plan for stormwater collection and treatment that includes a summary of land use and technical methods used to minimize storm water run-off from the site;
(m) Off-street parking to be provided in driveways, surface lots and garages;
(n) Any public infrastructure, other than common open space, to be provided by the applicant, together with a statement as to whether those amenities shall be available for public use, and how those amenities will be maintained;
(o) Any required building types, form-based regulation or architectural design requirements, as well as a description of how those standards will be maintained and enforced over time;
(p) If a project involves construction over a period of time in two or more phases, a phasing plan demonstrating that each phase meets density requirements, open space requirements, and provision of public amenities. Phasing plan shall include an approximate time frame for each phase of development. The applicant shall provide agreements, contracts, covenants, deed restrictions, and sureties acceptable to the city attorney for the completion of the development according to the approved MU-P plan;
(q) Cross sections demonstrating the proportions of buildings and the relationship between those buildings, pedestrian spaces and the streetscape;

I. Amendments.

Applications to amend an existing MU-P plan shall follow the process described in Section 50-37.3 if they relate to uses, densities, or height. All other amendments shall follow the process in Section 50-37.11. (Added by Ord. No. 10192, 12-17-2012, § 6; Ord. No. 10286, 3-10-2014, § 4; Ord. No. 10801, 4-11-2022, §2)

50-16 FORM DISTRICTS.

50-16.1 General purposes of form districts.

Nine new districts were created for those areas within the city to be regulated by form-based coding. Sections 50-16.2 through 50-16.10 below contain brief descriptions of each of the form districts. Section 50-22, *Building form standards,* provides additional information that applies to these districts and regulates the types of buildings, development and rezoning permitted in each district. (Ord. No. 10044, 8-16-2010, § 6; cited only by Ord. 10284, 3-10-2014, § 1.)

50-16.2 Form District 1 (F-1) low-rise neighborhood shopping.

A. Purpose.

The F-1 District consists of only one building type, Main Street Building I. This district is meant to be mapped within the East Superior Street study area (Lakeside/Lester Park) along the commercial nodes that take the form of traditional mixed use development. Main Street Building I has a build-to zone of between 0 and 15 feet, that allows the building to either be built adjacent to the sidewalk or set back further on the lot to match its surrounding residential context. This building type also requires a high amount of transparency on the ground floor. Permitted and special uses are shown in Table 50-19.8;

Building Types	Form Districts								
	F-1	F-2	F-3	F-4	F-5	F-6	F-7	F-8	F-9
Main Street Building I	●	●							
Main Street Building II			●	●	●	●			
Main Street Building III							●	●	
Corridor Building I		●							
Corridor Building II				●	●				
Lakefront Corridor									●
Corridor Building III								●	
Cottage Commercial I		●				●			
Cottage Commercial II				●					
Iconic Building		●		●	●	●		●	

B. Example.



Example of Main Street I



Example of a Main Street I

C. Illustration.

See Section 50-22 for illustrations of building types permitted in the F-1 district. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10284, 3-10-2014, § 1.)

50-16.3 Form District 2 (F-2) low-rise neighborhood mix.

A. Purpose.

The F-2 District permits Main Street Building I, Corridor Building I, Cottage Commercial Building I and the Iconic Building. This district was designed for both the East Superior Street (Lakeside/ Lester Park) and London Road (12th to 21st avenues East) study areas, and is meant to serve as a mixed use, neighborhood-scale commercial district. Corridor Building I is better suited for office or residential (apartment) uses. Due to its residential character, Cottage Commercial I is well suited to commercial uses that may occur adjacent to a residential area. Permitted and special uses are shown in Table 50-19.8;

Building Types	Form Districts								
	F-1	F-2	F-3	F-4	F-5	F-6	F-7	F-8	F-9
Main Street Building I	●	●							
Main Street Building II			●	●	●	●			
Main Street Building III							●	●	
Corridor Building I		●							
Corridor Building II				●	●				
Lakefront Corridor									●
Corridor Building III								●	
Cottage Commercial I		●				●			
Cottage Commercial II				●					
Iconic Building		●		●	●	●		●	

B. Example.



Example of Corridor Building I



Example of Cottage Commercial I

C. Illustration.

See Section 50-22 for illustrations of building types permitted in the F-2 district. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10284, 3-10-2014, § 1.)

50-16.4 Form District 3 (F-3) mid-rise community shopping.

A. Purpose.

Several pockets within the West Duluth (Grand Avenue and Central Avenue) and Canal Park study areas contain older mixed use buildings, with retail or office uses on the ground floor and office or residential uses on the upper floors. F-3: Main Street Building II was created to preserve this style of development and provide stan-dards for future infill development to emulate the style as well. Main Street Building II has a small build-to zone, requiring the building to be constructed fairly close to the front property line. Permitted and special uses are shown in Table 50-19.8;

		Form Districts								
		F-1	F-2	F-3	F-4	F-5	F-6	F-7	F-8	F-9
building types	Main Street Building I	●	●							
	Main Street Building II			●	●	●	●			
	Main Street Building III							●	●	
	Corridor Building I		●							
	Corridor Building II				●	●				
	Lakefront Corridor									●
	Corridor Building III								●	
	Cottage Commercial I		●				●			
	Cottage Commercial II				●					
	Iconic Building		●		●	●	●		●	

B. Example.



Example of Main Street Building II



Example of Main Street Building II

C. Illustration.

See Section 50-22 for illustrations of building types permitted in the F-3 district. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10284, 3-10-2014, § 1.)

50-16.5 Form District 4 (F-4) mid-rise community mix.

A. Purpose.

Portions of the London Road and West Duluth (Grand Avenue and Central Avenue) study areas either contain auto-oriented development or a mixture of different building types. The F-4 District was created for those areas that are not strictly comprised of mixed use buildings. These areas are often transitional in nature, as the study area switches from commercial to residential. The integration of Corridor Building II and Cottage Commercial II will assist in stepping down the intensity as the district approaches residential neighborhoods. Permitted and special uses are shown in Table 50-19;

Building Types	Form Districts								
	F-1	F-2	F-3	F-4	F-5	F-6	F-7	F-8	F-9
Main Street Building I	●	●							
Main Street Building II			●	●	●	●			
Main Street Building III							●	●	
Corridor Building I		●							
Corridor Building II				●	●				
Lakefront Corridor									●
Corridor Building III								●	
Cottage Commercial I		●				●			
Cottage Commercial II				●					
Iconic Building		●		●	●	●		●	

B. Example.



Example of Corridor Building II



Example of Cottage Commercial II

C. Illustration.

See Section 50-22 for illustrations of building types permitted in the F-4 district. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 12; Ord. No. 10284, 3-10-2014, § 1.)

50-16.6 Form District 5 (F-5) mid-rise community shopping and office.

A. Purpose.

The F-5 District is applied to both the West Superior Street study area (Lincoln Park) and the transitional areas surround-ing Downtown, including Canal Park and Central Hillside (Second Street from Sixth Avenue West to Third Avenue East). These areas consist of a combination of traditional mixed use buildings and office buildings, which conform to the style of Main Street Building II and Corridor Building II. Permitted and special uses are shown in Table 50-19.8;

		Form Districts								
		F-1	F-2	F-3	F-4	F-5	F-6	F-7	F-8	F-9
Building Types	Main Street Building I	●	●							
	Main Street Building II			●	●	●	●			
	Main Street Building III							●	●	
	Corridor Building I		●							
	Corridor Building II				●	●				
	Lakefront Corridor									●
	Corridor Building III								●	
	Cottage Commercial I		●				●			
	Cottage Commercial II				●					
	Iconic Building		●		●	●	●		●	

B. Example.



Example of Corridor Building II



Example of Main Street Building II

C. Illustration.

See Section 50-22 for illustrations of building types permitted in the F-5 district. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10284, 3-10-2014, § 1.)

50-16.7 Form District 6 (F-6) mid-rise neighborhood shopping.

A. Purpose.

This district was created to respond to the commercial nodes present in the Central Hillside neighborhood (14th Street from Mesaba Avenue to Third Avenue East). These nodes are separated by residential developments, which were not included in the study area. Main Street Building II, Corridor Building II, and Cottage Commercial Building I provide flexibility in the style of commercial building, with the Cottage Commercial building type especially applicable when it's located adjacent to residential development. Permitted and special uses are shown in Table 50-19.8;

		Form Districts								
		F-1	F-2	F-3	F-4	F-5	F-6	F-7	F-8	F-9
Building Types	Main Street Building I	●	●							
	Main Street Building II			●	●	●	●			
	Main Street Building III							●	●	
	Corridor Building I		●							
	Corridor Building II				●	●	●			
	Lakefront Corridor									●
	Corridor Building III								●	
	Cottage Commercial I		●				●			
	Cottage Commercial II				●					
	Iconic Building		●		●	●	●		●	

B. Example.



Example of Cottage Commercial I



Example of Main Street Building II

C. Illustration.

See Section 50-22 for illustrations of building types permitted in the F-6 district. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10284, 3-10-2014, § 1, Ord No. 10522, 9-11-2017 § 1)

50-16.8 Form District 7 (F-7) downtown shopping.

A. Purpose.

To preserve the historic mixed use core of Downtown, F-7 was created to be applied in specific areas along Superior Street. This district permits only Main Street Building III, which seeks to codify the existing urban structure of the heart of Downtown. The building type requires a storefront on the ground floor and that the building be located adja-cent to the sidewalk. The F-7 and F-8 districts also permit the highest intensity development, with a maximum height along Superior Street of 15 stories. Permitted and special uses are shown in Table 50-19.8;

Building Types	Form Districts								
	F-1	F-2	F-3	F-4	F-5	F-6	F-7	F-8	F-9
Main Street Building I	●	●							
Main Street Building II			●	●	●	●			
Main Street Building III							●	●	
Corridor Building I		●							
Corridor Building II				●	●				
Lakefront Corridor									●
Corridor Building III								●	
Cottage Commercial I		●				●			
Cottage Commercial II				●					
Iconic Building		●		●	●	●		●	

B. Example.



Example of Main Street Building III



Example of Main Street Building III

C. Illustration.

See Section 50-22 for illustrations of building types permitted in the F-7 district. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10284, 3-10-2014, § 1.)

50-16.9 Form District 8 (F-8) downtown mix.

A. Purpose.

F-8 applies to other Downtown areas not included in the F-7 district. The district provides slightly more flexibility in building form than does F-7, as it permits both Main Street Building III and Corridor Building III for office and residential uses. Permitted and special uses are shown in Table 50-19.8;

Building Types	Form Districts								
	F-1	F-2	F-3	F-4	F-5	F-6	F-7	F-8	F-9
Main Street Building I	●	●							
Main Street Building II			●	●	●	●			
Main Street Building III							●	●	
Corridor Building I		●							
Corridor Building II				●	●				
Lakefront Corridor									●
Corridor Building III								●	
Cottage Commercial I		●				●			
Cottage Commercial II				●					
Iconic Building		●		●	●	●		●	

B. Example.



Example of Main Street Building III



Example of Corridor Bulding III

C. Illustration.

See Section 50-22 for illustrations of building types permitted in the F-8 district. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10284, 3-10-2014, § 1.)

50-16.10 Form District 9 (F-9) Canal Park lakefront.

A. Purpose.

F-9 applies specifically to the east side of Canal Park Drive, addressing the parcels currently occupied by hotels. This district is unique in that the parcels are deep and front both Lake Superior and Canal Park Drive. The Lakefront Corridor Building was developed specifically for these locations, requiring frontage on both sides with enough depth to nestle parking in between the buildings. Views through these parcels to the lake are also addressed with view corridors. Permitted and special uses are shown in Table 50-19.8;

Building Types	Form Districts								
	F-1	F-2	F-3	F-4	F-5	F-6	F-7	F-8	F-9
Main Street Building I	●	●							
Main Street Building II			●	●	●	●			
Main Street Building III							●	●	
Corridor Building I		●							
Corridor Building II				●	●				
Lakefront Corridor									●
Corridor Building III								●	
Cottage Commercial I		●				●			
Cottage Commercial II				●					
Iconic Building		●		●	●	●		●	

B. Example.



Example of Lakefront Corridor



Example of Lakefront Corridor

C. Illustration.

See Section 50-22 for illustrations of building types permitted in the F-9 district. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10284, 3-10-2014, § 1.)

50-17 SPECIAL PURPOSE DISTRICTS.

50-17.1 General purposes.

The special purpose zone districts are intended to:

A. Preserve, protect and promote employment-generating uses;
B. Create suitable environments for various types of commercial and industrial uses and protect them from the adverse effects of incompatible uses;
C. Help implement the comprehensive land use plan by accommodating special land uses needed by Duluth's residents, businesses, visitors and workers;
D. Encourage site planning, land use planning and architectural design that create an interesting, pedestrian-friendly environment where appropriate;
E. Minimize potential negative impacts of non-residential development on adjacent residential areas;
F. Preserve the natural resources of the city. (Ord. No. 10044, 8-16-2010, § 6.)

50-17.2 Industrial-General (I-G).

A. Purpose.

The 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;

TABLE 50-17.2-1
I-G DISTRICT DIMENSIONAL STANDARDS

LOT STANDARDS		
Minimum lot area		0 sq. ft.
Minimum lot frontage		0 ft.
STRUCTURE SETBACKS		
Minimum depth of front yard	General	25 ft.
	Lots with less than 250 ft. average depth	Larger of 10 ft. or 10% of lot depth
Minimum width of side yard	General	0 ft.
	Adjacent to residential use or district	15 ft.
Minimum depth of rear yard (ft)	General	0 ft.
	Adjacent to residential use or district	25 ft.
STRUCTURE HEIGHT		
Maximum height of building	General	60 ft.
	Within 200 ft. of R-1 district	35 ft.
	Within 200 ft. of R-2 district	50 ft.

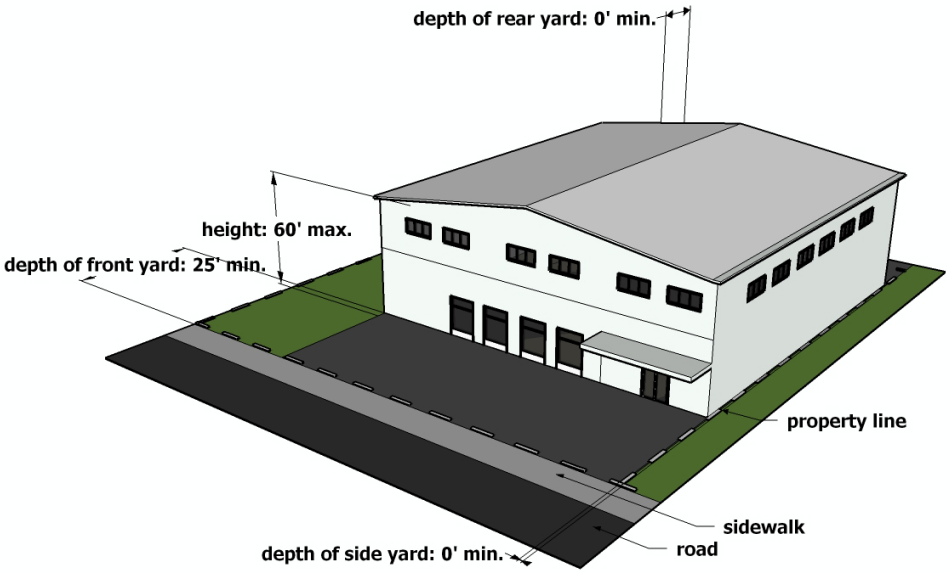
Section 50.21 *Dimensional standards* contains additional regulations applicable to this district.

B. Example.





C. Illustration.



(Ord. No. 10044, 8-16-2010, § 6.)

50-17.3 Industrial-Waterfront (I-W).

A. Purpose.

The I-W district is intended to provide for water-dependent and port-dependent industrial uses as shown in Table 50-19.8. Office uses are allowed provided they are clearly incidental to and supportive of on-site industrial uses. This district should be located away from residential development.

TABLE 50-17.3-1
I-W DISTRICT DIMENSIONAL STANDARDS

LOT STANDARDS		
Minimum lot area		0 sq. ft.
Minimum lot frontage		0 ft.
STRUCTURE SETBACKS		
Minimum depth of front yard	General	25 ft.
	Lots with less than 250 ft. average depth	Larger of 10 ft. or 10% of lot depth
Minimum width of side yard	General	0 ft.
	Adjacent to residential	15 ft.
Minimum depth of rear yard	General	0 ft.
	Adjacent to residential	25 ft.
STRUCTURE HEIGHT		
Maximum height of building	General	60 ft.
	Within 200 ft. of R-1 district	35 ft.
	Within 200 ft. of R-2 district	50 ft.

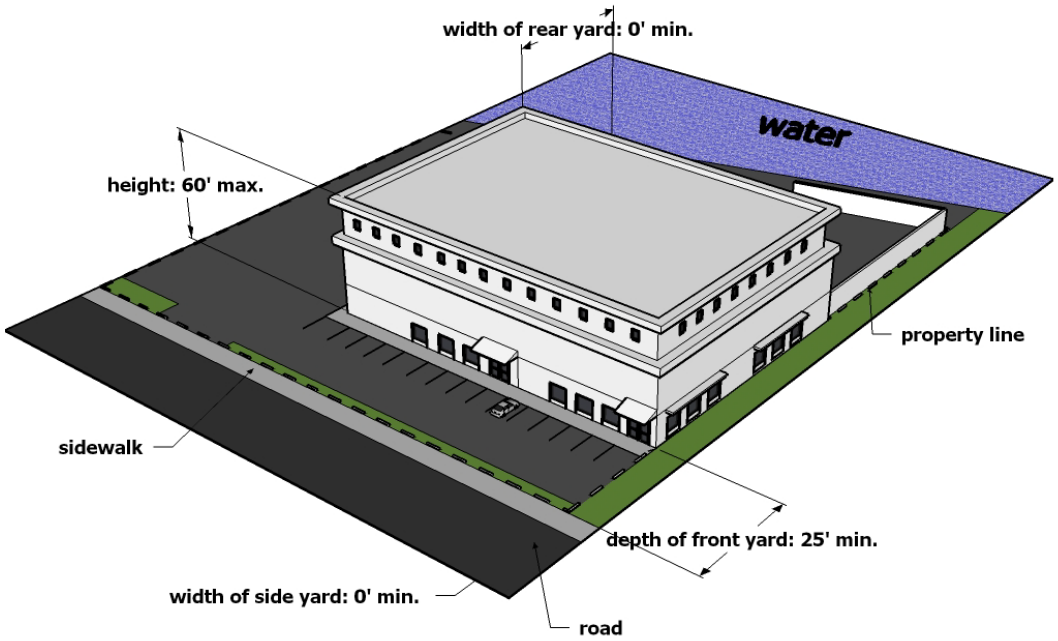
Section 50.21 *Dimensional standards* contains additional regulations applicable to this district.

B. Example.





C. Illustration.



(Ord. No. 10044, 8-16-2010, § 6.)

50-17.4 Park and Open Space District (P-1).

A. Purpose.

The P-1 district is intended to protect and reserve lands for recreational, scenic and natural resource uses. It is intended to be applied to publicly owned land but may be applied to private property with the landowner's written consent. Both passive recreational (e.g., walking paths, picnic tables) and active recreational (e.g., playgrounds, ball fields, tennis courts) uses may be permitted, as shown in Table 50-19.8. Small-scale buildings, structures and development (e.g., parking) that are incidental to and supportive of an approved use may also be permitted. All uses and structures shall be compatible in scale, design and impact with the natural features and character of the land.

TABLE 50-17.4-1: P-1 DISTRICT DIMENSIONAL STANDARDS

LOT STANDARDS	
Minimum lot area	0 sq. ft.
Minimum lot frontage	0 ft.
STRUCTURE SETBACKS	
Minimum depth of front yard	25 ft.
Minimum width of side yard	25 ft.
Minimum depth of rear yard	25 ft.
STRUCTURE HEIGHT	
Maximum height of building	30 ft.

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

B. Example.





(Ord. No. 10044, 8-16-2010, § 6 Ord. No. 10225, 5-28-2-13, § 2.)

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 (added by Ord. No. 10366, 4-13-2015, § 1).

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.

50-18 OVERLAY DISTRICTS.

50-18.1 Natural Resources Overlay (NR-O).

A. General.

1. Purpose statement.

The purpose of this overlay is to promote, preserve and enhance the water resources and environment within the city and protect them from adverse effects caused by poorly sited or incompatible development. It is intended to implement the Minnesota Wetland Conservation Act (WCA), federal emergency management agency (FEMA) rules, and the Minnesota department of natural resources (DNR) shoreland and flood plain regulations. In accordance with this regulatory framework, wetlands, flood plains and shorelands are protected by regulating developments that would have an adverse or potentially irreversible impact on unique and fragile land, by minimizing conflicts and encouraging compatibility between environmentally sensitive lands, and by requiring detailed review standards and procedures for developments proposed for such areas, thereby achieving a balance between urban growth and development and protection of natural areas;

2. NR-O map.

The NR-O map contains data from the following sources:

(a) For wetlands, there is no official wetlands map. All lands in the city that meet the definition of wetlands in Article VI are considered wetlands for the purposes of this Section;

(b) For flood plains:

(i) The following maps together with all attached material are a part of the NR-O map. The attached material includes the Flood Insurance Study for St. Louis County, Minnesota, and Incorporated Areas, dated March 25, 2025, and the Flood Insurance Rate Map panel numbers 27137C3525E, 27137C3545E, 27137C3550E, 27137C3754E, 27137C3755E, 27137C3756E, 27137C3757E, 27137C3758E, 27137C3759E, 27137C3764E, 27137C3766E, 27137C3767E, 27137C3768E, 27137C3769E, 27137C3776E, 27137C3777E, 27137C3778E,27137C3779E, 27137C3781E, 27137C3782E, 27137C3783E, 27137C3784E, 27137C3786E, 27137C3788E, 27137C3790E, 27137C3795E, 27137C3805E, 27137C3810E, 27137C3842E, 27137C3845E, 27137C3850E, 27137C3851E, 27137C3852E, 27137C3853E, 27137C3854E, 27137C3856E, 27137C3857E, 27137C3860E, 27137C3861E, 27137C3862E, 27137C3865E, 27137C3870E, 27137C3880E, 27137C3885E, all dated March 25, 2025, all prepared by the Federal Emergency Management Agency. These materials are on file in the Planning and Economic Development Department at City Hall.

(ii) Copies of the above-listed documents are hereby adopted by reference and declared to be a part of this section. All documents shall be kept on file in the land use supervisor's office;

(c) For shorelands, boundaries shall be based on (i) waters shown as protected on the map and inventory of protected waters in Duluth prepared by the DNR commissioner pursuant to Chapter 199, Laws of Minnesota, 1979, and (ii) selected waters that the city has added to the commissioner's survey as being worthy of shoreland protection. All of these waters are shown on the NR-O map as currently revised as of November 19, 2010;

(d) Where interpretation is needed as to the exact location of any boundary as shown on an official map, the city engineer shall make the necessary interpretation based on available technical data, and, in the case of flood plains, based particularly on elevations on the regional flood profile or hydraulic modeling data;

(e) The NR-O map may be amended in the future, and any revisions shall become effective upon adoption of the revised NR-O map as an amendment to this Chapter;

B. Wetlands.

This Section 50-18 shall apply to all wetlands within the city. All development in the city shall comply with state statutes and regulations. In addition, any development impacting wetlands requires formal approval by the designated city wetland representative.

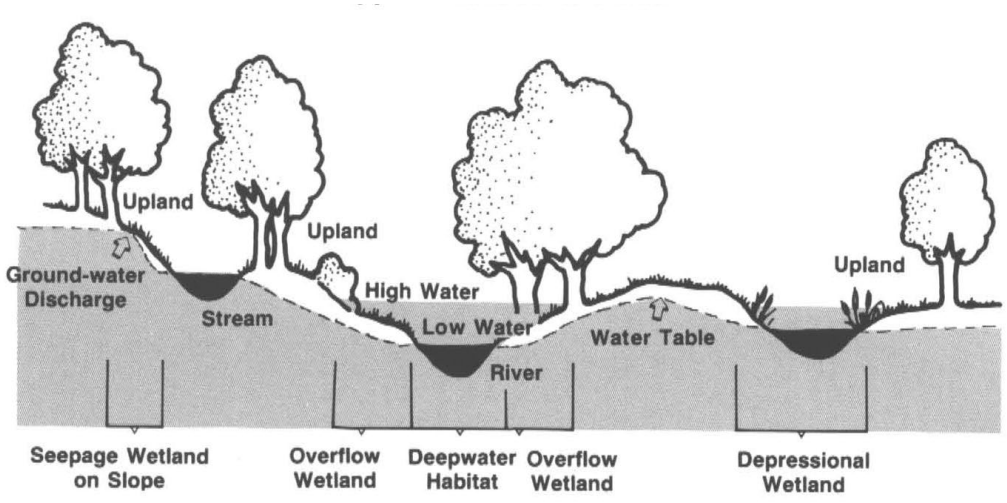


Figure 50-18.1-1: Typical Inland Wetland. Graphic taken from *Floodplain Management in the United States: An Assessment Report*, prepared for the Federal Interagncy Floodplain Management Task Force 1992.

1. The building official shall require each permit applicant to specify on the permit application whether or not the proposed site contains wetlands. Regardless of the answer given, if the building official has reasonable grounds to believe the site contains wetlands, the official shall make a determination as to the existence of wetlands. In making that determination, the building official may require any of the following:
   (a) Require the applicant to submit a complete wetland delineation as outlined in WCA and performed by a professional wetland delineator, including information such as soil analysis, surveys of vegetation and engineering or hydrological data, to aid in the determination;
   (b) Conduct a site inspection and evaluation;
   (c) Consult with the city engineer, St. Louis County Soil and Water Conservation District, Board of Water and Soil Resources, and other available wetland experts;
   (d) Use any other reasonable method to determine if the site contains wetlands;

C. Flood plains.

This Section regulates development in the flood hazard areas of the City of Duluth. These flood hazard areas are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. It is the purpose of this Section to promote the public health, safety, and general welfare by minimizing these losses and disruptions.

This Section supports the public interest to promote sound land use practices, and floodplains are a land resource to be developed in a manner which will result in minimum loss of life and threat to health, and reduction of private and public economic loss caused by flooding.

This Section is a requirement to maintain eligibility in the National Flood Insurance Program.

This Section is also intended to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion,

protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

1. Applicability

(a) Applicability and Planning Commission Review

(i) This Section applies to all lands within the jurisdiction of the City of Duluth within the Special Flood Hazard Areas (SFHAs) identified on the Flood Insurance Rate maps identified in Section 50-18.1.A.2(b). Areas within the SFHA are within one of four districts: the Floodway, Flood Fringe, General Floodplain or Coastal Districts.

(ii) The Floodway, Flood Fringe, General Floodplain and Coastal Districts, are within the Natural Resource Overlay District. The standards imposed in the overlay districts are in addition to any other requirements. In case of a conflict, between this Section and any other requirements in Federal and State law or the Duluth City Charter and Code, the more restrictive standards apply.

(iii) These regulations apply to all areas within the SFHA. If areas below the Base Flood Elevation (BFE) extend beyond the mapped SFHA based on actual field conditions, the Base Flood Elevation (BFE) shall be the governing factor in locating the outer boundaries of the one-percent annual chance floodplain and these regulations apply to the outer boundary of the one-percent annual chance floodplain.



Figure 50-18.1.C-1: The mapped floodplain may not always align with on-the-ground contour elevations.

(iv) These regulations implement the National Flood Insurance Program (NFIP) rules in 44 CFR § 59 to 78, and the Minnesota Department of Natural Resources (DNR) shoreland regulations, and the DNR flood plain regulations contained in Minnesota Statutes, Chapter 103F and Minnesota Rules, parts 6120.5000 – 6120.6200. The planning and zoning enabling legislation for this overlay is in Minnesota Statutes, Chapter 462.

(v) Abrogation and Greater Restrictions

It is not intended by this section to repeal, abrogate, or impair any existing easements, covenants, or other private agreements. The standards in this section take precedence over any less restrictive, conflicting local laws, ordinances, or codes. All other sections inconsistent with this section are hereby repealed to the extent of the inconsistency only.

(vi) Warning and Disclaimer of Liability

This section does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. Not all flood risk is mapped or predictable. Larger floods may and do occur, and the flood height may be increased by man-made or natural causes, such as ice jams or bridge openings restricted by debris. This section does not create liability on the part of the City of Duluth or its officers or employees for any flood damages that result from reliance on this section, or any administrative decision lawfully made hereunder.

(vii) Persons contesting the location of the district boundaries may exercise their rights to Planning Commission review and further appeal as outlined in Sec 50-37.1.O.

(b) Floodplain Districts

(i) Floodway District.

Those areas of Zone AE delineated within floodway areas as shown on the Flood Insurance Rate Maps referenced in Section 50-18.1.A.2(b) and those areas within Zone A determined to be located in the floodway based on the delineation methods in Section 50-18.1.C.5(d).

(ii) Flood Fringe District.

Those areas of Zone AE located outside of the delineated floodway as shown on the Flood Insurance Rate Maps referenced in Section 50-18.1.A.2(b), and those areas within Zone A determined to be located outside of the floodway based on the delineation methods in Section 50-18.1.C.5(d).

(iii) General Floodplain District

Those areas within Zone A or AE that do not have a floodway delineated as shown on the Flood Insurance Rate Maps referenced in Section 50-18.1.A.2(b).

(iv) Coastal District

Those areas within Zones VE, as shown on the Flood Insurance Rate Maps adopted in Section 50-18.1.A.2(b). This area also includes Coastal A and AE Zone Areas shown on the Flood Insurance Rate Maps adopted in Section 50-18.1.A.2(b).

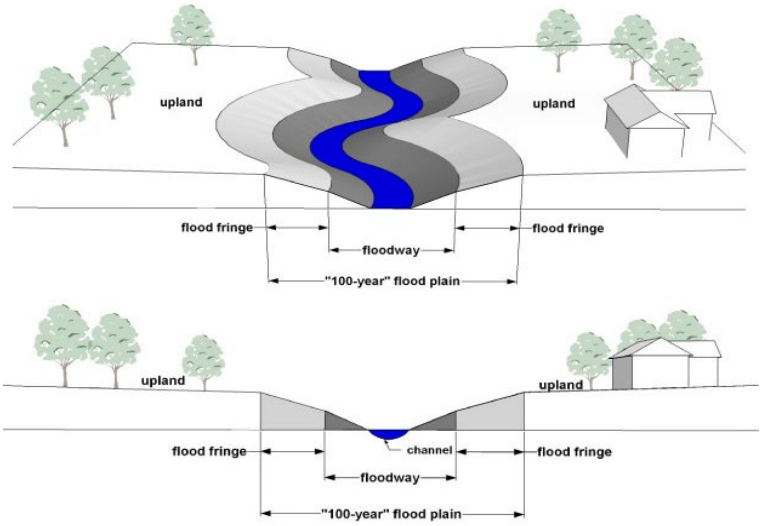


Figure 50-18.1.C-2: Flood plain, floodway, and flood fringe. Graphic taken from *Floodplain Management in the United States: An Assessment Report*, prepared for the Federal Interagency Floodplain Management Task Force 1992.

(c) Annexations

The Flood Insurance Rate Map panels referenced in Section 50-18.1.A.2(b) may include floodplain areas that lie outside of the corporate boundaries of the City of Duluth at the time of adoption of this Section. If any of these floodplain land areas are annexed into the City of Duluth after the date of adoption of this Section, the newly annexed floodplain lands will be subject to the provisions of this Section immediately upon the date of annexation. Annexations into panels not referenced in Section 50-18.1.A.2(b) require ordinance amendment in accordance with Section 50-18.1.C.10.

(d) Municipal Boundary Adjustments

The Flood Insurance Rate Map panels referenced in Section 50-18.1.A.2(b) apply countywide. If at any point any lands come under the jurisdiction of another local government, the following shall apply:

(i) City adjustments of corporate boundaries, including but not limited to annexations and detachments, shall shift floodplain administrative authority of all affected lands immediately upon the date of the boundary adjustment occurring. Cities retain jurisdictions for all incorporated lands, and the County retains jurisdiction under this Section on all unincorporated lands.

2. Requirements for all floodplain districts

(a) Permit Required.

A permit must be obtained from the City of Duluth to verify compliance with all applicable standards outlined in this Section prior to the following uses or activities:

(i) The erection, addition, modification, maintenance, rehabilitation, repair, or alteration of any building, structure, or portion thereof. Normal maintenance requires a permit to determine if such work, either separately or in conjunction with other planned work, constitutes a substantial improvement, as specified in Section 50-38.2.B.1(c).

(ii) The construction of a fence, pool, deck, or placement of anything that may cause a potential obstruction.

(iii) The change or expansion of a nonconforming use.

(iv) The repair of a structure that has been damaged by flood, fire, tornado, or any other source.

(v) The placement of fill, excavation, utilities, on-site sewage treatment systems, or other service facilities. Placement or excavation of less than 5 cubic yards of material for gardening or small landscaping projects is exempt from this requirement.

(vi) The storage of materials or equipment, in conformance with Section 50-18.1.C.2(b)(ii).

(vii) Relocation or alteration of a watercourse (including stabilization projects or the construction of new or replacement dams, culverts and bridges). A local permit is not required if a public waters work permit has been obtained from the Department of Natural Resources.

(viii) Any other type of “development,” as defined in Section 50-41.4.

(b) Minimum Development Standards

(i) All development must:

(1) Be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(2) Be constructed with materials and equipment resistant to flood damage;

(3) Be constructed by methods and practices that minimize flood damage;

(4) Be constructed with heating, ventilation, duct work, and air conditioning equipment and other service facilities elevated at least up to the Regulatory Flood Protection Elevation (RFPE). Water, sewage, electrical, and other utility lines below the RFPE shall be constructed so as to prevent water from entering or accumulating within them during conditions of flooding;

(5) Be reasonably safe from flooding and consistent with the need to minimize flood damage;

(6) Be assured to provide adequate drainage to reduce exposure to flood hazards;

(7) Not be detrimental to uses in adjoining areas;

(8) Not adversely affect the efficiency or restrict the flood carrying capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.

(9) Ensure that any fill or other materials are protected from erosion, discharge, and sediment entering surface waters by the use of vegetative cover or other methods as soon as possible.

(ii) Materials that, in time of flooding, are buoyant, flammable, explosive, or could be injurious to human, animal, or plant life shall be stored at or above the Regulatory

Flood Protection Elevation (RFPE) or floodproofed. Storage of materials likely to cause pollution of the waters, such as sewage; sand; rock; wrecked and discarded equipment; dredged spoil; municipal, agricultural or industrial waste; and other wastes as further defined in Minnesota Statutes, Section 115.01, are prohibited unless adequate safeguards approved by the Minnesota Pollution Control Agency are provided.

(iii) Critical facilities shall be located so that the lowest floor is not less than two feet above the Base Flood Elevation (BFE), or the 0.2% annual chance flood elevation, whichever is higher.

3. Floodway District

(a) Permited Uses in Floodway.

Development allowed in the floodway district is limited to that which has low flood damage potential, is allowed in the underlying zone district, and will not obstruct flood flows, increase velocities, or increase the water surface elevations of the one-percent annual chance flood. The following uses and activities may be allowed with a permit, subject to the standards in Section 50-18.1.C.3(b):

(i) Agricultural uses, recreational uses, parking lots, loading areas, airport landing strips, water control structures, navigational facilities, as well as public open space uses.

(ii) Roads, driveways, railroads, trails, bridges, and culverts.

(ii) Public utility facilities and water-oriented industries which must be in or adjacent to watercourses.

(iii) Grading, filling, land alterations, ecological restoration projects, and shoreline stabilization projects.

(iv) No structures are allowed in the Floodway District, except structures accessory to the uses detailed in Section 50-18.1.C.3(a)(i) and Section 50-18.1.C.3(c)(i)**,** which require a special use permit.

(b) Standards for Permitted Uses in Floodway.

In addition to the applicable standards detailed in Section 50-18.1.C.2:

(i) The applicant must demonstrate that the development will not result in any of the following during the one-percent annual chance flood: cause a stage increase of 0.00 feet or greater, obstruct flood flows, or increase velocities. This shall be demonstrated through hydrologic and hydraulic analysis performed by a professional engineer, or using other standard engineering practices (e.g. projects that restore the site to the previous cross-sectional area). This is commonly documented through a “no-rise certification.”

(ii) Any development that would result in a stage increases greater than 0.00 feet may only be allowed with a permit if the applicant has applied for a Conditional Letter of Map Revision (CLOMR) in accordance with 44 CFR § 65.12, and FEMA has issued the CLOMR. Map revisions must follow the procedures in Section 50-18.1.C.8(d) and Section 50-18.1.C.9.

(iii) Any development resulting in decreases to the water surface elevation of the base flood identified in the Flood Insurance Study requires a Letter of Map Revision (LOMR) following the procedures in Section 50-18.1.C.8(d) and Section 50-18.1.C.10.

(iv) Any development in the beds of public waters that will change the course, current or cross section is required to obtain a public waters work permit in accordance with Minnesota Statutes, section 103G.245 or a utility crossing license in accordance with Minnesota Statutes, section 84.415, from the Department of Natural Resources, or demonstrate that no permit is required, before applying for a local permit.’

(v) Any facility used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation, or be designed to ensure that within the area inundated during the base flood event, the depth (in feet) multiplied by the velocity (in feet per second) is less than four.

(vi) Fill and other land alteration activities must offer minimal obstruction to the flow of flood waters, as certified by a professional engineer, and be protected from erosion and sediment entering surface waters using permanent vegetative ground cover, or other methods as soon as possible.

(c) Special Uses in Floodway.

The following uses and activities may be permitted as special uses, subject to the standards detailed in Section 50-18.1.C.3(d):

(i) Commercial extractive uses, and storage and stockpiling yards.

(ii) Structures accessory to uses detailed in Section 50-18.1.C.3(a)(i) and Section 50-18.1.C.3(c)(i).

(d) Standards for Special Uses in Floodway.

In addition to the applicable standards detailed in Section 50-18.1.C.2, Section 50-18.1.C.3(b) and Section 50-20.1.Q.:

(i) Extractive uses and storage of materials require the completion of a site development and restoration plan, to be approved by the Planning Commission.

(ii) Accessory Structures.

Structures accessory to the uses detailed in Section 50-18.1.C.3(a)(i) and Section 50-18.1.C.3(c)(i).must be constructed and placed so as to offer a minimal obstruction to the flow of flood waters and are subject to the standards in Section 50-18.1.C.4(b)(iii) of this Chapter.

(iii) The use or development conforms to the underlying zone district.

4. Flood Fringe District

(a) Permitted Uses in Flood Fringe.

Any uses or activities allowed in any applicable underlying zoning districts may be allowed with a permit, subject to the standards set forth in Section 50-18.1.C.4(b).

(b) Standards for Permitted Uses in Flood Fringe.

In addition to the applicable standards detailed in Section 50-18.1.C.2:

(i) Residential Structures.

1. Elevation on fill. Structures erected, constructed, reconstructed, altered, or moved on fill within the Flood Fringe District shall be placed so that the lowest floor is elevated at or above the Regulatory Flood Protection Elevation (RFPE). Construction of this type shall only be permitted in locations where the natural ground is no lower than three feet below the base flood elevation. The finished fill elevation shall be at or above the elevation associated with the base flood plus any stage increases that result from designation of a floodway. Fill must extend at the same elevation at least 15 feet beyond the outside limits of the structure. Elevations must be certified by a registered professional engineer, land surveyor or other qualified person designated by the Building Official. Elevation methods alternative to these fill standards are subject to a Special Use Permit, as provided in Section 50-18.1.C.4(c)(i) (Figure 50-18.1.C-3).

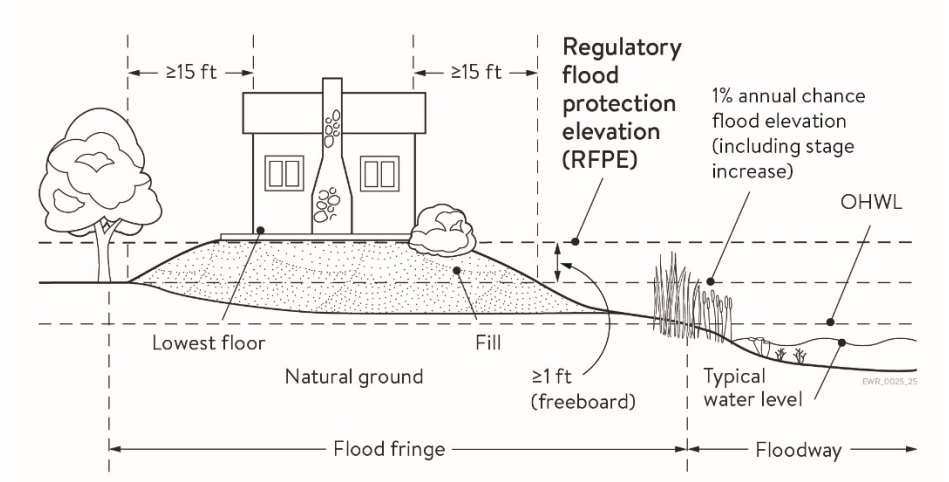


Figure 50-18.1.C-3: Overview of fill standards for residential structures.

(ii) Nonresidential Structures.

Nonresidential structures must meet one of the following construction methods:

(1) Elevation on Fill.

Structures may be elevated on fill, meeting the standards in Section 50-18.1.C.4(b)(i)(1). Fill for nonresidential structures is not required to be extended 15 feet beyond the outside limits of the structure.

(2) Alternative Elevation Methods.

Structures may be elevated using methods alternative to the fill standards in Section 50-18.1.C.4(b)(i)(1). Such methods include the use of blocks, pilings, filled stem walls, or internally-flooded enclosed areas such as crawl spaces, attached garages, or tuck under garages (Figure 50-18.1.C-4).

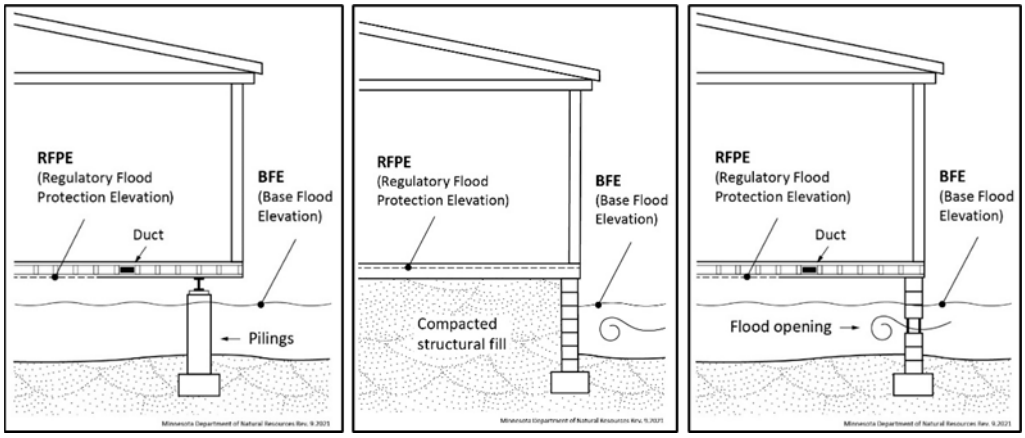


Figure 50-18.1.C-4

(3) Designs accommodating for internally-flooded enclosed areas must be certified by a registered professional engineer or architect, or meet or exceed the standards detailed in FEMA Technical Bulletin 1, as amended, as well as the following standards:

(a) The lowest floor shall be elevated at or above the Regulatory Flood Protection Elevation (RFPE).

(b) The floor of the enclosed area must be at or above the exterior grade on at least one side of the structure.

(c) To allow for the equalization of hydrostatic pressure, there shall be a minimum of two openings below the base flood elevation on at least two sides of the structure. The bottom of all openings shall be no higher than one-foot above grade. The openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding, have a net area of not less than one square inch for every square foot of enclosed area subject to flooding, and shall allow automatic entry and exit of floodwaters without human intervention.

(d) Internally flooded enclosed areas shall only be used for the parking of vehicles, building access, or storage. Bathrooms and toilet rooms shall not be allowed. Such areas shall be subject to a deed-restricted non-conversion agreement as well as inspections as needed by determination of the Land Use Supervisor.

(4) Dry Floodproofing.

Structures having watertight enclosed basements or spaces below the Regulatory Flood Protection Elevation (RFPE) must meet the following standards:

(a) Walls must be substantially impermeable to the passage of water, with structural components having the capacity of resisting hydrostatic and hydrodynamic loads and effects of buoyancy, at least up to the Regulatory Flood Protection Elevation (RFPE);

(b) Must meet the standards of FEMA Technical Bulletin 3, as amended; and

(c) A registered professional engineer or architect shall be required to certify that the design and methods of construction meet the standards detailed in this Section.

(iii) Accessory Structures.

All accessory structures must meet the following standards:

(1) Structures shall not be designed or used for human habitation.

(2) Structures will have a low flood damage potential as defined in FEMA Floodplain Management Bulletin P-2140, as amended.

(3) Structures shall constitute a minimal investment not to exceed 576 square feet in size, one-story in height, and shall only be used for parking and storage, except as provided under Section 50-18.1.C.4(b)(iii)(5).

(4) Structures with two or more rigid walls, must meet one of the following construction methods:

(a) Wet Floodproofing.

Structures may be floodproofed in a way to accommodate internal flooding. To allow for the equalization of hydrostatic pressure, there shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one foot above grade. The openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding, and shall allow automatic entry and exit of floodwaters without human intervention. Portions of structures below the RFPE must be constructed of flood damage-resistant materials. Utilities must be elevated above the RFPE and any utility lines below the RFPE shall be constructed so as to prevent floodwaters from entering or accumulating within them. Wet floodproofed structures must be anchored to resist flotation, collapse, and lateral movement.

(b) Elevation on Fill.

Structures may be elevated on fill, meeting the standards in Section 50-18.1.C.4(b)(i). Fill is not required to be extended 15 feet beyond the outside limits of the structure.

(c) Alternative Elevation Methods

Structures may have their lowest floor elevated above the Regulatory Flood Protection Elevation (RFPE) through methods alternative to the fill standards in Section 50-18.1.C.4(b)(iii)(4)(b), and must meet the standards in Section 50-18.1.C.4(b)(ii)(2).

(d) Dry Floodproofing

Structures may be dry-floodproofed, or watertight, meeting the standards in Section 50-18.1.C.4(b)(ii)(3).

(5) Structures with fewer than two rigid walls, such as carports, gazebos, and picnic pavilions, meeting the standards in Section 50-18.1.C.2(b)(i) may be located at an elevation below the Regulatory Flood Protection Elevation, exceed 576 square feet in size, and may include uses as provided under Section 50-18.1.C.4(a).

(iv) Any facilities where regular employment occurs or that are used by the general public must be designed with a flood warning system that provides adequate time for evacuation, or be designed to ensure that within the area inundated during the base flood event, the depth (in feet) multiplied by the velocity (in feet per second) is less than four.

(v) Manufactured homes and recreational vehicles must meet the standards of Section 50-20.1.F and Section 50-20.1.Q, respectively.

(c) Special Uses in Flood Fringe

The following uses and activities may be permitted as special uses, subject to the standards in Section 50-18.1.C.4(d):

(i) Alternative Elevation Methods – Residential Structures.

Residential structures with their lowest floor elevated above the Regulatory Flood Protection Elevation (RFPE) using methods alternative to the fill requirements in Section 50-18.1.C.4(b)(i).

(d) Standards for Special Uses in Flood Fringe.

In addition to the applicable standards detailed in Section 50-18.1.C.2:

(i) All residential structures with lowest floors elevated through alternative elevation methods must meet the standards in Section 50-18.1.C(b)(ii)(2).

(ii) The use or development must conform to the underlying zone district.

5. General Floodplain District

(a) Permitted Uses in General Floodplain District

(i) Until the floodway is delineated, allowable uses and applicable standards will follow those listed in the Floodway District, Section 50-18.1.C.3

(ii) All other uses are subject to a floodway/flood fringe determination as provided in Section 50-18.1.C.5(d), in addition to the standards provided in Section 50-18.1.C.5(b) and Section 50-18.1.C.5(c). Permitted uses shall be determined as follows:

(1) If the development is determined to be in the Floodway District, Section 50-18.1.C.3 applies.

(2) If the development is determined to be in the Flood Fringe District, Section 50-18.1.C.4 applies.

(b) Determining Flood Elevations

(i) All development requires a determination of the Base Flood Elevation (BFE).

(1) Proposed developments of more than 50 lots or 5 acres, whichever is lesser, must use detailed methods for determining the BFE. This may include use of supporting A Zone modeling and the “shoreland method”, when eligible, on lakes.

(2) Exceptions to this requirement include projects that restore the site to the previous cross-sectional area, such as shore stabilization or culvert replacement projects. Base Flood Elevations (BFE) may be found using best available data from any Federal or State sources (including MNDNR’s Lake & Flood Elevations Online (LFEO) Viewer).

(c) Encroachment Analysis

(i) Encroachments due to development may not allow stage increases more than one-half (0.5) foot at any point, unless through a map revision following the procedures in Section 50-18.1.C.8(d) and Section 50-18.1.C.10. This evaluation must include the cumulative effects of previous encroachment and must be documented with hydrologic and hydraulic analysis performed by a professional engineer, or using other standard engineering practices. If increased flood damages would occur, due to the water surface level increase, then a stage increase less than one-half (0.5) feet is required.

(ii) Alterations or changes that result in stage decreases are allowed and encouraged.

(d) Standards for the Analysis of Floodway Boundaries

(i) Requirements for Detailed Studies

Any development, as requested by the Land Use Supervisor, shall be subject to a detailed study to determine the limits of the Floodway District. This determination must be consistent with the minimum standards for hydrologic and hydraulic mapping standards and techniques, as detailed in Minnesota Rules, part 6120.5600, Subp. 4 and FEMA Guidelines and Standards for Flood Risk Analysis and Mapping, as revised. Additionally:

(1) A regulatory floodway necessary to carry the discharge of the one-percent annual chance flood must be selected without increasing the water

surface elevation more than one-half (0.5) foot at any point. This determination should include the cumulative effects of previous encroachments. A lesser water surface elevation increase than one-half (0.5) foot is required if, due to the water surface level increase, increased flood damages would potentially result; and

(2) An equal degree of encroachment on both sides of the stream within the reach must be assumed in computing floodway boundaries, unless topography, existing development patterns, and comprehensive land use plans justify a modified approach, as approved by the Department of Natural Resources.

(e) Other Acceptable Methods.

For areas where a detailed study is not available or not required:

(i) Development prohibited in floodways (e.g. most buildings) requires a floodway/flood fringe determination to verify the development is within the flood fringe. This determination must be done by a professional engineer or utilize other accepted engineering practices. The Department of Natural Resources may also provide technical assistance and must approve any determinations made via methods alternative to those described in Sec 50-18.1.C.5(d) to determine floodway boundaries.

(ii) For areas where the floodway has not been determined in and along lakes, wetlands, and other basins, the following methodology may be used as an alternative to Item A above, provided these areas are not affected by velocities and the lot is able to accommodate a building site above the Regulatory Flood Protection Elevation (RFPE):

(1) All areas that are at or below the ordinary high-water level, as defined in Minnesota Statutes, section 103G.005, Subd. 14, will be considered floodway, and all areas below the Base Flood Elevation (BFE) but above the ordinary high-water level will be considered flood fringe, provided that within 25 feet of the ordinary high water level, or within the Shore Impact Zone, whichever distance is greater, land alterations shall be restricted to:

(a) The minimum required to accommodate beach areas, access areas, and accessory structures as permitted, not to exceed a volume greater than 10 cubic yards; projects involving volumes exceeding 10 cubic yards require floodway/flood fringe determination in accordance with the procedures in Section 50-18.1.C.5(e)(i); and

(b) The minimum required to accommodate shoreline stabilization projects to correct an identified erosion problem as verified by a qualified resource agency or the Land Use Supervisor.

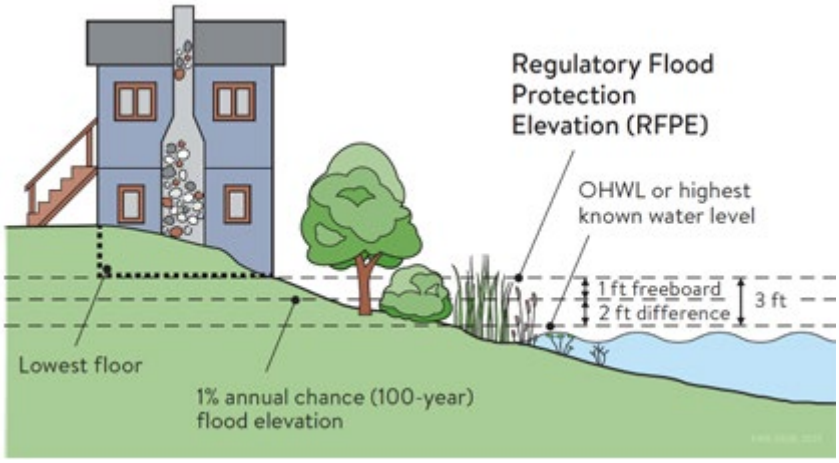


Figure 50-18.1.C-5

6. Coastal District

(a) Permitted Uses in the Coastal District.

The following uses and activities may be allowed with a permit if they are allowed within the applicable underlying zoning districts, subject to the standards in Section 50-18.1.C.6(c):

(i) Within V Zones: Agricultural uses, recreational uses, parking lots, loading areas, airport landing strips, water control structures, navigational facilities, ecological restoration projects, as well as public open space uses.

(ii) Within coastal AE Zones: Any uses or activities allowed in any applicable underlying zoning districts may be allowed with a permit, subject to the standards set forth in Section 50-18.1.C.4(b) (Flood Fringe District).

(b) Special Uses in the Coastal District.

The following uses and activities may be permitted as special uses if they are allowed within the applicable underlying zoning districts, subject to the standards in Section 50-18.1.C.6(c).

(i) Within V Zones: Any new construction and substantial improvements of structures, including manufactured homes, permitted in any applicable underlying zoning districts are allowed provided they meet the provisions of Section 50-18.1.C.2 and Section 50-18.1.C.6(c).

(ii) Within coastal AE Zones: Special uses within the coastal AE zone are regulated pursuant to the provisions contained within Section 50-18.1.C.4(c) (Flood Fringe District – Special Uses).

(c) Standards for Permitted & Special Uses in the Coastal District

(i) Within coastal AE Zones: Standards in Section 50-18.1.C.4(b) Flood Fringe District apply

(ii) Within coastal V Zones:

(1) All new construction and substantial improvements of structure, shall be placed landward of the Ordinary High Water Line of Lake Superior, and be elevated on pilings or columns so that:

(a) The bottom of the lowest horizontal structural member supporting the lowest floor (excluding the pilings or columns) is elevated to or above the regulatory flood protection elevation, and

(b) The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components.

Water loading values used shall be those associated with the base flood.

Wind loading values shall be those defined according to American Society of Civil Engineers 7-13, as amended: minimum design loads and associated criteria for buildings and other structures or those established by the State Building Code in MN Rules 1303.2200 or current version adopted by the Minnesota Department of Labor and Industry.

A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice meeting the provisions of this Sec 50-18.1.C.

(2) All new construction and substantial improvements shall have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system.

(a) For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot.

(b) Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or state codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:

Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and

The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Water loading values used shall be those associated with the base flood. Wind loading values shall be those established by the State Building Code. Such enclosed space shall be useable solely for parking of vehicles, building access, or storage.

(c) All space enclosed by breakaway walls, open wood lattice-work, or insect screening below the lowest floor shall be used solely for parking of vehicles, building access, or storage.

(3) The use of fill for structural support of buildings is prohibited.

(4) The man-made alteration of sand dunes, which would increase potential flood damage, is prohibited.

(5) In zones V or VE, new or substantially improved above ground gas or liquid storage tanks shall be elevated with the bottom of the lowest horizontal supporting member above RFPE on the landward side of buildings.

(6) In zones V or VE, new or substantially improved underground gas or liquid storage tanks must be installed below the lowest eroded ground elevation.

7. Public and private utilities, service facilities, roads, bridges, and railroads

(a) Public Transportation Facilities.

Railroad tracks, roads, and bridges must be elevated to the Regulatory Flood Protection Elevation (RFPE) where such facilities are essential to the orderly functioning of the area, or where failure or interruption would result in danger to public health or safety. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety. All public transportation facilities shall be designed to minimize increases in flood elevations.

(b) Public Utilities.

All utilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain must be elevated and/or floodproofed to the Regulatory Flood Protection Elevation (RFPE), be located and constructed to minimize or eliminate flood damage, and be designed to eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. All public utilities should be designed to minimize increases in flood elevations. New solid waste management facilities, as defined in Minnesota Rules, part 7035.0300, are prohibited in the one-percent annual chance floodplain. Water supply systems are subject to the provisions in Minnesota Rules, part 4725.4350.

(c) Private On-Site Water Supply, Individual Sewage Treatment Systems, and other Service Facilities.

Private facilities shall be subject to applicable provisions detailed in Section 50-18.1.C.7(b). In addition, new or replacement on-site sewage treatment systems are to be located to avoid impairment to them or contamination from them during times of flooding, shall not be located in a designated floodway, and are subject to the provisions in Minnesota Rules, parts 7080.2270.

8. Administration

(a) For duties that apply to floodplain administration, see Section 50-36.4.

(b) For permit application requirements that apply to floodplain administration, see Section 50-37.13.D.4.

(c) Recordkeeping.

The building official must maintain applicable records in perpetuity documenting:

(i) All certifications for dry floodproofing, alternative elevation methods, and construction in Coastal Districts, where applicable.

(ii) Analysis of no-rise in the Floodway District, as detailed in Section 50-18.1.C.3(b)(i), and encroachment analysis ensuring no more than one-half foot of rise in the General Floodplain District, as detailed in Section 50-18.1.C.5(b)(i)(2) and Section 50-18.1.C.5(c)(i).

(iii) Final elevations, as applicable, detailing the elevation to which structures and improvements to structures are constructed or floodproofed. Elevations shall be determined by an engineer, architect, surveyor or other qualified individual, as approved by the Building Official. In V Zones, the final elevations must be determined by a professional engineer or architect.

(iv) Substantial damage and substantial improvement determinations, as detailed in Section 50-38.2.B.1(c), including the cost of improvements, repairs, and market value.

(v) The Land Use Supervisor must maintain a record of all variance actions, including justification for their issuance, and must report such variances to the commissioner or the commissioner's designated representative and postmarked within ten days of final action or when requested by the Federal Emergency Management Agency.

(d) Certificate of Occupancy for a New, Altered, or Nonconforming Use.

No building or structure may be occupied or used in any manner until a certificate of occupancy has been issued by the Building Official stating that the finished fill and building floor elevations or other flood protection measures are in compliance with the requirements of this Section.

(e) Notifications for Watercourse Alterations.

Before authorizing any alteration or relocation of a river or stream, the Land Use Supervisor must notify adjacent communities. If the applicant has applied for a permit to work in public waters in accordance with Minnesota Statutes, Section 103G.245, this will suffice as adequate notice. A copy of the notification must also be submitted to FEMA.

(f) Notification to FEMA When Physical Changes Increase or Decrease Base Flood Elevations.

Where physical changes affecting flooding conditions may increase or decrease the water surface elevation of the base flood, the City must notify FEMA of the changes in order to obtain a Letter of Map Revision (LOMR), by submitting a copy of the relevant technical or scientific data as soon as practicable, but no later than six months after the date such supporting information becomes available. Within the General Floodplain District, a map revision is only required if physical changes result in stage increases greater than 0.5 feet.

9. Violations and Penalties

(a) Enforcement

Violations of the provisions of this Section constitutes a misdemeanor and is punishable as defined by law. The Land Use Supervisor may utilize the full array of enforcement actions available to them including, but not limited to, those outlined in Sec 50-39.2, or a request to the National Flood Insurance Program for denial of flood insurance. The City of Duluth must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

10. Amendments

(a) Ordinance Amendments.

Any revisions to the floodplain maps by the Federal Emergency Management Agency or annexations of new map panels require an ordinance amendment to update the map references in Section 50-18.1.A.2(b).

(b) Required Approval.

All amendments to this section must be submitted to the Department of Natural Resources for review and approval prior to adoption, for compliance with state and federal rules and requirements.

11. Severability.
    (a) See Section 50-12.

(Ord. No. 10723, 12-14-2020, § 4, Ord. No. 10929, 3-24-2025, § 2)

D. Shorelands.

In furtherance of the policies declared by the state legislature, waters in the city have been classified as general development waters (GD), natural environment waters (NE) or coldwater rivers (CW). The shoreland overlay applies to lands within 1,000 feet of Lake Superior or within 300 feet of rivers, creeks, streams and tributaries and floodplains, as designated on the NR-O map. If a parcel or development lies only partially within a shoreland area, only the portion of the property within the shoreland is subject to these provisions;

1. Shoreland permit required.

The following activities and structures require a shoreland permit if located within a shoreland:

   (a) All structures;
   (b) All grading, filling and excavating;
   (c) All construction of impervious surfaces, including roads, driveways, parking areas and trails;
   (d) All removal of natural vegetation;
   (e) Any construction activity that removes or disturbs natural beach grasses on Park Point;

2. Standards for shoreland permit.
   (a) Erosion and sediment control measures shall be required for any land disturbing activity;
   (b) Grading and filling of more than 250 square feet or placement of more than ten cubic yards of material within the shore impact zone shall only be permitted if a plan for erosion control, stormwater management and shoreline buffer restoration is approved by the city and effectively implemented;
   (c) Impervious surfaces shall be designed and constructed to minimize and control runoff and erosion into the regulated waters;
   (d) Any removal of natural vegetation shall be designed to prevent erosion into regulated waters and to preserve shoreland aesthetics;
   (e) Removal of trees or shrubs in a contiguous patch, strip, row or block is prohibited in shore impact zones;
   (f) The project does not result in the proposed building being located in a shore or bluff impact zone;
   (g) Natural vegetation buffers shall be restored to the extent feasible after any project is complete;

3. Dimensional standards.
   (a) No shoreland permit shall be approved unless the standards in Table 50-18.1.D-1 are met or a variance obtained pursuant to Article V;

Table 50-18.1.D-1: Minimum Shoreland Area Standards			
Standards	**General Development Waters [1]**	**Natural Environmental Waters**	**Coldwater River**
Minimum setbacks from Ordinary High Water Level or highest known water level, whichever is higher			
Structures	50 ft.	75 ft.	150 ft.
Commercial, mixed use, & industrial structures in the harbor, shown in Figure 50-18.1.- 3	25 ft.	N/A	N/A
Impervious surfaces in the Shore Impact Zone	50 ft.	50 ft.	75 ft.
Lowest floor elevation above Ordinary High Water Level or highest known water level, whichever is higher [2]	3 ft.		
Width of naturally vegetative buffer	50 ft.		

[1] All Lake Superior shoreland is classified as general development waters.
[2] For a structure located in an area where FEMA has established a base flood elevation, the structure is exempt from this shoreland elevation requirement, but must meet flood plain regulations.

(b) Exceptions to dimensional standards.

(i) Commercial, mixed use, & industrial structures in the harbor, shown in Figure 50-18.1-3: 0 feet setback for grain elevators, cranes, loading bins, and other equipment necessary for loading and unloading, including impervious surface necessary to support these activities;

(ii) Public trails with previous surfaces, or with impervious surfaces no more than ten feet wide, may be constructed within these setbacks, provided that a minimum amount of natural vegetation is removed and provided that permits are obtained from the DNR and MPCA, if required;

(iii) Properties in Stormwater Zone B, as defined in Section 50-18.1E.3(f), that have been previously developed with 75 percent or greater impervious surface may use one of the following methods to determine building setback:

- Use the impervious surface setback for the shoreland classification as the building setback;
- When principal structures exist on the adjoining lots on both sides of the proposed building site, the structure setbacks can be altered to conform to the adjoining setbacks, provided the proposed building site is not located within the setback required for the naturally vegetative buffer;

(iv) Park equipment such as playground structures and ball fields (but not including structures such as garages, storage buildings, toilets or warming houses) may be placed closer than the required structure setback provided they lie outside the area required for the native vegetative buffer;

(v) Ground or pole mounted solar or wind power collection systems shall not be placed within the impervious surfaces setback in the Shore Impact Zone;

(vi) Removal of invasive vegetative species is allowed within the naturally vegetative buffer area with an approved shoreland permit, provided there is replacement with non-invasive and non-harmful species;

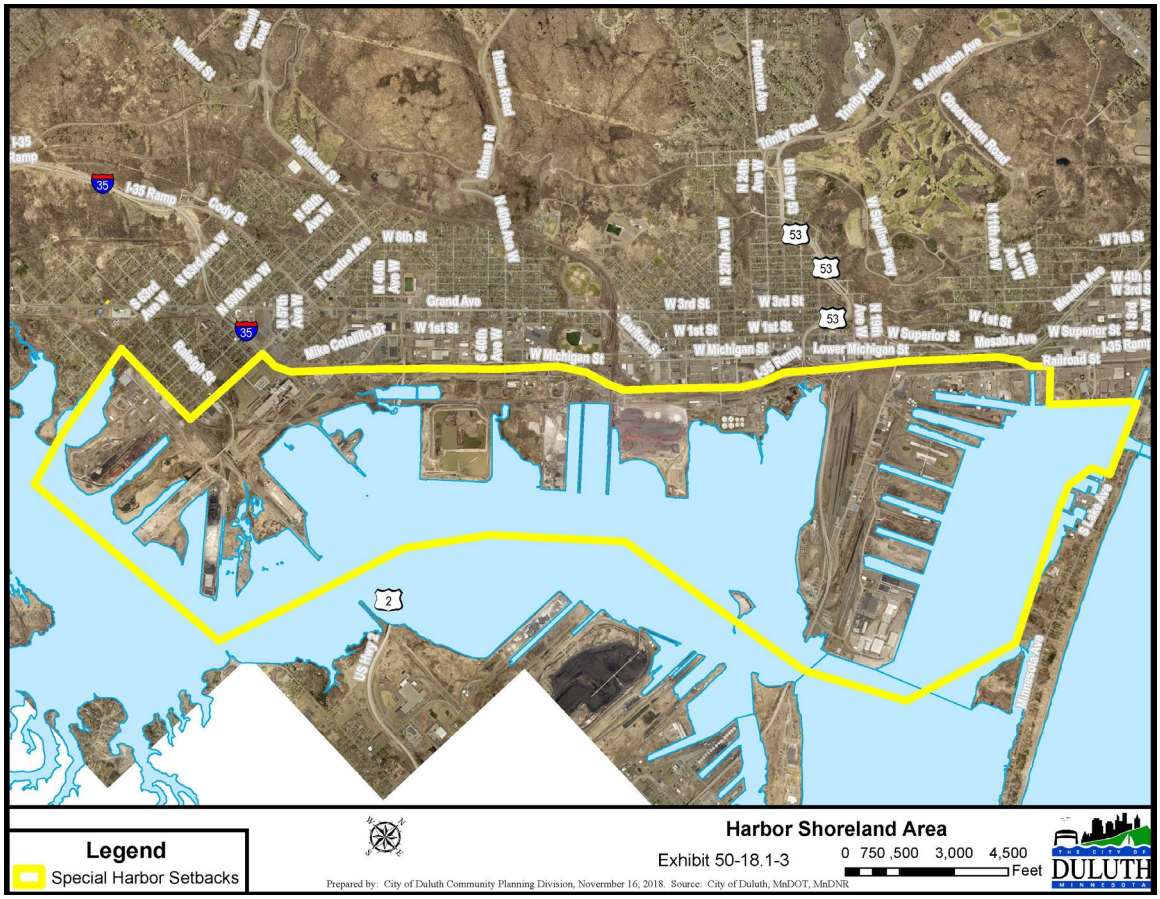


Figure 50-18.1-3

4. Uses and special use permits.
   (a) Those permitted and special uses shown in Table 50.19.8, subject to the issuance of any shoreland permit required by subsection D.1 and compliance with the standards of subsection D.2, except as listed below. Agricultural uses are not permitted in the shore impact zone. Within shoreland areas that are outside of the shore impact zone, agricultural uses are permitted if steep slopes are maintained in permanent vegetation or the land is operated under an approved conservation plan from the St. Louis County Soil and Water Conservation District;
   (b) All industrial uses, including mining, extraction and storage, on coldwater rivers or natural environmental waters require a special use permit pursuant to Article V. The application for a special use permit must include a thorough evaluation of the topographic, vegetation and soils conditions on the site;
   (c) Standards for special use permit:
      (i) Compliance with all development requirements for shorelands in this Section 50-18.1.D;
      (ii) Prevention of soil erosion, stormwater runoff or other possible pollution of public waters, both during and after construction or use;
      (iii) Restoration of the shoreline buffer to a natural state;
      (iv) Screening of structures and other facilities as viewed from regulated waters, as shown on the NR-O map;

5. Shoreland permit for water access via walkways, stairways,steps and landings.
   A Shoreland permit shall be required for walkways, stairways, steps and landings providing access to water. Shoreland permit applications must comply with Section 50-37.13 Zoning Permits of the UDC.

(a) Shoreland water access permit applications shall include submittal of the following:
(i) Property boundary survey prepared by a licensed Surveyor.
(ii) Site plan
(iii) Grading plan;
(iv) Landscape plan
(v) Erosion control permit application;
(vi) Proof of notification to adjacent property owners of an application for a zoning permit to construct stairways, steps and landings (not required for walkways);
(vii) Written statement accepting liability for repair of damage to the slope, i.e. erosion, loss of vegetation and/or sloughing caused by the walkway, stairway or stairway construction.

(b) Application review standards:
(i) All walkways, stairways, steps and landings must be constructed in a manner that requires the least amount of disturbance possible;
(ii) A walkway not involving construction of a stairway must be constructed in such a way as to prevent soil erosion, may be natural-surfaced or paved, must be limited to 4 feet in width, only one is allowed per lot. For new development on lots zoned as mixed use development or residential planned development access must be centralized in one location and located in areas suitable for the development;
(iii) Stairways, steps and landings shall comply with applicable building codes;
(iv) Stairways cannot exceed 100 feet in length and 4 feet in width;
(v) Stairways, steps and landings must be located at least 3 feet above the Ordinary high water mark or to the Ordinary high water mark if approved by the Land Use Supervisor provided that it is determined that the extension is necessary to preserve access to water,
(vi) A stairway providing access to Lake Superior will need to be above the regulatory flood protection elevation and be outside of the wave run up boundary as determined by the DNR. Activities below the Ordinary high water mark shall comply with DNR regulations;
(vii) A stairway providing access to Lake Superior shall be cabled off to ground anchor points to insure it is not dislodged and swept out into the adjacent waterbody;
(viii) If the stairway structure providing access to Lake Superior is dislodged and ends up in the Lake, the Permitee or his successor in interest to the property agrees to promptly remove completely the structure from the Lake and to restore the property upon which it had been located to substantially the condition it had been in prior to the original installation of the structure;
(ix) Landings for stairways must not exceed 32 square feet on residentially-zoned lots and 64 square feet on mixed use and industrially-zoned lots;
(x) Canopies or roofs shall not be allowed on stairways, steps or landings;
(xi) Stairways, steps and landings may be either constructed above the ground on posts, or placed on the ground, provided they are designed and built in a manner that ensures control of soil erosion;
(xii) The use of natural or earth-tone building materials shall be required for the construction of stairways, steps and landings so they are not visually intrusive.

6. Subdivisions.

New subdivisions in the shoreland area shall meet the following requirements:

(a) The land shall not be subdivided until the land has been rezoned into the R-P zone district, and the concept and detailed development plans required in the R-P districts shall be designed to comply with the provisions of this Section 50-18.1.D;
(b) A buffer at least 50 feet in width, consisting of trees, shrubs and ground cover of plants and understory in a natural state, is required within a line parallel to the ordinary high water level or highest known water level, whichever is higher, and as close to the ordinary high water level as topography and the health of the plants will permit;
(c) After construction is completed, the owner of the property shall be responsible for any continued need for erosion and sediment control and restoration on the property;

7. Nonconforming lots of record.

Lots of record in the office of the county recorder on November 19, 2010, may be allowed an exception from the structure setback requirement in subsection D.3. If the lot of record cannot be developed under the setback requirements of subsection D.3, then:

(a) The lot may be developed without a variance if (1) principal structures exist on the adjoining lots on both sides of a proposed building site, and (2) the proposed structure will be located no closer to the protected shore than the principal structure on either adjoining site, and (3) the resulting adjusted setback does not result in the proposed building being located in a shore impact zone; or

(b) The lot may be developed if a variance is obtained pursuant to Article V;

E. Stormwater management and erosion control.

1. Goals and purpose.

(a) The federal Clean Water Act (CWA) requires that municipal stormwater discharges be authorized under the national pollution discharge elimination system (NPDES). The city is allowed to discharge its stormwater under coverage provided by a CWA municipal separate storm sewer system general permit (MS4 permit). As part of the requirements of the permit, the city is required to develop a stormwater pollution prevention program (MS4 program) with specific goals requiring:

i. Non-degradation of all city waters;

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

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

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

(d) All proposed developments shall follow the requirements in the most recent version of the city of Duluth, engineering guidelines for professional engineering services and developments, and the city of Duluth construction standards were applicable;

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

2. Temporary erosion and sediment controls.

(a) Applicability.

This Section 50-18.1.E.3 applies to all land disturbing activities within the city, except those specifically exempt in this Section and those subject to a superseding or preemptive state or federal law. This Section shall be deemed to supplement, but not to conflict with, the applicable provisions of the State Building Code;

(b) Requirements.

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

Table 50-18.1.E-1: Temporary Erosion and Sediment Controls			
Land Area Disturbed ► / Development Plan Measures Required ▼	**≤ 3,000 sq. ft.** [1]	**> 3,000 sq, ft. and < 1 acre**[2]	**≥ 1 acre**
Temporary erosion and sediment controls to prevent any off-site migration of sediment	✓		
Site specific Erosion and Sediment Control Plan (ESCP) and ESCP Permit from city engineer		✓	✓
Site specific Stormwater Pollution Prevention Plan (SWPPP) meeting MPCA NPDES Permit requirements for Construction Activity		✓	✓
MPCA NPDES/State Disposal System Construction Stormwater Permit			✓
MS4 Statement of Compliance from city engineer		✓	✓

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

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

(c) Authority to waive.

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

3. Permanent water quality and discharge rate, volume and temperature controls.

(a) Applicability.

(i) This Section 50-18.1.E.3 applies to all land disturbing activities within the city, except those specifically exempt in this Section and those subject to a superseding or preemptive state or federal law. This Section shall be deemed to supplement, but not to conflict with provisions of the State Building Code;

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

- No new impervious surface is created;
- There is no change to the configuration of the site;
- There is no change to the land use;

(b) General requirements.

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

Table 50-18.1.E-2: Permanent Water Quality and Discharge Rate, Volume and Temperature Controls *[See additional requirements for land in shorelands below]*		
Development Plan Measures required ▼	**Total New Impervious Area Created or the Impervious Area Redeveloped[1][2]**	
	≤ 3,000 sq. ft.	**> 3,000 sq. ft.[3][4]**
Water quality treatment	NONE	✓
Runoff rate controls		✓
Volume Controls		✓
Temperature Controls[5]		✓
Drainage report		✓
Site specific SWPPP		✓
BMP Operation and Maintenance Manual		✓
MS4 Statement of Compliance from city engineer		✓

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

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

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

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

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

(c) Authority to waive.

The city engineer has authority to waive the requirements in Table 50-18.1.E-2 in accordance with the city's MS4 permit, if the developer demonstrates it to be technically non-feasible AND then mitigates for the non-compliance by increasing the level treatment or control of one of the other requirements;

(d) Shoreland requirements.

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

(ii) In addition to the requirements in subsection 50-18.1.E.3(b) above, no commercial, mixed use, institutional or industrial development or redevelopment within a shoreland shown on the NR-O map shall create new impervious surface area unless the owner (a) submits a development plan including water quality treatment and (b) obtains an MS4 statement of compliance issued by the city engineer;

(e) Water quality treatment requirements.

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

Table 50-18.1.E-3: Water QualityTreatment Requirements (Total Suspended Solids TSS, Total Phosphorus TP)		
Development Type	**New and Existing Impervious surface**	**Required Treatment**
New	> 3,000 S.F.	No net increase of TSS/TP from predevelopment conditions.
Redevelopment	> 3,000 S.F. and < 1 acre	10% reduction in impervious surface or 50% TSS removal (TP to be removed via TSS reduction).
Redevelopment	≥ 1 acre	50% TSS removal. No net increase in TP from pre-project condition.

(f) Runoff rate control.
Where subsection 5018.1.E.3(b) requires that a development plan include runoff rate control, the development or redevelopment must be designed to provide the controls as follows. Runoff rate control is beneficial in the upper, flatter part of the watershed above the bluff line. Below the bluff line, the topography is relatively steep and stormwater flows quickly to Lake Superior and the St. Louis River. This bluff line designation is show on the NR-O map. The stormwater rate control requirements for development and redevelopment are shown in Table 50-18.1.E-4;

Table 50.18.1.E-4: Discharge Rate Limits		
Location ►	**Post-Development Peak Flow Rates at Each Discharge Point Shall Not Exceed**	
Type of Activity ▼	**Zone A -- Above Bluff Line**	**Zone B -- Below Bluff Line**
New Development	75% of predevelopment peak flow rates for 10 and 100 year events; and 90% of predevelopment peak flow rate for 2 year event	Predevelopment peak flow rates for all storm events
Redevelopment	Predevelopment peak flow rates for all storm events	Predevelopment peak flow rates for all storm events

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

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

(i) General design criteria.
(i) New minor system drainage systems shall be designed to efficiently convey the peak discharge rates for a ten-year flow;
(ii) New major system drainage systems shall be designed to efficiently convey the peak discharge rates for a 100-year flow;
(iii) The 100-year rainfall event or 100-year peak flow shall be evaluated to ensure that no damage occurs to adjacent properties for all systems;

(iv) The stormwater management systems for any new or redevelopment project shall maintain at least two feet of freeboard between the anticipated 100-year high water elevation and the minimum building opening;
(v) Consideration may be given for treating existing untreated impervious areas diverted to the site and included in the control area for analysis if it is in the best interest of the city;
(vi) All impervious areas shall be considered connected and curve numbers shall not be weighted for impervious areas except under special circumstances;
(vii) Ninety-five percent of all newly added impervious surface shall have its runoff directed to the water quality treatment area. If it is impractical to direct 95 percent of the added impervious surface to water quality area, alternate methods may be used in combination so long as 95 percent is treated and all peak flow requirements are fulfilled;
(viii) Flow shall not be diverted from one major or minor system to another major or minor system;
(ix) When stormwater management plans involve directing runoff from a site, it shall be the responsibility of the applicant to obtain from adjacent property owners any necessary easements or other property interests concerning flowage of water to a point where the stormwater enters a major system;
(x) Adequate measures shall be taken to prevent uncontrolled drainage across lot lines;

4. General stormwater restrictions.

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

5. Ownership and maintenance.

(a) Maintenance of temporary erosion and sediment control practices.

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

(b) Ownership.

(i) All components of the stormwater management system shall be constructed, owned, operated and maintained by the developer or owner(s) to their confluence with the major system or city owned minor system;
(ii) In the case of developments in which right-of-way is transferred to public ownership, the storm drain system within the city right-of-way shall be owned and maintained by the city. Stormwater treatment facilities and ponds shall be in common space and shall be owned and maintained by the developer or the owners of the development. Stormwater treatment facilities shall not be located in the public right-of-way;

(c) Owner inspection, operation and maintenance.

(i) A stormwater management facilities operation and maintenance manual shall be prepared by an engineer for the development and approved by the city engineer;
(ii) Stormwater management facilities shall be designed to minimize maintenance and provide inspection and maintenance access;
(iii) All facilities shall have a plan of operation and maintenance that assures continued effective removal of runoff pollutants and accumulated sediment;
(iv) The developer or the owner(s) shall be responsible for inspection, maintenance and reporting for all non-publicly owned stormwater management facilities associated with the development. Facilities shall include structural components

and all non-structural components (buffer strips, swales and other stormwater management practices that were part of the approved development);

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

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

Copies of the inspection and maintenance records shall be maintained by the developer or owner for a period of six years. Copies of all inspection records shall be provided to the city upon request. (Ord. No. 10041, 8-16-2010, § 2; Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10075; 1-24-2011, § 1; Ord. No. 10082, 4-11-2011, § 1 *[NR-O Map 6]*; Ord. No. 10096, 7-18-2011, § 13; Ord. No. 10285, 3-10-2014, § 1; Ord. No. 10341, 11-24-2014, § 1; Ord. No. 10456, 7-11-2016, § 1; Ord. No. 10570, 5-29-2018, § 1)

50-18.2 Airport Overlay (A-O)

The A-O district is intended to protect the lives and property of users of Duluth International Airport (DLH) and Sky Harbor Regional Airport from hazards and to protect the lives and property of residents living in the vicinity of the airports from risks and impacts of airport-related activities. The purpose of this district is also to prevent and, when possible, to minimize, reduce or remove hazards that interfere with the safe operation of the respective airports.

A. Purpose and authority.

The council, pursuant to the provisions and authority of Minnesota Statutes Section 360.063, hereby finds and declares that:

1. The Duluth International Airport is an essential public facility;
2. An Airport Hazard endangers the lives and property of users of the Duluth International Airport, and property or occupants of land in its vicinity, and also if the obstructive type, in effect reduces the size of the area available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the Duluth International Airport and the public investment therein;
3. The creation or establishment of an Airport Hazard is a public nuisance and an injury to the region served by the Duluth International Airport;
4. For the protection of the public health, safety, order, convenience, prosperity and general welfare, and for the promotion of the most appropriate use of land, it is necessary to prevent the creation or establishment of Airport Hazards;
5. The prevention of these Airport Hazards and Aircraft Accidents should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

B. Definitions

Definitions within this section shall be as defined by the Duluth International Airport Zoning Ordinance, created by the Duluth International Airport Joint Zoning Board, recorded in the St. Louis County Recorder's Office as Document Number 01432556, which is incorporated here to in its entirety by refence.

C. DLH Airspace Obstruction Zoning.

1. Boundary Limitation. The airspace obstruction height zoning restrictions set forth in Section 50-18.2.C shall apply for a distance not to exceed one-and-one-half (1.5) miles beyond the perimeter of the Airport boundary; said boundary location and dimensions are indicated on the Airport Zoning Map.
2. Airspace Zones. Airspace Zones are established to regulate and protect aircraft from navigational hazards during landings and departures. In order to carry out the purposes of the Duluth International Airport Zoning Ordinance, the following Imaginary Airspace Zones are hereby established: Primary Zone, Horizontal Zone, Conical Zone, Approach Zone, Precision Instrument Approach Zone, and Transitional Zone, all whose locations and dimensions are indicated on the Airport Zoning Map.
3. Height Restrictions. Except as otherwise provided in Section 50-18.2, or except as necessary and incidental to airport operations, no structure or tree shall be constructed, altered, maintained, or allowed to grow so as to project above any of the Imaginary Airspace surfaces described in Section 50-18.2.C.2. Where an area is covered by more than one height limitation, the more restrictive limitations shall prevail.

D. DLH Land Use Safety Zoning

In order to carry out the purpose of Section 50-18.2, as set forth above, to restrict those uses which may be hazardous to the operational safety of aircraft operating to and from the Airport, and, furthermore, to limit population and building density in the runway approach areas, thereby creating sufficient open space to protect life and property in case of an accident, there are hereby created and established the following Safety Zones, which restrict land use:

1. Safety Zone 1: All land designated as Safety Zone 1 on the Airport Zoning Map;
2. Safety Zone 2: All land designated as Safety Zone 2 on the Airport Zoning Map;
3. Safety Zone 2.5: All land designated as Safety Zone 2.5 on the Airport Zoning Map;
4. Safety Zone 3: All land designated as Safety Zone 3 on the Airport Zoning Map.

The land use zoning restrictions set forth in Section 50-18.2.D and E shall apply for a distance not to exceed one mile beyond the perimeter of the airport boundary and in the portion of an Airport Hazard Area under the approach zone for a distance not exceeding one and one-half (1½) miles from the airport boundary; said land use zoning boundary location and dimensions are indicated on the Airport Zoning Map.

E. DLH Use Restrictions

Table 50-19.8, Permitted 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. In addition to 50-19.8, in order to restrict those uses which may be hazardous to the operational safety of aircraft operating to and from the Duluth International Airport, and furthermore to limit population and building density in the runway approach areas, thereby creating sufficient open space so as to protect life and property in case of accident, the following additional use restrictions are applied to the land use Safety Zones.

1. All Safety Zones. No use shall be made of any land in any of the Safety Zones which creates or causes interference with the operation of radio or electronic facilities on the airport or with radio or electronic communications between the airport and aircraft, makes it difficult for pilots to distinguish between airport lights and other lights, results in glare in the eyes of pilots using the airport, impairs visibility in the vicinity of the airport, or otherwise endangers the landing, taking off, or maneuvering of aircraft.
2. Safety Zone 1. Areas designated as Safety Zone 1 shall contain no buildings, temporary structures, exposed transmission lines, or other similar above-ground land use structural hazards, and shall be restricted to those uses which will not create, attract, or bring together an assembly of persons thereon. Permitted uses may include agricultural use, resource extraction use, horticulture, animal husbandry, raising of livestock, wildlife habitat, light outdoor recreation (non-spectator), cemeteries, and automobile parking, and as allowed in 50-19.8;
3. Safety Zone 2. The following classifications of building and structures as to use and occupancy according to the 2020 Minnesota State Building Code, or its successor, are prohibited: Group A Uses; Group E Uses; Group I-2 Uses; and Group R-1 Uses. Other uses not specifically prohibited by this section, and as allowed in 50-19.8, must be on a site whose area is at least two and one-half (2.5) acres. Each use shall not create, attract, or bring together a site population in excess of 20 persons per acre during the same time period; density as calculated pursuant to the 2020 Minnesota State Building Code, or its successor;
4. Safety Zone 2.5. The following classifications of building and structures as to use and occupancy are prohibited: Childcare or daycare centers; State licensed residential care facilities and housing with service establishments serving 7 or more persons; State licensed adult daycare facility serving 13 or more persons; State licensed group family daycare facility serving 13 or more children; public or private school; and public or private hospital;
5. Safety Zone 3: Areas designated as Safety Zone 3 are only subject to the restrictions set forth in Section 50-18.2.E.1, and as allowed in 50-19.8.

F. DLH Airport Zoning Map

The Airport Zoning Map, together with map and all notations, references, elevation, data, zone boundaries, and other information thereon, shall be referred to in this section are adopted in its entirety.

G. DLH Existing Uses and Structures

The regulations prescribed by Section 50-18.2 shall not be construed to require the removal, lowering, or other changes or alteration of any existing use, lot, structure, or tree or otherwise interfere with the continuance of any such use or structure, or tree after December 14, 2021.

H. DLH Permits and Orders to Remove Use or Structure or Tree

1. Permit Standards. Permit applications shall be made to the Land Use Supervisor pursuant to Sec. 50-37.13. . Copies of applications for permits shall be provided to the DAA.
2. Permit Required. The following structures or uses shall not be allowed in a Safety Zone 2 unless a Permit has first been approved pursuant to Sec. 50-37.13:

    1. Material expansion of an Existing Structure or Use. Permit required.
    2. New structures or uses. Permit required.
    3. Abandoned Non-Conforming Structure. Permit required for structure to be re-used, rebuilt or replaced.
    4. Substantially Damaged Non-Conforming Structure. Permit required to rebuild, repair, or replace.
    5. Material Change in Non-Conforming Use. Permit required before material change in use may occur.

3. Order to Remove Use, Structure, or Tree. Whether application is made for a Permit under this subdivision or not, the Land Use Supervisor may by appropriate action compel the owner of any Structure, use, or tree, at the owner's expense, to lower, remove, reconstruct, or equip the object as may be necessary to conform to the regulations of the Duluth International Airport Zoning Ordinance. If the owner of the Structure, use, or tree neglects or refuses to comply with the order for ten days after notice of the order, the Land Use Supervisor may take whatever lawful actions they deem necessary and appropriate to obtain compliance with the provisions of the Duluth International Airport Zoning Ordinance.

I. DLH Variances

Any person desiring to erect or increase the height of any structure, permit the growth of any tree, or use property in a way prohibited by this section, may apply for a variance as established in Section 9, 11, 12, and 14 of the Duluth International Airport Zoning Ordinance, created by the Duluth International Airport Joint Zoning Board, recorded in the St. Louis County Recorder’s Office as Document Number 01432556.

J. DLH Hazard Marking and Lighting

The Land Use Supervisor or the Board of Adjustment for the Duluth International Airport Joint Airport Zoning Board (BOA)may condition any Permit or Variance granted so as to require the owner of the Structure or tree or use in question at their own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to pilots the presence of an Airport Hazards.

K. DLH Airport Zoning Administrator

It shall be the duty of the Land Use Supervisor to enforce the regulations prescribed by this section. Permit applications shall be made to the Land Use Supervisor for that jurisdiction. Copies of Permit applications shall be provided to the DAA. Permit applications shall be promptly considered and granted or denied pursuant to the regulations by the Land Use Supervisor. Variance applications shall be made to both the Land Use Supervisor and the BOA. Copies of Variance applications shall be provided to the DAA.

L. DLH Limited Land Use Exemption For Aeronautical Purposes

The restrictions of this section or any other section of the UDC shall not control the use of land or the height of structures on land owned by the City of Duluth, the State of Minnesota, the Duluth Airport Authority, or the United States of America and used by the Duluth Airport Authority solely for aeronautical purposes.

M. General, Conflicts

Where there exists a conflict between any of the regulations or limitations prescribed in this section and any other regulations applicable to the same area, the more stringent limitation or regulation shall govern and prevail.

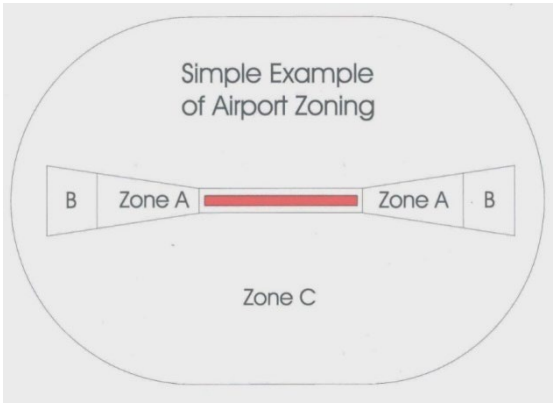
N. Sky Harbor Regional Airport, Safety Zones

For the Sky Harbor Regional Airport, the following land use safety zones are established:

1. Safety Zone A. All land in that portion of the approach zones of a runway, that extends outward from the end of primary surface a distance equal to 2/3 of the planned length of the runway, which distance is 2,230 feet for Sky Harbor Regional Airport runway 14-32;
2. Safety Zone B. All land in that portion of the approach zones of a runway that extends outward from Safety Zone A a distance equal to 1/3 of the planned length of the runway, which distance is 1,120 feet for Sky Harbor Regional Airport runway 14-32;
3. Safety Zone C. All that land that is enclosed within the perimeter of the horizontal zone and that is not included in Safety Zone A, Safety Zone B, or the exempted parcels referred to below.
4. Exemptions. Land uses that existed as of January 1, 1994, for Sky Harbor Regional Airport, and that were established residential neighborhoods in built-up urban areas on those dates, are subject to the height restrictions above, but are not subject to the additional restrictions in subsections 1 or 2 above. Land uses that came or come into existence after those dates, are treated as though they were or are not in a listed established residential neighborhood and are subject to the restrictions in subsections 1 or 2 above, as applicable based on the location of the property.

O. Sky Harbor Regional Airport, Land Use Restriction

1. General.
No use shall be made of any land in any land use safety zone that creates or causes interference with the operations of radio or electronic facilities on the airport or with radio or electronic communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and other lights, results in glare in the eyes of pilots using the airport, impairs visibility in the vicinity of the airport or otherwise endangers the landing, taking off or maneuvering of aircraft;



2. Zone A.
Areas designated as Zone A shall contain no buildings, temporary structures, exposed transmission lines, or other similar above ground land use structural hazards, and shall be restricted to those uses that will not create, attract or bring together an assembly of more than 100 persons on the property. Permitted uses may include but are not limited to: agriculture (seasonal crops), horticulture, animal husbandry, raising of livestock, wildlife habitat, light outdoor recreation (non spectator), cemeteries and automobile parking;

3. Zone B.
Areas designated as Zone B shall be restricted in use as follows:
(a) Each use shall be on a site of not less than three acres;
(b) Each use shall not create, attract or bring together a site population that would exceed 15 times that of the site acreage. Compliance with this subsection shall be determined by multiplying the number of required parking spaces for each use on the site by the vehicle occupancy rates for each use on the site, as provided in Table 50-18.2.-1;

TABLE 50-18.2-1: Vehicle Occupancy Rates

Land Use	Vehicle Occupancy Rate
Industrial / Storage / Transportation	1.2
Educational	1.2
Health Care	1.7
Retail Store	1.5
Restaurant / Community and Cultural Facility / Recreational	2.0
Example: The site population for a 1,500 sq. ft. restaurant is calculated as follows: 15 (i.e., 1 parking space per 100 sq. ft) X 2.0 (i.e., vehicle occupancy rate) = 30 people. Therefore, the site would need to be at least 2 acres in size to meet the 15 people / acre maximum site population limit.	

