



Planning & Development Division
Planning & Economic Development Department

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Date: March 4, 2020
To: Planning Commission
From: Steven Robertson, Senior Planner
RE: Proposed UDC Text Amendments for Consideration

Planning Staff are proposing two ordinance changes to the Unified Development Chapter (last revised January 2020).

The first draft ordinance relates to Land Use Supervisor interpretations. It better defines the process for publicizing/documenting and appealing Land Use Supervisor interpretations. It also eliminates some language from the MU-W zone district that caused more confusion than clarification. Please note that appeals from Land Use Supervisor decisions and Planning Commission decisions are 10 days from the date of the decision. For context, the pre-UDC zoning code allowed appeals from the Board of Zoning Appeals to be made within 10 days of mailing the notice of the decision of the board.

The second draft relates to two new uses/additions to the Permitted Use Table (50-19.8), Sober House and Medical Ambulatory Care Facility, with related use specific standards. Staff are also proposing a minor amendment to the definition and use specific standards for Residential Care Facilities.

..Title

AN ORDINANCE AMENDING SECTIONS 50-10, 50-15.6, AND 50-37.1, RELATED TO LAND USE SUPERVISOR INTERPRETATIONS, AND DESIGN STANDARDS IN THE MU-W DISTRICT

..Body

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That Section 50-10 of the Duluth City Code, 1959, as amended, be amended as follows:

50-10 Interpretation.

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. 50-37.1.L.~~

A notice of an interpretation of the land use supervisor that is limited in its application to the property which is the subject of the application giving rise to the interpretation shall be mailed by first class mail to the owners of property located within 350 feet of the subject property within 10 days of the date of the interpretation being made.

A notice of an interpretation of the land use supervisor that is not limited to any one subject property and shall be noticed in a newspaper of general circulation at least twice within 10 days of the date of the, and shall also be published on the City's website within 10 days of the date of the interpretation being made.

Section 2. That Section 50-15.6.E of the Duluth City Code, 1959, as amended, be amended as follows:

50-15.6.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. ~~These requirements shall not apply to portions of buildings that do not block public views of Lake Superior, the harbor and the St. Louis River from the closest landward public street running approximately parallel to the water due to topography or the location;~~
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 or that all the parking needs generated by the use can be met on site.

Section 3. That Section 50-37.1.L of the Duluth City Code, 1959, as amended, be amended as follows:

50-37.1.L 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 **has been noticed as set forth in 50-10 by filing with the land use supervisor building official** a written notice of appeal addressed to the commission and specifying the grounds of the appeal;
 - (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 building official** 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 building official** 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 ~~building official or~~ 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 building official~~;
- (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 ~~on an appeal~~ pursuant to subsection 1 above 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 grounds for the additional appeal;
- (c) The filing of a notice of appeal shall stay all proceedings in furtherance of the decision appealed from. However, if the building official ~~or 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 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 appealable to the district court pursuant to MSA 462.361, the appeal shall be perfected in 60 days after the decision appealed from is filed in the office of the planning commission;
 - (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;

Section 4. That this ordinance shall take effect 30 days after its passage and publication.
(Effective date: _____, 2020)

STATEMENT OF PURPOSE:

..Title

AN ORDINANCE AMENDING SECTIONS 50-20.1, 50-20.2, 50-24.2, AND 50-41 RELATED TO MEDICAL USES, SOBER HOUSES, AND RESIDENTIAL CARE FACILITIES

..Body

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That Section 50-20.1 of the Duluth City Code, 1959, as amended, be amended as follows:

A. Dwelling, two-family.

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

1. No exterior stairway with a total vertical rise greater than five feet shall be permitted;
2. In the R-1 and R-2 districts, each unit in a two family dwelling must have a separate exterior entrance on the facade facing the front property line;

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.

In the F-2, F-4, F-5 and F-8 districts, this use is permitted on the ground floor of the corridor building type only. In other building types it is only permitted above the ground floor;

D. Residential care facility/assisted living.

1 In the F-2, F-4, F-5, F-8, and F-9 districts, this use is permitted on the ground floor of the corridor building type only. In other building types it is only permitted above the ground floor.

2 Residential care facilities must show compliance with Mn State Statute 245A.11, Special Conditions for Residential Programs, Subd 4 Location of Residential Programs.

