City of Duluth
Planning Division

411 West First Street • Room 208 • Duluth, Minnesota 55802-1197
218-730-5580 • Fax: 218-730-5904 • www.duluthmn.gov

An Equal Opportunity Employer

MEMORANDUM

DATE: June 6, 2016
TO: Planning Commission
FROM: Steven Robertson
SUBJECT: Suggested UDC Text Amendments for Planning Commission Review

At the special meeting on May 24, 2016, the Planning Commission asked for several amendments to the proposed UDC text amendments. The proposed text amendments had been reviewed earlier at April 12th regular meeting and the March 15th annual meeting.

-50-15.2, -15.3, and -15.5 MU-N, MU-C, and MU-B Zoning Districts
Reason for proposed change: the maximum height, for all buildings, in the R-2 zone district is 45 feet. The proposed change would make 45 feet the standard height (when near R-1/R-2 zones) for the 3 Mixed Use districts. Added the building stepping/tier requirements for MU-C and MU-N zone districts

-50-18.1.D Shoreland
Reason for proposed change: clarify situations when a variance is not required (Trail Width, Exceptions for Solar Equipment and Removal of Noxious Vegetation)

-50-19 Permitted Use Table. Add theater in F-3. Add craft manufacturing in F-3 and F-4. Add craft brewery in I-G. Add new use, self-service storage facility in F5, F-7, F-8.

-50-20.3 Commercial Uses (Revised/Expanded Use, Self-Service Storage Facility). Amended the proposed language based on comments at the May 24, 2016 PC meeting.

-50-20.7 Adaptive Reuse of a Local Historic Landmark
Reason for proposed change: Allowing this option in R-P Zone District

-50.21.3 Exceptions and Encroachments
Reason for proposed change: clarifying existing language (Form Districts, Egress Window and Porch Standards)

-50-22.4 Cap Type
Reason for proposed change: clarifying existing language (Roof Slope Requirements in Form Districts).

-50-23.2 Connectivity
Reason for proposed change: clarify that all new roads in new subdivisions should be considered and built to public standards, unless waived by the City engineer.

-50-24.2 Required Parking Spaces
Reason for proposed change: increase the off-street parking requirement for high schools. Note, based on some additional research, staff have slightly amended their original recommendation. Amended the proposed language based on comments at the May 24, 2016 PC meeting (from 5.5 parking spaces to 5.0 parking spaces per classroom).

-50-25.2 Landscaping
Reason for proposed change: minor reduction in required tree circumference and clarify need for physical protection for required landscaping trees. Amended the proposed soil language based on comments at the May 24, 2016 PC meeting.

-50-27.2, 50-27.3, and -27.7 Signs
Reason for proposed change: Clarifying Sight Triangle, Allowed Signs in MU-I, and Billboards. Also brings notice and compliance period into conformance with other language in enforcement section (10 days per 50-39.2.C.1(b))

-50-29 Sustainability
Reason for proposed change: clarifying existing language, and add additional options for meeting point requirements. Change some standards to comply with similar LEED language (500 miles instead of 250 miles for recycling/sustainability)

-50-32 International Property Maintenance Code
Reason for proposed change: update existing language (reference new version)

-50-37.9 Variance Standards (Amending to Better Conform to State Statute). A minor change was made to the language that was shared at the May 24th meeting; the removal of the requirement that a property owner show that a potential variance is needed for the enjoyment of a substantial property right (language which is not replicated or found in state statue related to variances, 462.357, 6(2)).

50-15.2 Mixed Use-Neighborhood (MU-N).

A. Purpose.

The MU-N district is established to accommodate a mix of neighbor-hood-scale, neighbor-hood serving non-residential uses and a range of residential uses located in close proximity. This district accommo-dates both horizontal (uses located in separate structures) and vertical (uses located in the same building) types of mixed use. Non-resi-dential uses may include small-scale retail, service and profes-sional offices that provide goods and services to the residents of the surrounding neighborhood, as shown in Table 50-19.8;

TABLE 50-15.2-1
MU-N DISTRICT DIMENSIONAL STANDARDS

LOT STANDARDS		
Minimum lot area per family	One-family	4,000 sq. ft.
	Two-family	2,500 sq. ft.
	Multi-family	500 sq. ft.
	Efficiency unit	380 sq. ft.
	Townhouse or live-work dwelling	2,200 sq. ft.
No lot of record containing 5,000 sq. ft. or less shall be used except for a one- family dwelling or a permitted non-dwelling use		
Minimum lot frontage	One-family, two-family, or townhouse dwelling	30 ft.
	Multi-family or non-residential	50 ft.
STRUCTURE SETBACKS		
Minimum depth of front yard	~~One-family, non-residential, and mixed use~~ For all structures 35 feet in height or less	The smaller of 20 ft. or average of adjacent developed lots facing the same street
	For all structures, or portions of structures, heigher than 35 feet	An additional 20 feet beyond the required setback above
Minimum width of side yard	General, unless listed below	5 ft.
	Non-residential use adjacent to residential district or use	15 ft.
	Non-residential use adjacent to non-residential district or use	0 ft.
	Multi-family adjacent to single-family district or use	10 ft.
	Multi-family adjacent to multi-family district or use	0 ft.
Minimum depth of rear yard		25 ft.
STRUCTURE HEIGHT		
Maximum height of building	Non-residential use	~~35~~ 45 ft.
	Residential or mixed use (general)	75 ft.
	Residential or mixed use (within 500 ft. of R-1 or R-2 district)	~~35~~ 45 ft.
	~~Residential or mixed use (within 500 ft. of R-2)~~	~~50 ft.~~

Section 50.21 *Dimensional standards* contains additional regulations applicable to this district.