(c) Each site shall have no more than one building plot upon which any number of structures may be erected;
(d) A building plot shall be a single, uniform and non-contrived area, whose shape is uncomplicated and whose area shall not exceed the following minimum ratios with respect to the total site area:

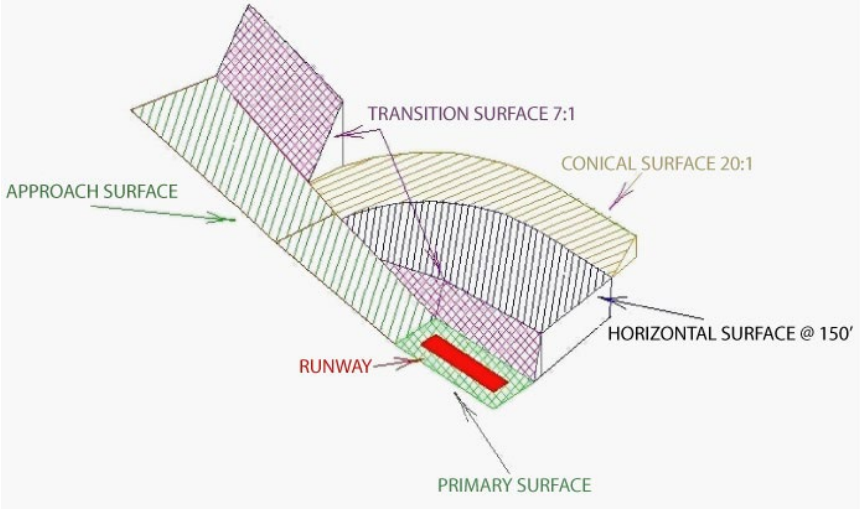
TABLE 50-18.2-2: Ratio of Site Area to Building Area		
Site area	**Ratio of site area to building plot area**	**Building plot area (sq. ft)**
3.00 – 3.99 acres	12:1	10,900
3:00 – 5.99 acres	10:1	17,400
6:00 – 9.99 acres	8:1	32,700
10:00 – 19.99 acres	6:1	72,600
20:00 acres or more	4:1	218,000

(e) The following uses are specifically prohibited in Zone B: churches, hospitals, schools, theaters, stadiums, hotels, motels, trailer courts, campgrounds and other places of frequent public or semi public assembly;

4. Zone C.
Zone C is subject only to height restrictions set forth in subsection D above and to the general restrictions contained in subsection 1 above;

P. Sky Harbor Regional Airport (DYT), Land Affected

1. Air space zones.
In order to carry out the purpose of this Section, the following air space zones are hereby established: primary zone, horizontal zone, conical zone, approach zone, and transitional zone;



2. Primary zone.
All land that lying directly under an imaginary primary surface longitudinally centered on a runway and (a) extending 200 feet beyond each end of Sky Harbor Regional Airport Runway 14-32 and (b) coinciding with each end of Runway 14-32. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is 500 feet for Sky Harbor Regional Airport Runway 14-32;

3. Horizontal zone.
   All land lying directly under an imaginary horizontal surface 150 feet above the established airport elevation, or a height of 760 feet above mean sea level for Sky Harbor Regional Airport, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is 6,000 feet for Sky Harbor Regional Airport Runway 14-32;

4. Conical zone.
   All land lying directly under an imaginary conical surface extending upward and outward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of 4,000 feet as measured radially outward from the periphery of the horizontal surface;

5. Approach zone.
   All land lying directly under a surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to the end of a runway based on the type of approach available or planned for that runway.
   (a) The inner edge of the approach surface is the width as the primary surface and it expands uniformly to a width of: (i) 1,250 feet for that end of a utility runway with only visual approaches; (ii) 1,500 feet for that end of a runway other than a utility runway with only visual approaches; (iii) 2,000 feet for that end of a utility runway with a nonprecision instrument approach; (iv) 3,500 feet for that end of a nonprecision instrument runway other than utility, having visibility minimums greater than three-fourths of a statute mile; (v) 4,000 feet from that end of a nonprecision instrument runway, other than utility, having a nonprecision instrument approach with visibility minimums as low as three-fourths statute mile; and (vi) 16,000 feet for precision instrument runways;
   (b) The approach surface extends for a horizontal distance of (i) 5,000 feet at a slope of 20:1 for all utility and visual runways; (ii) 10,000 feet at a slope of 34:1 for all nonprecision instrument runways other than utility, and (iii) 10,000 feet at a slope of 50:1 with an additional 40,000 feet at a slope of 40:1 for all precision instrument runways;
   (c) The outer width of an approach surface to an end runway will be that width prescribed in this subsection 5 for the most precise approach existing or planned for that runway end;

6. Transitional zone.
   All land lying directly under surfaces that extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7:1 from the sides of the primary surface and from the sides of the approach surfaces. Transitional surfaces for those portions of the precision approach surface that project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at right angles to the runway centerline;

7. Height restrictions.
   Except as necessary and incidental to airport operations, no structure or tree shall be constructed, altered, maintained or allowed to grow in any air space obstruction zone so as to project above any of the imaginary air space surfaces described in subsections 1 through 6. Where an area is covered by more than one height limitation, the more restrictive limitation shall apply;

8. Traverse ways.
   For the purpose of determining height limits in this Section 50-18.2, traverse ways shall be increased in height by 17 feet for interstate highways; 15 feet for all other public roadways; ten feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for private roads; 23 feet for railroads; and for waterways and all other traverse ways not previously mentioned, an amount equal to the height of the highest mobile object that would normally traverse it;

Q. Sky Harbor Regional Airport, Variances

Variances to this section, as it applies to land on, near, or around the Sky Harbor Regional Airport, shall be administered as provided in 50-37.9. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10797, 3-28-22, § 1)

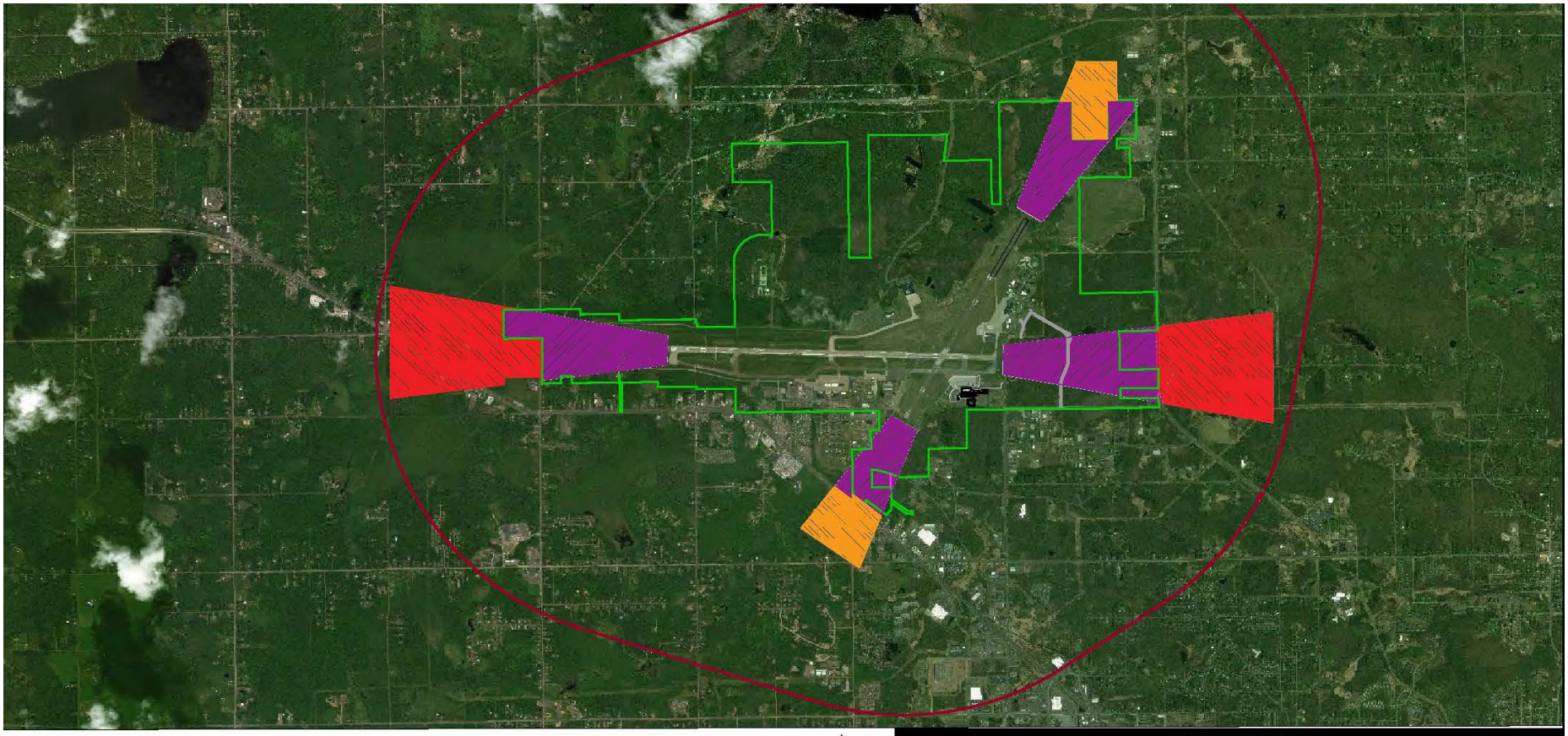


Exhibit 50-18.2-1

N

0 3700 7400 Feet

ZONING LEGEND	
AIRPORT PROPERTY BOUNDARY	
FUTURE AIRPORT PROPERTY	
ZONE 1	
ZONE 2	
ZONE 2.5	
ZONE 3	

50-18.3 Historic Resources Overlay (HR-O).

A. Purpose.

The purpose of this Section 50-18.3 is to preserve, protect and promote any areas, places, buildings, structures, lands, districts and other objects having a special historical, community or aesthetic interest or value. The Historic Resources Overlay:

1. Safeguards the heritage of the city by preserving properties that reflect elements of the city's cultural, social, economic, political, engineering, visual or architectural history;
2. Protects and enhances the city's appeal and attraction to residents, visitors and tourists, while enhancing its economic viability through the protection and promotion of its unique character as related to its history and heritage;
3. Enhances the visual and aesthetic character, diversity and interest of the city;
4. Fosters civic pride in the beauty and notable accomplishments of the past;
5. Promotes the preservation and continued use of historic properties for the education and general welfare of the people of the city;

B. Designation of historic resources.

1. Through the process for designating historic resources in Section 50-37.8, or its predecessor ordinance previously codified as Chapter 28A of the City Code, the heritage preservation commission has designated:
   (a) Two historic preservation districts: the Duluth Civic Center Historic District, and the Duluth State Normal School Historic District, whose boundaries are shown on Exhibits 50-18.3-1 and 50-18.3-2; and
   (b) Those designated historic preservation landmarks on file with the secretary of the planning commission;
2. The heritage preservation commission and planning commission may from time to time recommend, and the council may approve, additional historic preservation districts or landmarks pursuant to Section 50-37.8;

C. Review of construction/demolition activities.

Within those designated historic preservation districts shown on Exhibit 50-18.3-1 and those historic preservation landmarks on file with the secretary of the planning commission:

1. Construction and demolition activities, including all street and utility activities, shall be approved pursuant to Section 50-37.14;
2. The issuance of city permits to do any of the following shall be approved pursuant to Section 50-37.14:
   (c) Remodel, repair or alter in any manner that will change the exterior appearance;
   (d) New construction, including parking facilities;
   (e) Move a building;
   (f) Change the nature or appearance of a designated historic preservation landmark or district, including landscape features;
   (g) Demolition in whole or in part;

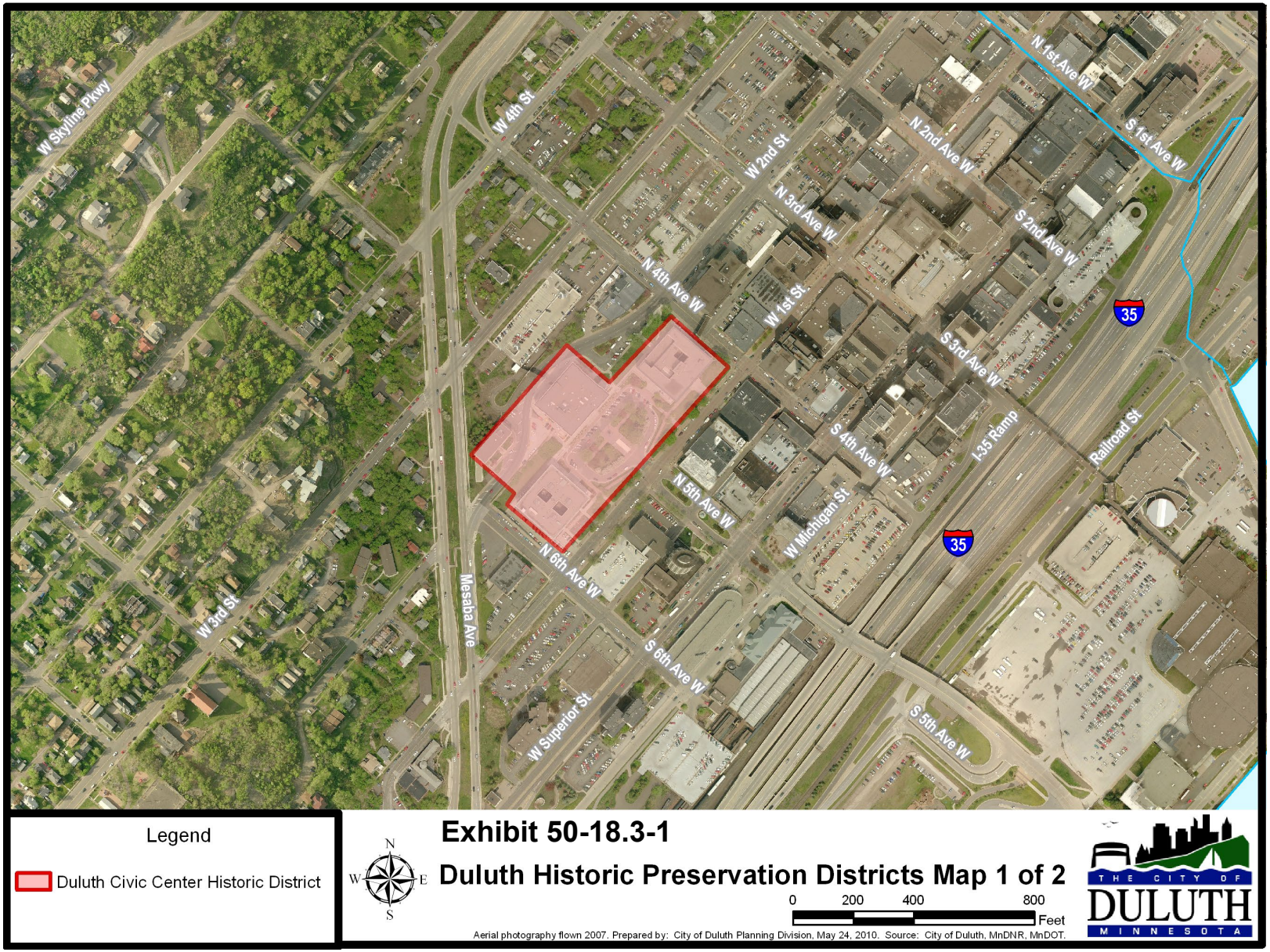
D. Emergency repair.

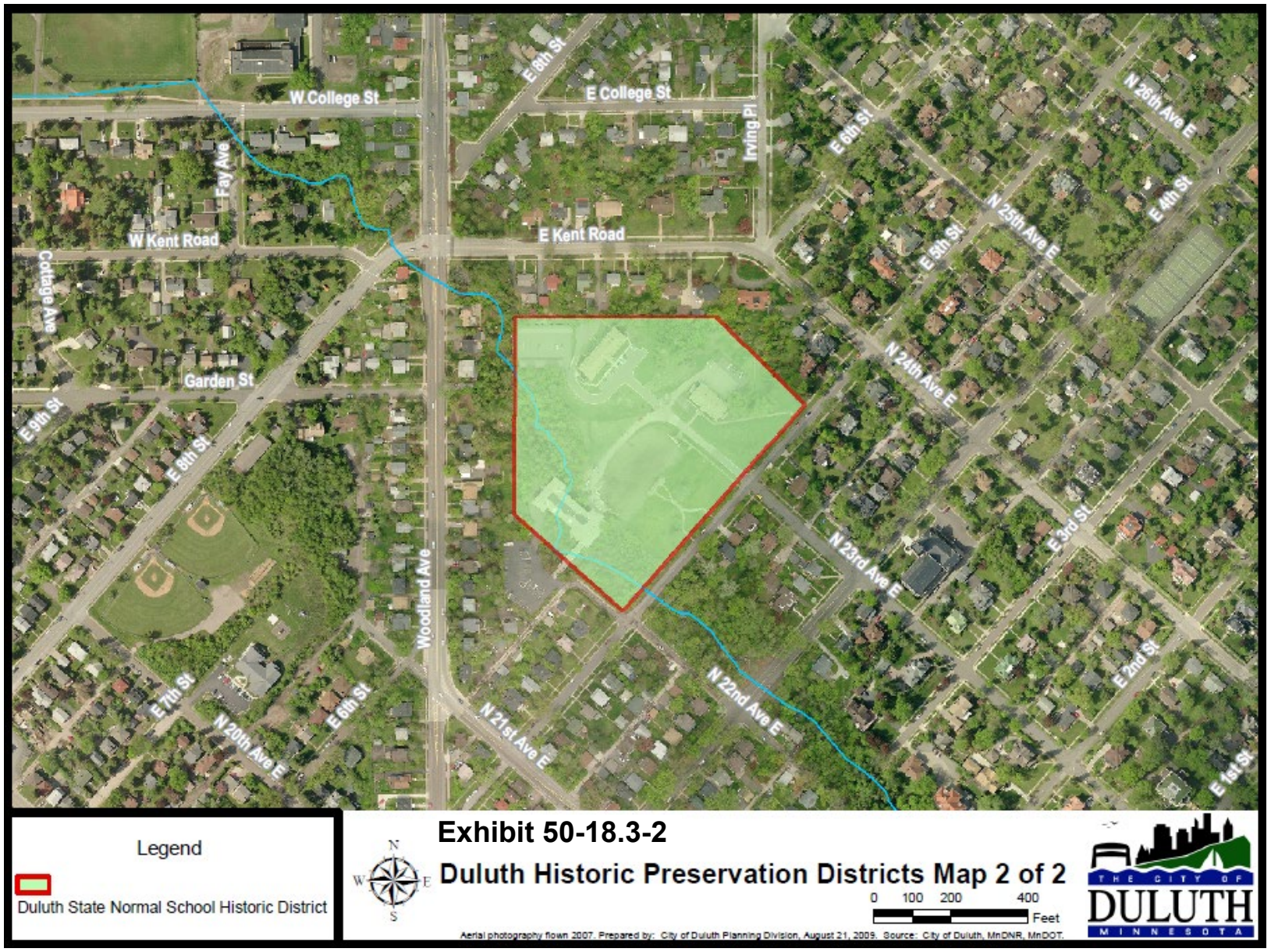
In emergency situations where immediate repair is needed to protect the safety of the structure and its inhabitants, the building official may approve the repair of only those items needed to ensure safety. Such repairs shall be limited to those necessary to correct the safety emergency. In the case of a permit issued pursuant to this subsection D, the building official shall require that the repairs be made in conformance with the U.S. secretary of interior's recommended standards for heritage preservation projects and adopted historic preservation guidelines for the landmark or district to the extent possible. In addition, the building official shall immediately notify the historic preservation commission of the action and specify the facts or conditions constituting the emergency situation;

E. Building code enforcement.

This Section 50-18.3 is also intended to encourage the sensitive rehabilitation, restoration, stabilization and preservation of historic buildings throughout the city. These rehabilitation and preservation efforts should provide for the upgrading and maintenance of the safety features of the building or structure to provide a practical level of safety to the public and surrounding properties. While ensuring this increased level of public safety, the enforcement authorities are encouraged to be open to acceptable alternative solutions and alternative compliance concepts, where practical, that will permit the continued use of existing buildings and structures without creating overly restrictive financial burdens on owners or occupants. Nothing in this Section shall be construed to prevent the ordinary maintenance or repair of any exterior elements of any building or structure.

(Ord. No. 10041, 8-16-2010, § 4; Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 14; Ord. No. 10225, 5-28-2013, § 3.)


W Skyline Pkwy
W 4th St
W 2nd St
N 1st Ave W
N 2nd Ave W
S 1st Ave W
N 3rd Ave W
S 2nd Ave W
N 4th Ave W
W 1st St
35
S 3rd Ave W
S 4th Ave W
I-35 Ramp
Railroad St
N 5th Ave W
W Michigan St
N 6th Ave W
Mesaba Ave
W 3rd St
S 6th Ave W
W Superior St
S 5th Ave W
Legend
Duluth Civic Center Historic District
N
W
E
S
Exhibit 50-18.3-1
Duluth Historic Preservation Districts Map 1 of 2
0 200 400 800
Feet
Aerial photography flown 2007. Prepared by: City of Duluth Planning Division, May 24, 2010. Source: City of Duluth, MnDNR, MnDOT.
THE CITY OF
DULUTH
MINNESOTA


W College St
E 8th St
E College St
Irving Pl
E 6th St
N 26th Ave E
E 4th St
W Kent Road
Fay Ave
E Kent Road
N 25th Ave E
E 5th St
Cottage Ave
Garden St
N 24th Ave E
E 9th St
E 8th St
E 3rd St
N 23rd Ave E
Woodland Ave
E 7th St
E 6th St
N 20th Ave E
N 21st Ave E
N 22nd Ave E
E 2nd St
E 1st St
Legend
Duluth State Normal School Historic District
N
W
E
S
Exhibit 50-18.3-2
Duluth Historic Preservation Districts Map 2 of 2
0 100 200 400
Feet
Aerial photography flown 2007. Prepared by: City of Duluth Planning Division, August 21, 2009. Source: City of Duluth, MnDNR, MnDOT.
THE CITY OF
DULUTH
MINNESOTA

50-18.4 Skyline Parkway Overlay (SP-O).

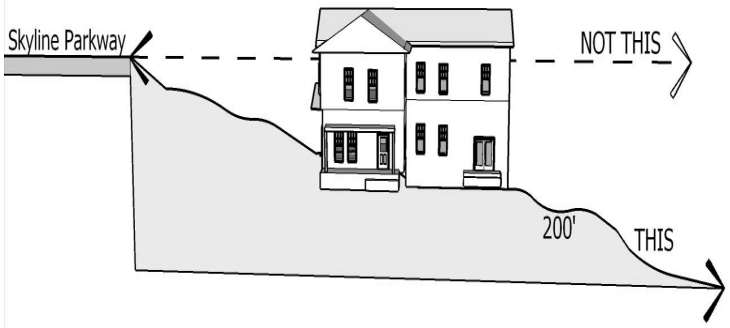
A. Purpose.

The purpose of this Section 50-18.4 is to protect the unique character and visual qualities of Skyline Parkway as documented in the Skyline Parkway corridor management plan and the comprehensive land use plan while protecting the property rights of private property owners affected by these regulations. One key purpose is to protect views from Skyline Parkway toward Lake Superior, the St. Louis River, and the harbor, from a wide variety of vantage points along the Parkway and to encourage the construction of narrower buildings located farther from the Skyline Parkway rather than wider buildings located closer to the parkway;

B. Land affected.

The regulations of this Section 50-18.4 apply to all private and public property located within 200 feet of the downhill side of Skyline Parkway as shown on Exhibits 50-18.4-2 to 4. The 200 foot distance shall be measured from the edge of the right-of-way along the slope of the affected property (not horizontally from the road), as shown in Figure 50-18.4-1. The Skyline Parkway Overlay maps are shown only for illustrative purposes and are not intended to regulate the boundary of the 200 feet distance as described above;

Exhibit 50-18.4-1: Measurement of 200' boundary



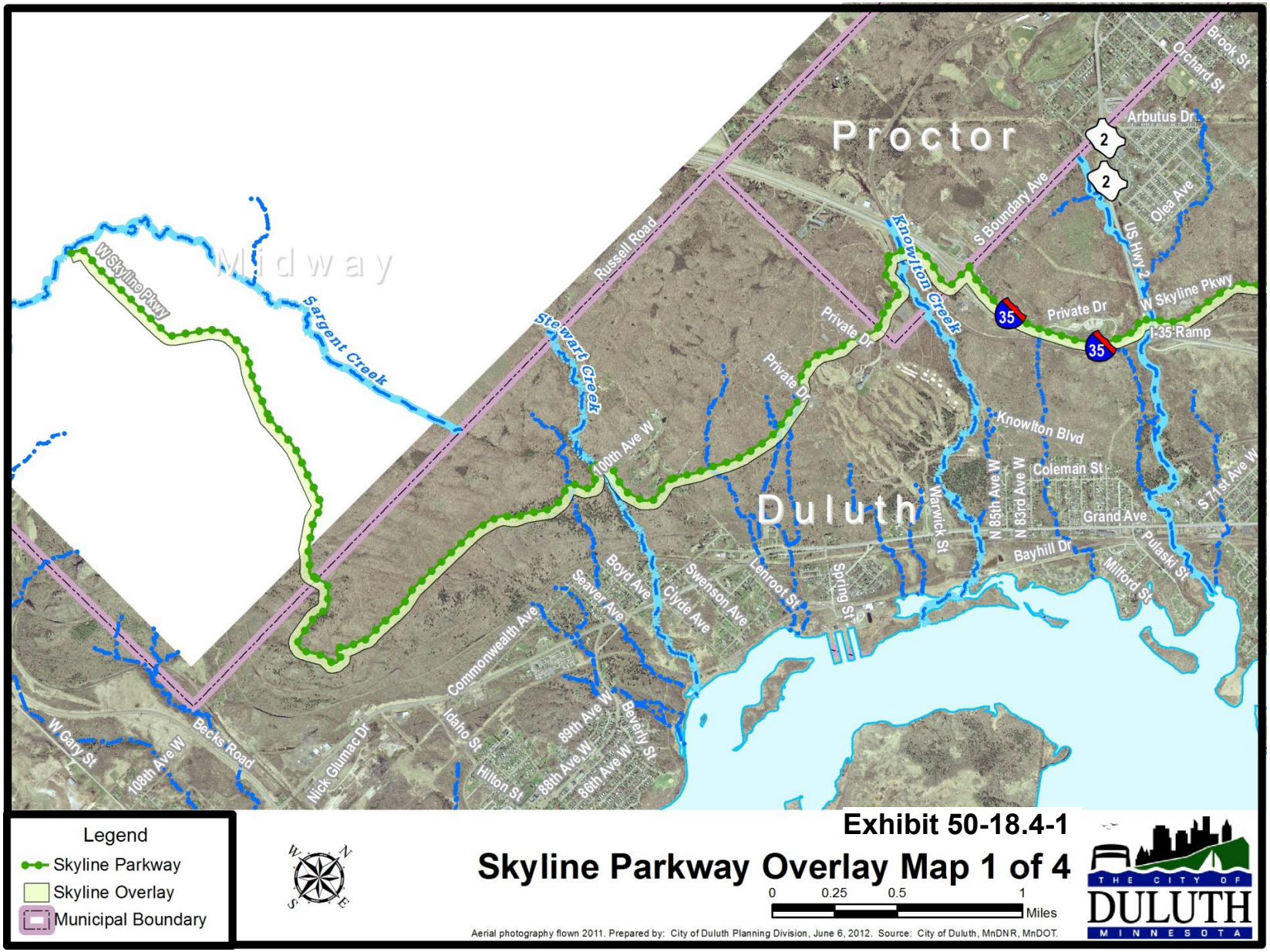


Exhibit 50-18.4-1

Skyline Parkway Overlay Map 1 of 4

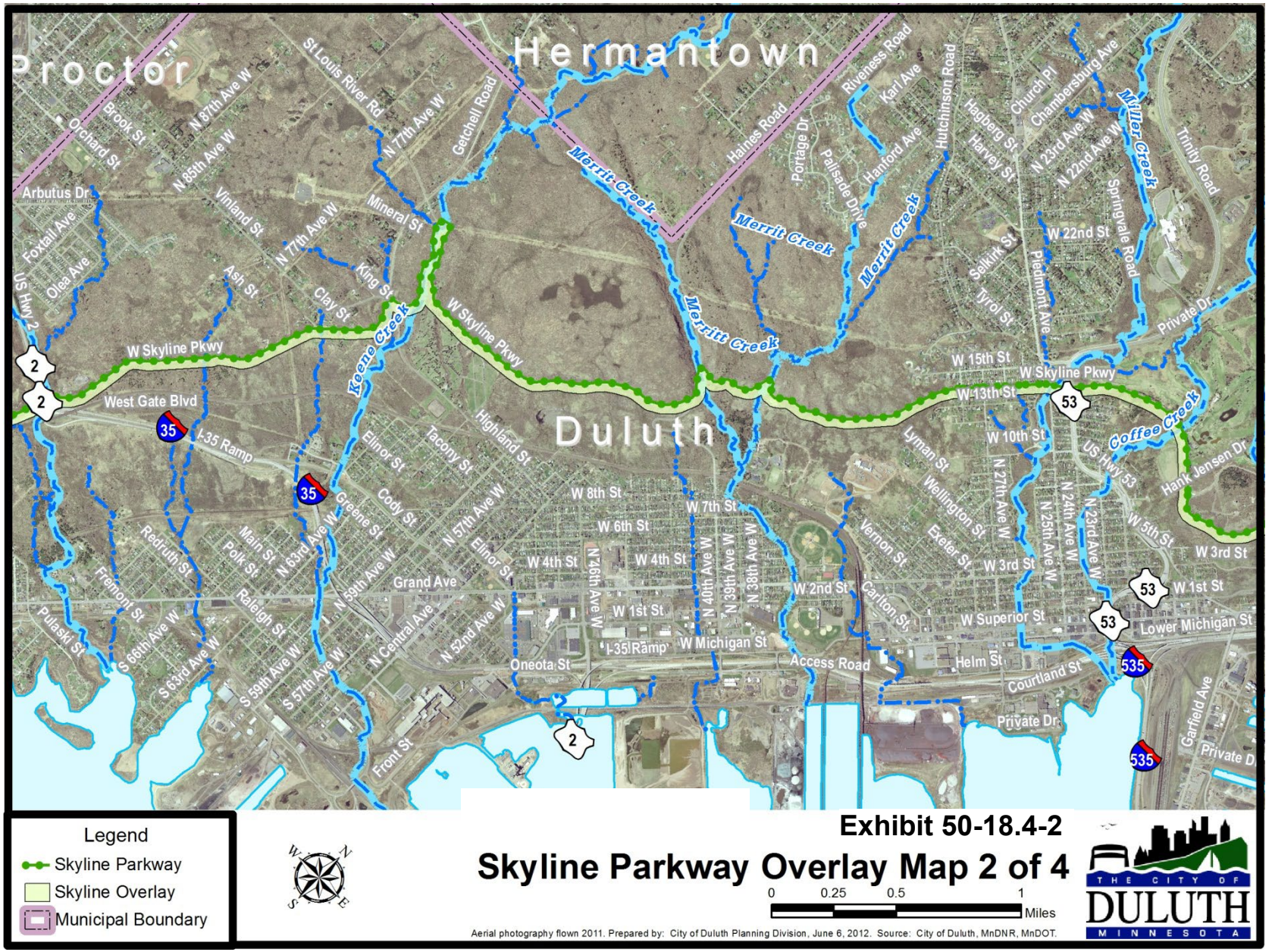


Exhibit 50-18.4-2

Skyline Parkway Overlay Map 2 of 4


Duluth
Legend
Skyline Parkway
Skyline Overlay
Municipal Boundary
Exhibit 50-18.4-3
Skyline Parkway Overlay Map 3 of 4
0 0.25 0.5 1
Miles
Aerial photography flown 2011. Prepared by: City of Duluth Planning Division, June 6, 2012. Source: City of Duluth, MnDNR, MnDOT.
THE CITY OF DULUTH MINNESOTA
Miller Creek
Coffee Creek
Brewery Cr
Lake Superior College Dr
Trinity Road
Deer Valley Rd
W Orange St
W Myrtle St
W Mulberry St
S Arlington Ave
N Central Entrance
Como Ave
N Blackman Ave
Hickory St
Chinook Dr
Saints Dr
Pine Ln
Quarry Rd
W Arrowhead Road
W Toledo St
Kenwood Ave
E Buffalo St
Maryland St
Valhalla Dr
Woodland Ave
Observation Road
E Orange St
Pecan Ave
Rice Lake Road
Hawkins St
Fern Ave
Plum St
Martha St
High St
Partridge St
Chester Bowl Dr
Lyons St
Brainerd Ave
Maplewood Cr
Kirby Dr
University Dr
W College St
Chester Park Dr
W St Marie St
Marion St
Hartley Road
Dunedin Ave
Columbus Ave
W Oxford St
Vermilion Road
Lakeview Dr
E 14th St
W 13th St
W 10th St
W 9th St
W 8th St
W Skyline Pkwy
E Skyline Pkwy
Denney Dr
E 11th St
E 10th St
E 9th St
E 8th St
E 7th St
E 6th St
E 5th St
E 4th St
E 3rd St
E 2nd St
E 1st St
E 9th Alley
E 7th Alley
E 1st Alley
W 6th St
W 5th St
W 4th St
W 3rd St
W 2nd St
W 1st St
N Lake Ave
N 1st Ave W
N 11th Ave W
N 1st Ave E
N 2nd Ave E
N 3rd Ave E
N 4th Ave E
N 7th Ave E
N 9th Ave E
N 10th Ave E
N 11th Ave E
N 12th Ave E
N 13th Ave E
N 14th Ave E
N 16th Ave E
N 17th Ave E
N 18th Ave E
N 19th Ave E
N 22nd Ave E
N 29th Ave E
N 30th Ave E
N 34th Ave E
S 14th Ave E
S 16th Ave E
S 32nd Ave E
Hank Jensen Dr
Piedmont Ave
W Michigan St
Mesaba Ave
Railroad St
Depot Rd
I-35 Ramp
Harbor Dr
Canal Park Dr
S Lake Ave
11th St S
Garfield Ave
Helberg Dr
Private Dr
Private Dr
Mill Ave
London Road
I-35 Ramp
South St
I-35 Ramp
Jefferson St
E Superior St
Branch St
Woodland Ave
Wallace Ave
Congdon Park Dr
53
35
535


Rice Lake Twnshp
Lakewood Twnshp
Duluth
Fisher Creek
Amity Creek
Lester River
Lester River
Northfield St
Allendale Ave
Minneapolis Ave
Trail Dr
Vermilion Road
Whittier St
Hartley Road
St Paul Ave
Heather Ave
Jean Duluth Road
Evergreen Road
Carlisle Ave
W Oxford St
Lewis St
E Oxford St
Livingston Ave
Park St
Everett St
Carroll St
Colby Ave
Woodland Ave
Leicester Ave
Cherie Lane
Snively Road
Oak St
Lakeview Dr
Valley Dr
Crescent View Ave
South Ridge Road
E Skyline Pkwy
Broadwing Dr
E 4th St
N 34th Ave E
E 3rd St
Tioga St
Peabody St
Oakley St
N 51st Ave E
N 52nd Ave E
Seven Bridges Rd
Lester River Road
E 1st St
E 1st St
Jay St
Cooke St
Oneida St
Tioga St
Crosley Ave
Glenwood St
Pitt St
Dodge St
Colorado St
Otsego St
N 53rd Ave E
N 54th Ave E
N 58th Ave E
Greysolon Road
London Road
N 40th Ave E
N 41st Ave E
N 43rd Ave E
N 44th Ave E
N 45th Ave E
N 47th Ave E
Private Dr
Private Dr
Montauk Ln
Luverne St
E Superior St
Jay St
Tioga St
Dodge St Alley
S 61st Ave E
MN HWY 61
MN HWY 61
Brighton St
61
Congdon Blvd
61
Legend
Skyline Parkway
Skyline Overlay
Municipal Boundary
W
N
S
E
Exhibit 50-18.4.4
Skyline Parkway Overlay Map 4 of 4
0
0.25
0.5
1
Miles
Aerial photography flown 2011. Prepared by: City of Duluth Planning Division, June 6, 2012. Source: City of Duluth, MnDNR, MnDOT.
THE CITY OF
DULUTH
MINNESOTA

C. Construction and reconstruction affected.

This Section 50-18.4 shall apply to (1) all construction of new buildings or additions to buildings, (2) all reconstruction of an existing building or addition, (3) all construction of fences and walls, and (4) all installation and maintenance of landscaping within the SP-O zone district, after November 10, 2010. Buildings, additions, fences and walls that are permitted or exist on November 19, 2010, shall not be required to comply with the provisions of this Section, and shall be considered conforming structures for zoning purposes;

D. Design controls.

When construction of a building or an addition to a building, or reconstruction of an existing building or addition is proposed within the SP-O zone district, the following standards shall apply:

1. The building or addition shall be located at least 50 feet from the right-of-way of Skyline Parkway, or as close to that distance as is reasonably possible without violating required side or rear setbacks;
2. The long axis of a new structure shall be located within 20 degrees of perpendicular to the right-of-way line of Skyline Parkway at the midpoint of the front property line, or if that is not possible due to site or engineering constraints, then as close to that number as is reasonably possible;

Exhibit 50-18.4-6:
Measurement of Long Axis

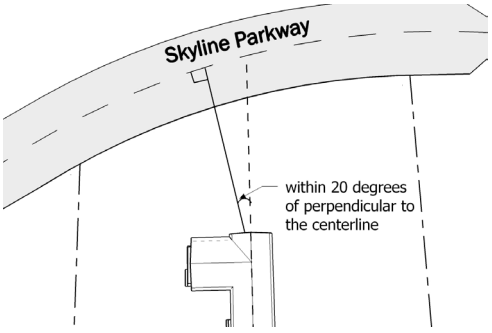
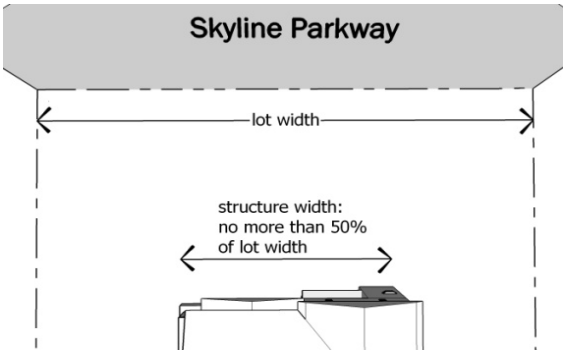


Exhibit 50-18.4-7:
Measurement of 50% of Lot Width



3. The width of a new primary structure closest to Skyline Parkway shall not exceed 50 percent of the width of the lot at the point closest to or adjacent to the Skyline Parkway right-of-way. For purposes of this paragraph, the width shall including all portions of the structure (including attached garages or enclosed porches);
4. Where an addition to an existing structure is proposed, the location of that addition shall not result in the width of structure and addition, taken together, exceeding 50 percent of the width of the lot at the point closest to or adjacent to the Skyline Parkway right-of-way;
5. The provisions of subsections 1 through 4 above shall not apply to any structure located and designed so that no part of the structure (other than chimneys) extends taller than three feet above the elevation of Skyline Parkway closest to the structure;
6. No wall located within 50 feet of horizontal distance from the property line along Skyline Parkway shall exceed a height of three feet above the elevation of the centerline of Skyline Parkway;
7. All portions of a fence located within 50 feet of horizontal distance from the property line along Skyline Parkway and extending more than three feet above the elevation of the centerline of Skyline Parkway shall be at least 75 percent transparent. No more than 25 percent of the area bounded by the top, bottom, and sides of the fence may be constructed of solid or opaque materials;

8. No landscaping located on the 50 percent of the lot width not occupied by the primary structure may be of a species that will have a height at maturity of more than three feet above the elevation of the centerline of Skyline Parkway, and all installed landscaping in those areas shall be maintained so that its height does not exceed three feet above the elevation of the centerline of Skyline Parkway. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10192, 12-17-2012, § 7.)

50-18.5 Higher Education Overlay (HE-O).

A Purpose.

The purpose of this Section 50-18.5 is to minimize the impacts of potential student use on adjacent residential neighborhoods and to encourage the development of pedestrian friendly neighborhood destinations near the UMD *[University of Minnesota-Duluth]* and St. Scholastica campuses;

B Applicablity.

This Section applies to land within the HE-O, shown in Exhibit 50-18.5-1, that (a) is zoned R-2 or MU-N; and (b) includes new development or redevelopment where the value of the redevelopment exceeds 75 percent of the market value of the land and buildings, as indicated by tax assessor's records; except for:

1. One-family or two-family dwellings;
2. Any residential development where all of the dwelling units are restricted by development agreement or covenant for occupancy by those aged 50 and over or for occupancy by those individuals and households protected by the federal Fair Housing Act amendments of 1988.

A planning review by the planning commission, pursuant to the procedures in Article 5, shall be required unless exempt in the above applicability standards;

C Development standards.

1. General.
   (a) Vehicle ingress and egress shall be located in a manner that avoids or minimizes impacts to residents in adjacent R-1 districts and that reduces the potential for pedestrian-vehicular conflicts;
   (b) Primary buildings shall adhere to a build-to zone of five feet to 20 feet along primary streets. This requirement shall supersede building setbacks in Section 50-14.6 and 50-15.2. Alternatively, if the land use supervisor determines that site conditions such as existing buildings or topography make this unfeasible, pedestrian walkways can be used to connect people from public sidewalks along primary streets to businesses and residences. These walkways shall:
      - Include pedestrian-scaled lighting;
      - Be raised or otherwise designed to encourage run-off and limit ponding during wet weather;
      - Be visually recognizable to both pedestrians and motorists;
      - Include trees and other landscaping along the length of the walkway; this landscaping can also be used to meet parking lot landscaping requirements in Section 50-25.4;
      - Be at least five feet wide;
      - Include well-marked crossings where the walkway intersects with private vehicle drives;
   (c) Unless lighting meets exception criteria in Section 50-31.1.B, the maximum height of any light pole is 20 feet;
2. Residential.
   (a) No residential balcony, patio, or deck shall be located on any side of the property facing and within 200 feet of an R-1 district;
3. Commercial.
   (a) Commercial development shall be concentrated on major roads, not on streets intended primarily for neighborhood traffic;

(Ord. No. 10868, 12-11-2023, § 1)

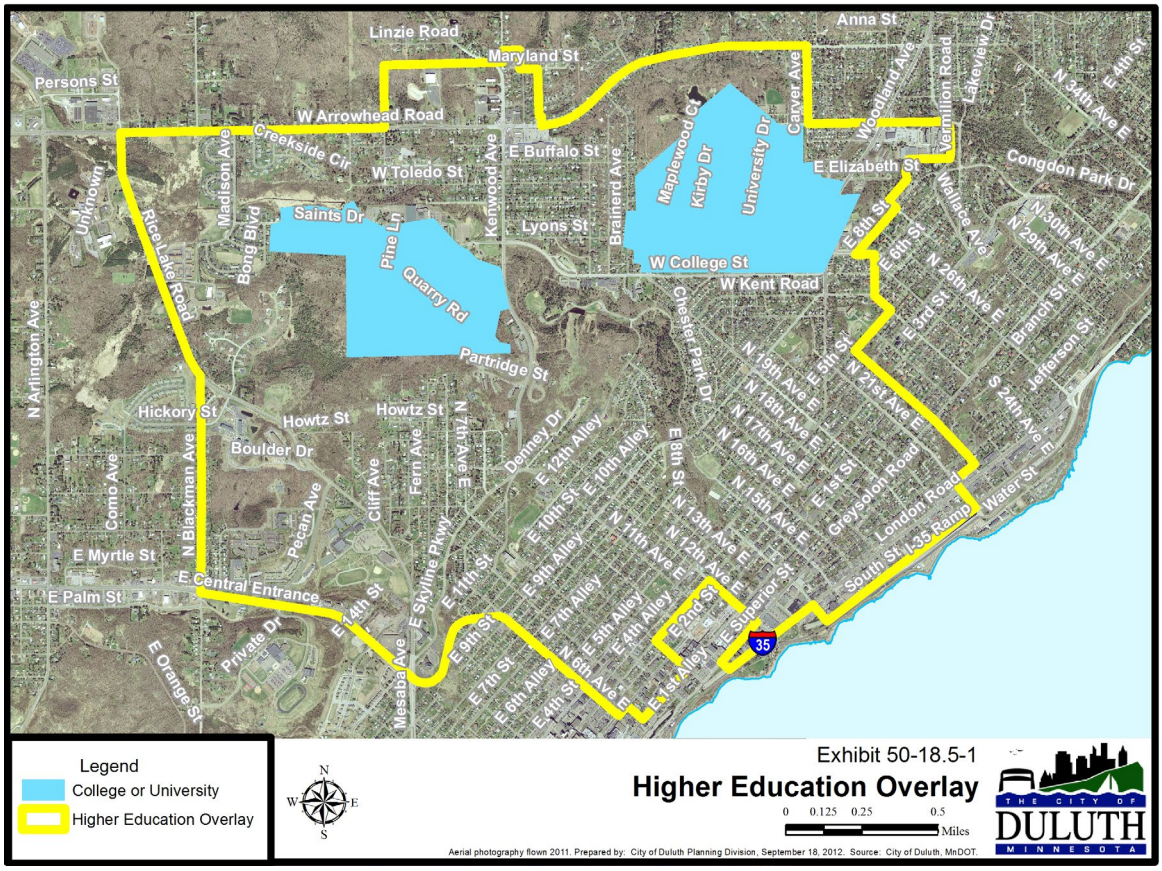
D Primary streets.

The following streets are designated as primary streets in the Higher Education Overlay District:

1. Woodland Avenue;
2. St. Marie Street;
3. Arrowhead Road;

4. College Street;
5. Kenwood Avenue, north of College Street;
6. Fourth Street;
7. London Road;
8. Superior Street;
9. Ninth Street, between Sixth Avenue East and 15th Avenue East; and
10. Eighth Street, between 15th Avenue East and Woodland Avenue.

(Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10192, 12-17-2012, § 7; Ord. No. 23048, 12-11-2023, § 1.)



(Added by Ord. No. 10192, 12-17-2012, § 8; Ord. No. 10286, 3-10-2014, § 5)

ARTICLE THREE. PERMITTED USES.

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.

TABLE 50-19.1: Use Table Legend for 50-19.8*

Abbreviation	Reference
P	Permitted Use
S	Special Use, refer to 50-37.10
I	Interim Use, refer to 50-37.10
A	Accessory Use
U	Use 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), refer to 50-37.11
2	May Require Additional Development Standards and Planning Commission Review if in the Higher Education Overlay District (HE-O), refer to 50-18.5
3	If allowed by an approved regulating plan, refer to 50-14-.7 and 50-15.7

Notes:

*Additional standards shall 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.

(Ord. No. 10044, 8-16-2010, § 6; Ord No. 10286, 3-10-2014, § 6; Ord. No. 10366, 4-13-2015, § 3; Ord. No. 10446, 4-11-2016, § 1; Ord. No. 10659, 10-28-2019, §3)

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*. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 15; Ord. No. 10286, 3-10-2014, § 6.)

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. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10286, 3-10-2014, § 6.)

50-19.4 Prohibited uses.

A blank cell in the use table indicates that the land use is prohibited in that base zone district. (Ord. No. 10044, 8-16-2010, § 6; cited only by Ord. No. 10286, 3-10-2014, § 6.)

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. (Ord. No. 10044, 8-16-2010, § 6; cited only by Ord. No. 10286, 3-10-2014, § 6.)

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. (Ord. No. 10044, 8-16-2010, § 6; cited only by Ord. No. 10286, 3-10-2014, § 6.)

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. (Ord. No. 10044, 8-16-2010, § 6; cited only by Ord. No. 10286, 3-10-2014, § 6.)

50-19.8 Permitted use table.

TABLE 50-19.8: USE TABLE, REVISED NOV 2024

P: Permitted Use S: Special Use
I: Interim Use A: Accessory Use
U: Permitted Only in Upper Stories (Form Dist.)
[1, 2, 3,] as per table 50-19.1

	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[3]	P					P[3]	P	P	P	P	P	P	P	P	P					50-20.1.A
Dwelling, two-family				P	P	P[3]	P					P[3]	P	P	P	P	P	P	P	P	P					50-20.1.A
Dwelling, townhouse				S	P[2]	P[3]	P[2]				P[1]	P[3]														50-20.1.B
Dwelling, multi-family					P[2]	P[3]	P[2]	P[1]	P[1]		P[1]	P[3]	P	P	P	P	P	P	P	P	P					50-20.1.C
Dwelling, live-work							P[2]	P[1]	P[1]		P[1]	P[3]	P	P	P	P	P	P		P	P					
Manufactured home park				S	S[2]	P[3]	S[2]																			50-20.1.F
Cottage home park		S	S	S	S[2]	P[3]	S[2]																			50-20.1.G
Group Living																										
Co-housing facility				S	S[2]	P[3]	P[2]					P[3]														
Interim outdoor living site	I	I	I	I	I	I[3]	I	I	I	I	I	I[3]	I	I	I	I	I	I	I	I	I	I	I			50-20.1.I
Residential care facility/assisted living (6 or fewer)		P	P	P	P[2]	P[3]	P[2]					P[3]	P	P	P	P	P	P	P	P	P					50-20.1.D
Residential care facility/assisted living (7 or more)				S	P[2]	P[3]	P[2]	P[1]	P[1]		P[1]	P[3]	P	P	P	P	P	P	P	P	P					50-20.1.D
Rooming house					S[2]		P[2]	P[1]	P[1]		P[1]	P[3]	P	P	P	P	P	P	P	P	P					50-20.1.E
Sober house (6 or fewer)				P	P[2]	P[3]	P[2]					P[3]	P	P	P	P	P	P	P	P	P					50-20.1.H
Sober house (7 or more)					S[2]	P[3]	S[2]	P[1]	P[1]			P[3]	P	P	P	P	P	P	P	P	P					50-20.1.H

TABLE 50-19.8: USE TABLE, REVISED NOV 2024																										
P: Permitted Use S: Special Use I: Interim Use A: Accessory Use U: Permitted Only in Upper Stories (Form Dist.) [1, 2, 3,] as per table 50-19.1	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	
PUBLIC, INSTITUTIONAL AND CIVIC USES																										
Community and Cultural Facilities																										
Bus or rail transit station							P[2]	P[1]	P[1]	P	P[1]	P[3]	P	P	P	P	P	P	P	P	P					
Cemetery or mausoleum	S	S	S	S	S[2]	P[3]	S[2]	S	S	S														S		
Club or lodge (private)					S[2]	P[3]	P[2]	P[1]	P[1]		P[1]	P[3]	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[3]	P[2]	P[1]	P	P	P[1]	P[3]	P	P	P	P	P	P	P	P	P	S	S	S	P	
Museum, library or art gallery				S	S[2]	P[3]	P[2]	P[1]		S	P[1]	P[3]	P	P	P	P	P	P	P	P	P			S		
Park, playground or forest reserve	P	P	P	P	P[2]	P[3]	P[2]	P[1]	P[1]		P[1]	P[3]	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[3]	P[2]	P[1]	P[1]	S	P[1]	P[3]	P	P	P	P	P	P	P	P						50-20.2.F
Religious assembly, large (50,000 sq. ft. or more)		S	S	S	S[2]	P[3]	P[2]	P[1]	P[1]	S	P[1]	P[3]	P	P	P	P	P	P	P	P						50-20.2.F
Educational Facilities																										
Business, art or vocational school							P[2]	P[1]	P[1]	P	P[1]	P[3]	P	P	P	P	P	P	P	P						
School, elementary		P	P	P	P[2]	P[3]	P[2]	P[1]	P[1]			P[3]	P	P	P	P	P	P	P	P						50-20.2.G
School, middle or high		S	S	S	S[2]	P[3]	S[2]	S[1]	S[1]			P[3]	P	P	P	P	P	P	P	P						50-20.2.G
University or college									P[1]			P[3]			P	P	P	P	P	P						
Health Care Facilities																										
Hospital									P[1]																	
Medical or dental clinic					S[2]	P[3]	P[2]	P[1]	P[1]	P	P[1]	P[3]	P	P	P	P	P	P	P	P						50-20.2.E
Nursing home					P[2]	P[3]	P[2]	P[1]	P[1]		P[1]	P[3]		P		P										
Other institutional support uses not listed in this table									P[1]																	

TABLE 50-19.8: USE TABLE, REVISED NOV 2024																									
P: Permitted Use S: Special Use I: Interim Use A: Accessory Use U: Permitted Only in Upper Stories (Form Dist.) [1, 2, 3,] as per table 50-19.1	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	
COMMERCIAL USES																										
Agriculture and Animal-Related																										
Agriculture, community garden	P	P	P	P	P		P[2]	P	P																	50-20.3.B
Agriculture, farmers market			S		S[2]		S[2]	S	S		S	P[3]														50-20.3.B
Agriculture, general	P	P																								50-20.3.B
Agriculture, urban			P	S	S[2]	P[3]	S[2]	S	S																	50-20.3.B
Kennel	S	S						S	S	P		P[3]	S	S	S	S	S	S	S	S						50-20.3.T
Riding stable	S	S	S			P[3]					S													S		
Veterinarian or animal hospital	S	S			P[2]	P[3]	P[2]	P[1]	P[1]	P	P[1]	P[3]	P	P	P	P	P	P								50-20.3.T
Food, Beverage and Indoor Entertainment																										
Adult entertainment establishment																						P				50-20.3.A
Convention or event center								P[1]		P	P[1]	P[3]				P	P		P	P	P					50-20.3.H
Indoor entertainment facility								P[1]		P	P[1]	P[3]		P		P	P		P	P	P					
Restaurant (less than 5,000 sq. ft.)					S[2]	S[3]	S[2]	P[1]	P[1]	P	P[1]	S[3]	P	P	P	P	P	P	P	P	P					50-20.3.Q
Restaurant (5,000 sq. ft. or more)						S[3]		P[1]	P[1]	P	P[1]	S[3]	P	P	P	P	P	P	P	P	P					50-20.3.Q
Theater							S[2]	P[1]			P[1]	P[3]		P	P	P	P		P	P	P					
Lodging																										
Hotel or motel							S[2]	P[1]	P[1]	P	P[1]	P[3]		P		P	P		P	P	P					
Bed and breakfast				S	P[2]	P[3]	P[2]	P[1]	P[1]	P	P[1]	P[3]		P		P		P								50-20.3.F
Seasonal camp or cabin	S	S	S			P[3]					P[1]													S		50.20.3.S
Vacation dwelling unit		I	I	I	I[2]	I[3]	I[2]						I	I	I	I	I	I	I	I	I					50-20.3.U

TABLE 50-19.8: USE TABLE, REVISED NOV 2024																										
P: Permitted Use S: Special Use I: Interim Use A: Accessory Use U: Permitted Only in Upper Stories (Form Dist.) [1, 2, 3,] as per table 50-19.1	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	
Offices																										
Bank							S[2]	P[1]	P[1]	P	S	P[3]	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[3]	P	P	P	P	P	P	P	P	P					50-20.3.M
Data center							S[2]	P[1]	P[1]	P	S	P[3]	U	U	U	U	U	U	U	U	U	P				
Outdoor Recreation & Entertainment																										
Golf course		S	S			P[3]																		P		
Marina or yacht club											P[1]												S	S		
Recreational vehicle park	S	S	S			P[3]					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 services										P		P[3]														
Commercial support services							S[2]	P[1]		P																
Preschool		S	S	S	P[2]	P[3]	P[2]	P[1]	P[1]	S	P[1]	P[3]	P	P	P	P	P	P	S	P	S					50-20.3.I
Daycare facility, small (14 or fewer)	P	P	P	P	P[2]	P[3]	P[2]	P[1]	P[1]	S	P[1]	P[3]	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[3]	P[2]	P[1]	P[1]	S	P[1]	P[3]	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[3]		P		P		P				P				
Mini-storage facility or self-service storage facility		S						S[1]		P							P		P	P		P	P			50-20.3.L
Personal service and repair, small (less than 10,000 sq. ft.)					S[2]	P[3]	P[2]	P[1]	P[1]	P	P[1]	P[3]	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[3]		P		P		P		P		P				

TABLE 50-19.8: USE TABLE, REVISED NOV 2024																										
P: Permitted Use S: Special Use I: Interim Use A: Accessory Use U: Permitted Only in Upper Stories (Form Dist.) [1, 2, 3,] as per table 50-19.1	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	
Retail Sales																										
Adult bookstore																						P				Chapter 5
Building materials sales								S[1]		P		P[3]														50-20.3.G
Garden material sales		S						P[1]				P[3]				P										
Grocery store, small (less than 15,000 sq. ft.)					S[2]	P[3]	P[2]	P[1]			P[1]	P[3]		P		P	P	P	P	P						50-20.3.K
Grocery store, large (15,000 sq. ft. or more)								P[1]				P[3]														50-20.3.K
Retail store not listed, small (less than 15,000 sq. ft.)					S[2]	P[3]	P[2]	P[1]	P[1]		P[1]	P[3]	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[3]		P		P	P		P	P						50-20.3.R
Vehicle Related																										
Automobile and light vehicle, service							S[2]	P[1]		P		P[3]		P		P	P	P				P				50-20.3.C
Automobile and light vehicle, repair								P[1]		P[1]		P[3]										P				50-20.3.C
Automobile and light vehicle sales, rental, or storage								P[1]		P												P				50-20.3.D
Automobile and light vehicle impound lot								S[1]		P[1]		P[3]										P				50-20.3.V
Car wash (primary use)							S[2]	P[1]		P[1]		P[3]														50-20.3.W
Filling station (small)					S[2]	P[3]	S[2]	P[1]		P	P[1]	P[3]		P		P	P	P				P	P			50-20.3.J
Filling station (large)								P[1]		P	P[1]	P[3]		P		P	P	P				P	P			50-20.3.J
Parking lot (primary use)					S		S[2]	P[1]	P[1]	P	P[1]	P[3]	S	S	S	S	S	S		S	S	P	P			50.20.3.O
Parking structure								P[1]	P[1]	P	P[1]	P[3]					S		S			P	P			50.20.3.O
Overflow Parking Area	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	50.20.3.N
Truck or heavy vehicle sales, rental, repair or storage										P												P				

TABLE 50-19.8: USE TABLE, REVISED NOV 2024																										
P: Permitted Use S: Special Use I: Interim Use A: Accessory Use U: Permitted Only in Upper Stories (Form Dist.) [1, 2, 3,] as per table 50-19.1	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	
INDUSTRIAL USES																										
Industrial Service																										
Contractor's shop and storage yard										P		P[3]					P					P	P			50-20.4.B
Dry cleaning or laundry plant										P												P				
Research laboratories									P[1]	P		P[3]										P	P			
Industrial support services										P												P	P			
Manufacturing and Mining																										
Manufacturing, craft, artisan production shop or artisan studio							P[2]	P		P			P	P	P	P	P	P	P	P	P					50-20.4.F
Manufacturing, craft, brewery or distillery								P		P					P	P	P	P	P	P		P				50-20.4.F
Manufacturing, light									P[1]	P		P[3]					P					P				50-20.4.G
Manufacturing, heavy																						P				
Manufacturing, hazardous or special																						S				50-20.4.H
Mining, extraction and storage		S																				S	S			50-20.4.I
Water-dependent manufacturing, light or heavy																							P			
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[3]	S[2]	S	S	S	S	P[3]	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[3]	S[2]	S	S	S	S	P[3]	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.J
Solar, geothermal or biomass power facility (primary use)	S	S	S			P[3]		S	S	P		P[3]										P	S	S	S	

TABLE 50-19.8: USE TABLE, REVISED NOV 2024																									
P: Permitted Use S: Special Use I: Interim Use A: Accessory Use U: Permitted Only in Upper Stories (Form Dist.) [1, 2, 3,] as per table 50-19.1	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	
Water or sewer pumping stations/reservoirs	S	S	S	S	S[2]	P[3]	S[2]	S	S	S	S	P[3]	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.N
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.K
Wholesale Distribution and Storage																										
Storage warehouse										P							P					P				50.20.4.L
Wholesaling										P							P					P				50-20.4.M
Bulk storage not listed elsewhere																						P				
Water-dependent bulk storage or wholesaling not listed elsewhere																							P			
Industrial Cannabis																										
Industrial Cannabis Operations										P												P				

TABLE 50-19.8: USE TABLE, REVISED NOV 2024																										
P: Permitted Use S: Special Use I: Interim Use A: Accessory Use U: Permitted Only in Upper Stories (Form Dist.) [1, 2, 3,] as per table 50-19.1	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 USES																										
Accessory agriculture roadside stand	A	A																						A		50.20.5.A
Accessory bed and breakfast	A	A	A	A	A	A	A		A		A															50-20.5.B
Accessory boat dock, residential	A	A	A	A	A	A	A	A	A		A															50-20.5.C
Accessory caretaker quarters										A												A	A	A		
Accessory communications tower for private use	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		
Accessory day care facility	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A				50-20.5.I
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 home share	A	A	A	A	A	A	A					A	A	A	A	A	A	A	A	A	A					50-20.5.G
Accessory recycling collection point					A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			
Accessory retail or showroom										A												A				50-20.5.J
Accessory sidewalk dining area					A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A					50-20.5.H
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.I
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.J
Accessory vacation dwelling unit		I	I	I	I	I[3]	I						I	I	I	I	I	I	I	I	I					50-20.5.M
Accessory vacation dwelling unit, limited		A	A	A	A	A	A						A	A	A	A	A	A	A	A	A					50-20.5.N
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.K
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.L

TABLE 50-19.8: USE TABLE, REVISED NOV 2024																									
P: Permitted Use S: Special Use I: Interim Use A: Accessory Use U: Permitted Only in Upper Stories (Form Dist.) [1, 2, 3,] as per table 50-19.1	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	
TEMPORARY USES																										
Temporary construction office or yard	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		50-20.6.A
Temporary event or sales	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		50-20.6.B
Temporary farm stand	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A					
Storage or Shipping Container	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			50-20.6.C
Temporary real estate sales office				A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A					50-20.6.D
Temporary use not listed in this table	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		
FORM DISTRICT BUILDING TYPES																										
Main Street Building I													P	P												
Main Street Building II															P	P	P	P								
Main Street Building III																			P	P						
Corridor Building I														P												
Corridor Building II																P	P	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						

(Ord. No. 10041, 8-16-2010, § 3; Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 15; Ord. No. 10153, 5-14-2012, § 1; Ord. No. 10192, 12-17-2012, § 9; Ord. No. 10225, 5-28-2013, § 4; Ord. No. 10286, 3-10-2014, § 6; Ord. No. 10296, 5-27-2014, § 1; Ord. No. 10329, 10-13-2014, § 1; Ord. No 10366, 4-13-2015, § 4; Ord. No. 10367, 4-27-2015, § 1; Ord. No. 10414, 10-12-2015, § 1; Ord. No. 10415, 10-12-2015, § 1; Ord. No. 10446, 4-11-2016, § 1; Ord. No. 10461, 7-11-2016, § 1; Ord. No. 10513, 6-12-2017, § 1; Ord. No. 10563, 4-9-2018, § 1, Ord. No. 10615, 3-25-2019, § 1; Ord. No. 10659, 10-28-2019 § 1; Ord. No. 10723, 12-14-2020, § 5; Ord. No. 10746, 5-10-2021, §1; Ord. No 10777, 11-25-2021 §1; Ord. No. 10799, 3-28-2022, § 1; Ord. No. 10816, 8-22-2022, § 1; Ord. No. 10868, 12-11-2023, § 2; Ord. No. 10875, 12-18-2023, § 1; Ord. No. 10919, 11-25-2024, §)

50-20 USE SPECIFIC STANDARDS.

50-20.1 Residential uses.

A. Dwelling, one two-family.

In the R-1, R-2 and MU-N districts, one- and two-family dwellings shall be designed to protect and reflect the character of residences and neighborhoods as set forth below:

1. In the R-1, R-2, and MU-N districts, one-family dwellings shall have a principal entrance facing the front lot line or corner side lot line.
2. For two-family dwellings, no exterior stairway with a total vertical rise greater than five feet shall be permitted;
3. Each unit in a two family dwelling must have a separate exterior entrance on the facade facing the front lot line or corner side lot line.

(Ord. No. 10829, 2-13-23, § 1)

B. Dwelling, townhouse.

In the R-1 and R-2 districts, each dwelling shall exhibit the characteristics of a series of one-family dwellings that are arranged in an attached side by side fashion and shall be designed to protect the character of one-family residences as set forth below:

1. Dwelling fronting street. Townhouse dwellings shall be located on lots in such a way that each individual dwelling unit has a minimum of 20 feet of street frontage in the R-1 district, and a minimum of 15 feet of street frontage in the R-2 district;
2. Variation of exterior walls. No more than two adjacent townhouse units may have front facades in the same vertical plane. Where a variation in front façade plane is required, the variation shall be a minimum of three feet;
3. Landscaping. Prior to the occupancy and use of a townhouse dwelling, coniferous or evergreen trees meeting the minimum size requirements of Section 50-25.2 shall be planted in required front and back yard areas on an average spacing of 20 feet;
4. Screening of refuse areas. Where refuse storage areas are directly viewable from any exterior lot line at a height of six feet above grade, they shall be screened by wood, brick, or stone fences, or by vegetative materials, with a minimum height of six feet, designed so that at least 75 percent of the refuse area is obscured by opaque materials when viewed at an angle perpendicular to the screening materials;
5. Maximum number of units. In the R-1 district, townhomes constructed on the corners of blocks or adjacent to the intersections of two or more public or private road may have up to eight dwelling units, but townhomes constructed in the middle of a subdivision block may have no more than six dwelling units. In all other zone districts, townhomes may not exceed eight dwelling units;
6. Separate entrances. Each unit in a townhome must have a separate exterior entrance on the facade facing the front yard property line, or front side yard property line;
7. Design features. At least three of the following design features shall be provided for visual relief along all facades of each townhome structure:
   (a) Roof dormers;
   (b) Gables;
   (c) Recessed entries;
   (d) Covered porches;
   (e) Cupolas;
   (f) Pillars, pilasters or posts;
   (g) Bay windows;

(h) Eaves of at least 12 inches beyond the building wall or a parapet wall with an articulated design (decorative cornice, etc.);
(i) Multiple windows with minimum four inches trim;
(j) Recesses/shadow lines;

C. Dwelling, multi-family.

1. Every multi-family dwelling unit on or above the ground floor of a new multifamily structure constructed after January 1, 2021 shall have at least one exterior window that allows for the exchange of air and the admittance of daylight;
2. New construction multi-family dwellings proposing construction of fewer than 0.5 off-street parking spaces per dwelling unit shall submit an off-street parking plan for the development meeting the following conditions:
   (a) The plan shall be prepared by a professional expert in off-street parking;
   (b) The plan shall establish a rationale for the total number of off-street parking spaces provided with a basis in the total anticipated number of bedrooms in the development, percentage of residents who may own cars, and where those cars shall be parked during their tenancy;
   (c) If the parking plan assumes that on-street parking will be available for any of the parking needs, the plan shall include an analysis of available on-street parking including vehicle counts during the day, overnight, weekday, and weekend;
   (d) The plan shall establish alternate or backup parking solutions should future parking demand exceeds available supply.

(Ord. No. 10722, 12-14-2020, § 1; Ord. No. 10868, 12-11-2023, § 3)

D. Residential care facility/assisted living.

1. A residential care facility/assisted living serving six or fewer persons shall be considered a permitted single-family residential use of property, as allowed in 50-19.8, Permitted Use Table;
2. This use shall provide landscaping as required 50-25.5.A, multi-family residential abutting single-family residential;
3. Unless exempted under Minnesota Statutes Section 245A11, subdivision 4, of Minnesota State Statute, a new residential care facility/assisted living may not be located within 1,320 feet of an existing residential care facility/assisted living unless one of the following conditions apply: (1) the existing residential facility/assisted living is located in a hospital licensed by the commissioner of health; (2) the city has granted the existing residential facility/assisted living a special use permit; or (3) the new residential care facility/assisted living is a foster care or a community residential setting as defined under section 245D.02, subdivision 4a.of Minnesota State Statute;

(Ord. No. 10722, 12-14-2020, § 2; Ord. No. 10746, 5-10-2021, § 2)

E. Rooming house.

No use specific standards at this time;

(Ord. No. 10722, 12-14-2020, § 3)

F. Manufactured home park.

Manufactured homes and manufactured home parks are subject to applicable standards for each floodplain district. In addition:

1. New and replacement manufactured homes must be placed and elevated in compliance with Section 50-18.1.C.4 or Section 50-18.1.C.6, as applicable, of this Chapter and must be securely anchored to a system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
2. New manufactured home parks and expansions to existing manufactured home parks must meet the appropriate standards for subdivisions below.
   (a) All lots within floodplain districts must be suitable for a building site outside of the floodway.
   (b) Subdivision of lands within the floodplain districts may not be approved if the cost of providing governmental services would impose an unreasonable economic burden on the City of Duluth.
   (c) All subdivisions must have vehicular access both to the subdivision and to the individual building sites no lower than two feet below the Regulatory Flood Protection Elevation (RFPE), unless a flood warning/emergency evacuation plan has been formulated and submitted for review with the application.
   (d) The floodplain boundary, including the Floodway and Flood Fringe District boundaries, if determined, the Regulatory Flood Protection Elevation (RFPE) and the required elevation of all access roads must be clearly identified on all required subdivision drawings and platting documents.
3. Within the coastal V Zone, the placement or substantial improvement of manufactured homes shall comply with the provisions of Section 50-18.1.C.6(c)(ii)(1-4).

(Ord. No. 10929, 3-24-2025, § 3)

G. Cottage home park.

In the RR-2, R-1, R-2, and MU-N districts, this use is subject to the use-specific standards as set forth below:

1. Development standards. All dwelling units within a cottage home park shall be subject to setback, height, off-street parking, and other regulations appropriate for one-family dwellings in the applicable zone district that the cottage home park is located, except as provided within this section;
2. Minimum lot area and lot frontage. Dwelling units shall meet the minimum lot area and lot frontage requirement for multi-family, townhome, or two family developments of the applicable zone district that the home park is located, whichever is smaller or least;
3. Design standards. Each dwelling unit shall have a principal entrance oriented towards a public street or towards a central community area within a cottage home development. Cottage homes within a cottage home park may not be less than 200 square feet nor more than 1,200 square feet.
4. Common open space or amenity area. Cottage housing developments shall provide common open space or an amenity area which is centrally located, accessible from, and at the disposition of all dwelling units. Common open space shall not be less the than 20 percent of the area of the cottage home park, excluding land dedicated for public or private streets or alleys.
5. Connectivity and access. A connectivity plan shall be submitted as part of any Special Use Permit application that shows sidewalks or multi-use paths connecting units to public streets, nearest DTA bus stop, nearest public park, other community amenities and other destinations, and to other units within the cottage home park. The connectivity plan shall encourage a walkable, bikeable cottage home park through the use of complete streets, alleys, sidewalks and trails;
6. Subdivision. Approval of a cottage home park does not negate to the need for subdivision review and approval, where applicable. The Special Use Permit application shall indicate compliance with city subdivision standards, or indicate if it is exempt due to state statute (CIC plat, etc).
7. Utility Connections. A utility plan shall be submitted that shows how utilities will be provided to all units within the cottage home park, including any utility easements required for the provision of utilities. Cottage home parks must provide separate sewer and water services for each dwelling unit as required by the city engineer, except in those areas where City utilities are not available without significant utility extensions as identified by the city engineer.

8. Access. Either a public or private street is permitted to provide access to units within a Cottage Home Park. A road plan must be submitted with the Special Use Permit application that shows proposed cross section, which must be approved determined by City Engineer and Land Use Supervisor.

H. Sober house.

1. A sober house serving six or fewer persons shall be considered a permitted single-family residential use of property as allowed in 50-19.8, Permitted Use Table;
2. This use shall provide landscaping as required 50-25.5.A, multi-family residential abutting single-family residential;
3. A new sober house shall be a minimum distance of 350 feet from existing sober houses.

I. Interim outdoor living site.

1. The site may not be located within any shoreland, wetland, or floodplain. Removal of trees that meet the definition of significant tree per UDC Section 50-25 is not permitted. If the proposed site is wooded, consultation with the City Forester is required to determine any necessary protection for existing trees.
2. If the site is located in a parking lot of an existing use, the primary use of the property shall maintain its minimum required off-street parking after placement of the temporary shelter facility. Shared parking is allowed if the proposed interim use is to provide safe overnight parking.
3. If the site is sloped, consultation with the City Stormwater Engineer is required to determine erosion control requirements.
4. Tents, sleeping areas, and other temporary structures shall be set back a minimum of 5 feet from all lot lines and 10 feet from all other temporary structures.
5. If the site is located directly adjacent to residential uses, a dense urban screen must be provided along the shared lot line with the residential use.
6. An operator shall be onsite when occupants are present. Hours of operation shall be indicated in the application. The operator's name, telephone number, and e-mail address must be posted on the site and easily visible to the public.
7. Operator shall provide evidence of liability insurance in a format deemed acceptable by the City Attorney's Office.
8. The site shall at a minimum include the following requirements, which shall at all times be continuously maintained:
   (a) Potable water sufficient to serve all occupants in one or more locations on the site;
   (b) A minimum of one toilet per four occupied sites, or per eight occupants;
   (c) A minimum of one sharps container in a prominent location on the site;
   (d) Recycling and waste receptacles shall be provided on site for all occupants, and shall be sized or managed in such a manner as to provide for the complete disposal needs for the site. Refuse or recycling that is not placed in the recycling and waste receptacles shall be immediately removed from the site by the Operator.
9. Operator shall establish an improved path from the nearest public street to all sleeping areas as a public safety access route. The Fire Marshall shall review plans for the path location as part of the interim use permit.
10. The operator shall enforce quiet hours between 10:00 p.m. and 6:00 a.m.
11. Any illumination from the site must not produce glare or reflection for occupants of neighboring buildings or onto public streets.
12. The site must be maintained in a safe and sanitary condition and free from vermin and waste. All garbage and food waste must be deposited in covered receptacles that are emptied when filled and the contents disposed of in a sanitary manner.
13. No children under 18 are allowed, unless accompanied by a parent or guardian.
14. The interim use period shall terminate one year from date of issuance.

(Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 16; Ord. No. 10286, 3-10-2014, § 7, Ord. No. 10421, 11-9-2015, § 2; Ord. No. 10659, 10-28-2019 §5; Ord. No. 10746, 5-10-2021, § 3, Ord. No. 10816, 8-22-2022, § 2)

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 or dental clinic.

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

C. Religious assembly.

1. 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;
2. 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;
3. 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.

D. School, elementary, middle or high.

1. 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;
2. 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;
3. 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.
4. Schools shall provide sufficient off-street student drop-off and pick up areas so as to not pose a safety or traffic hazard to pedestrian or vehicles;
5. New schools, and existing schools that are remodeled or expanded where the value of improvements is greater than 50 percent of the assessed value of the existing structure(s), shall incorporate Safe Routes to School Infrastructure. This shall include safe and comfortable pedestrian and bicycle transportation to and from the nearest residential neighborhood.

(Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10225, 5-28-2013, § 5, Ord. No. 10592, 9-24-2018, § 2, Ord. No. 10919, 11-25-2024, § 2)

50-20.3 Commercial uses.

A. Adult entertainment establishment.

All adult entertainment establishments shall comply with MSA 617.242 and Chapter 5 of this Code;

B. Agriculture, community garden, farmers market, general, and urban.

1. Agriculture, community garden.
   (a) Compost bins, water tanks, and other containers shall be controlled for odors and pests and shall be screened from view by adjacent properties and any public right-of-way with a fence at least as tall as the container, or with shrubs, trees, and/or perennials planted so that at maturity they will provide at least 75 percent opacity to the height of the container. If not visible from a public right-of-way or adjacent property, this screening is not required;
   (b) If a primary structure is present, accessory structures shall follow requirements in Section 50-21. If no primary structure is present, structures shall be allowed no closer than 20 feet from the front property line, three feet from any side property line, and five feet from the rear property line. No accessory structure shall exceed 20 feet in height;
   (c) Fences must adhere to restrictions in Section 50-26.4;
   (d) No sale of produce or other goods is allowed;
   (e) Events such as weddings, parties and other activities normally associated with an event center, religious assembly, or other use that typically holds large events, are not allowed unless permitted within the zone district;
   (f) For outdoor growing operations, mechanized equipment similar in scale to that designed for household use shall be permitted. Use of larger mechanized farm equipment is generally prohibited; provided, however, that during the initial preparation of the land, heavy equipment may be used;
   (g) Keeping of bees is permitted, as regulated by Chapter 6 of the City Code. Keeping of all other animals is prohibited;
   (h) All tools and equipment shall be stored in an enclosed, secured structure;

2. Agriculture, farmers market.
   (a) Farmers markets are only allowed between the hours of 7:00 a.m. to 7:00 p.m.;
   (b) As part of the special use permit process, planning commission shall determine that the farmer's market will provide adequate on-site parking, or that sufficient public parking exists nearby;
   (c) Sales shall be limited to no more than three days per week;

3. Agriculture, general.
   (a) No killing or dressing of poultry, rabbits or other small or large animals, fish or creatures shall be permitted, other than the animals, fish or creatures raised on the premises and that such killing or dressing is done in an accessory building located not less than 200 feet from any lot line;
   (b) All buildings and enclosures, including fences, for the feeding, breeding or milking of large livestock or small animals, such as poultry, rabbits, fish and other similar animals, but not including pasturing and grazing, of such animals, must be located not less than 200 feet from any lot line;
   (c) Any production or processing of cheese, honey or other products raised on the farm must be done inside a building and in accordance with all state regulations;

4. Agriculture, urban.
   (a) Compost bins, water tanks, and other containers shall be controlled for odors and pests and shall be screened from view by adjacent properties and any public right-of-way with a fence at least as tall as the container, or with shrubs, trees, and/or perennials planted so that at maturity they will provide at least 75 percent opacity to the height of the container. If not visible from a public right-of-way or adjacent property, this screening is not required;

(b) If a primary structure is present, accessory structures, including ones of a temporary nature such as hoop houses, shall follow requirements in Section 50-21;
(c) For urban agriculture uses where operations are primarily conducted within a building, such as a greenhouse or hydroponic operation, such building shall be considered the primary building and not an accessory building. For urban agriculture uses where operations are primarily conducted outside, structures (including ones of a temporary nature such as hoop houses) shall be allowed no closer than 20 feet from the front property line, three feet from any side property line, and five feet from the rear property line. No accessory structure shall exceed 20 feet in height, and accessory structures shall not exceed more than 30 percent of the lot area;
(d) Fences must adhere to restrictions in Section 50-26.4;
(e) No sale of produce or other goods is allowed;
(f) Events such as weddings, parties and other activities normally associated with an event center, religious assembly, or other use that typically holds large events, are not allowed unless permitted within the zone district;
(g) For outdoor growing operations, mechanized equipment similar in scale to that designed for household use shall be permitted. Use of larger mechanized farm equipment is generally prohibited; provided, however, that during the initial preparation of the land, heavy equipment may be used;
(h) Keeping of fish for aquaculture or aquaponics is allowed, subject to any conditions of the special use permit. Keeping of chickens, rabbits and bees is permitted, as regulated by Chapter 6 of the City Code. Keeping of all other animals is prohibited unless specifically approved in the City Code;
(i) All tools and equipment shall be stored in an enclosed, secured structure;

C. Automobile and light vehicle repair and service.

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

D. Automobile or light vehicle sales, rental or storage.

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

E. Bank.

1. When in the MU-N district, the following standards apply:
(a) The speaker box and drive-through window must be at least 50 feet from any property line containing a residential structure;
(b) Drive-through may not open before 7:00 a.m. or after 10:00 p.m. during the weekday, or before 8:00 a.m. or after 10:00 p.m. on the weekend. Drive-through may be open at 6:00 a.m. during the weekday or at 7:00 a.m. on the weekend only if all speaker boxes and drive-through windows are at least 125 feet from any residential structure, or open until 11:00 pm on Friday and Saturday if all speaker boxes and drive-through windows are at least 250 feet from any residential structure, excluding any residential use or structure on the same property or within the same development;
(c) Glare and noise from cars in the drive-through lane and stacking space shall be shielded from adjacent residential properties through the use of screening, fencing and/or a dense urban screen;
(d) The land use supervisor may require that the drive-through be located on the opposite side of the building from a residential use or that a masonry sound wall be constructed;

(e) Banks are limited to no more than two drive-through windows and one drive-through lane for ATM services on the premises;

2. Any drive-through lane that is located between a bank and a residential district or structure shall be buffered from the residential district or structure by a dense urban screen and shall not be open past 10:00 p.m.;
3. Banks in the R-P, F-1, F-3, F-5, F-6, F-7, F-8 or F-9 districts may not have drive-through facilities;
4. Drive-through lanes shall allow for stacking space for three cars;

(Ord. No. 10733, 1-11-2021, § 1)

F. Bed and breakfast.

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

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

G. Building materials sales.

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

H. Convention center.

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

I. Daycare facility, small and large, and preschools.

1. For all new uses after May 1, 2019, the use must provide off-street parking spaces for pick-up and drop-off determined by the Land Use Supervisor to be sufficient to provide for the safe pick-up and drop-off of users of the facility based on the maximum licensed capacity of the facility, the

configuration of the facility, the types and intensity of other uses adjacent to the facility, the intensity of traffic adjacent to the facility and other factors determined to be relevant to the safe pick-up and drop-off of users of the facility. The determination of the Land Use Supervisor may be appealed to the Commission. Pick-up and drop-off areas must be clearly signed as for pick-up and drop-off only, and shall not conflict with safe on-site pedestrian and vehicular movements;

2. In the RR-1 and RR-2 districts this use and related parking facilities and structures other than driveways are limited to no more than 20 percent of the lot or parcel area;
3. In the MU-B district, uses shall provide a fenced outdoor exercise area. Outdoor exercise areas must be separated from improved public streets, drive lanes, and loading areas by at least 20 feet;
4. In the MU-B district, the application may be denied by the Land Use Supervisor if he or she determines that the size, nature, character or intensity of the use of property in the immediate vicinity of the applicant's property would pose an unreasonable risk to the health, safety or welfare of users of the applicant's facility; the decision of the Land Use Supervisor may be appealed to the Commission;

(Ord. No. 10868, 12-11-2023, §4)

J. Filling station.

1. No displays or storage of merchandise, parts or refuse may be located closer than ten feet from any public right-of-way;
2. A dense urban screen must be installed and maintained along all side and rear property lines abutting a residential or mixed use district;
3. A vehicle wash facility or fueling pump or dispenser must be at least 50 feet from any property line containing a residential structure, excluding any residential use or structure on the same property as the filling station or within the same development. All outdoor speakers and audio components of a vehicle wash facility or fuel pump or dispenser located within 125 feet of any residential structure shall be muted daily between the hours of 10:00 p.m. and 6:00 a.m.
4. In all residential zone districts and the mixed use neighborhood (MU-N district), or any form district where a filing station is an allowed use, the following additional standards apply:
   (a) New structures, including car washes, convenience stores, and canopies shall be located close to the street to define the street edge, and shall provide transparent windows and doors for retail buildings to ensure security and visibility between the store, the pump islands and surrounding streets, with interior signage to make opaque no more than 30% of any transparent window or door;
   (b) An unobstructed, five-foot wide minimum, pedestrian walkway between the public sidewalk (or if none exists at the time of development, the adjacent street curb) and building entrances shall be provided;
   (c) Curb cuts to allow for vehicle traffic into and out of the site shall be located a minimum of 50 feet from street intersections, unless a greater or lesser distance is specified by the City Engineer for reasons of traffic or pedestrian safety. The number and width of curb cuts from the public street shall be evaluated to ensure pedestrian safety and to encourage walkability, including evaluation to consider appropriate car entrance locations while allowing for necessary tanker truck turning;
   (d) Vehicle stacking lanes shall be located away from adjacent uses such as residential and outdoor amenity areas to reduce the impacts of noise and pollution caused by stacking vehicles near such uses. Landscaping and fencing shall be used to buffer potential impacts;
   (e) Noise-generating areas, including auto service bays, car wash openings, vacuum stations, outdoor loading areas, garbage storage and stacking lanes, shall be located away from adjacent residential areas and outdoor amenity areas. Potential noise generators shall be buffered with landscaping, berming, or fencing to reduce impacts;
   (f) Site and sign illumination shall be designed to avoid glare/light spillover toward adjacent land uses. Proposed concrete color shall take glare and light spillover into account;

K. Grocery store, small and large.

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

L. Mini-storage and self-service storage facility

1. Mini-storage facilities are allowed in the RR-1, MU-B, I-G and I-W districts, and shall comply with the following standards:
   (a) The use shall be contained within an enclosed building or buildings;
   (b) If the use abuts a residential zone district on any property line, building architecture shall employ sloped roofs and shall display wall relief features and colors commonly found in residential construction;
   (c) The use shall be designed so that doors to individual storage units do not face any abutting street frontage;
   (d) At least 50 percent of the wall surface area of any wall facing an abutting public street shall be faced with brick or split-block materials. Exposed concrete masonry unit (CMU) construction is not permitted on those facades;
   (e) Hours of public access to storage units abutting one or more residential zone districts shall be limited to the period from 6:00 a.m. to 10:00 p.m.;
   (f) Signage shall be limited to one 40 square foot free standing sign and 20 square feet of non-illuminated wall signage. Signs shall not be located closer than ten feet to the front property line.
   (g) Mini-storage facilities in the RR-1 district are only allowed on properties that are also within the Airport Overlay District Safety Zone B. There shall be a landscaped or naturally vegetated buffer a minimum of 50 feet along all property lines in addition to a dense urban screen along all side and rear property lines;

2. Self-service storage facilities are allowed in the F-5, F-7, F-8, MU-C and MU-B districts, and shall comply with the following standards:
   (a) The use must be completely contained with an enclosed principal building;
   (b) Signage for this use is permitted as a commercial use in Sec. 50-27;
   (c) In F-5, F-7, and F-8 districts:
      i. The use is permitted only on the lowest floor or basement of the building. This use is not allowed on any floor that is above grade with the primary street, except for office or lobby areas associated with the storage facility;
      ii Vehicular access to the storage units may not be provided from the primary street. Where the access is on a secondary street, parking must be available within 30 feet of the doorway and the doorway may not be a roll up door;
   (d) In the MU-C and MU-B districts:
      i. The building shall be at least 350 feet from any single-family, two-family, or townhome, excluding any residential use or structure on the same property or within the same development;
      ii Access to storage units through a garage door, roll up door, or loading dock may only be provide from the rear or side of the structure;
      iii In addition to design standards that may be required in Sec 50-30, these facilities shall provide:
         1. For any building frontage facing and located within 60 feet of a public street or public right of way, or facing a parking area of greater than 25 parking spaces, the building frontage shall consist of a minimum of 60’ of building depth of occupied space over no less than 66% of the building frontage. The frontage of such buildings shall be used for active, customer-facing commercial activities permitted in the zone district per table 50-19.8, and shall not be used for warehouse or self-storage uses;

2. A minimum of 65 percent of the front and 25 percent of the side façade, between two and eight feet above the sidewalk or ground surface, must consist of transparent, non-reflective windows, and a minimum of 25 percent of the windows shall have views directly into and out of the ground floor occupied space;
3. At least 50 percent of the wall surface area of any front or side façade, excluding window surfaces, shall be faced with brick or split-block materials. Exposed concrete masonry unit (CMU) construction is not permitted on those facades;
4. Where compliance with the specific requirements of Section 50-20.3.l.2(d)iii is infeasible due to unique site or building conditions, an applicant may propose alternatives. The land use supervisor may approve, or may refer to the Planning Commission for consideration, any alternative proposal where an applicant demonstrates that compliance is not possible and the alternative proposal achieves substantially the same degree of building design and functional aesthetics as required in the provisions for this use.

(Ord. No. 10461, 7-11-2016, §2. Ord. No. 10563, 4-9-2018, §2; Ord. No. 10744, 4-26-2021, §1)

M. Office.

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

N. Other outdoor entertainment or recreation use not listed.

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

O. Overflow parking area.

1. Interim use permits for Overflow Parking Areas may be granted for a period not to exceed two years. If the applicant has documented an ongoing parking need, with a parking study documenting the location, use, and adequacy of existing parking in the surrounding area, the Interim use permit may be approved for up to 5 years.
2. If located in a neighborhood or district that demonstrates a need for additional off-street parking, the Overflow Parking Area shall be public parking (either free or paid), or shared with other nearby uses. Applicant shall include information about parking demand in the application for the Interim use permit, as well as a plan for how the parking will be shared and/or open to the public.
3. Overflow Parking Areas, being temporary in nature, may not be required to meet the paving requirements of Section 50-24 [insert section reference] or the landscaping requirements of Section 50-25.4, and may propose alternatives to these requirements; however, if paving is provided, all requirements of Sections 50-24 and 50-25 must be met, if applicable.
4. Applicant must work with City Engineering on a stormwater and erosion plan that adequately meets stormwater requirements for the duration of the anticipated use of the parking area, and shall provide the approved plan as part of the application; applicant is responsible for ongoing maintenance of stormwater and erosion infrastructure and is expected to provide proof of such maintenance upon request during the course of the Interim use permit.

5. Prior to establishment of the parking area, applicant shall provide financial security, in the amount necessary to reestablish the area to natural vegetation, once the overflow parking area is terminated. This security shall be held without interest until the parking area is discontinued and applicant or property owner has provided proof that the area has either been reestablished to natural vegetation or been developed with an approved use on the property.
6. The interim use permit shall terminate upon change in ownership of the property and is not transferable.

(Ord. No. 10868, 12-11-2023, §5)

P. Parking lot or parking structure (primary use).

7. Parking lots.
   (a) Parking lots (primary use) shall be stand alone and self-contained, separate and distinct from other adjacent land uses. They need to conform to UDC requirements, such as lot frontage and drive aisle width, independent of adjacent properties;
   (b) When in the MU-N or R-2 district, the following standards apply:
      (i) Primary use parking lots shall meet all the street landscaping provisions in Section 50-25.3 as applicable. In addition, primary use parking lots shall be screened from adjacent structures and uses. Such screening shall consist of a continuous, view-obscuring fence, wall or compact evergreen hedge along all property lot lines which are adjacent to residential structures and uses, which shall be broken only for egress and access driveways and walkways. Such fence, wall or hedge shall be not less than four feet nor more than six feet in height;
      (ii) Primary use parking lots shall meet all the landscaping provisions in Section 50-25.4, as applicable. In addition, regardless of the number of parking spaces provided, the parking lot must set aside at least 15 percent of the interior parking area for landscaping islands;
      (iii) If the primary use parking lot abuts an improved public alley, driveway access must be provided to the alley;
      (iv) Primary use parking lots must be designed to be a similar lot size as other lots in the neighborhood, and shall not alter the essential character of the neighborhood;
8. Parking structures.
   (a) In the MU-C district, any parking structure shall be located at least 50 feet from any RC, RR or R district;

Q. Recreational vehicle (RV) park.

New recreational vehicle parks or campgrounds and expansions to existing recreational vehicle parks or campgrounds are prohibited in any floodplain district. Recreational vehicles placed in existing recreational vehicle parks, campgrounds or lots of record in the floodplain must either:

1. Meet the requirements for manufactured homes in Sec 50-20.1.F, or
   (a) Be travel ready, meeting the following criteria:
      (i) The vehicle must be fully licensed.
      (ii) The vehicle must be ready for highway use, meaning on wheels or the internal jacking system, attached to the site only by quick disconnect type utilities.
      (iii) No permanent structural type additions may be attached to the vehicle.
      (iv) Accessory structures may be permitted in the Flood Fringe District, provided they do not hinder the removal of the vehicle should flooding occur, and meet the standards outlined in Section 50-18.1.C.2 and Section 50-18.1.C.4(b)(iiI).
   (b) Within Coastal V zones, recreational vehicles must meet the criteria within Sec 50-20.1.Q.1(a) or otherwise comply with the provisions of Section 50-18.1.C.6(c)(ii)(1-4).

(Ord. No. 10929, 3-24-2025, §4)

R. Restaurant.

1. In the R-2 and MU-N district, no use shall exceed 5,000 sq. ft. in gross floor area;
2. Drive-ins and drive-throughs for restaurants are only allowed in the MU-N, MU-C, MU-B, MU-P, F-2, F-3, F-4, and F-5 zone districts zone districts;
3. Drive-through lanes shall allow for stacking space for 5 cars;
4. When in the MU-N district, the following additional standards apply:
   (a) The speaker box and drive-through window must be at least 50 feet from any property line containing a residential structure;
   (b) Drive-through may not open before 7:00 a.m. or after 10:00 p.m. during the weekday, or before 8:00 a.m. or after 10:00 p.m. on the weekend. Drive-through may be open at 6:00 a.m. during the weekday or at 7:00 a.m. on the weekend only if all speaker boxes and drive-through windows are at least 125 feet from any residential structure, or open until 11:00 pm on Friday and Saturday if all speaker boxes and drive-through windows are at least 250 feet from any residential structure, excluding any residential use or structure on the same property or within the same development;
   (c) Glare and noise from cars in the drive-through lane and stacking space shall be shielded from adjacent residential properties through the use of screening, fencing, and/or a dense urban screen;
   (d) The land use supervisor may require that the drive-through be located on the opposite side of the building from a residential use or that a masonry sound wall be constructed;
   (e) Restaurants are limited to one drive through lane and one speaker box;
5. When in the F-3 and F-5 districts, the following additional standards apply;
   (a) Access to and from the drive-through must be through the alley, if alley exists;
   (b) Restaurants are limited to one drive through lane;

   (Ord. No. 10733, 1-11-2021, § 2)

S. Retail sales, small and large.

1. Merchandise shall not be located within or obstruct required parking and pedestrian and vehicular circulation areas;
2. Outdoor display is for the temporary display of merchandise and not for the permanent storage of stock;
3. Retail stores are limited to one drive-through window;
4. Any drive-through lane that is located between a retail store and a residential district or structure shall be buffered from the residential district or structure by a dense urban screen and shall not be open part 10:00 p.m.;
5. Drive-through lanes shall allow for stacking space for three cars;
6. When in the MU-N district, the following standards apply:
   (a) The speaker box and drive-through window must be at least 50 feet from any property line containing a residential structure;
   (b) Drive-through may not open before 7:00 a.m. or after 10:00 p.m. during the weekday, or before 8:00 a.m. or after 10:00 p.m. on the weekend. Drive-through may be open at 6:00 a.m. during the weekday or at 7:00 a.m. on the weekend only if all speaker boxes and drive-through windows are at least 125 feet from any residential structure, or open until 11:00 pm on Friday and Saturday if all speaker boxes and drive-through windows are at least 250 feet from any residential structure, excluding any residential use or structure on the same property or within the same development;
   (c) Glare and noise from cars in the drive-through lane and stacking space shall be shielded from adjacent residential properties through the use of screening, fencing, and/or a dense urban screen;
   (d) The land use supervisor may require that the drive-through be located on the opposite side of the building from a residential use or that a masonry sound wall be constructed;

(Ord. No. 10733, 1-11-2021, § 3)

T. Seasonal camp or cabin.

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

U. Veterinarian or animal hospital, and kennel

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

V. Vacation dwelling unit.

1. Rental Period. The minimum rental period shall not be less than two consecutive nights, nor more than a maximum of 29 consecutive nights. The minimum rental period shall not apply for vacation dwelling units in form districts,
2. Maximum Number of Persons and Bedrooms. The total number of persons that may occupy the vacation dwelling unit is one person plus the number of bedrooms multiplied by two, which shall not exceed nine. The maximum number of bedrooms that may be rented may not exceed four. Vacation dwelling units licensed before December 1, 2021, that exceeded four bedrooms are entitled to continue operating, however, this exemption expires upon transfer of any ownership interest in the permitted property.
3. Off Street Parking. Off street parking shall be provided at the following rate:
   (a) Vacation dwelling units licensed on May 15, 2016, shall provide the following minimum number of off street parking spaces:
   1-2 bedroom unit, one space
   3-4 bedroom unit, two spaces
   5+ bedroom unit, three spaces.
   (b) Vacation dwelling units licensed after May 15, 2016, shall provide the following minimum number of off street parking spaces:
   1-2 bedroom unit, one space
   3 bedroom unit, two spaces
   4+ bedroom unit, number of spaces equal to the number of bedrooms minus one.
   (c) Vacation dwelling units licensed on May 15, 2016, are entitled to continue operating under the former off-street parking requirement. The parking exemption for vacation dwelling units licensed on May 15, 2016, expires upon transfer of any ownership interest in the permitted property.