E. Rooming house.

In the F-2, F-4, F-5 and F-8 districts, this use is permitted on the ground floor of the corridor building type only. In other building types it is only permitted above the ground floor;

F. Manufactured home park.

1. New manufactured home parks, expansions to existing manufactured home parks, and new or replacement of manufactured home units on lots of record are prohibited in the floodway district. If allowed in the flood fringe district, these uses shall be subject to the requirements of Section 50-18.1 of this Chapter and the following standards;
2. Existing, new and replacement manufactured homes in the flood fringe district must comply with the following standards:
 - (a) All manufactured homes must be securely anchored to an adequately anchored foundation 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. This requirement is in addition to applicable state anchoring requirements for resisting wind forces;
 - (b) New or replacement manufactured homes in existing manufactured home parks must have vehicular access at or above an elevation not more than two feet below the regulatory flood protection elevation, unless the property owner has a flood warning and emergency evacuation plan acceptable to the city council as specified in Section 50-18.1.

G. Cottage home park.

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. Principal entrance. Each dwelling unit shall have a principal entrance facing the front lot line. Exceptions to the requirement of a dwelling unit having a principal entrance facing the front property line may be made by the Land Use Supervisor, but only if the unit has a porch or deck on the front façade and the primary entrance is within 10 feet of the front façade;

4. Common open space or amenity area. Cottage housing developments shall provide common open space or an amenity area which is centrally located, equally accessible from, and at the disposition of all dwelling units;
5. Connectivity and access. Sidewalks or multi-use paths must be provided to ensure pedestrian access from each individual dwelling unit to the front property line or public street;
6. Subdivision. Approval of a cottage home park does not negate to the need for subdivision review and approval, where applicable.
7. Utility Connections. Cottage home parks must provide separate sewer and water services for each dwelling unit as required by the city engineer.

H. Sober House

1. In the F-2, F-4, F-5, F-8, and F-9 districts, this use is a permitted use on the ground floor of the corridor building type only. In other building types it is a permitted use only above the ground floor.
2. A sober house with six or fewer residents may be allowed in the R-1 district with a special use permit.
3. Any use permitted under this Subsection H shall be required to meet the landscaping requirements of Section 50-25.5.A..

Section 2. That Section 50-20.2 of the Duluth City Code, 1959, as amended, be amended as follows:

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 cannabis distribution facility.

1. An interim use permit shall be required to operate a medical cannabis distribution facility. The maximum length of an interim use permit shall be three years. Interim use permits granted pursuant to this section are not transferable and terminate upon sale of the facility or discontinuance of use;
2. In addition to the interim use permit requirements provided for under state law and Section 50-37 of the UDC, an applicant seeking to operate a medical cannabis distribution facility must submit a security plan stating how the facility will address public health, welfare and safety concerns including, but not limited to: parking, traffic flow, security, fencing, lighting, window and door placement, landscaping, and hours of operation;
3. The distance limitations on location of a medical cannabis distribution facility in relation to a public or private school provided for under Minn. Stat. § 152.29, as may be amended, are incorporated herein. A medical cannabis distribution facility shall not be closer than 1,500 feet of a zoning district that allows single family, two-family, townhomes, or multi-family dwellings as a permitted use at a density of greater than one unit per five acres;
4. A medical cannabis distribution facility shall be setback from all property lines a minimum of 25 feet;
5. Medical cannabis distribution facilities are prohibited from operating drive-throughs;
6. Parking, design standards, and other applicable requirements under the unified development chapter for this use will be the same as for other medical or dental clinics;

C. Medical cannabis laboratory.

1. An interim use permit shall be required to operate a medical cannabis laboratory. The maximum length of an interim use permit shall be three years. Interim use permits granted pursuant to this section are not transferable and terminate upon sale of the facility or discontinuance of use;
2. In addition to the interim use permit requirements provided for under state law and Section 50-37 of the UDC, an applicant seeking to operate a medical cannabis laboratory must submit a security plan stating how the facility will address public health, welfare and safety concerns including, but not limited to: parking, traffic flow, security, fencing, lighting, window and door placement, landscaping, and hours of operation;
3. A medical cannabis laboratory shall be setback from all property lines a minimum of 25 feet;
4. Parking, design standards, and other applicable requirements under the unified development chapter for this use will be the same as for other medical or dental clinics;