B. Example.

MU-N Example Building Form

C. Illustration.

50-15.3 Mixed Use-Commercial (MU-C).

A. Purpose.

The MU-C district is established to provide for community and regional commercial development along commercial corridors and nodal centers. Intended non-residential uses include retail, lodging, service, and recreational facilities needed to support the community and region, as shown in Table 50-19.8. Development should facilitate pedestrian connec-tions between residential and non-residential uses;

TABLE 50-15.3-1
MU-C DISTRICT DIMENSIONAL STANDARDS

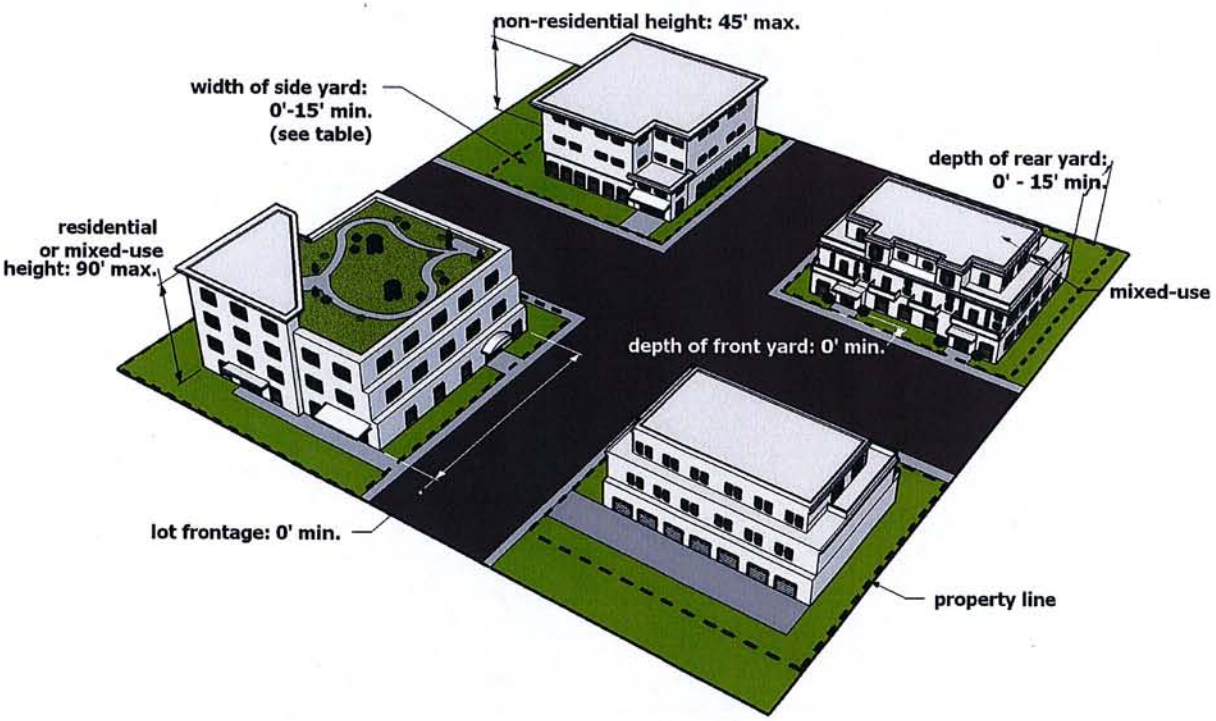
	LOT STANDARDS	
Minimum lot area per family	Live-work dwelling	2,200 sq. ft.
	Multi-family	500 sq. ft.
	Efficiency unit	380 sq. ft.
Minimum lot frontage	Non-residential or mixed use	0 ft.
	Multi-family	50 ft.
	STRUCTURE SETBACKS	
Minimum depth of front yard	For all structures 35 feet in height or less	0 ft.
	For all structures, or portions of structures, heigher than 35 feet	25 feet
Minimum width of side yard and rear yard	Non-residential district or use adjacent to residential or mixed use district or use	15 ft.
	Multi-family residential district or use adjacent to one-family residential district or use	10 ft.
	Non-residential use adjacent to commercial use or multi-family use adjacent to multi-family use	0 ft.
	STRUCTURE HEIGHT	
Maximum height of building	Non-residential use	45 ft.
	Residential or mixed use	90 ft.
	Residential or mixed use (within 500 ft. of R-1 or R-2 district)	~~35~~ 45 ft.
	~~Residential or mixed use within 500 ft. of R-2~~	~~50 ft.~~

Section 50.21 *Dimensional standards* contains additional regulations applicable to this district.

