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Title:	AN ORDINANCE AMENDING SECTIONS 50-19.8 USE TABLE, 50-20.3.L COMMERCIAL USES, 50-20.7 ADAPTIVE REUSE OF A LOCAL HISTORIC LANDMARK, AND 50-40.13 DEFINITIONS.		
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7/11/2016	1	City Council	adopted	
7/11/2016	1	City Clerk	attested	
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6/27/2016	1	City Council	read for the first time	

AN ORDINANCE AMENDING SECTIONS 50-19.8 USE TABLE, 50-20.3.L COMMERCIAL USES, 50-20.7 ADAPTIVE REUSE OF A LOCAL HISTORIC LANDMARK, AND 50-40.13 DEFINITIONS.

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That Section 50-19.8 of the Duluth City Code, 1959, as amended, be amended as follows:

Attachment 2, Table 50-19.8 Use Table and Table 50-19.1 Use Table Legend

Section 2. That Section 50-20.3.L of the Duluth City Code, 1959, as amended, be amended as follows:

L Mini-Storage and Self-service storage facility.

This use Mini-storage facilities shall comply with the following standards when located in the RR-1, MU-B, I-G and I-W districts:

1. The use shall be contained within an enclosed building or buildings;
2. 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;
3. The use shall be designed so that doors to individual storage units do not face any abutting street frontage;

4. 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;
5. Hours of public access to mini-storage units abutting one or more residential zone districts shall be restricted to the period from 6:00 a.m. to 10:00 p.m.;
6. Signage shall be limited to one 40 square feet foot illuminated pole 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 and no closer than 50 feet to any side property line;
7. Mini-storage facilities in the RR-1 district are only allowed on properties within the RR-1 district that are also within the Airport Overlay District Safety Zone B. There shall be a minimum of 50 feet of landscaped or naturally vegetated buffer from a minimum width of 50 feet along all property lines in addition to a dense urban screen along all side and rear property lines;
8. In the R districts a dense urban screen shall be installed along all side and rear property lines;

Self-service storage facilities shall comply with the following standards when located in the F-5, F-7, and F-8 districts:

1. This use must be completely contained within an enclosed principal building;
2. This use is permitted only on the lowest floor or basement of the building. The use is not allowed on any floor that is at or above grade with the primary street, except for office or lobby areas associate with the storage facility.
3. 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;
4. Signage for this use is permitted as a commercial use in Sec. 50-27;

Section 3. That Section 50-20.7 of the Duluth City Code, 1959, as amended, be amended as follows:

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, or R-2, or R-P district;

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.
 - (a) There shall be no expansion made to the footprint of the existing building;
3. Screening and buffering.
 - (a) 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.
 - (a) The proposed adaptive reuse of the historic structure must not change the essential character of the neighborhood;
5. Preservation.
 - (a) 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.

Section 4. That Section 50-41.13 Definitions M of the Duluth City Code, 1959, as amended, be amended as follows:

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 building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized and controlled access units or lockers.~~ 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;

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.

Section 5. That this ordinance shall take effect 30 days after its passage and publication.
(Effective date: _____, 2016)

STATEMENT OF PURPOSE: This ordinance implements text amendments to chapter 50 of the City Code, known as the Unified Development Chapter (UDC).

The text amendment makes several small changes the permitted use table: allows a theater as an allowed use in the F-3 district, adds craft manufacturing as an allowed use in the in F-3 and F-4, adds craft brewery as an allowed use in the I-G, and allows mini-storage/self-service storage facility in F5, F-7, F-8 zone district. The text amendment also adds a minor correction to allow adaptive reuse of historic structures in the R-P zone district.

The proposed changes were discussed at a published public hearing on April 12 and May 24, 2016. At the June 14, 2016, regular meeting, the Duluth planning commission made a motion to recommend that the city council approve the recommended amendments to UDC. The vote passed with a vote of 6 yeas, 0 nays and 0 abstentions.

Action Deadline: Not Applicable

PL: 16-016