D. Medical cannabis manufacturer.

1. An interim use permit shall be required to operate a medical cannabis manufacturing facility. The maximum length of an interim use permit shall be three years. Interim use permits granted pursuant to this section are not transferable and terminate upon sale of the facility or discontinuance of use;
2. In addition to the interim use permit requirements provided for under state law and Section 50-37 of the UDC, an applicant seeking to operate a medical cannabis distribution facility must submit a security plan stating how the facility will address public health, welfare and safety concerns including, but not limited to: parking, traffic flow, security, fencing, lighting, window and door placement, landscaping, hours of operation, and odor produced by the manufacturing process;
3. The distance limitations on location of a medical cannabis manufacturing facility in relation to a public or private school provided for under Minn. Stat. § 152.29, as may be amended, are incorporated herein. A medical cannabis manufacturer shall not be closer than 1,500 feet of a zoning district that allows single family, two-family, townhomes, or multi-family dwellings as a permitted use at a density of greater than one unit per five acres;
4. A medical cannabis manufacturing facility shall be setback from all property lines a minimum of 50 feet;
5. No odor produced by a medical cannabis manufacturing facility shall be detectable at the manufacturer's property lines surrounding the facility;
6. Parking, design standards, and other applicable requirements under the Unified Development Chapter for this use will be the same as for other medical or dental clinics;

E. 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;

F. 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;

G. 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% 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.

H Medical Ambulatory Care Facility

In order to ensure that Medical Ambulatory Care Facilities are planned and constructed to promote the safety of customers and the general public, as well as to minimize land use conflicts, uses allowed under this section shall meet one of the following two provisions.

1. As part of a construction project, demonstrate how the development or redevelopment will address:
 - A. traffic circulation and access management.
 - B. transit facilities.
 - C. on-site pedestrian circulation and pedestrian access to the site from external locations.
 - D. total number and location of parking spaces that will be used to serve this use.
 - E. lighting plan.
 - F. landscape plan, and
 - G. waste removal, including medical or hazardous waste.
2. A site plan, approved by the Planning Commission at a public meeting, addressing the items below. Any such approval of a site plan shall provide detailed sequencing as to how the improvements will proceed, which shall occur over period not to exceed 5 years and may be phased.
 - A. traffic circulation and access management.
 - B. transit facilities.
 - C. on-site pedestrian circulation and pedestrian access to the site from external locations.
 - D. total number and location of parking spaces that will be used to serve this use.
 - E. lighting plan.
 - F. landscape plan, and
 - G. waste removal, including medical or hazardous waste.

Section 3. That Section 50-24.2 of the Duluth City Code, 1959, as amended, be amended as follows:

50-24.2 Required parking spaces.

In all districts there shall be provided, at the time any building or structure is erected, except as provided in Section 50-24.5, *Calculation of parking spaces*, the number of off-street parking spaces shown in Table 50-24-1, unless an exemption from or variation of this requirement is provided in another section of this Chapter.