B. Example.

MU-C Example Building Forms

C. Illustration.



D. Planning commission approval required.

A planning review by the planning commission, pursuant to the procedures in Article V, shall be required for all new development, redevelopment and expansions in the MU-C district, including but not limited to construction of driveways or other access from public streets, and construction of off-premises signs, but excluding the following:

1. Building construction or expansion of less than 500 square feet in area;
2. Building renovations that affect the exterior of structures that do not result in an increase in building square footage;
3. Grading and construction of parking areas less than 3,000 square feet.

Development may not proceed until the planning commission has approved the project through planning review;

E. Development standards.

1. The location, size and number of curb cuts shall be designed to minimize traffic congestion or hazard in the area. Any traffic control improvements required as a result of the proposal such as traffic signals, turning lanes, medians, signage and other types of improvements necessary to accommodate traffic flow to and from the proposed project shall be paid for by the property owner. Any additional right-of-way or easements needed shall be provided by the property owner at no cost to the city;
2. Any necessary public easements over the subject property shall be dedicated, and any necessary improvements within such easements or other easements adjacent to the subject property shall be made.

50-15.5 Mixed Use-Business Park (MU-B).

A. Purpose.

The MU-B district is intended to accommodate modern light industrial and technology-based developments of attractive integrated design and function. The development standards for this district are intended to ensure that projects minimize adverse impacts on surrounding uses and neighborhoods, reduce impacts on the natural environment, enhance the visual quality of development and ensure the provision of adequate and cost-efficient public facilities. Intended uses include wholesaling, industrial services, research laboratories, and light manufacturing needed to support the community and region at large, as shown in Table 50-19.8;

TABLE 50-15.5-1
MU-B DISTRICT DIMENSIONAL STANDARDS

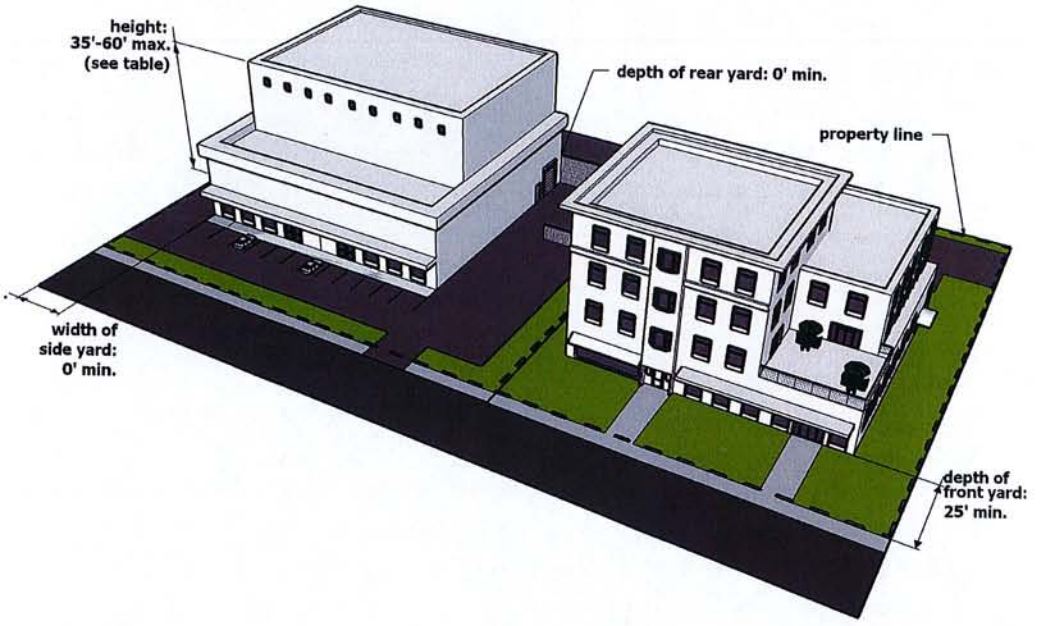
STRUCTURE SETBACKS		
Minimum depth of front yard	General	25 ft.
	Lots with less than 250 ft. average depth	Larger of 10 ft. or 10% of lot depth
Minimum width of side yard	Adjacent to residential use or district	6 ft.
	General	0 ft.
Minimum depth of rear yard	Adjacent to residential use or district	10 ft.
	General	0 ft.
STRUCTURE HEIGHT		
Maximum height of building	General	60 ft.
	Within 500 ft. of R-1 or R-2 district	~~35~~ 45 ft.
	~~Within 500 ft. of R-2 district~~	~~50 ft.~~

Section 50.21 *Dimensional standards* contains additional regulations applicable to this district.

B. Example.

MU-B Example Building Forms

C. Illustration.



D. Development standard.

In portions of the MU-B zone district developed after May 7, 1979, (a) all truck loading, unloading, and maneuvering areas shall be constructed in side or rear yard areas with a durable dust free material having a smooth hard surface, and shall be defined on all sides by raised cast-in-pace concrete curbs, and (b) all truck loading, unloading, and maneuvering operations shall be conducted so that no truck movement interferes with ingress or egress of traffic on a street and no truck shall be required to back into loading areas from a street.