(d) The minimum off-street parking requirements shall not apply for vacation dwelling units in form districts.

4. Motorhome/ATV. Only one motorhome (or pickup-mounted camper) and/or one trailer either for inhabiting or for transporting recreational vehicles (ATVs, boat, personal watercraft, snowmobiles, etc.) may be parked at the site, off the street;
5. Other Licenses Required. In addition to the permit issued pursuant to this chapter, the property owner must obtain all licenses and permits from the city of Duluth and state of Minnesota required for guest occupancy on the property.
6. Guest Records. The property owner must provide required documents and adhere to additional requirements listed in the city of Duluth's UDC application manual related to the keeping of a guest record, designating and disclosing a local contact, property use rules, taxation, and interim use permit violations procedures;
7. Application Materials. The property owner must provide a site plan, drawn to scale, showing parking and driveways, distance from lot line of proposed vacation dwelling to neighboring residential structures, all structures and outdoor recreational areas that guests will be allowed to use, including, but not limited to, deck/patio, barbecue grill, recreational fire, pool, hot tub, or sauna, and provide detail concerning the provision of any dense urban screen or fence that may be required to buffer these areas from adjoining properties. A dense urban screen or fence is required if the adjoining property is used as a residential use, as identified in 50-19.8. Prior to the permit being authorized, the fence or dense vegetative screen must be in place, and it must be continuously maintained during the entire permit period. The requirement for a dense urban screen or fence may be waived if the adjoining property owner does not want it on or near their shared property line, and indicates this with a signed letter;
8. Vacation Rentals Within Multi Family Structures. Any vacation dwelling unit that will be located in a multi-family structure that has nine or more dwelling units shall:
   (a) Make available 24-hour staffing at a front desk that is accessible to all tenants;
   (b) If determined applicable by the Land Use Supervisor, provide a letter from a duly established Home Owner's Association stating the support of the Home Owner's Association Board of Directors for the vacation dwelling unit, and enumerating any Home Owner's Association rules to be incorporated into the interim use permit;
9. Termination. The interim use permit shall terminate upon change in ownership of the property or in six years after the date of issuance, whichever occurs first. Upon permit termination, property owner may reapply. The permit is only valid for the property and applicant or property owner that it was initially issued to and the permit shall not be transferred to a new applicant or property owner, or to a new property or different address.
10. Maximum Number of Vacation Dwelling Units. No more than 60 permits may be issued for either vacation dwelling units or accessory vacation dwelling units, excepting that the maximum number of permits that may be issued shall increase by 10 percent of the net increase in housing units constructed and issued certificates of occupancy in the city in the previous year, or no more than ten (10) new vacation dwelling units per year, whichever is less, provided that the total number of vacation dwelling units authorized shall not exceed 120 units. Permits for vacation dwelling units within Form Districts (F1-F9) are exempt from the maximum number of permits that may be issued.
11. Nuisance Reduction. The vacation dwelling permit holder shall ensure that all requirements for waste removal services and prohibitions on burning of trash is strictly adhered to by occupants of the vacation dwelling. The permit holder must designate in writing a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24-hours-a-day to any complaints from neighbors or the City. The permit holder must notify the city within 10 days of a change in the managing agent or local contact's contact information. The permit holder shall notify by letter all property owners within 100' of the property boundaries of the name, address, and phone number of the managing agent or local contact named above and provide the city with a copy of the letter. The permit holder must notify said property owners within 10 days of a change in the managing agent or local contact's contact information.
12. Advertisement. The permit holder must include the permit number on all print, poster or web advertisements.

(Ord. No. 10829, 2-13-23, §2)

W. Automobile and light vehicle impound lot

1. All driving and parking surfaces shall be surfaced in a dust free, hard surface material such as concrete or bituminous;
2. A dense urban screen, such as a screening wall, berm, fence, or row of planting at least six feet tall, with screening material designed to provide 75 percent opacity, must be installed and maintained along all side and rear property lines. The dense urban screen must be continuously maintained;
3. Site illumination shall be designed to avoid glare/light spillover toward adjacent land uses;
4. Signage, as allowed in 50-27, shall not be located closer than ten feet to the front property line.

X. Car wash (primary use)

1. All driving and parking surfaces shall be surfaced in a dust free, hard surface material such as concrete or bituminous;
2. The vehicle exit door(s) shall be at least twenty (25) feet from the street property line or public sidewalk;
3. No displays or storage of merchandise, parts or refuse may be located closer than ten feet from any public right-of-way;
4. A dense urban screen must be installed and maintained along all side and rear property lines abutting a residential or mixed-use district;
5. The car wash must be at least 50 feet from any property line containing a residential structure, and all outdoor speakers and audio components of a vehicle wash facility located within 150 feet of any residential structure shall be muted daily between the hours of 10:00 p.m. and 6:00 a.m., excluding any residential use or structure on the same property as the filling station or within the same development;
6. In a mixed-use neighborhood (MU-N district), the following additional standards apply:
   (a) Curb cuts to allow for vehicle traffic into and out of the site shall be located a minimum of 50 feet from street intersections, unless a greater or lesser distance is specified by the City Engineer for reasons of traffic or pedestrian safety. The number and width of curb cuts from the public street shall be evaluated to ensure pedestrian safety and to encourage walkability;
   (b) Vehicle stacking lanes shall be located away from adjacent uses such as residential and outdoor amenity areas to reduce the impacts of noise and pollution caused by stacking vehicles near such uses. Landscaping and fencing shall be used to buffer potential impacts;
   (c) Noise-generating areas, including car wash openings, vacuum stations, garbage storage, and vehicle stacking lanes, shall be located away from adjacent residential areas and outdoor amenity areas. Potential noise generators shall be buffered with landscaping, berming, or fencing to reduce impacts;
   (d) Site illumination shall be designed to avoid glare/light spillover toward adjacent land uses.

Ord. No. 10039, 8-16-2010, § 1; Ord. No. 10041, 8-16-2010, § 5; Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 17; Ord. No. 10153, 5-14-2012, § 2 Ord. No. 10192, 12-17-2012, § 10; Ord. No. 10225, 5-28-2013, § 6; Ord. No. 10286, 3-10-2014, § 8; Ord. No. 10329, 10-13-2014, § 2; Ord. No. 10415, 10-12-2015, § 2; Ord. No. 10451, 5-23-2016, § 1; Ord. No. 10461, 7-11-2016, § 2; Ord. No. 10514, 6-12-17, § 1; Ord. No. 10563, 4-9-18, § 2, Ord. No. 10615, 3-25-2019, § 2; Ord. No. 10698, 4-13-2020, §1; Ord. No. 10777, 11-25-2021 §2, Ord. No. 10799, 3-28-22 §2; Ord. No. 10829, 2-13-23, § 2).

50-20.4 Industrial uses.

A. Airport and related facilities.

1. In the R-C district, airport and related facilities are permitted only on land owned by the public or airport authority that is used for the exclusive purpose as an airport and only on land on which an airport was established on November 19, 2010*;*
2. In the I-G district, airport and related facilities are permitted only on land owned by the public or airport authority that is used for the exclusive purpose as an airport;

B. Contractor's shop and storage yard.

In the F-5 zone, this use is permitted only in the West Superior study area;

C. Electric power transmission line or substation.

The following standards shall apply, in addition to regular requirements of the special use permit process:

1. General corridor criteria:

(a) The public need for the route and facility as specifically proposed shall be demonstrated;

(b) Where possible, lines shall avoid existing and potential urban density residential neighborhoods;

(c) The applicant shall provide an evaluation of the future needs for additional transmission lines in the same general area as the proposed route and the advisability of utilizing structures capable of expansion of transmission capacity through multiple circuiting or design modification;

(d) When routing transmission lines, the following shall be avoided unless no reasonable alternative exists: slopes of 20 percent grade or greater; intrusions into scenic areas such as streams, open water, valleys, overviews, ridge crests and high points; wetlands; forests, by running along the fringe rather than through the forests, and by utilizing open areas in order to minimize cutting, although leaving a strip at the outside for screening purposes; soils susceptible to erosion that would create sedimentation and pollution problems; areas of unstable soils that would be subject to extensive slippages; areas with high water tables, especially if construction requires excavation; open space recreation areas, including parks, golf courses, etc.; long views of lines parallel to highways and trails; airports; and parkways;

(e) Routes shall utilize or parallel existing railroads and highway rights-of-way if possible. If such highway rights-of-way are developed the line and structures shall be sufficiently set back and screened in order to minimize view of the line and structures from the highway;

2. Design criteria:

(a) If a proposal would unduly harm adjacent property or property values, alternatives must be evaluated to determine whether a feasible alternative to the proposal exists. Such consideration of alternatives shall include the underground placement of the line. Any consideration of feasibility of such underground lines shall include economic, technological or land characteristic factors. Economic considerations alone shall not render underground placement not feasible;

(b) All structures shall be located and designed in such a way that they are compatible with surrounding land uses, scenic views and existing transmission structures with regard to height, scale, material, color and design;

(c) Lines shall meet or exceed the National Electric Safety Code;

(d) Electromagnetic noise and interference with radio and television reception, as well as audible hum outside the line right of way, shall be minimized;

(e) The cleared portion of the right-of-way shall be kept to a minimum and where vegetation will be removed, new vegetation consisting of native grasses, shrubs and low growing trees shall be planted and maintained. Vegetative screening shall be utilized to the maximum extent consistent with safety requirements;

D. Junk and salvage services.

1. Junk and salvage service operations and facilities shall comply with all state and Western Lake Superior Sanitary District requirements;
2. No junk or salvage service facilities, shall be permitted in a designated shoreland or flood plain zone nor in an identified wetland as these are defined or shown in Section 50-18.1, *Natural Resources Overlay*;
3. There shall be no burning of materials;

E. Major utility or wireless telecommunications facility.

1. Policy.

Overall policy and desired goals for special use permits for wireless telecommunications facilities. In order to ensure that the placement, construction and modification of wireless telecommunications facilities protects the city's health, safety, public welfare, environmental features, the nature and character of the community and neighborhood and other aspects of the quality of life specifically listed elsewhere in this Section 50-20.4.E, the city has adopted an overall policy with respect to a special use permit for wireless telecommunications facilities for the express purpose of achieving the following goals:

(a) Requiring a special use permit for any new, co-location or modification of a wireless telecommunications facility;
(b) Implementing an application process for person(s) seeking a special use permit for wireless telecommunications facilities;
(c) Establishing a policy for examining an application for and issuing a special use permit for wireless telecommunications facilities that is both fair and consistent;
(d) Promoting and encouraging, wherever possible, the sharing and co-location of wireless telecommunications facilities among service providers;
(e) Promoting and encouraging, wherever possible, the placement, height and quantity of wireless telecommunications facilities in such a manner, including but not limited to the use of stealth technology, to minimize adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding and in generally the same area as the requested location of such wireless telecommunications facilities, which shall mean using the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances;
(f) That in granting a special use permit, the city has found that the facility shall be the most appropriate site as regards being the least visually intrusive among those available in the city;

2. Applicability and exemptions.

(a) Except as otherwise provided by subsection (b) below, no person shall be permitted to site, place, build, construct, modify or prepare any site for the placement or use of, wireless telecommunications facilities after July 25, 2010, without having first obtained a special use permit for wireless telecommunications facilities. All legally permitted wireless telecommunications facilities, constructed as permitted, existing on or before July 25, 2010, shall be allowed to continue as they presently exist, provided however, that any visible modification of an existing wireless telecommunications facility will require the complete facility and any new installation to comply with this Section 50-20.4.E. Any repair and maintenance of a wireless facility does not require an application for a special use permit;
(b) The following shall be exempt from the requirements of this Section 50-20.4.E:
    (i) The city's fire, police, department of transportation or other public service facilities owned and operated by the city or those owned and operated by county, the state or federal government;
    (ii) Any facilities expressly exempt from the city's siting, building and permitting authority;
    (iii) Over-the-air reception devices including the reception antennas for direct broadcast satellites (DBS), multichannel multipoint distribution (wireless cable) providers (MMDS), television broadcast stations

(TVBS) and other customer-end antennas that receive and transmit fixed wireless signals that are primarily used for reception;

(iv) Facilities exclusively for private, non-commercial radio and television reception and private citizen's bands, licensed amateur radio and other similar non-commercial telecommunications;

(v) Facilities exclusively for providing unlicensed spread spectrum technologies (such as IEEE 802.11a, b, g (Wi-Fi) and Bluetooth) where the facility does not require a new tower;

3. Location standards.

(a) Wireless telecommunications facilities shall be located, sited and erected in accordance with the following priorities, (i) being the highest priority and (vii) being the lowest priority:

(i) On existing towers or other structures on city owned properties;

(ii) On existing towers or other structures on other property in the city;

(iii) A new tower on city owned properties, other than property designated for park use, or in the Park and Open Space (P-1) district;

(iv) A new tower on city owned properties designated for park use, or in the Park and Open Space (P-1) district;

(v) A new tower on properties in Industrial-General (I-G) and Industrial-Waterfront (I-W) districts;

(vi) A new tower on properties in form districts or mixed use districts, other than the Mixed-Use Neighborhood (MU-N) district;

(vii) A new tower on properties in residential, Mixed-Use Neighborhood (MU-N), and Airport (AP) districts;

(b) If the proposed site is not proposed for the highest priority listed above, then a detailed explanation must be provided as to why a site of a higher priority was not selected. The person seeking such an exception must satisfactorily demonstrate the reason or reasons why such a permit should be granted for the proposed site, and the hardship that would be incurred by the applicant if the permit were not granted for the proposed site;

(c) An applicant may not by-pass sites of higher priority by stating the site proposed is the only site leased or selected. An application shall address co-location as an option. If such option is not proposed, the applicant must explain to the reasonable satisfaction of the city why co-location is commercially or otherwise impracticable. Agreements between providers limiting or prohibiting co-location shall not be a valid basis for any claim of commercial impracticability or hardship;

(d) The applicant shall submit a written report demonstrating the applicant's review of the above locations in order of priority, demonstrating the technological reason for the site selection. If appropriate, based on selecting a site of lower priority, a detailed written explanation as to why sites of a higher priority were not selected shall be included with the application;

(e) The city may approve any site located within an area in the above list of priorities, provided that the city finds that the proposed site is in the best interest of the health, safety and welfare of the city and its inhabitants and will not have a deleterious effect on the nature and character of the community and neighborhood;

4. Other standards and requirements.

The following requirements are applicable to all wireless telecommunications facilities.

(a) To the extent that the holder of a special use permit for wireless telecommunications facilities has not received relief, or is otherwise exempt from appropriate state or federal agency rules or regulations, then the holder of such special use permit shall adhere to, and comply with, all applicable rules, regulations, standards, and provisions of any state or federal agency, including, but not limited to, the FAA and the FCC. Specifically included in this requirement are any rules and regulations regarding height, lighting, security, electrical and RF emission standards;

(b) To the extent that applicable rules, regulations, standards and provisions of any state or federal agency, including but not limited to the FAA and the FCC, and specifically including any rules and regulations regarding height, lighting and security are changed or are modified during the duration of a special use permit for wireless telecommunications facilities, then the holder of such special

use permit shall conform the permitted wireless telecommunications facilities to the applicable changed or modified rule, regulation, standard or provision within a maximum of 24 months of the effective date of the applicable changed or modified rule, regulation, standard or provision, or sooner as may be required by the issuing entity;

(c) The wireless telecommunications facility and any and all accessory or associated facilities shall maximize the use of building materials, colors and textures designed to blend with the structure to which it may be affixed and to harmonize with the natural surroundings; this shall include the utilization of stealth or concealment technology as may be required by the city. Facilities located within the migratory bird flight path shall utilize stealth or concealment technology;

(d) All utilities at a wireless telecommunications facilities site shall be installed underground whenever possible and in compliance with all laws, ordinances, rules and regulations of the city, including specifically, but not limited to, the city and state building and electrical codes, where appropriate;

(e) At a telecommunications site, an access road, turn-around space and parking shall be provided to assure adequate emergency and service access. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion;

(f) All wireless telecommunications facilities shall be constructed, operated, maintained, repaired, provided for removal of, modified or restored in strict compliance with all current applicable technical, safety and safety-related codes adopted by the city, state, or federal government, including but not limited to the most recent editions of the ANSI Code, as well as accepted and responsible workmanlike industry practices and recommended practices of the National Association of Tower Erectors. The codes referred to are codes that include, but are not limited to, construction, building, electrical, fire, safety, health and land use codes. In the event of a conflict between or among any of the preceding, the more stringent shall apply;

(g) A holder of a special use permit granted under this Section 50-20.4.E shall obtain, at its own expense, all permits and licenses required by applicable law, rule, regulation or code, and must maintain the same, in full force and effect, for as long as required by the city or other governmental entity or agency having jurisdiction over the applicant;

(h) The holder of a special use permit shall notify the city of any intended modification of a wireless telecommunication facility and shall apply to the city to modify, relocate or rebuild a wireless telecommunications facility;

(i) All new towers shall be structurally designed to accommodate at least four additional antenna arrays equal to those of the applicant, and located as close to the applicant's antenna as possible without causing interference. This requirement may be waived, provided that the applicant, in writing, demonstrates that the provisions of future shared usage of the tower is not technologically feasible, is commercially impracticable or creates an unnecessary and unreasonable burden, based upon:

    (i) The foreseeable number of FCC licenses available for the area;
    (ii) The kind of wireless telecommunications facilities site and structure proposed;
    (iii) The number of existing and potential licenses without wireless telecommunications facilities spaces/sites;
    (iv) Available space on existing and approved towers;

(j) New guyed towers are prohibited;

(k) Tower condition inspections shall be conducted every three years for a guyed tower and five years for monopoles and self-supporting towers. All inspections shall be documented in a report such as an ANSI report as per Annex E, Tower Maintenance and Inspection Procedures, ANSI/TIA/EIA-222G or F or most recent version. The inspection report shall be provided to the building official within two days of a request by the city for such records;

(l) The owner of a proposed new tower, and the owner's successors in interest, shall negotiate in good faith for the shared use of the proposed tower by other wireless service providers in the future, and shall:

    (i) Respond within 60 days to a request for information from a potential shared-use applicant;

(ii) Negotiate in good faith concerning future requests for shared use of the new tower by other telecommunications providers;

(iii) Allow shared use of the new tower if another telecommunications provider agrees in writing to pay reasonable charges. The charges may include, but are not limited to, a pro rata share of the cost of site selection, planning, project administration, land costs, site design, construction and maintenance financing, return on equity, less depreciation, and all of the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference;

(m) No tower constructed after July 25, 2010, including allowing for all attachments, shall exceed a height that shall permit operation without required artificial lighting of any kind in accordance with city, state or federal statute, law, code, rule or regulation;

(n) No tower constructed after July 25, 2010, including allowing for all attachments, shall exceed 75 feet in height within the migratory bird flight path;

(o) Wireless telecommunications facilities shall not be artificially lighted or marked, except as required by law;

(p) Towers shall be galvanized or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings and shall be maintained in accordance with the requirements of this Section 50-20.4.E;

(q) Wireless telecommunications facilities and antennas shall be located, fenced or otherwise secured in a manner that prevents unauthorized access. All antennas, towers and other supporting structures, including guy anchor points and wires, shall be made inaccessible to individuals and constructed or shielded in such a manner that they cannot be climbed or collided with. Transmitters and telecommunications control points shall be installed in such a manner that they are readily accessible only to persons authorized to operate or service them;

(r) Wireless telecommunications facilities shall contain a sign no larger than four square feet in order to provide adequate notification to persons in the immediate area of the presence of RF radiation or to control exposure to RF radiation within a given area. A sign of the same size is also to be installed to contain the name(s) of the owner(s) and operator(s) of the antenna(s) as well as emergency phone number(s). The sign shall be on the equipment shelter or cabinet of the applicant and be visible from the access point of the site and must identify the equipment owner of the shelter or cabinet. On tower sites, an FCC registration sign as applicable is also to be present. The signs shall not be lighted, unless applicable law, rule or regulation requires lighting. No other signage, including advertising, shall be permitted;

(s) All proposed towers and any other proposed wireless telecommunications facility structures shall be set back from abutting parcels, recorded rights-of-way and road and street lines by the following distances: A distance equal to the height of the proposed tower or wireless telecommunications facility structure plus ten percent of the height of the tower or structure, or the existing setback requirement of the underlying zone district, whichever is greater. Any accessory structure shall be located so as to comply with the applicable minimum setback requirements for the property on which it is situated;

(t) The applicant and the owner of record of any proposed wireless telecommunications facilities property site shall, at its cost and expense, be jointly required to execute and file with the city a bond, or other form of security acceptable to the city as to type of security and the form and manner of execution, in an amount that shall be set in accordance with Section 31-6(a) of the City Code, and with such sureties as are deemed sufficient by the city to assure the faithful performance of the terms and conditions of this Section 50-20.4.E and conditions of any special use permit issued. The full amount of the bond or security shall remain in full force and effect throughout the term of the special use permit and until any necessary site restoration is completed to restore the site to a condition comparable to that which existed prior to the issuance of the original special use permit;

(u) A holder of a special use permit for wireless telecommunications facilities shall secure and at all times maintain for the duration of the special use permit commercial general liability insurance for personal injuries, death and property damage, and umbrella insurance coverage in the following amounts: $1,000,000 per occurrence/$2,000,000 aggregate;

(i) For a wireless telecommunications facility on city property, the policy shall specifically include the city and its officers, employees, agents and consultants as additional insureds. The amounts of such coverage shall be established as a condition of the special use permit and shall be consistent with the liability limits provided in MSA 466.04;

(ii) The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the state and with a Best's rating of at least A;

(iii) The insurance policies shall contain an endorsement obligating the insurance company to furnish the building official with at least 30 days prior written notice in advance of the cancellation of the insurance;

(iv) Renewal or replacement policies or certificates shall be delivered to the building official at least 15 days before the expiration of the insurance that such policies are to renew or replace;

(v) No permit necessary to the site preparation or construction of a permitted wireless telecommunications facilities may be issued until the holder of the special use permit shall file with the city building official a copy of the required policies or certificates representing the insurance in the required amounts;

(vi) Notwithstanding the requirements noted in this subsection no insurance shall be required in those instances where the city, county, state or a federal agency applies for and secures a special use permit for wireless telecommunications facilities.

(v) All special use permits approved for wireless telecommunication facilities located on city property after July 25, 2010, shall contain a provision with respect to indemnification. Such provision shall require the applicant, to the extent permitted by law, to at all times defend, indemnify, protect, save, hold harmless, and exempt the city, and its officers, employees, agents and consultants from any and all penalties, damages, costs, or charges arising out of any and all claims, suits, demands, causes of action, or award of damages, whether compensatory or punitive, or expenses arising therefrom, either at law or in equity, which might arise out of, or are caused by, the placement, construction, erection, modification, location, products performance, use, operation, maintenance, repair, installation, replacement, removal or restoration of said facility, excepting, however, any portion of such claims, suits, demands, causes of action or award of damages as may be attributable to the negligent or intentional acts or omissions of the city, or its servants or agents. With respect to the penalties, damages or charges referenced herein, reasonable attorneys' fees, consultants' fees, and expert witness fees are included in those costs that are recoverable by the city. An indemnification provision will not be required in those instances where the city itself applies for and secures a special use permit for wireless telecommunications facilities;

5. Additional provisions for special use permit review.
In addition to those standards and criteria in Section 50-37.1 *Common procedures* and Section 50-37.10 *Special and interim use permits*, each application for a special use permit for a wireless telecommunications facility shall comply with the following additional standards:

(a) The city may hire any consultant or expert necessary to assist the city in reviewing and evaluating an application for a special use permit for a wireless telecommunications facility, including the construction and modification of the site, once permitted, and any site inspections. An applicant shall deposit with the city funds sufficient to reimburse the city for all reasonable costs of consultant and expert evaluation and consultation to the city in connection with the review of any application including where applicable, the lease negotiation, the pre-approval evaluation, and the construction and modification of the site, once permitted. The initial deposit shall be shall be set in accordance with Section 31-6(a) of the City Code;

(b) The placement of the deposit with the city shall precede the pre-application meeting. The city will maintain a separate escrow account for all such funds. The city's consultants shall invoice the city for its services related to the application. The total amount of the funds needed for the review of the application may vary depending on the scope and complexity of the project, the

completeness of the application and other information as may be needed to complete the necessary review, analysis and inspection of any construction or modification. If at any time during the process this escrow account has a balance less than $2,500, the applicant shall immediately, upon notification by the city, replenish said escrow account so that it has a balance of at least $5,000. Such additional escrow funds shall be deposited with the city before any further action or consideration is taken on the application. In the event that the amount held in escrow by the city is more than the amount of the actual invoicing at the conclusion of the project, the remaining balance shall, upon request of the applicant, be refunded to the applicant;

(c) The land use supervisor will administratively approve an application to co-locate on an existing wireless telecommunication facility upon receiving a complete application, if the application meets all the requirements of the Chapter and would not substantially change the physical dimensions of the wireless telecommunication facility. Substantial changes shall mean:

(i) the mounting of the proposed antenna on the tower would increase the existing height of the tower by more than ten percent, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to avoid interference with existing antennas; or

(ii) the mounting of the proposed antenna would involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four, or more than one new equipment shelter; or

(ii) the mounting of the proposed antenna would involve adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable; or

(iv) the mounting of the proposed antenna would involve excavation outside the current tower site, defined as the current boundaries of the leased or owned property; or

(v) the mounting of the proposed antenna would defeat the concealment elements of the eligible support structure; or

(vi) the mounting of the proposed antenna would not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment.

(d) At any stage prior to issuing a special use permit the city may require such additional information as it deems necessary to confirm compliance with this UDC;

(e) The city may refer any application or part of an application to any advisory, other committee or commission for a non-binding recommendation;

(f) Notwithstanding that a potential site may be situated in an area of highest priority or highest available priority, the city may disapprove an application for any of the following reasons:

(i) Conflict with safety and safety-related codes and requirements;

(ii) Conflict with the historic nature or character of a neighborhood or historical district;

(iii) The use or construction of wireless telecommunications facilities that is contrary to an already stated purpose of a specific zoning or land use designation;

(iv) The placement and location of wireless telecommunications facilities that would create an unacceptable risk, or the reasonable probability of

such, to residents, the public, employees and agents of the city or employees of the service provider or other service providers;

(v) Conflicts with the provisions of this Section 50-20.4.E;

(vi) The failure of the applicant to provide additional requested information in sufficient time for the city to comply with the requirements of MSA 15.99;

(g) Except for necessary building permits, once a special use permit has been granted, no additional zoning approvals shall be required by the city for the wireless telecommunications facilities covered by the special use permit;

(h) In order to verify that the holder of a special use permit for wireless telecommunications facilities and any and all lessees, renters and licensees of wireless telecommunications facilities, place and construct such facilities, including towers and antennas, in accordance with all applicable technical, safety, fire, building and zoning codes, laws, ordinances and regulations and other applicable requirements, the city may inspect all facets of said permit holder's, renter's, lessee's or licensee's placement, construction, modification and maintenance of such facilities, including, but not limited to, towers, antennas and buildings or other structures constructed or located on the permitted site;

6. Relief and appeal.
Any applicant desiring relief, waiver or exemption from any aspect or requirement of this Section 50-20.4.E may request relief, waiver or exemption in the submitted application for either a special use permit, or in the case of an existing or previously granted special use permit a request for modification of its tower and/or facilities. The requested relief, and any relief granted by the city, may be temporary or permanent, partial or complete. The burden of proving the need for the requested relief, waiver or exemption is solely on the applicant to prove. The applicant shall bear all costs of the city in considering the request and the relief, waiver or exemption. No such relief or exemption shall be approved unless the applicant demonstrates by clear and convincing evidence that if granted, the relief, waiver or exemption will have no significant affect on the health, safety and welfare of the city, its residents and other service providers;

F. Manufacturing, craft

1. Manufacturing, craft, artisan production shop.

(a) In the MU-N and Form Districts, the use shall not exceed 5,000 sq. ft. in gross floor area;

(b) In the MU-N and Form Districts, districts, the use is permitted in all building types and on all floors;

(c) Artisan production shops shall maintain at least ten percent of the gross floor area of the facility for retail purposes;

2. Manufacturing, craft, artisan studio.

(a) In the MU-N and Form Districts, the use shall not exceed 3,000 sq. ft. in gross floor area;

(b) In the MU-N and Form Districts, this use is permitted in all building types and on all floors;

(c) Artisan studio's shall maintain at least ten percent of the gross floor area of the facility for retail purposes;

3. Manufacturing, craft, brewery or distillery.

(a) No outdoor storage is permitted;

(b) Access and loading areas facing any street, adjacent residential use or residential zoning district, shall have the doors closed at all times, except during movement of raw material, other supplies and finished products into and out of the building;

(c) A facility at the proposed site will not have an adverse impact on the character of the neighborhood. The following criteria may be used to evaluate proposed sites: the effect on traffic movements in the area; the general nature, character, age, and condition of the adjacent

development; the proximity to residential areas, regardless of zoning; or any other criteria the city may deem pertinent;

(d) All brewing/distilling and storage activities shall be located within a completely enclosed building;

(e) The facility shall comply with all applicable fire, building, health and sanitation codes, and zoning regulations;

(f) The facility shall comply with all applicable licensing and operational requirements of the state and county;

(g) Craft breweries/craft distilleries shall maintain at least ten percent of the gross floor area of the facility for retail purpose;

(h) No more than 500 proof gallons may be stored at a craft distillery premises at any one time;

(i) Service trucks for the purpose of loading and unloading materials, equipment and product shall be restricted to between the hours of 8:00 a.m. and 8:00 p.m. Monday through Saturday and between 11:00 a.m. and 7:00 p.m. on Sundays and national holidays;

(j) Service trucks for the purpose of loading and unloading materials, equipment and product shall be restricted to 30 feet in total length;

(Ord. No. 10746, 5-10-2021, § 4)

G. Manufacturing, light.

In the MU-I district, this use is permitted provided it is related to and incidental to a permitted institutional primary use on the property;

H. Manufacturing, hazardous or special.

1. In permitting any such uses, the city may impose appropriate conditions and safeguards, including performance bonds, to protect the health, safety and welfare of the residents of the community and the environment;
2. All future use of the land and structures erected on the land shall be governed by and limited to the approved plans and conditions imposed by the city. Any subsequent change or addition to the plan or use shall be submitted for approval as if it were a new use;
3. Without limitation on other valid reasons for denying approval for such a use, the city may deny approval if it finds that the use would have negative environmental, health or safety impacts on the community or have little or no contiguity with existing or programmed development in the affected area;

I. Mining, extraction, and storage.

1. No special use permit for this use shall be issued until the city determines that:
   a) The city engineer has certified that the proposed extraction, removal or processing, and the proposed finished grades on the property, will not endanger the function of any public highway or utility easement of the city. If the city engineer proposes conditions and safeguards that are necessary to protect adjoining property, both city and privately owned, those conditions and safeguards have been included in the application or agreed to in writing by the applicant;
   b) The proposed excavation, removal or processing shall not result in the creation of any hazardous sharp pits, steep banks, soil erosion, drainage or sewerage problems or other conditions that would ultimately impair the use of the property in accordance with the general purpose and intent of the zoning regulations for that district;

c) Finished slopes in the excavated area shall not exceed one foot vertical rise to two feet of run except in the case of dams or swimming pools, or where specifically approved in writing by the planning commission;

d) No stagnant water shall be permitted to result from such removal, excavation or processing;

2. No earthmoving, processing or excavating equipment or trucks that are inoperative for more than 30 days shall be stored in the open on the property;
3. Upon completion of the excavation, processing or removal of earth materials in accordance with the approved proposed contour lines, the premises shall be cleared of all debris and, unless the excavated area is beneath water, a top layer of soil that will sustain the growth of turf shall be spread over the premises and shall be seeded with perennial rye or grasses;
4. All excavation, removal and processing, and the extent, limits, and time limits of each activity, shall comply with all terms and conditions in the approved special use permit;
5. The applicant shall post financial security pursuant to Section 50-37.1.P to ensure compliance with the terms and conditions of the permit, including but not limited to remediation of the site following excavation, removal and processing operations;

J. Radio or television broadcasting tower.

All radio or television broadcasting towers shall be located in the area of the city known as the tower farm within Section 28, Township 50, Range 14, so as to place the visual and safety impacts of the structure near similar structures, unless the applicant provides a report from a qualified specialist in the type of facility being constructed or the type of service being provided stating that it is technically not possible to construct the required structure or to provide the applicant's service from that area of the city;

K. Solid waste disposal or processing facility.

This use shall comply with the following standards:

1. All aspects of the solid waste disposal operation shall be setback from all property lines a minimum of 150 feet. Natural vegetation shall be retained in such setbacks where practical. All aspects of yard waste composting facilities shall be set back 100 feet from all property lines;
2. All solid waste disposal operations and facilities, including without limitation yard waste composting facilities, medical waste disposal facilities and petroleum soil disposal sites, shall comply with all state and Western Lake Superior Sanitary District requirements;
3. Solid waste disposal facilities for industrial waste shall only be allowed in I-G and I-W zones. Such facilities shall be approved in the special use permit only for specified types of industrial waste;
4. The special use permit shall specify the types of wastes authorized;
5. Solid waste disposal facilities for construction debris shall only be allowed in I-G and I-W zones'
6. Facilities for composting of yard waste shall not accept materials other than yard waste;
7. No solid waste disposal facilities, except composting facilities, shall be permitted in a designated shoreland or flood plain zone nor in an identified wetland as defined in Section 50-18.1 or Article VI;
8. All filled areas shall be covered and vegetated in accordance with an approved schedule for filling, covering and vegetating. Further, there shall be an approved plan as part of the special use permit for the vegetation and dust control of stockpiled cover material;
9. There shall be no burning of materials;
10. Facility locations shall have direct access to an arterial street and shall not access through a neighborhood. Increased traffic generated by the facility shall not have an adverse effect on the neighborhood. All roads leading to and from and within facilities located in RR-1 and MU-B zones shall be constructed with an approved dust-free material;
11. All vehicles transporting materials to or from the facility shall be covered;
12. Except for yard waste composting facilities there shall be no processing, separating or sorting of materials outside of covered structures;

13. Noise emanating from a building in which dumping, separating or other processing of material is performed shall not exceed state noise requirements at any property line that abuts property zoned other than I-G and I-W;
14. In the absence of other compliance funding required by state permitting agencies, there shall be a bond, letter of credit or other security (including an account to accept deposits of tipping fees) acceptable to the city, prior to the issuance of a permit to ensure compliance with the terms of the permit and to ensure proper closure of the facility. Such bond, letter of credit or other surety shall provide for the amount of the closure costs estimated and certified by the project engineer for each phase of operation and final closure;

L. Storage warehouse.

In the F-5 district, this use is only permitted in the West Superior portion of the F-5 district;

M. Wholesaling.

In the F-5 district, this use is only permitted in the West Superior portion of the F-5 district;

N. Wind power facility.

In all districts, wind power systems shall comply with the following requirements:

1. The base of the tower shall be set back from all property lines, public rights-of-way, and public utility lines a distance equal to the total extended height. A tower may be allowed closer to a property line than its total extended height if the abutting property owner(s) grants written permission and the installation poses no interference with public utility lines or public road and rail rights-of-way;
2. In the MU-B district, towers that are 50 feet or less in height are permitted by right; taller towers require a special use permit, and no tower shall be approved over 200 feet in height. In other districts where this use is listed as a permitted use, towers that are 200 feet or less in height are permitted by right; taller towers require a special use permit;
3. Notwithstanding the provisions of subsection 2 above, no wind power facility shall be taller than 75 feet within any migratory bird flight path;
4. Sound produced by the turbine under normal operating conditions, as measured at the property line of any adjacent property improved with a dwelling unit at the time of the issuance of the zoning certificate, shall not exceed 55 dba for any period of time. The 55 dba sound level may be exceeded during short-term events out of the owner's control such as utility outages or severe wind storms;
5. The turbine and tower shall remain painted or finished in the color that was originally applied by the manufacturer;
6. The blade tip or vane of any small wind energy system shall have a minimum ground clearance of 15 feet as measured at the lowest point of the arc of the blades;
7. All signs on a wind generator, tower, building or other structure associated with a small wind energy system visible from any public road, other than the manufacturer's or installer's identification, appropriate warning signs or owner identification, shall be prohibited;
8. No illumination of the turbine or tower shall be allowed unless required by the FAA;
9. Any climbing feet pegs or rungs below 12 feet of a freestanding tower shall be removed to prevent unauthorized climbing. For lattice or guyed towers, sheets of metal or wood or similar barriers shall be fastened to the bottom tower section such that it cannot readily be climbed;
10. Building permit applications for small wind energy systems shall be accompanied by standard drawings of the wind turbine structure and stamped engineered drawings of the tower, base, footings and foundation as provided by the manufacturer. Wet stamps shall not be required;
11. No part of this use may project above any of the imaginary airspace surfaces described in FAR Part 77 of the FAA guidance on airspace protection;
12. This use shall not be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator;
13. If a wind turbine is inoperable for six consecutive months the owner shall be notified that it must, within six months of receiving the notice, restore their system to operating condition. If the owner(s) fails to restore their system to operating condition within the six month time frame, then the owner shall be required, to remove the wind turbine from the tower for safety reasons, at its expense. If the owner(s) fails to remove the wind turbine from the tower, the city may pursue legal action to have the wind generator removed at the owner's expense.

O. Industrial Cannabis Operations

1. All production, growing, and storage must be conducted within a fully enclosed building.
2. The use must be primarily focused on production, growing, storage, and transporting; any office space must be clearly incidental to the industrial uses on the site, and any retail space is limited to 15% of the gross floor area of the building.

(Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 18; Ord. No. 10414, 10-12-2015, § 2; Ord. No. 10919, 11-25-24, § 3)

50-20.5 Accessory uses.

A. Accessory agriculture roadside stand.

Only one stand offering for sale farm products produced on the premises is permitted provided that such stand does not exceed an area of 200 square feet and that it is located not nearer than 25 feet to any street or highway;

B. Accessory bed and breakfast.

The owner and operator of an accessory bed and breakfast shall be required to live in the establishment. In addition, the use shall:

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

C. Accessory boat dock, residential.

This use shall comply with the following standards:

1. Dockage of boats owned and primarily used by a resident of the property is a permitted accessory use to the primary residential use and shall not be limited in number;
2. If there is a residential structure on the property and the property has frontage on an improved street, the owner of the residential structure may rent out boat dockage to a maximum of two boats owned by others. If the property does not have frontage on an improved street, the owner of the residential structure may not rent dockage space to others. Boat dockage use on a property that is not residentially developed is permitted as a principal use provided that the use is limited to one boat for each lot or group of contiguous lots in the same ownership, and the boat is owned and primarily used by the owner of the property;
3. For each new rental boat dock space created or made legal after April 14, 1974, one off street parking space shall be provided in addition to all other off street parking spaces required by other legal uses of the property, such spaces to be constructed in accordance with Section 50-24;
4. At the request of the building official, the owner of property shall provide boat registration or other documentary evidence to prove compliance with these standards;
5. No buildings other than residential or residential accessory structures, no winter storage of boats other than those owned by a resident of the property in question, no repair facilities, fuel sales, food or refreshment sales, rentals of boats, boat or parts sales or displays or other commercial uses shall be permitted;

D. Accessory day care facility.

1. For all new uses after January 31, 2024, the use must provide off-street parking spaces for pick - up and drop-off determined by the Land Use Supervisor to be sufficient to provide for the safe pick-up and drop-off of users of the facility based on the maximum licensed capacity of the facility, the configuration of the facility, the types and intensity of other uses adjacent to the facility, the intensity of traffic adjacent to the facility and other factors determined to be relevant to the safe pick-up and drop□off of users of the facility. The determination of the Land Use Supervisor may be appealed to the Commission. Pick-up and drop-off areas must be clearly signed as for pick-up and drop-off only, and shall not conflict with safe on-site pedestrian and vehicular movements.
2. In the RR-1 and RR-2 districts this use and related parking facilities and structures other than driveways are limited to no more than 20 percent of the lot;
3. In the MU-B and I-G districts, where an outdoor exercise area is provided, the exercise area shall be enclosed by a fence. Outdoor exercise areas must be separated from improved public streets, drive lanes, and loading areas by at least 20 feet;
4. In the MU-B and I-G districts, the application may be denied by the Land Use Supervisor if he or she determines that the size, nature, character or intensity of the use of property in the immediate vicinity of the applicant's property would pose an unreasonable risk to the health, safety or welfare of users of the applicant's facility; the decision of the Land Use Supervisor may be appealed to the Commission;
5. In the I-G district, the use must be related to provision of day care services to the primary use on the lot, and the use may not exceed 15% of the gross floor area of the buildings on the lot.

(Ord. No. 10875, 12-18-2023, § 2)

E. Accessory dwelling unit.

An accessory dwelling unit may be created within, or detached from, any one-family or two-family dwelling, as a subordinate use, in those districts shown in Table 50-19.8, provided the following standards are met:

1. Only one accessory dwelling unit may be created per lot;
2. No variances shall be granted for an accessory dwelling unit;
3. Only the property owner, which shall include title holders and contract purchasers, may apply for an accessory dwelling unit;
4. Accessory dwelling units shall contain no more than 800 square feet of total floor space and shall be consistent in character and design with the primary dwelling. An accessory dwelling unit shall not exceed the total floor area square footage of the principal structure;
5. If a separate outside entrance is necessary for an accessory dwelling unit located within the primary dwelling, that entrance must be located either on the rear or side of the building;
6. An accessory dwelling unit shall not be considered a principal one-family dwelling. An accessory dwelling must be located on the same tax parcel as the principal one or two-family dwelling;
7. An accessory dwelling unit shall not exceed the height of the principal residential structure or 20 feet, whichever is greater.

(Ord. No. 10868, 12-11-23, § 6)

F. Accessory heliport.

1. All accessory heliports shall have and maintain in effect at all times all required permits and approvals, if any, for the facility and operation required by the FAA, and shall design and maintain the facility and conduct operations in compliance with those permits and approvals;
2. In the R-C district, this use shall be permitted only when it is accessory to an airport as a primary use;

(Ord. No. 10813, 09-12-22 §1)

G. Accessory home occupation.

All home occupations not listed separately in Table 50-19.8 must comply with the following standards:

1. The use must be conducted entirely in the residence or accessory buildings and not on outdoor portions of the lot, except that the growing of food crops or ornamental crops, to be sold or donated off-site, shall be exempt from this provision;
2. No business involving retail sales of goods from the premises is permitted;
3. No person not a member of the family residing on the premises shall work on the premises;
4. Not more than 25 percent of the floor area of one story of the dwelling shall be devoted to such home occupation and not more than 50 percent of an accessory structure may be devoted to such home occupation;
5. The home occupation shall not require external alterations that would change the residential character of the property;
6. No display pertaining to such occupation shall be visible from the street;
7. The use of the property for a home occupation shall not result in the number of client appointments at the property in excess of two appointments per hour and appointments shall be limited to the hours of 8 a.m. to 7 p.m. and not more than four clients shall be on site at the same time;
8. No equipment shall be used that creates offensive noise, vibration, sound, smoke, dust, odors, heat, glare, X-ray or electrical disturbance to radio or television or that otherwise constitutes a nuisance;
9. All home occupations that require a license from the state shall maintain a valid license at all times and shall operate in compliance with the terms of that license and all applicable regulations of the state at all times;
10. No motor vehicle repair is permitted as an accessory home occupation and repair of motor vehicles not registered to the owner or leaseholder of the property is prohibited regardless of whether the repair is being made for compensation;

H. Accessory home share.

An accessory home share may be created within those districts shown where allowed by Table 50.19.8 provided these standards are met.

1. Eligible Applicant. Property owners that reside in the owner-occupied homestead property may apply for one accessory home share in their owner-occupied homesteaded property. The owner-occupied unit may be located within a one-family or two-family structure, but may not be located in a multi-family building with 3 units or more. In a two-family structure, the accessory home share shall be located in the same unit the owners inhabit.
2. Rental Period. The rental or purchase period shall be for 29 consecutive nights or less;
3. Guests and Rooms. The maximum number of overnight guests allowed is 4 persons in addition to the owner occupants. The maximum number of bedrooms that may be rented may not exceed two. Only bedrooms are allowed to be rented; all other space in the unit such as living and kitchen areas shall be shared common space with the owner occupants. Only one rental listing per night is allowed;
4. Other Licenses Required. In addition to the permit issued pursuant to this chapter, the property owner must obtain all permits from the city of Duluth and state of Minnesota required for guest occupancy on the property;
5. Other Standards. The property owner must provide required documents and adhere to additional requirements listed in the City of Duluth's UDC Application Manual related to the keeping of a guest record, property use rules, taxation, and home share permit violations procedures;
6. Termination. The permit shall terminate upon change in ownership of the property or three years from issuance date, whichever occurs first. Upon permit termination, property owner may apply to renew the permit. The permit shall be non-transferable is only valid for the property and applicant

or property owner that it was initially issued to and the permit shall not be transferred to a new applicant or property owner, or to a new property or different address.

7. Residency. At least one permanent resident must be generally present on or about the premises at all times that the property is rented and occupied by the guests;
8. Advertisement. A permit holder may not advertise an accessory home share for an accessory structure that is a storage shed or garage or in any area exterior to the dwelling unit or any lot without a principle dwelling. The permit holder must include the permit number on all print, poster or web advertisements.

(Ord. No. 10777, 11-25-2021 §3; Ord. No. 10829, 2-13-23, §3)

I. Accessory sidewalk dining area.

In all districts, this use requires approval of a sidewalk use permit pursuant to Section 50-37.12;

J. Accessory retail or showroom.

1. The use must not exceed 15% of the gross floor area of the buildings on the lot which are associated with the assembly, manufacture, or processing of the products on display or offered for sale.

(Ord. No. 10875, 12-18-2023, § 3)

K. Accessory solar or geothermal power equipment.

In all districts, other than building integrated solar collection systems, solar collection systems shall comply with the following requirements:

1. Ground-mounted solar system.
   a) Solar collectors shall not be located in the front yard between the principal structure and the public right-of-way;
   b) Solar collectors shall be located a minimum of six feet from all property lines and other structures;
   c) Solar collector areas in any residential district shall not exceed the greater of the footprint of the principal structure or 1,000 square feet, whichever is greater. The size of solar collector areas in all districts except residential districts shall not exceed one-half of the footprint of the principal structure. Ground mounted solar collectors that serve a government building or public safety building, or water or sewer pumping stations or treatment facilities, are exempt from this requirement;
   d) Free-standing or ground-mounted solar installations shall not exceed 20 feet in height, when the system is oriented at its maximum design pitch**;**

2. Roof-mounted or wall-mounted solar system.
   a) A solar collection system shall be located a minimum of six feet from all property lines and other structures except the structure on which it is mounted. If an existing structure is located closer than 6 feet to a property line, solar collection systems may be placed on the existing structure if the following conditions are met:
      1.The collection systems are mounted on the same plane as the existing wall or roof, and
      2.The collection systems are mounted with minimal spacing between the surface of the wall or roof, and
      3. The collection systems are mounted in compliance with all building codes, and
   4. The collection systems do not result in an encroachment into another property or public easement.
   b) Notwithstanding the height limitations of the zoning district, building-mounted solar energy systems shall not extend higher than three feet above the ridge level of a roof on a structure

with a gable, hip or gambrel roof and shall not extend higher than ten feet above the surface of the roof when installed on a flat or shed roof;

c) The solar collector surface and mounting devices for building-mounted solar energy systems shall be set back not less than one foot from the exterior perimeter of a roof for every one foot that the system extends above the parapet wall or roof surface, if no parapet wall exists, on which the system is mounted. Solar energy systems that extend less than three feet above the roof surface shall be exempt from this provision;

d) A solar collection system may be located on an accessory structure;

3. Solar easements.

A property owner who has installed or intends to install a solar collection system shall be responsible for negotiating with other property owners in the vicinity for any necessary solar easement and shall record the easement with the county recorder. If no such easement is negotiated and recorded, the owner of the solar collector shall have no right to prevent the construction of structures permitted by this Chapter on nearby properties on grounds that the construction would cast shadows on the solar collection system;

(Ord. No. 10723, 12-14-2020, § 6; Ord. No. 10829, 2-13-23, § 3)

L. Accessory uses or structures not listed elsewhere.

1. In any residential district, any accessory building that is erected prior to the construction of the principal building shall comply with the following conditions:
   a) The construction of the principal building shall be completed and the certificate of occupancy for such principal use issued within two years of issuance of the building permit for the accessory building;
   b) Prior to issuance of a building permit for such accessory use, a building demolition bond shall be approved by the city and in an amount sufficient to demolish such accessory structure be filed with the building official;
   c) The owner shall execute a license, in a form approved by the city, authorizing the city to enter upon the real property for the purpose of demolishing such accessory structure in the event a principal structure is not completed as required by this Section.

2. In the R-2 district, accessory building includes a storage garage on a lot occupied by a multi-family dwelling, townhouse or rooming house;

3. In the MU-N district and all residential districts, accessory buildings shall be subject to the following restrictions:
   a) Except for truckload or trailer-load retail sales lasting less than 30 days where allowed, no accessory use shall be conducted in or out of a trailer or truck;
   b) Storage of trailers and trucks or storage of goods within trailers and trucks shall not be a permitted accessory use unless (i) the primary use of the lot is a parking lot, parking garage, or filling station, or (ii) the truck or trailer is used on a regular basis for deliveries or the hauling of supplies to or from a business;

4. In the MU-C, MU-I and MU-W districts, accessory buildings shall be erected at the same time or after the construction of the principal building and subject to the following restrictions:
   a) Except for truckload or trailer-load retail sales lasting less than 30 days, no accessory use shall be conducted in or out of a trailer or truck;
   b) The storage of trailers and trucks or the storage of goods within trailers and trucks shall not be a permitted use unless (i) the primary use of the lot is a parking lot, parking garage, filling station, automobile or light vehicle sales or service, or automobile or light vehicle storage, or (ii) the truck or trailer is used on a regular basis for deliveries or the handling of supplies to or from a business;

5. In the MU-B, I-G, and I-W districts, accessory buildings shall be erected at the same time or after the construction of the building for the principal use;

6. An accessory building may observe an equal or greater distance to the front property line as provided by a principal structure if the accessory building provides the front and side yards required for dwelling in that district as per Article II and Section 50-20;

7. If a principal structure is demolished or removed, any subordinate existing accessory structure must be demolished or removed within two years of the date of the principal structure being demolished or removed.

(Ord. No. 10723, 12-14-2020, § 7)

M. Accessory wind power equipment.

In all districts, accessory wind power systems shall comply with the following requirements:

1. The base of the tower shall be set back from all property lines, public rights-of-way, and public utility lines a distance equal to the total extended height. A tower may be allowed closer to a property line than its total extended height if the abutting property owner(s) grants written permission and the installation poses no interference with public utility lines or public road and rail right-of-ways;
2. Towers that are 50 feet or less in height are permitted by right. Towers exceeding 50 feet in height require approval of a special use permit, provided that in no case shall tower height exceed 130 feet;
3. Notwithstanding the provisions of subsection 2 above, no wind power facility shall be taller than 75 feet within any migratory bird flight path;
4. Sound produced by the turbine under normal operating conditions, as measured at the property line of any adjacent property improved with a dwelling unit at the time of the issuance of the zoning certificate, shall not exceed 55 dba for any period of time. The 55 dba sound level may be exceeded during short-term events out of the owner’s control such as utility outages or severe wind storms;
5. The turbine and tower shall remain painted or finished in the color that was originally applied by the manufacturer;
6. The blade tip or vane of any small wind energy system shall have a minimum ground clearance of 15 feet as measured at the lowest point of the arc of the blades;
7. No sign that is visible from any public street shall be permitted on the generator, tower, building or other structure associated with a small wind energy system other than the manufacturer’s or installer’s identification and appropriate warning signs;
8. No illumination of the turbine or tower shall be allowed unless required by the FAA;
9. Any climbing feet pegs or rungs below 12 feet of a freestanding tower shall be removed to prevent unauthorized climbing. For lattice or guyed towers, sheets of metal or wood or similar barriers shall be fastened to the bottom tower section such that it cannot readily be climbed;
10. No part of this use may project above any of the imaginary airspace surfaces described in FAR Part 77 of the FAA guidance on airspace protection;
11. No small wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement;

N. Minor utilities and accessory wireless antennas attached to existing structures.

The following standards apply to accessory wireless antennas that are attached to existing structures and to minor utilities regardless of whether they are attached to an existing structure:

1. A special use permit is required to allow any antenna to exceed 150 feet in height;
2. All building-mounted antennas shall meet or exceed current standards and regulations of the FAA, FCC and any other state or federal agency with the authority to regulate communications antennae and support structures;
3. The size, design and location of each attached antenna shall reduce visibility from surrounding buildings and from the public rights-of-way adjoining the property to the greatest extent feasible;
4. Building-mounted antennas or disguised antenna support structures shall be of a color identical to or closely compatible with the surface to which they are mounted;
5. Except when a support structure for a building-mounted antenna is an otherwise lawfully permitted sign, the placement of advertising on antennae is prohibited;

O. Accessory vacation dwelling unit.

An accessory vacation dwelling unit may be created within any one-family dwelling, twinhome, duplex, or attached or detached accessory dwelling unit provided these standards are met:

1 Only one accessory vacation dwelling unit may be created per lot;

2 No variances shall be granted for an accessory vacation dwelling unit;

3 An accessory vacation dwelling unit shall contain no more than 800 square feet of floor area and shall be consistent in character and design with the primary dwelling;

4 If a separate outside entrance is necessary for an attached accessory vacation dwelling unit located within the primary building, that entrance must be located either on the rear or side of the building;

5 The minimum rental period shall be not less than two consecutive nights, nor more than a maximum of 29 consecutive nights. The minimum rental period shall not apply to accessory vacation dwelling units in form districts,

6 The total number of persons that may occupy the vacation dwelling unit is one person plus the number of bedrooms multiplied by two, which shall not exceed nine. The maximum number of bedrooms that may be rented may not exceed four.

7 Off-street parking shall be provided at the following rate:

(a) Accessory vacation dwelling units licensed on or before May 15, 2016, shall provide the following minimum number of off street parking spaces:

1-2 bedroom unit, one space;
3-4 bedroom unit, two spaces;
5+ bedroom unit, three spaces;

(b) Accessory vacation dwelling units licensed after May 15, 2016, shall provide the following minimum number of off-street parking spaces:

1-2 bedroom unit, one space;
3 bedroom unit, two spaces;
4+ bedroom unit, number of spaces equal to the number of bedrooms minus one.

i. Accessory vacation dwelling units licensed on May 15, 2016, are entitled to continue operating under the former off-street parking requirement. The parking exemption for accessory vacation dwelling units licensed on May 15, 2016, expires upon transfer of any ownership interest in the permitted property.

ii. The minimum off-street parking requirements shall not apply for vacation dwelling units in form districts.

8. Motorhome/ATV. Only one motorhome (or pickup-mounted camper) and/or one trailer either for inhabiting or for transporting recreational vehicles (ATVs, boat, personal watercraft, snowmobiles, etc.) may be parked at the site, off the street;

9. Other Licenses Required. In addition to the permit issued pursuant to this chapter, the property owner must obtain all licenses and permits from the city of Duluth and State of Minnesota

required for guest occupancy on the property for two to 29 days;

10. Guest Records. The property owner must provide required documents and adhere to additional requirements listed in the city of Duluth's UDC application manual related to the keeping of a guest record, designating and disclosing a local contact, property use rules, taxation, and interim use permit violations procedures;
11 Application Materials. The property owner must provide a site plan, drawn to scale, showing parking and driveways, distance from lot line of proposed vacation dwelling to neighboring residential structures, all structures and outdoor recreational areas that guests will be allowed to use, including, but not limited to, deck/patio, barbecue grill, recreational fire, pool, hot tub, or sauna, and provide detail concerning the provision of any dense urban screen or fence that may be required to buffer these areas from adjoining properties. A dense urban screen or fence is required if the adjoining property is used as a residential use, as identified in 50-19.8. Prior to the permit being authorized, the fence or dense vegetative screen must be in place, and it must be continuously maintained during the entire permit period. The requirement for a dense urban screen or fence may be waived if the adjoining property owner does not want it on or near their shared property line, and indicates this with a signed letter;

12 Any accessory vacation dwelling unit that will be located in a multi-family structure that has nine or more dwelling units shall:

(a) Make available 24-hour staffing at a front desk that is accessible to all tenants;
(b) If determined applicable by the Land Use Supervisor, provide a letter from a duly established Home Owner's Association stating the support of the Home Owner's Association Board of Directors for the accessory vacation dwelling unit, and enumerating any Home Owner's Association rules to be incorporated into the interim use permit.

13. Termination. The interim use permit shall terminate upon change in ownership of the property or in six years after the date of issuance, whichever occurs first. Upon permit termination, property owner may reapply. The permit is only valid for the property and applicant or property owner that it was initially issued to and the permit shall not be transferred to a new applicant or property owner, or to a new property or different address.
14. Maximum Number of Accessory Vacation Dwelling Units. No more than 60 permits may be issued for either vacation dwelling units or accessory vacation dwelling units, excepting that the maximum number of permits that may be issued shall increase by 10 percent of the net increase in housing units constructed and issued certificates of occupancy in the city in the previous year, or no more than ten (10) new vacation dwelling units per year, whichever is less, provided that the total number of vacation dwelling units authorized shall not exceed 120 units. Permits for accessory vacation dwelling units within Form Districts (F1-F9) are exempt from the maximum number of permits that may be issued.
15. Nuisance Reduction. The accessory vacation dwelling permit holder shall ensure that all requirements for waste removal services and prohibitions on burning of trash is strictly adhered to by occupants of the accessory vacation dwelling. The permit holder must designate in writing a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24-hours-a-day to any complaints from neighbors or the City. The permit holder must notify the city within 10 days of a change in the managing agent or local contact's contact information. The permit holder shall notify by letter all property owners within 100' of the property boundary of the name, address, and phone number of the managing agent or local contact named above and provide the city with a copy of the letter. The permit holder must notify said property owners within 10 days of a change in the managing agent or local contact's contact information.
16. Advertisement. The permit holder must include the permit number on all print, poster or web advertisements.

(Ord. No. 10777, 11-25-2021, §4; Ord. No. 10829, 2-13-23, §3)

P. Accessory vacation dwelling unit, limited.

1. Eligible Applicant. Property owners that reside in the owner-occupied homestead property may apply for an accessory vacation dwelling unit, limited, in their owner-occupied homesteaded property;
2. Rental Period. The minimum rental period shall not be less than two consecutive nights no more than 7 consecutive nights. The maximum total number of nights for which an accessory vacation dwelling unit, limited, may be rented may not exceed 21 nights per year. The rental period must be specified in the permit at the time that the permit was applied for, and may not be altered;
3. Other Standards. Accessory vacation dwelling units, limited, must adhere to the same standards as Vacation Dwelling Unit, 50-20.3.U, in regards to maximum number of visitors, off-street parking, motorhome/ATV, guest records, nuisance reductions, advertisement, and application materials;
4. Other Licenses Required. In addition to the permit issued pursuant to this chapter, the property owner must obtain all licenses and permits from the city of Duluth and state of Minnesota required for guest occupancy on the property. The property owner must provide required documents and adhere to additional requirements listed in the City of Duluth's UDC Application Manual;
5. Maximum Number of Accessory Vacation Dwelling Units, Limited. There is no maximum to the number of permits that may be issued;
6. Termination. The permit shall terminate upon change in ownership of the property or one year from issuance date, whichever occurs first. The permit shall be non-transferable;
7. Principle dwelling. A permit holder may not advertise the accessory vacation dwelling unit, limited, in any area exterior to the dwelling unit or any lot without a principle dwelling.

(Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 19; Ord. No. 10192, 12-17-2012, § 11; Ord. No. 10225, 5-28-2013, § 7; Ord No. 10446, 4-11-2016, § 2; Ord. No. 10451, 5-23-2016, §2; Ord. No. 10514 6-12-2017, §2; Ord. No. 10659, 10-28-2019 §6/§7; Ord. No. 10698, 4-13-2020, §2/§3; Ord. No. 10777, 11-25-2021, §5)

50-20.6 Temporary uses.

All temporary uses require a zoning permit, as required in Section 50-37.13.

A. Temporary construction office or yard.

This use is limited to one month before construction begins to one month after construction is completed, unless extended for good cause by the building official;

B. Temporary event or sales.

This use is limited to no more than 4 events per calendar year, with the combined length of the 4 events limited to 20 days. Requests for more events or longer periods may be reviewed through the temporary use permit procedure in Section 50-37.10;

C. Storage or shipping container.

1. Storage or shipping containers shall comply with the same UDC setback standards as ~~for~~ accessory structures, and shall not be located on any public right of way, or utility, pedestrian, or drainage easement, or on any required off-street parking, loading, or landscaping areas.
2. Storage or shipping containers:
   (a) Are allowed in the MU-B and MU-W district only if buffered and screened from adjoining property to the same extent as is required for a principle or accessory structure~~s~~;
   (b) Are allowed in the I-G or I-W districts without a requirement for buffering or screening;
   (c) Are allowed in the RR-1, RR-2, R-1, R-2, and MU-N zone districts, but shall not remain on any property for more than 15 days in any calendar year;
   (d) Are allowed in all other zone districts but shall not remain on any property for more than 45 days during any calendar year.
   (e) Shall not be used for, or contain, any advertisement, and shall be painted a uniform color on all sides with no alpha-numeric writing or characters visible.
3. Storage or shipping containers shall not be used as permanent or semi-permanent storage or warehouse structures, or used to conduct business or commercial or similar activities, unless such storage or shipping container meets the following requirements:
   (a) The exterior siding materials and color, the building form, and the roof design must be substantially similar in form and construction type as the principle building;
   (b) The structure must meet all requirements of the Minnesota State Building Code;
   (c) The structure must be installed on a concrete pad and permanently and immovably anchored to the concrete;
   (d) No shipping container may be stacked upon another shipping container;
   (e) Has been granted an approved zoning permit per 50-37.13; and
   (f) May be converted for permanent use as a principle or accessory dwelling, subject to the installation of windows and doors consistent with those typically found on residential structures, and compliance with applicable UDC and building code requirements.
4. Exceptions to the above standards:
   (a) Licensed and bonded contractors may use shipping containers for temporary storage of equipment and materials during construction projects only as expressly authorized by a City building, excavation, zoning, or obstruction permit; and
   (b) The Land Use Supervisor may grant extensions to the time limit listed in subsection 2 above, but in no case shall the duration exceed 180 days.

D. Temporary real estate sales office.

This use is limited to one month before lot or unit sales begin to one month after 90 percent of the lots or units have been sold, unless extended for good cause by the land use supervisor. Requests for longer periods may be reviewed through the temporary use permit procedure in Section 50-37.10. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 20; Ord. No. 10414, 10-12-2015, § 3; Ord. No. 10659, 10-28-2019 §8; Ord. No. 10784, 12-6-2021, § 1)

50-20.7 Adaptive reuse of a local historic landmark.

A. Intent.

To allow for economic use of historic landmarks by allowing a variety of uses that are not normally permitted in some zoning districts. Standards for adaptive reuse are designed to ensure that the adaptive reuse of a local historic landmark is compatible with surrounding areas;

B. Applicability.

The structure must be designated as a city of Duluth local historic landmark;

C. Allowed uses.

All uses that are permitted in the MU-N zone district shall be considered as eligible for an interim use permit in R-1, R-2, or R-P district;

(Ord. No. 10461, 7-11-2016, §4)

D. Process.

In order to apply for adaptive reuse of a local historic landmark, the following must be done prior to submitting an interim use permit application.

1. Have an approved preservation plan;
2. Meet with the heritage preservation commission to solicit comments on the proposed adaptive reuse;
3. Hold a community meeting to solicit comments from the public. Notice of the community meeting shall be mailed to all property owners within 350 feet of the landmark.

Provide all comments from the heritage preservation commission and community meeting with the interim use application;

E. Standards.

1. Traffic and parking.
   a) The adaptive reuse structure must be able to provide required off-street parking per Section 50-24. The city may require additional parking to minimize impact on the neighborhood;
   b) The adaptive reuse of the site must not create additional traffic after 10:00 p.m. on local residential streets;
   c) The adaptive reuse of the structure will not create frequent truck traffic on local residential streets;
2. Expansion of the structure. There shall be no expansion made to the footprint of the existing building;
3. Screening and buffering. Screening standards shall be required, as listed in Section 50-26. The city may require additional screening to reduce the impact of the adaptive reuse;
4. General compatibility. The proposed adaptive reuse of the historic structure must not change the essential character of the neighborhood;
5. Preservation. The structure must be preserved according to the preservation plan on file with the heritage preservation commission;

F. Amendments to approved adaptive reuse plans.

Any amendment to the use of the historic landmark must be approved through the interim use permit process, but do not need to follow the process outlined in Section D listed above. (Added by Ord. No. 10262, 12-9-2013, § 1)

ARTICLE FOUR. DEVELOPMENT STANDARDS.

50-21 DIMENSIONAL STANDARDS.

50-21.1 General dimensional standards.

A. Residential, mixed use, special purpose and overlay zones.

The dimensional standards for residential, mixed use, special purpose and overlay districts are shown in the description for each district in the following Sections of Article II:

- Standards for residential districts are shown in Section 50-14;
- Standards for mixed Use districts are shown in Section 50-15;
- Standards for special purpose districts are shown in Section 50-17; and
- Standards for overlay districts are shown in Section 50-18.

All dimensional standards shown in Article II are subject to the special dimensional standards in Section 50-21.2 and the exceptions and encroachments in Section 50-21.3 unless specifically noted;

B. Form districts.

The dimensional standards for form districts are integrated into descriptions of each form-based district in Article II and the building form standards in Section 50-22. The special dimensional standards in Section 50-21.2 and the exceptions and encroachments in Section 50-21.3 do not apply in the form districts unless specifically noted. (Ord. No. 10044, 8-16-2010, § 6.)

50-21.2 Special dimensional standards.

A. Lot without municipal sewer.

Lot areas for properties not provided with municipal sewer shall be at least two acres in size or the minimum lot area for the zone district, whichever is larger, and shall be subject to county ordinances and standards regulating individual sewage treatment systems. Lots with large wetlands or shallow bedrock may be required to be larger than two acres, and shall be determined on a case-by-case basis based on the area needed to fit a sewage treatment system on the site. Lots smaller than two acres may be allowed in areas zoned R-P based on soil and site conditions;

B. Front yards on double frontage lots.

On lots having double frontage and where the first and second frontages are on opposite lot lines, the required front yard shall be provided on the frontage that is the generally established frontage on the block, as determined by the building official;

C. Side yards.

1. Dwelling units above commercial uses.

   In all residential and mixed use districts, where dwelling units are erected above commercial establishments, no residential side yard is required, except for any side yard required for the commercial building on the side of a lot adjoining a residential district. in form districts, no side yard is required even if the lot adjoins a residential district;
2. Attached and multi-family dwellings.
   For the purpose of side yard regulations, a two-family dwelling, townhouse, or multi-family dwelling shall be considered as one building occupying one lot;
3. Driveways.
   Where no garage facilities are provided and the alley is not developed for access at the time the dwelling is constructed in an R-1 or R-2 district, there shall be provided one side yard of a minimum of nine feet for a driveway and the other side yard shall have a minimum width of five feet;

D. Accessory structures.

Accessory dwelling units shall not exceed the height of the principal residential structure or 20 feet, whichever is greater. All other accessory structures shall not exceed 20 feet in height.

Any accessory structure shall not occupy more than 30 percent of the rear yard area. All accessory structures on a lot shall not occupy more than 60 percent of the rear yard area.

An unattached deck that is 5 feet or closer to a primary structure must adhere to the same setbacks as primary structures in that zone district. An unattached deck that is greater than 5 feet from a primary structure must adhere to the accessory structure setbacks.

(Ord. No. 10829, 2-13-23, § 4)

E. Street improvements in public right of way.

Except as provided in Section 50-37.1.L, for development or redevelopment proposed on lots without a principle structure:

1. The street shall be improved to the most current standards on file in the office of the city engineer and shall be designed for the road classification within the zone in which the property is located;
2. The street shall be improved across the entire frontage of the lot proposed to be developed and all other contiguous property owned by the owner of the subject lot;
3. Any street improvement that results in a dead-end street that is greater than 150 feet in length shall require construction of a turn-around for emergency and maintenance vehicles approved by the city fire marshal.

For lots developed with an existing legal principle structure, the street improvement requirements need not be met when the landowner proposes an expansion of the existing legally constructed structure or a replacement principle structure, if the landowner provides evidence of a perpetual easement to access the property from an improved street of a distance not greater than 150 feet, and such access shall be improved to meet Fire Code standards.

F. Common Open Space.

1. All structures intended to be owned and occupied by an individual unit owner of a Common Interest Community shall be constructed within the space allocated in the governing documents for that specific unit owner, except as allowed in section 2 below;
2. A Home Owner Association or other applicable governing body of the community may grant building easements, with city approval as provided for in this sub-paragraph below, to allow encroachments of structures into the common open space as platted in the Common Interest Community Plat. In such instances, the building easement shall be considered part of the adjacent building parcel or unit. Before constructing any such encroaching structure, the owner of said adjacent building parcel or unit shall file with the Planning Department a copy of a recorded easement and survey depicting same by the private landowner are required to verify the circumstances in each instance. The Land Use Supervisor may grant city approval for the proposed building easement(s) if they do not impact more than 10% of the common open space of the community; the Planning Commission may grant city approval for impacts more than 10%. In no event can more than 30% of the common open space of the community be impacted. The Land Use Supervisor or Planning Commission may require the CIC to be re-plated to reflect the change in the reduced common open space. Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 21; Ord. No. 10225, 5-28-2013, § 8; Ord. No. 10337, 11-24-2014, § 2; 10591, 9-24-18, § 1; Ord. No. 10659, 10-28-19, §9)

50-21.3 Exceptions and encroachments.

The following exceptions and encroachments to required yard areas and height limits are allowed. These provisions do not apply to form districts except as specifically noted in exceptions to building heights.

Table 50-21-1: Exceptions and Encroachments

Structure or Feature	Conditions or Limits
Encroachments into Required Yard Areas	
Architectural features (sills, belt courses, eaves, cornices) awnings and canopies, bay windows, gutters and downspouts	Up to 18 in. into any required yard area
Unenclosed or lattice-enclosed stairs, fire escapes and balconies opening upon fire towers	Up to 5 ft. into any required rear yard, except as required to comply with applicable fire code or Americans with Disabilities Act
Chimneys and flues	Up to 2 ft. into any required front or side setback.
Open sided porch, deck, or paved terrace	Up to 10 ft. into front yard, but no closer than 5 ft. from any property line
Enclosed vestibule or fixed canopy with a floor area of not more than 40 sq. ft.	Up to 4 ft. into front yard
Fuel pumps or pump islands	Not closer than 15 ft. from any street line or closer than 50 ft. from any residential use
Fences meeting the standards of Section 50-26.4	Fences may not be located closer than 3 ft. to any publicly maintained right-of-way
Porte cochere, carport or canopy if every part is unenclosed except for necessary structural supports	Permitted in any side setback, but not less than 5 ft. from any side lot line
Residential window well	Permitted to encroach up to two feet from any property line, provided that window well: (a) has a minimum distance of at least 5 feet from any structure on any adjacent property, and (b) is limited to the minimum window well depth and width required by fire and building codes.
Accessory structures	No accessory structure may be located: (a) between a street and any façade of a primary building facing that street, or (b) closer than 10 ft. to any principal structure on an adjoining property, or (c) closer than 5 ft. to any rear lot line, or (d) closer than 3 ft. to any side lot line, except as listed for specific accessory structures below.
Accessory structures in MU-W	If 200 square feet or larger, not closer than 25 feet to any side or rear lot line, and not closer than 25 to any existing principal or accessory structure.
Accessory boat dock, residential	No setback required from property lines along the water
Accessory clotheslines, play equipment, trash containers, odor-controlled composting bins and rainwater harvesting tanks	Permitted in side and rear yards
Accessory rain garden	Permitted in all (front, side and rear) yards
Accessory wind power equipment	Permitted in side and rear yards except where prohibited by adopted building code
Exceptions to Building Height Limits	
Television and radio towers, accessory communications towers for private use, religious assembly or ornamental spires and towers, belfries, monuments, tanks, water and fire towers, stage tower or scenery lofts, cooling towers, chimneys, elevator penthouses, air conditioning penthouses, skylights, smokestacks, conveyors, storage elevators and facilities, flagpoles, accessory wind power equipment or accessory rooftop solar collectors	In the Form District, the exceptions to building height limits for religious assembly or ornamental spires and towers only apply if the applicant proposes an Iconic Building

(Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 22; Ord. No. 10286, 3-10-2014, § 9. Ord. No. 10457, 7-11-2016, § 1, 10591, 9-24-2018, § 2)

50-22 BUILDING FORM STANDARDS

The following provisions apply only in the form districts listed in Section 50-16, but do not apply in other zone districts. (Ord. No. 10044, 8-16-2010, § 6; cited only by Ord. No. 10284, 3-10-2014, § 2.)

50-22.1 General requirements.

A. Intent.

The building types detailed in this Section outline the desired building forms for new construction and renovated structures within the form districts;

B. Applicability.

1. All building type standards apply to all new construction and renovation of existing structures, where the renovation includes an addition of more than 50 percent in building square footage;
2. When a renovation of the front facade occurs with no added building square footage, the street facade requirements and base type requirements must be met when:
    (a) The existing building front, corner, or lakefront facade is located within the build-to zone;
    (b) The renovation includes any of the following:
        (i) Installation of additional doors or a change in location of a door;
        (ii) Expansion or change in location of 30 percent of windows on any street or lakefront façade;
        (iii) Replacement of 30 percent or more of facade materials on any street or lakefront facade with a different facade material;
3. When a renovation of the shape or style of the roof occurs with no added building square footage, the cap type requirements must be met when the existing building front, corner or lakefront facade is located within the build-to zone;
4. Under all circumstances, no portion of the building type standards must be met in the case of normal repairs required for safety and continued use of the structure, such as replacement of window or door glass;

C. General requirements.

All construction in the form districts must meet the following requirements:

1. Zone districts.
   No primary building shall be developed within a form district unless it matches one of the building types approved for that district in Table 50-22.2-1;
2. Planning review required.
   Development of any building type must be reviewed and approved by the city through the planning review process in Article V;
3. Permanent structures.
   All buildings constructed must be permanent construction without a chassis, hitch, or wheels, or other features that would make the structure mobile. Temporary structures and uses are permitted as shown in Article III;

D. Alternative compliance for renovation of existing primary structures.

Where compliance with the specific requirements of Section 50-22 is not possible as a result of unique site conditions, an owner may propose alternatives consistent with the goals of sections 50-16 and 50-22. Approval of an alternative approach is authorized where an applicant can demonstrate the following:

1. The renovation does not increase the existing primary structure's footprint; and
2. The proposed renovation achieves the goals stated in Section 50-16 relevant to the particular form district to the same degree, or better than, the building form standards set forth in Section 50-22. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10153, 5-14-2012, § 3; cited only by Ord. No. 10284, 3-10-2014, § 2.)

50-22.2 General building type descriptions.

Four major categories of building types are described in this Section: Main Street Building, Corridor Building, Cottage Commercial Building, and Iconic Building. The building types proposed for the Form Districts include three variations of the Main Street Building, three variations of the Corridor Building, two variations of the Cottage Commercial Building, and one version of the Iconic Building. The building type variations go from least intense (Type I) to most intense (Type III);

A. Main street buildings.

Main street buildings, in general, are pedestrian-oriented, mixed use buildings. This building type typically has a storefront on the ground floor with offices or residential uses on the upper floors. The ground floor of the Main Street Building has a high amount of transparency, so that pedestrians walking by can look into the interior space.

1. Main street building I.
   This building type allows for service, retail, and office uses on the ground floor and office or residential above. It is appropriate for commercial uses adjacent to residential neighborhoods, as the intensity of this building type is not as high as the other main street building types. It has a larger build-to zone and a maximum height of two-and-a-half or three stories depending on location;
2. Main street building II.
   Main street building II is slightly more intense than main street building I, as it is required to be built up to the right-of-way and may generally be up to four stories tall. This building type also permits service, retail and office uses on the ground floor and office or residential on upper floors;
3. Main street building III.
   Main street building III is the most intense of the main street building types, as it is meant to be used in the downtown area. It is located directly adjacent to the sidewalk and should include retail or service uses on the ground floor whenever possible. Main street building III has a maximum height of 15 stories in limited locations;

B. Corridor buildings.

Corridor buildings are primarily meant to house office or multi-family residential uses, with less transparency required on the ground floor.

1. Corridor building I.
   This building type can house a single category of uses, such as office or residential, or a mix of uses. Corridor building I is the least intensive corridor building, located in the more neighborhood oriented study area locations. It has a larger build-to zone that is set back farther than the other corridor buildings and is permitted to be a maximum of three stories;
2. Corridor building II.
   Corridor building II is an intermediary building type between the more neighborhood scale locations and the intensity of Downtown. It is similar to corridor building I in many ways, but is permitted to be built up to the sidewalk and may also be taller, with generally a maximum height of four stories;
3. Lakefront corridor building.
   The lakefront corridor building is a variation on corridor building II that was created for use along Lake Superior in Canal Park. These buildings front the lake, but also require some level of frontage on Canal Park Drive. The maximum height is four stories;

4. Corridor building III.
   Corridor building III was created for use in Downtown. It is required to be built adjacent to the sidewalk and has a maximum height of 15 stories in specified locations. While the corridor building types are meant to house primarily office and residential uses, commercial uses are also permitted to create a vibrant commercial core for Downtown;

C. Cottage commercial.

The cottage commercial building is primarily commercial in nature but, unlike the Main Street Building, it is similar in form to single-family residential areas, providing transitions between commercial and residential areas.

1. Cottage commercial I.
   The cottage commercial building type is residential in character but commercial in use. At a maximum height of two and a half stories, it is meant to blend in with a surrounding residential neighborhood while at the same time providing neighborhood-scale commercial uses. Cottage commercial I is for use as a transition to residential locations, with a larger build-to zone and permitted side aisle of parking. Cottage commercial I may also include multiple principal structures on one lot, provided that each building meets the requirements of the building type;

2. Cottage commercial II.
   Cottage commercial II is similar to cottage commercial I but is used in the West Duluth study area, which is a more intense context. This building type may be built to the front property line and must locate parking in the rear;

D. Iconic building.

While the previously mentioned building types are intended to serve as the fabric buildings of the city, the iconic building is a unique civic or institutional building that has distinctive character and function within the community. The iconic building has more flexible requirements for building location and transparency than the other non-residential building types due to its unique nature and importance to the community;

The iconic building type is meant to house community, cultural, civic, educational or governmental uses (i.e. uses classified as “Community and Cultural Facilities” or “Educational Facilities” in Table 50-19.8). Properties that are designated as local historic landmarks may contain any land use allowed in 50-19.8 for the zone district that the property is located, and are not limited to only community and cultural facilities or educational facilities;

(Ord. No. 10722, 12-14-2020, § 4)

Table 50-22.2-1: Summary Table of Permitted Building Types by Zone District.

		Building Types										
		Main Street Building I	Main Street Building II	Main Street Building III	Corridor Building I	Corridor Building II	Lakefront Corridor Building	Corridor Building III	Cottage Commercial I	Cottage Commercial II	Iconic Building	Areas
Districts	F1: Low-Rise Neighborhood Shopping	●										East Superior
	F2: Low-Rise Neighborhood Mix	●			●				●		●	East Superior, London Road
	F3: Mid-Rise Community Shopping		●									West Duluth, Canal Park
	F4: Mid-Rise Community Mix		●			●				●	●	West Duluth London Road
	F5: Mid-Rise Community Shopping/Office		●			●					●	West Superior, Canal Park
	F6: Mid-Rise Neighborhood Shopping		●			●			●		●	Central Hillside
	F7: Downtown Shopping			●								Downtown
	F8: Downtown Mix			●				●			●	Downtown
	F9: Canal Park						●					Canal Park

● Building Type permitted

(Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 23; Ord. No. 10284, 3-10-2014, § 2.)

50-22.3 Base types.

Base type standards apply to the ground story and visible basement of front facades of all building types. To determine which base type(s) are permitted for each building type, refer to the building types-specific information found in sections 50-22.7 through 50-22.17.

A. General provisions.

The following provisions apply to all base types.

1. Intent. To guide the design of the ground story of all buildings to relate appropriately to pedestrians on the street. Treatment of other portions of the building facades is detailed in each building type standard (refer to 50-22.7 through 50-22.17);
2. Applicability. The entire ground story front facade of all buildings must meet the requirements of one of the permitted base types, unless otherwise stated in this Section;
3. Measuring transparency. Refer to Section 50-22.5.D.1 for information on measuring building transparency;
4. Visible basements. Visible basements, permitted by base type, are optional;
5. Expression lines. For the purposes of this Section, expression lines are an architectural feature comprised of a decorative, three dimensional, linear element, horizontal or vertical, protruding or

indented at least one inch from the exterior facade of a building, and extending the length or height of the building with minimal interruptions from doors and windows. It is typically used to delineate the floors or stories of a building;

B. Storefront base type.

The storefront base type is a highly transparent ground story treatment designed to serve as the display area and primary entrance for retail or service uses. (Refer to Figure 50-22.3-A)

1. Transparency. A minimum of 75 percent of the front facade between two and eight feet above the sidewalk must be comprised of transparent, non-reflective windows into the commercial space. A minimum of 25 percent of the windows shall have views directly into and out of the ground floor occupied space;

2. Elevation. Ground story elevation must be less than or equal to one foot above sidewalk;

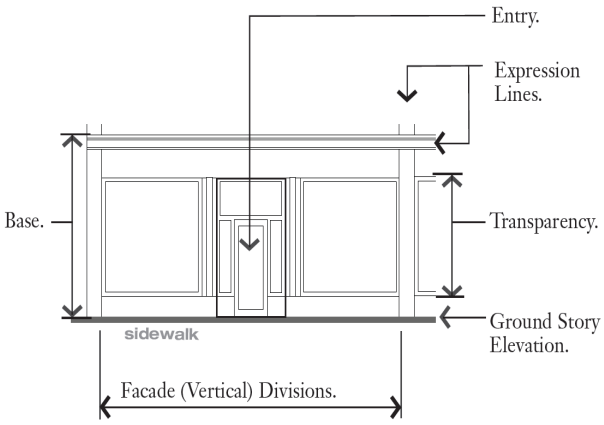


Figure 50-22.3-A: Storefront base type

3. Visible basement. A visible basement is not permitted;

4. Facade divisions. Expression lines shall divide the facade into segments;
   (a) Vertically divide the base facade into segments no greater than 30 feet in width;
   (b) Horizontally define the base facade from the upper stories;
5. Entrance. All entries shall be recessed from the front facade closest to the street;
   (a) Recess shall be a minimum of three feet and a maximum of eight feet deep, measured from the portion of the front facade closest to the street;
   (b) When the recess falls behind the front build-to zone, the recess shall be no wider than eight feet;

C. Shopfront base type.

The shopfront base type treatment includes less transparency than the storefront, while still allowing views in and out of the commercial space, and an entrance off of a porch or stoop. (Refer to Figure 50-22.3-B)

1. Transparency. A minimum of 50 percent of the front facade between three and nine feet above the sidewalk must be comprised of transparent, non-reflective windows into the commercial space;
2. Elevation. Ground story elevation must be between zero and three feet above sidewalk and not less than six inches above the curb, with or without optional visible basement;
3. Visible basement. A visible basement is permitted;
4. Vertical facade divisions. For buildings wider than 50 feet, divide base facade into segments no greater than 50 feet in width with an expression line;
5. Entrance. Porch or stoop entrance required;

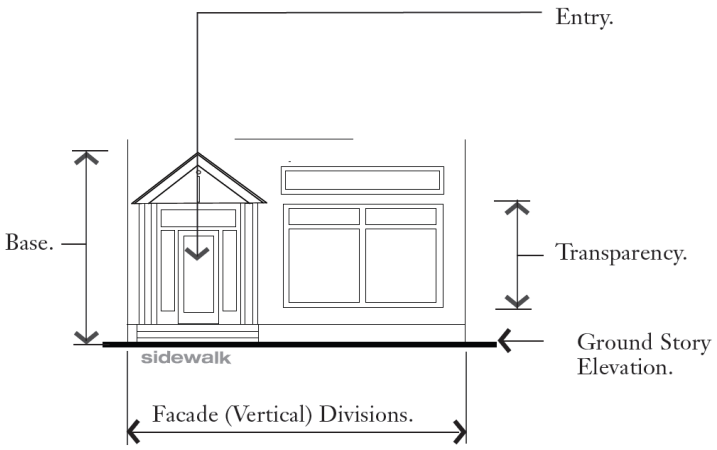


Figure 50-22.3-B: Shopfront base type

D. Arcade base type.

An arcade base type is a covered pedestrian walkway within the recess of a ground story. (Refer to Figure 50-22.3-C)

1. Arcade. An open-air public walkway is required from the face of the building recessed into the building a minimum of eight and a maximum of 15 feet;
2. Recessed or interior facade. Storefront or shopfront base types are required on the recessed ground story façade;
3. Column spacing. Columns shall be spaced between ten feet and 12 feet on center;
4. Column width. Columns shall be a minimum of one foot, eight inches, and a maximum two feet, four inches, in width;
5. Arcade opening. Opening may not be flush with interior arcade ceiling and may be arched or straight;
6. Horizontal facade division. Horizontally define the base facade from the upper stories;
7. Visible basement. A visible basement is not permitted;

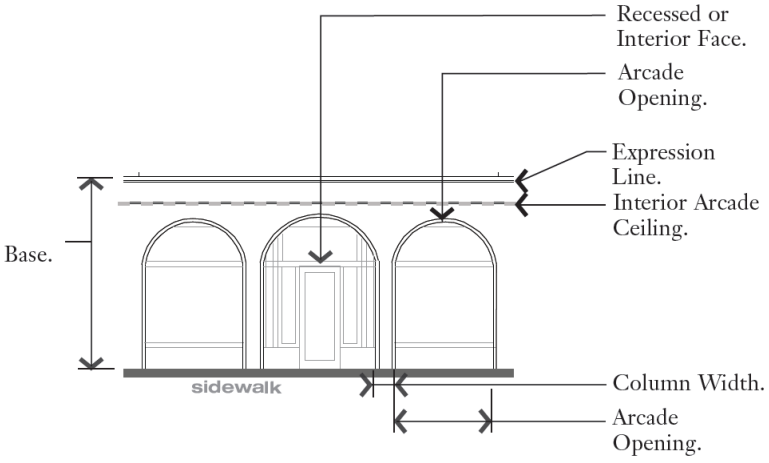


Figure 50-22.3-C: Arcade base type

E. Stoop base type.

A stoop is an unroofed, open platform. (Refer to Figure 50-22.3-D)

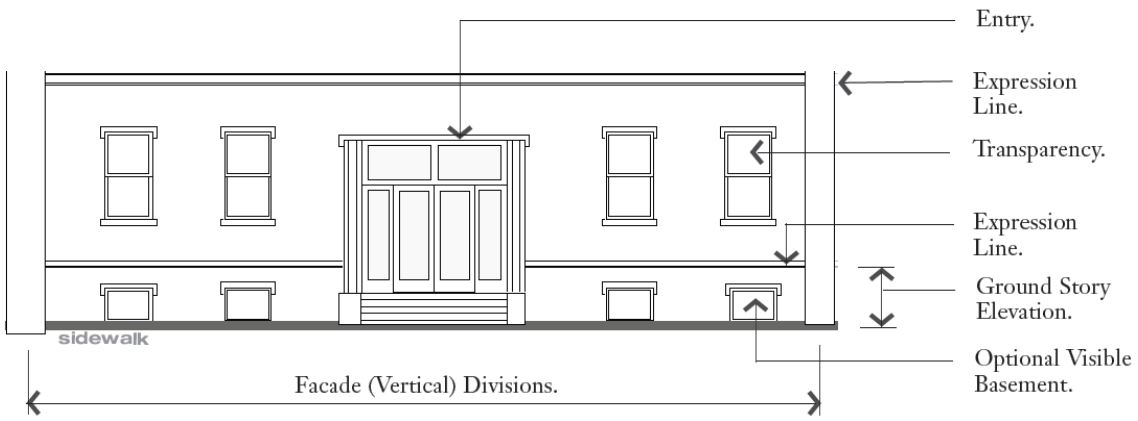


Figure 50-22.3-D: Stoop base type

1. Transparency. Minimum transparency per building type is required;
2. Stoop size. Stoops shall be a minimum of three feet deep and four feet wide;
3. Elevation. Ground story elevation must be located a maximum of two feet, six inches, above the sidewalk without visible basement and a maximum of four feet, six inches, above the sidewalk with a visible basement;
4. Visible basement. A visible basement is permitted;
5. Facade divisions. Expression lines shall divide facade segments;
    (a) Vertically divide the base facade into segments no greater than 100 feet in width;
    (b) Horizontally define the base facade from upper stories;
6. Entrance. All entries shall be located off a stoop;

F. Porch base type.

A porch is a raised, roofed platform that may or may not be enclosed on all sides. (Refer to Figure 50-22.3-E)

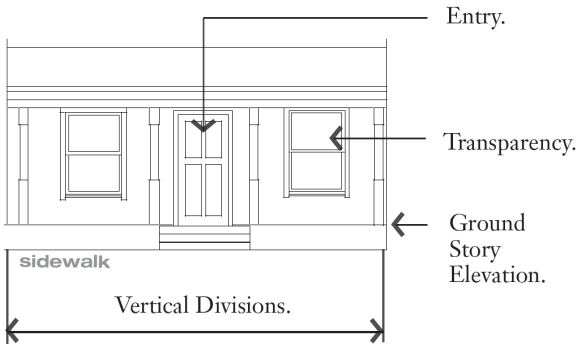


Figure 50-22.3-E: Porch base type

1. Transparency:
    (a) Minimum transparency per building type is required;
    (b) If enclosed, a minimum of 40 percent of the enclosed porch must be comprised of transparent, nonreflective windows;
2. Porch size. The porch shall be a minimum of five feet deep and maximum of eight feet wide;
3. Elevation. Ground story elevation must be located a maximum of two feet, six inches, above the sidewalk without visible basement, and a maximum of four feet, six, inches, above the sidewalk with a visible basement;
4. Visible basement. A visible basement is permitted;
5. Facade divisions. Use expression lines to divide facade segments;
    (a) Vertically divide base facade into segments no greater than 60 feet in width;
    (b) Horizontally define the base facade from upper stories;

6. Height. Porch may be two stories to provide a balcony on the second floor;
7. Entrance. All entries shall be located off a porch. (Ord. No. 10044, 8-16-2010, § 6; cited only by Ord. No. 10284, 3-10-2014, § 2.)

50-22.4 Cap types.

Cap type standards apply to the cap of all building types as required in this Section.

A. General provisions.

The following provisions apply to all cap types.

1. Intent. To guide the design of building caps in order to ensure an appropriate and aesthetically pleasing cap for all buildings;
2. Applicability. All buildings must meet the requirements of one of the cap types permitted for the building type;
3. Measuring height. Refer to the definition of "height of building" in Article VI;
4. Other cap types. The Iconic building type may seek to incorporate other building caps not listed as a specific type by applying for a special use permit pursuant to Section 50-37.10, but the height may not exceed the maximum height of the tallest cap type permitted for the building type;

B. Parapet cap type.

A parapet is a low wall projecting above a building's roof along the perimeter of the building. It can be utilized with a flat or pitched roof and also serves to limit the view of roof-top mechanics from the street. (Refer to Figure 50-22.4-A)

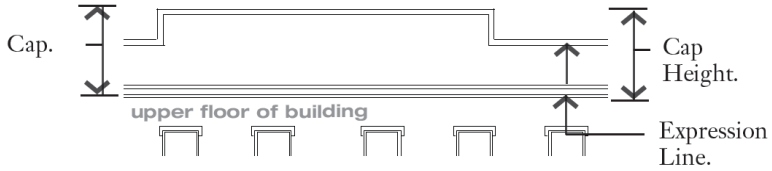


Figure 50-22.4-A: Parapet cap type

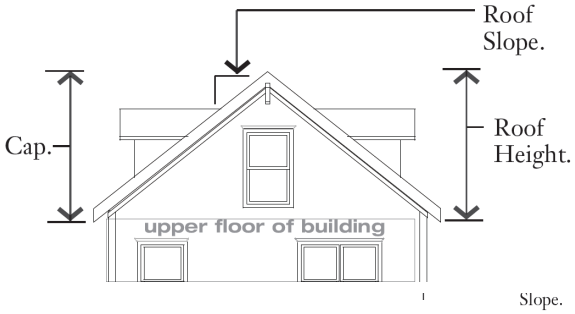
1. Parapet height. Height is measured from the top of the upper story to the top of the parapet;
   (a) Minimum height is two feet with a maximum height of six feet;
   (b) Cap shall be high enough to screen the roof and any roof appurtenances when viewed from the street(s) and any adjacent building of similar height;
2. Horizontal expression lines. An expression line shall define the cap from the upper stories of the building and shall also define the top of the cap;
3. Occupied space. Occupied space may not be incorporated behind this cap type;

C. Pitched roof cap type.

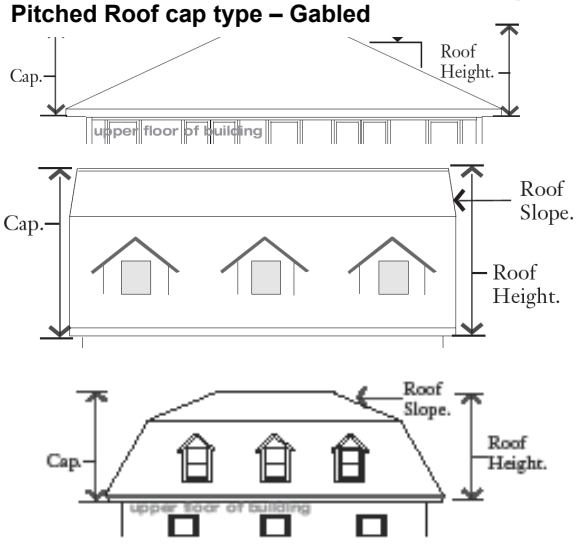
This cap type has a sloped or pitched roof. Slope is measured with the vertical rise divided by the horizontal span or run. (Refer to Figure 50-22.4-B)

1. Pitch measure. The roof may not be sloped flatter than a 6:12 (rise:run) or steeper than 16:12 (rise:run);
2. Roof types. Hipped, gabled, and combination of hips and gables with or without dormers are acceptable. Gambrel and mansard roofs are acceptable provided that when the ridge runs parallel to the street, one dormer per 15 feet of street face is required;
3. Parallel ridge line. A gabled end or perpendicular ridge line shall occur at least every 100 feet of roof for two-story buildings or higher and at least every 50 feet of roof for one-story buildings when the ridge line runs parallel to the front property line;
4. Roof height. Roof height may not be greater than the total of all floors below the roof. For single story portions of the building, roof height may not exceed one-and-one-half times the floor below the roof; (Ord. No. 10457, 7-11-2010, § 2)

Figure 50-22.4-B: Pitched roof



Pitched Roof cap type – Gabled



Pitched Roof cap type - Mansard

D. Flat Roof cap type.

This cap type has a flat roof with overhanging eaves. (Refer to Figure 50-22.4-C)

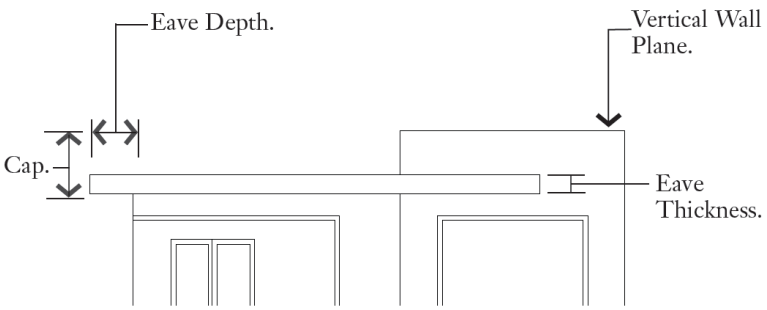


Figure 50-22.4-C: Flat roof

1. Roof types. Roofs with no visible slope are acceptable. Eaves are required on all street-facing facades;
2. Eave depth. Eave depth is measured from the building façade to the outside edge of the eave. Eaves shall have a depth of at least 12 inches;
3. Eave thickness. Eave thickness is measured at the outside edge of the eave, from the bottom of the eave to the top of the eave. Eaves shall be a minimum of six inches thick;
4. Interrupting vertical walls. Vertical walls may interrupt the eave and extend above the top of the eave with no discernible cap;
    (a) No more than one-half of the front façade can consist of an interrupting vertical wall;
    (b) Vertical walls shall extend no more than four feet above the top of the eave;

E. Towers.

A tower is a rectilinear or cylindrical vertical element that must be used with other cap types. (Refer to Figure 50-22.4-D)

1. Quantity. One tower is permitted per building;
2. Tower height. Maximum height, measured from the top of the upper story to the top of the tower, is the equivalent of the height of one upper floor of the building to which the tower is applied;
3. Tower width. Maximum width along all facades is one-third the width of the front facade or 30 feet, whichever is less;
4. Occupied space. Towers must be occupied by the same uses allowed in upper stories of the building type to which it is applied;
5. Tower cap. The tower may be capped by the parapet, pitched, or flat roof cap types. (Ord. No. 10044, 8-16-2010, § 6; cited only by Ord. No. 10284, 3-10-2014, § 2.)