Table 50-24-1: Off-Street parking Spaces Required	
Use	Requirement* (May Be Adjusted to 30% Less or 50% More)
RESIDENTIAL USES	
Dwelling, one-family	1 space per dwelling unit
Dwelling, two-family	
Dwelling, townhouse	
Dwelling, live-work	
Co-housing facility	
Manufactured home park	
Dwelling, multi-family	1.25 space per dwelling unit
Assisted living facility (elderly)	1 space per 3 habitable units
Residential care facility	1 space per 93 residential care beds, but not less than 2 spaces
Rooming house	1 space per habitable unit
Sober house	1 space per 3 single beds, but not less than 2 spaces
PUBLIC, INSTITUTIONAL AND CIVIC USES	
Bus or rail transit station	No requirement
Business, art, or vocational school	1 parking space for each 8 seats in the main auditorium or 3 spaces for each classroom, whichever is greater
Cemetery or mausoleum	No requirement
Club or lodge (private)	2.5 spaces per 1,000 sq. ft. of floor area
Government building or public safety facility	As determined by land use supervisor based on anticipated use and neighborhood impacts
Hospital	2 spaces per 1,000 sq. ft.
Medical or dental clinic	4 spaces per 1,000 sq. ft. of gross floor area
Medical ambulatory care facility	4 spaces per 1,000 sq. ft. of gross floor area
Museum, library or art gallery	1 space per 1,000 sq. ft. of gross floor area
Nursing home	1 space per 6 beds
Park, playground or forest reserve	No requirement
Religious assembly	1 space per 4 seats or per 100 sq. ft. in main auditorium, whichever is greater
School, elementary	1 parking space for each 10 seats in the auditorium or main assembly room or 1 space for each classroom, whichever is greater
School, middle	1 parking space for each 8 seats in the main auditorium or 3 spaces for each classroom, whichever is greater
School, high	5 parking spaces for each classroom or 1.5 parking spaces per 1,000 square feet, whichever is greater
University or college	2 spaces per 1,000 sq. ft. of office, research and library area plus 1 space per 125 sq. ft. of auditorium space.
Other community facility or institutional support uses not listed	As determined by land use supervisor based on anticipated use and neighborhood impacts
COMMERCIAL USES	
Adult bookstore	2.5 spaces per 1,000 sq. ft. of gross floor area
Adult entertainment establishment	5 spaces per 1,000 sq. ft. of gross floor area
Agriculture	No requirement
Automobile and light vehicle repair and service	2 spaces per 1,000 sq. ft. of gross floor area
Automobile and light vehicle sales, rental or storage	2 spaces per 1,000 sq. ft. of gross floor area
Bank	3.5 spaces per 1,000 sq. ft. of gross floor area
Bed and breakfast	1 space for manager plus

Table 50-24-1: Off-Street parking Spaces Required

Use	Requirement* (May Be Adjusted to 30% Less or 50% More)
	1 space per habitable unit
Building material sales	1 space per 1,000 sq. ft. of gross floor area
Business park support activities	2 spaces per 1,000 sq. ft. of gross floor area
Convention and event center	1 space per 4 seats or per 100 sq. ft. in main auditorium, whichever is greater
Daycare facility	1 space per 5 persons care capacity
Data center	1 space per 1,000 sq. ft. of gross floor area
Filling station	4 spaces per 1,000 sq. ft. gross floor area plus 1 per service stall
Funeral home or crematorium	1 space per 50 square feet of floor space in slumber rooms, parlors or individual funeral service rooms
Garden material sales	1 space per 1,000 sq. ft. of gross floor area
Grocery store	3 spaces per 1,000 sq. ft. of gross floor area
Golf course	2.5 spaces per 1,000 square feet of clubhouse area
Hotel or motel	2 spaces per 3 guest rooms plus 1 per 200 sq. ft. of gross floor area in all accessory uses including restaurants and meeting rooms
Indoor entertainment facility	2.5 spaces per 1,000 sq. ft. of gross floor area.
Kennel	1 space per 1,000 sq. ft. of gross floor area
Marina or yacht club	2.5 spaces per 1,000 sq. ft. of clubhouse area, plus 1 per 10 boat slips
Mini-storage facility	1 space per 20 storage units
Office	2.5 spaces per 1,000 sq. ft. of gross floor area
Parking lot or parking structure (primary use)	No requirement
Personal service or repair	2.5 spaces per 1,000 sq. ft. of gross floor area
Preschool	1 space per 5 persons care capacity
Restaurant	6.5 spaces per 1,000 sq. ft. of gross floor area
Retail store	3 spaces per 1,000 sq. ft. of gross floor area
Riding stable	No requirement
Seasonal camp or cabin	1 space for every two beds, or for each cabin or sleeping unit, whichever is greater
Theater	1 space per 6 seats or per 100 sq. ft. in main auditorium, whichever is greater
Tourist or trailer camp	2 spaces per 3 sleeping rooms, suites, or trailer spaces
Truck or heavy vehicle sales, rental, repair or storage	1 space per 1,000 sq. ft. of gross floor area
Vacation dwelling unit	1 space for 1-2 bedrooms, 2 spaces for 3-4 bedrooms, 3 spaces for 5+ bedrooms
Veterinarian or animal hospital	2.5 spaces per 1,000 sq. ft. of gross floor area
Other commercial use not listed	As determined by land use supervisor based on anticipated use and neighborhood impacts
INDUSTRIAL USES	
Airport and related facilities	As determined by airport management
<ul style="list-style-type: none"> • Electric power or heat generation plant • Electric power transmission line • Junk and salvage services • Major utility or wireless communication tower • Radio or television broadcasting tower • Railroad or shipyard and related facilities • Solar or geothermal power facility (primary use) • Truck freight or transfer terminal • Water or sewer works • Wind power facility (primary use) • Bulk storage not listed 	No requirement
<ul style="list-style-type: none"> • Contractor's shop and storage yard • Dry cleaning or laundry plant • Recycling collection point (primary use) • Solid waste disposal or processing facility 	1 per 1,000 sq. ft. of gross floor area
<ul style="list-style-type: none"> • Manufacturing, light manufacturing, heavy manufacturing, hazardous or special • Storage warehouse 	1 per 1,000 sq. ft. of gross floor area