50-18.1.D Shorelands.

In furtherance of the policies declared by the state legislature, waters in the city have been classified as general development waters (GD), natural environment waters (NE) or coldwater rivers (CW). The shoreland overlay applies to lands within 1,000 feet of Lake Superior or within 300 feet of rivers, creeks, streams and tributaries and floodplains, as designated on the NR-O map. If a parcel or development lies only partially within a shoreland area, only the portion of the property within the shoreland is subject to these provisions;

1. Shoreland permit required.
   The following activities and structures require a shoreland permit if located within a shoreland:
   (a) All structures;
   (b) All grading, filling and excavating;
   (c) All construction of impervious surfaces, including roads, driveways, parking areas and trails;
   (d) All removal of natural vegetation;
   (e) Any construction activity that removes or disturbs natural beach grasses on Park Point;
2. Standards for shoreland permit.
   (a) Erosion and sediment control measures shall be required for any land disturbing activity;
   (b) Grading and filling of more than 250 square feet or placement of more than ten cubic yards of material within the shore impact zone shall only be permitted if a plan for erosion control, stormwater management and shoreline buffer restoration is approved by the city and effectively implemented;
   (c) Impervious surfaces shall be designed and constructed to minimize and control runoff and erosion into the regulated waters;
   (d) Any removal of natural vegetation shall be designed to prevent erosion into regulated waters and to preserve shoreland aesthetics;
   (e) Removal of trees or shrubs in a contiguous patch, strip, row or block is prohibited in shore impact zones;
   (f) The project does not result in the proposed building being located in a shore or bluff impact zone;
   (g) Natural vegetation buffers shall be restored to the extent feasible after any project is complete;

Table 50-18.1.D-1: Minimum Shoreland Area Standards

Standards	General Development Waters [1]	Natural Environmental Waters	Coldwater River
Minimum setbacks from Ordinary High Water Level or highest known water level, whichever is higher			
Structures	50 ft.	75 ft.	150 ft.
Commercial, mixed use, & industrial structures in the harbor, shown in Figure 50-18.1.- 3	25 ft.	N/A	N/A
Impervious surfaces in the Shore Impact Zone	50 ft.	50 ft.	75 ft.
Lowest floor elevation above Ordinary High Water Level or highest known water level, whichever is higher [2]	3 ft.		
Width of naturally vegetative buffer	50 ft.		

[1] All Lake Superior shoreland is classified as general development waters.
[2] For a structure located in an area where FEMA has established a base flood elevation, the structure is exempt from this shoreland elevation requirement, but must meet flood plain regulations.

3. Dimensional standards.

(a) No shoreland permit shall be approved unless the standards in Table 50-18.1.D-1 are met or a variance obtained pursuant to Article V;

(b) Exceptions to dimensional standards.

i. Commercial, mixed use, & industrial structures in the harbor, shown in Figure 50-18.1-3: 0 feet setback for grain elevators, cranes, loading bins, and other equipment necessary for loading and unloading, including impervious surface necessary to support these activities;

ii. Public trails with pervious surfaces, or with impervious surfaces no more than ten feet wide, may be constructed within these setbacks, provided that a minimum amount of natural vegetation is removed and provided that permits are obtained from the DNR and MPCA, if required;

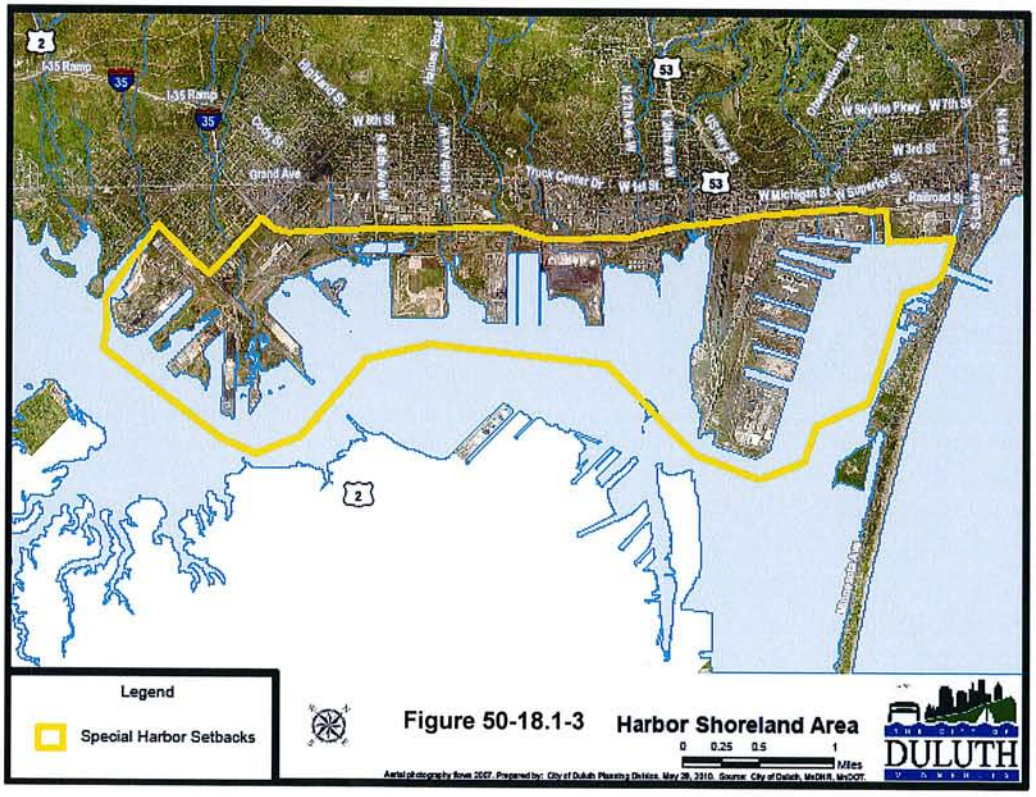
iii. Properties in Stormwater Zone B, as defined in Section 50-18.1E.3(f), that have been previously developed with 75 percent or greater impervious surface may use one of the following methods to determine building setback:

- Use the impervious surface setback for the shoreland classification as the building setback.
- When principal structures exist on the adjoining lots on both sides of the proposed building site, the structure setbacks can be altered to conform to the adjoining setbacks, provided the proposed building site is not located within the setback required for the naturally vegetative buffer;

iv. Park equipment such as playground structures and ball fields (but not including structures such as garages, storage buildings, toilets or warming houses) may be placed closer than the required structure setback provided they lie outside the area required for the native vegetative buffer;

v. Ground or pole mounted solar or wind power collection systems shall not be placed within the impervious surfaces setback in the Shore Impact Zone

vi. Removal of invasive vegetative species is allowed within the naturally vegetative buffer area with an approved shoreland permit, provided there is replacement with non-invasive and non-harmful species.



4. Uses and special use permits.
   (a) Those permitted and special uses shown in Table 50.19.8, subject to the issuance of any shoreland permit required by subsection D.1 and compliance with the standards of subsection D.2, except as listed below. Agricultural uses are not permitted in the shore impact zone. Within shoreland areas that are outside of the shore impact zone, agricultural uses are permitted if steep slopes are maintained in permanent vegetation or the land is operated under an approved conservation plan from the St. Louis County Soil and Water Conservation District;
   (b) All industrial uses, including mining, extraction and storage, on coldwater rivers or natural environmental waters require a special use permit pursuant to Article V. The application for a special use permit must include a thorough evaluation of the topographic, vegetation and soils conditions on the site;
   (c) Standards for special use permit:
      (i) Compliance with all development requirements for shorelands in this Section 50-18.1.D;
      (ii) Prevention of soil erosion, stormwater runoff or other possible pollution of public waters, both during and after construction or use;
      (iii) Restoration of the shoreline buffer to a natural state;
      (iv) Screening of structures and other facilities as viewed from regulated waters, as shown on the NR-O map;
5. Subdivisions.
   New subdivisions in the shoreland area shall meet the following requirements:
   (a) The land shall not be subdivided until the land has been rezoned into the R-P zone district, and the concept and detailed development plans required in the R-P districts shall be designed to comply with the provisions of this Section 50-18.1.D;
   (b) A buffer at least 50 feet in width, consisting of trees, shrubs and ground cover of plants and understory in a natural state, is required within a line parallel to the ordinary high water level or highest known water level, whichever is higher, and as close to the ordinary high water level as topography and the health of the plants will permit;
   (c) After construction is completed, the owner of the property shall be responsible for any continued need for erosion and sediment control and restoration on the property;
6. Nonconforming lots of record.
   Lots of record in the office of the county recorder on November 19, 2010, may be allowed an exception from the structure setback requirement in subsection D.3. If the lot of record cannot be developed under the setback requirements of subsection D.3, then:
   (a) The lot may be developed without a variance if (1) principal structures exist on the adjoining lots on both sides of a proposed building site, and (2) the proposed structure will be located no closer to the protected shore than the principal structure on either adjoining site, and (3) the resulting adjusted setback does not result in the proposed building being located in a shore impact zone; or
   (b) The lot may be developed if a variance is obtained pursuant to Article V;

Article III. Permitted Uses.

50-19 Permitted Use Table

50-19.1 General.

Table 50-19.8, use table, lists land uses and indicates whether they are allowed by right or with a special use permit, or prohibited in each base zone district. The use table also includes references to any additional regulations applicable to that use.
The following legend in Table 50-19.1 shall be referenced when using the Permitted Use Table in 50-19.8.

TABLE 50-19.1: Use Table Legend for 50-19.8

Abbreviation	Reference
P	Permitted Use
S	Special Use
I	Interim Use
A	Accessory Use
U	Use Permitted in the Upper Stories of the Form District Building
1	May Require Planning Commission Review Hearing (MU-C, MU-I, and MU-W Only)
2	May Require Additional Development Standards and Planning Commission Review if in the Higher Education Overlay District (HE-O)
3	If allowed by an approved regulating plan

Notes:

Additional restrictions may apply on uses within the natural resources, airport, historic resources, or skyline parkway overlay districts (NR-O, A-O, HR-O, SP-O)

All permitted uses in the MU-N Zone District shall be considered as eligible for an interim use permit in R-1 or R-2 District for structures identified as a city of Duluth Local historic landmark, per Section 50-20.7.

