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MEMORANDUM

DATE: November 30, 2023
TO: City Council
FROM: Kyle Deming, Senior Planner
SUBJECT: UDC Text Amendments (PL 23-170) for accessory day care, accessory retail/showroom, and exterior lighting

From time to time it is appropriate to amend the Unified Development Chapter (UDC) to clarify language that may be commonly misunderstood, to address new uses, and to establish or amend standards all with the intent of more completely implementing the Comprehensive Plan.

Following below are proposed amendments that provide for accessory day care facilities in I-G zones, accessory retail/showroom in MU-B and I-G zones, and provision of exterior lighting.

The Planning Commission held a public hearing and recommends adoption of these UDC text amendments.

Accessory day care standards and addition to I-G zones

Media have reported about the shortage of day care facilities in the community. The Comprehensive Plan contains Governing Principles (#3, #4, #11, #13) and strategies (Economic Development Policy 1, Strategy 1) to encourage the provision of day care facilities throughout the community. It is important that day care facilities be conveniently located near businesses to reduce vehicle miles traveled or transit times for child pickup/drop-off.

It is important to have appropriate standards to ensure that day care uses integrate well with adjacent uses. Currently, there are no use specific standards for Accessory day care facility. This amendment duplicates the use specific standard from the Day care facility, small and large principal uses found in Sec. 50-20.3.I to Accessory day care facility as Sec. 50-20.5.D (see below). The amendment also expands Accessory day care facility to the I-G zone and adds use specific standard #5 (below) to quantify the amount of a site that can be devoted to the day care facility.

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 or parcel area;

3. In the MU-B and I-G districts, where an outdoor exercise area is provided, 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.

Staff would also like to clarify that accessory day care facilities are to be used by dependents of employees or users of the principal use of the property while they are on site and proposes the amendment to Sec. 50-41 below:

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. on a regular basis, for periods less than 24 hours a day, for gain or otherwise, This use is as 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 retail or showroom

Many manufacturers and industrial businesses provide space within their facilities for display of products manufactured or processed on site and often provide for the sale of the products from the site. As retail sales is not a permitted use in Mixed Use-Business Park (MU-B) and Industrial-General (I-G) zones, this activity is not allowed, but is important to the businesses especially small businesses that are gaining strength in our community. The amendments below create a new use, Accessory retail or showroom, to be allowed in MU-B and I-G zones, and establishes Use Specific Standards for it.

To UDC Definitions (Sec. 50-41), add:

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.

To Use Specific Standards (Sec. 50-20.5), add:

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.

Exterior lighting

In urban areas where buildings are constructed abutting streets, alleys, and sidewalks/trails, it is sometimes more efficient to light these public ways from a structure other than a pole. UDC lighting standards in Sec. 50-31 prohibit light trespass onto public streets, but the proposed language would allow the Land Use Supervisor to approve an Administrative Adjustment to permit this lighting.

To Section 50-37.1.L. Administrative Adjustments, the following language would be added:

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.