Table 50-24-1: Off-Street parking Spaces Required	
Use	Requirement* (May Be Adjusted to 30% Less or 50% More)
<ul style="list-style-type: none"> • Water-dependent manufacturing, light or heavy • Wholesaling 	
Research laboratory	As determined by land use supervisor based on anticipated use and neighborhood impacts
Other industrial uses not listed	As determined by land use supervisor based on anticipated use and neighborhood impacts
ACCESSORY USES	
Accessory bed and breakfast	1 space for primary use dwelling; plus 1 space per habitable unit
Accessory caretaker quarters	1 space
All other accessory uses	No requirement
TEMPORARY USES	
Temporary real estate sales office	2 spaces
All other temporary uses	No requirement
<p>*The parking space requirement may be modified by Section 50-18.5 (Higher Education Overlay District), Section 50-24.3 (Adjustment to required off-street parking), Section 50-24.4 (Maximum parking spaces), and Section 50-37.1.L (Administrative Adjustments).</p>	

Section 4. That Section 50-41.13, .18, and 19 of the Duluth City Code, 1959, as amended, be amended as follows:

Medical Ambulatory Care Facility. An establishment engaged in providing medical, surgical or psychiatric care on a less than 24 continuous hour basis, which may include overnight stays.

Residential care facility/assisted living facility. A **state licensed** building 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 house. A dwelling unit occupied by persons whom are in recovery from chemical dependency. The residents of a sober house are similar to a family unit, and share kitchen and bathroom facilities and other common areas of the unit. Sober houses do not provide on-site supportive services to residents, including the following: 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.

STATEMENT OF PURPOSE:

TABLE 50-19.8: USE TABLE, REVISED JAN 2020

	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	U	U	U					
Dwelling, two-family				P	P	P ³	P					P ³	P	P	P	P	P	P	U	U	U					50-20.1A
Dwelling, townhouse				S	P ²	P ³	P ²				P ¹	P ³														50-20.1B
Dwelling, multi-family					P ²	P ³	P ²	P ¹	P ¹		P ¹	P ³	P	P	P	P	P	P	U	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	P ³	S ²																			50-20.1.G
Group Living																										
Co-housing facility				S	S ²	P ³	P ²					P ³														
Residential care facility/assisted living (6 or fewer)		P	P	P	P ²	P ³	P ²					P ³	UP	UP	UP	P	P	UP	U	PU	PU					50-20.1.D
Residential care facility/assisted living (7 or more)				S	S ²	P ³	P ² S ²	P ¹	P ¹		P ¹	P ³	UP	P	UP	P	P	UP	U	P	P					50-20.1.D
Rooming house					S ²	P ³	P ²	P ¹	P ¹		P ¹	P ³	U	P	U	P	P	U	U	P	P					50-20.1.E
Sober House				S	S ²	P ³	S ²		P ¹			P ³	P	P	P	P	P	P	U	U	U					50-20.1.H

TABLE 50-19.8: USE TABLE, REVISED JAN 2020

	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		50-20.2A
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	U	P	U	P	P	U	U	U						50-20.2.G
School, middle or high		S	S	S	S ²	P ³	S ²	S ¹	S ¹			P ³	U	P	U	P	P	U	U	U						50-20.2.G
University or college									P ¹			P ³			U	P	P	U	U	U						
Health Care Facilities																										
Hospital									P ¹																	
Medical Ambulatory Care Facility								S ¹	S ¹																	50-20.2.H
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										
Medical cannabis distribution facility										I												I				50-20.2.B
Medical cannabis laboratory										I												I				50-20.2.C
Medical cannabis manufacturer																						I				50-20.2.D
Other institutional support uses not listed									P ¹																	