(Ord. No. 10044, 8-16-2010, § 6; Ord No. 10286, 3-10-2014, § 6; Ord. No. 10366, 4-13-2-15, § 3.)

50-19.2 Permitted uses.

A "P" in a cell of the use table indicates that the land use is allowed by right in that base zone district, subject to compliance with the use-specific standards referenced in the final column of the use table. A "U" in a cell of the use table indicates that the land use is allowed by right in that base district on any floor of the structure other than the ground floor, subject to compliance with the use-specific standards referenced in the final column of the table. A "P" in the R-P and M-P zone district column indicates that the use is permitted only if its included in a plan or plan amendment for the R-P and MU-P district. Permitted uses are subject to all other applicable requirements of this UDC, including those set forth in Article IV, *Development Standards*. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 15; Ord. No. 10286, 3-10-2014, § 6.)

50-19.3 Special uses and interim uses.

An "S" or an "I" in a cell of the use table indicates that the land use is allowed in that base zone district only upon approval of a special use or interim use permit as described in Section 50-37.10 and compliance with any use-specific standards referenced in the final column of the use table. Uses subject to a special use or interim use permit are subject to all other applicable requirements of this UDC, including those set forth in Article IV, *Development Standards*. In addition, council may approve interim

uses through the procedure described in Section 50-37.10. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10286, 3-10-2014, § 6.)

50-19.4 Prohibited uses.

A blank cell in the use table indicates that the land use is prohibited in that base zone district. (Ord. No. 10044, 8-16-2010, § 6; cited only by Ord. No. 10286, 3-10-2014, § 6.)

50-19.5 Overlay districts provisions govern.

When a property is located within the boundaries of an overlay district, the provisions for that overlay district prevail over those in the base zone district. For example, if a use is prohibited in the base zone district where the property is located, but is a permitted use in an overlay district applicable to the same property, then the use is allowed on that property. On the other hand, if a use is listed as a permitted use in the base zone district but is listed as a special use in an overlay zone district applicable to the same property, then the use is a special use for that property. Where a property is located in more than one overlay district, then the most restrictive use provision in those overlay zone districts shall apply to the property. (Ord. No. 10044, 8-16-2010, § 6; cited only by Ord. No. 10286, 3-10-2014, § 6.)

50-19.6 Use-specific standards.

When a land use is a permitted or a special use in a zone district, there may be additional standards that apply to that specific use. Those additional standards are cross-referenced in the last column of the use table (use-specific standards). The cross-referenced standards appear in Section 50-20 immediately following the use table. (Ord. No. 10044, 8-16-2010, § 6; cited only by Ord. No. 10286, 3-10-2014, § 6.)

50-19.7 Unlisted uses.

When a proposed land use is not explicitly listed in the use table, the land use supervisor shall determine whether or not it is included in the definition of a listed use or is so consistent with the size, scale, operating characteristics and external impacts of a listed use that it should be treated as the same use. Any such interpretation shall be made available to the public and shall be binding on future decisions of the city until the land use supervisor makes a different interpretation. (Ord. No. 10044, 8-16-2010, § 6; cited only by Ord. No. 10286, 3-10-2014, § 6.)

50-19.8 Permitted use table.

TABLE 50-19.8: USE TABLE

	Residential						Mixed Use						Form									Special				
	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	Use-Specific Standards
RESIDENTIAL USES																										
Household Living																										
Dwelling, one-family	P	P	P	P	P	P^3	P					P^3	U	U	U	U	U	P	U	U	U					
Dwelling, two-family				P	P	P^3	P					P^3	U	U	U	U	U	P	U	U	U					50-20.1.A
Dwelling, townhouse				S	P^2	P^3	P^2				P^1	P^3														50-20.1.B
Dwelling, multi-family					P^2	P^3	P^2	P^1	P^1		P^1	P^3	U	P	U	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
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	U	P	U	P	P	U	U	P	P					50-20.1.D
Residential care facility/assisted living (7 or more)				S	P^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.D
Rooming house					S^2		P^2	P^1	P^1		P^1	P^3	U	P	U	P	P	U	U	P	P					50-20.1.E
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		50-20.2.A
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

TABLE 50-19.8: USE TABLE

	Residential						Mixed Use						Form									Special				
	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	Use-Specific Standards
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 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
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										
Other institutional support uses not listed in this table									P^1																	
COMMERCIAL USES																										
Agriculture and Animal-Related																										
Agriculture, community garden	P	P	P	P	P		P	P	P																	50-20.3.B
Agriculture, farmers market			S		S		S	S	S		S	P^3														50-20.3.B
Agriculture, general	P	P																								50-20.3.B
Agriculture, urban			P	S	S^2	P^3	S^2	S	S			P^3														50-20.3.B
Kennel	S	S						S	S	P		P^3														
Riding stable	S	S	S			P^3					S													S		
Veterinarian or animal hospital	S	S			P^2	P^3	P^2	P^1	P^1	P	P^1	P^3	P	P	P	P	P	P								50-20.3.T
Food, Beverage and Indoor Entertainment																										
Adult entertainment establishment																						P				50-20.3.A
Convention or event center								P^1		P	P^1	P^3				P	P		P	P	P					50-20.3.H
Indoor entertainment facility								P^1		P	P^1	P^3		P		P	P		P	P	P					