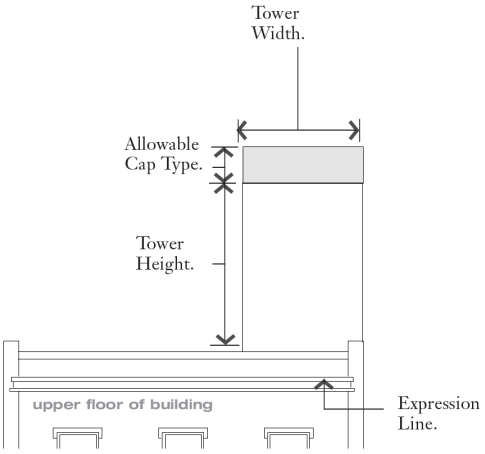


Figure 50-22.4-D: Tower

50-22.5 Explanation of table requirements.

The following explains and defines the requirements included in the tables for each building type, sections 50-22.7 through 50-22.17, and summarized for all building types in Table 50-22.2.

A. Building siting.

1. Street frontage.
   (a) Multiple principal buildings permitted on a lot. The presence of more than one principal structure on a lot;
   (b) Front build-to zone (BTZ) or setback. The build-to zone or setback parallel to the front property line. All BTZ and setback areas not covered by the building must contain either landscaping, patio space, or sidewalk space. Build-to zones define the minimum and maximum distance a structure may be placed from a property line;
   (c) Corner BTZ or setback. The build-to zone or setback parallel to the corner property line. All BTZ and setback areas not covered by building must contain landscape area;
   (d) Minimum coverage of front BTZ. Measurement defining the minimum percentage of street wall or building facade required along the street. The width of the principal structure(s) (as measured within the front build-to zone) shall be divided by the maximum width of the front. Refer to Figure 50-22.5-A;
   (e) Occupation of corner. Occupying the intersection of the front and corner build-to zones with a principal structure;

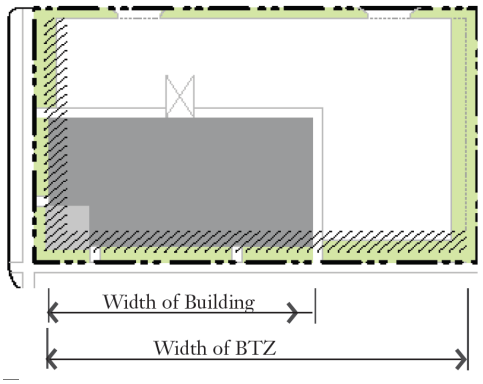


Figure 50-22.5-A: Measuring BTZ Coverage

2. Side and rear setbacks.
   (a) Minimum side yard setback. The minimum required setback along a side property line. All side yard setback areas not covered by building must contain landscape area;
   (b) Minimum rear yard setback. The minimum required setback along a rear property line;
3. Buildable area.
   (a) Minimum landscape area. The minimum percentage of a lot that must be primarily dedicated to landscape materials, such as planting beds, grass or shrubs. A portion of the area may include hardscape materials for pedestrian use or access to the area or building, such as patio or sidewalk;
   (b) Minimum lot width. The minimum width of a lot, measured at the front property line;
4. Parking and access.
   (a) Location of parking facilities. The yard in which a parking lot and associated drive is permitted;
   (b) Loading facility location. The facade of the building on which access is permitted for loading and unloading activities related to building uses;
   (c) Number of permitted driveways. Defines the circumstances under which a driveway is permitted on a lot;

B. Height.

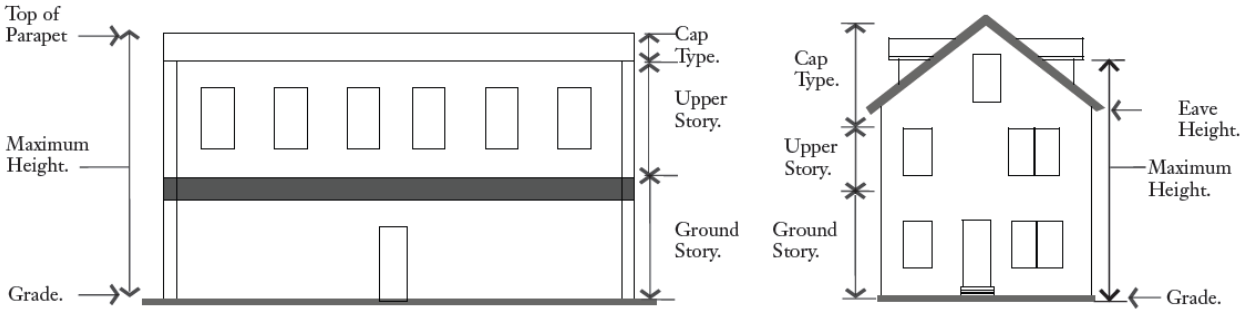


Figure 50-22.5-B: Measuring Height

1. Minimum and maximum overall height. (Refer to Figure 50-22.5-B)
2. A required minimum and maximum overall height is provided for all building types and is measured as follows:
    (a) Height in stories. The sum of a building's stories. Half stories are located either completely within the roof structure or in a visible basement exposed a maximum of one-half story above average finished grade;
    (b) Height in feet measured as follows:
        (i) Parapet cap type. Overall height is measured from the average finished grade of the building's front facade to the highest point of the parapet;
        (ii) Pitched cap type. Overall height is measured from the average finished grade of the building's front facade to the midpoint of the highest roof slope;
        (iii) Flat Roof cap type. Overall height is measured from the average finished grade of the building's front facade to the top of the highest eave;
        (iv) Appurtenances. Chimneys, antennae and other similar appurtenances may exceed the overall building height by no more than 25 feet;
        (v) Towers. Maximum height, measured from the top of the upper story to the top of the tower, is the equivalent of the height of one upper floor of the building to which the tower is applied. This additional floor does not count toward the overall height of the building. Refer to Section 50-22.4 (E);
3. Ground story and upper story minimum and maximum height. (Refer to Figure 50-22.5-B.) Each building type includes a permitted range of height in feet for each story, which is measured as follows:
    (a) Floor height is measured in feet from the floor of a story to the floor of the story above it;
    (b) For single story buildings and the uppermost story of a multiple story building, floor to floor height shall be measured from the floor of the story to the tallest point of the ceiling;
4. Where a building spans a block, and the block is adjacent to two street frontages with different building height maximums, the maximum height is determined as follows:
    (a) Where a block is adjacent to two streets with different maximum building heights, the midpoint between those two streets is the point where the maximum building height transition occurs;
    (b) Where a block is between Superior Street and Michigan Street, the greater maximum building height allowed on Superior Street extends through the entire block to Michigan Street;

5. In the situation where a single party owns frontage along a street corner, the maximum height for corner parcels applies to lots with the same street frontage owned by the same property owner within 100 feet of the corner;
6. For structures within the downtown area of the Downtown and Canal Park Special Parking District as shown in 50-24.1, the maximum height for all building types may exceed the maximum height normally allowed for the specific building type as shown in 50-22.7 by 50% if the building's proposed use meets specific housing priorities of the City as described in the most recently adopted Comprehensive Plan, but may not exceed 200 feet in any event.

(Ord. No. 10722, 12-14-2020, § 5)

C. Uses.

1. Ground story. The uses that may occupy the ground story of a building. Refer to Article III, *Permitted uses*;
2. Upper story. The uses that may occupy the upper stories of a building. Refer to Article III, *Permitted uses*;
3. Parking within building. The area(s) of a building in which parking is permitted within the structure;
4. Occupied space. The area(s) of a building that must be occupied by the users on a regular basis;

D. Facade requirements.

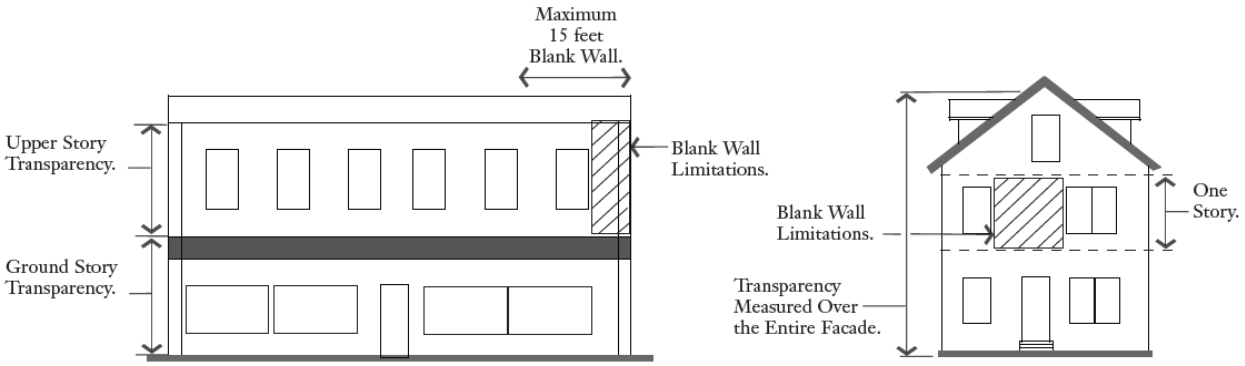


Figure 50-22.5-C: Measuring transparency

1. Transparency. Measurement of the percentage of a facade that has clear, non-reflective windows. Refer to Figure 50-22.5-C;
    (a) Minimum transparency. The minimum amount of transparency required on the upper stories of facades with street frontage, measured per story or per facade, depending on the building type. Buildings with storefront and shopfront base types are required to have a greater ground story transparency on the front facade, as defined in Section 50-22.3, *Base types*;
    (b) Blank wall limitations. A restriction of the amount of windowless area permitted on a facade with street frontage. If required, the following shall be met:
        (i) No rectangular area greater than 30 percent of a story's facade, as measured from floor to floor, may be windowless; and
        (ii) No horizontal distance greater than 15 feet of a story's facade may be windowless;
2. Building entrance.
    (a) Principal entrance location. The facade on which the primary building entrance is to be located;
    (b) Street facades. Number of entrances on street facade. The maximum spacing between entrances on a building facade with street frontage;
3. Balconies. The following requirements pertain to balconies on building facades with street frontage;
    (a) Size. The minimum dimensions of a permitted balcony;
    (b) Facade coverage. The percentage of a facade's total area that may be covered by balconies, including street facing railing and balcony structure;
    (c) Access. The number of units that are permitted to gain entry to an individual balcony;
    (d) Structure. Requirements related to the construction of a balcony. Two types of balcony structures are permitted:
        (i) Independently secured balconies are those that are connected directly to the building and are unconnected to other balconies;
        (ii) Balconies that are integral to the facade are a part of, and built in conjunctiton with, the building structure;

E. Cap and base type requirements.

1. Cap type. The cap type(s) permitted for a given building type. Refer to 50-22.4, *Cap types,* for more specific requirements;
2. Tower. A vertical building extension that may be permitted in conjunction with another cap type on certain building types. Refer to 50-22.4(E), *Cap types*;
3. Front street facade base type. The base type(s) required on the street-facing facade of a given building type. Refer to 50-22.3, *Base types*, for more specific requirements;
4. Parking lot facade base type. The base type(s) required on the facade of a given building type that faces a parking lot. Refer to 50-22.3, *Base types*, for more specific requirements;

F. Façade materials requirement.

The materials prohibited, required and to be avoided for designated facades. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10284, 3-10-2014, § 2.)

50-22.6 Additional development standards.

The following provides additional required physical standards for the uses outlined as permitted in Article III, *Permitted uses*.

A. Automobile and light vehicle repair and service.

1. Service bays. Vehicular service bays, including garages and car wash bays, shall not be located on the front façade;
2. Outdoor activities. All repairs or washing activities must occur inside a structure;

B. Filling station: fuel pumps and canopies.

Refer to Figure 50-22.6-A.

1. Fuel pumps are permitted in the side or rear yards;
2. If a lot containing fuel pumps is adjacent to any residential district, the boundary with those districts shall be buffered in accordance with the standards in Section 50-25.5.B;
3. Canopy roof structures shall match the roof structure of the principal structure on the lot;
4. Canopy height shall not exceed the height of the principal structure on the lot;
5. Signage is not permitted on the canopy;

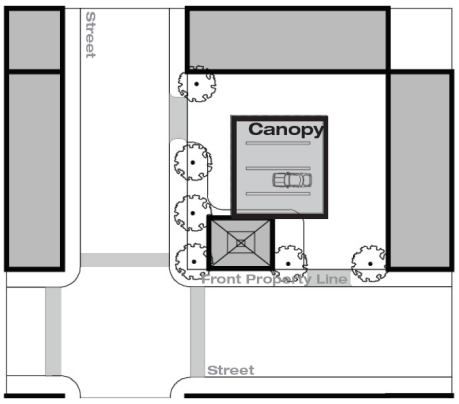


Figure 50-22.6-A: Relationship between the principal structure and the pump islands

C. Drive-through.

Refer to Figure 50-22.6-B.

1. The drive-through shall be located on the side or rear façade;
2. When occurring adjacent to any residential district, the boundary with those districts shall be buffered in accordance with the standards in Section 50-25.5.B;

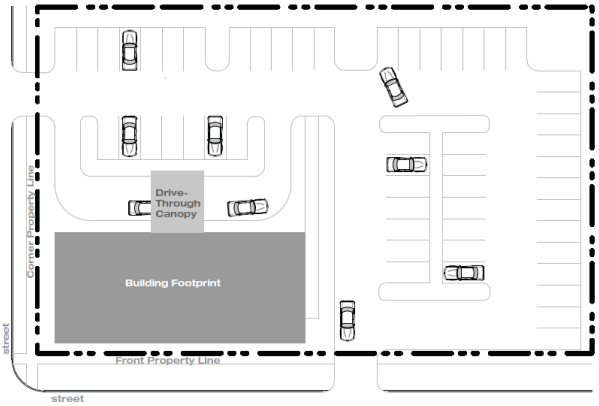


Figure 50-22.6-B: drive-through

D. Parking structure.

Facades of parking structures visible from any public right-of-way shall meet the following requirements:

1. Vertical expression lines are required every 60 feet;
2. Ramped floors shall not be visible from the street. Garage openings shall be organized in stories. Story dimensions shall match adjacent buildings, measured between nine feet and 14 feet floor to floor;
3. The street facing façade surface of the structure shall be articulated with the same level of detail and the same type of material as adjacent buildings. Brick masonry shall be the dominant surface material, occupying a minimum of 50 percent of the street facing façade surface;
4. Garage entries and exits shall be located on secondary streets or alleys. (Ord. No. 10044, 8-16-2010, § 6; cited only by Ord. No. 10284, 3-10-2014, § 2.)

50-22.7 Building type summary table.

Table 50-22.7-1: Building Type Summary Table.

Type	Street Frontage				Side & Rear Yard Setbacks		Buildable Area	
	Multiple Buildings Permitted on a Lot	Front Yard BTZ or setback (feet)	Corner Side Yard BTZ or setback (feet)	Minimum Coverage of Front Build-to-Zone	Minimum Side Yard Setback (feet)	Minimum Rear Yard Setback (feet)	Minimum Landscape Area	Minimum Lot Width (feet)
Main Street Building I	No	0-15	0-15	65%; BTZ may exclude permitted driveway	0	5	10%	30
Main Street Building II	No	0-5	0-5	95%	0	5	0%	20
Main Street Building III	No	0-5	0-5	95%	0	0	0%	20
Corridor Building I	Yes	5-15	5-15	65%	0	5	10%	30
Corridor Building II	Yes	0-15	0-15	75%	0	5	15%	50
Lakefront Corridor Building	Yes	0-25 BTZ on Lakefront; 0-15 BTZ along Canal Park Drive	0-15	33% on street face; 65% on Lakefront	10% of lot width on each side or aggregate on one side	Not Applicable	20%	50
Corridor Building III	No	0-5	0-5	85%	0	0	0%	50
Cottage Commercial I	Yes	5-20	5-20	60%	5	5	10%	50
Cottage Commercial II	No	0-15	0-15	60%	0	5	20%	50
Iconic	Yes	5’ setback	5’ setback	Not Applicable	5	5	20%	50

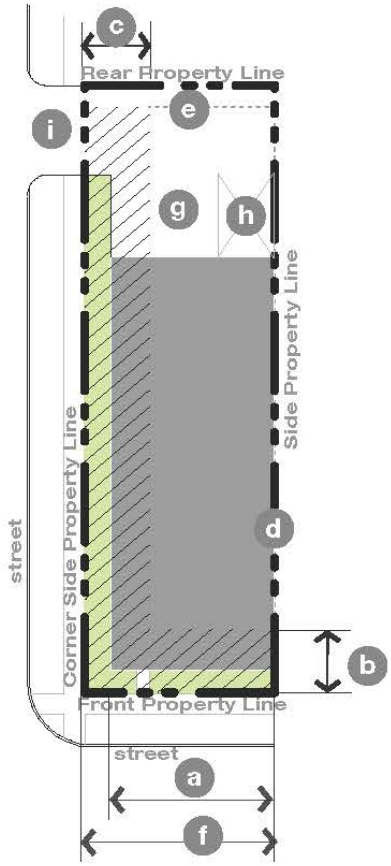
1 Tower permitted for all Building Types;
2 Two driveways may be permitted through Land Use Supervisor approval if frontage exceeds 200';
3 15 Stories or 188' as measured from W Superior Street, permitted from Mesaba Ave to N 4th Ave E;
4 Ground floor transparency may be greater depending on base type;

Parking & Access		Building Height		Transparency		Entrance	Cap and Base Type	
Location of Parking Facilities (yard)	**Number of Permitted Driveways**	**Minimum Principal Building Height (stories)**	**Maximum Principal Building Height**	**Min Front & Corner Side Facade Transparency per Story*4***	**Blank Wall Limitations**	**Primary Entrance Location**	**Allowed Cap Types*1***	**Allowed Base Types**
Rear; single or double side aisle permitted	1 driveway permitted per frontage*2*	1	37' along East Superior Street; 45' along London Road	20%	Required	Front or Corner Side Facade	Parapet, Flat Roof, Pitched Roof	Storefront
Rear	If no alley exists, 1 driveway permitted per frontage*2*	1	55'; 80’ on Lake Avenue	20%	Required	Front or Corner Side Facade	Parapet, Flat Roof, Pitched Roof	Arcade, Storefront
Rear	If no alley exists, 1 driveway permitted per frontage*5*	1; 2 along Superior Street	80'; 116' on corner parcels only; 188' along Superior Street*3*	20%	Required	Front or Corner Side Facade	Parapet, Flat Roof	Arcade, Storefront
Rear, Single or double side aisle permitted	1 driveway permitted per frontage*2*	1	45'	20%	Required	Front or Corner Side Facade	Parapet, Flat Roof, Pitched Roof	Stoop, Porch
Rear	If no alley exists, 1 driveway permitted per frontage*2*	1	55'; 80’ on Lake Avenue	20%	Required	Front or Corner Side Facade	Parapet, Flat Roof, Pitched Roof	Stoop, Porch
Must be screened from the Lakefront by building	1 driveway permitted per every 140' of frontage	1	55'	20%	Required only on street or Lakefront facades	Visible from street	Parapet, Flat Roof, Pitched Roof	Stoop or Porch on Lake or parking lot face; Storefront or Stoop on street face
Rear	If no alley exists, 1 driveway permitted per frontage*5*	1	80'; 116' on corner parcels only; 188' along Superior Street*3*	20%	Required	Front or Corner Side Facade	Parapet, Flat Roof	Stoop
Rear, Single or double side aisle permitted	1 driveway permitted per frontage*2*	1	33'	20%	Not required	Front of Corner Side Facade	Pitched Roof	Shopfront, Porch, Stoop
Rear	If no alley exists, 1 driveway permitted per frontage*2*	1	33'	20%	Not required	Front of Corner Side Facade	Pitched Roof	Shopfront, Porch, Stoop
Rear, Single side aisle permitted	1 driveway permitted per frontage*2*	1	55'	10%	Not required	Front or Corner Side Facade	Parapet, Flat Roof, Pitched Roof	Stoop

(Ord. No 10044, 8-16-2010, Ord. No 10096, 7-18-2011; Ord. No. 10284, 3-10-2014; Ord No. 10522 9-11-2017)

50-22.8 Main street building I.

A. Building Siting



1. Street Frontage

Multiple Principal Buildings	Not permitted
Front Build-to Zone Coverage	65%; BTZ may exclude permitted driveway **(a)**
Occupation of Corner	Required
Front BTZ	0'to 15' **(b)**
Corner BTZ	0'to 15' **(c)**

2. Building Area

Side Yard Setback	0' **(d)**
Rear Yard Setback	5' **(e)**
Minimum Lot Width	30' **(f)**
Minimum Landscape Area	10%

3. Parking Lot, Loading & Access

Parking Lot Location	Rear yard, Single or double aisle permitted in side yard **(g)**
Loading Facility Location	Rear or side building facade **(h)**
Access	1 driveway permitted per frontage, 2 driveways may be permitted through Land Use Supervisor approval if frontage exceeds 200' **(i)**

B. Height

Minimum Overall Height	1 story **(j)**
Maximum Overall Height	37' along East Superior; 45' along London Road **(k)**

C. Uses

Ground Story	Refer to Article 3. Permitted Uses **(l)**
Upper Story	Refer to Article 3. Permitted Uses **(m)**
Parking within Building	Permitted in the rear of the ground floor and fully in any other floor
Occupied Space	30' depth space required on ground floor facing Primary Street **(n)**

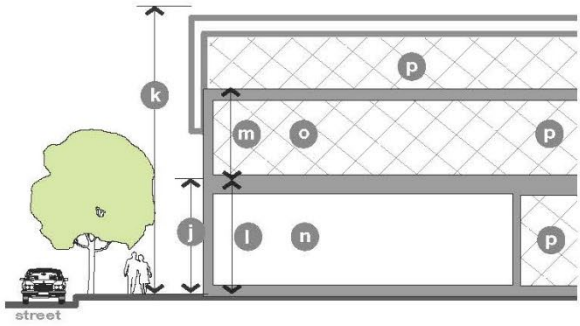


Figure 50-22.8(B): Height & Use Requirements.

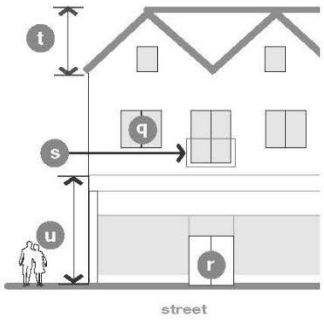


Figure 50-22.8(C): Facade Requirements.

D. Street Facade Requirements

1. Transparency **(o)**

Minimum Transparency	20% per floor
Blank Wall Limitations	Required

2. Building Entrance

Principal Entrance Location	Front or Corner Side Facade of building **(p)**
Street Facades	No. of Entrances: 1 per 50' of Front Facade

3. Balconies (if provided) **(q)**

Size	Minimum 3' deep and 5' wide
Facade Coverage	Maximum 30% of front & corner side facades, calculated separately
Access to Balcony	Maximum one (1) dwelling unit
Structure	Independently secured and unconnected to other balconies, or integral to the façade

E. Cap & Base Type Requirements

Cap Type	Parapet, Flat Roof, Pitched Roof **(r)**
Tower	Permitted
Street Facade Base Type	Storefront **(s)**

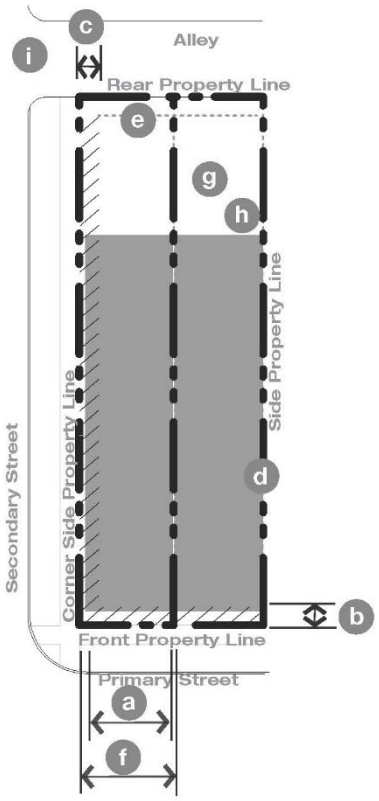
(Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10284, 3-10-2014, § 2; Ord No. 10522 9-11-2017)

50-22.9 Main street building II.

A. Building Siting

1. Street Frontage

Multiple Principal Buildings	Not permitted
Front Build-to-Zone Coverage	95% **(a)**
Occupation of Corner	Required
Front BTZ	0'to 5' **(b)**
Corner BTZ	0'to 5' **(c)**



2. Buildable Area

Side Yard Setback	0' **(d)**
Rear Yard Setback	5' **(e)**
Minimum Lot Width	20' **(f)**
Minimum Landscape Area	0%

3. Parking Lot, Loading & Access

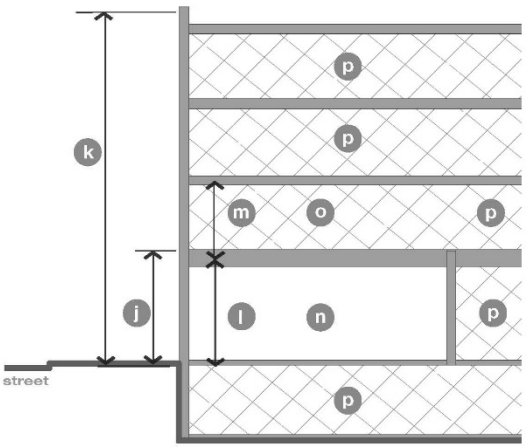
Parking Lot Location	Rear yard (g)
Loading Facility Location	Rear building facade (h)
Access	No driveway permitted if alley access is available; if no alley exists, 1 driveway permitted per frontage; 2 driveways may be permitted through Land Use Supervisor approval if frontage exceeds 200' (i)

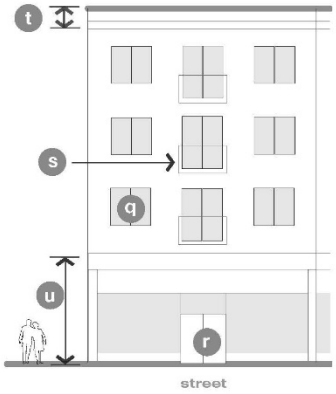
B. Height

Minimum Overall Height	1 story **(j)**
Maximum Overall Height	55'; 80’ on Lake Avenue **(k)**

C. Uses

Ground Story	Refer to Article 3. Permitted Uses **(l)**
Upper Story	Refer to Article 3. Permitted Uses **(m)**
Parking withing Building	Permitted in the rear of the ground floor and fully in any other floor **(n)**
Occupied Space	30' depth space required on ground floor facing Primary Street





D. Street Facade Requirements

1. Transparency **(o)**

Minimum Transparency	20% per floor
Blank Wall Limitations	Required

2. Building Entrance

Principal Entrance Location	Front or Corner Side Facade of building (p)
Street Facades	No. of Entrances: 1 per 75' of Front Facade

3. Balconies (if provided) **(q)**

Size	Minimum 3' deep and 5' wide
Facade Coverage	Maximum 30% of front & corner side facades, calculated separately
Access to Balcony	Maximum one (1) dwelling unit
Structure	Independently secured and unconnected to other balconies, or integral to the facade

E. Cap & Base Type Requirements

Cap Type	Parapet, Flat Roof, Pitched Roof (r)
Tower	Permitted
Street Facade Base Type	Arcade, Storefront (s)

F. Facade Materials Requirements[*2*]

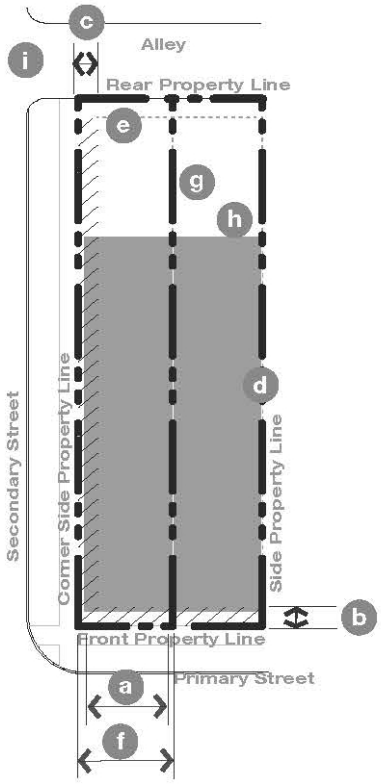
Permitted Facade Materials	Durable, natural materials, such as stone, brick, stucco, metal, and concrete
Permitted Upper Story Facade Materials	Painted or Stained Wood
Required Materials	Minimum 60% masonry on each facade, red brick preferred
Materials to Avoid	Imitation materials intended to look like natural materials, Residential grade windows and doors on the ground story; painted brick or stone
Prohibited Materials on Facades	Concrete masonry units, utility or economy bricks more than 3" in height, untreated wood, and exterior insulation & finishing systems (EIFS)
Facade Colors	Historic Paint Palettes by any major brand, also on file at City Hall

[*2*] Facade materials requirements apply only to the Canal Park area

(Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10284, 3-10-2014, § 2; Ord No. 10522 9-11-2017)

50-22.10 Main street building III.

A. Building Siting



1. Street Frontage

Multiple Principal Buildings	Not permitted
Front Build-to-Zone Coverage	95% **(a)**
Occupation of Corner	Required
Front BTZ	0'to 5' **(b)**
Corner BTZ	0'to 5' **(c)**

2. Buildable Area

Side Yard Setback	0' **(d)**
Rear Yard Setback	0' **(e)**
Minimum Lot Width	20' **(f)**
Minimum Landscape Area	0%

3. Parking Lot, Loading & Access

Parking Lot Location	Rear yard **(g)**
Loading Facility Location	Rear building facade **(h)**
Access	No driveway permitted if alley access is available; if no alley exists, 1 driveway permitted per frontage; 2 driveways may be permitted through Land Use Supervisor approval if frontage exceeds 300' **(i)**

B. Height

Minimum Overall Height	1 story; 2 stories along Superior Street **(j)**
Maximum Overall Height	80; 116' on corner parcels only; 188' along Superior Street *1,2* **(k)**

C. Uses

Ground Story	Refer to Article 3. Permitted Uses **(l)**
Upper Story	Refer to Article 3. Permitted Uses **(m)**
Parking withing Building	Permitted in the rear of all floors and fully in any basement **(n)**
Occupied Space	30' depth & 30' height required facing Primary Streets; 30' depth required on ground floor facing Secondary Streets

1 15 stories/188' height shall be measured from Superior

2 15 stories permitted from Mesaba Ave to N 4th Ave E on W Superior Street

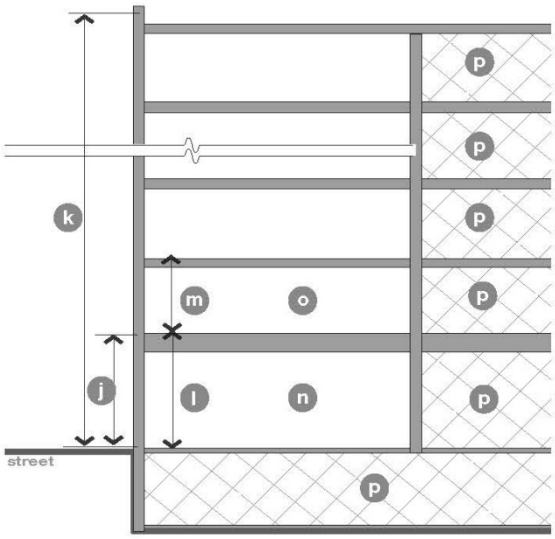


Figure 50-22.10(B): Height & Use Requirements.

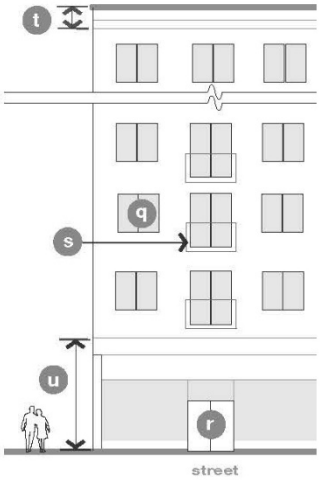


Figure 50-22.10(C): Facade Requirements.

D. Street Facade Requirements

1. Transparency **(o)**

Minimum Transparency	20% per floor
Blank Wall Limitations	Required

2. Building Entrance

Principal Entrance Location	Front or Corner Side Facade of building **(p)**
Street Facades	No.of Entrances: 1 per 75' of Front Facade

3. Balconies (if provided) (q)

Size	Minimum 3' deep and 5' wide
Facade Coverage	Maximum 30% of front & corner side facades, calculated separately
Access to Balcony	Maximum one (1) dwelling unit
Structure	Independently secured and unconnected to other balconies, or integral to the facade

E. Cap & Base Type Requirements

Cap Type	Parapet, Flat Roof (r)
Tower	Permitted
Street Facade Base Type	Arcade, Storefront (s)

(Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10284, 3-10-2014, § 2; Ord No. 10522 9-11-2017)

50-22.11 Corridor building I.

A. Building Siting

1. Street Frontage

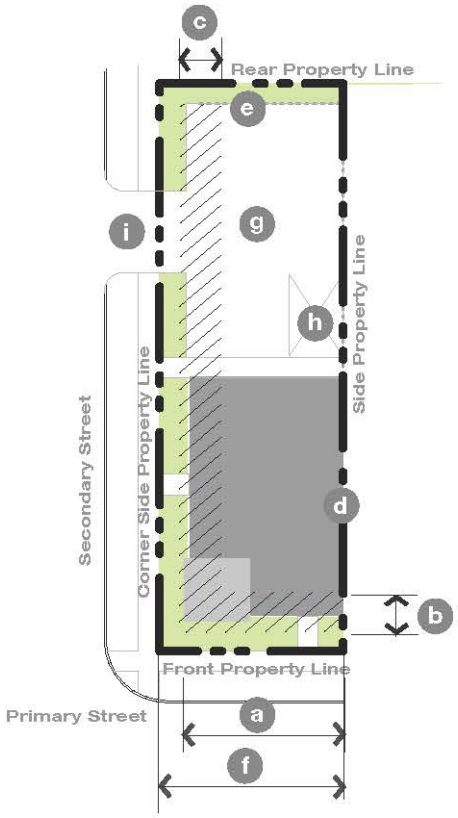
Multiple Principal Buildings	Permitted
Front Build-to-Zone Coverage	65% **(a)**
Occupation of Corner	Required
Front BTZ	5' to 15' **(b)**
Corner BTZ	5' 'to 15' **(c)**

2. Buildable Area

Side Yard Setback	0' **(d)**
Rear Yard Setback	5' **(e)**
Minimum Lot Width	30' **(f)**
Minimum Landscape Area	10%

3. Parking Lot, Loading & Access **(g)**

Parking Lot Location	Rear yard; Single or double aisle permitted in side yard **(h)**
Loading Facility Location	Rear or side building facade
Access	1 driveway permitted per frontage; 2 driveways may be permitted through Land Use Supervisor approval if frontage exceeds 200' **(i)**

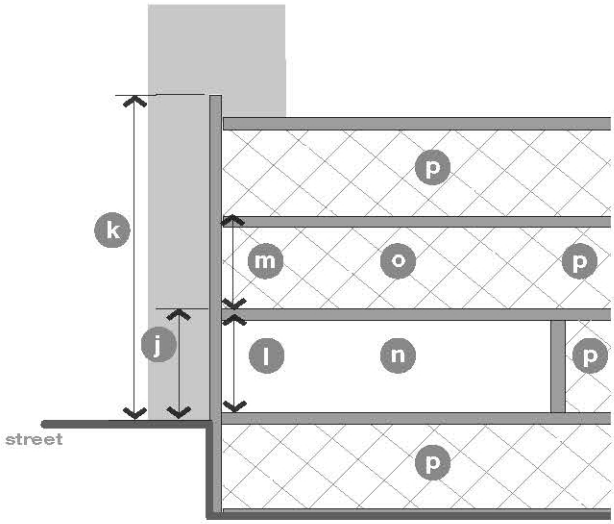


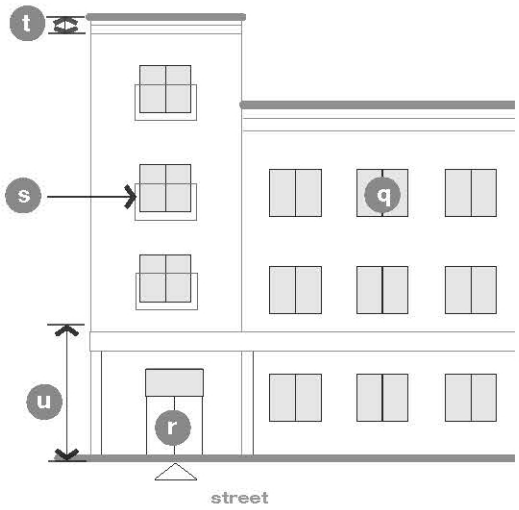
B. Height

Minimum Overall Height	1 story **(j)**
Maximum Overall Height	45' **(k)**

C. Uses

Ground Story	Refer to Article 3. Permitted Uses **(l)**
Upper Story	Refer to Article 3. Permitted Uses **(m)**
Parking within Building	Permitted in the rear of the ground floor and fully in any other floor **(n)**
Occupied Space	30' depth space required on ground floor facing Primary Street





D. Street Facade Requirements

1. Transparency

Minimum Transparency	20% per floor **(o)**
Blank Wall Limitations	Required

2. Building Entrance

Principal Entrance Location	Front or Corner Side Facade of building **(p)**
Street Facades	No. of Entrances: 1 per 50' of Front Facade

3. Balconies (if provided) (q)

Size	Minimum 3' deep and 5' wide
Facade Coverage	Maximum 30% of front & corner side facades, calculated separately
Access to Balcony	Maximum one (1) dwelling unit
Structure	Independently secured and unconnected to other balconies, or integral to the facade

E. Cap & Base Type Requirements

Cap Type	Parapet, Flat Roof, Pitched Roof **(r)**
Tower	Permitted
Street Facade Base Type	Stoop, Porch[*2*] **(s)**

[*2*] Porch, Stoop, or stairs may encroach to within 2' of the property line

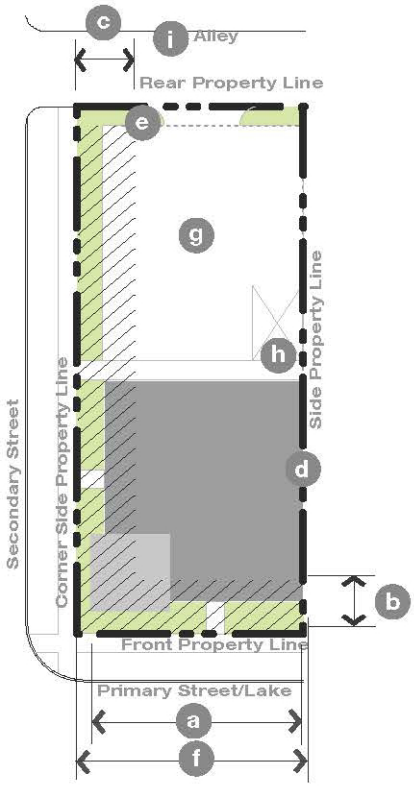
(Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10284, 3-10-2014, § 2; Ord No. 10522 9-11-2017)

50-22.12 Corridor building II.

A. Building Siting

1. Street Frontage

Multiple Principal Buildings	Permitted
Front Build-to Zone Coverage	75%
Occupation of Corner	Required **(a)**
Front BTZ	0’ to 15' **(b)**
Corner BTZ	0' to 15' **(c)**



2. Building Area

Side Yard Setback	0' **(d)**
Rear Yard Setback	5' **(e)**
Minimum Lot Width	50' **(f)**
Minimum Landscape Area	15%

3. Parking Lot, Loading & Access

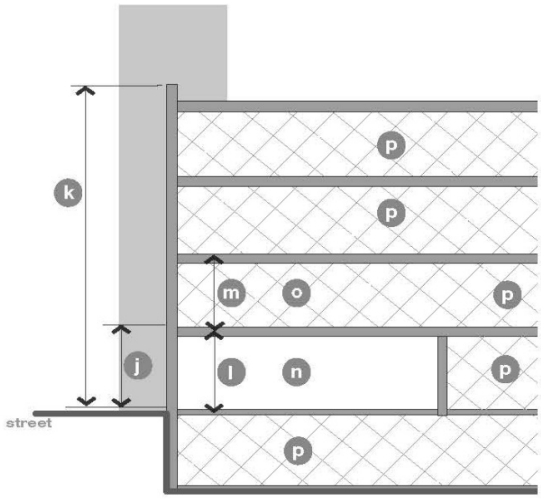
Parking Lot Location	Rear yard **(g)**
Loading Facility Location	Rear building facade **(h)**
Access	No driveway permitted if alley access is available; If no alley exists, 1 driveway permitted per frontage; 2 driveways may be permitted through (special exception) if frontage exceeds 200' **(i)**

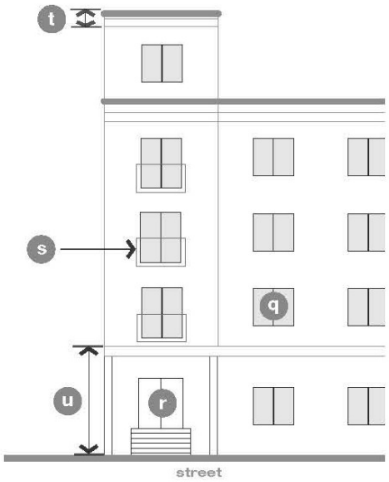
B. Height

Minimum Overall Height	1 story **(j)**
Maximum Overall Height	55'; 80’ on Lake Avenue **(k)**

C. Uses

Ground Story	Refer to Article 3. Permitted Uses **(l)**
Upper Story	Refer to Article 3. Permitted Uses **(m)**
Parking within Building	Permitted in the rear of the ground floor and fully in any other floor **(n)**
Occupied Space	30' depth space required on ground floor facing Primary Street





D. Street Facade Requirements

1. Transparency **(o)**

Minimum Transparency	20% per floor
Blank Wall Limitations	Required

2. Building Entrance

Principal Entrance Location	Front or Corner Side Facade of building **(p)**
Street Facades	No. of Entrances: 1 per 75' of Front Façade

3. Balconies (if provided) **(q)**

Size	Minimum 3' deep and 5' wide
Facade Coverage	Maximum 30% of front & corner side facades, calculated separately
Access to Balcony	Maximum one (1) dwelling unit
Structure	Independently secured and unconnected to other balconies, or integral to the facade

E. Cap & Base Type Requirements

Cap Type	Parapet, Flat Roof, Pitched Roof **(r)**
Tower	Permitted
Street Facade Base Type	Stoop, Porch **(s)**

F. Facade Materials Requirements[*2*]

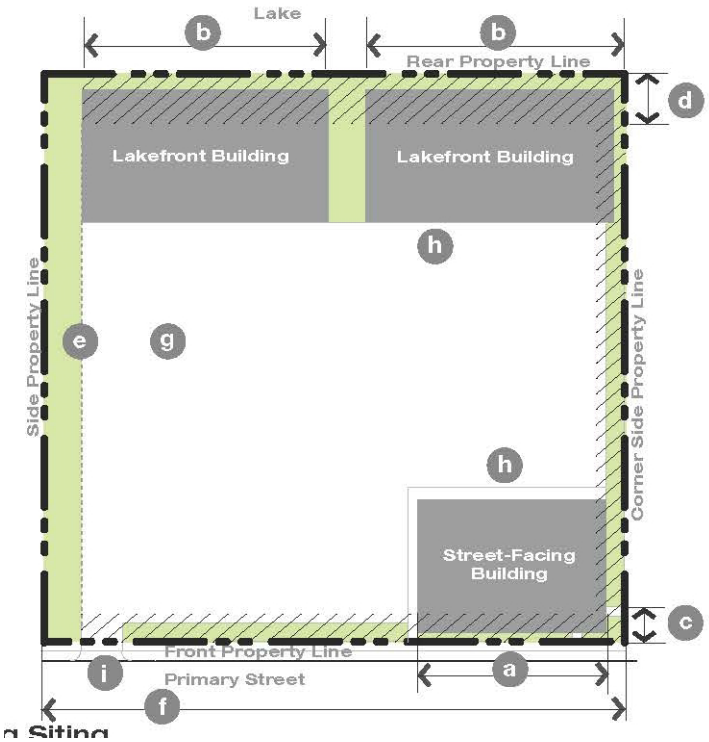
Permitted Facade Materials	Durable, natural materials, such as stone, brick, stucco, metal, & concrete
Permitted Upper Story Facade Materials	Painted or Stained Wood
Required Materials	Minimum 60% masonry on each facade, red brick preferred
Materials to Avoid	Imitation materials intended to look like natural materials; Residential grade windows & doors on the ground story; painted brick or stone
Prohibited Materials on Facades	Concrete masonry units, utility or economy bricks more than 3" in height, untreated wood, & exterior insulation & finishing systems (EIFS)
Facade Colors	Historic Paint Palettes by any major brand, also on file at City Hall

[*2*] Facade materials requirements apply only to the Canal Park

(Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10284, 3-10-2014, § 2; Ord No. 10522 9-11-2017)

50-22.13 Lakefront corridor building.

A. Building Siting



1. Street & Lake Frontage

Multiple Principal Buildings	Permitted
Build-to Zone Coverage:	
Front & Corner BTZ	33% **(a)**
Rear BTZ on Lakefront	65% **(b)**
Occupation of Corner	Required
Build-to-Zone:	
Front & Corner BTZ on Street Face	0-15' **(c)**
Rear BTZ on Lakefront	0-25' **(d)**

2. Buildable Area

Side Yard Setback	10% of lot width on each side or aggregate on one side **(e)**
Rear Yard Setback	Not applicable
Lakefront Access Easement	Minimum 50' wide easement from Canal Park Drive to the Lakewalk[*1*]
Minimum Lot Width	50' **(f)**
Minimum Landscape Area	20%

3. Parking Lot, Loading & Access

Parking Lot Location	Must be screened from the Lakefront by building **(g)**
Loading Facility Location	Not permitted on Street per Lakefront Facades **(h)**
Access	1 driveway permitted per every 140' of street frontage **(i)**

B. Height

Minimum Overall Height	1 story **(j)**
Maximum Overall Height	55' **(k)**

C. Uses

Ground Story	Refer to Article 3. Permitted Uses **(l)**
Upper Story	Refer to Article 3. Permitted Uses **(m)**
Parking within Building	Permitted in the rear of the ground floors and fully in any basement **(n)**
Occupied Space	30' depth space facing Primary Street or space on front façade

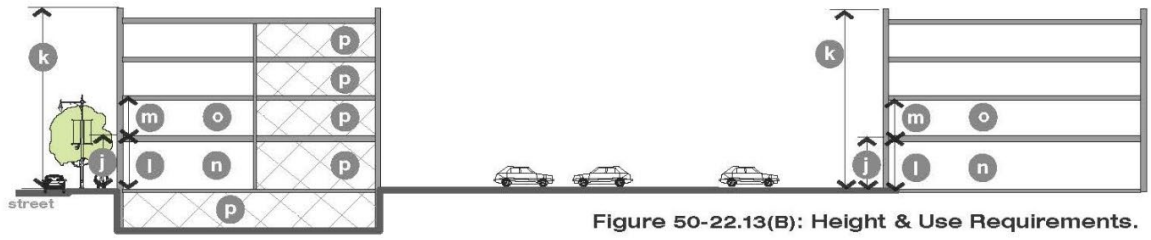
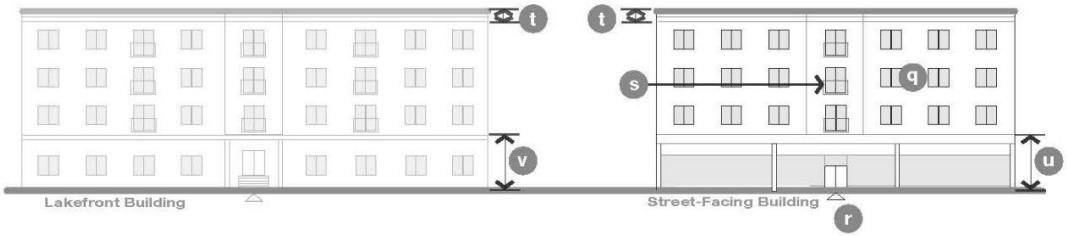


Figure 50-22.13(B): Height & Use Requirements.



D. Street, Lakefront, & Parking Lot Facade Requirements

1. Transparency **(o)**

Minimum Transparency	20% per floor
Blank Wall Limitations	Required only on Street & Lakefront Facades

2. Building Entrance

Principal Entrance Location	Visible from Street **(p)**
Street Facades	No. of Entrances 1 per 100' of Front Facade
Lakefront Facade	1 per 150' of Front Facade

3. Balconies (if provided) **(q)**

Size	Minimum 3' deep and 5' wide
Facade Coverage	Maximum 30% of front & corner side facades, calculated separately
Access to Balcony	Maximum one (1) dwelling unit
Structure	Independently secured and unconnected to other balconies, or integral to the facade

E. Cap & Base Type Requirements

Cap Type	Parapet, Flat Roof, Pitched Roof **(r)**
Tower	Permitted
Street Facade Base Type	Storefront, Stoop **(s)**
Parking Lot Facade Base Type Visible from Street	Stoop, Porch **(t)**
Lakefront Facade Base Type	Stoop, Porch **(t)**

F. Facade Materials Requirements

Permitted Facade Materials	Durable, natural materials, such as stone, brick, stucco, metal, & concrete
Permitted Upper Story Facade Materials	Painted or stained wood
Materials to Avoid	Imitation materials intended to look like natural materials; Residential grade windows & doors on the ground story; painted brick or stone
Prohibited Materials on Facades	Concrete masonry units, utility or economy bricks more than 3" in height, untreated wood, & exterior insulation & finishing systems (EIFS)
Facade Colors	Historic Paint Palettes by any major brand, also on file at City Hall

(Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10284, 3-10-2014, § 2; Ord No. 10522 9-11-2017)

50-22.14 Corridor building III.

A. Building Siting

1. Street Frontage

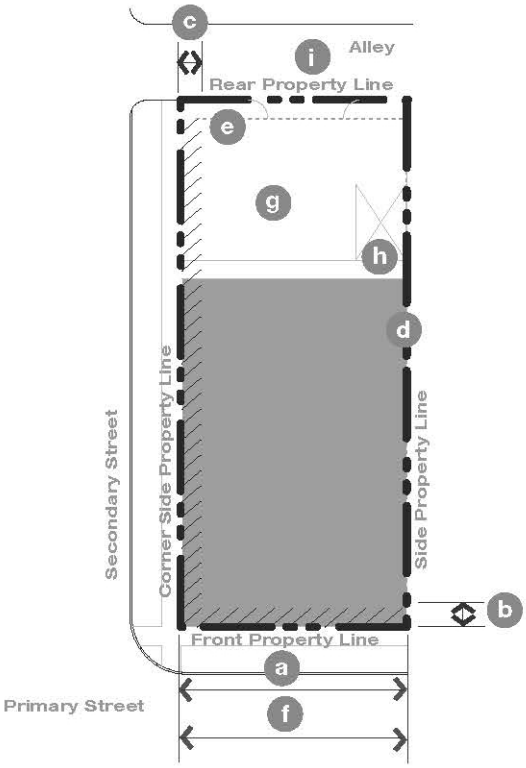
Multiple Principal Buildings	Not Permitted
Front Build-to Zone Coverage	85% **(a)**
Occupation of Corner	Required
Front BTZ	0' to 5' **(b)**
Corner BTZ	0' to 5' **(c)**

2. Buildable Area

Side Yard Setback	0' **(d)**
Rear Yard Setback	0' **(e)**
Minimum Lot Width	50' **(f)**
Minimum Landscape Area	0%

3. Parking Lot, Loading & Access

Parking Lot Location	Rear Yard **(g)**
Loading Facility Location	Rear Building Facades **(h)**
Access	No driveway permitted if alley is available; if no alley exists; 1 driveway permitted per frontage; 2 driveways may be permitted through Land Use Supervisor approval if frontage exceeds 300' **(i)**



B. Height

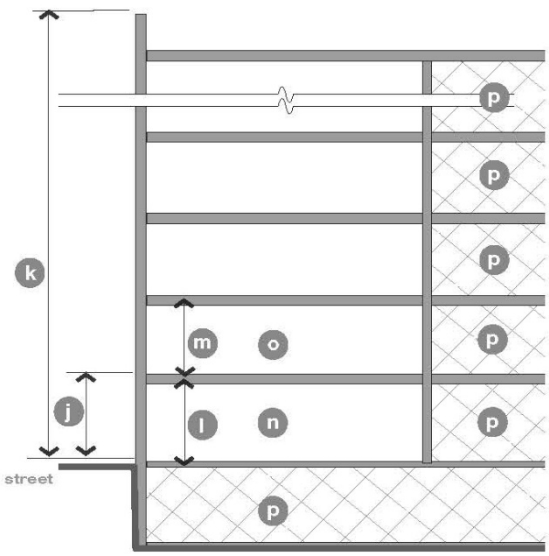
Minimum Overall Height	1 story **(j)**
Maximum Overall Height	80'; 116' on corner parcels only; 188' along Superior street[*1] [2*] **(k)**

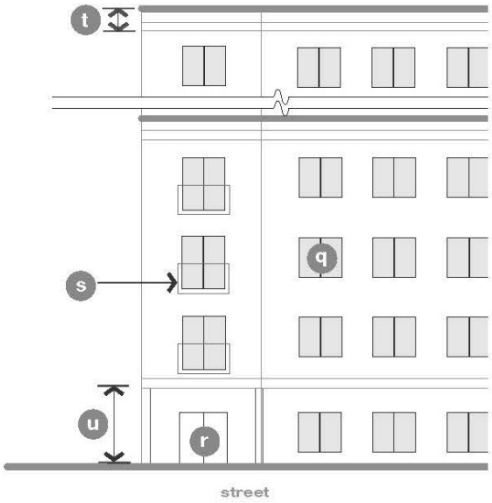
C. Uses

Ground Story	Refer to Article 3. Permitted Uses **(l)**
Upper Story	Refer to Article 3. Permitted Uses **(m)**
Parking within Building	Permitted in the rear of all floors and fully in any basement **(n)**
Occupied Space	30' depth & 30' height required facing Primary Streets; 30' depth required on ground floor facing Secondary Streets

[*1*]15 Stories/188' height shall be measured from Superior Street

[*2*] 15 Stories permitted from Mesaba Ave to N 4th Ave E on W Superior Street





D. Street Facade Requirements

1. Transparency **(o)**

Minimum Transparency	20% per floor
Blank Wall Limitations	Required

2. Building Entrance **(p)**

Principal Entrance Location	Front or Corner Side Facade of Building
Street Facades	No. of Entrances: 1 per 75' of Front Facade

3. Balconies (if provided) **(q)**

Size	Minimum 3' deep and 5' wide
Facade Coverage	Maximum 30% of front & corner side facades, calculated separately
Access to Balcony	Maximum one (1) dwelling unit
Structure	Independently secured and unconnected to other balconies, or integral to the facade

E. Cap & Base Type Requirements

Cap Type	Parapet, Flat Roof **(r)**
Tower	Permitted
Street Facade Base Type	Stoop **(s)**

(Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10284, 3-10-2014, § 2; Ord No. 10522 9-11-2017)

50-22.15 Cottage Commercial I.

A. Building Siting

1. Street Frontage

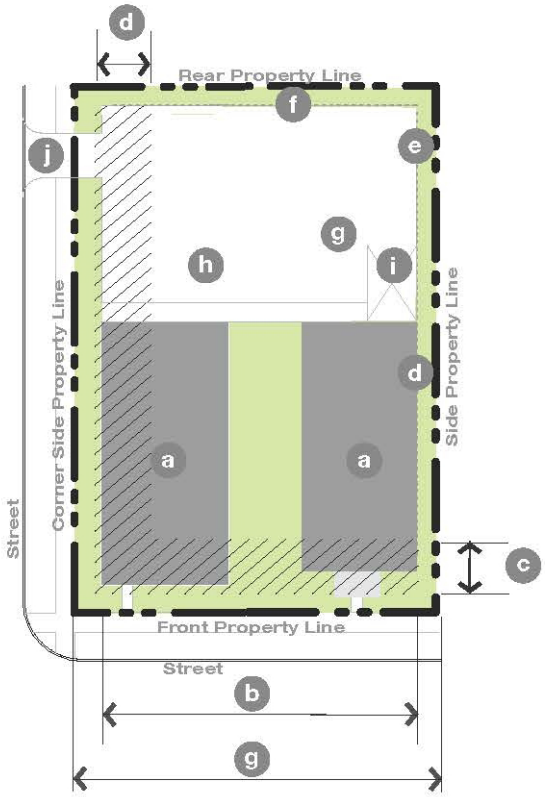
Multiple Principal Buildings	Permitted[*1*] **(a)**
Front Build-to Zone Coverage	60% **(b)**
Occupation of Corner	Required
Front BTZ	5' 'to 20' **(c)**
Corner BTZ	5' 'to 20' **(d)**

2. Buildable Area

Side Yard Setback	5' **(e)**
Rear Yard Setback	5' **(f)**
Minimum Lot Width	50' **(g)**
Minimum Landscape Area	10%

3. Parking Lot, Loading & Access

Parking Lot Location	Rear Yard, Single or double **(h)**
Loading Facility Location	Rear or side building facade **(i)**
Access	1 driveway permitted per frontage; 2 driveways may be permitted through Land Use Supervisor approval if frontage exceeds 200' **(j)**



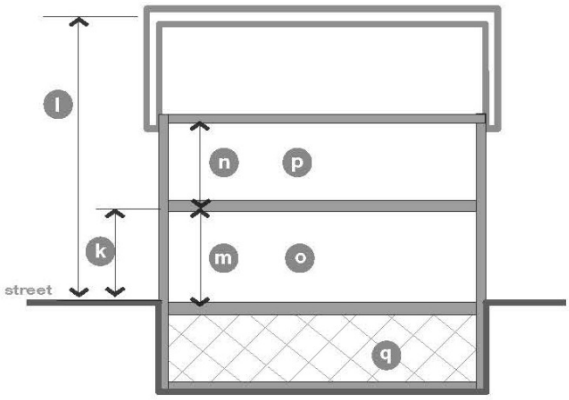
B. Height

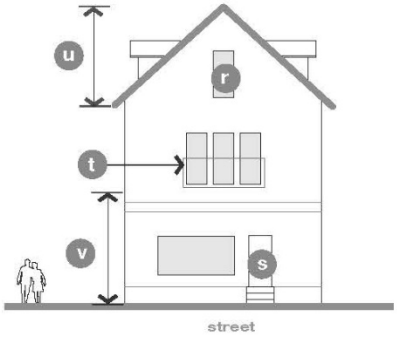
Minimum Overall Height	1 story **(k)**
Maximum Overall Height	33' **(j)**

C. Uses

Ground Story	Refer to Article 3. Permitted Uses **(m)**
Upper Story	Refer to Article 3. Permitted Uses **(n)**
Parking within Building	Permitted in the rear of all floors and fully in any basement **(o)**
Occupied Space	30' depth space facing Primary Streets; façade

[*1*]Each principal building shall have a width of less than 75' & meet the applicable requirements for the Building Type included in this Section





D. Street Facade Requirements

1. Transparency **(p)**

Minimum Transparency	20% per floor
Blank Wall Limitations	Required

2. Building Entrance

Principal Entrance Location	Front or Corner Side Facade of Building **(q)**
Street Facades	No of Entrances: Not Required

3. Balconies (if provided) **(r)**

Size	Minimum 3' deep and 5' wide
Facade Coverage	Maximum 30% of front & corner side facades, calculated separately
Access to Balcony	Maximum one (1) dwelling unit
Structure facade	Independently secured and unconnected to other balconies, or integral to the

E. Cap & Base Type Requirements

Cap Type	Pitched Roof **(s)**
Tower	Permitted
Street Facade Base Type	Shopfront, Porch, Stoop[*3*] **(t)**

(Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10284, 3-10-2014, § 2; Ord No. 10522 9-11-2017)

[*3*]Porch, Stoop or stairs may encroach to within 2' of the property line

50-22.16 Cottage commercial II.

A. Building Siting

1. Street Frontage

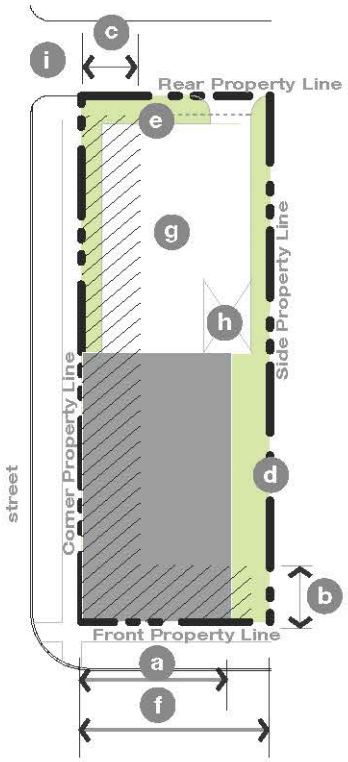
Multiple Principal Buildings	Not Permitted
Front Build-to Zone Coverage	60% **(a)**
Occupation of Corner	Required
Front BTZ	0' to 15' **(b)**
Corner BTZ	0' to 15' **(c)**

2. Buildable Area

Side Yard Setback	0' **(d)**
Rear Yard Setback	5' **(e)**
Minimum Lot Width	50' **(f)**
Minimum Landscape Area	20%

3. Parking Lot, Loading & Access

Parking Lot Location	Rear Yard **(g)**
Loading Facility Location	Rear building facade **(h)**
Access	No driveway permitted if alley access is available; If no alley exists, 1 driveway permitted per frontage; 2 driveways may be permitted through Land Use Supervisor approval if frontage exceeds 200' **(i)**

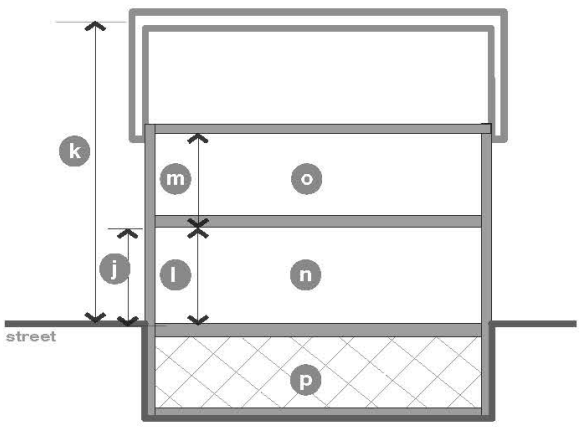


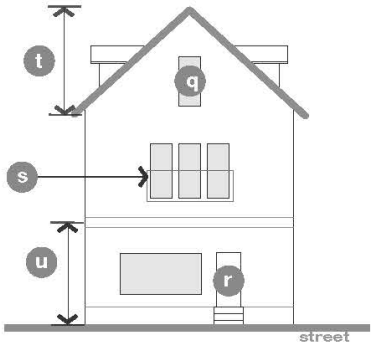
B. Height

Minimum Overall Height	1 story **(j)**
Maximum Overall Height	33' **(k)**

C. Uses

Ground Story	Refer to Article 3. Permitted Uses **(l)**
Upper Story	Refer to Article 3. Permitted Uses **(m)**
Parking within Building	Permitted in the rear of all floors and fully in any basement **(n)**
Occupied Space	30' depth space facing Primary Streets or space on front façade





D. Street Facade Requirements

1. Transparency **(o)**

Minimum Transparency	20% per floor
Blank Wall Limitations	Not Required

2. Building Entrance

Principal Entrance Location	Front or Corner Side Facade of Building **(p)**
Street Facades	No. of Entrances: Not Required

3. Balconies (if provided) **(q)**

Size	Minimum 3' deep and 5' wide
Facade Coverage	Maximum 30% of front & corner side facades, calculated separately
Access to Balcony	Maximum one (1) dwelling unit
Structure	Independently secured and unconnected to other balconies, or integral to the facade

E. Cap & Base Type Requirements

Cap Type	Pitched Roof **(r)**
Tower	Permitted
Street Facade Base Type	Shopfront, Porch, Stoop **(s)**

(Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10284, 3-10-2014, § 2; Ord No. 10522 9-11-2017)

50-22.17 Iconic building.

A. Building Siting

1. Street Frontage

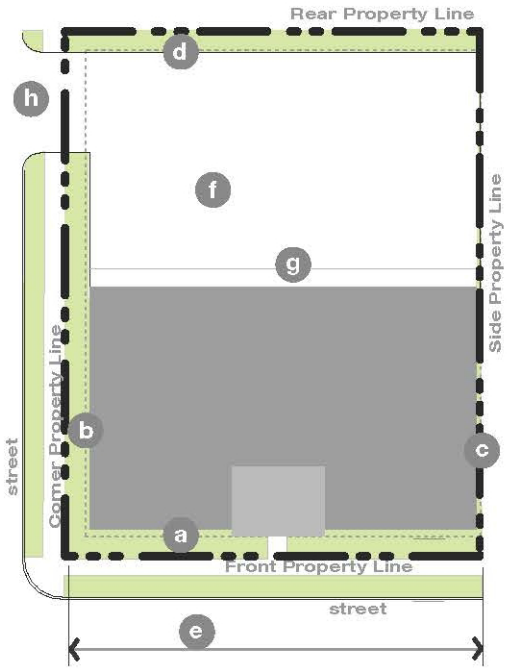
Multiple Principal Buildings	Permitted
Front Build-to Zone Coverage	Not Applicable
Occupation of Corner	Not Required
Front BTZ	5' **(a)**
Corner BTZ	5' **(b)**

2. Buildable Area

Side Yard Setback	5' **(c)**
Rear Yard Setback	5' **(d)**
Minimum Lot Width	50' **(e)**
Minimum Landscape Area	20%

3. Parking Lot, Loading & Access

Parking Lot Location	Rear Yard; Single aisle permitted in side yard **(f)**
Loading Facility Location	Rear building facade **(g)**
Access	1 driveway permitted per frontage; 2 driveways may be permitted through Land Use Supervisor approval if frontage exceeds 200' **(h)**

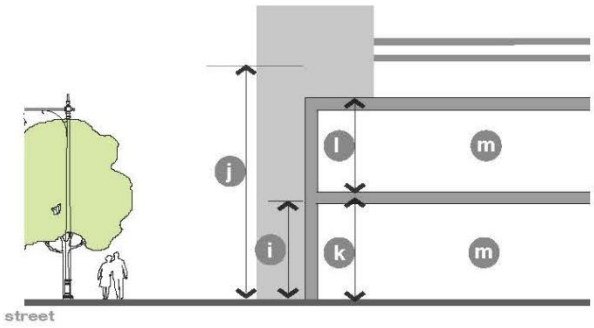


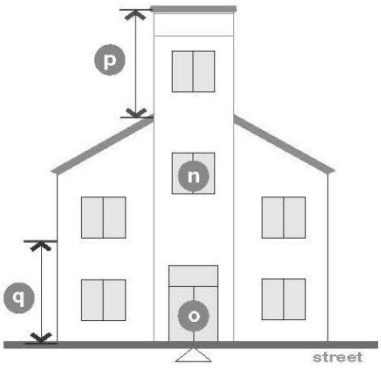
B. Height

Minimum Overall Height	1 story **(i)**
Maximum Overall Height	55' **(j)**

C. Uses

Ground & Upper Stories	Only Civic, Institutional, Utility, & Recreation uses are permitted in the Iconic Building Type. Local designated historic landmarks are exempt from this requirement **(k)**
Parking within Building	Permitted in the rear of all floors and fully in any basement
Occupied Space	30' depth space facing Primary Streets or space on front façade





D. Street Facade Requirements

1. Transparency **(l)**

Minimum Transparency	10% per floor
Blank Wall Limitations	Not Required

2. Building Entrance

Principal Entrance Location	Front or Corner Side Facade of Building **(m)**
Street Facades	No. of Entrances: Not Required

E. Cap & Base Type Requirements

Cap Type[*2*]	Parapet, Pitched Roof, Flat Roof **(n)**
Tower	Permitted
Street Facade Base Type	Stoop **(o)**

(Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10284, 3-10-2014, § 2; Ord No. 10522 9-11-2017)

[*2*]Other cap types not listed here may be approved by the Land Use Supervisor

50-23 CONNECTIVITY AND CIRCULATION.

50-23.1 Applicability and exemptions.

This Section 50-23 shall apply to all new subdivision, replatting, registered land surveys (RLSs), development and redevelopment applications after November 19, 2010. General circulation requirements are listed in Section 50-23.2, but additional circulation requirements apply in some circumstances. Sites that are (a) located in any zone district other than the RC, RR-1, RR-2, MU-B, I-G, or I-W districts, and (b) larger than three acres, and (c) will contain more than one development parcel shall meet the connectivity index requirements of Section 50-23.3. All new subdivision, replatting, development, and redevelopment applications shall meet the requirements of Section 50-23.4, and those containing more than one principal building shall meet the requirements of Section 50-23.5. (Ord. No. 10044, 8-16-2010, § 6.)

50-23.2 General circulation requirements.

Applications for subdivision, replatting, RLS, development, or redevelopment shall meet the following standards:

A. Where adopted city plans show a bicycle or pedestrian path or trail or sidewalk, the site design shall provide connections to those paths or trails or sidewalks;

B. Any requests by the city for designation or dedication of land for bicycle or pedestrian trails within a proposed development shall comply with the provisions of Section 50-33.8, *Land for public purposes*;

C. Unless the city engineer waives the requirement in writing based on concerns of public safety, or site/ topography constraints:

1. Each proposed street within a new subdivision, regardless of zoning designation, shall be public and designed and constructed to city engineer construction standards;
2. Each proposed public or private street within the R-1, R-2, R-P, MU-P, MU-N, MU-C, MU-I or MU-W districts shall include a sidewalk at least five feet wide or a multi-use trail at least eight feet wide on at least one side of the street, as determined by the City Engineer. The sidewalk or multi-use trail shall be set back from the edge of curb by at least five feet to allow room for snow storage and/or landscape features;
3. Each proposed public or private street within the MU-B, I-G or I-W districts shall include a sidewalk at least five feet wide or a multi-use trail at least eight feet wide on one side of the street;
4. Proposed public or private sidewalk and multi-use trails shall use the most direct path practical;

D. Whenever cul-de-sac streets are created, one ten foot wide pedestrian access/public utility easement shall be provided, between the cul-de-sac head or street turnaround and the sidewalk system of the closest adjacent street or pedestrian sidewalk or pathway, unless the city engineer determines that public access in that location is not practicable due to site or topography constraints (refer to Figure 50-23-A);

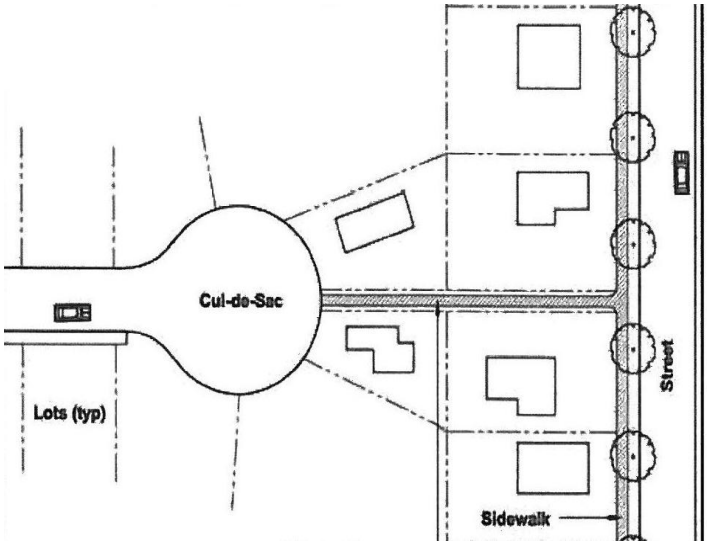


Figure 50-23-A: 10 ft. access easement from head of cul-de-sac to nearest street or path

E. A pedestrian way at least ten feet in width shall be provided near the middle of any block face longer than 800 feet in order to provide connections with streets on either side of the block;

F. Any use requiring vehicle access from a public street or alley shall be referred to the city engineer for review before any permits are issued. The city engineer shall consider, but not be limited to, the following factors when determining whether to approve the proposal:

1. The consolidation of curb cuts shall be encouraged, and new curb cuts shall be discouraged whenever appropriate, considering safe traffic flow, the objectives of this chapter, and access points needed for the proper function of the use;
2. Functional classification of the road where the curb cut is proposed;
3. The location of driveways shall be at least 100 feet from an intersection. The city engineer may permit driveways closer to an intersection due to limited lot frontage or site/topography constraints;
4. The location of driveways relative to other existing uses is such that street traffic shall not be seriously disrupted and no unnecessary hazards shall be established for pedestrians. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 25; Ord. No. 10458, 7-11-2016, § 1; Ord. No. 10733, 1-11-2021, § 4)

50-23.3 Connectivity index for larger non-exempt developments.

A. Requirements.

1. A connectivity index is calculated by dividing the number of “links” in the proposed development by the number of “nodes” in the same development;
2. In order to promote walkability and reduce the number and length of vehicular trips both within developments and between new developments and surrounding areas, each development or redevelopment covered by this Section 50-23 shall provide internal junctions and external connections to achieve a connectivity index calculation of at least 1.65;
3. In addition, each street frontage of the development shall include at least one street stub or connection to the external street system every 1,500 feet;
4. The land use supervisor may reduce the required connectivity index, the requirement for external street connections, or the requirement for cul-de-sac access easements if compliance with the provisions of this subsection is impracticable due to site or topography constraints;

B. Example.

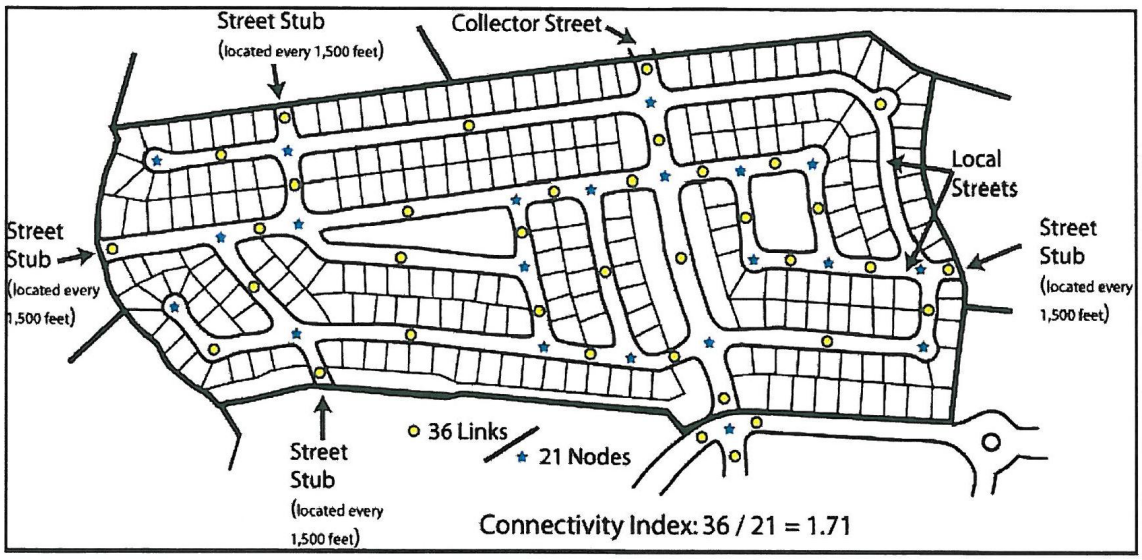


Figure 50-23-B: Example: There are 36 links (circles) and 21 nodes (stars).

(Ord. No. 10044, 8-16-2010, § 6.)

50-23.4 Americans with Disabilities Act.

All "places of public accommodation," as defined in the federal Americans with Disabilities Act (42 U.S.C. 12101 et. seq.) shall comply with the requirements of that act concerning on-site circulation and access. (Ord. No. 10044, 8-16-2010, § 6.)

50-23.5 Multi-building developments.

Commercial developments containing more than one principal building on a single lot or parcel shall include an unobstructed walkway or pathway providing access between the principal buildings. The walkway or pathway shall be at least five feet wide. (Ord. No. 10044, 8-16-2010, § 6.)

50-23.6 Skywalks.

A. The location and design of skywalks should not compromise the historic or architectural integrity of existing buildings;

B. Design of skywalks shall be approved based on their architectural sensitivity, harmony and cohesiveness with the historic/industrial waterfront character of the surrounding area;

C. New skywalks installed and existing sidewalks remodeled at a cost of more than 50 percent of their assessed value after November 19, 2010, shall be designed so that 66 percent of each vertical side elevation is made of glass or transparent materials. A lower level of transparency can be reduced, but not to less than 50 percent, if a higher level of transparency is technically infeasible due to span length and engineering limitations. (Ord. No. 10044, 8-16-2010, § 6.)

50-23.7 Safe routes to school

Any subdivision approved by the City of Duluth on or after January 1, 2019, shall incorporate Safe Routes to School Infrastructure where applicable. (Ord. No. 10592, 9-24-18, § 1)

50-24 PARKING AND LOADING.

50-24.1 Applicability.

Development and redevelopment that provides off-street parking must follow all the provisions of this Section.

(Ord. No. 10044, 8 16 2010, § 6; Ord. No. 10096, 7 18 2011, § 26.; Ord. No. 10868, 12-11-23, § 7)

50-24.2 Maximum parking spaces.

All development and redevelopment after December 11, 2023, shall adhere to a maximum amount of off street parking as stated in the table below unless an exemption from or variation of this requirement is provided in another section of this Chapter. Any use not listed is exempt from maximum parking requirements.

Off-street parking spaces that existed on November 18, 2010, and that were composed of hard-surfaced, dust-free material such as concrete, bituminous, or pervious paving materials may continue even if they exceed the maximum parking limit.

Table 50-24-1: Maximum-Off-Street Parking

Use	Maximum
RESIDENTIAL USES	
Dwelling, townhouse	2.5 spaces per dwelling unit
Dwelling, multi-family	2.5 spaces per dwelling unit
Residential care facility	1 space per 3 residential care beds
Sober house	1 space per 3 single occupancy beds
Rooming house	2 spaces per habitable unit
PUBLIC, INSTITUTIONAL AND CIVIC USES	
Club or lodge (private)	4 spaces per 1,000 sq. ft. of floor area
Hospital	As determined by approved MU-I Plan
Medical or dental clinic	6 spaces per 1,000 sq. ft. of gross floor area
Nursing home	2 spaces per 6 beds
Religious assembly	1 space per 2 seats or per 100 sq. ft. in main auditorium, whichever is greater
COMMERCIAL USES	
Automobile and light vehicle repair and service	3 spaces per 1,000 sq. ft. of gross floor area
Automobile and light vehicle sales, rental or storage	3 spaces per 1,000 sq. ft. of gross floor area
Bank	5 spaces per 1,000 sq. ft of gross floor area
Building material sales	1.5 spaces per 1,000 sq. ft. of gross floor area
Business park support activities	3 spaces per 1,000 sq. ft. of gross floor area
Convention and event center	1 space per 2.5 seats or per 100 sq. ft. in auditorium and event spaces, whichever is greater
Daycare facility	1.5 spaces per 5 persons care capacity
Filling station	6 spaces per 1,000 sq. ft. gross floor area plus 1 per service stall
Garden material sales	1.5 spaces per 1,000 sq. ft. of gross floor area
Grocery store	5 spaces per 1,000 sq. ft. of gross floor area
Hotel or motel	1 space per guest room plus 1 per 150 sq. ft. of gross floor area in all accessory uses including restaurants and meeting rooms
Indoor entertainment facility	4 spaces per 1,000 sq. ft. of gross floor area.
Marina or yacht club	4 spaces per 1,000 sq. ft. of clubhouse area, plus 1 per 10 boat slips
Office	4 spaces per 1,000 sq. ft of gross floor area
Personal service or repair	4 spaces per 1,000 sq. ft. of gross floor area
Preschool	1.5 spaces per 5 persons care capacity
Restaurant	10 spaces per 1,000 sq. ft. of gross floor area
Retail store	4.5 spaces per 1,000 sq. ft. of gross floor area
Theater	1 space per 4 seats or 2 per 150 sq. ft. in main auditorium, whichever is greater
Truck or heavy vehicle sales, rental, repair or storage	1.5 spaces per 1,000 sq ft. of gross floor area
Vacation dwelling unit	As indicated in Section 50-20.3
Veterinarian or animal hospital	4 spaces per 1,000 sq. ft. of gross floor area
INDUSTRIAL USES	
• Contractor's shop and storage yard • Dry cleaning or laundry plant	1.5 spaces per 1,000 sq. ft. of gross floor area
ACCESSORY USES	
Accessory bed and breakfast	1 space for primary use dwelling; plus 1.5 spaces per habitable unit

(Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 27; Ord. No. 10286, 3-10-2014, § 10; Ord. No. 10340, 11-24-2014, § 1; Ord. No. 10458, 7-11-2016, § 2; Ord 10746, 5-10-2021, § 5; Ord. No. 10868, 12-11-23, § 9; Ord. No. 10868, 12-11-23 § 10)

50-24.3 Calculation of parking spaces.

The following rules shall apply to calculation of the number of required parking spaces:

A. Floor area shall mean the gross floor area of the specific use;

B. Requirements for a fraction of a parking space shall be ignored;

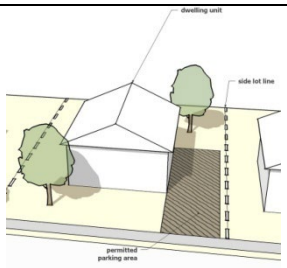
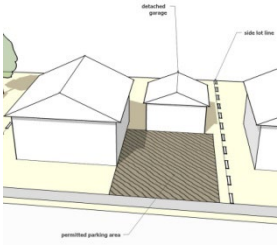
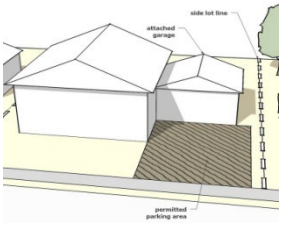
C. The parking space requirement for a use not specifically listed in Table 50-24-1 shall be the same as for the most similar use listed in that table, as determined by the land use supervisor; (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10509, 6-12-2017, §1; Ord. No. 10868, 12-11-2023, §12)

50-24.4 Location of parking spaces.

A. Parking location within the site.

Parking spaces for all motorized vehicles and trailers shall only be provided on those portions of the lot indicated in Table 50-24-3. (Ord. No. 10509, 6-12-17, §2; Ord. No. 10868, 12-11-2023, §13)

Table 50-24-3: Permitted Parking Areas

Type of Lot	Permitted Parking Area	
Residential Districts		
Non-corner lot with non-residential use	The rear yard and one side yard	
Non-corner lot with residential use and no garage	The rear yard, and the area between one side lot line and the nearest side wall of the dwelling unit and its extension to the improved street abutting the front yard (see diagram to the right).	
Non-corner lot with residential use and detached garage	The rear yard, and the area between the closest side lot line to the side wall of the dwelling unit nearest to the garage, and its extension to the improved street abutting the front yard (see diagram to the right).	
Non-corner lot with residential use and attached garage	The rear yard, and the area between the closest side lot line to the common wall separating the dwelling unit and garage, and its extension to the improved street abutting the front yard (see diagram to the right).	
Corner lot with residential use or non-residential use	The rear yard and one side yard	
Mixed Use and Special Purpose Districts		
All mixed use and special purpose districts	Buildings or projects constructed after November 19, 2010, shall locate no more than 50 percent of off-street accessory parking within the front yard, except as provided in Section 50-24.6.C or unless modified as part of an approved MU-I District Plan.	
Form districts	Parking only permitted on those portions of the lot permitted for the building type being constructed pursuant to secs. 50-16 and 50-22.	

B. Optional pedestrian walkways within parking areas.

For parking areas within mixed use and special purpose districts identified in Table 50-24.3, buildings or projects may locate up to 60 percent of off-street accessory parking within the front yard if a pedestrian walkway is provided. The pedestrian walkway shall:

- Include pedestrian-scaled lighting;
- Be raised or otherwise designed to encourage run-off and limit ponding during wet weather;
- Be visually recognizable to both pedestrians and motorists;
- Include trees and other landscaping along the length of the walkway, this landscaping can also be used to meet parking lot landscaping requirements in Section 50-25.4;
- Be at least eight feet wide; and
- Include well-marked crossings where the walkway intersects with private vehicle drives. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 30; Ord. No. 10153, 5-14-2012, § 5; Ord. No. 10286, 3-10-2014, § 11; Ord No. 10509, 6-12-2017, § 2; Ord. No. 10769, 9-27-2021, § 2)

50-24.5 Parking lot design standards.

A. General standards.

The design of off-street parking spaces, drive aisles, and driveways shall meet the standards shown in Table 50-24-4;

Table 50-24-4: Parking Design Standards

Parking Space Size*	
Size of Car	**Minimum Size of Parking Space**
Small	8.5 ft. x 15 ft.
Standard	9 ft. x 17 ft.

Aisle Widths		
Angle of Parking	**Minimum Width of Aisle**	
	One-Way	**Two-Way**
Parallel/no parking	11 ft.	21 ft.
30 degree	11 ft.	21 ft.
45 degree	13 ft.	23 ft.
60 degree	18 ft.	24 ft.
75 degree	20 ft.	24 ft.
90 degree	20 ft.	24 ft.

Permitted Percentage of Small Car Spaces (Applies to lots with more than 5 spaces)	
Size of Parking Lot	**Maximum Percentage of Small Cars**
6 to 100 spaces	40%
100 to 149 spaces	45%
150 or more spaces	50%

Required Surface Treatment/Paving	
Zone District	**Requirement**
All residential district parking areas	Surfaced in a dust free, hard surface material such as concrete or bituminous, or pervious paving materials, except for rear yards which may be surfaced in aggregate materials, compressed aggregates or similar surfaces if it is demonstrated that practices will be installed to prevent erosion.
All mixed use and special purpose districts	All parking areas and vehicle display lots, including on- and off-road vehicles, trailers, and all terrain vehicles, shall be surfaced in a dust free, hard surface material such as concrete or bituminous. Pervious paving material shall be approved by the city engineer.

*The area set aside for a parking space may encroach beyond the face of a curb a maximum of 1.5 ft., provided that (a) it does not include trees, posts, or other obstructions that would prevent a vehicle from fully utilizing the space, and (b) it is not included in required open space, landscape area requirements, or required pedestrian walkways.

Table 50-24-4: Parking Design Standards

(Ord. No. 10868, 12-11-2023, § 14)

B. Parking lot and driveway entrances.

All parking lot and driveway entrances must conform to the design specification regulations of the city engineer;

C. Snow storage areas.

A portion of each surface parking area shall be designated for snow storage. The areas required to meet the minimum parking requirements of this Section 50-24 shall not be used for snow storage. Snow storage areas may be landscaped if the vegetation is selected and installed so as not to be harmed by snow storage. Snow storage areas shall not count towards those landscape areas required by Section 50-25 unless it they are integrated with a side or rear buffer required by Section 50-25;

D. Parking lot walkways.

Each surface parking area that (a) serves a multi-family residential, commercial, public, institutional, civic, or mixed use, and (b) contains 50 or more parking spaces, and (c) contains any parking spaces located more than 300 feet from the front façade of the building shall contain at least one pedestrian walkway from allowing pedestrians to pass from the row of parking furthest from the primary building façade to the primary building entrance or a sidewalk allowing the pedestrian to reach the primary building entrance without crossing additional driving spaces or aisles. The required walkway must be at least five feet wide, shall not be located within a driving aisle, and shall be located in a landscaped island running perpendicular to the primary building façade if possible. If located in a landscaped island, the minimum width of the island shall be increased by five feet to accommodate the walkway without reducing the amount of landscaped area. If any parking space in the parking aisle located furthest from the primary structure is more than 200 feet from the walkway, additional similar walkways shall be required within 200 feet of those spaces. If there is a public sidewalk along the street frontage located within 50 feet of any required walkway, the walkway shall connect to that sidewalk;

50-24.6 Required loading space.

Unless otherwise provided in this Chapter, all construction of new buildings or expansions of existing buildings shall provide off street loading space shown in Table 50-24-5 below.

Table 50-24-5: Off-Street Loading Space Standards

Type of Use or Facility	Off-Street Loading Requirement
Office, hotel or motel	1 space for 20,000 sq.ft. of gross floor area
Personal service and repair not otherwise listed; building material sales; garden material sales; retail store not listed (large); automobile and light vehicle repair and service, automobile and light vehicle sales, rental, or storage; truck or heavy vehicle sales, rental, repair, or storage; wholesaling.	1 space for 20,000-50,000 sq.ft. of gross floor area; and 2 spaces for more than 50,000 sq.ft. gross floor area
Manufacturing	1 space for 25,000 to 50,000 sq.ft. of gross floor area; 2 spaces for more than 50,000 sq.ft. of gross floor area.

(Ord. No. 10044, 8-16-2010, § 6.)

50-24.7 Bicycle parking.

With the exception of single-family and two-family dwelling units, any new development, building expansions of more than 50% of the building's square footage, or renovations that exceed 50% of the building's value shall provide bicycle parking.

1. Short-term and employee bicycle parking (non-residential uses). Provide permanently anchored bicycle racks, which provide two points of contact with the frame at least 6-inches apart horizontally, within 50 feet of the building entrance. Racks shall accommodate parking for two bicycles plus 5 percent of motorized vehicle parking spaces on the site, and shall be located entirely on the property and not within the right of way. This requirement may be waived if the Land Use Supervisor and City Engineer determine there is no acceptable space for bicycle parking on the site.

2. Resident parking (residential uses). Secure bicycle parking shall be provided at a rate of 1 bicycle for every 5 dwelling units. Parking shall be convenient from the street and shall meet one or more of the following conditions: a) covered, lockable enclosures with permanently anchored racks for bicycles; b) lockable bicycle rooms with racks; or c) lockable bicycle lockers. This requirement may be waived if the Land Use Supervisor and City Engineer determine there is no acceptable space for bicycle parking on the site.

3. Bicycle parking requirements in support of uses in the MU-B, MU-W, I-G, I-W, or AP district may be adjusted based on the anticipated demand for bicycle parking at the site and to ensure the safety of all road users in industrial locations.

(Ord. No. 10868, 12-11-2023, § 16)

50-24.8 Electric vehicle charging stations.

With the exception of single-family and two-family dwelling units, any new development, building expansions of more than 50% of the building's square footage, or renovations that exceed 50% of the building's value shall provide bicycle parking.

1. In any new parking lot that is accessory to either a multi-family or hotel or motel use, electric vehicle (EV) charging stations shall be provided as follows: parking lots with 10 or more parking spaces must have EV charging stations or be EV ready for a minimum of 10% of the parking spaces. Charging stations must include Level 2 or higher chargers; if spaces are EV ready, the wiring must support Level 2 chargers. If the property is connected to solar or other renewable energy source, only 5% of the parking spaces are required to meet the EV charging/readiness requirements.

2. If the parking capacity of an existing parking lot with 20 or more spaces, that is also accessory to either a multi-family or hotel or motel use, is increased by 30% or more, EV charging stations shall be provided as noted in 50-24.7.1 above.

3. EV ready spaces shall include a cabinet, box or enclosure connected to a conduit linking parking spaces with 208/240V or higher voltage AC electrical service suitable for the number of charging stations.

