




Planning & Development Division
Planning & Economic Development Department

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Date: November 9, 2021
To: Planning Commission
From: Steven Robertson, Senior Planner
RE: PI 21-074, UDC Text Amendment, Shipping Containers and Retail Stores

The Planning Staff are recommending a change to the UDC related to shipping containers and retail stores.

Language for shipping containers (referenced in the zoning code as Temporary Moveable Storage Containers) was revised in 2019, along with new standards for accessory dwelling units. Over the last two years several conflicts or questions have arisen related to this section of the UDC, prompting a revision to the language with shipping containers to improve clarity and intent.

In addition to changes referenced above, at the meeting on November 9th, staff will be discussing recommending future minor amendments to use specific standards related to retail sales. The significant changes to the retail sales business in the last decade have prompted staff to recommend improved language. In addition, there will likely be additional changes suggested related to new land uses for commercial strip malls or a multi business, single structure, commercial use.

Recommendation:

Staff recommends that the Planning Commission discuss the items and suggests changes or edits as appropriate, to be brought forward to the City Council for action.

General Development, Development Process 1 Ensure that land use regulation sets clear expectations for development, redevelopment, and protection of Duluth's natural, cultural, economic, and social assets.

General Development, Development Process 2 In order to keep the regulatory burden reasonable and equitable, the City will implement the Comprehensive Plan through cooperation, incentives, and education, in addition to regulation.

..TITLE

AN ORDINANCE AMENDING SECTIONS 50-23 AND 50-41, RELATED TO ACCESSORY STORAGE OR SHIPPING CONTAINERS

..Body

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That Section 50-20.4 of the Duluth City Code, 1959, as amended, be to include

~~C~~ Temporary moveable storage container. Storage or Shipping Container

1. ~~Temporary moveable storage containers~~ Storage or shipping containers shall must 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. ~~Temporary moveable storage containers~~ Storage or shipping containers:
 - ~~a(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 primary or accessory structures;
 - ~~a(b)~~ Are allowed in the I-G or I-W districts without a requirement for buffering or screening;
 - ~~a(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;
 - ~~a(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; and
 - (e) Has been granted an approved zoning permit per 50-37.13.

~~34.~~ Exceptions to the above standards:

- (a)-Licensed and bonded contractors may use shipping containers for temporary storage housing of equipment and materials during construction projects only as expressly authorized by a City building, excavation, zoning, or obstruction permit.
- (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.

Section 2. That Section 50-41.XX of the Duluth City Code, 1959, as amended, be amended as follows:

~~Temporary moveable storage container. A container designed for the storage of property that is typically rented to owners or occupants of property, and that customarily is delivered and removed by truck. This includes metal shipping containers.~~

Storage or Shipping Container. A container placed outdoors and 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.

Section 3. That this ordinance shall take effect 30 days after its passage and publication.
(Effective date: _____, 2021)

STATEMENT OF PURPOSE:

DRAFT