TABLE 50-19.8: USE TABLE

	Residential							Mixed Use					Form									Special				
	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	Use-Specific Standards
Restaurant (less than 5,000 sq. ft.)					S^2	S^3	S^2	P^1	P^1	P	P^1	S^3	P	P	P	P	P	P	P	P	P					50-20.3.Q
Restaurant (5,000 sq. ft. or more)						S^3		P^1	P^1	P	P^1	S^3	P	P	P	P	P	P	P	P	P					50-20.3.Q
Theater							S^2	P^1			P^1	P^3		P	P	P	P		P	P	P					
Lodging																										
Hotel or motel							S^2	P^1	P^1	P	P^1	P^3		P		P	P		P	P	P					
Bed and breakfast				S	P^2	P^3	P^2	P^1	P^1	P	P^1	P^3		P		P		P								50-20.3.F
Seasonal camp or cabin	P	P				P^3					P^1													S		50.20.3.S
Vacation dwelling unit		I	I	I	I^2	I^3	I^2										I									50-20.3.U
Offices																										
Bank							S^2	P^1	P^1	P	S	P^3	P	P	P	P	P	P	P	P	P					50-20.3.E
Office					S^2		P^2	P^1	P^1	P	P^1	P^3	P	P	P	P	P	P	P	P	P					50-20.3.M
Data center							S^2	P^1	P^1	P	S	P^3	U	U	U	U	U	U	U	U	U	P				
Outdoor Recreation & Entertainment																										
Golf course		S	S			P^3																		P		
Marina or yacht club											P^1												S	S		
Recreational vehicle park	S	S	S								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 activities										P		P^3														
Preschool		S	S	S	P^2	P^3	P^2	P^1	P^1		P^1	P^3	P	P	P	P	P	P	S	P	S					
Daycare facility, small (14 or fewer)	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					50-20.3.I
Daycare facility, large (15 or more)		S	S	S	S^2	P^3	P^2	P^1	P^1		P^1	P^3	P	P	P	P	P	P	S	P	S					50-20.3.I
Funeral home or crematorium					S^2		S^2	P^1	P^1	P		P^3		P		P		P				P				
Mini-storage or self-service storage facility		S								P							P		P	P		P	P			50-20.3.L
Personal service and repair, small (less than 10,000 sq. ft.)						P^3	P^2	P^1	P^1	P	P^1	P^3	P	P	P	P	P	P	P	P	P					

TABLE 50-19.8: USE TABLE

	Residential							Mixed Use					Form									Special				
	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	Use-Specific Standards
Personal service and repair, large (10,000 sq. ft. or more)							S^2	P^1	P^1	P	P^1	P^3		P		P		P		P		P				
Retail Sales																										
Adult bookstore																						P				Chapter 5
Building materials sales								S		P		P^3														50-20.3.G
Garden material sales		S						P^1				P^3				P										
Grocery store, small (less than 15,000 sq. ft.)						P^3	P^2	P^1			P^1	P^3		P		P	P	P	P	P						50-20.3.K
Grocery store, large (15,000 sq. ft. or more)								P^1				P^3														50-20.3.K
Retail store not listed, small (less than 15,000 sq. ft.)					S^2	P^3	P^2	P^1	P^1		P^1	P^3	P	P	P	P	P	P	P	P	P					50-20.3.R
Retail store not listed, large (15,000 sq. ft. or more)								P^1			P^1	P^3		P		P	P		P	P						50-20.3.R
Vehicle-Related																										
Automobile and light vehicle repair and service							S^2	P^1		P		P^3		P		P	P	P				P				50-20.3.C
Automobile and light vehicle sales, rental, or storage								P^1		P												P				50-20.3.D
Filling station					S^2	P^3	S^2	P^1		P	P^1	P^3		P		P	P	P				P	P			50-20.3.J
Parking lot (primary use)							S	P^1	P^1	P	P^1	P^3	S	S	S	S	S	S		S	S	P	P			50-20.3.O
Parking structure								P^1	P^1	P	P^1	P^3					S		S			P	P			50-20.3.O
Truck or heavy vehicle sales, rental, repair or storage										P												P				
INDUSTRIAL USES																										
Industrial Service																										
Contractor's shop and storage yard										P		P^3					P					P	P			50-20.4.B
Dry cleaning or laundry plant										P												P				
Research laboratories									P^1	P		P^3										P	P			
Industrial services										P												P	P			

