

MOTION TO AMEND ORDINANCE 25-020-O

BY COUNCILOR NEPHEW AND COUNCILOR SWENSON:

We move to amend Ordinance 25-020-O as follows (amendments are strike outs and underlines in red)

The city of Duluth does ordain:

Section 1: That Chapter 50, Article III, Section 20 of the Duluth City Code is hereby amended as shown in the attached document named Permitted Use Table (Amended).

Section 2: That Chapter 50, Article III, Section 20.31 of the Duluth City Code is amended as follows:

1. For daycare facilities, small and large, ~~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~~ for daycare facilities, small and large, all structures 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~~

~~3. For daycare facilities, small and large, proposed to abut a lot with a residential use, exterior play areas must be setback and screened for privacy as determined by the Land Use Supervisor considering the size of the daycare facility and distance to the abutting residential structures;~~

~~4. For daycare facilities, large, an application is exempt from the requirement for a special use permit, and is therefore considered a permitted use, if the Land Use Supervisor determines the following conditions have been met:~~

~~a. The total lot area divided by the number of individuals receiving custodial care, as determined by the maximum licensed capacity of the daycare facility, exceeds 525 square feet.~~

~~b. All exterior play areas directly abutting residential uses are setback a minimum of 25 feet from any lot lines shared with residential uses.~~

~~c. For every 14 individuals receiving custodial care at the facility, as determined by the maximum licensed capacity of the facility, at least one paved parking space for drop-off/pick-up is provided. This requirement may be met with on-street parking if the Land Use Supervisor determines the street has sufficient capacity to accommodate drop-off/pick-up activities at the facility.~~

~~d. Either on site or within 400 feet of the site, a sufficient number of paved off-street parking spaces are provided to accommodate the facility's largest shift of employees.~~

Section 3: That no changes are made to the existing definitions in Chapter 50, Article VI, Section 41.4. ~~removing the definition daycare facility and adding daycare facility, small and daycare facility, large (15 or more) as follows:~~

Section ~~43~~: That Chapter 50, Article VI, Section 41.16 amends the definition of
Preschool as follows:

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. This use shall be considered ~~either~~ a daycare facility, ~~small~~ ~~or daycare facility, large, based on the overall care capacity of the facility.~~

Section ~~54~~: That this ordinance shall take effect and be in force 30 days from and after its passage and publication.

TABLE 50-19.8: USE TABLE, REVISED MAR 2023

P: Permitted Use I: Interim 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																										
Offices																										
Bank							S²	P¹	P¹	P	S	P³	P	P	P	P	P	P	P	P						50-20.3.E
Office					S²		P²	P¹	P¹	P	P¹	P³	P	P	P	P	P	P	P	P						50-20.3.M
Data center							S²	P¹	P¹	P	S	P³	U	U	U	U	U	U	U	U	P					
Outdoor Recreation & Entertainment																										
Golf course		S	S			P³																		P		
Marina or yacht club											P¹											S	S			
Recreational vehicle park	S	S	S			P³					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		P³														
Commercial support services							S²	P¹		P																
Preschool		S	S	S	P²	P³	P²	P⁴	P⁴	S	P⁴	P³	P	P	P	P	P	P	S	P	S					50-20.3.I
Daycare facility, small (14 or fewer)	P	P	P	P	P²	P³	P²	P¹	P¹	S	P¹	P³	P	P	P	P	P	P	P	P						50-20.3.I
Daycare facility, large (15 or more)		S	S	S	S²	P³	P²	P⁴	P⁴	S	P⁴	P³	P	P	P	P	P	P	S	P	S					50-20.3.I
Funeral home or crematorium					S²		S²	P¹	P¹	P		P³		P		P		P			P					
Mini-storage facility or self-service storage facility		S						S¹		P						P		P	P		P	P				50-20.3.L
Personal service and repair, small (less than 10,000 sq. ft.)					S²	P³	P²	P¹	P¹	P	P¹	P³	P	P	P	P	P	P	P	P						
Personal service and repair, large (10,000 sq. ft. or more)							S²	P¹	P¹	P	P¹	P³		P		P		P		P	P					