(Ord. No. 10868, 12-11-2023, § 17)

50-25 LANDSCAPING AND TREE PRESERVATION.

50-25.1 Applicability.

A. The landscaping provisions of secs. 50-25.2 through 25.4 and 25.7 shall apply to lots and parcels in any zone district that contain (i) more than 10,000 square feet of lot area, and (ii) an existing or proposed primary structure with a multi-family, mixed use, commercial, institutional, industrial, or parking principal use, when any of the following conditions occur:

1. A new primary structure is constructed;
2. The floor area in an existing primary structure(s), taken collectively, is increased by more than 25 percent;
3. An existing primary structure is relocated on the lot or parcel;
4. The primary structure is renovated or redeveloped (including but not limited to reconstruction after fire, flood or other damage), and the value of that renovation or redevelopment, as indicated by building permits, is 75 percent or more of the pre-application assessor's market value of the primary structure, as shown in the records of the city assessor;
5. A new parking lot containing 25 or more spaces is constructed or an existing parking lot containing 25 or more spaces is reconstructed. Parking lots with less than 25 spaces must only provide the minimum tree canopy coverage as indicated in Section 50-25.4.B.6;

B. In any form district, landscaping shall not be required on the portion of a lot occupied by a principle structure;

C. The tree preservation provisions of Section 50-25.9 apply to all development or redevelopment on lots and parcels in any zone district that contain (i) more than 10,000 square feet of lot area, and (ii) a primary structure with a multi-family, mixed use, commercial, institutional, industrial, or parking principal use, as well as to any new lot of record created after November 19, 2010, regardless of the primary use of the property, in any zone district;

D. The landscaping between differing land uses provisions of Section 50-25.5 apply to all development or redevelopment on lots and parcels when there is a change of use. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 31; Ord. No. 10153, 5-14-2012, § 6; Ord. No. 10160, 6-25-2012, § 1; Ord. No. 10286, 3-10-2014, § 13, Ord. No. 10813, 09-12-22 §2)

50-25.2 General landscaping standards.

A. Landscape plan required.

A landscape plan shall be submitted as a part of all development applications for those activities listed in Section 50-25.1.A, unless the land use supervisor determines that compliance with the provisions of Section 50-25 can be demonstrated without the use of a landscape plan. A landscape plan may be combined with other required application materials if compliance with Section 50-25 can be demonstrated in the combined materials;

B. Plant materials.

Plant materials shall be from the city's approved landscaping plant list as shown in the UDC application manual. All plant material shall be hardy to Northeast Minnesota, suitable for the site, free of disease and insects and conform to the American Standard for Nursery Stock of the American Nursery and Landscape Association;

C. Minimum living materials.

In all areas where landscaping is required, a minimum of 50 percent of the surface area shall be covered by living materials, rather than bark, gravel or other non-living materials;

D. Existing vegetation.

Existing vegetation shall be protected during construction through use of a fence around an area sufficient to protect the health of the vegetation, and shall be incorporated into the landscape plan wherever possible;

E. Vegetation grouping.

Landscaping shall generally incorporate large irregular groupings of the same species of shrub, avoiding rigid or repeated specimen planting except for boulevard trees, and shall introduce multiple varieties within one general area. Except for plantings used for screening, no one species of tree or shrub may make up more than 50 percent of the total amount of landscape plantings;

F. Soil condition.

All required landscaping shall be planted in uncompacted soil with a minimum depth of two feet;

G. Grading and drainage.

All open areas shall be graded, properly drained and maintained according to stormwater standards in Section 50-18.1.E;

H. Raingardens and stormwater management features.

Areas included in raingardens or vegetated site features created to meet stormwater management requirements in Section 50-18.1.E shall be counted towards any required interior site or parking lot landscaping, and if vegetated to meet the requirements for any landscaped buffers shall count towards those buffer requirements;

I. Minimum plant sizes.

Where included as part of the required landscaping, deciduous trees shall have a minimum caliper of 2.5 inches, coniferous trees shall be a minimum of six feet in height, large shrubs shall be of a minimum five gallon container size and have a height of at least six feet at maturity, small shrubs shall be of a minimum five gallon container size and have a height of less than six feet at maturity, and ground cover shall be of a minimum one gallon container size. The above dimensions apply to sizes at time of planting. Deciduous trees planted using air pot containers instead of balled and burlap stock may have a minimum of 2.0 inches;

J. Plant material spacing.

Except for buffer zone provisions of Section 50-25.5, *Landscaping between differing land uses*, plant materials shall not be placed closer than four feet from any fence line or property line. Where tree planting requirements are based on linear street frontage, areas occupied by driveways shall be included when calculating the number of trees required to be planted, and any trees that would otherwise be required in driveways shall be planted in other landscaped front yard areas unless prohibited by minimum spacing requirements for that species as recommended by the American Standard for Nursery Stock of the American Nursery and Landscape Association. The land use supervisor may authorize adjustments to these spacing requirements when required due to topography, drainage, utilities or obstructions, provided that the total amount of required landscaping is not reduced;

K. Snow storage areas.

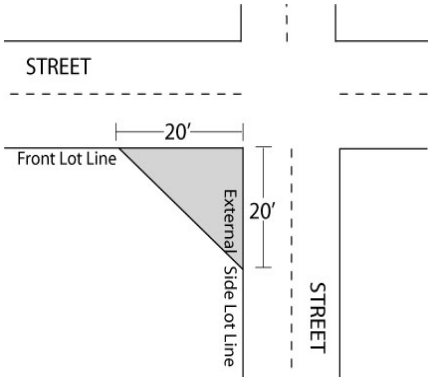
Areas required for snow storage and areas required for landscaping shall not overlap, except that snow may be stored on ground cover landscape areas (e.g., turf) that do not contain required landscape trees or other plantings;

L. City right-of-way.

Tree removal or planting in city rights-of-way shall be done only with the approval of the city forester;

M. Protection of site distances;

On any corner lot on which a front and side yard are required, no wall, fence, structure, sign, or any plant growth that obstructs sight lines at elevations between 2.5 feet and six feet above the driving surface of the adjacent roadway shall be maintained in a triangle formed by measuring from the point of intersection of the front and exterior side lot lines a distance of 20 feet along the front and side lot lines and connecting the points so established to form a right triangle on the area of the lot adjacent to the street intersection;



N. Delay of installation due to season.

Whenever the installation of required landscaping is not possible by the time construction on the primary structure or primary use parking lot has been completed, the city may authorize a delay in installation until no later than the following August 31. As a condition of authorizing a delay in installation, the city may require that a surety or other guarantee, in a form acceptable to the city, in the estimated amount of such installation be provided, or the city may issue a temporary certificate of occupancy, with the permanent certificate of occupancy to be issued following installation of all required landscaping;

O. Flexibility for redevelopment.

Where the requirements of this Section 50-25 apply to a redevelopment or reconstruction project, rather than a new development, the land use supervisor may authorize a reduction of minimum off-street parking requirements established in Section 50-24 by up to ten percent if required to accommodate street frontage landscaping required by Section 50-25.3 or parking area landscaping required by Section 50-25.4. (Ord. No. 10044, 8 16 2010, § 6; Ord. No. 10096, 7 18 2011, § 32; Ord. No. 10153, 5 14 2012, § 7.)

P. Protection of required landscaping.

Maintenance of landscaping required by this chapter, or landscape areas shown on site plans submitted as part of a zoning permit or building permit approval, is the ongoing responsibility of the property owner and his or her successors. Trees and vegetation that have died must be replaced.

Trees required by this section that are placed within 5 feet of a driving or parking surface shall be placed behind a raised curb, or planter, or similar physical barrier or obstacle to protect the tree trunks from interference by vehicles or snow removal operations. Curb openings for sidewalks or for drainage to the landscape areas are allowed.

Tree soil shall have a minimum depth of 2 feet and shall not contain different soil layers. The soil may not have any herbicides, heavy metals, biological toxins, or hydrocarbons that will impact plant growth or are at levels exceeding the EPA's standards for soil contaminants. No stones or particles greater than 1 inch in the longest dimension are permitted. This includes fragments of brick, concrete, wood, glass, metal, stone and plastic. (Ord. No. 10459, 7-11-2016, §1; Ord. No. 10670, 12-9-2019, §1)

50-25.3 Street frontage landscaping.

The street frontage of the property shall meet the following landscaping requirements.

A. Minimum average depth: See Table 50-25-1. An average depth allows the width of the landscape area to vary in size along different portions of the property to respond to varying site conditions and allow design flexibility;

Table 50-25-1: Average Depths of Street Frontage Landscaping Required

Context	Average Depth Required
Lots with no required front setback, and where the primary building abuts the front lot line	Exempt
Lots with less than 10,000 sq. ft. or lot area	Exempt
Lots with 10,000 to 20,000 sq. ft. of lot area	5 ft. along all street frontages
Lot over 20,000 sq. ft. of lot area	15 ft. in front street yards 10 ft. in side street yards 5 ft. on rear lot lines of double frontage lots

B. Required trees: One tree per 35 feet of linear frontage, planted (a) in alignment with any similar street frontage landscaping on adjacent lots, or if that is not possible or adjacent lots do not contain front yard landscaping then (b) as close to the public right-of-way as the city engineer will permit;

C. Required shrubs: one large shrub per 25 feet of linear frontage;

D. On lots adjacent to city-maintained boulevards, landscaping in the boulevards may be credited towards the landscaping requirements of this Section 50-25.3. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 33.)



Figure 50-25.4-A: Parking lot screening from public right-of-way

50-25.4 Parking lot landscaping.

Accessory and primary use parking lots shall provide the following amounts and types of landscaping unless alternative standards for specific situations are required pursuant to Section 50-26, *Screening, walls and fences*, or Section 50-30, *Design standards.* In any case where landscaping required by this Section 50-25.4 overlaps areas required to be landscaped by any other provision of this Section 50-25, the provisions of the section requiring more planting shall apply.

A. Perimeter screening from public streets.

1. Minimum width: five feet;
2. Required trees: one tree per 35 feet of linear frontage;
3. Required shrubs: three large shrubs per 25 feet of linear frontage, or if a berm or an opaque fence or wall at least three feet tall is erected, three small shrubs per 25 feet of linear frontage;

B. Interior landscaping requirements.

Except as provided in this Section, parking lots shall provide the following landscaping internal to the parking lot:

1. Minimum area: 15 percent of the interior parking lot area (excluding any perimeter areas required to be landscaped by sections 50-25.3, 50-25.4.A or B, or 50-25.5) for parking lots with more than 50 spaces, or ten percent of the interior parking lot area for parking lots between 25 and 50 spaces;
2. Location: Internal landscape areas shall be dispersed on the site to break up the perception of large uninterrupted expanse of pavement (see Figure 50-25.4-B);
3. Required trees: One tree per 300 square feet of internal landscape area. Tree species shall be chosen so that, combined with trees planted under subsections A. and B. above, parking lots will have a minimum tree canopy coverage of 30 percent at maturity;
4. Landscape areas shall be a minimum of eight feet in width (See Figure 50-25.4-C);
5. Curbing: Internal landscape areas shall be curbed for protection of the landscape materials, but planted areas shall be installed at a lower grade than the parking lot pavement, and curbing shall allow drainage from the pavement to enter and percolate through the landscaped areas;
6. Parking areas with less than 25 spaces are exempt from the provisions of 1 though 5 of this subsection, but must provide a minimum tree canopy of 30 percent at maturity. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 34.)

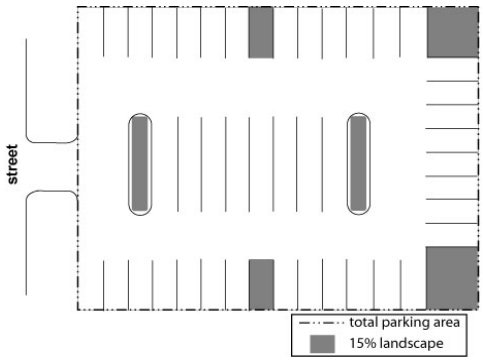


Figure 50-25.4-B: Required interior parking lot landscape areas

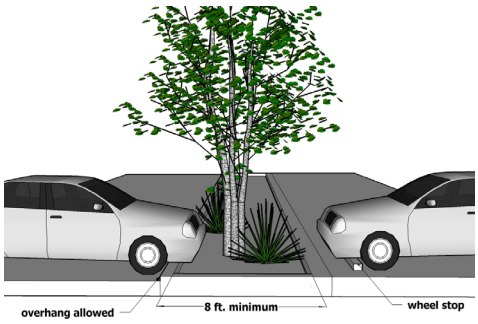


Figure 50-25.4-C: Minimum width of interior parking lot landscape areas

50-25.5 Landscaping between differing land uses.

In addition to landscaping required by sections 50-25.3 and 50-25.4, buffer areas are required to be landscaped when specific types of differing land uses occur adjacent to each other. These standards do not apply when the listed types of adjacencies occur within mixed use or form districts, but do apply where the boundaries of a mixed use or form district are adjacent to a residential or special purpose zone district. In any case where landscaping required by this Section 50-25.5 overlaps areas required to be landscaped by any other provision of this Section 50-25, the provisions of the section requiring more planting shall apply. These requirements only apply at the time of development or redevelopment (i.e., later development of an abutting land use will not result in an existing development being required to install buffer landscaping).

A. Multi-family residential abutting single-family residential.

Where a multi-family residential building or project with more than eight units abuts (a) a lot in the RC, RR-1, RR-2 or R-1 zone district, or (b) a lot in the R-2 district that is developed with a one-family use, a landscape buffer shall be provided using either Option A or B below.

1. Option A.
   A landscape buffer area at least ten feet wide shall be provided by the multi-family project on the shared border. The buffer area shall consist of natural landscape materials such as lawn, ground cover, shrubs and trees, and shall not contain impervious materials. One tree shall be provided for every 35 feet of boundary lot line and three large shrubs per 25 feet of boundary lot line, with spacing designed to minimize sound, light, and noise impacts on single-family residential homes;
2. Option B.
   An opaque wall, berm, fence or dense (at least 50 percent opacity) vegetative screen at least six feet tall shall be provided. If a fence or wall is provided, the side facing away from the multi-family use shall be at least as finished in appearance as the side facing the multi-family use, and three small shrubs per 25 feet of boundary lot line shall be provided. If a vegetative screen is proposed, it shall be at least six feet in height at the time of planting;

B. Commercial or institutional abutting residential.

Where a commercial, public, institutional or civic building or project abuts lots in a residential district, a landscape buffer shall be provided using either Option A or B below.

1. Option A.
   A landscape buffer at least 15 feet wide shall be provided by the commercial or institutional project on the shared border. The buffer area shall consist of natural landscape materials such as lawn, ground cover, shrubs, and trees, and shall not contain impervious materials. One tree shall be provided for every 35 feet of boundary lot line and large three shrubs per 25 feet of shared lot line, with spacing designed to minimize sound, light, and noise impacts on the residential use;
2. Option B.
   An opaque wall, berm, fence or dense (at least 75 percent opacity) vegetative screen at least six feet shall be provided. If a fence or wall is provided, the side facing away from the commercial or institutional use shall be at least as finished in appearance as the side facing the commercial or institutional use, and three small shrubs per 25 feet of boundary lot line shall be provided. If a vegetative screen is proposed, it shall be at least six feet in height at the time of planting;

C. Industrial abutting residential.

Where an industrial building or project abuts lots in a residential district or lots used for any use listed as a residential use in Table 50-19.8, a landscape buffer shall be provided using either Option A or B below.

1. Option A.
   A landscape buffer at least 15 feet wide shall be provided by the industrial project on the shared border. The buffer area shall consist of natural landscape materials such as lawn, ground cover, shrubs and trees, and shall not contain impervious materials. One tree shall be provided for every 25 feet of boundary lot line and four large shrubs per 25 feet of boundary lot line, with spacing designed to minimize sound, light and noise impacts on residential uses;
2. Option B.
   An opaque wall, berm, fence or dense (100 percent opacity) vegetative screen at least eight feet tall shall be provided. If a fence or wall is provided, the side facing away from the industrial use shall be at least as finished in appearance as the side facing the industrial use, and three small shrubs per 25 feet of boundary lot line shall be provided. If a vegetative screen is proposed, it shall be at least eight feet tall at the time of planting;

D. Industrial abutting commercial or institutional.

Where an industrial building or project abuts lots that are used or zoned for commercial, institutional or mixed use purposes, a landscape buffer shall be provided by using either Option A or B below.

1. Option A.
   A landscape buffer at least ten feet wide shall be provided by the industrial project on the shared border. The buffer area shall consist of natural landscape materials such as lawn, ground cover, shrubs and trees, and shall not contain impervious materials. One tree shall be provided for every 40 feet of boundary lot line and large four shrubs per 20 feet of boundary lot line, with spacing designed to minimize sound, light and noise impacts on commercial or institutional uses;
2. Option B.
   An opaque wall, berm, fence or dense (50 percent opacity) vegetative screen shall be provided with a minimum height of six feet. If a fence or wall is provided, the side facing away from the industrial use shall be at least as finished in appearance as the side facing the industrial use, and three small shrubs per 25 feet of boundary lot line shall be provided. If a vegetative screen is proposed, it shall be at least six feet tall at the time of planting. (Ord. No. 10044, 8-16-2010, § 6.)

50-25.6 Landscaping credit to preserve existing trees.

Landowners who preserve mature, non-diseased trees as part of a development project may obtain credits toward the required landscaping. Trees intended to be preserved shall be indicated on the landscaping plan and shall be protected during construction through use of a fence around the critical root radius. To obtain credit, the preserved trees shall be of a high quality and at least five inches diameter at breast height (DBH) in size. Trees located in any portion of the site protected from development or protected in its natural state as part of a zoning permit, approval or agreement shall not be eligible for credit against required landscaping on the remainder of the site. The credit for preserved trees shall be as shown in Table 50-25-2. Any preserved trees for which credit is given, and that are lost to damage or disease within two years after the credit is awarded shall be replaced by the land owner with trees otherwise required. The total amount of tree credits cannot exceed 50 percent of the required tree landscaping requirement. The entity receiving credit shall file with the city a certificate from a forester, arborist or landscape architect that states this Section has been complied with.

TABLE 50-25-2: Tree Preservation Credits

DBH of Preserved Tree (in in.)	Numbers of Trees Credited
Over 12 in.	3
8 in. to 11.9 in.	2
5 in. to 7.9 in.	1

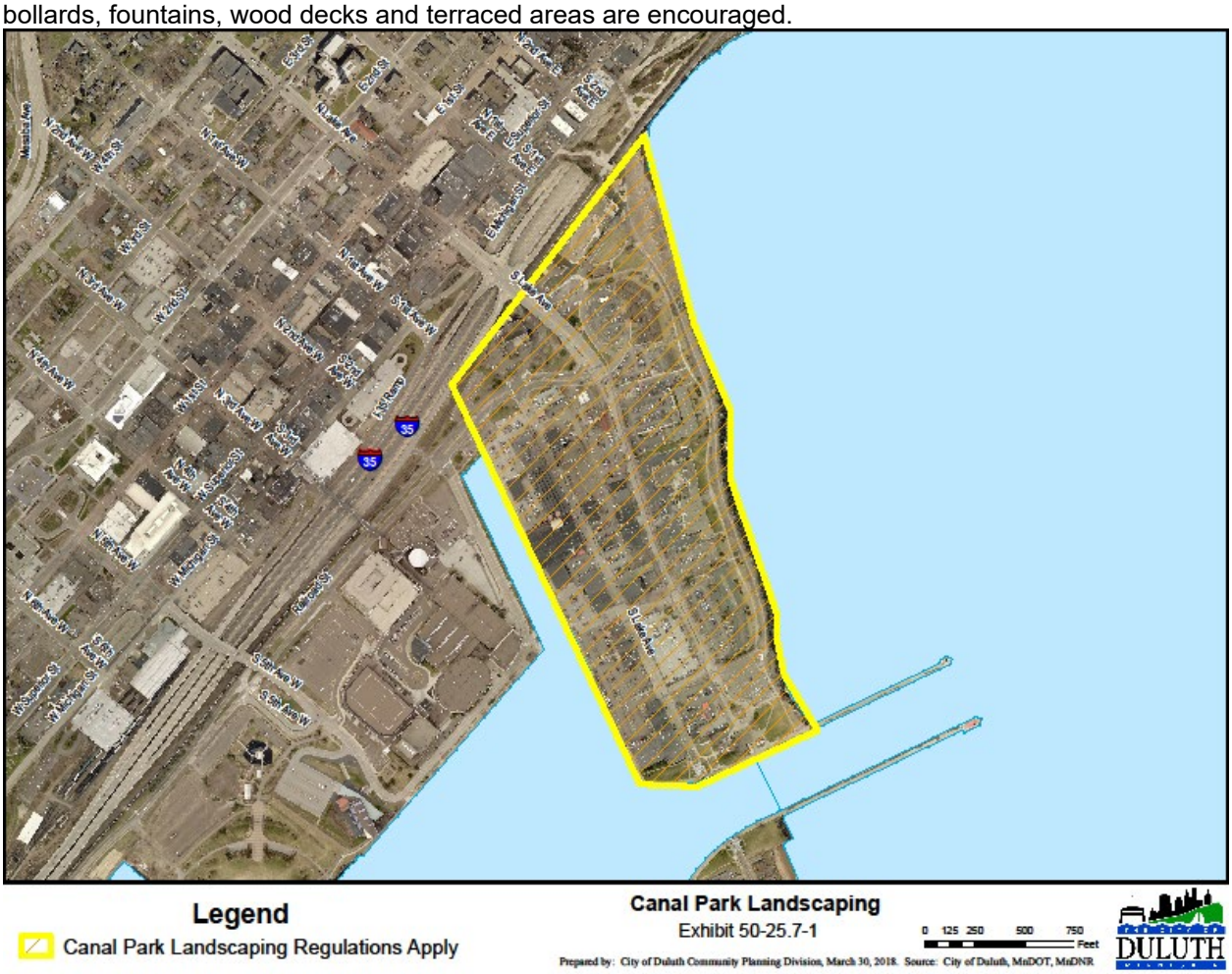
(Ord. No. 10044, 8-16-2010, § 6.)

50-25.7 Special landscaping provisions in Canal Park area.

In Canal Park as shown in Exhibit 50-25.7-1:

A. All open areas of a lot not covered by buildings, sidewalks, required parking areas, drives, courtyards or accessory structures shall be landscaped with a combination of trees, shrubs, flowers and ground covers;

B. Landscape design introducing a nautical character in features such as decorative walks, statuary, bollards, fountains, wood decks and terraced areas are encouraged.



(Ord. No. 10044, 8-16-2010, § 6.)

50-25.8 Alternative landscaping.

Where compliance with the specific requirements of Section 50-25 is not possible as a result of unique site conditions abutting or surrounding a proposed site, an owner may propose alternatives consistent with the goals of Section 50-25. The land use supervisor may approve an alternative proposal where an applicant can demonstrate that the alternative proposal achieves required landscaping to the same degree, or better than, the provisions of Section 50-25. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10153, 5-14-2012, § 8.)

50-25.9 Tree preservation requirements.

A. Purpose.

The city recognizes that trees provide numerous benefits and services to city residents, including increased property values reduced stormwater runoff and soil erosion with associated cost savings, noise buffering, aesthetic value, reduced energy costs from shade in summer and windbreaks in winter, and removal of greenhouse gases and other pollutants from the air. The city seeks to maintain the tree cover that protects the city's water quality and gives the city its character, while recognizing the need to remove some trees for development, safety, view preservation and other purposes;

B. Tree replacement.

1. Exemptions.

The following activities are not subject to the tree replacement requirement in this Section 50-25.9:

(a) Forest management activities that maintain pre-existing tree canopy cover, such as minor thinning that eliminates no more than 25 percent of the canopy;
(b) Forestry activities that disturb the canopy are exempt if covered by a current forest management plan approved by the city forester;
(c) Removal of trees that are an obstruction to traffic or power lines or other utilities;
(d) Removal of trees necessary for rescue in an emergency or for clean-up after a natural disaster;
(e) Removal of public trees deemed hazardous by the city forester;
(f) Removal of trees that are airport hazards;
(g) Removal and trimming of trees along Skyline Parkway to preserve views from established or historic overlooks and viewpoints, with approval by the city forester;
(h) Installation or replacement of city streets or utilities;

2. Replacement required.

(a) Tree replacement shall be required pursuant to Table 50-25-3;

Table 50-25-3: Tree Replacement Required

Tree Type	Removal Threshold	Replacement Standards		
			Replacement Ratio	
		% DBH to be Replaced	If Replacing With Special Trees	If Replacing with Trees of Interest
Special Tree 20 inch DBH or greater	Prohibited unless approved pursuant to subsection (b) below	If approval received, 60% of DBH removed to be replaced	1 inch DBH per 1.5 inch of DBH required to be replaced	1 inch DBH per 1 inch of DBH required to be replaced
Special Trees Between 8 and 20 inch DBH	10 or more	40% of DBH removed to be replaced		
Trees of Interest	20 or more	20% of DBH removed to be replaced		

(b) Removal of special tree species 20 inches diameter at breast height (DBH) or greater is prohibited unless any of the following applies:

(i) The city forester determines that the tree is dead, dying, diseased or a threat to public health or safety;
(ii) The city engineer determines that the tree interferes with the provision of public services or is a hazard to traffic;
(iii) The land use supervisor determines that the location of the tree is preventing development or redevelopment that cannot be physically designed to protect the tree;

(c) When ten or more replacement trees are required, not more than 30 percent shall be the same species without approval from the city forester;
(d) Replacement trees provided pursuant to this Section 50-25.9 shall count towards landscaping required under other portions of this Section 50-25.9 if they meet the size, type and location standards for the type of landscaping required;
(e) Replacement trees shall be considered significant trees in any future tree replacement plan;
(f) If any part of the property is permanently protected from development by a conservation easement or by transfer to a city park or other natural area or a private conservation organization, the combined diameter of the protected trees that meet the size requirement for a significant tree will count toward the replacement requirement;
(g) With the approval of the appropriate city staff (land use supervisor or city forester), developers should have the option of meeting the tree replacement requirements by putting equivalent funds into a dedicated city tree account. The amount of funds should be calculated based on the cost to the city of hiring contractors to plant the number of required replacement trees;

3. Calculation.
(a) If you meet the removal threshold:

$$\frac{\text{Inches removed(DBH)}}{} \times \frac{}{\text{\% DBH}}\% = \text{replacement requirement in inches}$$

(b) If replacing with special trees:

Replacement requirement ÷ 1.5 = Total inches required

(c) If replacing with other trees:

Replacement requirement = Total inches required;

4. Example.
Step 1: Removal of twelve 10-inch special trees = Total of 120 in. DBH
Step 2: 120 inch DBH x 40% = 48 inch replacement requirement
Step 3: If replacing with special tree species: 48 inch ÷ 1.5 = 32 inch total inches required to be planted;

5. Tree replacement plans.
Where this replacement requirement applies, the applicant shall submit a tree replacement plan prepared and certified by a certified forester, arborist or landscape architect. The tree replacement plan shall be part of and integrated with the landscaping plan for the site. No replacement shall occur until the city forester has approved the tree replacement plan, and all replacement shall be consistent with that approved plan. The plan shall meet all applicable requirements in the UDC application manual;

6. Calculation for developments exceeding five acres.
For development of forested acres over five acres, with the approval of the appropriate city staff, the total diameter of trees removed should be able to be estimated based on measuring the diameter of trees in representative sample plots. The plots should be scattered throughout the area to be cleared and should cover no less than ten percent of the entire area. All special tree species in the forest must be measured. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 35, Ord. No. 10670, 12-9-19, §2)

50-26 SCREENING, WALLS, AND FENCES.

50-26.1 Screening of mechanical equipment.

A. Applicability.

The standards of this Section shall apply to all of the following uses that contain a primary structure in all zones, except I-G and I-W: a multi-family, mixed use, commercial, institutional, industrial, or parking principle use, when any of the following conditions occur:

1. A new primary structure is constructed;
2. The floor area in an existing primary structure(s), taken collectively, is increased by more than 25 percent;
3. An existing primary structure is relocated on the lot or parcel;
4. The primary structure is renovated or redeveloped (including but not limited to reconstruction after fire, flood or other damage), and the value of that renovation or redevelopment, as indicated by building permits, is 25 percent or more of the pre-application assessor's market value of the primary structure, as shown in the records of the city assessor.

The standards of this Section shall not apply if the only feasible location for mechanical screening would impede the functioning of solar, wind or geothermal energy equipment or systems if such systems are otherwise in compliance with applicable building codes and zoning requirements;

B. Screening standards.

The following exterior mechanical features shall be screened: (i) electrical and gas-powered mechanical equipment and power systems equipment; (ii) heating, ventilating and air conditioning equipment ductwork, and lines; and (iii) power systems equipment. Roof or wall-mounted antennas and vent openings shall not be considered mechanical equipment for purposes of these screening standards.

1. Roof-mounted mechanical equipment.
   Roof- mounted mechanical equipment shall be screened by a parapet wall or similar feature that is an integral part of the building's architectural design. The parapet wall or similar feature shall be sufficient to screen the mechanical equipment from ground view of a person on the other side of the public right-of-way on which the structure fronts, as illustrated in Figure 50-26.1-A;

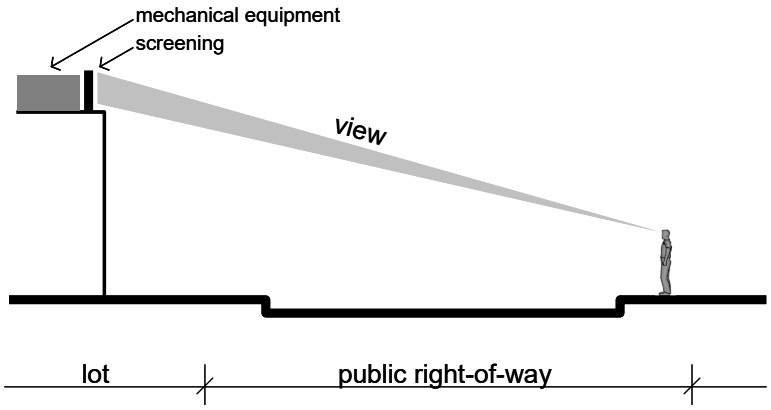


Figure 50-26.1-A: Screening for roof-mounted mechanical equipment

2. Ground-mounted mechanical equipment.
   Ground-mounted mechanical equipment shall be screened from view from ground view of adjoining properties and public right-of-way by landscaping or by a decorative wall that incorporates at least one of the primary materials and colors of the nearest wall of the primary structure. The wall shall be of a height equal to or greater than the height of the mechanical equipment being screened. If landscaping is used for screening, the screening material shall be

designed to provide 75 percent opacity one year after planting along the full required height and length of the screening buffer. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 36; Ord. No. 10153, 5-14-2012, § 9, Ord. No. 10562, 4-9-18, § 1; Ord. No. 10562, 4-9-2018, § 1)

50-26.2 Screening of service and off-street loading areas.

A. Applicability.

These standards shall apply to all service areas and off-street loading areas on all properites containing multi-family dwellings, commercial, institutional, industrial or mixed uses, except those located in the I-G and I-W districts.

B. Screening.

Service and off-street loading areas shall be designed and located to reduce the visual and acoustic impacts of these functions on adjacent properties and public streets. Non-enclosed service and off-street loading areas shall be screened with durable, sight-obscuring walls, fences, and/or dense indigenous evergreen planting of between six and eight feet in height. Screening materials shall be the same as, or of equal quality to, the materials used for the primary building and landscaping. (Ord. No. 10044, 8-16-2010, § 6.)

50-26.3 Screening and location of commercial containers.

A. Applicability and exemptions.

1. Except as noted in subsection 2 below, these standards shall apply to all exterior commercial containers, including without limitation garbage dumpsters, grease/oil tanks and cardboard compactors, on all properties containing multi-family dwelling, commercial, institutional, industrial or mixed uses;
2. These standards shall not apply to the following:
   (a) Commercial containers located in the I-G and I-W districts;
   (b) Commercial containers located behind a building and not visible from a public street or adjoining single-family, multi-family, mixed use or public property;
   (c) The temporary purpose of disposing of waste generated during the time of an active building permit, or 180 days, whichever is shorter, for the demolition or construction of improvements on the property upon which the commercial container is located;
   (d) A commercial container placed by or upon written authority of the city on a temporary basis;



Figure 50-26.2-A: Loading area screening

B. Location.

Commercial containers shall not be placed in any of the following:

1. Any required front yard area or any side yard area adjacent to a public street right-of-way;
2. Any fire lane;
3. Any required off-street parking space;
4. Any location that blocks vehicular or pedestrian traffic;
5. Any location that obstructs drivers' sight lines at intersection of streets and driveways;
6. Any location that may interfere with utilities;

C. Screening of commercial containers.

1. Not adjacent to structure wall.
   Commercial containers that are not located adjacent to a wall of an existing principal or accessory structure shall be screened from view as follows:
   (a) On three sides with a wall constructed of masonry, brick, wood, stone, or similar material and at least as tall as the container being screened;
   (b) On the fourth side a gate constructed of wood or metal and at least as tall as the container being screened;
2. Adjacent to structure wall.
   Commercial containers that are located adjacent to a wall of an existing principal or accessory structure shall be screened from view as follows:
   (a) On two sides with a wall that is (1) constructed of the same principal materials and colors used on the wall of the principal or accessory building that forms the third wall of the enclosure, and (2) at least as tall as the container being screened; and (3) in compliance with applicable fire and building codes;
   (b) On the fourth side a gate constructed of wood or metal and at least as tall as the container being screened. (Ord. No. 10044, 8-16-2010, § 6.)



Figure 50-26.3-A: Dumpster screening

50-26.4 Fences and walls.

Unless otherwise expressly provided for in this Chapter, or unless expressly provided for in conjunction with the approval of a special use permit, fences and walls shall comply with the following general standards:

A. Fence/wall standards

1. General front yard standards.
   (a) No fence or wall located between the principal structure on a lot and the front property line shall exceed four feet in height. If a fence is constructed with an ornamental material, such as wrought iron, a six foot high fence may be allowed with an approved zoning permit provided that the fence is at least 50 percent open or transparent;
   (b) Chain link fences, fences that are electrically charged, fences constructed of barbed or razor wire and fences constructed of temporary plastic fencing (snow fences) are prohibited. A durable, vinyl-coated, chain link fence, no more than four feet tall, may be allowed with an approved zoning permit;
   (c) Prohibitions on electrically charged fences shall not apply to fences used to protect gardens and landscaping on residential lots. Prohibitions on electrically charged fences and fences constructed of barbed or razor wire shall not apply to fences used to enclose livestock on bona fide farms and those serving a public or quasi-public institution for public safety or security purposes;
2. General side and rear yard standards.

Fences that are electrically charged, and those constructed of barbed or razor wire shall be prohibited.

   a) This prohibition shall not apply to electrically charged fences used to protect gardens and landscaping on residential lots;
   b) This prohibition shall not apply to fences used to enclose livestock on bona fide farms and those serving a public or quasi-public institution for public safety or security purposes;

3. Residential zone districts.

The maximum height of a fence or wall within required side and rear yard area is eight feet. The maximum height for fences and walls for entry gates at the residential subdivision entrance shall be eight feet;

4. Mixed use and special purpose zone districts.

The maximum height of a fence or wall within required side and rear yard area is eight feet, but the land use supervisor may approve a fence or wall up to 12 feet in height where additional height is needed to provide adequate security because of topography or the nature of the material or equipment stored in the area;

5. Form districts.

The maximum height of a fence or wall within required side and rear yard area is eight feet, but the land use supervisor may approve a fence or wall up to 12 feet in height where additional height is to provide adequate security because of topography or the nature of the material or equipment stored in the area. Fences and walls are not permitted in required front yard areas, except for wrought iron fences used to enclose outdoor patio or dining areas, in which case the maximum height of the fence shall be three feet;

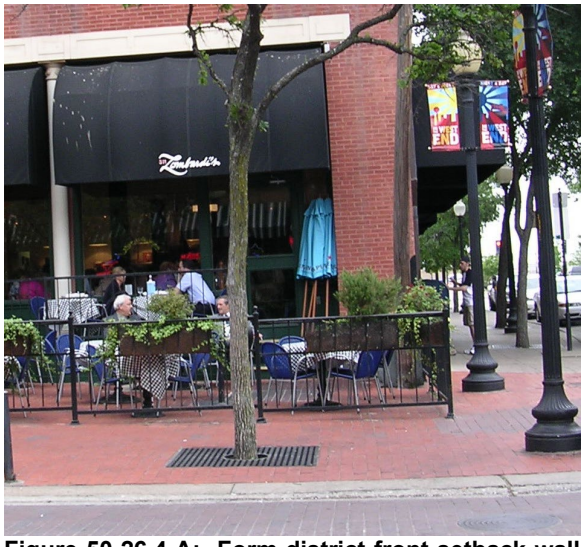


Figure 50-26.4-A: Form district front setback wall height

6. Vacant property.

As an exception to other fence height limits, vacant property may be fenced with chain-link fencing not to exceed six feet in height when the purpose of such fencing is to prevent unauthorized dumping or soil disturbance that results in fugitive dust or nuisance conditions. Such fencing of vacant property shall not be construed to allow use of the property for outdoor storage;

7. Permit required.

No fence shall be constructed in dedicated rights of way without a concurrent use permit. Any fence that exceeds four feet in height is required to have an approved zoning permit prior to construction;

8. Finished Side

All fences and walls shall be installed with the finished side facing out, so that posts and lateral supports are not on the side of the fence or wall which faces an adjacent property or public right-of-way, unless such supporting members are exposed on both sides due to the specific design of the fence or wall;

B. Retaining walls standards.

1. Applicability.

The requirements of this Section apply to construction of new retaining walls in all districts, except for (a) retaining walls on proper-ties containing only one-family and two-family dwellings, and (b) retaining walls that will not be visible from neighboring sites or from a public street frontage;

2. Design standards.

All retaining walls shall comply with the following standards:

(a) Retaining walls more than six feet tall shall be terraced to minimize visual impacts on residents, neighboring properties and the public realm;

(b) Terracing shall be limited to three tiers;

(c) A terrace at least four feet wide, with a maximum slope of 3:1, shall be provided between each tier to create pockets for landscaping. Reduced terrace depths may be administratively approved by the building official where site constraints limit the amount of space available to accommodate the minimum required width;

(d) Terraces between retaining wall tiers shall be vegetated with permanent landscaping to screen retaining walls and provide visual interest unless soil conditions are determined by a licensed engineer to be unsuitable due to geologic hazards;



Figure 50-26.4-B: Retaining wall terracing and articulation

(e) Retaining walls shall be stacked natural stone or faced with stone or earth-colored materials, textured and colored Mechanically Stabilized Earth (MSE) blocks or other material compatible with the primary building materials;

(f) Retaining walls constructed of railroad ties, timber and gabion-type materials are not allowed;

C. Materials.

No fence, wall or retaining wall shall be constructed of scrap or waste materials unless those materials have been recycled, or reprocessed into building materials for sale to the public. No sign may be posted on any fence, wall or retaining wall except for a property identification/management sign not exceeding one square foot in size. (Ord. No. 10041, 8-16-2010, § 6; Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 37; Ord. No. 10153, 5-14-2012, § 10; Ord. No. 10414, 10-12-2015, § 4; Ord. No. 10562, 4-9-2018, § 1)

50-26.5 Alternative screening.

Where compliance with the specific requirements of Section 50-26 is not possible as a result of unique site conditions abutting or surrounding a proposed site, an owner may propose alternatives consistent with the goals of Section 50-26. The land use supervisor may approve an alternative proposal where an applicant can demonstrate that the alternative proposal achieves required landscaping to the same degree, or better than, the provisions of Section 50-26. (Ord. No. 10153, 5-14-2012, § 11.)

50-27 SIGNS.

50-27.1 Permit required.

A. All signs that require a permit, as described in Section 50-27.7, must obtain a zoning permit as described in Section 50-37.13 (*Zoning permit*) of this Unified Development Chapter;
B. When submitting a zoning permit application for a sign, the applicant must submit photographs and dimensions of all signs existing on the lot, including all signs that will be removed. The city may request that the applicant submit photographs of all new signs erected on the lot after permit issuance;
C. The applicant must sign the zoning permit application attesting to the accuracy of the information provided. The city may revoke any sign permit where there has been a violation of the provisions of this section or misrepresentation of fact on the zoning permit application;
D. All freestanding signs over seven feet in height must submit construction plans prepared by a design professional licensed in Minnesota that comply with the requirements of the Minnesota State Building Code. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10047, 8-30-2010, § 1; Ord. No. 10204, 3-11-2013, § 1; cited only by Ord. No. 10222, 5-13-2013, § 1; Ord. No. 10338, 11-24-2014, § 1.)

50-27.2 Enforcement.

A. No sign permit shall be required for the types of signs shown in Table 50-27-1, but each such sign shall be required to comply with the provisions of this Section 50-27. Any sign placed on public property or within a public right-of-way or public easement without authorization or without a required sign permit can be removed without notice. Such signs will be held by the city for 30 days. The owner of the sign may reclaim the sign within such period, subject to any fines imposed by the city. If not reclaimed, the city may destroy the sign following expiration of the 30 day period;
B. If a sign is constructed illegally, either without a required permit or in violation of this section or previous sign regulations, the city may serve notice to the property owner that such sign must be removed or the violation corrected within 30 days. If the sign is not removed or the violation corrected within the 30 day period, the city may remove the sign at the property owner's expense. An extension of this 30 day period may be granted per Section 50-37.1.O (*Appeals*) of this Chapter, and must be applied for prior to expiration of the initial 30 day period. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10204, 3/11/2013, § 1; cited only by Ord. No. 10222, 5-13-2013, § 1.)

50-27.3 Design and construction standards.

All signs constructed, erected, modified or altered must comply with the provisions of this Section and the requirements of the City Code.

A. Prohibited sign location.

1. No sign may be erected in a location that violates the Minnesota State Building Code, Minnesota State Fire Code or other regulations;
2. No sign, other than that placed by agencies of government or a sign whose placement is authorized by this Section or the city, may be erected in the public right-of-way or on public property;
3. Signs located on public right-of-ways or on/in public or private skywalks must comply with Chapter 44A of the City Charter;
4. No sign may be erected on private property without prior consent of the property owner;
5. No sign may be erected in violation of the view obstruction provisions of Section 50-25.2.M (*Protection of site distance*) with the exception of a freestanding pole sign, if permitted in the district, with a diameter no greater than one foot and where the sign face is mounted a minimum of eight feet above grade. No sign can be erected that obstructs free and clear vision of any street, intersection, parking lot ingress or egress, or driveway;
6. No sign may be erected in a manner that obstructs access to fire escapes, any ingress or egress,

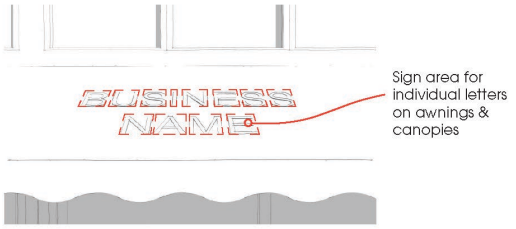
or standpipes;

7. No sign may be erected on the exterior of a building to cover any windows or doors;
8. Signs on lots adjacent to state or county highways shall conform to the respective setbacks and other standards of the state and county highway departments;
9. Freestanding monument signs shall not be located closer than three feet from the lot line;
10. The supporting pole of a freestanding pole sign shall be setback from the lot line a minimum of three feet, but the sign itself may be up to the lot line. No part of a freestanding pole sign may encroach on a public right-of-way;

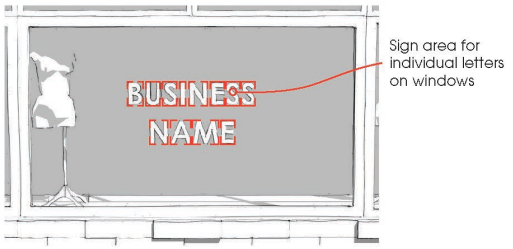
B. Sign dimension measurement methodology.

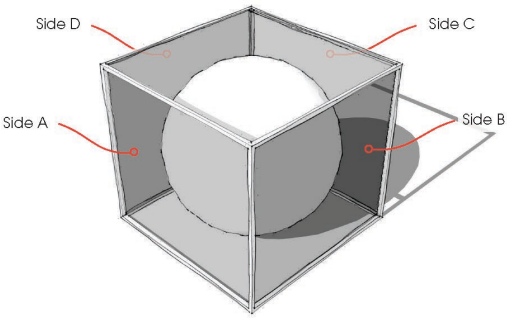
1. General measurement of sign area. Sign area is measured as follows:
   (a) For signs on a background, the entire area of the framework or background of the sign is calculated as sign area, including any material or color forming the sign face or background used to differentiate the sign from the structure against which it is placed. Sign area does not include any supports or bracing, unless such framework or bracing is part of the message or sign face;
   (b) For signs consisting of freestanding letters or logos, the sign area is calculated as the total area of each square, circle, rectangle or triangle, or combination thereof, that encompasses each individual letter or logo. Sign area does not include any supporting framework or bracing, unless such framework or bracing is part of the message or sign face;
   (c) For awning and canopy signs, the sign area is the printed area of the awning or canopy, calculated as the total area of each square, circle, rectangle or triangle, or combination thereof, that encompasses each individual letter or logo;
   (d) Window signs printed on a transparent film and affixed to the interior or exterior of a windowpane are calculated as individual letters or logos, provided that the portion of the transparent film around the perimeter of the individual letters or logos maintains 100 percent transparency of the window. Transparency is defined as both the ability to view into the interior of the establishment from the outside and to view the outside from the interior of the establishment through the same area;
   (e) The sign area of a three-dimensional,











free-form or sculptural (non-planar) sign is calculated as 50 percent of the sum of the area of the four vertical sides of the smallest cube that will encompass the sign;

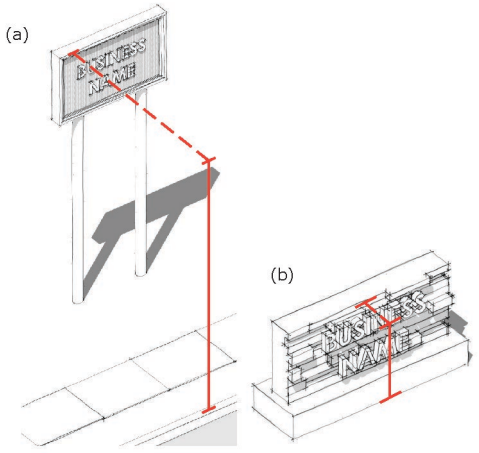
(f) If a sign has two or more faces, the area of all faces is included in determining the area of the sign, unless the two sign faces are placed back-to-back and are no more than two feet apart. In such case, the sign area is calculated as the area of one face. If the two faces are unequal in area, the area of the larger face is used to calculate sign area;

(g) Necessary supports or uprights on which the sign is erected are not included in the sign area computation.

2. General measurement of sign height.
   (a) Pole sign height is measured from the grade to the uppermost point of the sign. Grade is established by the elevation of the back of curb or, if no curb exists, from the edge of pavement at the center of the abutting street frontage where the sign will be erected. The pole sign height may also be measured from the natural slope of the lot where the sign will be erected;
   (b) Monument sign height is measured from the existing lowest point of the ground where the monument sign is to be installed to the uppermost point of a sign;

C. Construction standards.

1. Supports and braces must be designed as an integral part of the overall sign design and hidden from public view to the extent technically feasible;
2. All signs attached to a building must be installed and maintained so that wall penetrations are watertight and the structure does not exceed allowable stresses of supporting materials;
3. All signs must be designed and constructed in accordance with Minnesota State Building and Fire codes. Marquee structures must be approved by the city engineer and building safety department;
4. Glass forming any part of a sign must be safety glass;
5. All letters, figures, characters or representations in cut-out or irregular form, maintained in conjunction with, attached to or superimposed upon any sign must be safely and securely built into or attached to the sign structure;



6. Audio components are prohibited on any sign, with the exception of menuboards;
7. Any form of pyrotechnics is prohibited;

D. Electrical wiring.

1. All electrical fixtures, devices, circuits, conduits, raceways or apparatus used to illuminate, move or project any sign must be installed and maintained in accordance with Minnesota State Building Code, including the National Electrical Code. Electrical permits are required for sign installation in accordance with the Minnesota State Building Code;
2. Conduits and other components of a sign illumination system must be designed as an integral part of the overall sign structure and hidden from public view to the extent technically feasible;

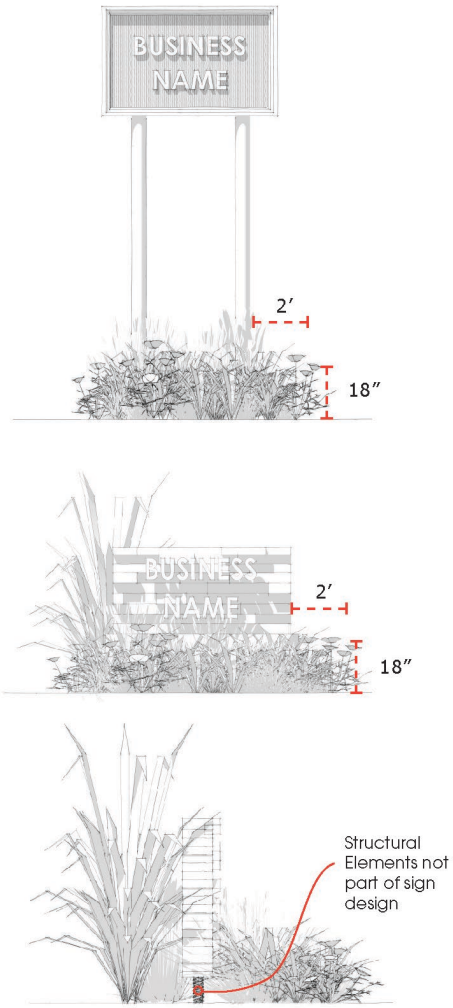
E. Permit identification.

Every sign must include an identification of the permit number and name of sign installer either painted on the sign or by the application of a metallic sticker. The information must be visible from the ground with the exception of signs mounted seven or more feet above grade;

F. Required landscaping.

All freestanding signs, except in lots zoned I-G and I-W, must be landscaped at the base of the sign in accordance with the following:

1. Freestanding signs must be landscaped with small shrubs a minimum of 18 inches in height at planting, spaced appropriately based on mature height and spread to provide continuous screening of sign base once shrubs have reached maturity. The remainder of the landscape area must be planted with perennials, turf or other live groundcover;
2. Landscape must extend a minimum of two feet from the sign base on all sides. If this two foot area extends into the right-of-way, landscape is not required within the right-of-way area. All landscape must be maintained in good condition, and free and clear of rubbish and weeds. Landscape around the base of a sign is included in the total amount of landscape required on a site, if applicable;
3. There is no requirement regarding the mature height of landscape, though landscape must be tailored to the scale of the sign. Landscape may be trimmed and maintained along the sign base to maintain visibility of the sign face;
4. When a monument sign is designed as a single structure where the pediment is constructed of similar or complimentary materials as the sign, and no structural elements that are not related to such overall design of the sign are visible, no landscape is required;



G. Required sign maintenance.

1. All signs must be maintained in a safe, neat and orderly condition and appearance, and must be repainted or otherwise maintained by the property owner to prevent corrosion or deterioration caused by the weather, age or any other condition;
2. All signs must be maintained to prevent any kind of safety hazard, including faulty sign structures, a fire hazard or an electrical shock hazard;
3. All unused sign hardware or wiring that is visible from the right-of-way must be removed;
4. If a sign is maintained in an unsafe or insecure condition, the city will give written notice to the property owner. If property owner fails to remove or alter the structure to comply with the standards of this Section, the sign may be removed by city at the expense of the property owner. The city may remove any sign that is an immediate peril to persons or property summarily and without notice;

H. Noncommercial messages.

A noncommercial message may be substituted for a commercial message on any sign permitted by this Section.

I. Permit identification.

All architectural signs on a structure announcing the original or historic name of the building, year of construction, or insignias must be maintained, and cannot be removed, altered, or covered. Such signs are not calculated as part of any sign area or maximum number of signs permitted by this Section. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10047, 8-30-2010, § 2; Ord. No. 10204, 3-11-2013, § 1; cited only by Ord. No. 10222, 5-13-2013, § 1.)

50-27.4 Illumination standards.

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

A. Any sign illumination, including gooseneck reflectors, external illumination and internal illumination, must be designed, located, shielded and directed to prevent the casting of glare or direct light upon roadways and surrounding properties, or the distraction of motor vehicle operators or pedestrians in the public right-of-way;
B. The sign face of internally illuminated signs must function as a filter to diffuse illumination. The sign face must cover all internal illumination components so that no exposed bulbs are visible;
C. All external illumination of a sign must concentrate the illumination upon the printed area of the sign face;
D. No sign illumination may exceed one footcandle of illumination at the property line;
E. The use of neon lighting as a sign material or sign accent is permitted for signs within the mixed-use, form-based and special purpose districts, with the exception of the MU-N and MU-B districts where it is prohibited. Neon lighting is subject to the following:
    1. When lit, neon lighting must be continuously illuminated. Flashing neon is prohibited;
    2. Neon lighting cannot be combined with any reflective materials (e.g., mirrors, polished metal, highly-glazed tiles, or other similar materials) that would cause glare and increase the spread of light;
    3. Neon lighting to outline doors and windows is prohibited;
F. The use of LED lighting as a sign accent is permitted, subject to the following:
    1. LED lighting as an accent is only permitted for non-residential uses in the mixed-use, form-based and special purpose districts where electronic message center signs are permitted. LED accent lighting is prohibited in any residential district;
    2. LED lighting as an accent must comply with all illumination requirements of an electronic message center sign;
    3. The addition of LED lighting as an accent to an existing sign requires a zoning permit;
    4. When lit, LED lighting must be continuously illuminated. Flashing LED is prohibited;
    5. LED lighting cannot be combined with any reflective materials (e.g., mirrors, polished metal, highly-glazed tiles, or other similar materials) that would cause glare and increase the spread of light;
    6. LED lighting to billboards, free standing monument signs, outline doors, windows, any part of a structure and automobile and filing station gas canopies is prohibited;
    7. LED lighting to outline free standing pole signs is allowed but lighting must conform to the same brightness standards as electronic message centers as identified in UDC Section 50-27.7.G. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10047, 8-30-2010, § 3; Ord. No. 10204, 3-11-2013, § 1; cited only by Ord. No. 10222, 5-13-2013, § 1; Ord. No. 10338, 11-24-2014, § 2.)

50-27.5 Prohibited signs.

The following signs are prohibited:

A. Balloon and air-infused/air-inflated signs;
B. Electronic display screens;
C. Flashing or animated signs;
D. Illegally-affixed signs;
E. Moving signs, including signs moved by wind or mechanical or electrical components. No sign or part of any sign shall move or give the illusion of movement in any manner. Clocks and barber poles are exempt from this provision;
F. Portable signs. Portable signs include both signs mounted on a wheeled structure and those mounted on a stationary structure that can be moved and is not permanently installed on a site;
G. Roof signs;
H. Snipe signs;
I. Strobe lights, moving or fixed spotlights, and floodlights;
J. Temporary off-premises signs;
K. Traffic hazard signs. Any sign that constitutes a traffic hazard is prohibited, including signs that:
    1. Interfere with, obstruct the view of, or may be confused with any authorized traffic sign, signal or device because of its position, shape or color, including signs illuminated in red, green or amber color to resemble a traffic signal;
    2. Make use of the words STOP, LOOK, DETOUR, DANGER, CAUTION, WARNING or any other word, phrase, symbol or character in a manner that misleads, interferes with or confuses traffic;
L. Vehicle signs. Signs placed or painted on parked vehicles where the primary purpose is to advertise a product or service, or to direct the public to a business or activity located on or off the premises, are prohibited. Signs painted on vehicles, trucks or buses, which are being operated and stored in the normal course of business, such as signs located on delivery trucks, promotional vehicles, moving vans and rental trucks, are permitted, provided that the primary purpose of such vehicles is not the display of signs, and that they are parked or stored in areas related to their use as vehicles. Vehicle for-sale signs are exempt from this provision. (Ord. No. 10041, 8-16-2010, § 7; Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10047, 8-30-2010, § 9; Ord. No. 10096, 7-18-2011, § 38; Ord. No. 10204, 3-11-2-13, § 1; cited only by Ord. No. 10222, 5-13-2013, § 1.)

50-27.6 Signs and activities exempt from permit requirements.

A. Alternation and maintenance operations.

The following activities are exempt from a zoning permit:

1. Painting, repainting, cleaning, and/or other normal maintenance and repair of a sign, not involving structural alterations or changes in the electrical components of the sign. Repairs to existing permitted illumination components are also exempt from sign permit requirements;
2. Changing of the message of an existing changeable message sign or electronic message sign;
3. Changing the sign face within an existing legal sign structure, provided no alterations are made to the sign structure and the sign area, sign height or any other dimension of the sign;

B. Illumination.

No exempt sign may be illuminated, except for the following:

1. Uplighting of official federal, state, county or city flags;
2. Lighting of official federal, state, county or city government signs as needed by the government body;

C. Exempt permanent signs.

This Section describes the types of permanent signs that are allowed without a zoning permit. All exempt signs must comply with all the regulations of this section. Exempt permanent signs are subject to the regulations of Table 50-27-1: *Exempt Permanent Sign Regulations*.

TABLE 50-27-1: EXEMPT PERMANENT SIGN REGULATIONS

SIGN	PERMITTED DISTRICT OR USE	PERMITTED SIGN TYPE	MAXI-MUM SIZE	MAXIMUM HEIGHT (FREE-STAND-ING SIGNS)	REQUIRED SETBACK OR LOCATION (FREESTAND-ING SIGNS)	NUMBER PER LOT
Agricultural Identification Sign	All agricultural uses	Freestanding or wall	RC, RR-1, RR-2: 20sf All other districts: 6 sf	6’	20’ from front lot line & 10’ from any other lot line	1 per street frontage
Bed and Breakfast	Bed and breakfast uses	Freestanding or wall	12 sf	7’	5’ from any lot line	1 per lot
Building Directory Sign	All multi- family & non-residential uses	Freestanding or wall	6 sf	7’	Within 10’ of building entry	1 per building entry
Day Care Facility	Residential zone districts	Wall or non-illuminated lawn sign	6 sf	7’	5’ from any lot line	1 per lot
Flags – Federal, State or Local	All districts and uses	Freestanding	No Limit	No limit	5’ from any lot line	No limit
Flags – Commercial	All non-residential uses	Freestanding	16 sf	Flagpole limited to maximum height of zoning district	5’ from any lot line	1 per lot
Government Information Sign (Federal, State, County or City)	All districts & uses	Freestanding or wall	No Limit	No Limit	No Limit	No Limit
Home Occupation Sign	All residential dwelling uses and permitted accessory uses	Wall, window or freestanding including mounting on private lightposts	4 sf	4’	5’ from any lot line	1 per lot
Memorial Plaque	All districts and uses	Freestanding or wall	No limit	Limited to maximum height of zoning district	5’ from any lot line	1 per lot
Nameplate	All districts and uses	Wall	4 sf	(Not Applicable)	(Not Applicable)	1 per lot
Parking Lot Directional Sign	All parking lots and structures	Freestanding	4 sf	7’	0’ from any lot line	No limit
Parking Lot Information Sign	All parking lots and structures	Freestanding or wall	16 sf	12’	0’ from any lot line	3 per access point
Property Identification Sign	All multi-family residential uses	Wall	4 sf	(Not Applicable)	(Not Applicable)	1 per lot

TABLE 50-27-1: EXEMPT PERMANENT SIGN REGULATIONS						
SIGN	PERMITTED DISTRICT OR USE	PERMITTED SIGN TYPE	MAXI-MUM SIZE	MAXIMUM HEIGHT (FREE-STAND-ING SIGNS)	REQUIRED SETBACK OR LOCATION (FREESTAND-ING SIGNS)	NUMBER PER LOT
Public Information Sign	The following uses: All educational facilities; cemetery or mausoleum; museum, library or art gallery; park, playground or forest reserve	Freestanding or wall	No limit	No limit	No limit	No limit
Public Information School and Field Identification Sign	All districts. K-12 public and private schools. Only to identify name of school, recreation field, or athletic team.	Nonilluminated wall sign	No limit	No limit	No limit	No limit
Permanent Window Sign	All non- residential uses	Window	Temporary & perm-anent signs (com-bined) are limited to 30% coverage of each window	(Not applicable)	(Not applicable)	(Not applicable)
Time and Temperature Sign (Electronic)	All non- residential uses	Must be integrated into primary freestanding or wall sign	20% of sign area of free-standing or wall sign, or if stand-alone sign, 6 sf	(Not Applicable)	(Not Applicable)	1 per lot

D. Exempt temporary signs.

This Section describes the types of temporary signs that are allowed without a zoning permit. All exempt signs must comply with all the regulations of this Section.

1. Exempt temporary signs are subject to the display periods in Table 50-27-2: *Permitted Display Period*.

TABLE 50-27-2: EXEMPT TEMPORARY SIGN PERMITTED DISPLAY PERIOD	
SIGN	PERMITTED DISPLAY PERIOD
Attention-Getting Device	When related to a time-specific event: Combined display period of 14 days prior to the event, the time period of the event and 2 days following the event When not related to a time-specific event: 10 days Limited to no more than 4 display periods in a year, with a minimum of 30 days between displays
Banner (General)	When related to a time-specific event: Combined display period of 14 days prior to the event, the time period of the event and 2 days following the event When not related to a time-specific event: 30 days Limited to no more than 4 display periods in a year, with a minimum of 30 days between displays
Community Event Sign	Limited to no more than 4 display periods in a year for a total aggregate display time of 20 days per year

Construction Sign	Erected only after approval of a building permit and must be removed within 7 days of issuance of an occupancy permit or completion of construction, whichever occurs first
Non-Commercial Message Sign	General: No display period limitation Election: Signs of any size related to an election or referendum may be posted in any number from 46 days before the state primary in a state general election year until 10 days following the state general election
Real Estate Sign	All real estate signs may only be erected on the specific property offered for sale or lease or the property holding an open house Real estate for sale/lease signs: Posted for the duration the property is offered for sale or lease, and must be removed within 7 days of closing or lease Real estate open house signs: Only during the day of the open house and must be removed within 2 hours of the end of the event
Temporary Window Sign	Limited to no more than 4 display periods in a year for a total aggregate display time of 60 days per year

2. Exempt temporary signs are subject to the regulations of Table 50-27-3: *Exempt Temporary Sign Regulations.*

TABLE 50-27-3: EXEMPT TEMPORARY SIGN REGULATIONS

SIGN	PERMITTED DISTRICT OR USE	PERMITTED SIGN TYPE	MAXIMUM SIZE	MAXIMUM HEIGHT (FREESTANDING SIGNS)	REQUIRED SETBACK OR LOCATION (FREESTANDING SIGNS)	NUMBER PER LOT
Attention-Getting Device	Nonresidential uses in MU-C	Freestanding	10 sf	6’	10’ from any lot line	1 per lot
Banner (general)	Non-residential uses	Wall or retaining wall	32 sf	(Not applicable)	(Not applicable)	1 per lot
Community Event Sign	All districts and uses	Freestanding or wall	10 sf	6’	10’ from any lot line	1 per lot
Construction Sign	All districts and uses	Freestanding or wall	50 sf	6’	10’ from any lot line	50 sf total per street frontage
Non-Commercial Message Sign, Election	All districts and uses	Freestanding, wall or retaining wall	No limit	No limit	No limit	No limit
Non-Commercial Message Sign, General	All districts and uses	Freestanding, wall or retaining wall	64 sf	6’	No limit	1 per street frontage
Real Estate Sign	All districts and uses	Freestanding or wall	Residential Districts: 4 sf All Other Districts: 12 sf	5’	10’ from any lot line	1 per street frontage
Temporary Window Sign	All nonresidential uses	Window	Temporary & permanent signs (combined) are limited to 30% coverage of each window	(Not applicable)	(Not applicable)	(Not applicable)

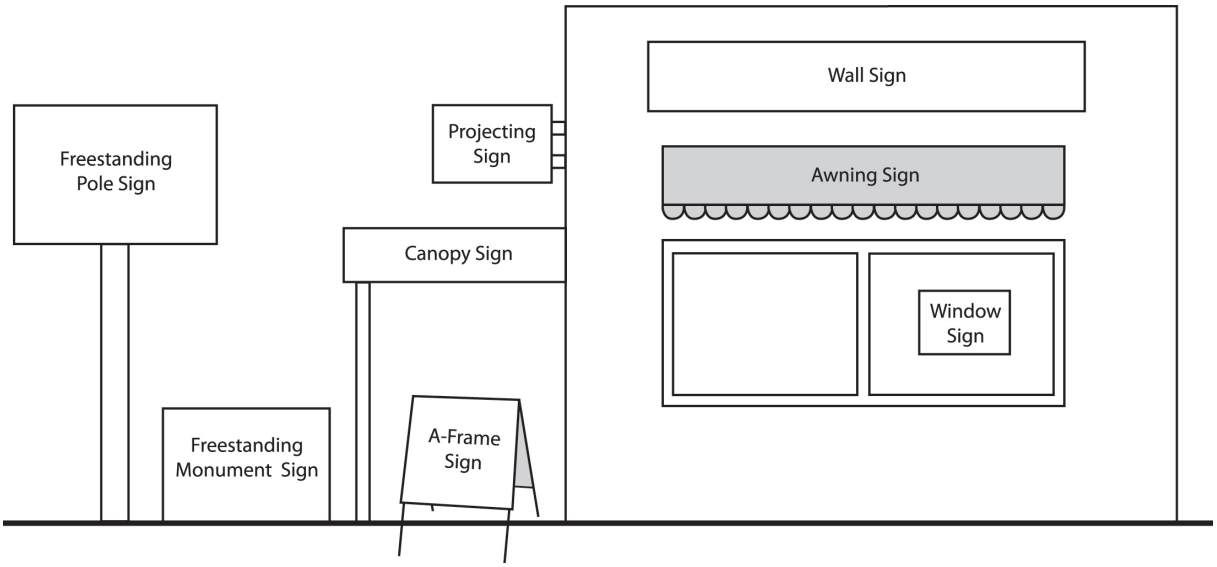


Figure 50-27.6-A: Examples of Common Sign Types.

(Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10204, 3-11-2013, § 1; Ord. No. 10222, 5-13-2013, § 1; Ord. No. 10286, 3-10-2014, §14.)

50-27.7 Sign types.

A. General regulation.

The following types of signs require a zoning permit before they can be erected on a site. Table 50-27-4: Sign Types – Permit Required: District and Use Permissions describes which sign types are permitted in each district. In many districts, multiple sign types for the same development may be permitted.

TABLE 50-27-4: SIGN TYPES – PERMIT REQUIRED: DISTRICT AND USE PERMISSIONS

KEY (REFERENCE TABLE 50-19.8 FOR USES)

1 : Residential Uses
1A: Multi-Family Dwelling Only
2 : Public, Institutional and Civic Uses
3: Commercial Uses
4: Industrial Uses

NOTE: Accessory uses are subject to the home occupation sign 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
A-Frame Sign							3	3			3	3	3	3	3	3	3	3	3	3	3			2
Awning	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	2
Banner - Exhibition	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Billboard [1]								3 4		3 4		3 4										3 4		
Canopy	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	2
Electronic Message Sign [2]	2	2	2	2	2	2	2	2 3 4	2 3 4	2 3 4	2	2 3 4	2	2	2	2	2	2	2 3	2 3 4	4	2	2	2
Freestanding Signs – Pole	2	2	2	2	2	2	2 3 4	2 3 4	2 3 4	2	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2
Freestanding Signs – Monument	1 2	1 2	1 2	1 2	1 2	1 2	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	2
Marquee							3	3			3	3					3		3	3				
Projecting Sign							3 4	3 4	3 4	3 4	3 4	3 4	3 4	3 4	3 4	3 4	3 4	3 4	3 4	3 4	3 4	3 4	3 4	
Scoreboard	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Wall Sign	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2

1 Billboards are permitted on any lot within the noted districts, whether developed or undeveloped, unless such lot is developed for a one-family or two-family dwelling.

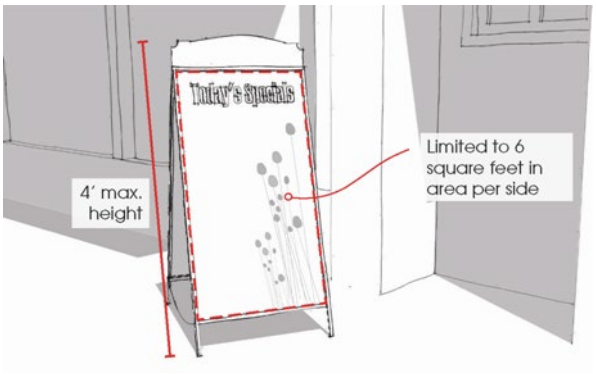
2 Filling station uses in any district are permitted to display fuel prices by an electronic message component, and are subject to the restrictions of that section.

Electronic message signs are not allowed in the Historic Canal Park area as identified in UDC Section 50-27.8.C. Electronic message signs are allowed in the Entertainment District area as identified in UDC Section 50-27.8.B.

B. A-frame signs.

A-frame signs are permitted as indicated in Table 50-27-4, subject to the following regulations.

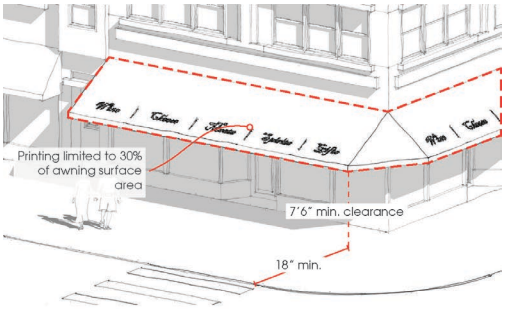
1. A-frame signs are limited to six square feet in area per side and four feet in height. The use of A-frame signs is limited to business hours only and may not be displayed for more than 16 hours in a 24 hour period. Signs must be stored indoors at all other times;
2. An A-frame sign must be placed on the property where the business is located and within ten feet of the primary entrance of the business or on the right-of-way in front of property. A-frame signs must provide an unobstructed sidewalk width of at least five feet for pedestrian passage and must not interfere with pedestrian traffic or violate standards of accessibility as required by the ADA or other accessibility codes;
3. The permit applicant must provide and maintain in force a certificate of insurance, in a form approved by the city, that evidences that the applicant has in force insurance in the minimum amounts required by the city for bodily injuries or property damage in any one year protecting such person or organization and the City against liability for injuries or damages resulting from the placement of such objects or materials in the public right-of-way. Proof of insurance must be renewed on an annual basis;

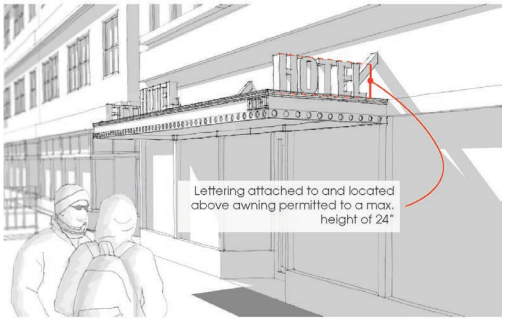


C. Awning.

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

1. Awning signs must maintain a minimum vertical clearance of seven feet six inches (7' 6");
2. Awning signs must be located a minimum of 18 inches from the back of curb;
3. Awning signs must comply with Minnesota State Building and Fire codes, including provisions for encroachment into the public right-of-way, structural requirements, sprinkler protections and similar regulations;
4. Awning signs must be made of a durable, weather-resistant material like canvas, canvas-like material, nylon, vinyl-coated fabric or metal. Solid, flat-roofed awnings may also be made out of finished wood, wood and plastic composites, metal or metal cladding, stucco or EIFS;
5. Printing on any awning sign is limited to 30 percent of the surface area;
6. Awning signs are permitted lettering attached to and located above the top of a solid awning to a maximum height of 24 inches. Signs mounted to solid, flat roofed awnings are limited to individually-mounted letters with internal illumination (if illuminated) or a sign board with external illumination – no internally illuminated cabinet signs;
7. Awning signs may illuminate the printed area of the awning with gooseneck or similar external illumination. Back-lit awnings are prohibited;
8. Under-awning signs are permitted subject to the following:
   (a) Under-awning signs must be attached to the underside of an awning. Under-awning signs must not project beyond the awning;
   (b) Under-awning signs must maintain a minimum vertical clearance of seven feet;
   (c) A maximum of one under-awning sign is permitted per business establishment with frontage on the street where the awning is mounted;
   (d) Each under awning sign is limited to a maximum of six square feet;
   (e) Under-awning signs must be securely fixed to the awning with metal supports;
   (f) Under-awning signs must be made of wood, metal or plastic;
9. A sign permit is required for recovering or resurfacing an existing awning;

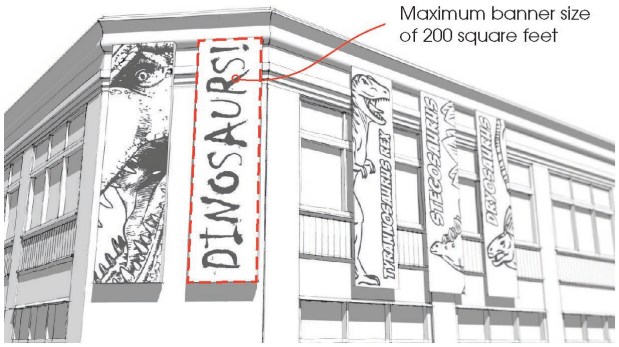






D. Exhibition banners.

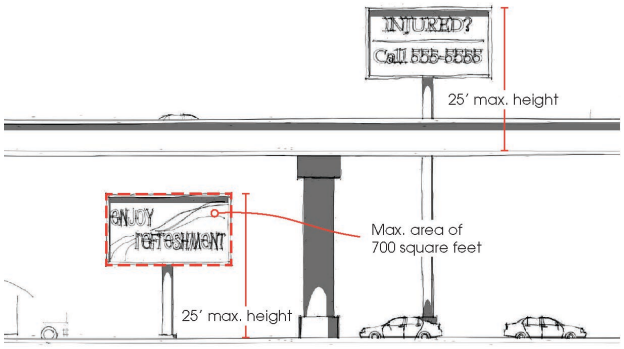
Exhibition banners are intended to be used in conjunction with a special exhibit for an educational facility, government building, museum, library or art gallery, or religious assembly. Exhibition banners are permitted for events and exhibitions as indicated in Table 50-27-4, subject to the following regulations:



1. Each use is permitted up to six exhibition banners during one display period. The display period is defined as the combined period of 30 days prior to the opening of the exhibit, the run of the exhibit, and for 14 days following the close of the exhibit. In no event may the display of exhibition banners exceed four months in any calendar year;
2. Exhibition banners must be made of a durable, weather-resistant material like canvas, nylon or vinyl-coated fabric;
3. Each exhibition banner is limited to a maximum sign area of 200 square feet;
4. Exhibition banners must be securely and tautly attached to the wall of the structure and no exhibition banner may be located higher than the roofline;

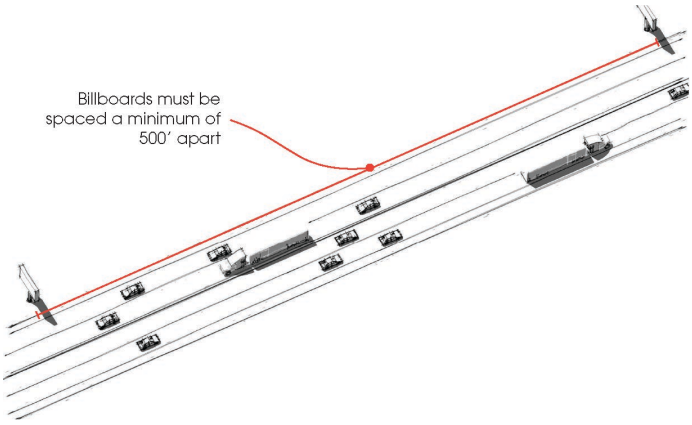
E. Billboard.

The following types of signs require a zoning permit before they can be erected on a site;

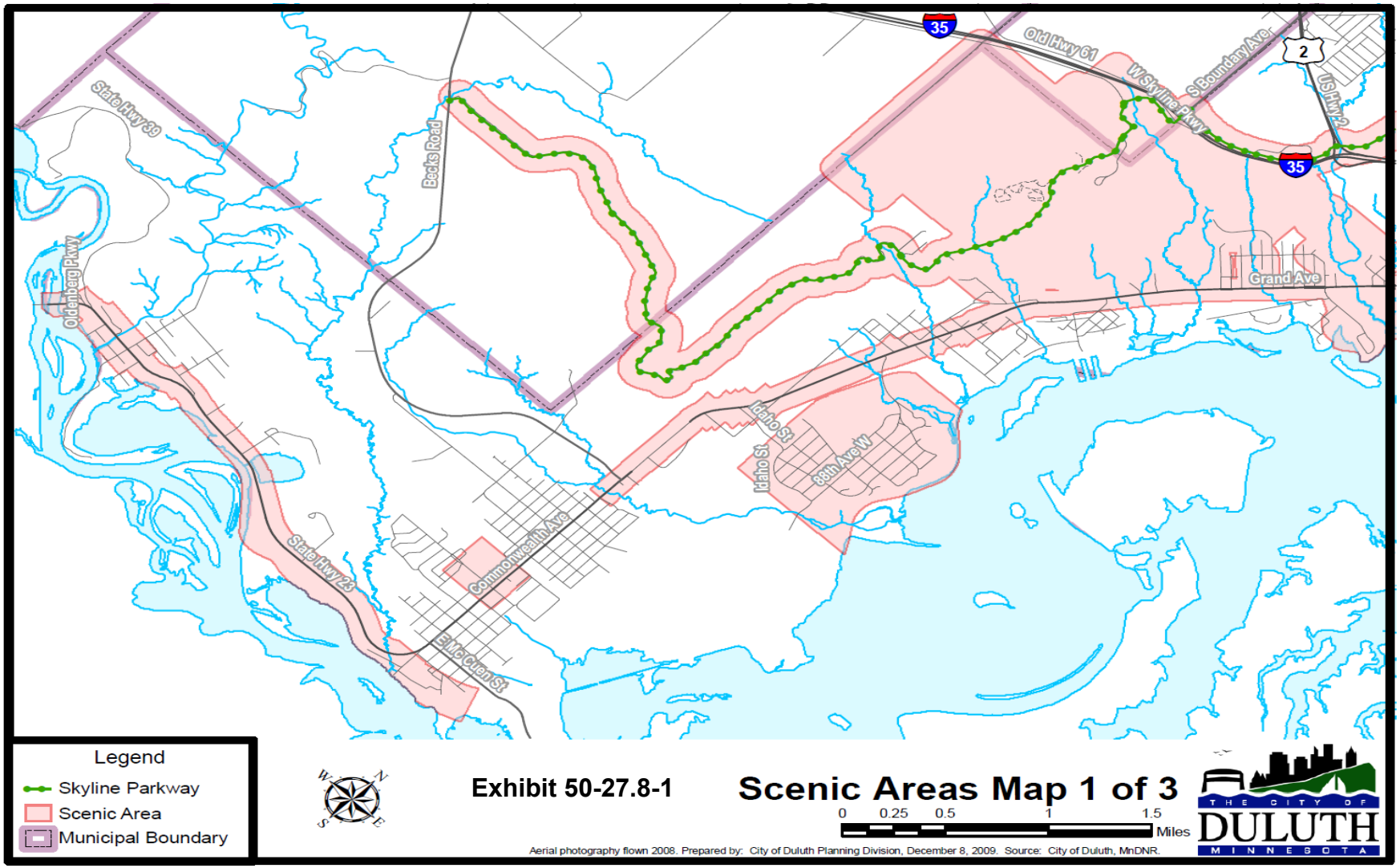


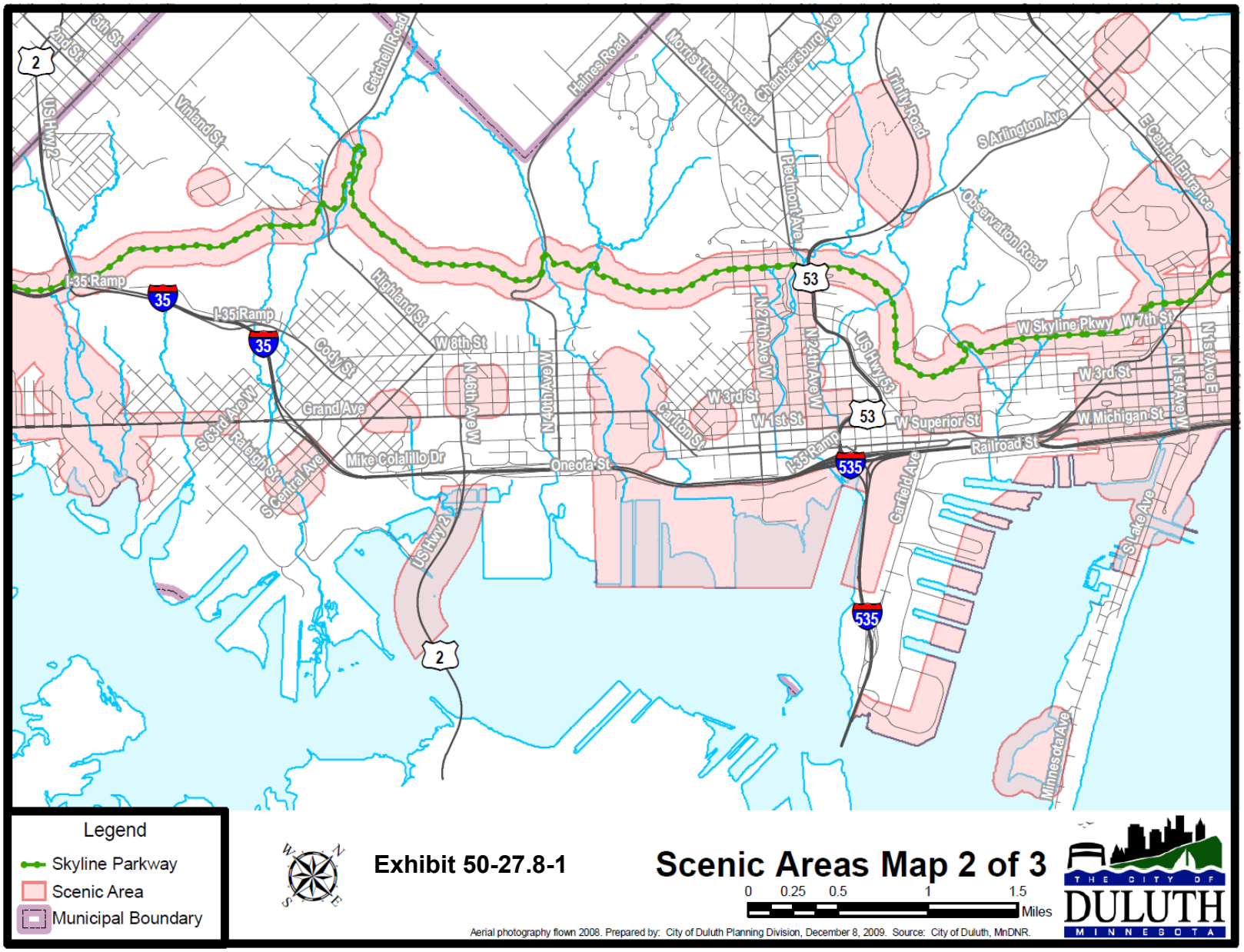
1. Billboards are permitted as indicated in Table 50-27-4 subject to the following regulations. However, billboards are only permitted in the MU-B and I-G districts with the use of an exception credit (Section 50-38.7). Billboards are also further restricted by the requirements of Minnesota State Statute Section 173.08, Subdivision 2, as amended from time to time;
2. The maximum sign area for a billboard is 700 square feet;
3. Billboards adjacent to on-grade roadways are limited to a maximum height of 25 feet. Billboards adjacent to grade separated/elevated roadways are permitted to measure the 25 foot height from the roadbed crown to the tallest projection of the structure. This measurement is taken at a perpendicular angle between the grade separated/elevated roadway and the sign location;
4. Billboards may only be mounted as freestanding pole signs. However, when an exception credit is used, billboards may be wall-mounted and are limited to the wall sign area allowed for that district;

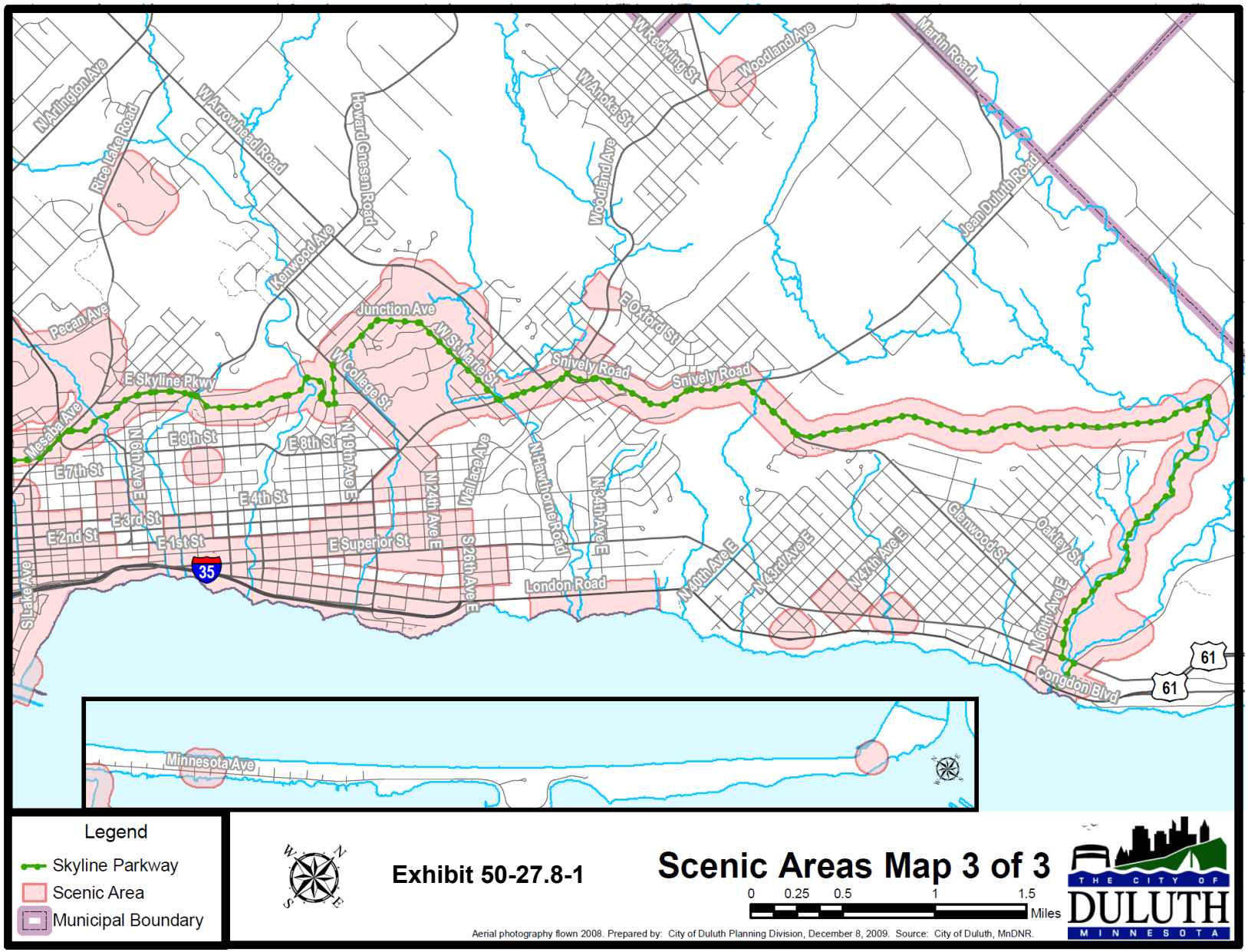
5. Billboards are required to be spaced 500 feet apart, subject to the following:
   (a) Billboards located along Interstate Highway No. 35 and Interstate Highway No. 535 must be spaced 800 feet apart, unless erected under an exception credit in which case only the 500 foot spacing is required;
   (b) Spacing is measured along the nearest edge of the right-of-way pavement to which the billboard is displayed and between points directly opposite the center of the billboard;
   (c) Spacing requirements apply only to billboards located on the same side of the same highway.
   (d) Multi-faced or back-to-back billboards, up to a maximum of a five foot separation between sign faces, are considered one billboard;



6. Electronic billboards are permitted only in the MU-C, MU-B, and I-G districts. Electronic billboards are subject to the following regulations:
   (a) An electronic billboard may only be erected if one of the following criteria is met:
      (i) The electronic billboard is constructed using exception credits. The number of exception credits, in square footage, must equal three times the square footage of the electronic billboard to be constructed;
      (ii) Nonconforming billboards of a total square footage are removed in an amount equal to three times the square footage of the electronic billboard to be constructed;
   (b) Each message displayed on an electronic billboard must be static or depicted for a minimum of eight seconds. Any scrolling, flashing or movement of the message is prohibited;
   (c) The maximum brightness of an electronic billboard is limited to 5,000 nits or 464 candelas per square foot during daylight hours, and 500 nits or 46 candelas per square foot between dusk to dawn. The billboard must have an automatic dimmer control that produces a distinct illumination change from a higher allowed illumination level to a lower allowed level for the time period between one-half hour before sunset and one-half hour after sunrise;
7. No off-premises sign or billboard in excess of 60 square feet shall be erected or maintained in any area shown on the maps in Exhibit 50-27.8-1;

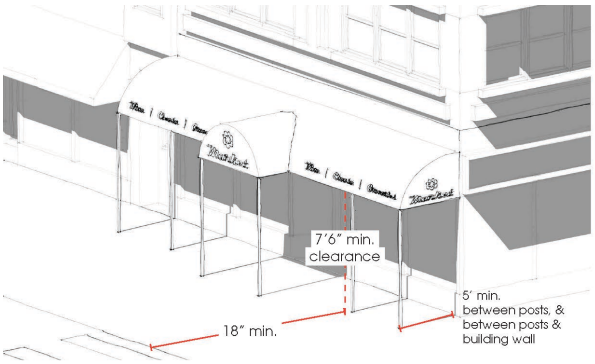

35
Old Hwy 61
W Skyline Pkwy
S Boundary Ave
2
US Hwy 2
35
State Hwy 39
Becks Road
Oldenberg Pkwy
Grand Ave
Idaho St
Idaho St
88th Ave W
Commonwealth Ave
State Hwy 23
E Michigan St
Legend
Skyline Parkway
Scenic Area
Municipal Boundary
W N S E
Exhibit 50-27.8-1
Scenic Areas Map 1 of 3
0 0.25 0.5 1 1.5
Miles
THE CITY OF DULUTH MINNESOTA
Aerial photography flown 2008. Prepared by: City of Duluth Planning Division, December 8, 2009. Source: City of Duluth, MnDNR.

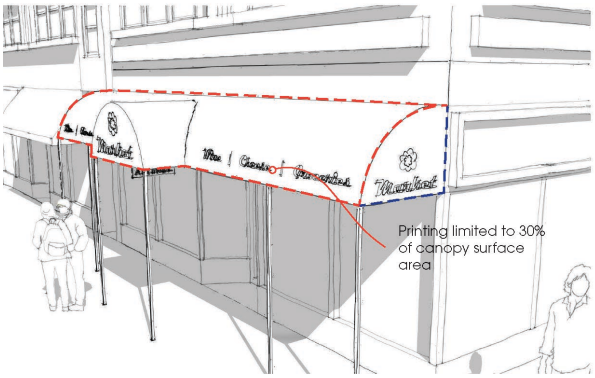

Legend
Skyline Parkway
Scenic Area
Municipal Boundary
Exhibit 50-27.8-1
Scenic Areas Map 2 of 3
0 0.25 0.5 1 1.5
Miles
Aerial photography flown 2008. Prepared by: City of Duluth Planning Division, December 8, 2009. Source: City of Duluth, MnDNR.
THE CITY OF DULUTH MINNESOTA
2
35
53
535
I-35 Ramp
US Hwy 2
Vinland St
Gerchell Road
Haines Road
Morris Thomas Road
Chambersburg Ave
Trinity Road
S Arlington Ave
E Central Entrance
Piedmont Ave
Observation Road
Highland St
W 8th St
Cody St
Grand Ave
S 63rd Ave W
Raleigh St
S Central Ave
Mike Colalillo Dr
N 46th Ave W
N 40th Ave W
Oneota St
Carlton St
N 27th Ave W
N 24th Ave W
US Hwy 53
W 3rd St
W 1st St
W Superior St
I-35 Ramp
Railroad St
W Skyline Pkwy
W 7th St
W Michigan St
N 1st Ave W
N 1st Ave E
Garfield Ave
St Lake Ave
Minnesota Ave

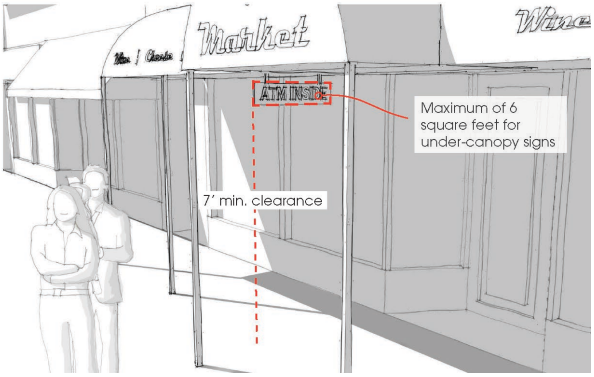

N Arlington Ave
Rice Lake Road
W Arrowhead Road
Howard Gnesen Road
Kenwood Ave
Woodland Ave
W Redwing St
W Anoka St
Martin Road
Jean Duluth Road
Pecan Ave
Junction Ave
W College St
W St Marie St
E Skyline Pkwy
Mesaba Ave
E 9th St
E 8th St
E 7th St
E 4th St
E 3rd St
E 2nd St
E 1st St
E Superior St
N 16th Ave E
N 19th Ave E
N 24th Ave E
N 26th Ave E
N 4th Ave E
N Hawthorne Road
London Road
E Oxford St
Snively Road
N 40th Ave E
N 45th Ave E
N 47th Ave E
Glenwood St
Oakley St
N 60th Ave E
Congdon Blvd
35
61
Minnesota Ave
Legend
Skyline Parkway
Scenic Area
Municipal Boundary
Exhibit 50-27.8-1
Scenic Areas Map 3 of 3
0 0.25 0.5 1 1.5
Miles
Aerial photography flown 2008. Prepared by: City of Duluth Planning Division, December 8, 2009. Source: City of Duluth, MnDNR.
THE CITY OF DULUTH MINNESOTA

F. Canopy.

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







1. Canopy signs must maintain a minimum vertical clearance of seven feet six inches (7' 6");
2. Canopy signs must be located at least 18 inches from the back of curb. Support posts must maintain a minimum separation of five feet between posts and between the posts and any building wall. No obstructions are permitted within this area;
3. Canopy signs must comply with Minnesota State Building and Fire codes, including provisions for encroachment into the public right-of-way, structural requirements, sprinkler protections and similar regulations;
4. Canopy signs must be made of a durable, weather-resistant material like canvas, canvas-like material, nylon, vinyl-coated fabric or metal. Solid, flat-roofed canopies may also be made out of finished wood, wood and plastic composites, metal or metal cladding, stucco or EIFS;
5. Printing on any canopy sign is limited to 30 percent of the surface area. Signs mounted to solid, flat roofed canopy are limited to individually-mounted letters with internal illumination (if illuminated) or a sign board with external illumination – no internally illuminated cabinet signs;
6. Canopies may include underside, external illumination;
7. Under-canopy signs are permitted subject to the following:
    (a) Under-canopy signs must be attached to the underside of a canopy. Under-canopy signs must not project beyond the canopy;
    (b) Under-awning signs must maintain a minimum vertical clearance of seven feet;
    (c) A maximum of one under-canopy sign is permitted;
    (d) Each under-canopy sign is limited to a maximum of six square feet;
    (e) Under-canopy signs must be securely fixed to the awning with metal supports;
    (f) Under-awning canopy must be made of wood, metal or plastic;

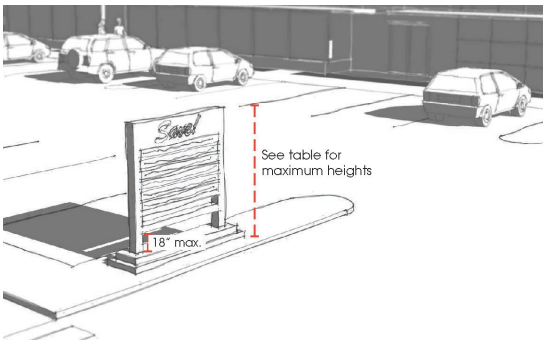
G. Electronic message sign.

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

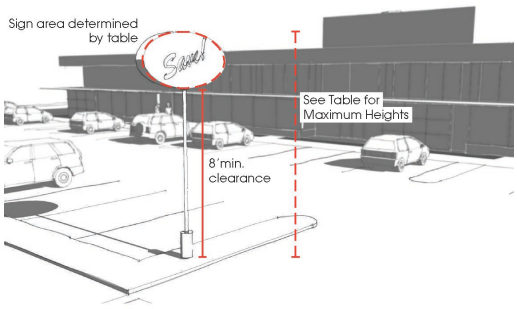
1. Only one electronic message sign per lot is permitted;
2. Each message or image displayed on an electronic message sign must be static or depicted for a minimum of eight seconds. Any scrolling, flashing or movement of the message is prohibited;
3. The maximum brightness of an electronic message sign is limited to 5,000 nits or 464 candelas per square foot during daylight hours, and 500 nits or 46 candelas per square foot between dusk to dawn. The sign must have an automatic dimmer control that produces a distinct illumination change from a higher allowed illumination level to a lower allowed level for the time period between one-half hour before sunset and one-half hour after sunrise;
4. Electronic message signs are permitted as part of a freestanding sign, wall sign or marquee and, in addition, are subject to the requirements for those sign types;
5. Electronic message signs must be integrated into the larger sign structure and must include the name of the use as a non-electronic component as part of the sign structure. Electronic message signs are limited to a maximum of 60 percent of the sign area of the freestanding or wall sign with which it is integrated;
6. Electronic message signs cannot display any off-premises commercial advertising;
7. Electronic display screens are prohibited;

H. Freestanding signs-pole and monument.

Freestanding signs are permitted as indicated in Table 50-27-4, subject to the following regulations:



1. Freestanding sign maximum height and sign areas are as indicated in Table 50-27-5. Freestanding signs must be constructed of solid or composite finished wood, metal, masonry, neon, glass or nonwoven plastic;
2. Only one freestanding sign, either pole or monument, is permitted per street frontage of a lot. For each additional 200 feet of street frontage, above an initial 200 feet of frontage, an additional freestanding sign, either pole or monument, is permitted, up to a maximum of three freestanding signs;



3. All freestanding signs over seven feet in height must submit construction plans prepared by a design professional licensed in Minnesota that comply with the requirements of the Minnesota State Building Code;
4. No part of a freestanding sign may project into, over or otherwise encroach on a public right-of-way;
5. A freestanding pole sign must maintain a minimum vertical clearance of eight feet. When the pole structure of a freestanding pole sign is wrapped in any decorative material, the decorative pole wrapping must be permanently installed. Decorative wrapping shall not be closer than three feet to the property line, and shall not be wider than 25 percent of the sign face. No temporary signs may be attached to the pole of a freestanding pole sign;
6. Freestanding monument signs may be internally or externally illuminated. If externally illuminated, all light must be directed onto the sign face. Freestanding pole signs may only be internally illuminated;

TABLE 50-27-5: FREESTANDING SIGN REGULATIONS			
DISTRICT	SIGN AREA	POLE SIGN	MONUMENT SIGN
	Maximum Sign Area (Square Feet)	**Maximum Sign Height (Feet)**	**Maximum Sign Height (Feet)**
R-C	**42 sf**	**17**	**6**
RR-1	**42 sf**	**17**	**6**
RR-2	**42 sf**	**17**	**6**
R-1	**42 sf**	**17**	**6**
R-2	**42 sf**	**17**	**6**
R-P	**42 sf**	**17**	**6**
MU-N	**42 sf**	**17**	**6**
MU-C*	**60 sf**	**25**	**8**
MU-I*	**50 sf**	**25**	**8**
MU-B*	**50 sf** (Monument)	Prohibited	**8**
MU-W*	**50 sf**	**20**	**6**
MU-P*	**60 sf**	**25**	**8**
F-1	**42 sf**	**17**	**6**
F-2	**42 sf**	**17**	**6**
F-3	**42 sf**	**17**	**6**
F-4	**42 sf**	**17**	**6**
F-5	**42 sf**	**17**	**6**
F-6	**42 sf**	**17**	**6**
F-7	**42 sf**	**17**	**6**
F-8	**42 sf**	**15**	**6**
F-9	**60 sf**	**25**	**8**
I-G*	**60 sf**	**25**	**8**
I-W*	**60 sf**	**25**	**8**
P-1	**42 sf**	**17**	**6**

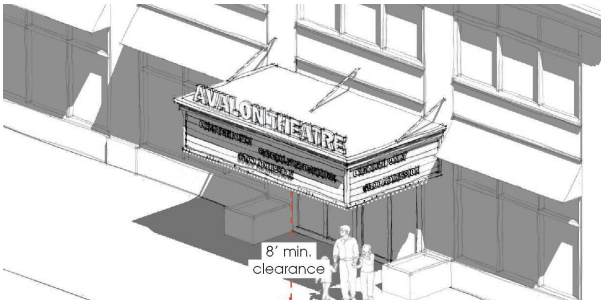
*Freestanding Pole and Monuments Signs in the MU-I, MU-B and MU-W zones are allowed a maximum of 50 sq ft. However, for sites with lot frontage that exceeds 250 lineal feet, the maximum size area of the sign may equal up to 20 percent of the lineal street frontage on the street nearest the sign, up to a maximum sign area of 100 sq ft.

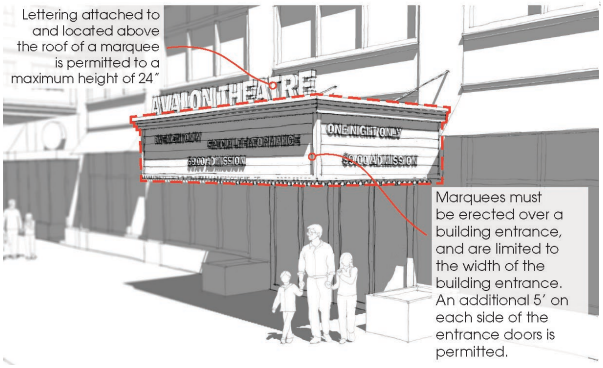
*Freestanding Pole and Monument Signs in the MU-C, MU-P, I-G, and I-W zones are allowed a maximum of 60 square feet. However, for sites with lot frontage that exceeds 300 lineal feet, the maximum size area of the sign may equal up to 20 percent of the lineal street frontage on the street nearest the sign, up to a maximum sign area of 150 square feet.

I. Marquee.

Marquees are permitted as indicated in Table 50-27-4, subject to the following regulations:

1. Marquees must be supported solely by the building to which they are attached. No exterior columns or posts are permitted as supports;
2. No marquee may be erected on any building or other structure of wood frame construction;
3. The roof of a marquee may not be used for any purpose other than to form and constitute a roof and must be constructed of noncombustible material;
4. Water from the roofs of a marquee may not drain, drip or flow onto the surface of a public sidewalk. Sufficient downspouts, drains and gutters must be installed as part of each marquee to prevent water from the roof of the marquee from flowing onto the surface of a public sidewalk;
5. Marquees must be erected over a building entrance and are limited to the width of the building entrance. An additional five feet on each side of the entrance doors covered by the marquee is permitted;
6. All marquees must maintain a minimum vertical clearance of eight feet and the roof of the marquee structure must be erected below the second floor window sill. Marquees may encroach up to 18 inches from the back of curb;
7. Marquees are permitted lettering attached to and located above the roof of a marquee to a maximum height of 24 inches;
8. Marquees may be internally illuminated. External Illumination is prohibited;





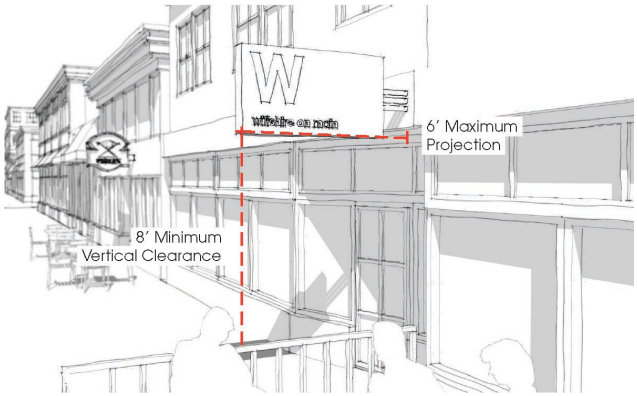
J. Projecting signs.

Projecting signs are permitted as indicated in Table 50-27-4, subject to the following regulations:

1. Projecting sign maximum area is as indicated in Table 50-27-6;
2. One projecting sign is permitted per establishment with frontage on a street. For a corner lot, one projecting sign is permitted for each street frontage. Projecting signs must be above or adjacent to the building entrance or, if a corner lot, the corner of the building;
3. Projecting signs may not project more than six feet from the face of the building to which they are attached, including the area between the sign and the face of the building;
4. Projecting signs must maintain a minimum vertical clearance of eight feet. No projecting sign affixed to a building may project higher than the building height, including the sign support structure;
5. Projecting signs, including frames, braces, and supports, must be designed by a licensed structural engineer or manufacturer. No projecting sign may be secured with wire, chains, strips of wood or nails nor may any projecting sign be hung or secured to any other sign. Any movable part of a projecting sign, such as the cover of a service opening, must be securely fastened by chains or hinges;
6. Projecting signs must be constructed of wood, metal, durable, weather-resistant material like canvas, canvas-like material, nylon or vinyl-coated fabric, or plastic. Projecting signs constructed of material must be mounted so that they are held taut between support posts;
7. Projecting signs may be internally or externally illuminated. If externally illuminated, all lighting must be directed onto the sign face from above;
8. Maximum projecting sign areas are provided in Table 50-27-6: *Projecting Sign Regulations*;
9. Projecting signs erected on properties within the Entertainment District and Historical Canal Park are subject to additional requirements as provided in 50-27.8;

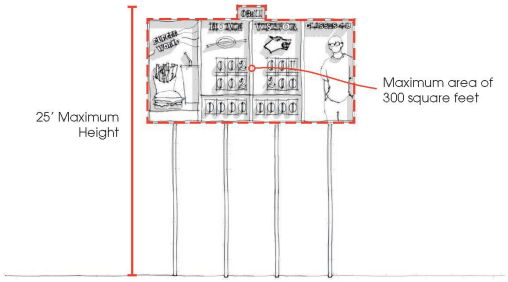
TABLE 50-27-6: PROJECTING SIGN REGULATIONS

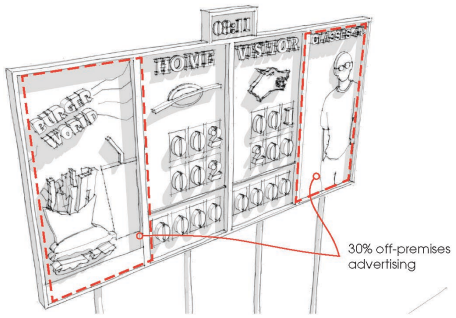
DISTRICT	MAXIMUM AREA
R-C	Prohibited
RR-1	Prohibited
RR-2	Prohibited
R-1	Prohibited
R-2	Prohibited
R-P	Prohibited
MU-N	**36 sf**
MU-C	**48 sf**
MU-I	**48 sf**
MU-B	**48 sf**
MU-W	**36 sf**
MU-P	**48 sf**
F-1	**36 sf**
F-2	**36 sf**
F-3	**36 sf**
F-4	**36 sf**
F-5	**36 sf**
F-6	**36 sf**
F-7	**36 sf**
F-8	**48 sf**
F-9	**48 sf**
I-G	**48 sf**
I-W	**48 sf**
P-1	Prohibited



K. Scoreboard and outfield signs.

1. Scoreboards and outfield signs are permitted as indicated in Table 50-27-4, subject to the following regulations. Such signs are further restricted to recreational playing fields only;
2. Scoreboards must be constructed as a freestanding pole sign, no more than 300 square feet in sign area and 25 feet in height;
3. The score-keeping portion of the scoreboard may utilize an electronic message component;
4. If the scoreboard cannot be viewed from any adjacent right-of-way as measured along 500 foot sight lines from the scoreboard, up to 30 percent of the sign area may be used for off-premises advertising. If the scoreboard can be viewed from any adjacent right-of-way, up to 25 percent of the sign area may be used for off-premises advertising;
5. There is no limit on the number of outfield advertising signs so long as no such signs are visible from an adjacent right-of-way. No permit is required for outfield advertising signs;
6. Scoreboards and outfield signs that are part of a sports stadium as a principal use are considered part of the structure and not subject to these standards;

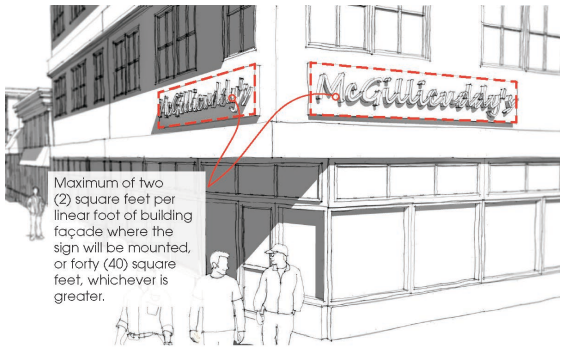




L. Wall signs.

Wall signs are permitted as indicated in Table 50-27-4, subject to the following regulations.

1. The maximum size of a wall sign is established at two square feet per linear foot of building façade where the wall sign will be mounted or 40 square feet, whichever is greater;
2. In addition, any structure over seven stories in height is permitted one additional wall sign per façade to identify the building, that must be placed within the top 20 feet of the structure and cannot cover any fenestration or architectural features. The maximum size is established at two square feet per linear foot of building façade, measured at the roof line, where the wall sign will be mounted;



3. Wall signs may be internally or externally illuminated. If externally illuminated, all light must be directed onto the sign face from above;
4. Wall signs must be safely and securely attached to the building wall. Wall signs must be affixed flat against the wall and must not project more than 18 inches from the building wall;
5. If a wall sign projects more than two inches from the surface, a minimum vertical clearance of eight feet is required;
6. No wall sign mounted on a structure may project above the roof of the structure to which it is attached, including the sign support structure. Wall signs may be mounted on a parapet wall when such parapet is consistent with the architectural design of the structure and/or the larger development, and such parapet wall is constructed of the same primary building materials as the structure, excluding any accent materials. When attached to a parapet wall, wall signs may not project more than eight feet above the roof of the structure, or 15 feet above the roof of the structure on properties zoned MU-C;

7. Wall signs must be constructed of wood, brick, metal or plastic. Wall signs of durable, weather-resistant material like canvas, canvas-like material, nylon or vinyl-coated fabric are also permitted but the signs must be held taught to the building with no sags or wrinkles and the mounting devices must be concealed by a frame that covers the entire perimeter of the banner;
8. Wall signs must not cover windows, doors or architectural features. However, wall signs are permitted on architectural appurtenances, such as chimneys or penthouses, which are part of the original structure;
9. Ghost signs are considered wall signs. Existing ghost signs are exempt from these requirements and deemed conforming. Ghost signs may be maintained and repainted but no new information or images may be added to the existing sign. No new wall signs may be painted over ghost signs. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10204, 3-11-2013, § 1; Ord. No. 10222, 5-13-2013, § 1; Ord. No. 10286, 3-10-2014, § 15; Ord. No. 10338, 11-24-2-14, § 3.)



50-27.8 Areas of special sign control.

A. Purpose.

The city recognizes that certain areas present a unique character that could be strengthened and enhanced with the application of specific sign standards. These commercial areas are:

1. Entertainment districts:
   (a) Lake Avenue South from Railroad Street to lift bridge;
   (b) East Superior Street from Lake Avenue to 9th Avenue East;
2. Historic Canal Park: Canal Park Drive from Lake Place Drive to canal;

B. Entertainment district standards.

1. All projecting signs are permitted a maximum sign area of 36 square feet, unless the zoning district allows a greater maximum sign area;
2. Marquee signs are permitted;
3. Electronic message signs are permitted as components of wall, marquee or freestanding signs, subject to the electronic message sign regulations;

C. Historical Canal Park standards.

1. All projecting signs are limited to a maximum sign area of 12 square feet;
2. All projecting signs may only be externally illuminated from above;
3. All signs must be constructed of wood, brick or metal. Individually mounted plastic letters are permitted for wall signs if wholly covered with opaque paint;
4. All signs are limited to colors from the following color palette. Photographs of the color palette swatches are provided for illustrative purposes only. Applicants may view the original palette at the city of Duluth. For the purposes of this ordinance, the specific colors are provided in two types. The first describes the paint colors originally cited in the DWMX District, which are a series of Ace Hardware paint colors. A general Pantone equivalent is also provided, which are the “uncoated” Pantone PMS colors. Pantone is a color system used in a variety of industries, primarily printing, and occasionally in the manufacture of colored paint, fabric, and plastics. Applicants may consult with the land use supervisor to determine the final colors to be used in the sign, which must meet the general color requirements of this Section.

(Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10204, 3-11-2-13, § 1; cited only in Ord. No. 10222, 5-13-2013, § 1.)

COLOR PALETTE

Ace Hardware Paint Color	General Pantone Color (Uncoated) Equivalent	Ace Hardware Paint Color	General Pantone Color (Uncoated) Equivalent
Far Horizon 65A-2P	649	**Mirage Lake** 65A-3P	650
Cocoa Parfait 25C-1P	4755	**Malibu Sand** 25B-2T	466
Tuxedo Gray 78C-1P	650	**Gray Tweed** 78C-3D	5425
Gray Duck 73C-2P	651	**Symphony Blue** 73C-4D	5415
Bobby Blue 66B-2T	637	**Black Magic** 65A-1A	Process Black
Riviera Sky 75B-3D	646	**Spectrum Blue** 67B-4D	3005
Tahiti Blue 58C-2T	630	**Calico Blue** 75A-1A	2955
Green Stone 60C-2T	623	**Nanking Blue** 66B-4D	313
Sea Vista 56C-2T	629	**Veridiam** 60C-4D	371
Aqua Pool 56C-3D	326	**Gemstone** 56C-4D	3292

Ace Hardware Paint Color	General Pantone Color (Uncoated) Equivalent	Ace Hardware Paint Color	General Pantone Color (Uncoated) Equivalent
Cane 36B-1T	726	**Harvest** 36B-2D	727
Peach Velvet 15B-2T	699	**Dawn Sun** 15B-3D	708
Coral Reef 7B-2T	701	**Spectrum Red** 5A-1A	186
Pagoda Red 5C-4D	703	**War Dance** 14A-1A	188
Blushing Pink 4C-2T	673	**Rosalind** 4C-4D	207
Tarragon 25C-3D	465	**Stratum Rock** 38A-1A	462
Lobster Bisque 16C-1P	699	**Tile Tan** 16C-3D	486
Ripe Peach 22C-2T	722	**Bright Sienna** 22C-4D	723
Tile Tan 16C-3D	486	**Really Rust** 22A-1A	484
Bracken Brown 25C-2T	406	**Tobacco Gold** 47A-1A	4495

50-27.9 Master sign plan.

A. Following the effective date of this Section, an applicant is required to submit a master sign plan for any new commercial multi-tenant building or development that includes non-residential uses, including mixed-use development, for review and approval by the planning commission. The planning commission shall review the application, conduct a public hearing pursuant to Section 50-37.1.I, with public notice as required by Section 50-37.1.H, and make a decision to adopt, adopt with modifications, or deny the application;
B. The master sign plan must provide a coordinated design for all building-mounted signs including, at a minimum, criteria and specifications for sign locations, general range of sign area, and lighting. All freestanding signs must be shown on the sign plan, including size, location and lighting;
C. Once approved, signs erected within the multi-tenant development must follow the master sign plan;
D. The review and approval process for a master sign plan does not allow for variations to the requirements of this Section. (Ord. No. 10204, 3-11-2013, § 1; cited only in Ord. No. 10222, 5-13-2013, § 1.)

50-27.10 Campus sign plan.

A. The city recognizes that university or college or hospital campuses have unique sign needs that may need to depart from the requirements of this Section. In such cases, the planning commission may recommend and city council may approve such sign standards for temporary and permanent signs through the review and adoption of a campus sign plan;
B. A campus sign plan may be applied for by a university or college or hospital campus a minimum of two acres in size. In calculating the area, the entire area does not have to be contiguous and may be separated by public rights-of-way or by individual parcels not owned by the institution. However, the entire area must function as a connected campus;
C. As part of the establishment of a campus sign plan, a comprehensive sign plan must be submitted. The comprehensive sign plan must describe the sign standards for the campus, including all exceptions to the requirements of this Section. A campus sign plan may be more permissive than the standards of this section. Directional signs within the campus may be described generally by sign area and height and general locations;
D. The planning commission shall review the application, conduct a public hearing pursuant to Section 50-37.1.I, with public notice as required by Section 50-37.1.H, and make a decision to adopt, adopt with modifications, or deny the application;
E. Alternately, a campus sign plan may be incorporated into the review and approval process of the district plan option of the MU-I District. (Ord. No. 10204, 3-11-2-13, § 1; cited only in Ord. No. 10222, 5-13-2013, § 1.)

50-27.11 Classic signs.

A. Purpose.

Because the city recognizes that certain existing signs do not conform with this Chapter but are particularly unique and/or have historic value, including signs for products or businesses that are no longer located on-site, the classic sign designation is established where the city can designate certain signs as classic signs. Once designated, the classic sign is deemed conforming, and thus is no longer nonconforming, provided the sign is maintained in good condition and its physical integrity remains intact. Any sign designated on the national historic register is automatically considered a classic sign under this Section;

B. Eligibility.

1. An owner of a sign, or the city may apply for designation of an existing sign as a classic sign. Classic signs are exempt from area, setback, height, lighting, movement, placement, type, content, and construction materials requirements of this Section;
2. To qualify for designation as a classic sign, the sign must:
    (a) Be at least 25 years old or an exact replica of an original sign where the combined age of the duplicate and original sign is at least 25 years;
    (b) Possess unique physical design characteristics, such as configuration, message, color, texture, etc.;
    (c) Be of significance to the city, regardless of the use identified by the sign;
3. A sign designated a classic sign may remain on the premises even if the original use to which the sign relates is no longer located on the premises. A designated classic sign may also be moved to a new structure;

C. Application.

The application for classic sign status must be made to the land use supervisor, who will schedule a public hearing. The planning commission may approve or deny the application;

D. Maintenance.

The owner of a classic sign must ensure that the sign is not structurally dangerous, a fire hazard, an electrical shock hazard, or any other kind of hazard. Classic signs may be rebuilt if damaged;

E. Designated classic signs.

A list of designated classic signs is maintained by the land use supervisor. (Ord. No. 10204, 3-11-2013, § 1; cited only in Ord. No. 10222, 5-13-2013, § 1.)

50-27.12 Master mass transit shelter sign plan.

A. Following the effective date of this Section, a master mass transit shelter sign plan is required for any signage, other than route information, to be placed in or on any mass transit shelter located in a public right of way;
B. The planning commission shall review the plan, conduct a public hearing pursuant to Section 50-37.1.I, with public notice as required by Section 50-37.1.H, and make a decision to approve, approve with modifications, or deny the application. The plan shall not allow for variations to the requirements of 50-27 with the exception of off-site commercial messaging;
C. The master sign plan must provide a coordinated design for all signage to be located at or on all transit shelters of the applicant, including, at a minimum, criteria and specifications for sign locations, size of signage, single or double sided signage, lighting, and a maintenance plan for signage;
D. The master mass transit shelter sign plan shall only apply to transit shelters that are approved by a concurrent use permit;
E. Signage on a shelter must not exceed one-third of the vertical surface of the shelter, and must not impede the sight triangle as established in 50-25.2;
F. After the date of this ordinance, mass transit shelters shall be permitted on public right-of-way only pursuant to a concurrent use permit issued pursuant to this chapter, and once the master sign plan has been approved signage erected must be maintained and operated only as provided for in the master mass transit shelter sign plan. (Ord. No. 10743, 4-26-2021§ 1.)

50-28 STORMWATER DRAINAGE AND EROSION CONTROL.

Stormwater drainage and erosion control regulations and standards apply to all lands in the city, and are contained in Section 50-18.1.E. (Ord. No. 10044, 8-16-2010, § 6.)

50-29 SUSTAINABILITY STANDARDS.

50-29.1 Applicability.

In order to promote sustainable development, all new residential development proposals containing three or more units, and all non-residential development with a gross floor area of 10,000 square feet or more, shall be required to comply with the provisions of this Section 50-29. (Ord. No. 10044, 8-16-2010, § 6.)

50-29.2 Points required.

Each new development shall be required to achieve at least a minimum number of points from the menu of options shown in Table 50-29-1:

A. Residential development minimum requirements.

1. Residential development with 3-29 units: 3 points.
2. Residential development with 30 or more units: 4 points;

B. Non-residential development minimum requirements.

1. Non-residential development with 10,000 to 25,000 square feet: 3 points.
2. Non-residential development with a total square footage of more than 25,000 square feet: 4 points;

Table 50-29-1: Sustainability Point System	
	Points Earned
LOCATION	
Development on previously used or developed land that is contaminated with waste or pollution (brownfield site with Environmental Site Assessment documented contamination that will be removed by property owner as part of the project)	**1.50**
Development on previously used or developed land that is not contaminated (site re-use)	**0.75**
Development on a previously undeveloped site that is located immediately adjacent to existing city roadway and utility infrastructure and that does not require additional public roadway and utility infrastructure to be constructed to service development.	**0.25**
ENERGY EFFICIENCY	
Meet ASHRAE standard 189.1 (Section 7.4.2) for building envelope design [1]	**1.50**
Meet ASHRAE standard 189.1 (Section 7.4.6) for lighting [1]	**0.75**
Meet ASHRAE standard 189.1 (Section 7.4.3) for HVAC equipment [1]	**0.75**
Meet Energy Star standards for low rise residential or exceed ASHRAE 90.1-2004 energy efficiency standards by 15%.[2]	**1.00**
ALTERNATIVE ENERGY	
Generate or acquire a minimum of 15% of the electricity needed by the development from alternative energy sources (solar, wind, etc)	**1.00**
Install solar panels on a minimum of 15% of homes dwelling units contained in one-family, two-family, or townhouse dwellings	**0.75**
Pre-wire a minimum of 10% of residential dwelling units for solar panels	**0.25**
Install solar panels on primary structure, or at least 50% of buildings in a multi-building complex	**0.75**
PASSIVE SOLAR	
A minimum of 20% of residential dwelling units or lots are oriented within 20% of east-west for maximum passive solar exposure	**1.00**
At least 20% of non-residential buildings have one longer axis oriented east-west for maximum solar exposure	**1.00**
WATER	
Install a “cool roof” on the primary structure, or at least 50% all of primary buildings in a multi-building complex. Cool roofs shall have a Solar Reflectance Index of 78 for flat roofs or 29 for roofs with a slope greater than 2:12.	**1.00**
Install a green vegetated roof on the primary structure, or at least 50% of all primary buildings in a multi-building complex. Green	**2.00**

Table 50-29-1: Sustainability Point System	
	Points Earned
or vegetated roofs shall include vegetation on at least 50% of the roof area (25% for renovated buildings) and shall use only plant materials permitted by the landscaping standards in Section 50-25.	
Meet ASHRAE standard 189.1 (Section 6.3.1) for site water use reduction [1]	**0.75**
Meet ASHRAE standard 189.1 (Section 6.3.2) for building water use reduction [1]	**0.50**
STORMWATER, ADDITIONAL RETENTION	
Post construction development will retain at least 0.5 inches of runoff on the site from impervious surfaces (retrain through infiltration, need proper native soils verified through geotechnical field testing approved by city engineer)	**0.50**
Post construction development will retain 1.1 inches of runoff on the site from impervious surfaces (retrain through infilitration, need proper native soils verified through geotechnical field testing approved by city engineer)	**0.75**
VEGETATION	
Retain at least 20% of existing pre-development native natural vegetation (minimum 5,000 square feet)	**0.50**
Turf grass is limited to 40% of the landscaped area. (minimum 5,000 square feet)	**0.25**
Maintain a minimum of 50 foot naturally vegetative buffer from delineated wetlands (minimum 25,000 feet of delineated wetlands on the property)	**0.50**
URBAN AGRICULTURE	
A fenced, centrally located community garden space is provided for residents and for urban gardening purposes at a ratio of 50 sq. ft. per dwelling unit as part of the overall landscape plan	**1.00**
A minimum of one on-site composting station is provided for every 25 units	**0.25**
TRANSPORTATION	
Source a minimum of 20% by cost of structure construction materials from recycled products or products manufactured, extracted, harvested, or recovered within 500 miles of the site (excluding gravel, fill, concrete, asphalt, and similar site construction material)	**1.50**
A minimum of 2% of required automobile parking spaces are signed and reserved for hybrid/electric/low energy vehicles in preferred locations near the primary building entrance	**0.25**
[1] *Standard for the Design of High-Performance Green Buildings*, American Society of Heating, Refrigerating, and Air-Condition Engineers, 2009.	
[2] *Energy Standard for Buildings Except Low-Rise Residential*, American Society of Heating, Refrigerating, and Air-Condition Engineers, 2004.	

(Ord No 10459, 7-11-2016, §2)

C. LEED-certified building alternative.

Buildings that have achieved LEED requirements necessary to receive certification from the U.S. green building council at the silver level or above shall not be required to meet the above requirements;

D. Documentation required.

Applicants shall provide documentation of techniques that will be used to satisfy the above requirement, as necessary, at the time of application submittal. Documentation for items that may not be visually verified as part of an inspection may be provided in the form of invoices, receipts, or delivery confirmation for the items in question. (Ord. No. 10044, 8-16-2010, § 6.)

50-30 DESIGN STANDARDS.

The design standards of this Section 50-30 apply to all new development and all redevelopment or renovation of existing structures where the redevelopment or renovation expands the building gross square footage by more than 50 percent. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 39.)

50-30.1 Multi-family residential design standards.

Each principal structure or development in which a majority of the gross floor area is occupied by multi-family dwellings must comply with the standards set out in this Section, unless the provisions of Section 50-30.3, Mixed Use Development, apply:

A. Accessibility.

Multi-family dwelling developments containing more than one principal structure on a single lot or parcel must include an unobstructed walkway or pathway providing access between the principal structures for persons with disabilities. The walkway or pathway must be at least five feet wide, and, if curb ramps are necessary to provide such access, the curb ramps must comply with the slope and design requirements of the city;

B. Façade length and articulation.

Total length of any multi-family structure façade shall not exceed 300 feet and no façade wall shall extend more than 80 horizontal feet without projections or recesses. Each facade greater than 100 horizontal feet in length shall incorporate wall plane projections or recesses having a depth of at least three percent of the length of the facade and extending at least 20 percent of the length of the façade;

C. Roof design.

Rooflines longer than 100 horizontal feet shall include at least one vertical elevation change of at least twp feet. All sloped roofs shall have overhanging eaves of at least one foot, and roofs with a pitch of less than 2:12 shall be screened by a parapet wall;

D. Four-sided design.

All sides of a structure open to view by the public, whether viewed from public or private property, shall display a similar level of quality and architectural interest;

E. Parking structures and carports.

To the maximum extent feasible, parking structures and carports shall not be located between the front or primary façade of a multi-family building and the street frontage adjacent to the front lot line, but shall instead be internalized within building groups so as not to be directly visible from the street frontage;

F. Design features.

At least three of the following design features shall be provided for visual relief along all facades of each primary multi-family building:

1. Roof dormers;
2. Gables;
3. Recessed entries;
4. Covered porches;
5. Cupolas;
6. Pillars, pilasters or posts;
7. Bay windows;
8. Eaves of at least 12 inches beyond the building wall or a parapet wall with an articulated design (decorative cornice, etc.);
9. Multiple windows with minimum four inches trim;
10. Recesses/shadow lines;
11. Building foundation areas that face streets or public areas shall be landscaped to a minimum width of five feet with a minimum of three shrubs per 20 lineal feet of foundation;

G. Visibility of common areas.

To promote public safety, primary multi-family dwelling structures and landscaping must be located and designed so that clear sight lines are provided to and between common open spaces, circulation paths and access points into the development, where applicable. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 40, Ord. No. 10813, 9-12-22 §4)

50-30.2 Commercial and institutional design standards.

A. Applicability.

1. The standards of this Section 50-30.2 shall apply to each principal building or development in which a majority of the gross floor area is occupied by uses categorized in Table 50-19.8 as commercial and institutional uses, except for:
    (a) Any building or development located in one of the form districts;
    (b) Any building or development located on a lot smaller than 10,000 square feet;
    (c) Any building or development containing less than 10,000 square feet of gross floor area;
2. If a building or development containing less than 10,000 square feet of gross floor area is later expanded so that it contains 10,000 square feet of gross floor area or more, it shall be subject to these requirements;

B. Facades and articulation.

Each commercial or institutional principal structure, other than large retail structures addressed in Section 50-30.2.D below, shall meet the transparency requirement described in subsection 1 below, and shall also comply with two of the remaining options listed in subsections 2 through 5 below, with the choice of those standards to be at the option of the owner:

1. Transparency requirement.
   A minimum of ten percent of each facade area that faces a street shall be composed of transparent materials. At least 1/2 of this amount shall be provided so that the lowest edge of the transparent materials is no higher than four feet above the street level;
2. Wall plane articulation option.
   Each facade greater than 100 feet in length abutting a street shall incorporate architectural features such as wall plane projections, recesses, or other building material treatments and textures that visually interrupt the wall plane. No uninterrupted length of any facade shall exceed 100 horizontal feet;
3. Vertical articulation option.
   Each principal building taller than 30 feet in height must be designed so that the massing or façade articulation of the building presents a clear base, middle and top when viewed from the abutting street;

4. Roof articulation option.
   Where sloping roofs are used, at least one projecting gable, hip feature, or other break in the horizontal line of the roof ridgeline shall be incorporated for each 60 lineal feet of roof. Where flat roofs are used, the design or height of the parapet shall include at least one change in setback or height of at least three feet along each 60 lineal feet of façade;
5. Foundation landscaping option.
   Building foundation areas that face streets or public areas shall be landscaped to a minimum width of five feet with a minimum of three shrubs per 20 lineal feet of foundation;

C. Entryway design and location.

Each principal building shall have clearly defined, highly visible main entrances for occupants and customers with features designed to emphasize the importance of the entrance, which must include at least two of the following features, with the choice of the features to be at the option of the owner:

1. A canopy or portico;
2. A roof overhang;
3. A horizontal recess or projection;
4. An arcade or arch;
5. A peaked roof form;
6. An outside patio;
7. A display window;
8. Architectural tilework or moldings integrated into the building design;
9. Integrated planters or wing walls that incorporate landscaped areas or seating areas;
10. Another architectural feature not found on the remainder of that building façade;

D. Additional standards for large commercial retail buildings.

In addition to meeting the standards in subsection A above, single-story retail buildings containing 65,000 square feet or more of gross floor area, in which one user or tenant occupies more than 75 percent of the gross floor area, shall meet the following additional standards:

1. Facade articulation.
   Each building facade longer than 100 feet shall incorporate wall plane projections or recesses at least two feet deep, and extending at least 20 percent of the length of the façade. At least one of those wall plane projections or recesses shall repeat horizontally at an interval of no more than 30 feet;
2. Facade design.
   Each building façade must have a repeating pattern that includes at least two instances of at least one of the following:
   (a) Color change;
   (b) Texture change;
   (c) Material module change;
   (d) Expression of an architectural or structural bay through a change in plane no less than 12 inches wide, such as an offset, reveal or projecting rib;
3. Pedestrian oriented design features.
   Ground-floor façades that face public streets or accessory parking areas shall have arcades, display windows, entry areas, awnings or other such features along no less than 60 percent of their horizontal length;
4. Pedestrian connections.
   All principal entrances of principal buildings shall have direct access (i.e., access without having to cross a public street) to a sidewalk, walkway, path or pathway that leads to a public street. Each such sidewalk, walkway, path or pathway must be a minimum of five feet wide. If a sidewalk does not currently exist, and there is a sidewalk system in place, sidewalks on the property shall connect to the existing sidewalk system;
5. Bicycle access.
   Bicycle access shall be provided between public bicycle lanes, paths, or routes on adjacent streets and on-site bicycle parking areas. Sites should be designed to avoid or minimize all conflicting bicycle/motor vehicle and bicycle/pedestrian movements;

E. Special provisions for MU-B district.

Not less than 30 percent of the exterior walls of all buildings shall be covered with finish grade brick, stone, concrete or masonry. No metal roofing materials shall be visible;

F. Alternate commercial and institutional design.

In lieu of compliance with the specific requirements of this Section 50-30.2, an owner may propose to the land use supervisor an alternative approach consistent with the intent of this Section. The land use supervisor may approve a proposal under this Section only if the proposed alternative achieves required façade design and articulation, entryway design and location, pedestrian oriented design features, pedestrian connections and bicycle access to the same degree or better than the provisions of this Section. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 41.)

50-30.3 Mixed use design standards.

In a mixed use development, each residential principal building must comply with residential design standards, each commercial or institutional building must comply with commercial design standards, and each industrial building must comply with industrial design standards, unless the applicant chooses to request one of the alternative design requirements below.

A. Residential/commercial.

If a mixed use development contains a mix of (a) principal multi-family uses and (b) principal commercial, public, institutional, or civic uses, the applicant shall comply with the multi-family design standards in Section 50-30.1 and the ground floor transparency standards in Section 50-30.2.B.1.

B. Commercial/industrial.

If a mixed use development contains a mix of (a) principal commercial or institutional uses and (b) principal industrial uses the applicant may choose to comply with either the commercial or industrial design standards. (Ord. No. 10044, 8-16-2010, § 6.)

50-30.4 Industrial design standards.

Each principal building, except a building greater than 100,000 square feet in gross floor area in the MU-B, I-G and I-W districts, or development in which a majority of the gross floor area is occupied by uses categorized industrial uses in Table 50-19.8 must comply with the following standards, unless the provisions applicable to mixed use development apply.

A. Facade articulation.

Each industrial principal building must meet at least one of the following four standards, with the choice of the standard to be at the option of the owner:

1. Wall plane horizontal articulation option.
   Each facade greater than 100 feet in length abutting a street, measured horizontally, must incorporate architectural features such as wall plane projections, recesses or other building material treatments and textures that visually interrupt the wall plane. No uninterrupted length of any facade may exceed 100 horizontal feet;
2. Vertical articulation option (for buildings taller than 30 feet).
   Each principal building greater than 30 feet in height must have a change in cladding material or surface plane. No single cladding material or surface plane may extend for an uninterrupted vertical distance of more than 30 feet;
3. Parapet variation option.
   All facades visible from a public street must include a parapet that varies in height by at least two feet for each 60 lineal foot of façade length;
4. Foundation landscaping option.
   Building foundation areas that face streets or public areas shall be landscaped to a minimum width of five feet with a minimum of three shrubs per 20 lineal feet of foundation;

B. Entryway design.

Each principal building must have clearly defined, highly visible main entrances for occupants and patrons with features designed to emphasize the importance of the entrance, including at least one of the following elements, with the choice of the element to be at the option of the owner:

1. Canopy or portico;
2. Roof overhang;
3. Horizontal recess or projection;
4. Arcade or arch;
5. Peaked roof form;
6. Outside patio;
7. Display window;
8. Architectural tilework or moldings integrated into the building design;
9. Integrated planters or wing walls that incorporate landscaped areas or seating areas;
10. Similar architectural feature not found on the remainder of that building facade. (Ord. No. 10044, 8-16-2010, § 6.)

50-30.5 Parking structure design standards.

Each primary use or accessory parking garage shall comply with the following requirements:

A. Each façade of the parking structure that faces a public street shall contain, or have the appearance of containing, horizontal (rather than sloped) floor planes and shall not reveal interior ramps;

B. All sides of the parking structure not occupied by retail, office or residential uses must be articulated through the applicant's choice of at least three of the following:

1. Windows or window shaped openings;
2. Decorative wall insets or projections;
3. Awnings;
4. Changes in color or texture of materials;
5. Public art approved by the Duluth public arts commission pursuant to its established review and approval criteria;
6. Integrated landscape planters;
7. Pedestrian-scaled lighting;
8. Benches, plazas, or other pedestrian areas;
9. Other features as approved by the land use supervisor as providing an equivalent degree of architectural articulation, visual interest or pedestrian amenity;

C. Openings in the podium or tuck under parking areas shall be screened with architectural screens.

(Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 42; Ord. No. 10153, 5-14-2012, § 12.)

50-31 EXTERIOR LIGHTING.

50-31.1 Applicability.

A. General.

Unless excepted in subsection B below, all exterior lighting on lots and parcels in any zone district that contain a primary structure with a multi-family, mixed use, commercial, institutional, industrial or parking principal use, when any of the following conditions occur shall comply with the standards of this Section 50-31:

1. A new primary structure is constructed;
2. The floor area in an existing primary structure(s), taken collectively, is increased by more than 25 percent;
3. An existing primary structure is relocated on the lot or parcel;
4. The primary structure is renovated or redeveloped (including but not limited to reconstruction after fire, flood or other damage), and the value of that renovation or redevelopment, as indicated by building permits, is more than 25 percent of the market value of the land and buildings, as indicated by tax assessor's records;

B. Exceptions.

The following types of lighting are not subject to the requirements of this Section 50-31:

1. Public street and right-of-way lighting;
2. Temporary decorative seasonal lighting;
3. Temporary lighting for emergency or nighttime work and construction;
4. Temporary lighting for theatrical, television and performance areas, or for special public events;
5. Lighting for a special district, street or building that, according to an adopted city plan or ordinance, is determined to require special lighting aesthetics as part of its physical character;
6. Lighting required and regulated by the FAA;
7. Lighting for outdoor recreational uses such as ball diamonds, playing fields, tennis courts and similar uses, provided that (a) light poles are not more than 80 feet tall, (b) maximum illumination at the property line is not brighter than two footcandles, and exterior lighting is extinguished no later than 11:00 p.m. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 43.)

50-31.2 General review standard.

If installed, all exterior lighting shall meet the functional security needs of the proposed land use without adversely affecting adjacent properties or the community. For purposes of this Section 50-31, properties that comply with the design standards of Section 50-31.3 below shall be deemed to not adversely affect adjacent properties or the community. (Ord. No. 10044, 8-16-2010, § 6.)

50-31.3 Design and illumination standards.

All exterior lighting regulated by this Section shall not be altered or replaced except where the alteration or replacement would comply with the provisions of this Section. All exterior lighting shall meet the following design standards:

A. Any light source or lamp that emits more than 900 lumens (13 watt compact fluorescent or 60 watt incandescent) shall be concealed or shielded with an Illuminations Engineering Society of North America (IESNA) full cut-off style fixture with an angle not exceeding 90 degrees, with 90 percent of the light below 80 degrees. Exterior lighting shall be designed, constructed, and maintained in a manner that minimizes off-site glare, light trespass on adjacent property, and traffic hazards for pedestrian and motorists;

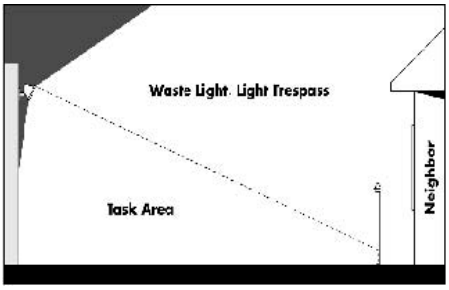


Figure 50-39.1-A: Does not comply -- Light trespass

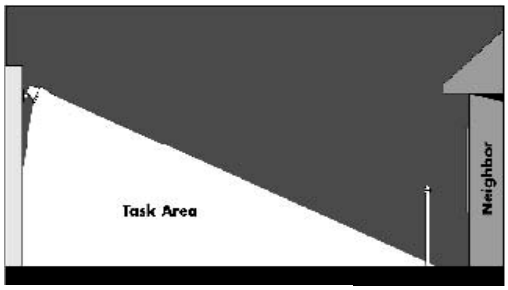


Figure 50-39.1-B: Complies -- No light trespass

B. All lighting shall have the intensities and uniformity ratio consistent with the IESNA lighting handbook, and shall be designed and located so that the illumination measured in footcandles at the finished grade shall comply with the standards in Table 50-31-1, *Minimum and Maximum Illumination Values*. All exterior lighting shall meet the requirements of the Minnesota State Energy Code, except for temporary decorative seasonal lighting;

Table 50-31-1: Minimum and Maximum Illumination Values (in Footcandles)

Use	Maximum Illumination on Property	Maximum Illumination at Property Line (Excluding Rights-of-Way)	Maximum Illumination at Right-of-Way	Maximum/ Minimum Ratio in an Illuminated Area
Residential Uses and Agricultural and Animal Related Uses	5	.5	1.0	10:1
All Other Uses	10	1.0	2.0	15:1

C. The maximum height of any lighting pole serving a residential use is 20 feet. The maximum height serving any other type of use is 25 feet, except that (1) in parking lots larger than five acres, the maximum height of any pole located at least 100 feet from any residential use is 35 feet, and (2) in the I-G and I-W zone districts, the maximum pole height is 50 feet;
The calculation for the height of lighting poles excludes the pole's base (up to 30 inches;

D. Sign illumination shall conform to the provisions of Section 50-27.

E. Lighting of free standing canopies for automobile service stations, convenience stores, and other similar uses shall have a maximum light level of 15 footcandles. Lighting shall be fully recessed into the canopy and shall not protrude downward beyond the ceiling of the canopy. Maximum lighting level uniformity (maximum to minimum) on the site shall be 15:1;

F. The use or operation of searchlights for advertising purposes is prohibited. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizon, is prohibited;
G. All outdoor light not necessary for security purposes shall be reduced to 30 percent of design levels or less, activated by motion sensor detectors, or turned off during non-operating hours;
H. Light fixtures used to illuminate statues, monuments, or any other objects mounted on a pole, pedestal or platform shall use a narrow cone beam of light that will only illuminate the object;
I. For upward-directed architectural, landscape and decorative lighting, and flood lights, direct light emissions shall be contained by the buildings and not be visible above the building roof line, and shall not be utilized to light any portion of a building façade between 10:00 p.m. and 6:00 a.m.;
J. No flickering or flashing lights shall be permitted, except for temporary decorative seasonal lighting.
K. LED lighting may not exceed a correlated color temperature (CCT) of 3000 Kelvin (K) nor have a minimum color rendering index (CRI) of less than 80. This provision does not apply to lighting serving a public or quasi-public institution for public safety or security purposes as determined by the Land Use Supervisor, or street lighting provided by the city, county, or the state of Minnesota.

(Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10153, 5-14-2012, § 13, Ord. No. 10813, 9-12-22, §3)

50-32 HOUSING AND PROPERTY MAINTENANCE CODE.

The city has adopted by reference the year 2012 edition of the International Property Maintenance Code, as the Housing and Property Maintenance Code of the city, as amended by Chapter 29A of the code. (Ord. No. 10044, 8-16-2010, § 6. Ord. No. 10459, 7-11-2016, §3)

50-33 PLATS.

50-33.1 General.

All subdivision plats and replats, and all registered land surveys, shall create lots, streets and walkways and open spaces consistent with the requirements of the zone district within which the land is located. Without limiting the generality of the previous sentence, all plats and land surveys approved after November 19, 2010, shall be consistent with the lot dimension requirements contained in sections 50-13 through 18 of this Chapter, as well as the requirements of Section 50-21, *Dimensional requirements*, 50-22, *Building form standards,* 50-23, *Connectivity and circulation,* 50-24, *Parking and loading*, and 50-18.1.E, *Stormwater and erosion control*. In addition, all subdivision plats and replats, and all registered land surveys approved after November 19, 2010, shall comply with the standards of this Section 50-33. (Ord. No. 10044, 8-16-2010, § 6.)

50-33.2 Site design.

A. The site design process shall begin with an analysis of site constraints and natural resources, and shall avoid both to the degree practicable;

B. In addition, the site design process shall include a pre-submittal evaluation of storm drainage to ensure that the proposed design will comply with the storm drainage and erosion control standards in Section 50-18.1.E. This study shall be submitted prior to submission of a preliminary plat of the property;

C. The site design process shall include an evaluation of minimal impact development and low impact development methods;

D. At a minimum, the lands included in the plat or survey shall be designed so that all developable parcels can be developed in compliance with the requirements of:

1. Section 50-18.1, *Natural resources overlay district*, which identifies areas subject to flood plain, shorelands and wetland constraints, and stormwater and erosion control;
    (a) If located in a floodplain, proposed developments of more than 50 lots or 5 acres, whichever is lesser, must meet the requirements of Section 50-18.1.C.5(b)(i)
2. Section 50-18.4, *Skyline Parkway overlay district,* which identifies constraints on the location of structures and fences on lands located within 200 feet downhill of Skyline Parkway;

E. Shore and bluff impact zones shall be included in common open space. Wetlands, floodplains, wildlife areas, steep slopes, rock outcrops, tree stands and areas in their natural state that are unsuitable for development shall be included in common open space if possible;

F. Whenever a portion of a tract is proposed for platting and it is intended to enlarge such platted portion in the future, a tentative plan for the entire tract shall be submitted;

G. To ensure a harmonious development in areas not subject to any zoning ordinance (areas now outside the corporate limits of Duluth), the subdivider may be required to place upon such plats restrictions comparable to those of this Chapter for similar areas. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 44, Ord. No. 10929, 3-24-2025, § 5.)

50-33.3 Block size.

A. In the MU-B, I-G and I-W zone districts, block lengths and widths shall be platted to accommodate the anticipated occupancy of the platted lots;

B. In other zone districts, blocks shall be not less than 300 feet nor more than 600 feet in length;

C. Through lots or double-frontage lots shall be avoided as far as practicable, but may be permitted when necessary to allow efficient use of the land in light of site topography. (Ord. No. 10044, 8-16-2010, § 6.)

50-33.4 General lot design and layout.

A. All lots shall have frontage on a public street unless that is impracticable due to topography and the land use supervisor approves an alternative layout based on considerations of public safety and land use efficiency;

B. Where practicable, side lot lines shall be at approximately right angles to the street on which the lot fronts;

C. Where practicable, adjacent lots shall not be platted so that their long axes are at right angles to each other;
D. No strips of land shall be platted for private ownership that control access to public streets or that are untaxable for special improvements;
E. Where practicable, lots shall be oriented so that the long axis of the lot is within 15 degrees of east-west in order to increase solar orientation;
F. Flag lots are prohibited in R-1, R-2 and MU-N zone districts. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 45; Ord. No. 10286, 3-10-2014, § 16.)

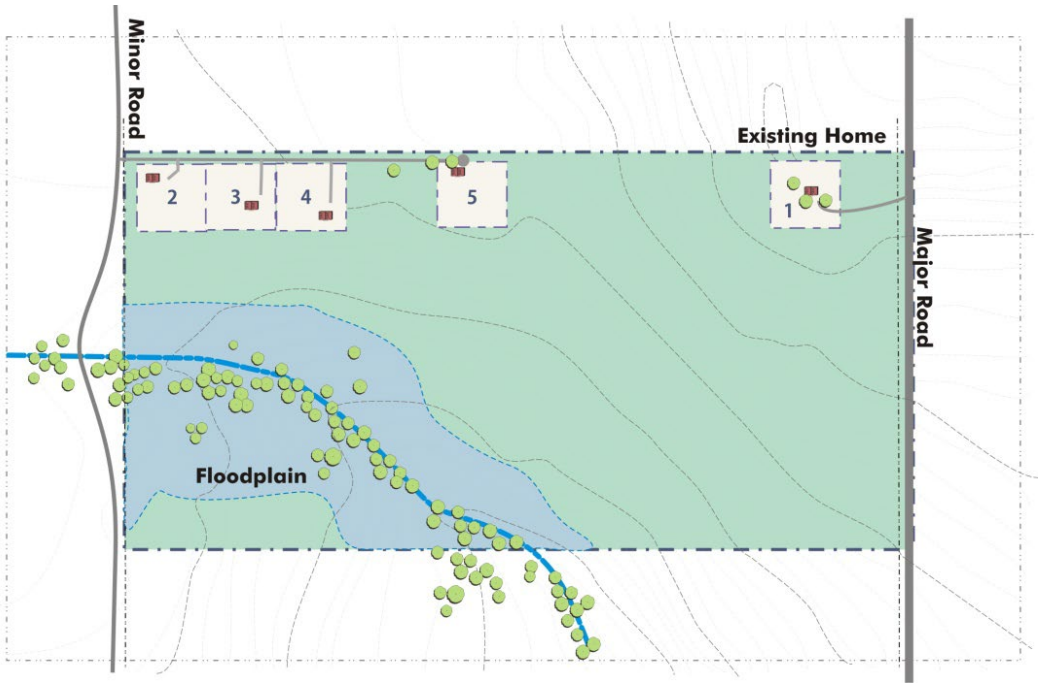
50-33.5 Specific layout standards for R-C, RR-1 and RR-2 districts.

A. When (i) a tract or parcel of land in the R-C or RR-1 districts, or (ii) a parcel of land in the RR-2 districts with sewer service, is proposed for platting to create five or more residential building lots, those lots shall be clustered as described in this Section in order to retain the open character of the land and reduce the amount of the tract occupied by building sites;
B. When these clustering requirements apply:

1. The applicant may create only as many residential building lots as would be permitted under the minimum lot size provisions of sections 50-14.2, 50-14.3 or 50-14.4;
2. If the parcel does not have sewer service, the minimum lot size for residential use shall be two acres and the maximum lot size shall be two- and-one-half acres. All new residential lots shall be clustered in close proximity to each other on a portion of the property that complies with the siting requirements of Section 50-21.2 so that the shortest line around the outer perimeter of all new residential lots encloses an area of land that:
    a. In the R-C district, totals less than 20 percent of the total parcel being subdivided;
    b. In the RR-1 district, totals less than 50 percent of the total parcel being subdivided;
3. If the parcel has sewer service, the minimum lot size for residential use shall be one-half acre and the maximum lot size shall be one acre. All new residential lots shall be clustered in close proximity to each other on a portion of the property that complies with the siting requirements of Section 50-21.2 so that the shortest line around the outer perimeter of all new residential lots encloses an area of land that:
    a. In the R-C district, totals less than 15 percent of the total parcel being subdivided;
    b. In the RR-1 district, totals less than 25 percent of the total parcel being subdivided;
    c. In the RR-2 district, totals less than 50 percent of the total parcel being subdivided;
4. To the maximum extent practicable, existing historic rural features shall be preserved as part of the cluster development. These features include but are not limited to rock walls, fences, functional and structurally safe farm buildings, monuments and landscape features;
5. To the maximum extent practicable, in the R-C district, the clustered residential lots shall be located so as to reduce visibility of residential development on the parcel when viewed from public streets adjacent to the parcel;
6. To the maximum extent practicable, the portion of the parcel not occupied by clustered residential lots shall be contiguous, shall not be fragmented by public or private road easements unless no other reasonable alternative exists, shall include any natural features listed in Section 50-33.2, and shall connect with open space on neighboring parcels in order to connect habitats and reduce fragmentation;
7. The portion of the parcel not occupied by clustered residential lots shall remain available for the use and benefit of the owners of the clustered residential lots, and need not be made available for the use or benefit of the public;
8. The portion of the parcel not occupied by clustered residential lots shall be shown on the preliminary and final plat, shall be owned and managed by a homeowners association and shall be encumbered through an easement, restrictive covenant, or other instrument suitable to the city to ensure that that it will provide continuing visual or use benefits to the owners of clustered

residential lots and will not be developed until such time as the city may rezone all or a portion of the development for more intensive development;

9. The city may require the creation of a homeowner's association or other organization for ownership and maintenance of those portions of the property not included in clustered residential lots. (Ord. No. 10044, 8-16-2010, § 6.)



50-33.6 Streets.

A. Alignment.

1. New streets shall align with the existing street network on the same general alignment if practicable, unless the city engineer advises that an offset or alternate alignment is needed for public safety or topography;
2. Streets shall intersect at approximately right angles wherever practicable, and intersection angles less than 30 degrees shall be avoided;
3. On major and secondary streets the centerline radius of curvature shall be 350 feet. On minor and local streets the centerline radius of curvature shall be 100 feet;
4. Cul-de-sacs are discouraged in new and replatted developments except where through streets are not practicable due to site or topography constraints;

B. Grade.

1. Streets shall conform to existing contours as far as practicable so as to avoid grades in excess of five percent on major and secondary streets and ten percent on minor and local streets. Changes in grade shall be made by vertical curves of such length to meet the design speed of the road;
2. Where practicable, grades within 30 feet of street intersections, especially intersections on major streets, should not exceed three percent;
3. Where practicable, horizontal and vertical curves shall not occur together;

C. Width.

1. Major streets shall be platted at those widths shown in the major street plan and collector and local streets shall be platted not less than 66 feet, or 50 feet if there are no utilities, in right-of-way width, except as noted in subsection 2 below;
2. Where the plat includes parkways, streets along railway rights-of-way, immediate or future grade separations, bridges or viaducts, the city engineer shall specify the street width at the time of platting based on considerations of public safety and land use efficiency;
3. Dead-end streets shall be provided with ample turning spaces at or near the closed ends.

D. Names.

Proposed streets that are direct extensions or continuations of existing streets shall be given the same names as those existing streets. Other streets shall not be given names that duplicate existing street names or that may be confused with existing street names. The City Engineer shall review and approve all proposed street names in all subdivisions that are submitted for Planning Commission review and approval;

E. Private and public streets.

Except as specifically provided for in this chapter, such as 50-14.7, 50-15.7, or 50-20.1.G, every new street shall be a public street designed to city of duluth engineering guidelilnes and construction standards. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10733, 1-11-2021, § 5; Ord. No. 10801, 4-11-2022, § 3).

50-33.7 Alleys and easements.

A. Alleys are encouraged in form districts and where the existing lot and block pattern in the surrounding area contains alleys. Where allowed they shall be not less than 20 feet in width in residential areas and 24 feet in width in commercial and mixed use areas;
B. Where no alleys are located, the city engineer may require easements, not less than ten feet on each side of any lot line, for sewer, water, gas, telecommunications and other public or semi-public utilities;
C. Regardless of whether alleys are provided, the city engineer may require that utility easements be provided across platted lots if necessary for the proper provision of continuous routes for those utilities. (Ord. No. 10044, 8-16-2010, § 6.)

50-33.8 Land for public purposes.

A. The subdivider may be required to set aside lands to accommodate open spaces and sites for police stations, fire stations, schools or public utility facilities;
B. The amount of land required to be set aside or dedicated to the city or the school district shall not exceed the proportionate share of the need for those facilities generated by the new development indicated on the proposed plat. The proportionate share shall be established either (1) through one or more formulas established by the city and generally applicable to development applications creating the need for the facility, or (2) an individualized review of the additional demands for city services or facilities represented by the proposed plat, in relation to the proposed capacity of the facility to be constructed on the lands set aside;
C. Lands to be set aside for parks, trails or open space shall generally be located adjacent to, or connect with, or allow access from, any similar open lands located on adjacent lands, unless the city requests an alternate location for reasons of public health, safety or convenience;
D. The size and location of lands to be set aside for police stations, fire stations, schools or utility facilities shall be negotiated with the city or the agency providing those services. (Ord. No. 10044, 8-16-2010, § 6.)

50-33.9 Improvements required.

Each subdivider shall be required to design and install the following improvements within five years following the approval of the plat, replat or registered land survey by the city. The city may enforce these requirements through a development agreement or the requirement of financial security for the required improvements as described in Article V, *Review and approval procedures*.
A. All streets located within the boundaries of the tract being subdivided or replatted shall be graded to established grade and surfaced with an approved material, in accordance with standards of the city engineering department;
B. Storm sewers shall be constructed of sufficient capacity to drain the area in accordance with standards of the city engineering department;
C. Culverts or bridges shall be built at points on watercourses crossed by streets;
D. Sidewalks shall be constructed in accordance with Section 50-23;
E. All improvements to streets or public utilities shall be made in accordance with city construction design standards and specifications, and shall be subject to the inspection by and approval of the city engineer. (Ord. No. 10044, 8-16-2010, § 6.)

50-34 MAINTENANCE AND OPERATING STANDARDS.

50-34.1 General maintenance requirement.

When the standards and procedures of this Chapter require that any building or site feature be constructed or installed, or when conditions attached to a special use approval, variance or zoning permit approval require that building or site features be constructed or installed, the property owner shall be responsible for maintaining those building or site features in good repair, and for replacing them if they are damaged or destroyed or, in the case of living materials, if they die after installation. In addition, property owners shall be responsible for the additional maintenance, replacement and operating standards set forth in this Section 50-34.

A. Maintenance of signs.

Any private sign, including any sign for which a permit is not required, that has become damaged, dilapidated or dangerous shall be immediately, or within the time frame mandated by the building official, repaired or removed. If the paint on any sign has checked, peeled or flaked to the extent that the sign cannot be read in whole or in part, the sign shall be repainted or removed. Signs that contain messages that have become obsolete because of the termination of the use or business or product advertised, or for some other reason, shall have such message removed within 60 days of its becoming obsolete;

B. Landscape maintenance.

Landscaped areas and plant materials required by this Chapter shall be kept free from refuse and debris. Plant materials shall be maintained in a healthy growing condition and be neat and orderly in appearance. If any plant material required by this Chapter dies or becomes diseased, it shall be replaced by the property owner on or before October 1 of the year the dead or diseased planting is discovered or within the time frame mandated by the building official;

C. Temporary erosion and sediment control maintenance.

All temporary erosion and sediment control measures required by Section 50-18.1.E shall be maintained as described in Section 50-18.1.E.4.

D. Stormwater management system maintenance.

All stormwater management systems required by Section 50-18.1.E shall be maintained as described in Section 50-18.1.E.8. (Ord. No. 10044, 8-16-2010, § 6.)

50-34.2 Operating standards.

All structures, uses and activities in all zone districts shall be used or occupied so as to avoid creating any dangerous, injurious, noxious or otherwise objectionable condition that would create adverse impacts on the residents, employees or visitors on the property itself or on neighboring properties. This responsibility shall include but not be limited to the following:

A. Glare.

Glare, whether direct or reflected, such as from floodlights or high temperature processes, and as differentiated from general illumination, shall not be visible at any property line;

B. Noise.

All activities shall comply with state statutes and regulations;

C. Odors.

All activities shall comply with state statutes and regulations;

D. Smoke.

All activities shall comply with state statutes and regulations;

E. Vibration.

Operations shall cause no inherent and recurring generated vibration perceptible without instruments at any point along the property line. Temporary construction is excluded from this restriction;

F. Electromagnetic radiation.

It shall be unlawful to operate, or cause to be operated, any planned or intentional source of electromagnetic radiation for such purposes as communication, experimentation, entertainment, broadcasting, heating, navigation, therapy, vehicle velocity measurement, weather survey, aircraft detection, topographical survey, personal pleasure or any other use directly or indirectly associated with these purposes that does not comply with the current regulations of the FCC regarding such sources of electromagnetic radiation. However, in case of governmental communications facilities, governmental agencies, and government owned plants, the regulations of the interdepartmental radio advisory committee shall take precedence over the regulations of the FCC regarding those sources of electromagnetic radiation;

G. Hazardous materials.

The storage and handling of flammable liquids, liquefied petroleum, gases and explosives shall comply with all applicable regulations of the state. All applicable federal, state and local laws, rules and regulations shall apply to the treatment, storage, transportation and disposal of any hazardous materials, hazardous wastes or solid waste;

H. Materials and waste handling.

No person shall cause or permit any materials to be handled, transported or stored in a manner that allows particulate matter to become airborne or liquid matter to drain onto or into the ground. All materials or wastes that might cause fumes or dust or that constitute a fire hazard or that may be edible by or otherwise be attractive to rodents or insects shall be stored outdoors only in closed, impermeable trash containers that are screened in accordance with the requirements of this Code. Toxic and hazardous materials and chemicals shall be stored, secured and maintained so that there is no contamination of ground, air or water sources at or adjacent to the site. Provisions shall be provided so that all lubrication and fuel substances shall be prevented from leaking or draining onto the property. All treatment, storage, disposal or transportation of hazardous waste shall be in conformance with all federal and state statutes, codes and regulations. All sewage and industrial wastes shall be treated and disposed of in such a manner as to comply with the water quality standards applicable to the classification assigned to the receiving water by the city, the state and the U.S. environmental protection agency;

H. Nuclear radiation.

Research operations shall cause no radiation at any property line that violates any regulation of the U.S. nuclear regulatory commission;

I. Nuisance prohibited.

All structures and land uses within the city shall be constructed, used, operated and maintained in such a manner so as to be free of nuisances, as defined in state law. (Ord. No. 10044, 8-16-2010, § 6.)

ARTICLE FIVE. ADMINISTRATION AND PROCEDURES.

This Section is intended to comply with all applicable provisions of MSA Chapter 462, as amended, and shall be interpreted to comply with those provisions wherever possible.

50-35 SUMMARY TABLE.

Table 50-35-1: Procedures Summary Table

Type of Application			Review, Decision, & Appeal Authority					
R = Review D = Decision A = Appeal <> = Hearing N = Newspaper Notice S = Sign Notice M = Mail Notice RES = Resolution ORD = Ordinance AL= Action Letter COA = Certificate of Appropriateness	Public Notice Required	Pre-Application Required	Staff	Land Use Supervisor	Heritage Preservation Commission	Planning Commission	Council	Final Action
Comprehensive Land Use Plan								
Text Amendment	N			R		<R>	D	RES
Map Amendment	N, M			R		<R>	D	RES
UDC Text or Zoning Map Amendment								
Text Amendment	N			R		<R>	D	ORD
Map Amendment	N, S, M*	✓		R		<R>	D	ORD
District Plan Adoption/Amendment	S	✓		R		<D>	<A>	
Subdivision Plat Approval								
Concept Plan		✓		R				**
Preliminary Plat	N, S, M	✓		R		<D>		AL
Final Plat				R		<D>		AL***
Minor Subdivision/Registered Land Survey				R		<D>		AL***
Vacation of Street	S, M	✓		R		<R>	D	RES
Concurrent Use of Streets Permit	S	✓		R		<R>	D	ORD
Historic Resource Designation	M				<R>	R	D	ORD
Variance	S, M	✓	R			<D>	<A>	AL
Special Use Permit	S, M	✓		R		<D>	<A>	AL
Interim Use Permit	S, M	✓		R		<D>	<A>	AL
Planning Review								
General Planning Review				D		<A>		AL
Planning Commission Review When required in MU-C, MU-W, MU-I Zoning Districts and HE-O Overlay District	S, M	✓		R		<D>	<A>	AL
Temporary and Sidewalk Use Permit				D		<A>		AL
Zoning Permit**			D			<A>		AL
Historic Construction/Demolition	S				<D>		<A>	COA
Wetland/WCA Permits			D			<A>		AL

*Mailed notice is required to affected property owners within 350 ft. when the amendment involves changes in district boundaries affecting an area of 5 acres or less. ** Planning staff will provide applicant with a preapplicaiton verification.

*** Applicant must provide documentation that the plat or RLS has been recorded with the county.

**** This category includes shoreland permit, floodplain permit, erosion and sediment control permit, sign permit, fence permit and airport environs permits. Appeals of airport environs permits related to Duluth International Airport are heard by the airport board of adjustment.

(Ord. No. 10041, 8-16-2010, § 8; Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 46; Ord. No. 10192, 12-17-2012, § 12; Ord. No. 10286, 3-10-2014, § 17; Ord. No. 10303, 6-9-2014, § 1; Ord. No. 10509, 6-12-2017, §4; Ord. No. 1077, 11-25-2021, §6, Ord. No. 10929, 3-24-2025, § 6.)

50-36 REVIEWERS AND DECISION-MAKERS.

50-36.1 Council.

The council is the governing body of the city, with all of those powers granted by the state and the City Charter. In the context of this Chapter, the council has the following powers.

A. To adopt the comprehensive land use plan and to approve all amendments to it pursuant to Section 50-37.2;
B. To adopt the text, amendments to that text, and interim ordinances related to this Chapter pursuant to Section 50-37.3;
C. To adopt the official zoning map and all amendments to it pursuant to Section 50-37.3;
D. To approve the vacation a public street pursuant to Section 50-37.6;
E. To approve the concurrent use of a public street pursuant to Section 50-37.7;
F. To approve historic resource designations pursuant to Section 50-37.8;
G. To hear appeals of decisions of the planning commission pursuant to Section 50-37.1.O. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 1077, 11-25-2021, §7)

50-36.2 Planning commission.

A. Creation.

The planning commission is that body authorized by MSA 462.354 and created by Ordinance 1809. In addition, the council hereby designates the planning commission as the board of adjustment authorized by MSA 462.354 and Section 27 of the City Charter. The planning commission shall have all powers authorized for a planning commission or a board of adjustment under the state law and this City Code. Procedures before the planning commission shall be governed by rules and regulations adopted by the commission. This Section is intended to comply with the provisions of MSA 462.354 as amended, and Section 27 of the City Charter, and shall be interpreted to comply with those provisions wherever possible;

B. Membership and terms.

Except as provided by Ordinance 9985, the planning commission shall consist of nine members, all of whom shall be citizens of the city and none of whom shall be a paid city employee, and all of whom shall be appointed by the mayor and with the consent of the council, and all of whom shall make and file with the city clerk an oath and affirmation as provided in Section 28 of the city Charter. Members shall be appointed for a term of four years, and the terms shall be staggered in accordance with Ordinance 9985. Vacancies shall be filled by appointment for the unexpired term only. Members of the board shall serve without compensation;

C. Meetings and proceedings.

1. All hearings of the planning commission shall be public and shall occur after 5:00 p.m.;
2. The concurring vote of a majority of the members of the commission shall be sufficient to exercise any power granted to the planning commission by this Chapter;
3. The commission may delegate to a committee of the commission or to its secretary specific review and approval activities provided that it provides written criteria to guide the performance of the delegated duties, and the decisions made by the committee or secretary will be considered decisions of the commission;

D. Powers.

Except as otherwise provided in this Chapter or other law, the planning commission shall have the following powers within all zone districts:

1. Appeals.
   To hear and decide appeals where an applicant alleges an error in any order, requirement, permit or decision made by the land use supervisor or the building official in the enforcement of any provisions of this Chapter, pursuant to Section 50-37.1.O. In the case of each appeal, the commission shall make written findings of facts and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts;
2. District plans.
   To approve, approve with modifications, or deny applications for approval of a district plan in those districts where approval of such a plan is required prior to development, pursuant to Section 50-37.4;
3. Subdivision plats.
   To approve, approve with modifications, or deny preliminary and final plats for the subdivision of land pursuant to Section 50-37.5 and in accordance with the state law;
4. Variances.
   To approve, approve with modifications or deny applications for variances to the provisions of this Chapter as provided in Section 50-37.9;
5. Special use permits.
   To approve, approve with conditions or deny applications for a special use permit pursuant to Section 50-37.10;
6. Planning review for certain districts.
   Planning review in the MU-N, MU-C, MU-I and MU-W districts pursuant to Section 50-37.11;
7. Review and recommendation.
   To review and comment on any application for which a review role for the commission is shown in Table 50-35-1. (Ord. No. 10041, 8-16-2010, § 9; Ord. No. 10044, 8-16-2010, § 6.)

50-36.3 Heritage preservation commission.

A. Creation.

Pursuant to Minnesota Statute 471.193, there is hereby created and established a city of Duluth heritage preservation commission, hereinafter called the "commission." The commission shall have the responsibility of recommending to the city council the adoption of ordinances designating areas, places, building structures, works of art or other objects having special historical, cultural or architectural interest for the community as historical preservation landmarks or districts;

B. Membership and terms.

The commission shall consist of seven voting members, all of whom are to be citizens of the city, five of whom will be appointed by the mayor with the approval of the council; one will be appointed by the county historical society, and one will be appointed by the planning commission. Members shall be persons who have demonstrated an interest in the historical, cultural or architectural development of the city or who own property within a historic preservation district. At least two of the five members appointed by the mayor shall be preservation-related professionals;

Appointments shall be for a term of three years. In the event of a vacancy, the vacancy for the unexpired term shall be filled in the same manner as the appointment was originally made. Members shall serve without compensation and shall continue to hold office until their successors have been appointed and confirmed;

C. Powers.

The heritage preservation commission shall have the following powers:

1. Recommendation of historic preservation sites and districts to the city council;
2. Approve, approve with conditions or deny applications for historic construction and demolition permits pursuant to Section 50-37.14;
3. Recommend historic preservation guidelines specific to a landmark or district;
4. Make an annual report to the state historic preservation officer by October 31 of each year;
5. Conduct continuing survey of all areas, places, buildings, structures or similar objects in the city that the commission, on the basis of information available or presented to it, has reason to believe are or will be eligible for designation as historic preservation landmarks or districts;
6. Work for the continuing education of the citizens of the city with respect to the historic and architectural heritage of the city and keep current and public an official list of designated historic preservation landmarks and districts;
7. The commission may retain the services, on a permanent or part-time basis, of technical experts and other persons as may be required to perform the commission's duties;
8. The commission shall have authority to solicit gifts and contributions to be made to the city and to assist in the preparation of applications for grant funds to be made to the city for the purpose of historic preservation;
9. The commission may recommend to the planning commission and council that certain properties eligible for designation as historic preservation landmarks or districts be acquired by gift, by negotiation or other legal means;
10. Upon final designation of a historic preservation landmark or district, adopt historic preservation guidelines specific to the landmark or district. Such guidelines shall detail allowable architectural and/or site modifications, essential features to be retained and any other criteria by which future proposals for modifications shall be judged. The United States secretary of the interior standards for treatment of historic properties shall be among the standards used to create such a program. These guidelines are intended to provide assurance to owners of properties within historic preservation landmarks or districts that any permit review process will be based on clear and objective standards rather than the taste of individual commission members;
11. The commission may nominate a historic preservation landmark or district to the national register of historic places, but only with the consent of the council. (Ord. No. 10041, 8-16-2010, § 10; Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 47; Ord. No. 10225, 5-28-2013, § 9.)

50-36.4 Land use supervisor.

The land use supervisor is that individual responsible for administration of all aspects of this Chapter where specific authority has not been delegated to another city official or employee, and is responsible for exercising those powers to implement adopted plans through the review of applications described in MSA 462.356 subdivision 2 and MSA 462.359. The land use supervisor may delegate specific responsibilities to any individual city employee under the supervisor's management, but shall remain responsible for all decisions made by those employees. Except as otherwise provided in this Chapter or other law, the land use supervisor's authority shall extend to all zone districts. The land use supervisor's authority shall include, but shall not be limited to, the following:

A. Planning review.
   To approve, approve with modifications or deny applications for planning review pursuant to Section 50-37.11;
B. Temporary and sidewalk use permit.
   To approve, approve with modifications or deny applications for approval of a temporary or sidewalk use permit pursuant to Section 50-37.12;
C. Review and recommendation.

To review and comment on any application for which a review role for the land use supervisor is shown in Table 50-35-1;

D. Application manual and administrative procedure.
To prepare an applications manual and adopt administrative procedures to implement this Chapter.

E. Airport environs permit.
Serve as the zoning administrator for the Duluth International Airport pursuant to the zoning regulations enacted by the joint airport zoning board and pursuant to MSA 360.063, subd. 3;
Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 48; Ord. No. 10797, 3-28-2022, § 2)

50-36.5 Building official.

The building official shall be responsible for ensuring that applications for the following permits and approvals are only issued if the application complies with (a) the provisions of this Chapter, as such provisions may have been modified by any variance approved by the planning commission, and (b) any district plan approved by the planning commission and applicable to the area where the permit or approval is sought. The building official may delegate specific responsibilities to any individual city employee under the official's management, but shall remain responsible for all decisions made by those employees. Except as otherwise provided in this Chapter or other law, the building official's authority shall extend to all zone districts. The building official's authority shall include, but shall not be limited to, the following:

A. Zoning permits.

Approve, approve with conditions or deny applications for zoning permits pursuant to Section 50-37.13. Conditions shall only be applied to bring the application into conformity with this Chapter and related administrative regulations. In the administration of the State Building Code on projects where no permit is required under this Chapter, the building official shall, to the extent feasible and practical, utilize the erosion and sediment practice specifications as guidelines for adequate erosion control;

B. Building permits.

Approve, approve with conditions or deny applications for building permits pursuant to Section 50-37.15. Conditions shall only be applied to bring the application into conformity with this Chapter, the applicable building code(s) and related administrative regulations;

C. Certificates of occupancy.

Approve, approve with conditions or deny applications for certificates of occupancy pursuant to Section 50-37.16. Conditions shall only be applied to bring the application into conformity with this Chapter, the applicable building code(s) and related administrative regulations. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10797, 3-28-2022, § 2)

50-36.6 Other departments.

Additional departments of the city may be consulted regarding any application under this Chapter, or regarding the potential impacts of the proposed activities or structures covered by an application, at the discretion of the building official, the land use supervisor, the historic preservation commission, the planning commission or council.

Notices to consider variances, amendments, or special uses under shoreland standards will be sent to the DNR commissioner or the commissioner's designated representative at least ten days before public hearings. Notices of hearings to consider proposed plats will include copies of the plats.

A copy of approved amendments and plats, and final decisions granting variances or special uses under shoreland standards will be sent to the DNR commissioner or the commissioner's designated

representative within ten days of final action. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10075, 1-24-2011, § 2.)

50-37 REVIEW AND APPROVAL PROCEDURES.

50-37.1 Common procedures and requirements.

A. Pre-application meetings.

A pre-application meeting is an informal discussion between a potential applicant, interested citizen, city staff and the heritage preservation commission (if applicable) regarding a possible project subject to this Chapter. The purpose of the pre-application meeting is to assist the applicant by identifying the types of approval needed to complete the project, application material and impact studies required, applicable comprehensive plan provisions and applicable review criteria. A pre-application meeting may include a site visit at the request of the city. Pre-application meetings are required for the following types of applications:

1. UDC zoning map amendment;
2. District plan adoption or amendment;
3. Subdivision concept plan;
4. Vacation of street;
5. Concurrent use of streets permit.
6. Historic resource designation;
7. Special use or interim use permit;

B. Authority to file applications.

1. A property owner or a contract purchaser may apply for any type of permit or approval unless a more specific application is stated in this Section 50-37.1.B or in sections 50-37.2 through 16 below. In the event of a conflict between the provisions of this Section 50-37.1.B and the provisions of sections 50-37.2 through 16, the provisions of sections 50-37.2 through 16 shall govern;
2. An agent of the property owner, or a resident of the property, may apply for any type of permit or approval provided the agent or resident has written authority of the property owner to do so;
3. Applications for designation of a historic resource are governed by Section 50-37.8;
4. Any person may request an interpretation of this Chapter, and the land use supervisor may issue interpretations of this Chapter as needed and shall post issued interpretations on the city web site;

C. Application materials and fees.

1. Each application for a permit or approval, or for a modification of a permit or approval, pursuant to this Chapter, shall include all those application materials listed for that type of application or modification listed in the UDC application manual for this Chapter and a fee in the amount listed for that type of application or modification shown in the latest schedule of fees approved by council;
2. The city may reject applications not meeting the requirements of this Chapter, the UDC application manual, or as required or authorized by MSA 15.99;
3. Any and all representations made by the applicant to the city on the record during the application process, whether written or verbal, shall be deemed a part of the application and may be relied upon in good faith by the city;
4. The schedule of fees shall be adopted from time to time by the council by resolution, pursuant to Section 31-6 of the Code, to defray estimated staff costs and expenses of processing applications;
5. The schedule of fees may provide for additional fees if an applicant submits more than two applications that are incomplete, pursuant to Section D below, for the same proposed development;
6. All fees are non-refundable regardless of whether the applicant withdraws the application prior to a decision or whether the application is approved, approved with conditions or denied;

D. Determination of completeness.

A determination of completeness shall be made for each application pursuant to MSA 15.99;

E. Inactive complete applications.

If an application has been determined to be complete, but review of the application reveals possible additional impacts on the surrounding area, any request by the city for additional materials necessary to evaluate those impacts shall comply with the provisions of MSA 15.99;

F. Withdrawal of applications.

An applicant may withdraw an application at any time prior to a decision by the city by filing a written request to withdraw the application with the city. Any resubmission is subject to the provisions of subsection 50-37.1.G below. If the application is later resubmitted, it shall be treated as a new application for purposes of review and scheduling. Any fees paid for a withdrawn application shall not be refunded;

G. Successive applications.

If an application pursuant to this Chapter has been denied by the city, an application requesting the same or essentially the same approval shall not be accepted during the next 12 months. This prohibition does not apply to proposals initiated by the city.

H. Public notice.

1. Types of notice.
   The city uses one or more of the following methods to notify the public about pending applications where there is an opportunity for public comment on the application. The type(s) of notice provided for different types of applications are shown in Table 50-35-1.
   (a) Newspaper notice means the publication of one notice in a newspaper of general circulation within the city at least ten days before the date of the public hearing, except in the case of amendments to the text of this Chapter or zoning map, in which case the notice shall be published at least once each week for three successive weeks before the date of the public hearing;
   (b) Mailed notice means a letter mailed by first class mail to property owners within 350 feet of the applicant's parcel at least ten days prior to the date of the public hearing. In the case of an application for vacation of a street, the notice shall be mailed to the owners of all properties abutting (a) the portion of the street proposed to be vacated, and (b) the portion of that street extending 350 feet from the ends of the portion proposed to be vacated. In the case of an application for rezoning an area of five acres or less, the

notice shall be mailed to each property owner in the area to be rezoned and each owner of property located partly or entirely within 350 feet of the area to be rezoned. Failure to give mailed notice as required by this Section or any defect in the notice given shall not invalidate any action of the planning commission or council, provided that a bona fide attempt to comply with this Section has been made;

(c) Sign notice means a sign with minimum dimensions of 24 inches by 30 inches posted as close as reasonably possible to each street frontage on the applicant's property with the text between three and five feet above grade level, with a title line reading "Zoning Notice" in letters at least three inches tall, and with the remainder of the text in letters at least 1/2 inch tall. Each sign must be posted at least two weeks before the date of the public hearing, and must remain in place and legible through the date of the public hearing as shown on the sign. If the sign will not be legible at the stated height due to snow accumulations it may be placed higher, but at the lowest elevation that will be legible to the public. If snow obscures the sign during the posting period, the snow shall be removed and/or the sign shall be relocated so as to be legible within 24 hours after snowfall ends. Evidence produced at or before the public hearing that one or more of the required signs were not in place or legible throughout that period shall be grounds for postponement of the public hearing and a requirement to repost the property. Required signs may not be posted in any portion of the public right-of-way;

2. Content of notice.
   Each required notice shall include the following information:
   (a) The name of the applicant;
   (b) The address of the property;
   (c) A narrative description of the project including the proposed land uses, size (in square feet) and height (in feet and stories) of any proposed buildings or building expansions;
   (d) The type of permit or approval being sought;
   (e) Contact information where additional information can be obtained from the applicant (which may be an address, telephone number, web site, or e-mail address or other electronic site or method);
   (f) Contact information for the assigned city staff member;
   (g) The date, time and place of the public hearing;
3. Special notice provision for appeals.
   In the case of an appeal to the planning commission or council pursuant to Section 50-37.1.O, mailed notice shall be provided to any interested parties that were notified of the original application and the right to receive notice of any appeal, and who have notified the city in writing that they would like to receive notice of the appeal;

I. Public hearings.

1. Public hearings before the planning commission and public hearings before the council on matters related to this Chapter shall be conducted pursuant to rules and practices established by each of those bodies and in compliance with state law;
2. Attendance shall be open to the public;
3. All hearing and decision timeframes shall comply with MSA 15.99;

J. Review criteria.

1. The planning commission shall approve or recommend approval of an application if it makes a written finding that:
   (a) The application is consistent with the adopted comprehensive land use plan, as that plan may have been amended after adoption;
   (b) The application complies with all applicable requirements of this Chapter, as those requirements may have been varied through a variance approved pursuant to Section 50-37.9;
   (c) The application complies with all additional approval criteria listed in Section 50-37.2 below;

2. If the planning commission determines that the criteria in subsection 1 have not been met, the commission shall deny or recommend denial of the application or approve it with conditions to bring the application into conformance with the above criteria;
3. The council is encouraged, but not required, to make decisions on applications under this Chapter pursuant to the criteria listed in subsection 1. In no case may the city's final action result in the approval of a use variance;
4. The applicant bears the burden of proof that an application complies with all applicable standards and criteria in this Chapter;

K. Conditions on approval.

1. As an alternative to denying an application, the building official and the land use supervisor are authorized to approve applications with conditions necessary to bring them into compliance with the requirements of this Chapter or with any previously approved district plan for the property;
2. As an alternative to denying an application, the planning commission is authorized to recommend or impose conditions on approvals that it determines are necessary to (a) bring the application into compliance with the requirements of this Chapter, the purposes of the zone district where the property is located or any previously approved district plan for the property, or (b) prevent or minimize adverse effects upon surrounding areas or upon public facilities and services;
3. All conditions imposed on approved applications shall be reasonably related to the anticipated impacts of the proposed development or land use and to the purposes of this Chapter;
4. In the case of decisions made by the planning commission or council, where mitigation of the impacts of a proposed plan or development requires an applicant to dedicate land or pay money to a public entity in an amount that is not calculated according to a formula applicable to a broad class of applicants, any condition imposed shall be roughly proportional both in nature and extent to the anticipated impacts of the proposed development, as shown through an individualized determination of impacts;
5. Any conditions on approved applications shall be listed in or attached to the approval document, and violation of any approved condition shall be a violation of this Chapter;

L. Administrative adjustments.

Where an application concerns development or redevelopment of a lot and the applicant demonstrates practical difficulty in designing the redevelopment to comply with all requirements of this Chapter, the land use supervisor is authorized to approve applications that diverge from the requirements of this Chapter in up to two of the following ways:

1. The front, side or rear setback of a new or modified structure is one foot smaller than the minimum setbacks required by this Chapter;
2. For properties zoned Residential-Traditional (R-1) or Residential-Urban (R-2), and have a lot frontage of 40 feet of less, the corner side yard setback is no less than five feet smaller than the minimum setback required by this Chapter;
3. The front, side, or rear setback for a new or modified city operated utility structure on existing utility lines is no less than five feet;
4. The height of a new or modified structure is no more than two feet taller than the maximum allowed by this Chapter;

5. For properties where Section 50-24 requires more than three off street parking spaces, and the property does not contain a single-family residential structure (regardless of the use of that structure) the site may contain three less parking space than the minimum that is required, or may contain five more parking space than the maximum allowed in Section 50-24.4;
6. Handicap accessibility structures can encroach into the yard setbacks when such structures comply with the Minnesota State Building Code;
7. For properties where Section 50-21.2 requires improved street frontage, exceptions limiting the street improvement to no more than 50 feet in length may be granted if the land use supervisor determines that further extension of the street is not anticipated due to topography, comprehensive land use plan or utility availability;
8. For properties where Section 50-21.2 requires that not more than 30 percent of the rear yard be occupied by any one accessory structure, exceptions may be granted for an accessory structure to occupy up to 40 percent of the rear yard;
9. The area of a new or modified sign is no more than ten percent larger than the maximum allowed by Section 50-27;
10. A one-family or two-family dwelling may locate its principal entrance(s) in a location other than the front or corner side façade if it is determined by the Land Use Supervisor that other design elements such as porches, windows, façade or roof articulation, or building materials meet the intent of orienting and visually connecting the dwelling to the public street;

11. Where the Land Use Supervisor determines that a residentially-zoned property meets the eligibility requirements for a variance in Section 50-37.9.G.1.A, an administrative adjustment may be granted to allow parking to encroach into the front yard where parking is prohibited by Table 50-24-3 with the following conditions:
    (a) The adjustment shall allow parking to encroach up to 4 feet into the front yard where parking is prohibited by Table 50-24-3;
    (b) A wall, fence or dense vegetative screen at least 3 feet tall and at least 75% opaque must be provided to screen parked vehicles from view of abutting properties and the street, where screening the street view is possible;
    (c) Barriers must be installed to prevent vehicles from overrunning the parking and driveway areas; such barrier may be a fence, wall or raised curbing (or concrete parking bumpers when secured to the underlying pavement);
    (d) A placard with a diagram no less than 5 inches by 7 inches showing the location and arrangement of parking spaces shall be visible at all times from the exterior of the dwelling; such placard shall be on all-weather media and installed on the front exterior door at an elevation of between 2 feet and 6 feet above the threshold;
12. For exterior lighting installed on publicly- or privately-owned property that is appurtenant to a street, trail or other public way, and intended to provide lighting to the same, such lighting may be determined to be exempt from some requirements of UDC Section 50-31.

(Ord. No. 10829, 2-13-2023, § 5; Ord. No. 10876, 12-18-2023, § 1)

M. Modifications of approvals.

1. Application.
   An applicant who has received a permit or approval from the city pursuant to this Chapter may apply to modify that approval pursuant to this Section 50-37.1. An application for a modification shall be made to the building official, who shall determine whether it requests a minor or major modification pursuant to the criteria in subsections 2 or 3, as applicable;
2. Minor modifications.
   Minor modifications are those that (a) relate to redevelopment of a single building on one or more existing platted lot(s), (b) qualify as administrative adjustments pursuant to subsection 50-37.1.L or (c) that the city determines are otherwise consistent with any district plan approved for the zone district where the property is located. Applications for minor modifications may be approved by the city if it determines that the applicant would have practical difficulties designing or constructing the project without the minor modification. However, the city may require that an

application meeting the criteria for a minor modification be treated as an application for a major modification if it determines that the application raises a significant public controversy on which numerous parties other than the owner of the property may want to offer testimony;

3. Major modifications.
   Major modifications are those that do not qualify as administrative adjustments pursuant to subsection 50-37.1.L or minor modifications pursuant to subsection 2 above. Applications for major modifications shall be treated as a new application for an approval of the same type being modified. However, if the city determines that an application for modification is not consistent with a district plan applicable to the property, and that the inconsistency may materially and adversely affect other property owners subject to the same district plan, the city may require that the applicant obtain approval of a revised district plan instead of a major modification. In the case of a major modification involving a natural resources permit, the city may require additional reports and data necessary to evaluate the impacts of the modification;

N. Lapsing of approvals.

Some permits and approvals issued pursuant to this Chapter shall lapse and be of no further force or effect if the action approved in the permit or approval does not begin within a specific period of time, as listed below:

1. Approved preliminary plats for subdivision shall lapse unless a complete application for a final plat of at least 50 percent of the land covered by the preliminary plat is submitted within one year of the preliminary plat approval. Approved final subdivision plats shall lapse unless the approved final plat is recorded within two years after approval;
2. Approved minor subdivisions and boundary line adjustments shall lapse unless recorded within 180 days of approval;
3. Approved vacations of streets shall lapse unless a plat showing the vacation is recorded with the office of the county recorder within 90 days after final approval;
4. Approved planning reviews, zoning permits, special use permits, interim use permits, concurrent use of street permits, sidewalk use permits and variances shall lapse if the project or activity authorized by the permit or variance is not begun within one year of the permit date. The building official may extend this period one time for a period of up to one year if the property owner presents a written request showing the reasons for the delay was outside the owner's control;
5. Erosion and sediment control permits (ESCP) shall lapse one year after approval if all construction activities are not completed or the entire site is not fully stabilized with 70 percent successful establishment of vegetation. In case of a lapse of the ESCP, a new permit shall be obtained;
6. Approved building permits shall lapse one year after issuance unless construction has begun by that date;
7. The MS-4 statement of compliance and accompanying drainage report will be valid for two years from the date of approval. If permanent stormwater facilities (BMPs) are not fully constructed and operational within two years, and extension of one year may be granted if a written request is submitted and approved by the city engineer. The written request should document the reasons for the extension and the current state of completion of the project;

O. Appeals.

This Section is intended to comply with the provisions of MSA 462.357 and MSA 360.068 as amended, and shall be interpreted to comply with those provisions wherever possible.

1. General provisions for appeal to planning commission.
   (a) Except as noted in subsection 2, any person aggrieved by, or any department of the city affected by, any decision of any city official engaged in the administration or enforcement

of this Chapter may appeal that decision to the planning commission. The appeal must be filed within ten days after the decision by filing with the land use supervisor a written notice of appeal addressed to the commission and specifying the action being appealed and grounds of the appeal, and including the fee as established by the City's fee schedule;

(b) If the appeal relates to a decision regarding the zoning of an airport or the Airport Overlay district, any person aggrieved by the decision, any taxpayer affected by the decision and any governing body of a municipality, county or airport zoning board, that believes the decision is an improper application of this Chapter as it concerns that governing body or board may appeal that decision to the airport board of adjustment. The appeal must be filed within ten days after the decision by filing with the building official a written notice of appeal addressed to the board and specifying the grounds of the appeal. If the appellant is a person aggrieved or a taxpayer affected by the decision regarding the zoning of an airport or the Airport Overlay district, the applicant shall submit an appeal to the city clerk in the manner set forth in Minnesota Statutes 360.068, Subdivision 2. All appeals shall be pursuant to and consistent with the procedures in the Duluth International Airport Zoning Ordinance adopted by the city and four other jurisdictions, and in the event of an inconsistency between that Airport Zoning Ordinance and this Chapter, the provisions of the Airport Zoning Ordinance shall govern;

(c) The land use supervisor shall promptly transmit to the commission, or to the airport board of adjustment, as applicable, the documents and records related to the decision being appealed;

(d) A timely appeal shall stay all proceedings involved in the appeal; and no appeal shall be deemed to permit the appellant to do or to continue doing, directly or indirectly, any act or thing prohibited by the decision being appealed. However, if the land use supervisor notifies the planning commission in writing that a stay would cause imminent peril to life or property, and provides written reasons for that opinion, the planning commission may order that proceedings not be stayed pending appeal;

(e) The commission shall fix a time for a hearing on the appeal, shall provide notice of the hearing pursuant to Section 50-37.1.H, and shall hold a public hearing pursuant to Section 50-37.1.I;

(f) Any party may appear at the hearing in person, by agent or by attorney. Notice of the decision of the board shall be mailed to the appellant;

(g) If the appeal alleges that the boundaries of a wetlands or shorelands area on the Natural Resources Overlay map in Section 50-18.1 are in error, the appellant shall bear the burden of proving the map erroneous by the production of clear and convincing technical evidence;

2. Exceptions.

(a) An appeal from any decision regarding the interpretation or application of sign regulations in subsections 50-27.1.I, *No safety obstructions*, 50-27.1.L, *Attachment to buildings*, 50-27.1.M, *Wind pressure design*, 50-27.1.N, *Electrical wiring,* or 50-27.1, *Certification of structural engineer*, must be taken to the state building official as provided in the State Building Code;

(b) An appeal from a decision regarding a building permit must be taken to the building appeals board created in Article IV of Section 10 of the City Code or to the state building official;

(c) An appeal from any decision under the housing code provisions in Section 50-32 of this Chapter must be taken to the building appeals board;

(d) If an applicant believes that the decision of staff regarding compliance with the requirements of the SP-O zone district is incorrect or deprives the applicant of the reasonable use of his or her property, or is unreasonable given the size and shape of the property and its orientation to the protected views, the applicant may request review of the decision by the planning commission. The planning commission's review shall be based on the purpose and standards of this Section, but may authorize variations to those standards, in accordance with the procedures in Article V of this Chapter, if unusual site conditions not generally shared along Skyline Parkway make compliance with the

standards unreasonable or ineffective to protect the intended views of Lake Superior, the St. Louis River and the harbor;

3. Powers of planning commission on appeal.
   (a) The planning commission shall consider the record of the application and any testimony presented at the hearing regarding the application of this Chapter to the application and shall affirm, modify or reverse the decision appealed, and may make any orders, requirements, decisions or determinations that the land use supervisor could have made regarding the application;
   (b) In hearing permitted appeals of decisions regarding the sign regulations in Section 50-27, the planning commission shall have only the power to affirm, reverse or modify the decision of the land use supervisor;
   (c) In the case of an appeal regarding the application of the NR-O Natural Resources Overlay district, no relief shall be granted that violates the limitations on variances applicable to that district;
   (d) The decision of the planning commission shall be final unless a further appeal is filed pursuant to subsection 4 below;
4. Appeals of planning commission decisions to council.
   (a) Except as provided in subsection 5 below, any person aggrieved by, or any department of the city affected by, any decision of the planning commission may appeal that decision to the council;
   (b) Any appeal must be filed within ten days after the planning commission's decision by filing with the city clerk a written notice of appeal addressed to the council and specifying the action being appealed and the grounds for the additional appeal, and including the fee as established in the City's fee schedule;
   (c) The filing of a notice of appeal shall stay all proceedings in furtherance of the decision appealed from. However, if the land use supervisor notifies the council in writing that a stay would cause imminent peril to life or property, and provides written reasons for that opinion, the council may order that proceedings not be stayed pending appeal;
   (d) The council shall hear the appeal at the next scheduled meeting with time available, and may affirm, modify or reverse the board's decision, and may make any orders, requirements, decisions, or determinations it deems appropriate regarding the appeal;
   (e) No decision on an appeal or variance shall have the effect of allowing a use that is not a permitted or special use in the zone district where the property is located;
   (f) If the appeal is regarding an application in any district where the approval of a district plan is required or requested prior to development, the council shall only approve development plans if it finds that the requirements for the district plan in that district will be satisfied;
5. Appeal of planning commission or city council decisions to the courts.
   (a) In the case of an appeal regarding the zoning of an airport or an Airport Overlay district, the appeal shall proceed pursuant to applicable state law and shall be perfected within 60 days after the decision appealed from is filed in the office of the planning commission;
   (b) In case of decisions of the planning commission or the city council appealable to the district court pursuant to MSA 462.361, the appeal shall be perfected within 60 days after the decision being appealed from was made;
   (c) All other appeals not otherwise provided for above shall be pursuant to MSA 606.01;
6. Appeals of heritage preservation commission decisions to council.
   Where applicable, subsection 50-37.1.O.4 shall apply of heritage commissions decisions, when appealable to city council;

(Ord. No. 10723, 12-14-2020, § 8; Ord. No. 10814, 9-12-2022, § 1; Ord No. 10829, 2-13-2023, § 5)

P. Security for improvements.

1. If the provisions of this Chapter or conditions attached to a permit or approval under this Chapter require the applicant to construct or make improvements to the property, to protect the city or adjacent property owners from injury or damage, or to return the property to a stated condition following the completion of operations or construction, and those actions have not been completed, then the city shall require the applicant to post security to ensure that those improvements are made in a timely manner, and that if the applicant fails to make those improvements the city will have adequate funds on hand to complete the improvements at the applicant's expense;
2. Security shall be posted in a form acceptable to the city, which may include but are not limited to cash, a promissory note, a letter of credit issued by a financial institution acceptable to the city, or a performance bond issued by a financial institution acceptable to the city. The security shall be in an amount equal to 110 percent of the estimated cost for the city to complete the improvements;
3. The city shall release posted financial security upon confirmation by the building official that the required improvements have been constructed in accordance with all applicable design and construction standards. In the case of any improvements to be dedicated to the city, the city shall release posted financial security upon acceptance of the improvements by the city. At the discretion of the building official, partial releases of financial security may be made after construction or dedication of some but not all of the required improvements, but financial security equal to 110 percent of the estimated cost of for the city to complete the improvements shall be retained;
4. As an alternative to requiring the posting of financial security, the city may authorize the issuance of a temporary certificate of occupancy for the property, provided that the applicant signs a development agreement with the city agreeing to pay the city a specific financial penalty per month if the required improvements are not constructed by a certain date. The amount of the penalty shall be calculated so that if the applicant does not construct the improvements within one year after the required date the penalties will equal at least that amount set in accordance with Section 31-8 of this Code of the estimated cost for the city to complete the improvements. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 49; Ord. No. 10153, 5-14-2012, § 14; Ord. No. 10155, 5-29-2012, § 28; Ord. No. 10129, 12-17-2012, § 13; Ord. No. 10286, 3-10-2014, § 18; Ord. No. 10303, 6-9-2014, § 2; Ord. No. 10364, 4-13-2015, § 1; Ord. No. 10509, 6-12-2017, §5; Ord. No. 10526, 9-25-2017, § 1; Ord. No. 10561, 4-9-2018, § 1)

50-37.2 Comprehensive land use plan adoption or amendment.

A. Application.

Pursuant to state law, only the planning agency (planning commission or planning staff) or council may initiate amendments to the comprehensive land use plan;

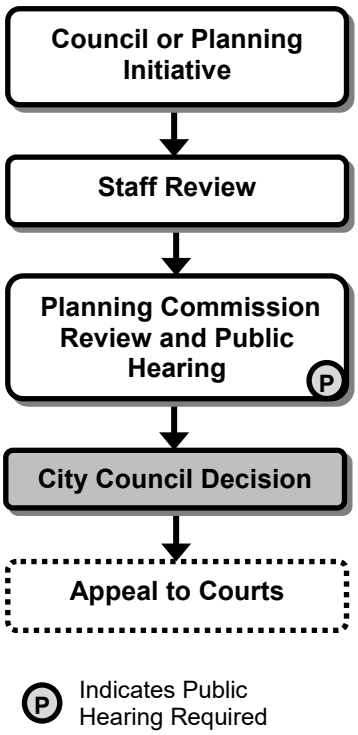
B. Procedure.

The proposal shall be reviewed by the land use supervisor, who shall forward a recommendation to the planning commission. The planning commission shall then review the proposal and make a recommendation to council. Council shall then make a decision to adopt, modify or not adopt the plan or amendment pursuant to the criteria in subsection C below. Council action shall be by resolution, with the affirmative votes of at least two-thirds of those members constituting a quorum required to take action;

C. Criteria.

The planning commission shall review the proposal, and council shall make a decision, based on whether the proposal promotes the best interests of the city and the general health, safety and welfare of the citizens of Duluth. (Ord. No. 10044, 8-16-2010, § 6.)

Comprehensive Plan Amendment



50-37.3 UDC text or zoning map amendment.

A. Application.

1. The planning commission may, upon its own motion, propose and hear amendments to the text of the UDC or the boundaries of the official zoning map. Any property owner may petition the planning commission to amend the district boundaries in which the property is located;
2. The application provisions of Section 37.1.B shall apply to the extent they are consistent with subsection 1 above.

B. Procedure.

1. Planning commission review.

   The planning commission shall review the application, conduct a public hearing pursuant to Section 50-37.1.I, with public notice as required by Section 50-37.1.H, and make a written recommendation to council based on the criteria in subsection C below;

2. Council decision.

   Upon receipt of the planning commission recommendation, the council shall make a decision to adopt, adopt with modifications, or deny the application based on the criteria in subsection C below. Council action shall be by ordinance;

3. When written consent or supermajority required.

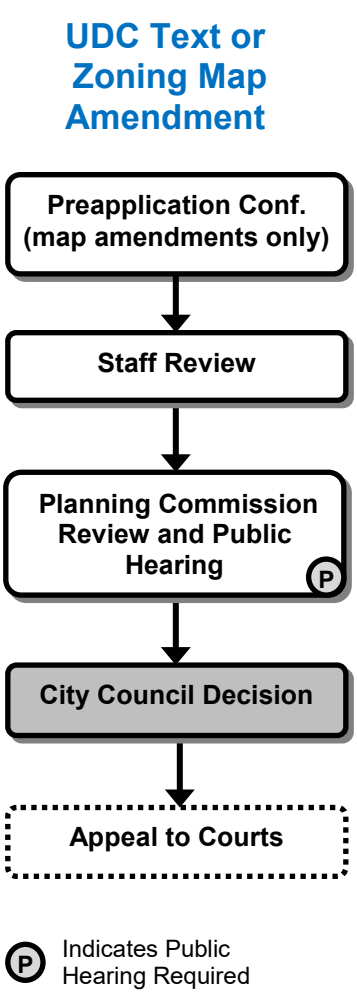
   The following provisions shall apply after the initial adoption of the zoning map reflecting the zone district consolidations reflected in this UDC.

   (a) Where a proposed amendment to the zoning map would change any property from a residential district to a mixed use, form or special purpose district, a planning commission hearing and a notice of three weeks shall be required. In addition, the affirmative vote of 2/3 of the council shall be required if:

   The city has not received the written consent of the owners of 2/3 of those properties located wholly or partially within 100 feet of the property proposed to be rezoned;

   The planning commission has completed a study of an area containing at least 40 acres of land surrounding the applicant's property and the proposed rezoning is a result of that study, and a finding is made that it would be impractical to obtain the required written consent;

   (b) For purposes of this provision, the property proposed to be rezoned shall include all contiguous property owned by the applicant, including the parcel proposed for rezoning, as well as any contiguous properties purchased from the applicant within one year preceding map amendment application date;



C. Criteria.

The planning commission shall review the application, and council shall approve the application, or approve it with modifications, if it determines that the application:

1. Is consistent with the comprehensive land use plan;
2. Is reasonably related to the overall needs of the community, to existing land use, or to a plan for future land use;
3. Is required by public necessity, convenience, or general welfare, or good zoning practice;
4. Will not create material adverse impacts on nearby properties, or if material adverse impacts may be created they will be mitigated to the extent reasonably possible;

D. Interim ordinances.

1. Council may adopt interim controls when changes to the text of this Chapter or the zoning map are under consideration. Upon introduction of an interim ordinance, council may provide by resolution that no use, development, project or subdivision for which an application has not been previously filed shall be established or expanded, and that no application for a UDC permit or approval, a license, or building permit that (a) concerns both the geographical area and subject matter of the interim ordinance and (b) is filed after the introduction of the interim ordinance, may be granted or further processed pending a final decision on the adoption of the interim ordinance;
2. Upon enactment of an interim ordinance, the following restrictions shall apply:
    (a) No permits, licenses, or other approvals of any kind that concern both the geographical area and subject matter of the interim ordinance shall be processed or issued except in accordance with its terms;
    (b) No use, development, project, or subdivision that concerns both the geographical area and subject matter of the interim ordinance shall be established or expanded except in accordance with its terms;
3. If the interim ordinance is not adopted, the resolution establishing interim uses shall be null and void and requests for permits and other necessary approvals shall be processed promptly in accordance with the procedures governing the request. (Ord. No. 10044, 8-16-2010, § 6.)

50-37.4 District plan adoption or amendment.

The MU-I zone district described in Article II of this Chapter includes a district plan option. Projects described in an approved district plan may be approved without the need for additional hearings once the plan is approved. Following the approval or amendment of a district plan, no UDC approval, permit or building permit shall be issued for a project, structure or land use that is inconsistent with the adopted or amended plan.

A. Application.

1. Any property owner within the boundaries of a zone district requiring or allowing the approval of a district plan may file an application for approval of a district plan. Any property owner within the boundaries of an approved district plan may file an application for amendment of that district plan;
2. The application provisions of Section 37.1.B shall apply to the extent they are consistent with subsection 1 above;

B. Procedure.

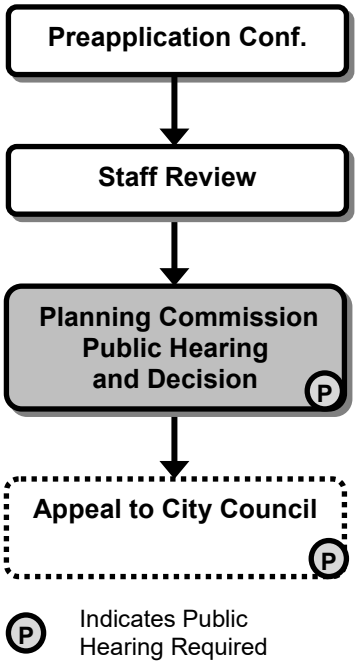
The planning commission shall review the application, conduct a public hearing pursuant to Section 50-37.1.I, with public notice as required by Section 50-37.1.H, and make a decision to adopt, adopt with modifications, or deny the application based on the criteria in subsection C below;

C. Criteria.

The planning commission shall approve the application, or approve it with modifications, if it determines that the application:

1. Is consistent with the comprehensive land use plan;
2. Is consistent with the purpose of the zone district and the plan approval requirements and criteria for the zone where the plan is proposed, as stated in Article II of this Chapter;
3. Will not create material adverse impacts on nearby properties, or if material adverse impacts may be created they will be mitigated to the extent reasonably possible. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 50.)

District Plan Adoption or Amendment



50-37.5 Subdivision plat approval or amendment.

A. Applicability.

This Section applies to all applications to subdivide unplatted land, or to replat previously platted land, or to adjust the boundary lines between existing property lines. This Section is intended to comply with all applicable provisions of state law, including without limitation Laws of Minnesota 1933, Chapter 93 and Laws of Minnesota 1974, Chapter 236 and any provisions of MSA 462.358 and Chapter 505 and 508, as amended, still applicable to the city, and shall be interpreted to comply with those provisions wherever possible. All applications to subdivide land shall follow the standard subdivision process in subsections G and H below unless provided for in subsections C, D, E or I below.

In addition to city approval, all subdivision plats, registered land surveys, and condominium plats will need to be approved by the St. Louis County surveyor prior to recording at the St. Louis County recorder's office.

1. General exemptions.

The following subdivisions of land are exempted from the provisions of this Section:

a) Platted cemeteries done in accordance with the requirements of applicable state statutes and ordinances;
b) Transfers of interest in land pursuant to court order; or
c) Registered land surveys prepared for the purpose of clarifying existing land descriptions.

2. Conveyance by metes and bounds.

The following conveyances by metes and bounds shall be exempt from the provisions of this Section and shall not constitute a subdivision if the subject of the conveyance meets any of the following:

a) Was a separate parcel of record on the date of adoption of subdivision regulations, or was the subject of a written agreement to convey entered into prior to such time; or
b) Was a separate parcel of not less than 2-1/2 acres in area and 150 feet in width on January 1, 1966; or
c) Was a separate parcel of not less than five acres in area and 300 feet in width on July 1, 1980, or;
d) Is a single parcel of commercial or industrial land of not less than five acres and having a width of not less than 300 feet and its conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than five acres in area or 300 feet in width; or
e) Is a single parcel of residential or agricultural land of not less than 20 acres and having a width of not less than 500 feet and its conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than 20 acres in area or 500 feet in width.

In any case in which compliance with the foregoing restrictions will create an unnecessary hardship and failure to comply does not interfere with the purpose of the subdivision regulations, the planning commission may waive such compliance by adoption of a resolution to that effect and the conveyance may then be filed or recorded;

B. Property transfers.

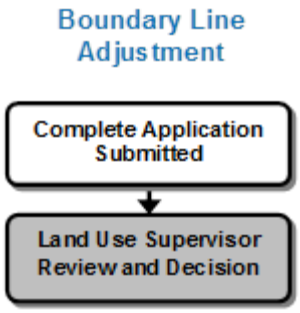
Pursuant to Minnesota Statute 272.162, no land shall be transferred or divided in official records until the transfer has been approved by the land use supervisor to determine if the transfer is appropriate and conforms with existing city ordinances and regulations if the platted lot or parcel conveyed is:

1. Less than a whole parcel of land as charged in the tax lists; and
2. Is part of or constitutes a Subdivision as defined in Minnesota Statute 462.352, sub. 12.

The land use supervisor shall certify that the transfer has complied with subsection C through I below, as applicable;

C. Boundary line adjustment.

A boundary line adjustment provides for the alteration of existing property lines, where no additional lots and parcels are created.



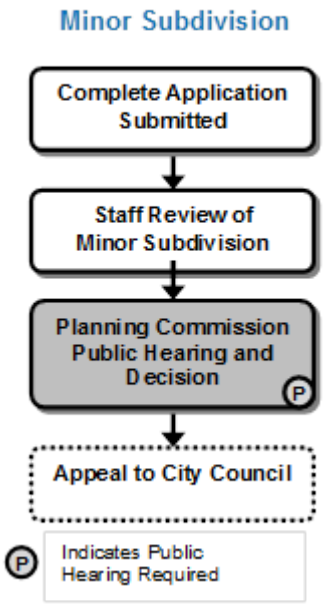
1. The land use supervisor shall approve the application if it is determined that:
   (a) The application will not result in the creation of any new lots or parcels;
   (b) If each of the existing lots and parcels, and the structures on those lots parcels, complies with the requirements of this Chapter, then after the adjustment each of the resulting lots or parcels, and the structures on those lots or parcels, will still comply with the requirements of this Chapter;
   (c) If one or more of the existing lots or parcels, or a structure on one or more of those lots or parcels, does not comply with the requirements of this Chapter, the proposed relocation will not create any new nonconformity or increase any existing nonconformity between the requirements of this Chapter;
   (d) All lots within floodplain districts must be suitable for a building site outside of the floodway.
   (e) The floodplain boundary, including the Floodway and Flood Fringe District boundaries, if determined, the Regulatory Flood Protection Elevation (RFPE) and the required elevation of all access roads must be clearly identified on all required subdivision drawings and platting documents.

2. After the application is approved, the applicant must submit a legal description and survey or similar recordable exhibit, prepared by a licensed land surveyor, reflecting the relocated boundaries; obtain the land use supervisor's signature on that survey or exhibit; and record the survey or exhibit in the appropriate office at St. Louis County. If the survey or exhibit is not recorded within 180 days after the boundary line adjustment is approved, that approval will lapse;

(Ord. No. 10929, 3-24-2025, § 7.)

D. Minor subdivision.

A minor subdivision allows for the subdivision of a maximum of four lots, or the combination of any number of previously platted lots into a smaller number of platted lots. A minor subdivision is an approval process for simple land divisions; it does not provide for the subdivision of unplatted land, unless that land is described by a governmental subdivision legal description.



1. The planning commission shall approve the application if it is determined that:
   (a) The lot or lots to be subdivided or combined have frontage on an improved public street;
   (b) Each proposed lot meets the minimum zoning requirements of the district that it is in. If a proposed lot is described by a governmental subdivision legal description, the proposed lot must be at least five acres in size and have 250 feet of frontage regardless of the zoning requirements of the district that it is in;
   (c) If an existing structure on a lot complies with the requirements of this Chapter, then after the minor subdivision structures on each of the resulting lots will still comply with the requirements of this Chapter; and
   (d) If one or more of the existing lots, or a structure on one or more of those lots, does not comply with the requirements of this Chapter, the proposed relocation will not create any new nonconformity or increase any existing nonconformity between the requirements of this Chapter.
   (e) All lots within floodplain districts must be suitable for a building site outside of the floodway.
   (f) All subdivisions must have vehicular access both to the subdivision and to the individual building sites no lower than two feet below the Regulatory Flood Protection Elevation (RFPE), unless a flood warning/emergency evacuation plan has been formulated and submitted for review with the application.
   (g) The floodplain boundary, including the Floodway and Flood Fringe District boundaries, if determined, the Regulatory Flood Protection Elevation (RFPE) and the required elevation of all access roads must be clearly identified on all required subdivision drawings and platting documents.
2. After the application is approved, the applicant must submit a legal description and survey or similar recordable exhibit prepared by a licensed land surveyor, reflecting the relocated boundaries; obtain the land use supervisor's signature on that survey or exhibit; and record the survey or exhibit in the appropriate office at St. Louis County. The approval will lapse if the survey or exhibit is not recorded within 180 days after the minor subdivision is approved;

(Ord. No. 10929, 3-24-2025, § 8)

E. Combination of parcels.

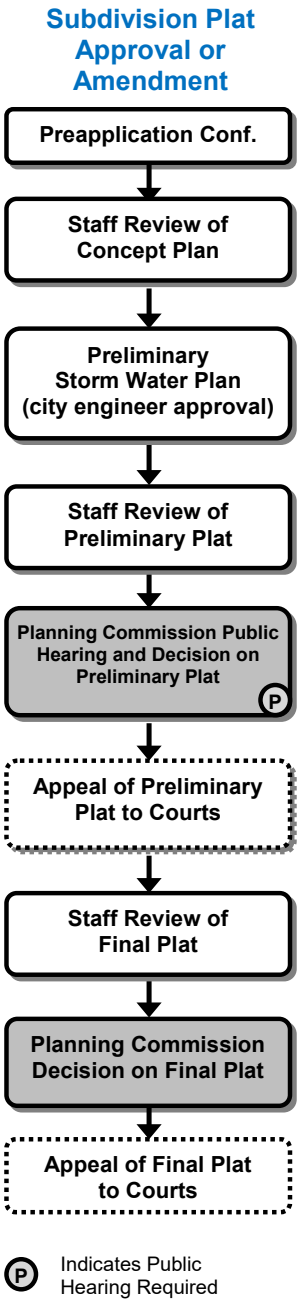
Any person with a legal or equitable interest in two or more contiguous lots or parcels of land may combine those parcels into a fewer number of lots or parcels by plat or registered land survey by complying with all the applicable subdivision procedures in subsections D, H or I;

F. Amending an approved subdivision plat.

An application to adopt or amend a subdivision preliminary plat or a subdivision final plat shall be filed pursuant to Section 50-37.5.G. An application to amend the street names of a subdivision final plat shall be filed pursuant to Section 50-37.5.H;

G. Subdivision plat, preliminary procedure.

1. Consolidated preliminary and final review.
For subdivisions that result in no more than four lots that are no less than five acres each, and where each lot will have a minimum frontage of 250 feet on an improved public road, preliminary and final review may be consolidated if the land use supervisor determines that the proposed subdivision is of small size and minor importance. Subdivisions so designated as being of small size and minor importance may submit a final plat application after staff review of a concept plan;
2. Concept plan.
No application for a preliminary plat shall be accepted until the applicant has submitted a concept plan for the proposed subdivision. Concept plans shall reflect the general location of proposed lots, tracts, and streets, shall reflect all areas of the property where development is restricted pursuant to the NR-O overlay district in Section 50-18.1. The intent of the concept plan is to review general concepts for development of the site before applicants have incurred costs for engineering, soil, or storm water studies. The concept plans shall be reviewed in an informal discussion with planning staff;
3. Preliminary storm water plan.
A preliminary storm water plan shall be submitted and approved by the city engineer prior to submittal of the application for a preliminary plat;
4. Preliminary plat decision.
The planning commission shall conduct a public hearing pursuant to Section 50-37.1.I, with public notice as required by Section 50-37.1.H, and shall make a decision to approve, adopt with modifications or deny the application based on the criteria in subsection 50-37.5.J.3 below;
5. Preliminary plat criteria.
The planning commission shall approve the application, or approve it with modifications if it determines that the application:
    a) Is consistent with the comprehensive land use plan;
    b) Is consistent with all applicable requirements of MSA 462.358 and Chapter 505;
    c) Is consistent with all applicable provisions of this Chapter;
    d) Is consistent with any approved district plan covering all or part of the area of the preliminary plat;
    e) Is located in an area where adequate police, fire and emergency facilities are available to serve the projected population of the subdivision within the city's established response times, or the applicant has committed to constructing or financing public facilities that will allow police, fire or emergency service providers to meet those response times;
    f) Will not create material adverse impacts on nearby properties, or if material adverse impacts may be created they will be mitigated to the extent reasonably possible;
    g) All lots within floodplain districts must be suitable for a building site outside of the floodway.



(Ord. No. 10929, 3-24-2025, § 9)

H. Subdivision plat, final procedure.

1. Final plat decision.
   After the approval of the preliminary plat, the applicant shall submit one or more final plats covering part or all of the land covered by the preliminary plat, together with evidence that the requirements of the approved plat have been met for the portion(s) of the land covered by the final plat. The planning commission shall approve, adopt with modifications or deny the final plat based on the criteria in subsection 3 below. The planning commission may refer the final plat to any city, county or other public or quasi-public agency deemed necessary to confirm whether the criteria in subsection 3 below have been met;
2. Final plat review and referral.
   The final plat, together with the surveyor's mathematical calculations, shall be reviewed by the city engineer for accuracy of the surveys, the adequacy of the monuments, the proposed street improvements and other features of concern. The final plat may be submitted to the county engineer if the plat involves features of concern to the county highway department, and to such other divisions of government or public utility corporations as the city deems necessary or desirable. The city engineer shall check the plat boundary survey to determine the coinciding of the plat boundary lines with the boundary lines of adjoining plats, tracts or other subdivision lines or markers;
3. Final plat criteria.
   The planning commission shall approve the application, or approve it with modifications, if the application meets the following criteria:
   a. Is consistent with all applicable provisions of MSA 462.358 and Chapter 505;
   b. Is consistent with the terms and provisions of the preliminary plat approval for the property;
   c. Demonstrates that all required improvements have been installed or that (a) the applicant has signed a development agreement committing to construct those improvements within 2 year after approval of the final plat and (b) adequate security for the construction of the required improvements has been posted with the city pursuant to Section 50-37.1.P;
4. Final plat recording.
   Once approved, plats shall be signed by the president and secretary of the planning commission. After the final plat is approved, it must be recorded in the office of the county recorder as provided in MSA 505.04. The approval will lapse if the plat is not recorded within two years after the plat is approved. After the final plat has been recorded, lots may be sold and building permits for structures on the platted lots may be issued; any sales of lots shown on the final plat before recording of the final plat shall be a violation of this Chapter;

I. Registered land survey.

Registered land surveys that subdivide land shall be approved in the manner required for the approval of minor subdivision plats in subsection D above if the registered land survey create four or less parcels or tracts of land. Registered land surveys that create five or more parcels or tracts of land must follow the process listed below.

1. Concept plan.
   No registered land survey shall be accepted until the applicant has submitted a concept plan for the proposed subdivision. Concept plans shall reflect the general location of proposed parcels and tracts, and shall reflect all areas of the property where development is restricted pursuant to the NR-O overlay district in Section 50-18.1. The intent of the concept plan is to review general concepts for development of the site before applicants have incurred costs for engineering, soil, or storm water studies. The concept plans shall be reviewed in an informal discussion with planning staff;
2. Storm water plan and wetland delineation.
   A storm water plan shall be submitted and approved by the city engineer, and all wetlands must be delineated, prior to submittal of the application for a registered land survey;
3. Review and referral.
   The registered land survey, together with the surveyor's mathematical calculations, shall be reviewed by the city engineer. The registered land survey may be submitted to the county engineer if the registered land survey involves features of concern to the county highway department, and to such other divisions of government or public utility corporations as the city deems necessary or desirable;
4. Registered land survey decision.
   The planning commission shall conduct a public hearing pursuant to Section 50-37.1.I, with public notice as required by Section 50-37.1.H, and shall make a decision to approve, adopt with modifications or deny the application based on the criteria in subsection 50-37.5.I.5 below;
5. Registered land survey criteria.
   The planning commission shall approve the application, or approve it with modifications if it determines that the application:
   (a) Is consistent with the comprehensive land use plan;
   (b) Is consistent with all requirements of MSA 462.358 and Chapter 508;
   (c) Is consistent with all applicable provisions of this Chapter;
   (d) Is consistent with any approved district plan covering all or part of the area of the registered land survey;
   (e) Is located in an area where adequate police, fire and emergency facilities are available to serve the projected population of the subdivision within the city's established response times, or the applicant has committed to constructing or financing public facilities that will allow police, fire or emergency service providers to meet those response times;
   (f) Will not create material adverse impacts on nearby properties, or if material adverse impacts may be created they will be mitigated to the extent reasonably possible;
   (g) All lots within floodplain districts must be suitable for a building site outside of the floodway;
   (h) All subdivisions must have vehicular access both to the subdivision and to the individual building sites no lower than two feet below the Regulatory Flood Protection Elevation (RFPE), unless a flood warning/emergency evacuation plan has been formulated and submitted for review with the application; and
   (i) The floodplain boundary, including the Floodway and Flood Fringe District boundaries, if determined, the Regulatory Flood Protection Elevation (RFPE) and the required elevation of all access roads must be clearly identified on all required subdivision drawings and platting documents.

6. Registered land survey recording.
   After the registered land survey is approved, it must be recorded in the office of the county recorder as provided in MSA 508. The approval will lapse if the registered land survey is not recorded within 180 days after the registered land survey is approved. After the registered land survey has been recorded, parcels and tracts may be sold and building permits for structures on the parcels and tracts

may be issued; any sales of parcels and tracts shown on the registered land survey before recording of the registered land survey shall be a violation of this Chapter. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10303, 6-9-2014, § 3, Ord. No. 10929, 3-24-2025, § 10)

50-37.6 Vacation of street.

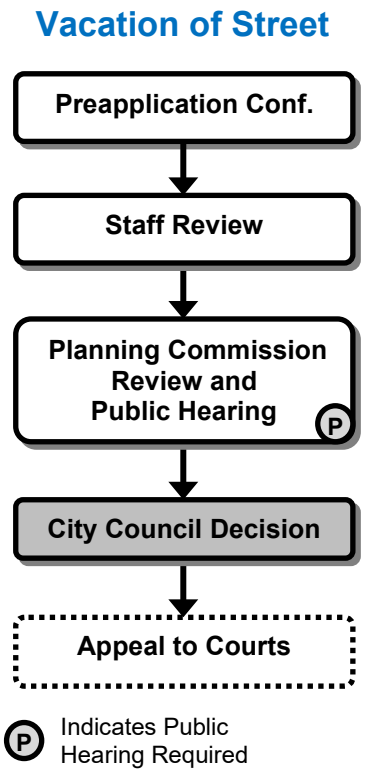
This Section applies to all applications to vacate a public street, highway or utility easement. This Section is intended to comply with the provisions of City Charter Section 100.

A. Application.

1. An application for vacation of a public street, highway or utility easement may be made by the City, or must be accompanied by a petition of the person or persons who own a majority of the lineal frontage of the land abutting the portion of the street, highway or utility easement proposed to be vacated;
2. The application shall be filed with the city and forwarded to the planning commission for review;
3. Other application provisions of Section 37.1.B shall apply to the extent they are consistent with subsections 1 and 2 above;

B. Procedure.

1. Review and recommendation. The city shall review the application to determine the sufficiency of the signatures on the petition. The planning commission shall review the application, conduct a public hearing on the proposed vacation pursuant to Section 50-37.1.I, with public notice as required by Section 50-37.1.H and make a recommendation to council based on whether the petition meets the criteria in subsection C below;
2. Council decision. Upon receipt of the planning commission recommendation, and a copy of the vacation plat prepared by the applicant and approved by the city engineer, the council shall make a final decision by resolution pursuant to Section 100(b)5 of the City Charter. Failure to present a vacation plat meeting the city engineer's requirements to the land use supervisor within 90 days of the planning commission's recommendation shall result in the application being denied;
3. Recording. After approval of the vacation, the city shall file the vacation plat and authorizing resolution in the office of the county recorder;



C. Criteria.

The planning commission shall review the proposed vacation, and council shall approve the proposed vacation, or approve it with modifications, if it determines that the street, highway or easement proposed for vacation:

1. Is not and will not be needed for the safe and efficient circulation of automobiles, trucks, bicycles or pedestrians or the efficient supply of utilities or public services in the city;
2. Where the street terminates at a waterfront or shoreline, the street is not and will not be needed to provide pedestrian or recreational access to the water;
3. Is not otherwise needed to promote the public health, safety or welfare of the citizens of Duluth. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10153, 5-14-2012, § 15; Ord. No. 10723, 12-14-20, § 9)

50-37.7 Concurrent use of streets permit.

This Section applies to all applications for construction of a skywalk and to any other application requesting that the city approve the concurrent use of the street surface, right-of-way or the air rights above the street or the land beneath the street, but shall not apply to the following:

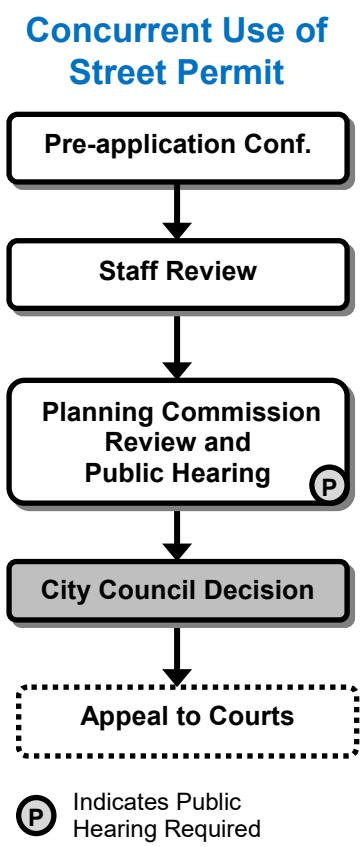
1. Use of a portion of a public sidewalk for a café, eating area, bench, or bicycle parking area, or
2. An awning, canopy, marquee or wall sign, including building mounted exterior lights that conform to the limits of 50-31 and that provide illumination to an awning, canopy, marquee, or wall sign, extending not more than 18 inches into the public street right-of-way, or an awning or canopy of canvas, canvas-like material, nylon or vinyl-coated fabric extending into the public street right-of-way, up to the limits established by Section 50-27, and
3. HVAC air ducts, vents, and related vent covers/hoods painted to match the color of the building where they are mounted, but not including mechanical units (ie. condensers) and motors, extending not more than 18 inches into a public alley right-of-way and having a vertical clearance of at least twelve feet six inches (12'6") over the surface of the alley;

A. Application.

An application for concurrent use of streets shall be filed pursuant to Section 50-37.1.B;

B. Procedure.

1. Review and recommendation.
   The planning commission shall review the petition, conduct a public hearing on the application pursuant to Section 50-37.1.I, with public notice as required by Section 50-37.1.H and make a recommendation to council based on whether the application meets the criteria in subsection C below;
2. Council decision.
   Upon receipt of the planning commission recommendation, the council shall make a decision to approve, approve with modifications or deny the application, in whole or part, based on the criteria in subsection C below. The council action shall be by ordinance;



C. Criteria.

The planning commission shall review the application, and council shall approve the application or approve it with modifications, if it determines that:

1. The proposed concurrent use will not harm or inconvenience the health, safety and general welfare of the city;
2. Any proposed skywalk will significantly improve the circulation of pedestrians in the city without exposure to weather conditions;
3. No portion of a public easement proposed for use is being physically used or occupied by the public.
4. For requests for off-street parking in a public street right of way, a concurrent use permit may be granted in the following circumstances:
   (a) Where overnight on-street parking is prohibited within that portion of the street frontage abutting the property; and
   (b) Where the distance between the principle structure and the public street right of way is 18 feet or less; and
   (c) Where access to the side or rear yard is not possible due to the presence of the principle structure and the lack of an improved alley; and
   (d) Where a site plan has been submitted showing the arrangement of parking, landscaping, and pedestrian access to the property meeting the following standards:

(i) The parking area must be at least 9 feet wide by 17 feet deep, including any extension of the parking space from the public right of way into the abutting private property, and must not block existing or proposed public improvements such as sidewalks or streets;

(ii) The parking area width must not exceed 55% of the lot width;

(iii) The parking area must be improved with bituminous, concrete, or similar materials or pervious paving system;

(iv) A paved walkway at least 3 feet wide must be provided that links the front entrance of the dwelling and the street;

(v) A wall, fence or dense vegetative screen at least 3 feet tall and at least 75% opaque must be provided to screen parked vehicles from view of abutting properties;

(vi) Barriers must be installed to prevent vehicles from overrunning the parking and driveway areas, such barrier may be a fence, wall or raised curbing (or concrete parking bumpers when secured to the underlying pavement);

(e) A placard with a diagram no less than 5 inches by 7 inches showing the location and arrangement of parking spaces shall be visible at all times from the exterior of the dwelling; such placard shall be on all-weather media and installed on the front exterior door at an elevation of between 2 feet and 6 feet above the threshold;

(f) The applicant must sign a document acknowledging that private improvements installed in the public right of way may be removed by the City if needed for installation or repair of public improvements or if the applicant violates the terms of the permit.

(Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 51; Ord. No. 10339, 11-24-2014, § 1; Ord. No. 10509, 6-12-2017, §6; Ord. No. 10723, 12-14-2020, § 10; Ord. No. 10743, 4-26-2021, § 2)

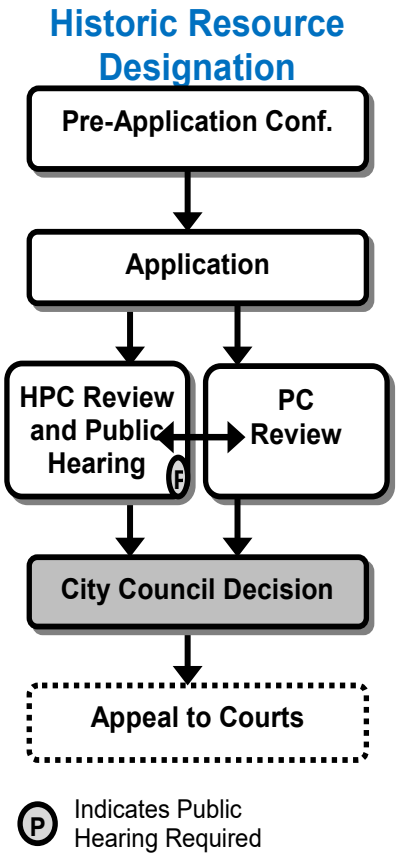
50-37.8 Historic resource designation.

A. Application.

1. The heritage preservation commission may, upon its own motion, propose and hear applications to designate a building, structure, site, or object as a local historic landmark. Any property owner or contract purchaser may petition the heritage preservation commission to designate their building, structure, site, or object as a local historic landmark;
2. The application provisions of Section 37.1.B shall apply to the extent they are consistent with subsection 1 above;

B. Procedure.

1. Review and recommendation by heritage preservation commission.
The heritage preservation commission shall review the application, submit the application to the planning commission, conduct an investigation and public hearing pursuant to Section 50-37.1.I, with public notice as required by Section 50-37.1.H, make a recommendation to council, and report on the historical, cultural and architectural significance of the buildings, structures, sites or objects proposed for designation The report shall also attempt to determine the economic status of the property or properties by providing information such as assessed value, recent real estate transactions and other appropriate data. A copy of the report shall be sent to the state historic preservation officer for review and comment in accordance with MSA 471.193. Any comments made by the planning commission and state historic preservation officer regarding a proposed designation must be included in the commissioner's recommendation to the council;
2. Review and recommendation by planning commission.
The planning commission shall review the application and make a recommendation to the heritage preservation commission and council. In its review and recommendation, the commission shall consider potential effects on the surrounding neighborhood, economics, environment and other planning considerations;
3. Designation by council.
Upon receipt of the report and recommendation of the heritage preservation commission, the council shall make a decision to approve, approve with modifications or deny the designation, in whole or part, based on the criteria in subsection C below. The council action shall be by ordinance;
4. Preservation plan.
Within one year of approval of the designation, a preservation plan must be submitted by the applicant of the historic resource designation to the Heritage Preservation Commission for review. The Heritage Preservation Commission may approve, approve with modifications, or deny the preservation plan;
5. Registration of historic sites.
The city shall record or file with the county recorder the legal description of all properties affected by the council action that also have an approved preservation plan. The city shall also distribute an official list of all locally designated historic preservation landmarks and districts to the land use supervisor and the state historic preservation officer;



C. Criteria.

Historic preservation landmarks and districts shall only be designated when the property or properties are found to meet one of the following criteria:

1. It has character, interest or value as part of the development, heritage or cultural characteristics of the city, state, or the United States;
2. Its location was a site of a significant historical event;
3. It is identified with a person or persons who significantly contributed to the culture or development of the city, state, or the United States;
4. It embodies a distinguishing characteristic of an architectural type;
5. It is identified as the work of an architect or master builder whose individual work has influenced the development of the city or state;
6. It embodies elements of architectural design, detail, materials or craftsmanship that represents significant architectural innovation;
7. Its unique location or singular physical characteristics represents an established and familiar visual feature of a neighborhood, community or city. (Ord. No. 10041, 8-16-2010, § 11; Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10225, 5-28-2013, § 10; Ord. No. 10261, 12-9-2013, § 1; Ord. No. 10723, 12-14-20, § 11)

50-37.9 Variance.

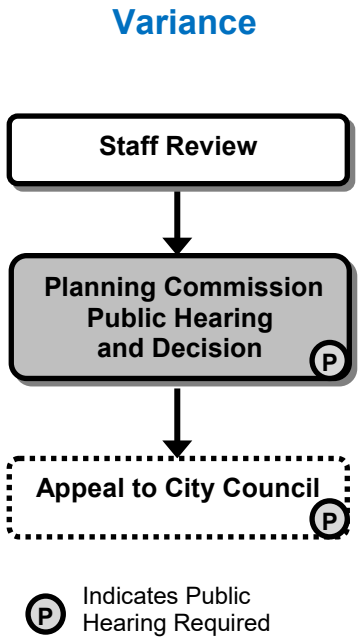
This Section applies to applications for a variance from the terms and provisions of this Chapter. Different types of variances are subject to differing criteria for approval, and in many cases are also subject to limitations on the types of variances that can be granted.

A. Application.

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

B. Procedure.

The planning commission shall review the application, conduct a public hearing on the application pursuant to Section 50-37.1.I, with public notice as required by Section 50-37.1.H, and shall make a decision on the application based on the criteria in subsections C through M below, as applicable to the specific type of variance being requested. The planning commission may grant a different variance or different form of relief than that requested by the applicant if it determines that the alternative relief better meets the criteria in subsections C through M below. The commission may impose appropriate conditions and safeguards to protect adjacent properties and the public interest, including but not limited to financial security pursuant to Section 50-37.2.P or a development agreement regarding the design, construction and operation of the project, to protect the comprehensive land use plan, to conserve and protect property and property values in the neighborhood and to ensure that all conditions of the variance will continue to be met. Constructing any improvement or beginning any activity authorized by the variance shall constitute the applicant's agreement to conform to all terms and conditions of the permit;



C. General variance criteria.

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

1. Because of the exceptional narrowness, shallowness or shape of the applicant's property, or because of exceptional topographic or other conditions related to the property, the strict application of the requirements of this Chapter would result in practical difficulties to the property owner;
2. The plight of the property owner is due to circumstances unique to the property, and not created by the property owner or the property owners predecessors-in-interest;
3. The special circumstances or conditions applying to the building or land in question are peculiar to such property or immediately adjoining property, and do not apply generally to other land or buildings in the vicinity;
4. The property owner proposes to use the property in a reasonable manner not permitted by this code;

5. The relief will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets or the danger of fire or imperil the public safety or unreasonably diminish or impair established property values within the surrounding areas or in any other respect impair the health, safety or public welfare of the inhabitants of the city;
6. The relief may be granted without substantially impairing the intent of this Chapter and the official zoning map, and will not alter the essential character of the locality;
7. The relief does not allow any type of sign that is not allowed in the zone district where the property is located, pursuant to Section 50-27;
8. The relief complies with any additional limitations or criteria applicable to that variance in subsections D through M below;
9. Economic considerations alone shall not constitute a practical difficulty;

D. No use variances.

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

E. Variances to lot size in unsewered areas.

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

F. Variances for two-family dwellings in the R-1 district.

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

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

G. Variances from parking and loading regulations.

1. Residential districts.
   (a) A variance may be granted to allow parking on a portion of a lot in a residential district where parking is not permitted by Section 50-24.6.B for lots meeting all the following:
      (i) The distance between the dwelling and the public right of way exceeds 18 feet; and
      (ii) The position of the principle structure on the lot does not permit access to the side or rear yard; and
      (iii) There is no improved alley or street providing access to the side or rear yard; and
      (iv) There is no permitted overnight parking on any street within 150 feet of the property;
   (b) The variance shall be subject to the following conditions, and any other conditions determined by the commission to be reasonable and necessary to protect the interests of the abutting property owners and the residential character of the surrounding neighborhood:
      (i) The maximum variance that can be granted shall not exceed 55% of the lot width;
      (ii) A paved walkway at least 3 feet wide shall be provided that links the front entrance of the dwelling and the street;
      (iii) A wall, fence or dense vegetative screen at least 3 feet tall and at least 75% opaque must be provided to screen parked vehicles from view of abutting properties and the street, where screening the street view is possible;
      (iv) Barriers must be installed to prevent vehicles from overrunning the parking and driveway areas; such barrier may be a fence, wall or raised curbing (or concrete parking bumpers when secured to the underlying pavement);
      (v) A placard with a diagram no less than 5 inches by 7 inches showing the location and arrangement of parking spaces shall be visible at all times from the exterior of the dwelling; such placard shall be on all-weather media and installed on the front exterior door at an elevation of between 2 feet and 6 feet above the threshold;

2. Reducing required parking spaces.
   Except as provided in 50-37.9.G, variances from the minimum amount of off-street parking required may be approved if a smaller amount of off-site parking will be adequate to meet the needs of the facility because the facility is restricted to occupancy or use by populations with documented lower vehicle uses, such as the elderly or disabled;
3. Exceeding required parking spaces.
   Variances from the maximum parking limits provided in 50-24.4 shall not exceed 200 percent of the minimum requirement provided in Table 50-24.1. In addition to meeting the general variance criteria in 50-37.9C, a parking study that provides justification for the number of off-street parking spaces proposed is required. It must include estimates of parking demand based on recommendations of the Institue of Traffic Engineers (ITE), or other acceptable estimates as approved by the City Engineer and should include other reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use. Comparability will be determined by density, scale, bulk, area, type of activity, and location. The study must document the source of data used to develop the recommendations. (Ord. No. 10460, 7-11-2016, § 1)

H. Variances to reduce setbacks;

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

I. Variances in the MU-C district.

1. Within the MU-C district, the only variances that may be approved are variations in any dimensional standard in Sections 50-15.3 and 50-21 by no more than ten percent. However, if the need for a variance is the result of a government taking pursuant to eminent domain powers, then (a) the limits of this subsection I.1 shall not apply and (b) all or part of the required landscaping and buffering may be placed in the public right-of-way if the property owner executes a perpetual maintenance agreement with the owner of the right-of-way;

2. In the case of a setback reduction variance, the landscaping and buffering in any reduced setback area shall be at least four feet in height and screen out at least 50 percent of the view of any parking area, unless the setback is reduced to less than five feet, in which case it shall screen out at least 75 percent of the view of the parking area;

J. Variances in A-O airport overlay district.

Variances within the A-O at the Duluth International Airport (DLH) shall be pursuant to and consistent with the procedures in the Duluth International Airport Zoning Ordinance, created by the Duluth International Airport Joint Zoning Board, effective date October 6, 2021, recorded in the St. Louis County Recorder's Office as Document Number 1432556. Variances within the A-O at the Sky Harbor Regional Airport shall be pursuant to and consistent with the procedures of 50-37.9.B.

K. Variances from flood plain regulations.

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

Variances must not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

1. Variances from the provisions of Section 50-18.1.C may only be issued upon
   (a) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
   (b) Variances from the provisions of Section 50-18.1.C may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
   (c) A determination that failure to grant the variance would result in exceptional hardship to the applicant.
   (d) A showing of good and sufficient cause.
2. Variances must be consistent with the general purpose of these standards and the intent of applicable provisions in state and federal law.
3. Variances may be used to modify permissible methods of flood protection, but no variance shall permit a lesser degree of flood protection than the Regulatory Flood Protection Elevation (RFPE).
4. The Land Use Supervisor must notify the applicant for a variance in writing that:
   (a) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage; and
   (b) Such construction below the base flood level increases risks to life and property. Notification must be maintained with a record of all variance actions.
5. The following are additional considerations when granting variances:
   (a) The potential danger to life and property due to increased flood heights or velocities caused by encroachments.
   (b) The danger that materials may be swept onto other lands or downstream to the injury of others.
   (c) The safety of access to the property in times of flood for ordinary and emergency vehicles.
6. Land Use Supervisor or Planning Commission may attach such conditions to the granting of variances as it deems necessary to fulfill the purposes of this subsection K and Section 50-18.1.C. Such conditions may include, but are not limited to, the following:
   (a) Limitations on period of use, occupancy, and operation.
   (b) Imposition of operational controls, sureties, and deed restrictions.
   (c) The prevention of soil erosion or other possible pollution of public waters, both during and after construction.
   (d) Other conditions as deemed appropriate by the Land Use Supervisor or Planning Commission.

Notifications to the Department of Natural Resources

1. All notices of public hearings to consider variances under this subsection K must be sent via electronic mail to the Department of Natural Resources respective area hydrologist at least ten (10) days before the hearings.

2. A copy of all decisions granting variances uses under this subsection K must be sent via electronic mail to the Department of Natural Resources respective area hydrologist within ten (10) days of final action.

(Ord. No. 10929, 3-24-2024, § 11)

L. Reconstruction of a nonconforming building.

A variance may be granted to permit the reconstruction of a nonconforming building that has been damaged from any cause or has deteriorated to the extent of more than 60 percent of its assessed market value as determined by the city assessor, if the commission determines that it is necessary for the preservation and enjoyment of a substantial property right and is not detrimental to the public welfare of the city. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10153, 5-14-2012, § 16; Ord, No. 10225, 5-28-2013, § 11; Ord. No. 10285, 3-10-2014, § 2; Ord. No. 10340, 11-24-2014, § 3; Ord. No. 10460, 7-11-2016, § 1, Ord. No. 10509, 6-12-2017, §7; Ord. No. 10797, 3-28-2022, § 3)

50-37.10 Special use or interim use permit.

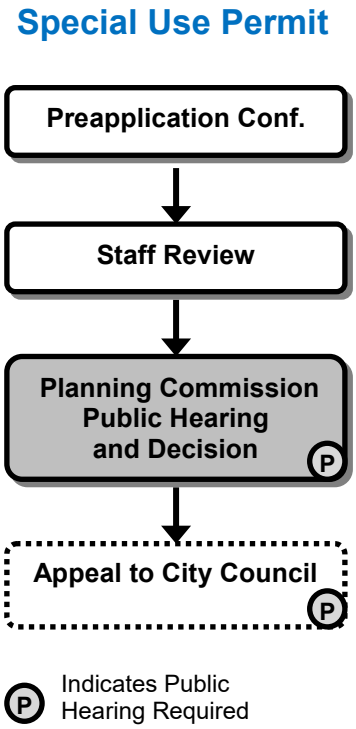
This Section applies to all applications for those special uses listed for specific zone districts in Table 50-19.8. It also applies to applications for interim uses that will be authorized for only a specified period of time. This Section is intended to comply with the provisions of MSA 462.3595 and 462.3597 as amended, and shall be interpreted to comply with those provisions wherever possible.

A. Applications.

An application for a special use or interim use shall be filed pursuant to Section 50.37.1.B; all applications for a special use in floodplain shall be processed and reviewed in accordance with the provisions of Section 50-18.1(C).

B. Procedure.

1. The planning commission shall review the application, shall conduct a public hearing pursuant to Section 50-37.1.I, with public notice as required by Section 50-37.1.H. The planning commission shall make a decision to adopt, adopt with modifications or deny the application based on the criteria in subsection C below. The commission or council may impose appropriate conditions and safeguards, including but not limited to financial security pursuant to Section 50-37.2.P, a development agreement regarding the design, construction, and operation of the special use, to protect the comprehensive land use plan, to conserve and protect property and property values in the neighborhood and to ensure that all conditions of the special use permit will continue to met;
2. If the permit is approved or approved with modifications, all future use of the land and structures erected on the land pursuant to the permit shall comply with its terms and conditions. The city may require that some or all of the documents presented by the applicant in support of the application, including without limitation any site plan, landscape plan, building elevation drawings, or development agreement, be recorded as a city public document prior to the issuance of any building permit. A decision not to require recording of some or all of those documents shall not relieve the applicant or any successors or assigns in title to the property from the duty to comply with all terms and conditions of the permit. Constructing any improvement or beginning any activity authorized by the permit shall constitute the applicant's agreement to conform to all terms and conditions of the permit;
3. The city may approve an application or approve it with modifications, with a condition that if a structure authorized by the permit is not constructed by a specified date, or if an activity authorized by the permit is not begun by a specified date, the permit shall terminate. If that condition is attached, the city shall notify the applicant and the property owner when a permit has lapsed, and that decision may be appealed pursuant to Section 50-37.1.O;
4. The city may approve an application or approve it with modifications, with a condition that abandonment of an activity authorized by a permit longer than a stated period terminates the permit, and any future reactivation of the use will require the filing and approval of a new permit application;
5. The commission may not approve or approve with modifications, a special use permit valid only for a specific period of time, but must instead recommend to council an interim use permit pursuant to subsection D below for that purpose;



6. Any approved permit shall be comprehensive and not severable. If part of a permit is deemed or ruled to be invalid or unenforceable in any material respect, by a competent authority, or is overturned by a competent authority, the permit shall be void in total, upon determination by the city;
7. The City of Duluth must consider all relevant factors specified in other sections of this chapter in granting special use permits.
8. Notifications to the Department of Natural Resources for Special Uses in Floodplains
   (a) All notices of public hearings to consider special uses in floodplains identified in Section 50-18.1.C must be sent via electronic mail to the Department of Natural Resources respective area hydrologist at least ten (10) days before the hearings.
   (b) A copy of all decisions granting special uses in floodplains identified in Section 50-18.1.C must be sent via electronic mail to the Department of Natural Resources respective area hydrologist within ten (10) days of final action.

(Ord. No. 10929, 3-24-2025, § 12)

C. Criteria for special use permits.

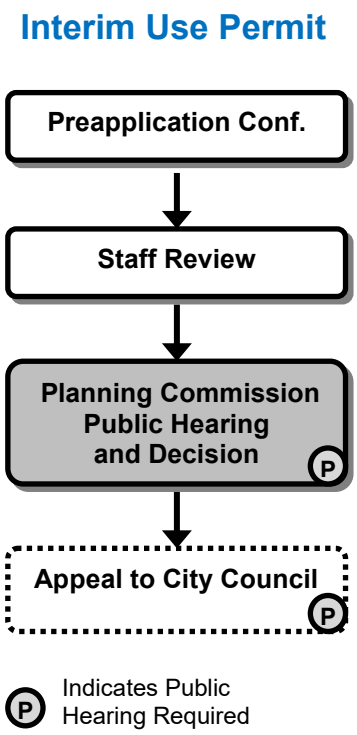
The planning commission shall approve the application or approve it with modifications if the commission determines that the application meets the following criteria:

1. The application is consistent with the comprehensive land use plan;
2. The application complies with all applicable provisions of this Chapter, including without limitation any use-specific standards applicable to the proposed use, development or redevelopment, and is consistent with any approved district plan for the area;

Without limiting the previous criteria, the commission may deny any application that would result in a random pattern of development with little contiguity to existing or programmed development or would cause anticipated negative fiscal or environmental impacts on the community;

D. Interim use permit.

1. As an alternative to a special use permit, MSA 462.3597 authorizes the city to issue an interim use permit that authorizes a special use to exist until a specified date or until an amendment to this Chapter authorizes or prohibits that use. An applicant may apply for an interim use permit, and the commission may decide to approve an interim use permit even if the application is for a special use permit;
2. An application for an interim use, or a decision to approve an interim use, shall be subject to the same procedures used for special uses, and the commission shall have all the powers described in Section 50-37.10.B.1 above. The commission may require financial security pursuant to Section 50-37.1.P to ensure that any improvements related to the interim use will be removed at the end of the interim use period;
3. An application to extend the period of an interim use permit shall be treated as major modifications of the initial permit and shall be processed pursuant to Section 50-37.1.N;



E. Criteria for interim use permits.

In addition to the criteria in subsection C above, the commission shall only approve an interim use permit, or approve it with conditions, if it determines that:

1. A time limit is needed to protect the public health, safety and welfare from potential longer term impacts of the requested use in that location or to allow the city time to develop a regulation addressing the potential longer term impacts of the requested use in that location;
2. The applicant agrees to sign a development agreement with the city confirming that (a) approval of the permit will not result in increased costs to the city if the property is later acquired by the city through eminent domain; (b) the use will be terminated at the applicant's expense on the date(s) stated in the permit, (c) the termination of the interim use as stated in the permit will create no rights to a nonconforming use and no rights to compensation for termination of the use or for the value of any structures of improvements related to the use, and (d) the applicant agrees to all conditions imposed by the city. No interim use permit shall be issued until a development agreement confirming these points is executed.

(Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 52; Ord. No. 10451, 5-23-2016, §3; Ord. No. 10625, 6-10-2019 §1; Ord. No. 10777, 11-25-2021, §8)

50-37.11 Planning review.

This Section applies to all development and redevelopment activities except for the construction, reconstruction or modification of one- and two-family residential structures that are located (a) on lots platted and zoned for residential development, and (b) outside of the R-C district and SP-O district.

A. Applications.

An application for a planning review shall be filed pursuant to Section 50-37.1.B;

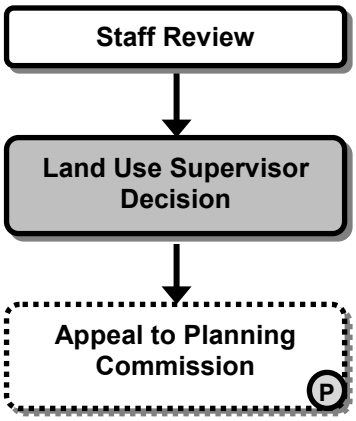
B. Procedure.

1. Building permit applications for certain types of development and redevelopment activities will trigger planning review for compliance with the standards of this Chapter. Except as stated in subsection 2 below, this planning review shall be conducted by the land use supervisor pursuant to the criteria in subsection C below;
2. For applications involving covered types of development and redevelopment activities in the MU-C, MU-I, MU-W and HE-O zone districts, the planning commission shall review the application, conduct a public hearing pursuant to Section 50-37.1.I, with public notice as required by Section 50-37.1.H, and make a decision to adopt, adopt with modifications or deny the application based on the criteria in subsection C below;
3. The land use supervisor or the planning commission may refer the application to any city, county or other public or quasi-public agency deemed necessary to confirm whether the criteria in subsection C have been met;

C. Criteria.

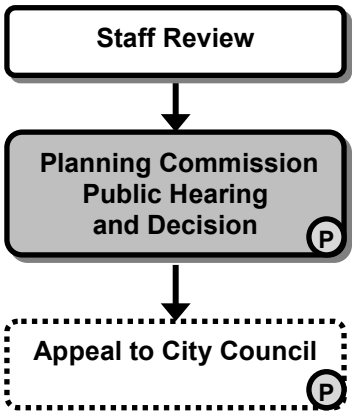
The land use supervisor or planning commission shall approve the planning review or approve it with modifications, if it is determined that the application complies with all applicable provisions of this Chapter. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 53 Ord. No. 10192, 12-17-2012, § 14.)

Planning Review General



P Indicates Public Hearing Required

Planning Review in MU-C, MU-I, MU-W and HE-O



P Indicates Public Hearing Required

50-37.12 Sidewalk use permit.

This Section applies to uses or proposals to use a portion of a public sidewalk for a café, eating area, bench, bicycle rack, temporary display or other purpose that does not involve the permanent vacation of any part of the street.

A. Application.

An application for a sidewalk use permit shall be filed pursuant to Section 50-37.1.B;

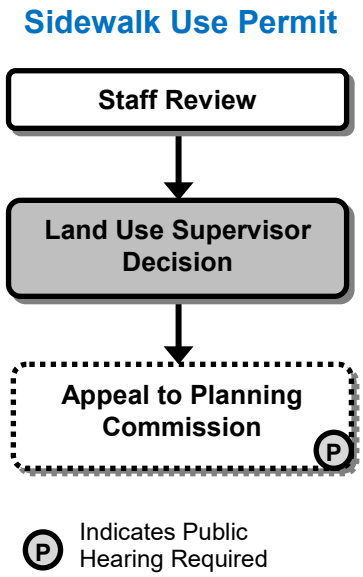
B. Procedure.

The land use supervisor shall refer the application to the city engineer for a recommendation as to whether the proposed design and location of the sidewalk use will provide for and not hinder the safety of pedestrians, bicyclists and motor vehicle drivers near the proposed use or structure. The land use supervisor shall then review and make a decision on an application based on the criteria in subsection 50-37.12.C. The land use supervisor may refer the application to any city, county or other public or quasi-public agency deemed necessary to confirm whether the criteria in subsection C have been met;

C. Criteria.

The land use supervisor shall approve the application, or approve it with modifications, if the supervisor determines that the following criteria have been met:

1. The city engineer has confirmed that the proposed use or structure will not hinder the safety of pedestrians, bicyclists and motor vehicle drivers near the proposed use or structure;
2. The proposed use or structure will not encroach into drive aisles, loading zones, fire lanes or parking lots;
3. The proposed use or structure will not encroach into any area located directly between any operating building entrance and the street curb (other than a building entrance intended only to serve patrons of an outside eating area);
4. The proposed use or structure will be set back at least seven feet from the curb and at least six feet from all parking meters, street trees, and street furniture in order to allow for the free passage of pedestrians;
5. The applicant has signed an agreement with the city (a) to keep the sidewalk and street within 20 feet of the proposed use or structure free from any litter generated by the use or activity, (b) accepting all liability resulting from the proposed use or structure and holding the city harmless for any and all such liability, (c) providing liability insurance meeting city standards, and (d) determining the period of use. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 54; Ord. No. 10413, 10-12-2015 § 1; Ord. No. 10743, 4-26-2021, § 3.)



50-37.13 Zoning permit.

This Section applies to a variety of permits covering development, redevelopment, and natural resources protection where the land use is a permitted use and the city must confirm whether the application complies with all other applicable provisions of this Chapter. The specific permits included in this Section are summarized in Table 50-37.13-1 below.

Table 50-37.13-1: Types of Zoning Permits

Type of Permit	Primary Compliance Requirement
Flood Plain Permit	Floodplains (Subsection 50-18.1.C)
Shoreland Permit	Shorelands (Subsection 50-18.1.D)
Erosion and Sediment Control Permit	Temporary Soil and Erosion Control (Subsection 50-18.1.E)
Temporary Use Permit	Temporary Land Uses (Sections 50-19, 50-20.6)
Sign Permit	Signs (Section 50-27)
Fence Permit	Fences and Walls (Section 50-26.4)
Airport Environs Permit	A-O Airport Environs Overlay district (Section 50-18.2)

A. Application.

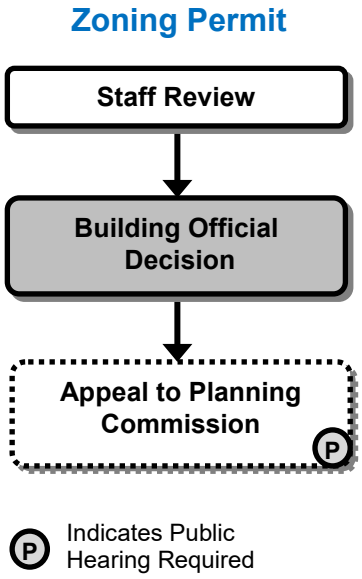
An application for a zoning permit shall be filed pursuant to Section 50-37.1.B;

B. Procedure.

1. The building official shall review and make a decision on an application for a zoning permit based on the criteria in subsection C below. The building official may refer the application to any city, county or other public or quasi-public agency deemed necessary to confirm whether the criteria in subsection C have been met;
2. All buildings, structures and improvements must be constructed and maintained, and all land uses must be operated, in accordance with the terms and conditions of this Chapter and any zoning permit issued pursuant to this Section 50-37.13;

C. General criteria.

The building official shall approve the application, or approve it with modifications, if the building official determines that the application complies with all applicable provisions of this Chapter;



D. Additional provisions for specific areas and types of permits.

1. Shoreland permit.

No building or zoning permit for land within any shoreland shown on the Natural Resources Overlay map in Section 50-18.1 may be issued until the building official has confirmed that the application complies with all applicable requirements of Section 50-18.1.D;

2. Erosion and sediment control permit (ESCP).

No land disturbance activity that requires an erosion and sediment control permit (ESCP) as indicated in Table 50-18.1.E-1 may be begin until a permit has been obtained. The building official shall refer the application to the city engineer, who shall review the plan to ensure that it complies with the requirements of Section 50-18.1.E. The city engineer may require additional information and may require that any information submitted be verified by a licensed engineer, licensed surveyor or other technical professional. If the application is denied, the applicant shall be given a summary of the plan's deficiencies. The ESCP permit shall be considered expired only after all construction activities are completed and the entire site is fully stabilized with 70 percent successful establishment of vegetation;

3. Airport environs permit.

No airport environs permit shall be issued unless all of the requirements of Section 50-18.2 have been met. A permit for a tree or structure of less than 75 feet of vertical height above the ground shall not be required in the horizontal and conical zones or in any approach and transitional zones beyond a horizontal distance of 4,200 feet from each end of the runway except when such tree or structure, because of terrain, land contour or topographic features, would violate the provisions of 18.2. The following structures or uses shall not be allowed in a Safety Zone 2 unless a Permit has first been approved pursuant to Sec. 50-37.13:

a) Material expansion of an Existing Structure or Use. Permit required.

b) New structures or uses. Permit required.

c) Abandoned Non-Conforming Structure. Permit required for structure to be re-used, rebuilt or replaced.

d) Substantially Damaged Non-Conforming Structure. Permit required to rebuild, repair, or replace.

e) Material Change in Non-Conforming Use. Permit required before material change in use may occur.

4. Flood plain permit.

No building or zoning permit for land within any flood plain, as identified in Sec 50-13.1.A.2(b), shown on the Natural Resources Overlay map in Section 50-18.1 may be issued until the building official has confirmed that the application complies with all applicable requirements of Section 50-18.1.C.

The permit application must include the following, as applicable:

a) A site plan showing all existing or proposed buildings (with uses defined), structures, service facilities, potential obstructions, and pertinent design features having an influence on the permit. In V Zones, the plans must be prepared by a professional engineer or architect.

b) Location and detail of grading (with land elevations noted), fill, or storage of materials.

c) Copies of any required local, state or federal permits or approvals.

d) Other relevant information requested by the Land Use Supervisor or Building Official as necessary to properly evaluate the permit application.

(Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 55; Ord. No. 10285, 3-10-2014, § 3; Ord. No. 10413, 10-12-2015 § 2; Ord. No. 10797, 3-28-2022, § 4; Ord. No. 10929, 3-24-2025 § 14)

50-37.14 Historic construction/demolition permit.

This Section applies to applications for construction or demolition within a historic district or on a historic property listed in Section 50-18.3 where the city must confirm whether the application complies with the standards in Section 50-18.3 and with all other applicable provisions of this Chapter and state law.

A. Application.

An application for a historic construction/demolition permit shall be filed pursuant to Section 50-37.1.B;

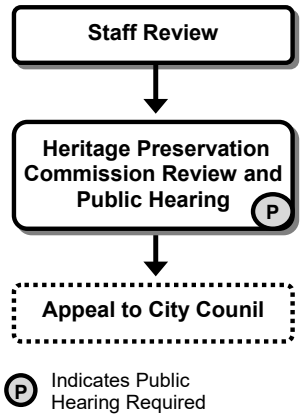
B. Procedure.

The application shall be reviewed by the heritage preservation commission. The commission shall conduct a public hearing pursuant to Section 50-37.1.I, with public notice as required by Section 50-37.1.H and make a decision to adopt, adopt with modifications, or deny the application based on the criteria in subsection C below;

C. Criteria.

The commission shall approve the application, or approve it with modifications, if the commission determines that the application complies with all applicable provisions of this Chapter and state law and that the work to be performed shall not adversely affect the historic preservation landmark or district based on adopted historic preservation guidelines. (Ord. No. 10041, 8-16-2010, § 12; Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10286, 3-10-2014, § 19.)

Historic Construction / Demolition Permit



50-37.15 Building permit.

This Section applies to all applications for a building permit.

A. Application.

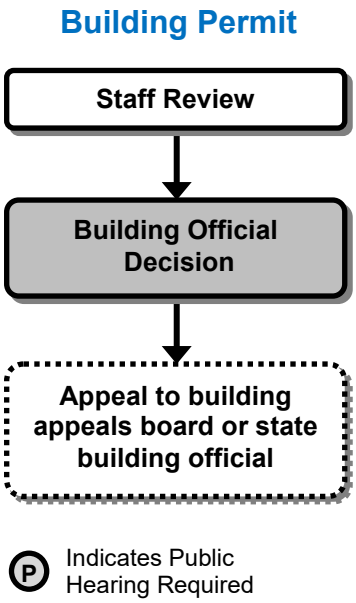
An application for a building permit shall be filed pursuant to Section 50-37.1.B;

B. Procedure.

1. The building official shall review and make a decision on an application for a building permit based on the criteria in subsection C below. The building official may refer the application to any city, county or other public or quasi-public agency deemed necessary to confirm whether the criteria in subsection C have been met;
2. All buildings, structures and improvements must be constructed and maintained, and all land uses must be operated, in accordance with the terms and conditions of this Chapter and the building permit;

C. Criteria.

The building official shall approve the application, or approve it with modifications, if the building official determines that the application complies with all applicable provisions of this Chapter and all applicable provisions of any building code adopted by the city. (Ord. No. 10044, 8-16-2010, § 6.)



50-37.16 Certificate of occupancy.

Certificates of occupancy shall be required for any of the following, and no occupancy, use or change of use in this list shall occur until a certificate of occupancy has been issued by the building official.

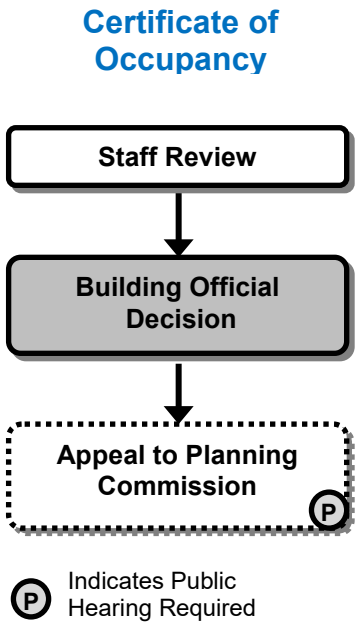
- Occupancy and use of a building that has been erected or structurally altered;
- Change in use of an existing building to a use of a different classification as shown in Table 50-19.8;
- Occupancy and use of vacant land;
- Change in the use of land to a use of a different classification as shown in Table 50-19.8;
- Any change in the use of a nonconforming use.

A. Application.

An application for a certificate of occupancy shall be filed pursuant to Section 50-37.1.B;

B. Procedure.

1. The building official shall review and make a decision on an application for a certificate of occupancy based on the criteria in subsection C below;
2. Each certificate of occupancy shall state that the building or the proposed use of a building or land complies with all provisions of law. A record of all certificates of occupancy shall be kept by the building official;
3. Upon application, a certificate of occupancy shall be issued for all lawful nonconforming uses of land or buildings;
4. Any certificate issued upon a false statement of any fact that is material to the issuance of the permit shall be void. Whenever the building official determines that a material false statement has been made, the official shall revoke the certificate of occupancy and promptly notify the property owner in writing of that revocation. Any person who proceeds to occupy the building or engage in the use covered by a certificate of occupancy after its revocation without having first obtained a new certificate commits a violation of this Chapter;
5. The building official may revoke a certificate of occupancy if the city has determined that the property owner or an occupant of the property has failed to obtain any other required permit or approval under this Chapter or has otherwise violated this Chapter and the property owner has not responded to city requests to remedy the violation within a reasonable time;



C. Criteria.

The building official shall issue a certificate of occupancy or approve it with conditions if the building official determines that the construction of the building or structure complies with the terms of all applicable building permits and the use, development, and operation of the property comply with all applicable provisions of this Chapter. (Ord. No. 10044, 8-16-2010, § 6.)

50-37.17 Accessory home share or accessory vacation dwelling unit, limited permit.

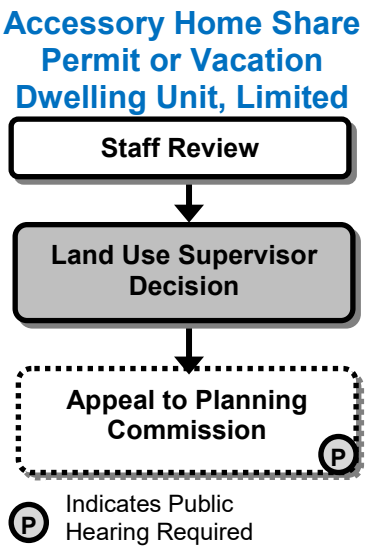
This Section applies to an accessory home share permit for the offering or advertising, for trade or sale, of a habitable room or space in an owner-occupied dwelling for a period of 29 nights or less, or an accessory vacation dwelling unit, limited, permit.

A. Application.

An application for an accessory home share permit or accessory vacation dwelling unit, limited, shall be filed pursuant to Section 50-37.17;

B. Procedure.

The land use supervisor shall review and make a decision on an application based on the criteria in subsection 50-20.5.G. The land use supervisor may refer the application to any city, county or other public or quasi-public agency deemed necessary to confirm whether the criteria in subsection C have been met;



C. Criteria.

An application for a certificate of occupancy shall be filed pursuant to Section 50-37.1.B; (Ord No. 10466, 4-11-2016, § 3; Ord. No. 10723, 12-14-2020, § 12; Ord. No. 10777, 11-25-21, § 9)

50-38 NONCONFORMITIES

This Section clarifies how this Chapter applies to those buildings, structures and land uses that do not comply with this Chapter, including without limitation (a) those that do not comply with the Chapter on the date it is adopted, and (b) those that comply with the Chapter on the date it is adopted but become nonconforming due to the adoption of an amendment to this Chapter. This Section is intended to comply with the provisions of MSA 462.357, subd. 1.e as amended, and shall be interpreted to comply with those provisions wherever possible. (Ord. No. 10044, 8-16-2010, § 6; cited only by Ord. No. 10285, 3-10-2014, § 4.)

50-38.1 Types of nonconformities.

The city recognizes five different types of nonconformities, each of which is addressed in the subsections below.

A. Nonconforming buildings;
B. Nonconforming uses;
C. Nonconforming lots;
D. Nonconforming on-premises signs;
E. Nonconforming off-premises signs. (Ord. No. 10044, 8-16-2010, § 6; cited only by Ord. No. 10285, 3-10-2014, § 4.)

50-38.2 General provisions.

A. Airport hazards.

1. The owner of any nonconforming structure or tree within the Airport Overlay is required to allow the installation, operation and maintenance on the structure or tree those markers and lights deemed necessary by the building official to indicate to aircraft the presence of the airport hazards. Any required markers and lights shall be installed, operated and maintained at the expense of the owner;
2. The regulations in Section 50-18.2 A-O Airport Overlay shall not:
   (a) Require the removal, lowering or other alteration of any structure or tree not conforming to the regulations regarding Duluth International Airport on June 18, 1988, or not conforming to the regulations regarding Sky Harbor Municipal Airport on September 26, 1994;
   (b) Interfere with the continuance of any nonconforming use as permitted by this Section 50-38;
   (c) Require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun before September 26, 1994 and completed on or before September 25, 1996;

B. Floodplains.

1. A structure or the use of a structure or premises located in a flood plain or flood fringe area as defined and shown in Section 50-18.1.C that was lawful before February 1, 1980, or before an amendment to the flood plain management regulations of Section 50-18.1.C, but that is not in conformity with the provisions of this Chapter may be continued subject to the following conditions.
   (a) Within the floodway and general floodplain districts (when a site has been determined to be located in the floodway following the procedures in Section 50-18.1.C.5(c), or when the floodway has not been delineated), any expansion or enlargement of uses or structures is prohibited.
   (b) Within all districts, any addition, modification, rehabilitation, repair, or alteration shall be in conformance with the provisions of the Unified Development Chapter, shall not increase the flood damage potential or increase the degree of obstruction to flood flows, and where applicable, must be protected to the Regulatory Flood Protection Elevation (RFPE).

(c) If any nonconforming structure is determined to be substantially damaged or substantially improved based on the procedures in Section 50-38.2.B.2, it may not be reconstructed except in conformity with the provisions of this Chapter. Any structures located outside the one-percent annual chance floodplain are exempt from this provision.

(d) If any nonconforming use, or any use of a nonconforming structure, is discontinued for more than one year, any future use of the premises must conform to Section 50-18.1(C).

(e) If any nonconforming structure has utilities, electrical, or mechanical equipment damaged due to flooding, it must be rebuilt in conformance with the elevation requirements in Section 50-18.1.C.2(b)(i)(4) to the greatest extent practicable. This requirement shall apply regardless of the determinations made in Section 50-38.2.B.2.

2. Substantial Improvement and Substaintial Damage Determinations.

Prior to issuing any permits for additions, modifications, rehabilitations, repairs, alterations, or maintenance to nonconforming structures, the Building Official is required to determine if such work constitutes substantial improvement or repair of a substantially damaged structure. A determination must be made in accordance with the following procedures:

(a) Estimate the market value of the structure.

In the case of repairs, the market value of the structure determined by the county assessor shall be the market value before the damage occurred and before any restoration or repairs are made.

(b) Estimate the cost of the project.

The property owner shall accommodate for inspection, and furnish other documentation needed by the Building Official to evaluate costs.

(i) Improvement costs shall be comprised of the market rate of all materials and labor, as well as the costs of all ordinary maintenance and upkeep carried out over the past one year.

(ii) Costs to repair damages shall be comprised of the market rate of all materials and labor required to restore a building to its pre-damaged condition regardless of the work proposed, as well as associated improvement costs if structure is being restored beyond its pre-damaged condition.

(c) Compare the cost of the improvement, repairs, or combination thereof to the estimated market value of the structure, and determine whether the proposed work constitutes substantial improvement or repair of a substantially damaged structure.

(i) For the purposes of determining whether the proposed work would constitute substantial improvement, the evaluation shall also include all rehabilitations, additions, or other improvements completed since the community has adopted floodplain standards impacting this structure.

(ii) If any nonconforming structure experiences a repetitive loss it shall be considered substantially damaged and must not be reconstructed except in conformity with the provisions of this Chapter.

(d) Based on this determination, the Building Official shall prepare a determination letter and notify the property owner accordingly. Structures determined to be substantially damaged or substantially improved may not be reconstructed except in conformity with the provisions of this Chapter.

(Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10285, 3-10-2014, § 4; Ord. No. 10929, 3-24-2025 § 15)

50-38.3 Nonconforming buildings.

A. A nonconforming building may continue to be used, and may be expanded provided that the expansion does not increase or extend any nonconformity horizontally or vertically. All additions must comply with the dimensional requirements in Article II and Section 50-21 or 50-22, as applicable, and the parking requirements of Section 50-24 must be satisfied for the expansion area;

B. A nonconforming building that has been damaged from any cause or has deteriorated to the extent of more than 60 percent or more of its assessed market value at the time of the damage shall not be restored, except in conformity with this Chapter, unless the owner obtains a variance pursuant to Section 50-37.9. When damaged by less than 60 percent of its assessed market value as determined by the city assessor, a nonconforming building may be repaired or reconstructed, provided that a building permit is applied for within 180 days and such repairs or reconstruction are completed within one year of the date of the damage. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10285, 3-10-2014, § 4.)

50-38.4 Nonconforming uses of buildings and land.

A. Any building existing on July 14, 1958, or existing on the date of the adoption of a city ordinance making it nonconforming, may continue to be used for the purposes it was used when it became nonconforming, even though that use does not conform to this Chapter, but may not be expanded or changed in a way that would increase any nonconformity;

B. The nonconforming use of a building may be extended throughout those parts of the building that were clearly arranged or designed for such use on the date the building became nonconforming;

C. A nonconforming use of a building or portion of a building that is discontinued for a continuous period of one year shall not again be used except for a permitted or special use in the district where the building is located, as shown in Table 50-19.8;

D. A building containing a nonconforming use shall not be enlarged, extended, reconstructed or structurally altered, unless the use is changed to a permitted or special use in the district where the building is located, as shown in Table 50-19.8;

E. A nonconforming use of land existing on July 14, 1958, may be continued but may not be expanded or extended, either on the same or adjoining property. If the nonconforming use of land or any portion of the use is discontinued for a continuous period of one year or changed, any future use of the land shall comply with this Chapter;

F. If no structural alterations are made to a nonconforming building, a nonconforming use of a building or land may be changed to another nonconforming use with fewer adverse impacts on surrounding properties, as determined by the land use supervisor;

G. Whenever a nonconforming use of a building or land has been changed to a use with fewer adverse impacts, as determined by the land use supervisor, the use shall not later be changed to a nonconforming use with greater adverse impacts on surrounding properties, as determined by the land use supervisor;

H. Within the Airport Overlay, whenever the building official determines that a nonconforming structure or tree has been abandoned or more than 80 percent torn down, deteriorated or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit in Section 50-18.2. Whether or not an application for a permit is filed, the building official may order the owner of the abandoned or partially destroyed nonconforming structure, at his own expense, to lower, remove, reconstruct or to equip the same in the manner necessary to conform to the provisions of Section 50-18.2;

I. Whenever a nonconforming use of a building or land has been changed to a conforming use, all nonconforming uses expire, and the property may only be used for a permitted or special use in the district where the building is located, as shown in Table 50-19.8;

J. A nonconforming use of a building or land existing on the date this Chapter is adopted shall remain a nonconformity unless it complies with all applicable provisions of this Chapter;

K. The adoption of this Chapter shall not validate any temporary use beyond the expiration date of any temporary permit issued under prior approvals. (Ord. No. 10044, 8-16-2010, § 6; cited only by Ord. No. 10285, 3-10-2014, § 4.)

50-38.5 Nonconforming lots.

A. A lot that existed on November 18, 2010, and was held in separate ownership from adjoining lots on that date and does not meet the minimum lot area or frontage requirements for the zone district in which it is located may nevertheless be used for the construction of a primary structure permitted in that zone district. All other applicable dimensional standards in Article II and Section 50-21 apply unless the applicant obtains a variance from those dimensional standards pursuant to Section 50-37.9;
B. Nonconforming lots that are not provided with public sewer shall comply with county individual sewage treatment systems ordinance and standards. However a lot or parcel of record that was lawful as to lot area requirements and under separate ownership from any adjoining lot or parcel on May 23, 1993, shall not be deemed nonconforming as to lot area requirements unless subdivided after that date. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 56; cited only by Ord. No. 10285, 3-10-2014, § 4.)

50-38.6 Nonconforming on-premises signs.

A. A legal nonconforming on-premises sign that was previously permitted may remain in use, so long as it remains otherwise lawful, and may be restored, repaired, or altered in the following ways: replacing lamps, replacing ballast, replacing transformers, painting the pole(s) and the cabinet, replacing or repairing the sign face(s), including H-bars and retainers behind the face(s), replacing trim, and replacement of sign fasteners, nuts, and washers. The following are not considered repair or restoration and shall require the legal nonconforming on-premises sign to be brought into conformance with this Chapter, except as provided in subsection F below: change or replacement in poles, structural supports, bases or shrouds, footings, moving the sign for any reason, change or replacement of the interior and/or exterior cabinet frame (excluding trim) and any changes made to the size, height, light intensity or bulk of the sign or the temporary or permanent removal of the sign for the repair or replacement of the cabinet or any part thereof, not including the face, Temporary removal of the sign cabinet for the replacement of the sign face(s) is permitted and will not require that the sign be brought into conformance with all requirements of this Chapter;
B. No legal nonconforming sign may be relocated, in whole or in part, to any other location on the same or other lot, unless the entire sign conforms to all regulations of the zoning district in which the sign is relocated;
C. A legal nonconforming on-premises sign may not be altered in any way that would create any new nonconformity or increase the degree of any previously existing nonconformity;

D. In the event that any legal nonconforming sign is damaged or destroyed to the extent of more than 50 percent of its value prior to the damage, the sign cannot be restored or repaired unless it conforms to all applicable regulations for the district;
E. All sign illumination, electronic message signs, and electronic billboards that do not conform with the display requirements of this Chapter, including brightness, message duration and similar performance requirements for the electronic component, are required to conform to the standards of this Chapter for the electronic component within 90 days of this date: March 11, 2013;
F. A legal nonconforming on-premises sign that does not meet the standards for sign area or sign height is being altered in such a way as to reduce the nonconformity, the alteration may be approved by the land use supervisor. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10204, 3-11-2013, § 2; cited only by Ord. No. 10285, 3-10-2014, § 4.)

50-38.7 Nonconforming off-premises signs.

In order to bring nonconforming off-premises signs into closer conformance with the purposes of Chapter, the following system is established to enable the reconstruction, structural alteration or relocation of certain nonconforming off-premises signs. Once rebuilt, the sign shall retain its status as a nonconforming off-premises sign.

A. Reconstruction of existing signs.

1. A sign permit for reconstruction on the same site of a nonconforming off-premises sign that either exists or has been destroyed no more than six months prior to written sign permit application, may be issued after the building official certifies that the sign to be reconstructed has less of an adverse impact on the area near the site than the sign being replaced. A reconstructed sign may be enlarged, up to the maximum size of an off-premises sign permitted within the applicable zone district, by use of an exception credit pursuant to subsection 2. For purposes of this subsection the "same site" shall mean contiguous property owned by one person or entity, or a related person or entity, and not divided by an improved street;
2. No permit shall be issued until the sign to be reconstructed is removed;
3. All signs shall be constructed and placed in strict conformance with the permit and the failure to do so shall constitute a violation of this Chapter, and if not corrected shall be grounds for revocation of the permit and an order for removal of the sign;

B. Exception credit system.

1. The owner of a nonconforming off-premises sign may receive an exception credit if it is determined by the building official that a nonconforming off-premises sign is to be removed, or has been removed, due to a termination of lease for reasons beyond the reasonable control of the applicant, or other forced removal (not including destruction or other situations rendering the sign unusable). Such reasons include but are not limited to the refusal of a lessor to renew a lease or the applicant's inability to obtain a lease renewal on reasonable terms and conditions (including lease rent at a fair market rate). An exception credit may be issued for each such sign that has been removed no more than 30 days prior to written application for the exception credit;
2. The building official shall determine if the applicant is eligible to receive an exception credit and shall certify and keep a log of all such credits documenting the owner of the credit, cumulative square footage of sign area credited and number of locations available for sign structures. After approving the use of an exception credit, the building official shall notify the owner, in writing, of the owner's remaining credited total of available square footage of sign area and remaining credited number of locations available for sign structures;

C. Use of exception credits.

1. Exception credits may be used to permit the relocation of certain nonconforming off-premises signs that do not meet site, location or other requirements of this Chapter;
2. An application for an exception credit shall include a statement identifying the exception credit(s) to be used for the permit for the new location. No holder of a credit shall be granted a permit under this Section 50-38.7 for more locations than it lost or for more square footage of sign area than it lost. No sign permit shall be issued until the sign(s) that is the basis for the credit is first removed;
3. All signs shall be constructed and placed in strict conformance with the sign permit and the failure to do so shall constitute a violation of this Section, and if not corrected, shall be grounds for revocation of the sign permit and an order for removal of the sign. No sign permit issued under this Section shall be valid until the applicant has complied with all applicable requirements of the NR-O, Natural Resources Overlay district, and MSA Chapter 173. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10047, 8-30-2010, § 4; Ord. No. 10204, 3-11-2013, § 3; cited only by Ord. No. 10285, 3-10-2014, § 4.)

50-39 Enforcement and penalties.

This Section describes how this Chapter will be enforced, as well as the penalties for violation of the Chapter. This Section is intended to comply with the provisions of MSA 462.362 as amended, and shall be interpreted to comply with those provisions wherever possible. All violations of this Chapter are hereby declared to be public nuisances. (Ord. No. 10044, 8-16-2010, § 6.)

50-39.1 Violations.

A. Violations defined.

It shall be a violation of this Chapter, and a public nuisance, to do any of the following:

1. Activities inconsistent with UDC.
   To erect, construct, reconstruct, remodel, alter, maintain, expand, move or use any building, structure or sign, or to engage in development or subdivision of any land inconsistent with this Chapter, or to fail to obtain required approvals for any of those activities;
2. Use of nonconformities inconsistent with UDC.
   To use, occupy, create, expand, replace, or change a nonconforming use, structure, lot or sign except in compliance with this Chapter;
3. Making lots or setbacks nonconforming.
   To reduce or diminish the lot area, setbacks, or open space on any parcel of land below the minimum required by this Chapter;
4. Increasing intensity of use.
   To increase the intensity of use of any land or structure, except in accordance with the procedural and substantive standards of this Chapter;
5. Activities inconsistent with approval or permit.
   To engage in any development, redevelopment, use, construction, remodeling or other activity inconsistent with the terms and conditions of any permit or approval issued by the city;
6. Violation of stormwater permits.
   In the case of violation of a stormwater permit, the permittee shall take the following actions prior to imposition of a penalty, if any, by the city:
   (a) Submit reports of noncompliance with requirements contained in a compliance schedule of the permit in writing within 14 days after the compliance schedule deadline. Reports of noncompliance shall include a description of the noncompliance, its cause, the steps taken or planned to reduce, eliminate and prevent reoccurrence of the noncompliance and the effect of the noncompliance on the permittee's ability to meet remaining deadlines;
   (b) Take all reasonable steps to minimize or prevent any adverse impacts on the waters of the state resulting from noncompliance with a stormwater permit;
7. Violations related to wireless telecommunications facilities.
   Under the following circumstances, the city may declare the wireless telecommunications facility a public nuisance and take all available enforcement actions including, but not limited to, revocation of the special use permit:
   (a) The wireless telecommunications facility has been abandoned. A facility is deemed abandoned if it is not used as wireless telecommunications facility for a period exceeding 90 consecutive days or a total of 180 days in any 365 day period, except for periods caused by force majeure or Acts of God, in which case repair or removal shall commence within 90 days;
   (b) The wireless telecommunications facility fall into a state of disrepair and creates a health or safety hazard;
   (c) The wireless telecommunications facility has been located, constructed, repaired, maintained or modified without first obtaining the required special use permit, or in any manner that constitutes a violation of Section 50-20.4.D;
   (d) For a violation of the conditions and provisions of the special use permit;
8. Failure to remove signs.
   To fail to remove any sign installed, created, erected or maintained in violation of this Chapter, or for which a required sign permit was not obtained, or for which the sign permit has lapsed, or for

which the business or use for which the sign was permitted has been closed for more than one year;

9. Failure to maintain.
   To fail to maintain any property, including without limitation (a) any dwellings, dwelling units, housekeeping units, or rooming units, and (b) any sign, and (c) any required landscaping or screening in the condition required by this Chapter;
10. Failure to replace.
    To fail to replace any site feature or element required by this Chapter if that site feature is removed, or to fail to replace any required landscaping or screening that dies or becomes diseased;
11. Unauthorized actions involving historic resources.
    To fail to obtain required approvals before construction, remodeling, repainting or altering a historic preservation landmark or a structure in a historic preservation district identified in Section 50-18.3;
12. Violations related to vacation dwelling units, accessory vacation dwelling units or accessory home shares.

    To use any lot, structure, dwelling or dwelling unit as a vacation dwelling unit, accessory vacation dwelling unit, or accessory home share without the approvals or permits required by this Chapter, in violation of the provisions of this Chapter, or in violation of any other applicable provisions of city code; (Ord No. 10466, 4-11-2016, §4; 10590, 9-24-2018, §1)

B. Continuing violations.

Each day that a violation occurs or remains uncorrected after receipt of notice of the violation from the city shall constitute a separate violation. (Ord. No. 10044, 8-16-2010, § 6.)

50-39.2 Enforcement.

A. Responsibility.

The building official is responsible for enforcing this Chapter. No permit or approval for the construction, alteration or demolition of any building, or for the use of land, shall be issued if the building as proposed to be constructed, altered or demolished would be a violation of this Chapter;

B. Authorization for inspections.

For the purposes of enforcing this Chapter, the building official is authorized to enter, examine and survey, between the hours of 8:00 a.m. and 5:00 p.m., any property subject to the regulations of this Chapter. Prior to making an inspection based on a possible violation, the building official shall inform the owner of the property to be inspected, or their agent, of the date and time of the inspection in writing at least four days prior to the inspection. Advance notice need not be given in the case of routine inspections. After written notice has been given, the owner or occupant of the property to be inspected, or the person in charge of that property, shall give the building official free access to the property between 8:00 a.m. and 5:00 p.m., for the purpose of inspection. The inspection shall not have for its purpose the harassment of the owner or occupant and shall be made so as to cause the least amount of inconvenience to the owner or occupant of the property consistent with the efficient performance of the duties of the building official. Nothing in this Section 50-39.2.B shall be construed to prohibit the entry of the building official:

1. At any time when in the opinion of the building official an actual emergency tending to create an immediate danger to public health and safety exists;
2. At any time when an inspection is requested by the owner or occupant;

C. Enforcement tools.

The city may use any of the following tools and powers to enforce this Chapter, in any order, and the use of one tool or power shall not restrict the city from using an additional tool or power to remedy the same violation.

1. Order requiring compliance.
    (a) The city may issue a written order identifying the violation(s) of this Chapter and requiring that the property owner or occupant bring the property into compliance with this Chapter, at the owner or occupant's expense, within a specified time. The notice shall state what actions are necessary to bring the property into compliance;
    (b) The time allowed for correction shall be not less than 14 days, except that (i) if the order identifies a threat to public health or safety then a compliance shorter than 14 days may be required, and (ii) if the order involves a violation of the provisions of the Airport Overlay district or the sign regulations in Section 50-27, or the vacation dwelling unit, accessory vacation dwelling unit, or accessory home share regulations in Sections 50-19 and 50-20, the time for compliance shall be not less than ten days. In determining a reasonable time for performance the building official shall consider the nature and extent of the work involved, the season of the year, the existence of any immediate danger to public health and safety, and any other pertinent factors. The building official may extend the time for compliance in writing for good cause shown;
    (c) The property may continue to be used for occupancy or habitation pending compliance with the order unless the notice identifies an imminent threat to public health or safety and requires that occupancy or habitation be limited or end by a certain date;
    (d) When an order to correct a violation of this Chapter has been issued, the building official is authorized to enter and re-inspect the property subject to the order for the purpose of determining compliance with the order. The owner or occupant of the property, or the person in charge of the property, shall give free access to the property for the purpose of the inspection;
    (e) Every occupant of property shall give the owner of the property, or his agent or employee, access to any part of the property at all reasonable times for the purpose of making repairs or alterations required to comply with the order;
    (f) The city shall not charge a fee for inspections made in response to complaints or to confirm compliance with an order;
2. Enforcement of wireless telecommunications facility violations.
    (a) If the city determines that the wireless telecommunication facility is a public nuisance, the building official shall notify the holder of the special use permit in writing and order the correction of the violation or removal of the facility;
    (b) If the order requires removal of the wireless telecommunication facility the holder of the special use permit, or its successors or assigns, shall dismantle and remove such facility and all associated structures and facilities, from the site and restore the site to as close to its original condition as is possible, such restoration being limited only by physical or commercial impracticability, within the deadline provided for in the order to remove. If the owner of the property upon which the wireless telecommunications facilities are located wishes to retain any access roadway to the wireless telecommunications facilities, the owner may do so if the land use supervisor determines that the retention of those access roads would promote the purposes of this Chapter;
    (c) Notwithstanding anything in this subsection to the contrary, the building official may approve a temporary extension of the order, for no more 90 days, during which time a suitable plan for the repair, sale, removal, conversion, or re-location of the affected wireless telecommunications facilities shall be developed by the holder of the special use permit, subject to the approval of the city, and an agreement to such plan shall be executed by the holder of the special use permit and the city. If such a plan is not developed, approved and executed within the 90 day time period, then the city may exercise all available legal rights;

(d) The holder of the special use permit for wireless telecommunications facilities may not use the payment of fines, liquidated damages or other penalties, to evade or avoid compliance with an order of the building official or any provision of Section 50-20.4.D;

(e) If compliance or substantial progress towards compliance with the order has not been made by the compliance deadline, the city may exercise any legal remedies available to secure compliance with the order at the sole expense of the owner or special use permit holder;

3. Enforcement of Vacation Dwelling Unit, Accessory Vacation Dwelling Unit, Accessory Vacation Dwelling Unit, Limited, or Accessory Home Share Violations

(a) If the city determines that a vacation dwelling unit, accessory vacation dwelling unit, accessory vacation dwelling unit, limited, or accessory home share is a public nuisance, operating without approvals or permits required by this Chapter, or operating in violation of this Chapter or any other applicable provisions of city code, the city shall notify the holder of the interim use permit, accessory vacation dwelling unit, limited, or home share permit in writing and order the correction of the violation in accordance with this Section;

(b) Any vacation dwelling unit, accessory vacation dwelling unit, accessory vacation dwelling unit, limited, or home share permit issued pursuant to this Chapter may be suspended for up to six (6) months or revoked by the city for good cause. If the city intends to suspend or revoke a permit, the land use supervisor shall issue written notice of such intent to the permit holder at least twenty-one (21) days before such suspension or revocation is set to begin. The permit holder may then demand a hearing before the land use supervisor. Such demand shall be made in writing to the land use supervisor within ten (10) days following issuance of the notice;

(c) For purposes of this section, “good cause” shall include, but not be limited to:

(i) failure to remedy a violation noted pursuant to 50-39.2.C.1;

(ii) issuance of three or more violation notices under section 50-39.2.C.1 within a single permit cycle;

(iii) the occurrence of one or more nuisance events as defined in Duluth City Code § 40-10;

(iv) use or operation of the dwelling unit or home share in a manner that imperils public health, safety or welfare, including, but not limited to, violation of this Chapter or any other provision of local, state, or federal law intended to protect the occupants of the dwelling or the surrounding neighborhood and community;

(d) Any permit holder whose license is suspended or revoked by the land use supervisor may appeal the final suspension or revocation to the Planning Commission in accordance with 50-37.1.O.

4. Withholding permits or approvals.
The city may refuse to process applications for permits and approvals under this Chapter if the application concerns a property where (a) the building official has determined to be in violation of the Chapter, (b) the city has issued an order requiring that the violation be corrected, and (c) the owner occupant has not remedied the violation within the time stated in that order, unless the application is for the purposes of remedying the existing violation;

5. Prevention of violation.
If the city becomes aware that a building, structure, sign or site feature is about to be constructed in violation of this Chapter, the city may take appropriate action to prevent the violation. The city’s action may include but is not limited to withdrawal of any permits or approval related to the construction or activity that would constitute a violation;

6. Abatement.

(a) The city may take action to abate or remove the violation, and to charge the costs of the abatement or removal to the property owner if the property owner or occupant of a property fails to comply with an order to correct a violation of this Chapter within the time specified in the order, as that time may be extended by the building official in writing for

good cause shown, and the building official determines that the continuance of the violation creates a threat to public health or safety;

(b) Following the abatement or removal, the city shall issue an order that the owner of the land on which the violation occurred pay to the city the documented costs of the abatement or removal with 30 days;

(c) If the owner of the land does not pay the documented costs of abatement or removal to the city within 30 days, those costs may be assessed against the land on which the violation occurred, and the city shall provide the owner of the land written notice of the assessment. Unless the assessment is paid within 90 days from the service of notice on the property owner, the sum shall bear interest at the rate set in accordance with Section 31-8 of this Code, per annum from the date the cost was incurred until paid, and shall be collected in the same manner as are general taxes;

(d) The city shall end the process of assessing abatement and removal costs against the land, or shall cancel the assessment if it has been finalized, upon receipt of payment in full of all costs documented in the order and all accrued interest on those costs;

7. Administrative citations.
   The city may issue an administrative citation pursuant to Chapter 12 of the City Code and may take all actions authorized;
8. Court actions.
   The city may enforce this Chapter by filing an action in law or equity in any court of competent jurisdiction, including without limitation a request for a declaratory judgment, a request for a restraining order or a temporary or permanent injunction, or a request for money damages based on the penalties for violation established in this Chapter or elsewhere in the City Code. The decision as to whether to seek enforcement in the courts, and what type of enforcement to seek, shall be at the discretion of the city;
9. Nuisance abatement.
   If the building official determines that the violation constitutes a public nuisance under state law, the city may use all powers granted by state law to abate public nuisances;
10. Other enforcement powers.
    The city may enforce this Chapter through any other powers granted to the city by state law;

D. Notices and orders.

1. Any notice and order under Section 50-39.2.C.1 shall be served upon the owner or the owner's agent and the occupant as the case may require. In the case of a notice involving the sign regulations in Section 50-27, the notice shall also be served on the owner of the sign or the person or entity that erected or caused the erection of the sign;
2. The notice shall be deemed to be properly served upon those individuals or entities identified in subsection 1 if a copy of the notice is:
   (a) Served personally; or
   (b) Sent by United States mail, postage prepaid, to the last known address of the owner, occupant or agent shows in the city records; or
   (c) Posted in a conspicuous place in or about the property affected by the notice; or
   (d) Served by any other method authorized or required by state law;
3. Any notice served pursuant to subsection 1 shall automatically become an order if a written petition for a hearing is not filed with the building official within 14 days after the notice is served. An order is final unless an appeal is filed pursuant to Section 50-37.1.O;
4. If the building official finds that an emergency exists that requires immediate action to protect the public health and safety, the building official may, without notice or hearing, issue an order declaring that emergency and requiring those actions that the building official deems necessary to meet the emergency notwithstanding the other provisions of this Chapter, and that order shall be effective immediately. Any person to whom the order is directed shall comply with the order immediately, but may file with the building official a request for a hearing following compliance with the order. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 57; Ord. No. 10155, 5-29-2012, § 29; Ord No. 10446, 4-11-2016, §4; 10590, 9-24-2018, §2; Ord. No. 10777, 10-25-21, §10)

50-39.3 Revocation of Special Use Permit or Interim Use Permit

In the event the land use supervisor determines that property for which a special use permit or interim use permit has been approved is being used in violation of the terms or conditions of the permit, the city may revoke the permit in accordance with the following procedure:

A. The land use supervisor shall cause written notice of pending revocation to be served in accordance with the process set forth in Section 50-39.2.D, "Notices and orders." The notice of pending revocation shall specify the terms or conditions of the permit which are being violated, state the nature of the violation or violations, and specify the date on which the pending revocation will be effective. The effective date of the revocation shall be no sooner than 14 calendar days after the date of the notice. The notice shall be served upon the following: (a) the owner of the property to which permit applies at the address of such owner as listed on the records of the St. Louis County Auditor; (b) To the applicant for the permit; (c) to the occupant of the property.

B. The owner, applicant, or occupant may appeal the notice of pending revocation by filing an appeal of the land user supervisor's decision with the planning commission consistent with the requirements of Section 50-37.1.O, "Appeals."

1. During the planning commission hearing to consider the appeal, the land use supervisor shall present evidence supporting the revocation of the permit. The owner, applicant, or occupant of the site, acting as an "appellant", shall have the opportunity to present testimony, evidence, and argument in opposition to such revocation.
2. The planning commission shall determine whether the terms or conditions of the permit have been violated and whether the permit should be revoked. The Commission may approve or deny the revocation of the permit and shall make findings of fact and conclusions setting forth the basis of its decision. The commission shall also have the authority to continue the appeal hearing to allow either the land use supervisor or the appellant to submit additional information to the commission.
3. After the planning commission renders its decision, the land use supervisor shall mail a notice of the commission's decision to the appellant. The decision of the planning commission shall be final unless a further appeal is filed pursuant to the requirements of Section 50-37.1.O, "Appeals". (Ord. No. 10768, 9-27-2021, § 1.)

50-39.4 Penalties.

A. The owner of any property where the violation of this Chapter occurs, and any person violating this Chapter, shall be guilty of a misdemeanor and may be fined as provided in Section 1-7 or Section 12-6 of the City Code;

B. In the case of violation of a stormwater permit, if the contractor or owner fails to install or correct deficiencies related to erosion or sediment control BMPs ordered by the city engineer, the city engineer may withhold payment from related work or levy a fine until adequate BMPs are installed by the contractor or owner. When the contractor or owner fails to conduct quality control or adequately inspect BMPs to ensure function, or fails to take action ordered by the city engineer to remedy erosion or sediment control problems, the city engineer will issue a written order to the contractor and owner. The contractor or owner shall respond within 24 hours with sufficient personnel, equipment, and materials and conduct the required remedial work or be subject to a per calendar day deduction or fine for noncompliance, which shall be set in accordance with Section 31-8 of this Code;

C. Penalties shall be waived if the violation is corrected within the time stated in any enforcement notice or order. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10155, 5-29-2012, § 30.)

ARTICLE SIX. DEFINITIONS.

50-40 RULES OF CONSTRUCTION.

In addition to the rules of construction provided in Section 1-2 of this Code, the rules and definitions of this Section shall be observed and applied in the interpretation of this Chapter, except when the context clearly indicates otherwise.

A. In case of any difference of meaning or implication between the text of this Chapter and any caption or illustration, the text shall control;

B. The terms “standards” and “guidelines” have different meanings, as follows: Standards mandate the specific course of planning and design action that the applicant must incorporate in its project application. Compliance with standards is mandatory. Statements of standards are indicated by use of the word “shall” in the rule or directive. A failure to meet a mandatory standard may be used as a basis for the city’s denial of a project application. In comparison, “guidelines,” if any, follow the standards and are indicated by the words “may” or “should.” Guidelines are voluntary and not mandatory; however, compliance is strongly encouraged to fulfill the intent of this Chapter. A failure to meet a voluntary guideline cannot be used by the city as a basis for a project denial. (Ord. No. 10044, 8-16-2010, § 6.)

50-41 DEFINITIONS.

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, for periods less than 24 hours a day, one or more dependents of employees or users of a business or facility with care, training, supervision, rehabilitation or developmental guidance, for gain or otherwise, while the employees or users are on site for work or other activities related to the principal use of the property. This use is a secondary and subordinate activity to a permitted or approved special use of the property and does not result in additional trips to the site.
Accessory dwelling unit. A subordinate dwelling unit added to, created within, or detached from a one or two family dwelling, located on the same lot or parcel as a primary residential structure and owned by the same owner as the primary residential structure, and providing basic requirements for living, sleeping, cooking, eating, and sanitation, and is constructed on compliant permanent footings or foundation, with permanent connections to public sanitary sewer and water. No recreational vehicle, or structure on a chassis, shall constitute an accessory dwelling unit.
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 home share. A habitable bedroom or bedrooms in an owner-occupied dwelling, offered for trade or sale, whether for money or exchange of goods or services, for periods of 29 nights or less.
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 retail or showroom. Space allocated within an industrial business for the display and/or sales (or donation) of products assembled, manufactured, or processed on site.
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 structures proposed in the Special Flood Hazard Area, as defined within this section, shall be subject to the standards of Section 50-18.1.C.

Accessory vacation dwelling unit. An accessory dwelling unit as defined by this Chapter that is used as a vacation dwelling unit as defined by this Chapter for periods of occupancy from 2 to 29 nights.

Accessory vacation dwelling unit, limited. A dwelling unit, as defined by this Chapter, that is an owner occupied homesteaded property, offered for trade or sale, whether for money or exchange of goods or services, for periods of no less than 2 consecutive nights and no more than 7 consecutive nights, and not exceeding 21 nights in total per year.

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, community garden. A use in which land managed by a group of individuals is used to grow food or ornamental crops, such as flowers, but not cannabis products, for donation or for use by those cultivating the land and their households. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

Agriculture, farmers market. A recurring event, held outdoors or in another defined place, on designated days and times, where market vendors, consisting of agricultural producers, home processors, and craft producers that manufacture non-food goods by the force of their own labor, are organized for the purpose of selling their products directly to the public. A minimum of 30% of vendors shall be vendors selling food crops.

Agriculture, general. The production or keeping of livestock, dairy animals, dairy products, poultry or poultry products, fur-bearing animals, horticultural or nursery stock, fruit, vegetables, forage, grains,

timber, trees, cannabis products, or bees and apiary products. This definition includes all activities listed under “agriculture, urban.”

Agriculture, urban. An establishment where food or ornamental crops are grown that includes, but is not limited to, growing on the ground, on a rooftop or inside a building, aquaponics, and aquaculture. This does not include cultivation of cannabis products.

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 in the 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. Any structure, object of natural growth, or use of land, which obstructs the air space required for the flight of aircraft in landing or taking off at any airport or restricted landing area or is otherwise hazardous to such landing or taking off. (Minn. Stat. 360.013)

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. The Duluth International Airport lands located in Sections 1, 2, 3, 11, 12, Township 50, Range 15; Section 6, Township 50, Range 14; and Section 31, Township 51, Range 14 that is used, or intended for use, for the landing and take–off of aircraft, and any appurtenant areas that are used, or intended for use, for airport buildings or other airport facilities or rights of way, together with all airport buildings and facilities located thereon.

Airport Safety Zone. An area subject to land use zoning controls adopted under Minnesota Statutes sections 360.061 to 360.074 if the zoning controls regulate (1) the size or location of buildings, or (2) the density of population. (Minn. Stat. 394.22, Subd. 1(a)).

Airport Zoning Map of the Duluth International Airport. The Duluth International Airport Zoning Map prepared by RS&H, and adopted and attached as Exhibit C of the Duluth International Airport Zoning Ordinance.

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.

Artisan production shop. A building or portion thereof used for the creation of original handmade works of art or craft items by no more than six artists or artisans, either as a principal or accessory use, where the facility includes an area for retail of the art/craft items being produced.

Artisan studio. A building or portion thereof used for the creation of original handmade works of art or craft items by no more than three artists or artisans, either as a principal or accessory use, where the facility includes an area for retail of the art/craft items being produced.

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, repair. An establishment engaged in performing repairs of, automobiles, light vehicles, and small engines. Repair may include all activities or repair or servicing of automobiles allowed in “automobile service”, rebuilding or reconditioning of passenger automobiles, body, frame or fender straightening, dent repair, replacement or repair, painting or rust-proofing, or other similar repair or

servicing of automobiles. Such work excludes commercial wrecking or dismantling, scrap/salvage yards, tire recapping and truck-tractor repair.

Automobile, service. An establishment engaged in performing servicing of automobiles, light vehicles, and small engines. Service may include muffler replacement, oil changing and lubrication, tire repair and replacement except tire recapping, wheel alignment, brake repair, suspension repair, transmission repair and replacement, flushing of radiators, servicing of air conditioners, audio installation, detailing, and other similar activities of light repair or servicing of automobiles. 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.

Automobile and light vehicle impound lot. A facility or area of land devoted principally to the storage of impounded vehicles or recreational vehicles with or without an office on the premises for the release of those types of vehicles.

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. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 58; Ord. No. 10204, 3-11-2013, § 4; Ord. No. 10225, 5-28-2013, § 12; Ord. No. 10366, 4-13-2015, § 5; Ord. No. 10414, 10-12-2015, § 5; Ord No. 10446, 4-11-2016, §6; Ord. No. 10563, 4-9-2018, § 3; Ord. No. 10659, 10-28-2019, §10; Ord. No. 10698, 4-13-2020, §4; Ord. No. 10777, 11-25-2021, §11; Ord. No. 10797, 3-28-22, §5; Ord. No. 10799, 3-28-2022, §3, Ord. No. 10829, 2-13-2023, § 6; Ord. No. 10875, 12-18-2023, § 4; Ord. No. 10875, 12-18-2023, §5; Ord. No. 10919, 11-25-2024, §4; Ord. No. 10929, 3-24-2025, §16)

50-41.2 Definitions: B

Bank. An establishment that provides retail banking, mortgage lending, and financial services to individuals and businesses, and including check-cashing facilities. Accessory uses may include automatic teller machines, offices, and parking.
Base Flood. The flood having a one-percent chance of being equaled or exceeded in any given year. "Base flood" is synonymous with the term "regional flood" used in Minnesota Rules, part 6120.5000.
Base Flood Elevation (BFE). The elevation of the base flood, regional flood, or one-percent annual chance flood. The term "base flood elevation" is used in the flood insurance study.
Basement. Any area of a structure, including crawl spaces, having its floor or base subgrade below ground level on all sides, regardless of the depth of excavation below ground level.
Bed and breakfast. A building designed as a one-family dwelling and operated as a primary use of land containing habitable units providing up to 12 guest rooms of lodging accommodations by prior arrangements, for compensation. It may or may not include serving of meals to guests and the general public, and the operator need not live inside the dwelling.
Block. An area of land enclosed by four public or dedicated private streets, or by a combination of public or dedicated private streets and a railroad right-of-way or a natural feature such as a lake shore, riverfront or stream.
Block face. All lots abutting both sides of a street (street A) between the nearest two streets that intersect street A.
Bluff. A topographic feature such as a hill, cliff, or embankment having all of the following characteristics:
A. Part or all of the feature is located in a shoreland area;
B. The slope rises at least 25 feet above the Ordinary High Water level of the water body or bottom of the bluff;
C. The grade of the slope from the toe of the bluff to the top of the bluff averages 30 percent or greater.
Bluff, bottom of. The ordinary high water level or the lower point of a horizontal ten foot segment with an average slope exceeding 18 percent.
Bluff, top of. The higher point of a horizontal ten feet segment with an average slope exceeding 18 percent.
Bluff impact zone. A bluff and land located within 20 feet of a bluff.
Bluff line. The designation of a line to administratively divide the city as above or below the escarpment for purposes of requiring stormwater detention for future development.
Boathouse. A structure designed and used solely for the storage of boats or boating equipment and that is not used for human habitation. Any door or opening exceeding 40 inches in width in a boathouse shall face the water.
Breakaway wall. A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.
Brewery, craft, small. A facility with a capacity to manufacture 3,500 or fewer barrels of alcoholic and nonalcoholic malt liquor, as well as other craft beverages such as hemp beverage products, in a calendar year. A small craft brewery is one that contains less than 7,000 square feet of gross floor area. This definition excludes small breweries operated in conjunction with a bar or restaurant defined herein as an accessory use.
Brewery, craft, large. A facility with a capacity to manufacture more than 3,500 barrels of alcoholic and nonalcoholic malt liquor, as well as other craft beverages such as hemp beverage products, in a calendar year. A large craft brewery is one that contains 7,000 square feet or more of gross floor area.
Buffer area. A strip of land with natural or planted vegetation located between a structure and a side or rear property line intended to separate and partially obstruct the view of two adjacent land uses or properties from one another. A buffer area may include any required screening for the site.
Buffer, naturally vegetative. Land that is used to protect adjacent lands and waters from development and more intensive land uses. The land is kept in a natural state of trees, shrubs, and low ground cover and understory of plants and functions to filter runoff, control sediment and nutrient movement, and protect fish and wildlife habitat.
Build-to zone. The maximum horizontal distance, or a range of maximum horizontal distances, between a front lot line and a building or structure required by this Chapter.

Building. Any structure designed or built for the support, enclosure, shelter or protection of persons, animals, chattels or property of any kind, and when separated by party or division walls without openings, each portion of such building so separated shall be deemed a separate building. For floodplain management and flood hazard purposes, the term “building” shall be used synonymous with “structure” as defined in this section.

Building material sales. An establishment engaged in the storage, distribution, and sale of building materials such as lumber, brick, tile, cement, insulation, floor covering, lighting, plumbing supplies, electrical supplies, cabinetry and roofing materials. Accessory uses may include repair or delivery services and outside sale of plants and gardening supplies.

Bulk storage not listed elsewhere. An establishment engaged in the storage of oils, lubricants, grains, mineral products or other commodities not listed separately as specific types of warehousing, wholesaling or storage.

Bus or rail transit station. A facility or structure where bus transit or rail transit vehicles stop to provide transportation services to the public. Accessory uses can include convenience retail or restaurants.

Business, art, or vocational school. A school, other than a college, that provides specialized training and education beyond the high school level, principally in the business, commercial or vocational arts, that does not provide lodging or dwelling units for students or faculty, and that has programs that typically result in the awarding of a certificate.

Business park support services. An establishment primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing, consulting services, protective services, equipment rental, leasing and financial services. Uses must be incidental to and supportive of business park uses and shall not include activities that are primarily retail in nature and devoted to the sale of consumer goods. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 58; Ord. No. 10204, 3-11-2013, § 4; Ord. No. 10414, 10-12-2015, § 6; Ord. No. 10919, 11-25-2024, §5; Ord. No. 10929, 3-24-2025, §17; Ord. No. 10929, 3-24-2025, §18)

50-41.3 Definitions: C

Car wash (primary use) A building containing facilities for washing one or more motor vehicles using steam cleaning or other mechanical devices. This definition includes self-service or automated car wash establishments. This definition does not include garages and filling stations where the washing of automobiles is only incidental or accessory to the business.
Cemetery or mausoleum. Land used or dedicated to the burial of the dead or the storage of cremated remains in a columbaria, and including necessary sales and maintenance facilities.
Channel. A natural or artificial depression of perceptible extent with a definite bed and banks to confine and conduct flowing water either continuously or periodically.
Club or lodge (private). A building or portion of a building or premises owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service that is customarily carried on as a business. This category includes fraternities and sororities.
Coastal A Zone. A special flood hazard area subject to the potential for breaking wave heights of greater than or equal to 1.5 feet, but less than 3 feet. The area will be identified on a FIRM as Zone AE, and located between the inland limit of Zone VE and the Limit of Moderate Wave Action (LiMWA).
Coastal High Hazard Area. An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast, and any other area subject to high velocity wave action from storms or seismic sources.
Co-housing facility. A residential development that combines individual owned dwelling units with smaller or partial kitchens and a larger community kitchen and dining room intended for communal use on a regular basis, and in which all residents agree to share in the provision of regular communal services such as cooking meals or providing child care.
Co-location. The use of an existing tower or structure to support antennae for the provision of wireless services. A replacement tower that is constructed on the same site as an existing tower will be considered a co-location as long as the new tower is no taller than the old tower and that the old tower is removed in a reasonably short time frame after the new tower is constructed.
Coldwater river. Rivers including trout streams and their tributaries.
Commercial impracticability or commercially impracticable. The inability to perform an act on terms that are reasonable in commerce; the cause or occurrence of which could not have been reasonably anticipated or foreseen and that jeopardizes the financial efficacy of the project. The inability to achieve a satisfactory financial return on investment or profit, standing alone, shall not deem a situation to be commercial impracticable and shall not render an act or the terms of an agreement commercially impracticable.
Commercial support services: A facility or area of land where commercial services such as cooking and cooking supplies, printing and photocopying, publishing, engraving, and other uses designed to support commercial activities in the vicinity, provided that such services are not listed separately as a permitted of special use in this Chapter.
Common open space. A portion of a development permanently set aside to preserve elements of the natural landscape for public or private use, which will not be developed or subdivided and is either owned in common by the individual owners in the development or by a permanently established management entity. Common open space does not include the area within 25 feet of any structure, any impervious surface, or the area between buildings within an individual cluster of buildings when the development is designed using clustered compact lots or clustered units or sites to create and preserve green space, such as in a conservation subdivision, planned unit development, or resort.
Common plan of development or sale. A contiguous area where multiple separate and distinct construction activities are planned to occur at different times on different schedules under one plan. For redevelopment projects, contiguous includes parcels separated by a right-of-way.
Composting. The controlled microbial degradation of organic waste to yield a humus-like product.
Confined animal feeding operation. A facility, area, or place where the feeding of livestock, poultry, pigs, or small animals takes place for commercial purposes in lots, pens, ponds, sheds or buildings where food is supplied primarily by means other than grazing, foraging, or other natural means.
Construction debris. Waste building materials, packaging and rubble resulting from construction, remodeling, repair and demolition of buildings and roads.

Contractor's shop and storage yard. A lot or portion of a lot or parcel used to store and maintain construction equipment and other materials and facilities customarily required in the building trade by a construction contractor. This definition includes architects, engineers, surveyors' construction offices and shops, real estate sign placement service, and showroom and shops for the display and sale of electrical, plumbing, heating, air conditioning, sheet metal and other material in connection with contracting services.

Convention or event center. A facility specially designed to host conferences, exhibitions, events, large meetings, seminars and training facilities, which may be associated with a hotel or motel.

Cottage home park. A residential development consisting of two or more one-family dwellings with a common open space or amenity area.

Critical Facilities. Buildings and structures that contain essential facilities and services necessary for emergency response and recovery, or that pose a substantial risk to the public in the event of failure, disruption of function, or damage by flooding. Examples include (1) hospitals and health care facilities having surgery or emergency treatment facilities; (2) fire, rescue, ambulance, and police stations and emergency vehicle garages; (3) designated emergency shelters; (4) designated emergency preparedness, communication, and operation centers and other facilities required for emergency response.

Critical root radius. An area around a tree measured with a radius of one foot for every in. dia. of the tree, which is generally the area of soil that must remain undisturbed to ensure long-term viability of the tree.

Cutoff angle. For purposes of exterior lighting regulations, the angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source above from which no light is emitted. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 58; Ord. No. 10204, 3-11-2013, § 4; Ord. No. 10659, 10-28-2019, §11; Ord. No. 10799, 3-28-2022, §5; Ord. No. 10929, 3-24-2025, § 19)

50-41.4 Definitions: D

Data center. An establishment primarily involved in the compiling, storage, conversion or analysis and maintenance of documents, records, and other types of information in digital form.
Daycare facility. A facility that provides accommodations for persons of any age who receive custodial care for less than 24 hours by individual other than parents or guardians, relatives by blood, marriage, or adoption, and in a place other than the home of the person cared for.
Decorative fence. A powder coated steel fence, solid core ornamental fence, decorative wood fence, or fence of similar construction or appearance, but not including a snow fence, chain link or highway guard rail.
Demolition debris. Solid waste resulting from the demolition of buildings, roads and other man-made structures including concrete, brick, bituminous concrete, untreated wood, masonry, glass, trees, rock and plastic building parts. It does not include asbestos wastes, appliances, furniture or household refuse.
Dense urban screen. Continuous screening wall, berm, fence, or row of planting at least six feet tall, with screening material designed to provide 75 percent opacity one year after planting along the full required height and length of the screening buffer.
Design storm. A rainfall event used in the analysis and design of drainage facilities. See the engineering guidelines for the current rainfall data.
Detention. The temporary storage of drainage water.
Deteriorated. A building or component of a building shall be deemed to have deteriorated when its function has been so impaired by natural forces including but not limited to weathering or decay that it needs to be replaced to restore its functionality.
Developable area. All land within a zone district not occupied by streets and public rights-of-way.
Development. The construction of a building or structure, any clearing, grading, excavation or other movement of land, or the division of a parcel of land into two or more parcels. Within flood plain districts, development is defined as any manmade change to improved or unimproved real estate, including but not limited to: buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.
Diameter at breast height (DBH). The primary method of measuring the diameter of a tree trunk. Diameter is measured in inches 54 inches above the ground. If the tree splits into multiple trunks at a height below 54 inches, but above the ground, the diameter is measured at the highest point beneath the split.
Direct illumination. Illumination by light sources that are effectively visible, either directly or through a translucent material, as a part of the sign and illuminating outward.
Discharge. The discharge of any pollutant into the waters of the state from any point source.
Discharge rate. The rate at which drainage water is released from a specific site and expressed as a volume per unit of time, such as cubic feet per second.
Discharge volume. The volume of drainage water discharged from a site from a single rainfall event, expressed as cubic feet or acre-feet.
Distillery, craft. A facility that manufactures distilled spirits, as defined by Minn. Stat. § 340A.301, as well as other craft beverages such as hemp beverage products, with a capacity to manufacture 40,000 or fewer proof gallons in a calendar year. A small craft distillery is one that contains less than 7,000 square feet of gross floor area. A large craft distillery is one that contains 7,000 square feet or more of gross floor area.
District. Any section of the city within which the zoning regulations are uniform.
DNR. Minnesota department of natural resources.
Drainage basin. The tributary area through which drainage water is collected, regulated, transported and discharged to receiving waters.
Drainage system. Any system that conveys stormwater or surface water including sewers culverts, ditches, and swales.
Drainage water. Stormwater, snow melt, surface and irrigation water, water from footing drains and sump pumps or other drains approved by the city.
Drip line. A vertical line extending from the outermost edge of a tree's canopy to the ground.
Dry cleaning or laundry plant. An establishment where laundry or dry cleaning is performed in bulk and primarily for commercial and institutional customers. This use does not include facilities where the public drops off or picks up dry cleaning or laundry that is cleaned off-site.

Duluth Airport Authority ("DAA"). A political subdivision of the State of Minnesota established pursuant to Minnesota Laws of 1969, Chapter 577 for the purpose of controlling and managing City of Duluth airport facilities. DAA has the exclusive power to receive, control, and order the expenditure of any and all moneys and funds in the control and management of the City of Duluth airport facilities.

Duluth International Airport Joint Airport Zoning Board ("JAZB"). The joint airport zoning board established pursuant to the authority conferred by Minnesota Statutes Sections 360.061-360.074 comprised of appointed representatives of the St. Louis County, City of Duluth, City of Hermantown, Canosia Township, and the City of Rice Lake.

Dwelling. Any building or portion of a building that is designed for or used for residential purposes and provides basic requirements for living, sleeping, cooking, eating, and sanitation, and is constructed on compliant and permanent footings or foundation, with permanent connections to public sanitary sewer and water. No recreational vehicle, or structure on a chassis, shall constitute a dwelling, except as allowed and provided for in manufactured home parks or recreational vehicle parks.

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

Dwelling unit, efficiency. A dwelling unit in a multi-family, townhouse, or two-family dwelling, which is not an accessory dwelling unit, and which consists of one principal room, exclusive of bathroom, kitchen, hallway, closets or dining alcove directly off the principal room, providing that such dining alcove does not exceed 125 square feet in area.

Dwelling, cottage. A one-family dwelling unit which does not include any accessory dwelling units, and providing basic requirements for living, sleeping, cooking, eating, and sanitation, constructed on compliant footings or foundation, with permanent connections to public sanitary sewer and water, and which is located within a cottage housing development. No recreational vehicle, or structure on a chassis, shall constitute a cottage dwelling. A dwelling, cottage, must contain at least 200 square feet of enclosed space, but may not exceed 1200 square feet.

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

Dwelling, multi-family. A building containing three or more dwelling units, none of which are accessory dwelling units, that is not a townhouse.

Dwelling, one-family. A building containing one dwelling unit designed for exclusive occupancy by one family and occupied exclusively by one family, except that the structure may also contain an accessory dwelling unit where expressly authorized, and that is constructed on compliant and permanent footings or foundation. This definition includes a manufactured or modular home that meets this definition and the requirements of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sections 5401 et. seq.).

Dwelling, townhouse. A structure containing three to eight dwelling units, none of which are accessory dwelling units, each sharing two vertical party or division walls, except that each end unit will have a single party or division wall, with no dwelling units sharing a common horizontal surface.

Dwelling, two-family. A building containing two dwelling units, neither of which is an accessory dwelling unit, designed for exclusive occupancy by two families and occupied exclusively by two families. A twin home is a two-family dwelling where each unit shares a common vertical wall and where a side lot line exists on the common wall extending to the front and rear lot lines, but is on two separate lots.

(Ord. No. 10041, 8-16-2010, § 13; Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 58; Ord. No. 10204, 3-11-2013, § 4; Ord. No. 10225, 5-28-2013, § 13; Ord. No. 10285, 3-10-2014, § 5; Ord. No. 10338, 11-24-2014, §4; Ord. No. 10414, 10-12-2015, § 7; Ord. No. 10659, 10-28-2019, §12; Ord. No. 10797, 3-28-2022, §5, Ord. No. 10829, 2-13-2023, §7; Ord. No. 10919, 11-25-2024, §6)

50-41.5 Definitions: E

Electric power or heat generation plant. A facility or area that generates electricity from mechanical power produced by the firing of fossil fuels, or that produces heat or steam for space heating and other similar uses.

Electric power transmission line or substation. A conductor of electric energy and associated facilities designed for and capable of operation at a nominal voltage of more than 46 kilovolts and less than 200 kilovolts. Associated facilities shall include insulators, towers and terminals operating at a nominal voltage greater than 46 kilovolts and less than 200 kilovolts, as well as substations related to those facilities.

Elevation (flood). In the context of flood related regulation, that elevation above mean sea level referenced in the National Geodetic Datum of 1929.

Encroachment lines. In the context of flood related regulation, the lateral limits or lines drawn along each side and generally parallel to a stream or another body of water, which delineates the floodway and within which the flood carrying capacity of the stream or other body of water is to be preserved. Their location, if along a stream, should be such that the floodway between them will effectively carry and discharge a flood not less than the regional flood.

Equal degree of encroachment. In the context of flood related regulation, a method of determining the location of encroachment lines so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows. This is determined by considering the effect of encroachment on the hydraulic efficiency of the flood plain along both sides of a stream for a significant reach. A method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

Erosion. Any process that wears away the surface of the land by the action of water, wind, ice or gravity. Erosion can be accelerated by the activities of man and nature.

Erosion and sediment control plan. A plan that is designed to minimize the accelerated erosion and sediment runoff at a site during construction activities.

Erosion and sedimentation practice specifications, or practice. The management procedures, techniques and methods adopted by the city to adequately and effectively control soil erosion and sedimentation incident to land disturbing activity within the city. The specifications are primarily based upon the MPCA handbook entitled *Protecting Water Quality in Urban Areas*, published in October of 1989, but may be varied on a case by case basis to effectively control erosion and sedimentation.

Established residential neighborhood in a built up urban area (ERN BUUA). In the context of airport regulation, an area that, if it existed on or before January 1, 1978 (for low density structures and lots) and an area that, if it existed on or before July 2, 1979 (for all other land uses) shall be considered a conforming use that shall not be prohibited except as provided in this Chapter. The following criteria shall be applied and considered in determining what constitutes an ERN BUUA:

A. Location of the airport;
B. Nature of the terrain within safety zones A and B;
C. Existing land uses and character of the neighborhood around the airport;
D. Population of the community;
E. That the average population density in all areas within one mile of any point on a runway shall be equal to or greater than one dwelling unit per acre;
F. Population density near the airport compared with population density in other areas of the community;
G. The age, and the economic, political, and social stability of the neighborhood and the community as a whole;
H. The proximity of supporting school, commercial, religious, transportation and other facilities, and their degree of integration with residential land uses;
I. Presence or absence of public utilities including, but not limited to, public sanitary sewer system, electric service and gas mains;
J. Whether or not the factors listed in subparagraphs H and I above tend to make the community surrounding the airport a self sufficient unit;
K. Whether the areas within one mile of the perimeter of the airport property would be considered primarily residential in character;

L. Other material factors deemed relevant in distinguishing the area in question as established, residential, urban, and built up.

Excepted parcel (airport overlay). In the context of airport regulation, any parcel of land exempted from any or all of the regulations imposed by Section 50-18.2, Airport Overlay, because the joint airport zoning board determines that the otherwise applicable requirements or proscriptions are not reasonably necessary to effectuate the purposes of Section 50-18.2 by reason of flying operations expected to be conducted, the location of the airport, the nature of the terrain within the airport hazard area, existing land uses and character of the neighborhood around the airport, the uses to which the property to be zoned are planned and adaptable and the social and economic costs of restricting land uses versus benefits derived from application of Section 50-18.2, as authorized by MSA 360.066, subd. 1.

Expression line. A decorative, three-dimensional, linear element, horizontal or vertical, protruding or indented at least one inch from the exterior facade of a building and extending the length or height of the building with minimal interruptions from doors and windows. This element typically delineates the floors or stories of a building. (Ord. No. 10044, 8-16-2010, § 6; renumbered by Ord. No. 10096, 7-18-2011, § 58; Ord. No. 10204, 3-11-2013, § 4; Ord. No. 10929, 3-24-2025, § 20)

50-41.6 Definitions: F

FAA. A federal agency charged with regulating air commerce to promote its safety and development; encourage and develop civil aviation, air traffic control, and air navigation; and promoting the development of a national system of airports.
Family. One or more persons related by blood, marriage or adoption, including foster children, and in addition to and including five other unrelated persons occupying a dwelling and living as a single housekeeping unit.
FCC. The federal communications commission or its duly designated and authorized successor agency.
Filling station. A building, structure or land used primarily for the dispensing, sale or offering for sale at retail of any automobile fuels, oils or accessories, including lubrication of automobiles and replacement or installation of minor parts and accessories but not including major repair work such as motor replacement, body and fender repair or spray painting. This use may include the retail sales of convenience goods.
A. A small filling station is one that contains no more than 6 pumps or 12 fueling points.
B. A large filling station is one that contains more than 6 pumps or 12 fueling points.
FEMA. Federal Emergency Management Agency
Flood. A temporary rise in the stream flow or water surface elevation from any source that results in the inundation of normally dry land areas.
Flood fringe. The portion of the floodplain located outside the floodway. This includes areas mapped as one-percent annual chance floodplain.
Flood Insurance Rate Map (FIRM). An official map on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).
Flood Insurance Study (FIS) The study referenced in Section 50-18.1.A.2(b), which is an examination, evaluation and determination of flood hazards, and if appropriate, corresponding surface elevations, or an examination, evaluation, and determination of mudslide (i.e. mudflow) and/or flood-related erosion hazards.
Flood plain. The beds, channel and the areas adjoining a wetland, lake or watercourse, or other source which have been or hereafter may be inundated by the base flood.
Floodproofing. A combination of structural and non-structural additions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.
Floodway. The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which must be reserved to carry or store the base flood discharge without cumulatively increasing the water surface elevation more than one-half foot.
Food processing. The sorting, treatment, or preparation of food products for sale or as inputs to further processing, but not including the slaughtering of small or large livestock or confined animal feeding operations. Examples include: creamery operations and poultry processing.
Forest management. Tree removal from a predominantly forested area with the intent of maintaining forest cover and not resulting in conversion to non-forest, such as grassy fields or pavement. Clearcuts constitute forest management as long as tree cover returns by planting or natural regeneration.
Frontage. All the property on one side of a street between two streets that intersect such street (crossing or terminating), measured along the line of the street, or if the street is dead ended, then all of the property abutting on one between a street that intersects such street and the dead end of the street.
Funeral home or crematorium. An establishment providing services such as preparing the human dead for burial, cremating human remains, and arranging and managing funerals. This use does not include cemeteries and columbaria. (Ord. No. 10044, 8-16-2010, § 6; renumbered by Ord. No. 10096, 7-18-2011, § 58; Ord. No. 10204, 3-11-2013, § 4; Ord. No. 10285, 3-10-2014, § 6; Ord. No. 10563, 4-9-2018, § 4; Ord. No. 10797, 3-28-2022, §5; Ord. No. 10929, 3-24-2025, § 21; Ord. No. 10929, 3-24-2025, § 22)

50-41.7 Definitions: G

Garage, private. An accessory building designed or used for the storage only of not more than four motor driven vehicles. Not more than one of the vehicles may be a commercial vehicle, and that vehicle shall not exceed a two ton capacity.

Garden material sales. An establishment engaged in the storage, distribution, and sale of garden materials, including a green house used to raise flowers, shrubs and plant for sale. Accessory uses may include delivery services.

General development waters. Includes lakes that are generally large, deep lakes or lakes of varying sizes and depths with high levels and mixes of existing development at the time of the original classification. These lakes often are extensively used for recreation. General development rivers include agriculture and urban rivers. This class has a wide variety of existing land and recreational land use characteristics.

General floodplain. Those floodplains designated on the Flood Insurance Rate Maps referenced in Section 50-18.1.A.2(b), that are not VE or V zones, and that do not have a delineated floodway.

Golf course. A tract of land laid out with at least 9 holes for playing the game of golf and improved with tees, greens, fairways and hazards. This use does not include a miniature golf course. A golf course may include a driving range, clubhouse, restaurant, putting and chipping greens, maintenance facilities, and shelters as accessory uses.

Government building or public safety facility. A building or facility housing the offices or operations of a department or agency of the city, county, state, or federal government, or a quasi-governmental, including but not limited to a building or facility that provides fire protection, police protection, or emergency medical services (not including a hospital or medical or dental clinic), together with incidental storage and maintenance of necessary vehicles.

Grade.

A. For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street;

B. For buildings having walls adjoining more than one street, the average of the elevations of the sidewalk at the centers of all walls adjoining the streets;

C. For buildings having no wall adjoining a street, the average level of the finished surface of the ground adacent to the exterior walls of the building;

D. Any wall approximately parallel to and not more than 15 feet from a street line is to be considered as adjoining the street. Where sidewalks do not exist the grade shall be as established by the office of the city engineer.

Grocery store. A retail sales establishment selling primarily food and beverages for off-site preparation and consumption that maintains a sizable inventory of fresh fruits, vegetables, fresh-cut meats, or fresh seafood or specialize in the sale of one type of food item. This use may also include sales of personal convenience and small household goods.

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

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

Groundwater management area. A geographically defined area that may be particularly sensitive in terms of groundwater quantity or quality by nature of the use or movement of groundwater, or the relationship between groundwater and surface water, and where special management measures are deemed necessary to protect groundwater and surface water resources.

Groundwater recharge volume. The portion of the water quality volume used to maintain groundwater recharge rates at development sites. (Ord. No. 10044, 8-16-2010, § 6; renumbered by Ord. No. 10096, 7-18-2011, § 58; Ord. No. 10204, 3-11-2013, § 4; Ord. No. 10225, 5-28-2013, § 14; Ord. No. 10285, 3-10-2014, § 7; Ord. No. 10929, 3-24-2025, § 23)

50-41.8 Definitions: H

Habitable room. Any room used or intended to be used for sleeping, cooking, living or eating purposes, excluding such enclosed spaces as closets, pantries, bath or toilet facilities, service rooms, corridors, laundries, unfinished attics, foyers, storage space, utility rooms or similar spaces.
Habitable unit. Any habitable room or group of habitable rooms that provide sleeping facilities alone or in combination with required cooking, eating or living facilities.
Hardship. The property in question cannot be put to reasonable use under existing regulations and the plight of the landowner is due to circumstances unique to the property and not created by the landowner. Economic considerations alone shall not constitute a hardship.
Hazardous waste. Any refuse, sludge or other waste material or combinations of refuse, sludge or other waste material in solid, semisolid, liquid or contained gaseous form that because of its quality, concentration, or chemical, physical or infectious characteristics may:
A. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or
B. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. Categories of hazardous waste materials include, but are not limited to: explosives, flammables, oxidizers, poisons, irritants and corrosives. Hazardous waste does not include: source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended.
Height of building. The vertical distance at the center of the principal front of a building, measured from the grade on that front to the highest point of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable or of a mean height level between eaves and hip or gambrel roof.
Height of tower or structure. The vertical distance measured from the pre-existing grade level to the highest point on the tower or structure, even if said highest point is an antenna or lightening protection device.
Height of wall or fence. The vertical distance measured from finished grade on the highest side of the fence or wall to the top of the fence or wall.
Historic preservation district. A contiguous collection or group of lands, parcels, sites, structures, buildings or objects that is determined to be historically, culturally or architecturally significant as a whole and has been locally designated as a historic preservation district pursuant to Section 50-18.3 of this Chapter.
Historic preservation guidelines. The established criteria by which any proposed changes, including architectural or site modifications to a designated historic preservation district or landmark shall be judged.
Historic preservation landmark. Any individual property, parcel, place, building, structure, work of art or other object that has been determined to be historically, culturally or architecturally significant and has been locally designated as a historic preservation landmark pursuant to Section 50-18.3 of this Chapter.
Hosting platform. Any entity, website, smartphone application or other intermediary used to facilitate reservations of vacation dwelling units, accessory vacation dwelling units, or accessory home shares within the city.
Hotel or motel. A building or series of buildings operated as a commercial establishment providing accommodations to the transient traveling public in habitable units for compensation, and including both short-stay and extended stay facilities, and that may offer customarily incidental services. A hotel must have a minimum of five separate habitable units, and must have a reception desk staffed at all times.
Hospital. An institution or place where sick or injured in-patients are given medical or surgical care, at either public or private expense, but excluding a nursing home and excluding institutions where persons suffering from permanent types of illness, injury, deformity or deficiency or age are given care and treatment on a prolonged or permanent basis. Hospital services include the care and treatment of non-ambulatory patients, intensive care units and acute care services. Outpatient surgery and other treatment centers where overnight stays are provided are not hospitals for the purposes of this definition. (Ord. No. 10044, 8-16-2010, § 6; renumbered by Ord. No. 10096, 7-18-2011, § 58; Ord. No. 10204, 3-11-2013, § 4; Ord No. 10446, 4-11-2016, §7; Ord. No. 10563, 4-9-2018, § 5; Ord. No. 10797, 3-28-2022, §5)

50-41.9 Definitions: I

Impaired waters. Those streams, rivers and lakes that currently do not meet their designated use classification and associated water quality standards under the federal Clean Water Act.
Impervious surface. A constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities or at an increased rate than prior to development. Examples include but are not limited to: conventional roofs, concrete/bituminous surfaces, stone pavers and gravel surfaces.
Indirect illumination. Illumination that is derived from light sources that are not visible to intended viewers of the sign but which illuminate the sign by being directed at the sign's reflective face.
Indoor entertainment facility. A facility providing entertainment or recreation activities where all activities take place within enclosed structures, but not including a theater or a convention or event center. Examples include but are not limited to: bowling alleys, trampoline centers, video arcades, climbing wall centers, paintball or laser tag centers.
Industrial Cannabis Operations. A facility used for adult-use cannabis production that could include manufacturing, wholesailing, and/or indoor cultivation of cannabis and hemp.
Industrial support services. A facility or area where industrial services such as heating, ventilation, cooking and refrigeration supplies, motion picture production, plumbing supplies, exposition building or center, and other uses designed to support industrial or heavy commercial activities in the vicinity, provided that such services are not listed separately as a permitted of special use in this Chapter.
Industrial stormwater permit. A national pollutant discharge elimination system (NPDES) permit issued to a commercial industry or group of industries that regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.
Industrial use. The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities or other wholesale items.
Infill development. Land development that occurs within designated areas based on local land use, watershed, or utility plans where the surrounding area is generally developed, and where the site or area is either vacant or has previously been used for another purpose.
Infiltration. The process of percolating stormwater into the subsoil.
Infiltration facility. Any structure or device designed to infiltrate retained water to the subsurface. These facilities may be above grade or below grade.
Institution. An established organization or foundation, especially one dedicated to education, medicine, public service, or culture, or an organization founded for a specific purpose, such as a hospital, synagogue, college, service club, or charitable entity.
Institutional support use. An establishment primarily engaged in rendering services to institutions on a fee or contract basis, such as advertising and mailing, consulting services, protective services, equipment rental, leasing and financial services. Uses must be incidental to and supportive of institutional uses and shall not include activities that are primarily retail in nature and devoted to the sale of consumer goods.
Interim outdoor living site. An interim outdoor living site is a facility that provides short-term, temporary shelter, such as an outdoor encampment, temporary small houses, or overnight parking lot, and which typically does not require payment of monetary charges.
(Ord. No. 10044, 8-16-2010, § 6; renumbered by Ord. No. 10096, 7-18-2011, § 58; Ord. No. 10204, 3-11-2013, § 4, Ord. No. 10816, 8-22-2022, § 3; Ord. No. 10919, 11-25-2024, §7)

50-41.10 Definitions: J

Junk or salvage service. A facility or area for storing, keeping, selling, dismantling or salvaging scrap or discarded material or equipment, including ore and elevators. The term “scrap or discarded materials” includes but is not limited to metal, paper, rags, tires, bottles or inoperable or wrecked motor vehicles, motor vehicle parts, machinery, structural steel, equipment and appliances. This definition includes indoor facilities for recycling recoverable resources, such as newspapers, magazines, books and other paper products, glass, metal cans and other products, to return such products to a condition in which they may again be used for production.

Jurisdictional wetland. An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation. (Ord. No. 10044, 8-16-2010, § 6; renumbered by Ord. No. 10096, 7-18-2011, § 58; Ord. No. 10204, 3-11-2013, § 4.)

50-41.11 Definitions: K

Kennel. Any facility, public or private, where domesticated animals are temporarily boarded, groomed, and sold for compensation, including animal day care/spa facilities, but not including zoos or veterinary hospitals. This use also includes public facilities for the temporary impoundment of animals. (Ord. No. 10044, 8-16-2010, § 6; renumbered by Ord. No. 10096, 7-18-2011, § 58; Ord. No. 10204, 3-11-2013, § 4.)

50-41.12 Definitions: L

Land development. A human-made change to, or construction on, the land surface that changes its runoff characteristics.
Land disturbing activity. Land change that may result in soil erosion from water or wind and the movement of sediments into or upon waters or lands of or downstream of the city, including clearing, grading, excavating, transporting and filling of land. Land disturbing activity does not include:
A. Minor land disturbing activities such as home gardens and individual home landscaping, repairs and maintenance work;
B. Construction, installation and maintenance of electric, telephone and cable television utility lines or individual service connection to these utilities;
C. Installation of septic tank lines or drainage fields unless included in an overall plan for a land disturbance activity relating to construction of a building to be served by the septic tank system;
D. Tilling, planting or harvesting of agricultural, horticultural or silviculture crops;
E. Installation of fence, sign, telephone and electric poles and other kinds of posts or poles;
F. Emergency work to protect life, limb or property and emergency repairs, except if the land disturbing activity would have required an approved erosion and sediment control plan except for the emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of Section 50-18.1.E.
Landing area. The area of the airport used for the landing, taking off, or taxiing of aircraft.
Land owner. The legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.
Landscape plan. An accurate scale drawing that indicates the major natural features of a site and all proposed buildings, structures and site improvements in sufficient detail to allow the evaluation of impacts on natural systems and other aspects of the development.
Laundromat. An establishment providing home type (large institutional or commercial type) washing, drying or ironing machines for use on the premises.
Limit of Moderate Wave Action (LiMWA). A line shown on a Flood Insurance Rate Map to indicate the inland limit of the 1.5-ft breaking wave height during the base flood.
Link. For purposes of the connectivity index described in Section 50-23.3, links are stretches of road that connect “nodes” as defined below. Street stub-outs are considered as links, but temporary dead-end streets internal to a development, private streets in gated sections or alleys shall not be counted as links. Every road segment that connects a node in the development to the external street network shall be counted as a link in the index calculation.
Loading space. A space within the principal building or on the same lot as the principal, providing for the off street standing, loading or unloading of trucks and trailers.
Local watershed. All the water that drains to a natural waterway located primarily within the city.
Lot. Land occupied or intended for occupancy by a use permitted in this Chapter, including one main building together with its accessory buildings, and the yards and parking spaces required by this Chapter, and having its principal frontage upon a street or upon an officially approved place. For the purposes of this Chapter, the term “lot” may include two or more lots of record that are contiguous or separated only by a public easement not exceeding 25 feet in width, are owned by the same owner and where none of the parcels can be severed or legally sold, conveyed or used without the other parcels by virtues of a legally binding agreement that runs with the land and is recorded in the office of the county recorder. If at any time any parcel that had been recognized as part of any lot by reason of such proximity, ownership and agreement are severed, legally sold, conveyed or used separately from the other parcel or parcels making up said lot, the parcel so severed, legally sold, conveyed or used shall henceforth not be considered part of the lot, any uses relying on its status as part of the lot shall become nonconforming and the provision of Section 50-38 shall not be applicable to any such use.
Lot, corner. A lot abutting upon two or more streets at their intersection.
Lot, double frontage. A lot having a frontage on two streets as distinguished from a corner lot.
Lot, flag. A lot so shaped and designed that the main building site is setback from the street and that portion of the lot providing access has a width less than 25 percent of the lot width at its greatest point.
Lot, front. The area of a lot that abuts a public street is the front of the lot. For corner lots, the shortest side fronting upon a street shall be considered the front of the lot unless structures exist on the lot. In that case, the frontage shall be established by the orientation of the buildings, or of the principle entrance if

building orientation does not clearly indicate lot frontage. For corner lots, where no other method determines conclusively the front of a lot, the city engineer shall select one frontage on the basis of traffic flow on adjacent streets, so that the lot is considered to front on the street with the greatest traffic flow.
Lot frontage. Frontage shall be the dimension of the lot line at the street, except where the lot line at the street is not straight, in which case the frontage shall be the dimension across the lot at the required front yard line.
Lot of record. A parcel of land that is part of a subdivision, the map of which has been recorded by the county recorder or a parcel of land described by metes and bounds the description of which has been recorded by the county recorder.
Lots on the block face. When a dimensional standard is calculated based on a dimension measured for "lots on the block face" the measurement shall apply only to (a) developed lots on the same side of the street between the next two intervening side streets, and (b) lots that face developed streets (not to streets shown on a plat or map that have not been constructed). For purposes of this measurement, all contiguous lots in common ownership shall be considered as a single lot (not as separate platted lots).
Low density residential lot. A single lot located in an area that is zoned for one-family or two-family residences and in which the predominant land use is such type of residences.
Low density residential structure. A one-family or two-family home.
Lowest floor. The lowest floor of the lowest enclosed area (including basement). In the context of flood related regulation, an unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR § 60.3**.**

(Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 58; Ord. No. 10204, 3-11-2013, § 4; Ord. No. 10285, 3-10-2014, § 8; Ord. No. 10929, 3-24-2025, § 24; Ord. No. 10929, 3-24-2025, § 25)

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.
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 or self-service storage facility. A facility with controlled access that contains varying sizes of individual, compartmentalized and controlled access units or lockers leased or rented on individual leases for varying periods of time where individuals can store and remove their own personal property. This use can be located in an individual building or within multiple buildings. This use is not intended for auction, commercial, wholesale or retail sales or miscellaneous or garage sales, except if specifically approved as an integral part of mixed use self-service storage facility.
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. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 58; Ord. No. 10204, 3-11-2013, § 4; Ord. No. 10225, 5-28-2013, § 15; Ord. No. 10285, 3-19-2014, § 9; Ord. No. 10367, 4-27-2015, § 3**; O**rd. No. 10461, 7-11-2016, §4; Ord. No. 10744, 4-26-2021, § 2)

50-41.14 Definitions: N

Nameplate. An accessory sign containing only the name of the occupant of a dwelling and an occupation permitted in that zone district.
National register of historic places. The nation's official list of properties worthy of preservation designated by the United States department of the interior, national park service.
Natural environment waters. Include rivers that are forest previously classified remote, forest, transitional river segments, and tributary river segments that flow into natural environment lakes. The types and intensities of recreational uses within this class vary widely.
Natural resource inventory. An inventory that identifies and maps the critical natural resources on a site, including the following resources: existing land cover of vegetative types; streams; wetlands; lakes; significant, sensitive, threatened, or endangered species; critical wildlife habitat; soil types; geologic hazards (floodplains, unstable slopes, highly erodible soils); and mineral resources.
Natural state. Where vegetation exists in a wild state, where the condition of the ground and shrub layers and floristic composition of the plant community is substantially unaltered by humans, where restoration has been consistent with Commissioner 525 Guidelines or local government approved plans, or where the vegetation has been unaltered for at least one growing season.
Navigable airspace. Airspace at and above the minimum flight altitudes prescribed in the FARs including airspace needed for safe takeoff and landing (refer to FAR Part 77 and 91).
New Construction. In the context of floodplain requirements, structures for which the start of construction commenced on or after the effective date of an adopted floodplain management regulation and includes any subsequent improvements to such structures.
NIER. Non-ionizing electromagnetic radiation.
Node. For purposes of the connectivity index described in Section 50-23.3, a node exists at each street intersection and cul-de-sac head within the development subject to the connectivity index.
Nonconforming use. Any building or land lawfully occupied by a use at the time of passage of this Chapter or an amendment to this Chapter that does not conform after the passage of this Chapter or amendment to this Chapter with the use regulations of the district in which it is situated.
Nonpoint source pollution. Pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include but not be limited to pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.
Nonprecision instrument runway. A runway having an existing or planned straight-in instrument approach procedure utilizing air navigation facilities with only horizontal guidance, and for which no precision approach facilities are planned or indicated on an approved planning document.
Non-structural measure. When used in the context of stormwater control, a stormwater control and treatment technique that uses natural processes, restoration or enhancement of natural systems, or design approaches to control runoff or reduce pollutant levels. Such measures are used in lieu of or to supplement structural practices on a land development site. Non-structural measures include but are not limited to: minimization or disconnection of impervious surfaces; development design that reduces the rate and volume of runoff; restoration or enhancement of natural areas such as riparian areas, wetlands, and forests; and on-lot practices such as rain barrels, cisterns, and vegetated areas that intercept roof and driveway runoff.
NPDES. National pollution discharge elimination system.
Nursing home. Licensed facilities primarily engaged in providing shelter, food and intermediate or long term nursing and health related care for individuals, including assisted living facilities, but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured. (Ord. No. 10044, 8-16-2010, § 6; renumbered by Ord. No. 10096, 7-18-2011, § 58; Ord. No. 10204, 3-11-2013, § 4; Ord. No. 10929, 3-24-2025, § 26.)

50-41.15 Definitions: O

Obstruction. In the context of flood protection, any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse or regulatory flood plain that may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

Office. A facility where business or philanthropic activities are conducted in an office environment. Examples include but are not limited to: administration of business, civic, religious, or charitable organizations, financial services processing, and radio or television broadcasting stations or studio.

Off-site facility. As used in stormwater management, a stormwater best management practice located outside the subject property boundary described in the permit application for land development activity.

On-site facility. As used in stormwater management, a stormwater best management practice located within the subject property boundary described in the permit application for land development activity.

Ordinary high water mark. A mark delineating the highest water level that has been maintained for a sufficient period of time to leave evidence upon the landscape. The ordinary high water mark is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

Outdoor entertainment or recreation use. An outdoor facility whose main purpose is to provide entertainment or recreation, with or without charge, including amusement parks, batting cages, drive-in theatres, golf driving ranges, miniature golf courses, go-cart tracks, target sport ranges, skating rinks, skateboard parks, swimming pools, tennis courts, sports courts, water parks, zoological parks and similar uses, but not including auto or horse race tracks.

Overflow parking area. A parking lot that provides extra parking for a site or neighborhood, intended for areas where there is a need for parking over the allowed maximum, or a need for stand-alone parking to address parking in a neighborhood or district, over and above existing primary use parking lots in the area.

Owner. In the context of stormwater management, the owner or owners of the freehold or a lesser estate of a premises, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a piece of land. Owner also refers to, in the appropriate context: (a) any other person authorized to act as the agent for the owner, (b) any person who submits a stormwater management concept or design plan for approval or requests issuance of a permit, when required, authorizing land development to commence, and (c) any person responsible for complying with an approved stormwater management design plan. (Ord. No. 10044, 8-16-2010, § 6; renumbered by Ord. No. 10096, 7-18-2011, § 58; Ord. No. 10204, 3-11-2013, § 4; Ord. No. 10868, 12-11-2023, § 18)

50-41.16 Definitions: P

Park, playground or forest reserve. A facility or area for recreational, cultural, or aesthetic use owned or operated by a public or quasi-public agency and available to the general public. This definition may include but is not limited to: parks, public lawns, active and passive recreation areas, playgrounds, water courses and wooded areas. Facilities may also include fountains, swimming pools, pavilions and similar public facilities within their boundaries.
Parking area. An open unoccupied space used or required for use for parking of motor vehicles exclusively and in which no gasoline or vehicular accessories are sold or no other business is conducted and no fees are charged.
Parking lot. An off-street area used for the temporary storage of operable and street legal motor vehicles. Includes parking spaces, aisles, drives and landscaped areas, and provides vehicular access to public street.
Parking space. An off-street space available for the parking of one motor vehicle.
Parking structure. A structure designed to accommodate vehicular parking spaces that are fully or partially enclosed or located on the deck surface of a building. This definition includes parking garages, deck parking, and underground or under-building parking areas.
Patterned wall. Walls with a patterned or textured look to mimic stone or similar design or patterned to create reveals and shadow lines. No blank concrete or wood timber walls shall be permitted.
Permanent stormwater best management practice (BMP). A stormwater best management practice (BMP) that will be operational after the construction phase of a project and that is designed to become a permanent part of the site for the purposes of managing stormwater runoff.
Personal services and repair (small). An establishment containing less than 10,000 square feet of gross floor area and generally having no more than ten employees on site at one time, that is engaged in the provision of informational, instructional, personal improvement, personal care, and similar services. Examples include but are not limited to: catering establishments, custom dressmaking, film processing, garment printing and embroidering, licensed massage salons, optical and optician services, real estate sign placement service, service and repair establishments, sun tan centers, bicycle rental, small craft rental, tailor shops, and laundromats.
Personal services and repair (large). An establishment, containing 10,000 square feet of gross floor area and generally having more than 10 employees on site at one time, that is engaged in the provision of informational, instructional, personal improvement, personal care, and similar services.
Personal wireless facility. See wireless telecommunications facilities.
Personal wireless service or PWS. This term, which is sometimes also referred to as “personal telecommunications service” or “PCS,” shall have the same meaning as defined and used in the 1996 Federal Telecommunications Act.
Place. An open, unoccupied space or thoroughfare other than a street or alley permanently reserved as a principal means of access to abutting property.
Place of public or semi-public assembly. A place of public or semi-public assembly is defined as a building or portions of a building used for the gathering of persons for such purposes as deliberation, education, instruction, worship, entertainment, amusement, drinking, dining or awaiting transportation.
Planned future airport improvement. As used in Section 50-18.2, Airport Overlay, those proposed future airport developments that are indicated on a planning document having the approval of the federal aviation administration, Minnesota department of transportation, office of aeronautics, and Duluth airport authority.
Power transmission line. A conductor of electric energy and associated facilities designed for and capable of operation at a nominal voltage of more than 46 kilovolts and less than 200 kilovolts. Associated facilities shall include insulators, towers and terminals operating at a nominal voltage greater than 46 kilovolts and less than 200 kilovolts.
Precision instrument runway. A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), a Microwave Landing System (MLS), or a Precision Approach Radar (PAR), a Transponder Landing System (TLS), or a satellite-based system capable of operating to the same level of precision guidance provided by the other included systems. Also, a runway for which such a precision instrument approach system is Planned.
Premises. A lot together with all buildings and structures existing on the lot.

Preschool. An establishment licensed by the state to provide a systematic organization or arrangement of activities, personnel, materials, and equipment in a facility to promote the physical, intellectual, social, and emotional development of a child, who is at least 33 months old but who has not yet attended the first day of kindergarten, in the absence of the parent for a period of less than 24 hours a day.
Principle use or structure. All uses or structures that are not accessory uses or structures.
Pylon. A decorative extension above the roof line of a building that is designed as an integral part of the building and that is constructed of masonry or is completely enclosed by the same material as the main exterior walls of the building. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 58; Ord. No. 10204, 3-11-2013, § 4; Ord. No. 10338, 11-24-2014, § 5; Ord. No. 10797, 3-28-2022, §5)

50-41.17 Definitions: Q

No definitions. (Ord. No. 10204, 3-11-2013, § 4.)

50-41.18 Definitions: R

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

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

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

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

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

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

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

Rainfall events. See the engineering guidelines for the current rainfall data.

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

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

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

Recharge. The replenishment of underground water reserves.

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

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

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

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

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

Regulatory flood protection elevation. An elevation corresponding with a point not less than two feet above the water surface profile associated with the regional flood plus any increases in flood stages attributable to encroachments on the flood plain. Within an A-O zone, as shown on the flood insurance rate map adopted in Section 18.1.A.2(b), an elevation above the highest adjacent grade of an existing or proposed structure equivalent to two feet plus the depth number in feet specified on the flood insurance rate map. An elevation that is two feet above the elevation of the base flood plus any increases in the water surface elevation caused by encroachments on the floodplain that result from designation of a floodway. These increases in water surface elevations are typically identified in the Floodway Data Tables, found in the Flood Insurance Study.

Religious assembly. A facility or area for people to gather together for public worship, religious training or other religious activities including a church, temple, mosque, synagogue, convent, monastery or other structure, together with its accessory structures, including a parsonage or rectory. This use does not include home meetings or other religious activities conducted in a privately occupied residence. Accessory uses may include meeting rooms and childcare provided for persons while they are attending assembly functions.

Repairs and maintenance. When used in the context of wireless telecommunications, the replacement of any components of a wireless facility where the replacement is identical to the component being replaced or for any matters that involve the normal repair and maintenance of a wireless facility without the addition, removal or change of any of the physical or visually discernable components or aspects of a wireless facility that will add to the visible appearance of the facility as originally permitted. When used in the context of repairing or reconstructing damaged or deteriorated non-conforming structures, the proposed repair or reconstruction must be of the same volume or smaller as the original structure, be located in the same footprint as the original structure, and have fewer adverse impacts on the surrounding properties as the original structure.

Repetitive Loss. Flood related damages sustained by a structure on two separate occasions during a ten year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.

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

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

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

Restaurant (no drive-in/drive-through). A commercial establishment, including but not limited to taverns and brewpubs, where food and beverages are prepared, served, and consumed primarily within the principal building.

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

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

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

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

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

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

Runway. Any existing or planned paved surface or turf covered area of the airport that is specifically designated and used or planned to be used for the aircraft landing and takeoff. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10047, 8-30-2010 § 5; Ord. No. 10096, 7-18-2011, § 58; Ord. No. 10204, 3-11-2013, § 4; Ord. No. 10285, 3-10-2014, § 10; Ord. No. 10338, 11-24-2014, § 6; Ord. No. 10746, 5-10-2021, § 6; Ord. No. 10797, 3-28-2022, §5; Ord. No. 10929, 3-24-2025, § 27; Ord. No. 10929, 3-24-2025, § 28.)

50-41.19 Definitions: S

Safe Routes to School Program. A federal program under Title I, Section 1404 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU} of 2005, Public Law 109-59, and adopted by the State of Minnesota in Minnesota Statutes, Section 174.40.
Safe Routes to School Program Funding. A State of Minnesota account consisting of state bond proceeds and other funds as appropriated to be expended on eligible costs of a Safe Routes to School Program project receiving financial assistance. Assistance may be offered for acquisition of land or permanent easements, predesign, design, preliminary and final engineering, environmental analysis, construction and reconstruction of publicly owned infrastructure with a useful life of at least ten years that provides for non-motorized to and from a school; preparation of land for which a route to school is established, including demolition of structures and remediation of any hazardous conditions on the land; payment for the unpaid principal on debt issued by a political subdivision for a Safe Route to School project; and for any other eligible activity described in Minnesota Statutes, Section 174.40, as amended.
Safe Routes to School Administration. The Minnesota Department of Transportation program requirements and competitive process for financial assistance following Minnesota Statutes, Section 174.40, establishing criteria to evaluate capital improvements of transportation infrastructure that improves safety and encourages non-motorized transportation to and from a school.
Safe Routes to School Infrastructure. A safe and appealing non-motorized means of transportation to and from a school consistent with the Safe Routes to School Program and the Safe Routes to School Administration criteria and guidelines.
School, elementary. An public or private establishment providing educational services from kindergarten or Grade 1 through Grade 5, or from kindergarten or first grade through Grade 8, or some combination of those included years, together with incidental sports and outdoor activity areas.
School, middle or high. A public or private establishment providing educational services from Grade 6 through Grade 12, or from Grade 6 through 8, or from Grade 9 through Grade 12, or some combination of those included years, together with incidental sports and outdoor activity areas.
Seasonal camp or cabin. A facility containing one or more tent sites or cabins that is offered for use on short-term during defined seasons of the year, for compensation, and that may include accessory facilities such as showers, laundries or cooking and dining facilities.
Sediment. Solid mineral or organic material that, in suspension, is being transported, or has been moved from its original site by air, water, gravity or ice and has been deposited at another location.
Sedimentation. The process or action of depositing sediment that is determined to have been caused by erosion.
Setback. The minimum horizontal distance between a lot line and a building or structure required by this Chapter.
Shore impact zone. Land located between the ordinary high water level of public waters and a line parallel to it at a setback of 50 percent of the required structure setback, but not less than 50 feet.
Shoreland. Lands within 1,000 feet of a lake or within 300 feet of a river and its floodplain, as shown on the NR-O map. The limits of shorelands may be less than the above limits whenever the waters involved are bounded by topographic divides that extend landward from the waters for lesser distances and when approved by the commissioner.
Sidewalk. A paved surface located in the public right of way and used as a pedestrian walkway.
Sidewalk café. An outdoor dining area located within the public right of way in front or adjoining a restaurant or other eating and drinking establishment.
Sign. Any letter, word, symbol, model, printed, projected or affixed device, poster, picture, reading matter or representation in the nature of an advertisement, announcement, direction or informative device including its structure or component parts, which is more than one square foot in area and is located outdoors or is affixed to the interior or exterior of a window or door, or is displayed within 12 inches of a window intended for viewing from the exterior of the building. A sign shall not include (a) temporary parks and recreation signs permitted pursuant to Chapter 35 of the City Code, or (b) overhead banners and devices regulated under Article III of Chapter 45 of the City Code, or (c) any street name sign, public directional, utility or transportation sign, or motor vehicle traffic signs of any kind when officially placed, or to advertising or other information affixed to any motor vehicle, provided that such vehicle's primary use is not as a stationary advertising device, or (d) any inscription on any publicly owned building when the inscription is incorporated into the architectural design as a permanent feature.

Sign, A-frame. A sign ordinarily in the shape of the letter "A," or some variation thereof, that is displayed on the ground, not permanently attached, and usually two-sided.
Sign, agricultural identification. A sign describing an agricultural use that includes the name of the farm and/or the products grown on-site.
Sign, animated. A sign that uses movement or change of lighting to depict action or to create a special effect or scene. Animated signs do not include electronic message signs.
Sign, attention getting. Flags, pennants, streamers and similar devices or ornamentations designated for the purpose of attracting attention. Flags of nations, states, and cities, or fraternal, religious and civic organizations, permanent commercial flags, or temporary holiday decorations are not considered attention getting devices.
Sign, awning. A sign that is printed or displayed upon an awning. An awning is a roof-like cover designed for protection from the weather or as a decorative embellishment, which projects from a wall or roof of a structure over a window, walkway or door, with no supports that extend to the ground.
Sign, balloons. Balloons or inflated devices used as a means of directing attention to a business or service offered.
Sign, banner. A sign that is printed or displayed upon flexible material with or without frames.
Sign, banner-exhibition. A sign that is printed or displayed upon flexible material with or without frames in conjunction with a special exhibit for an educational facility, government building, museum, library or art gallery, or religious assembly.
Sign, billboard. A sign that directs attention to a business, commodity, service, event or other activity that is sold, offered or conducted other than on the premises where the sign is located.
Sign, building directory. A sign that serves as common or collective classification for a group of persons or businesses operating in the same building or on the same lot. A building directory sign may name the persons or businesses included, but carry no other advertising matter.
Sign, canopy. A sign that is printed or displayed upon a canopy. A canopy is a roofed structure constructed of fabric or other material placed to extend outward from the building and supported both by the structure and by supports that extend to the ground directly under the canopy.
Sign, construction. A temporary sign that identifies an architect, contractor, subcontractor and/or material supplier participating in construction on the property on which the sign is located and which may identify the proposed use for the property.
Sign, community event. Temporary signs that announce community events and activities, including the activities of religious assemblies, social clubs or similar groups, or special events such as fairs, rummage sales and garage sales.
Sign, directional-parking lot. A sign that identifies parking lot entrances and exits, driveway intersections, drive-through lanes, and features of a similar nature.
Sign, electronic display screen. A sign, or portion of a sign, that displays electronic video via television screens, plasma screens, digital screens, flat screens, LED screens, video boards, and holographic displays.
Sign, electronic message. Any sign, or portion of a sign, that uses changing lights to form a sign message or messages in text or image form where the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. Time/temperature signs are not considered electronic message signs.
Sign, flashing. A sign which contains an intermittent or sequential flashing light source used primarily to attract attention. Flashing signs do not include electronic message signs.
Sign, freestanding. A sign that is placed on or supported by the ground, independent of the principal structure on the lot. Freestanding signs may be either pole or monument signs.
Sign, freestanding monument. A freestanding sign where the base of the sign structure is on the ground or up to a maximum of 24 inches above ground. The monument base must be designed as an integral part of the sign structure. The width of the top of the sign structure can be no more than 120 percent of the width of the base.
Sign, freestanding pole. A freestanding sign that is affixed, attached or erected on one or two poles that is not itself an integral part of the sign.
Sign, ghost. A painted wall sign that remains from an earlier time or advertises the use of a building that provides evidence of the history of the use of the building or activities of the community. A ghost sign is not considered an off-premises sign.

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

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

Sign, illumination types.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sign, readerboard. A sign or portion of a sign face that allows for the creation of messages by physical manipulation of simple block letters, but not including an electronic message sign or electronic billboard. These signs are allowed where electronic message signs are allowed, and are subject to the same regulations and standards.
Sign, real estate. A sign advertising the real estate upon which the sign is located as being for rent, lease or sale. A real estate sign can also advertise an open house.
Sign, roof. A sign that is wholly erected, constructed or maintained above the roof structure or parapet of any building with the principal support attached to the roof structure.
Sign, scoreboard. A sign that records and displays the score of a game and may include such information as the name of the field or home team and advertising.
Sign, snipe. An off-premises sign painted, pasted or otherwise affixed to any tree, rock, retaining wall, fence, utility pole, hydrant, bridge, sidewalk, curb or street, bench or trash receptacle. Logos and labels located on mechanical equipment, recycling bins, trash containers or dumpsters, which are part of the equipment as manufactured and/or installed, are not snipe signs.
Sign, temporary off-premises. A temporary sign that advertises a business, commodity, service, event or other activity that is sold, offered or conducted other than on the premises where the sign is located, or is sold, offered or conducted on the premises only incidentally, if at all.
Sign, under-awning. A sign that is attached to and mounted under an awning.
Sign, under-canopy. A sign that is attached to and mounted under a canopy.
Sign, wall. A sign that is mounted flat against or painted on a wall, and projects no more than 12 inches from the wall of a structure with the exposed face of the sign in a plane parallel to the face of the wall. Wall sign does not include window sign. For the purposes of this definition, a fence is not considered a wall and wall signs are prohibited mounted on fences.
Sign, window. A sign that is attached to, placed upon, printed on the interior or exterior of a window or door of a building, or displayed within 12 inches of a window intended for viewing from the exterior of such a building. A window sign may be either permanent or temporary. Window clings are considered a window sign and subject to all window sign regulations.
Site. A parcel or several adjoining parcels of land under common ownership. For purposes of the natural resources overlay district, this definition is limited to apply to any parcel of land upon which work requiring a permit under this Chapter is to be performed, and includes any adjacent lands owned by the owner of the subject parcel on the date of application for any permit and any lands adjacent to the subject parcel that were owned by the same person owning the subject parcel as of January 1, 1980.
Site plan. An accurate scale drawing that indicates the major features of a proposed development in sufficient detail to allow the evaluation of the land planning, building design and other aspects of the development, and meeting all requirements of the UDC application manual.
Slope. An incline from the horizontal expressed in an arithmetic ratio of horizontal magnitude to vertical magnitude (e.g., slope = 3:1 = 3 feet horizontal to 1 feet vertical).
Sober house. A dwelling unit occupied by persons that are in recovery from chemical dependency and considered handicapped under the Federal Fair Housing Act Amendments of 1988. It provides a non-institutional residential environment in which the residents willingly subject themselves to written rules and conditions, including prohibition of alcohol and drug use (except for prescription medications obtained and used under medical supervision), intended to encourage and sustain their recovery. The residents of a sober house share kitchen and bathroom facilities and other common areas of the unit. Sober houses do not provide on-site supportive services to residents, such as mental health services; clinical rehabilitation services; social services; medical, dental, nutritional and other health care services; financial management services; legal services; vocational services; and other similar supportive services.
Solar, geothermal or biomass power facility (primary use). Uses and structures that are used to reduce energy consumption or to generate energy from non-fossil fuel and non-carbon dioxide emitting sources on the property. These structures and uses may include but are not limited to the following: solar panels (photovoltaic and hot water), heat exchanges, biomass firing equipment, piping, and other transfer mechanisms, controls and related structural support for transporting and storing collected energy from solar, geothermal, or biomass energy systems. These structures and uses may be located at ground level or above or below ground unless specifically limited in this Chapter, provided that they meet all other applicable requirements of this Chapter.

Solid land. Any land that is neither a wetland nor located in a floodway.
Solid waste. As defined in MSA 116.06, Subd. 22, and also including medical wastes and petroleum contaminated soils.
Solid waste disposal or processing facility. Any tract or parcel of land, including any constructed facility that is designed or operated for the purpose of disposing of solid waste on or in the land, at which solid waste is disposed of in or on the land or processed for disposal or reuse, together with any appurtenant facilities needed to process solid waste for disposal or for transfer to another solid waste facility, and that is not listed as a separate use in this Chapter.
Special flood hazard area (SFHA). An area having special flood, mudslide (i.e., mudflow), or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, A99, AH, VO, V1-30, VE, V, M, or E.
Special tree species. White pines (pinus strobus), red (Norway) pines (pinus resinosa), white cedars (thuja occidentalis), white spruces (Picea glauca), eastern hemlocks (Tsuga canadensis), sugar maples (Acer saccharum), American basswoods (Tilia americana), American elms (Ulmus americana), yellow birches (Betula alleghaniensis) and all oak species.
Special use. A specific type of structure or land use listed in Table 50-19.8 that may be allowed only after review and evaluation of potential impacts on surrounding properties and the attachment of any conditions necessary to mitigate those impacts.
Stage Increase. Any increase in the water surface elevation during the one-percent annual chance flood caused by encroachments on the floodplain.
Start of Construction. Includes substantial improvement, and means the date the permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
Stealth or stealth technology. When used in the context of wireless telecommunications, to minimize adverse aesthetic and visual impacts on the land, property, buildings and other facilities adjacent to, surrounding and in generally the same area as the requested location of such wireless telecommunications facilities, which shall mean using the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances.
Steep slope. Land having average slopes over 12 percent, as measured over horizontal distances 50 feet or more, and that are not bluffs.
Storage or Shipping Container. A container used for the storage or transport of goods, cargo, materials or merchandise, typically by container ships, by rail, or other types of transport, that are used in connection with a lawful principle or accessory use of the lot. This use includes, but is not limited to, containers such as semi-trailers, roll-off containers, slide-off containers, piggyback containers, shipping containers, and portable moving and storage containers.
Storage warehouse. A structure containing an area available for storing raw materials, produce, goods or property, but not including mini-storage facilities.
Stormwater. Stormwater runoff, snowmelt runoff, surface runoff and drainage.
Stormwater management. The use of structural or non-structural practices that are designed to reduce stormwater runoff pollutant loads, discharge volumes, peak flow discharge rates and detrimental changes in stream temperature that affect water quality and habitat.
Stormwater pollution prevention plan. A plan, usually required by a permit, to manage stormwater associated with industrial, commercial, public, institutional, civic or other land use activities, including construction. The plan commonly describes and ensures the implementation of practices that are to be used to reduce pollutants in stormwater and non-stormwater discharges
Stormwater pollution prevention program (MS4 program). A compilation of best management practices (BMPs) to address the six minimum control measures and other provisions of the MS4 permit,

that is designed and managed to reduce the discharge of pollutants from your MS4 to the maximum extent practicable as appropriate to the community.

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

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

Stormwater runoff. Flow on the surface of the ground resulting from precipitation.

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

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

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

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

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

Structure. Anything constructed or erected, the use of which requires a location on the ground, or attached to some thing having a location on the ground. Examples include but are not limited to: backstops for tennis courts, fences or pergolas. For flood plain management and flood hazard purposes only, a structure shall be defined as: A roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. Recreational vehicles not considered travel ready, as detailed in Section 50-20.1.Q.1(a), shall also be considered a structure for the purposes of this Chapter.

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

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

Substantial damage. Damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either: (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or (b) Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.” For the purpose of this chapter, “historic structure” is defined in 44 CFR § 59.1.

Sustainable development. Development that maintains or enhances economic opportunity and community well being while protecting and restoring the natural environment upon which people and economies depend. Sustainable development meets the needs of the present without compromising the ability of future generations to meet their own needs. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10047, 8-30-2010, §§ 6, 7, 8; Ord. No. 10075, 1-24-2011, § 3; Ord. No. 10096, 7-18-2011, § 58; Ord. No. 10204, 3-11-2013, § 4; Ord. No. 10285, 3-10-2014, § 11; Ord. No. 10338, 11-24-2014, § 7. Ord. No. 10592, 9-24-2018, § 3, Ord. No. 10670, 12-9-2019, §3; Ord. No. 10746, 5-10-2021, § 7; Ord. No. 10784, 12-8-2021, § 2; Ord. No. 10797, 3-28-2022, §5; Ord. No. 10929, 3-24-2025, § 29; Ord. No. 10929, 3-24-2025, § 30.)

50-41.20 Definitions: T

Telecommunications. The transmission or reception of audio, video, data, and other information by wire, radio frequency, light and other electronic or electromagnetic systems.
Telecommunications site. See *wireless telecommunications facilities*.
Telecommunications structure. A structure used in the provision of services described in the definition of wireless telecommunications facilities.
Temporary. A fixed period of time not to exceed 180 days. For the purposes of wireless telecommunications, temporary means not more than 90 days.
Temporary construction office or yard. A facility or area used as a temporary field construction office, temporary outdoor storage of construction equipment and materials associated with an active permit to demolish or construct buildings, structures or infrastructure.
Temporary event or sales. A temporary outdoor use of land for the purposes of an event or sale including but not limited to: a circus, carnival, fair, part, or celebration that reasonably may be expected to attract more than 100 persons at any one time; or any sale made by a person, firm or corporation engaging in the temporary business of selling goods, wares or merchandise from a tent, truck, vending cart or other area outside of a permanent structure on property owned or leased by the person, firm or corporation. The temporary event or sale must be secondary to or incidental to the permitted use or structure existing on the property and not incompatible with the intent of the zone district.
Temporary farm stand. A temporary structure or use allowing the display and sale of food or ornamental crops.
Temporary real estate sales office. A facility or area used as a temporary office to sell land or buildings within a specified area or subdivision.
Theater. A building, structure or part of a building devoted to showing motion pictures, or for dramatic, dance, musical, or other live performances.
Tourist or trailer camp. Any park, trailer park, trailer court, camp, site, lot, parcel or tract of land designed, maintained or intended for the purpose of supplying a location or accommodations for any trailer coach or trailer coaches or upon which any trailer coach or trailer coaches are parked, and shall include all buildings used or intended for use as part of the equipment or establishment, whether or not a charge is made for the use of the trailer camp and its facilities. Trailer camp shall not include automobile or trailer sales lots on which unoccupied trailers are parked for purposes of inspection and sale.
Tower. In the context of wireless telecommunications, any structure designed primarily to support an antenna for receiving or transmitting a wireless signal.
Trailer. Any vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle. The term shall include trailers whose wheels or axles have been removed.
Tree of interest. All trees of more than ten inches DBH, and all special tree species of more than six inches DBH shall be considered trees of interest, unless they are under power lines or deemed hazardous by a certified arborist or landscape architect or professional forester. In addition, any replacement tree planted as part of a tree replacement plan shall be considered trees of interest, even if it does not meet the size definition above.
Truck. Every motor vehicle designed, used or maintained primarily for the transportation of property.
Truck, Light Duty. Any motor vehicle that has all three of the following: (a) 8,500 pounds Gross Vehicle Weight Rating or less; (b) vehicle curb weight of 6,000 pounds or less; and (c) basic vehicle frontal area less than 45 square feet.
Truck freight or transfer terminal. A facility in which goods shipped by truck are loaded, unloaded, or transferred between trucks for shipping or distribution, together with incidental truck storage, maintenance, and administrative offices.
Truck or heavy vehicle sales, rental, repair or storage. A facility that is engaged in the sales, rental, repair or storage of heavy equipment typically used in agricultural, commercial or industrial operations, including tractors, trucks with a gross vehicle weight of over 10,000 pounds, semi trucks or trailers, harvesters, loaders and tracked vehicles as well as sales of parts, whether new or used, for heavy equipment. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10204, 3-11-2013, § 4, Ord. No. 10670, 12-9-2019, §4; Ord. No. 10784, 12-8-2021, § 3; Ord. No. 10929, 3-24-2025, § 31.)

50-41.21 Definitions: U

University or college. An educational institution authorized by the state to award associate, baccalaureate or higher degrees.

Useable open space. Open space, other than required building setback areas, that is utilized exclusively for active recreational purposes such as softball, tennis or playgrounds or for passive recreational purposes such as pedestrian walkways or trails that have been preserved in their natural setting or landscaped. Areas with slopes of 15 percent or greater, and areas of wet, spongy land saturated and partially or intermittently covered with water shall not be considered useable open space. Useable open space shall not include streets or other vehicular access not used exclusively for the maintenance of such open space. Land on which buildings or other facilities are located may be considered useable open space if those buildings or other facilities are used for noncommercial, recreational or cultural purposes that are compatible with useable open space objectives and have been specifically approved as part of the development plan.

Utility, major. A facility providing an important regional utility service, such as water, sewer, or drainage, that normally entails construction of new buildings or structures, and that typically has employees on the site on an ongoing basis. Examples include but are not limited to: water works, sewage treatment plants, reservoirs, regional stormwater detention ponds and other similar facilities.

Utility, minor. Equipment necessary to support utility services to development within the immediate vicinity and that involves only minor accessory structures. Employees typically are not located at the site on an ongoing basis. Examples include but are not limited to: electric transformer stations and service boxes, gas regulator stations, telephone service boxes, and well, water and sewer pumping stations, and related underground and aboveground pipes and wires, but excluding those that meet the definition of an electric power transmission line.

Utility runway. A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less and which runway is less than 4,900 feet in length. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 58; Ord. No. 10204, 3-11-2013, § 4; Ord. No. 10797, 3-28-2022, §5)

50-41.22 Definitions: V

Vacation dwelling unit. A dwelling unit, as defined by this Chapter, offered for trade or sale, whether for money or exchange of goods or services, for periods of 2 to 29 nights.
Veterinarian or animal hospital. A facility for the diagnosis, treatment or hospitalization of animals, and including the incidental boarding or breeding of animals.
Visual runway. A runway intended solely for the operation of aircraft using visual approach procedures, with no straight in instrument approach procedure and no instrument designation indicated on an approved planning document. (Ord. No. 10044, 8-16-2010, § 6; renumbered by Ord. No. 10096, 7-18-2011, § 58; Ord. No. 10204, 3-11-2013, § 4; Ord No. 10446, 4-11-2016, §8; Ord. No. 10698, 4-13-2020, §5)

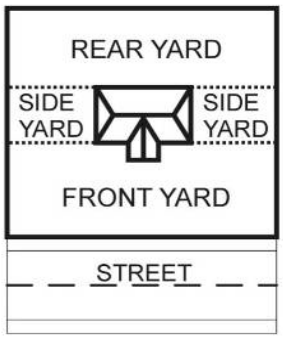
50-41.23 Definitions: W

Water Control Structure. A water management system that conveys water, controls the direction or rate of flow, or maintains a desired water surface elevation.
Watercourse. A channel in which a flow of water occurs either continuously or intermittently in a definite direction. The term applies to either natural or artificially constructed channels.
Water-dependent bulk storage or wholesaling not listed elsewhere. A bulk storage or wholesaling use as defined by this Chapter, but not separately defined, that must be located near water because of the nature of the goods being stored or wholesaled or the means by which they are being transferred to or from the site, or because the establishment's suppliers or customers must be located near water
Water dependent manufacturing, light or heavy. A light or heavy manufacturing use, as defined by this Chapter, that must be located near water because of the nature of the goods being manufactured, assembled, fabricated, or treated or the means by which they or their inputs are being transferred to or from the site, or because the establishment's suppliers or customers must be located near water
Water management district. Land that by definition is in a flood plain district, a shoreland district, or a wetland.
Water or sewer pumping station/reservoir. Facilities to collect or distribute water or wastewater from a defined service area, and that typically does not have employees at the site, including but not limited to water-pumping stations, water reservoirs and sewage pumping stations.
Water or sewer treatment facility. An establishment to treat water or wastewater from a defined service area, and that typically has employees at the site, including but not limited to water treatment plants, sewage treatment plants and sewage disposal plants.
Waters of the state. All streams lakes ponds, marshes, water course, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, that are contained within, flow through or border upon the state or any portion of the state. Constructed wetlands designed for wastewater treatment are not waters of the state.
Wetland. Those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands must have the following attributes:
A. A predominance of hydric soils;
B. Inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in a saturated soil condition;
C. Under normal circumstances support a prevalence of such vegetation.
Wholesaling. A use engaged in enclosed wholesale of manufactured products, supplies, and equipment, including accessory offices and showrooms. Products may be picked up on-site or delivered to the customer. This use does not include sales to the public at large or to consumers who are members or a club or association, regardless of whether the name of the business includes some version of the word "wholesale."
Wind power facility (primary use). A primary use of land including an aggregation of parts including the base, tower, generator, rotor, blades, supports, guy wires and accessory equipment such as utility interconnect and battery banks, in a configuration necessary to convert the power of wind into mechanical or electrical energy. Examples include but are not limited to: wind charger, windmill and wind turbine.
Wireless telecommunications facilities. A structure, facility or location designed, or intended to be used as, or used to support antennas or other transmitting or receiving devices. This includes without limit, towers of all types and kinds and structures, including but not limited to buildings, church steeples, silos, water towers, signs or other structures that can be used as a support structure for antennas or the functional equivalent of antennas. It also includes all related facilities and equipment such as cabling, equipment shelters and other structures associated with the site. It is a structure and facility intended for transmitting and/or receiving radio, television, cellular, SMR, paging, 911, personal communications services (PCS), commercial satellite services, microwave services and any commercial wireless telecommunication service not licensed by the FCC. This term also includes a telecommunications site and personal wireless facility. (Ord. No. 10044, 8-16-2010, § 6; renumbered by Ord. No. 10096, 7-18-2011, § 58; Ord. No. 10204, 3-11-2013, § 4.)

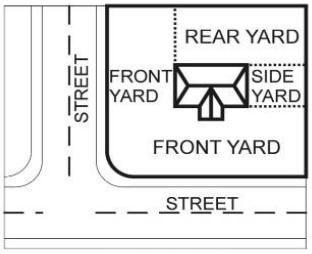
50-41.24 Definitions: X

No definitions. (Ord. No. 10204, 3-11-2013, § 4**;** Ord. No. 10929, 3-24-2025, § 32.)

50-41.25 Definitions: Y



INTERIOR LOT



CORNER LOT

Yard. An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.

Yard depth or width. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

Yard, front. A yard extending across the front of a lot between the side lot lines, and being the minimum horizontal distance between the street line and the primary building, but ignoring projections permitted by this Chapter.

Yard, rear. A yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear of the primary building, but ignoring projections permitted by this Chapter. On all lots the rear yard shall be at the opposite end of the lot from the front yard.

Yard, side. A yard between the main building and the side line of the lot, and extending from the front yard to the rear yard, and being the minimum horizontal distance between a side lot line and the side of the primary building, but ignoring projections permitted by this Chapter.

Yard waste. The garden wastes, leaves, lawn cuttings, weeds and prunings generated at residential or commercial properties.

Yard waste compost facility. A site used to compost or co-compost yard waste that originates off of the site including all structures or processing equipment used to control drainage, collect and treat leachate, and storage area for the incoming yard waste, the final product and residual resulting from the composting process. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 58; Ord. No. 10204, 3-11-2013, § 4.)

50-41.26 Definitions: Z

No definitions. (Ord. No. 10204, 3-11-2013, § 4.)