TABLE 50-19.8: USE TABLE

	Residential							Mixed Use					Form									Special				
	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	Use-Specific Standards
Manufacturing and Mining																										
Manufacturing, craft, artisan production shop or artisan studio										P					P	P	P		P							50-20.4.F
Manufacturing, craft, brewery or distillery										P							P		P			P				50-20.4.F
Manufacturing, light									P[1]	P		P[3]					P					P				50-20.4.G
Manufacturing, heavy																						P				
Manufacturing, hazardous or special																						S				50-20.4.H
Mining, extraction and storage		S																				S	S			50-20.4.I
Water-dependent manufacturing, light or heavy																							P			
Transportation-Related																										
Airport and related facilities	S																					P			P	50-20.4.A
Railroad yard or shipyard and related facilities																						P	P			
Truck freight or transfer terminal										P												P	P			
Utilities																										
Electric power or heat generation plant																						P	P			
Electric power transmission line or substation	S	S	S	S	S[2]	P[3]	S[2]	S	S	S	S	P[3]	S	S	S	S	S	S	S	S	S	S	S	S		50-20.4.C
Major utility or wireless telecommunication facility	S	S	S	S	S[2]	P[3]	S[2]	S	S	S	S	P[3]	S	S	S	S	S	S	S	S	S	S	S	S		50-20.4.E
Radio or television broadcasting tower		S								S												S	S			50.20.4.J
Solar, geothermal or biomass power facility (primary use)		S				P[3]		S	S	P		P[3]										P	S			
Water or sewer pumping stations/reservoirs	S	S	S	S	S[2]	P[3]	S[2]	S	S	S	S	P[3]	S	S	S	S	S	S	S	S	S	S	S	S		
Water or sewer treatment facilities																						P	P			
Wind power facility (primary use)		S							S	S												P	S			50-20.4.N

TABLE 50-19.8: USE TABLE

	Residential							Mixed Use					Form									Special				
	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	Use-Specific Standards
Waste and Salvage																										
Junk and salvage services																						S	S			50-20.4.D
Recycling collection point (primary use)								S	S	S												P	P			
Solid waste disposal or processing facility		S								S												S	S			50-20.4.K
Wholesale Distribution and Storage																										
Storage warehouse										P							P					P				50-20.4.L
Wholesaling										P							P					P				50-20.4.M
Bulk storage not listed elsewhere																						P				
Water-dependent bulk storage or wholesaling not listed elsewhere																							P			
ACCESSORY USES																										
Accessory agriculture roadside stand	A	A																						A		50-20.5.A
Accessory bed and breakfast	A	A	A	A	A	A	A		A		A															50-20.5.B
Accessory boat dock, residential	A	A	A	A	A	A	A	A	A		A															50-20.5.C
Accessory caretaker quarters										A												A	A	A		
Accessory communications tower for private use	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		
Accessory day care facility	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A					
Accessory dwelling unit	A	A	A	A	A	A	A																			50-20.5.D
Accessory heliport	A								A			A										A				50-25.5.E
Accessory home occupation	A	A	A	A	A	A	A	A	A		A	A	A	A	A	A	A	A	A	A	A					50-20.5.F
Accessory home share	A	A	A	A	A	A	A										A									50-20.5.G
Accessory recycling collection point					A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			
Accessory sidewalk dining area					A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A					50-20.5.~~GH~~
Accessory solar or geothermal power equipment	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	50-20.5.~~HI~~

TABLE 50-19.8: USE TABLE

	Residential						Mixed Use						Form									Special				
	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	Use-Specific Standards
Accessory uses and structures not listed elsewhere	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	50-20.5.~~I~~J
Accessory vacation dwelling unit		I	I	I	I	I	I										I									50-20.5.~~L~~M
Accessory wind power equipment	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	50-20.5.~~J~~K
Minor utilities and accessory wireless antennas attached to existing structures	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	50-20.5.~~K~~L
TEMPORARY USES																										
Temporary construction office or yard	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		50-20.6.A
Temporary event or sales	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		50-20.6.B
Temporary farm stand	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A					
Temporary moveable storage container	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			50-20.6.C
Temporary real estate sales office				A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A					50-20.6.D
Temporary use not listed in this table	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		
FORM DISTRICT BUILDING TYPES																										
Main Street Building I													P	P												
Main Street Building II															P	P	P	P								
Main Street Building III																			P	P						
Corridor Building I														P												
Corridor Building II																P	P									
Lakefront Corridor Building																					P					
Corridor Building III																				P						
Cottage Commercial I														P				P								
Cottage Commercial II																P										
Iconic Building														P		P	P	P		P						

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;

Definitions:

~~Mini-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.~~

Mini-storage or self-service storage facility. 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

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.

50-21.3 Exceptions and encroachments.

The following exceptions and encroachments to required yard areas and height limits are allowed. These provisions do not apply to form districts except as specifically noted in exceptions to building heights.

Table 50-21-1: Exceptions and Encroachments	
Structure or Feature	**Conditions or Limits**
Encroachments into Required Yard Areas	
Architectural features (sills, belt courses, eaves, cornices) awnings and canopies, bay windows, gutters and downspouts	Up to 18 in. into any required yard area
Unenclosed or lattice-enclosed stairs, ~~excapes~~ escapes and balconies opening upon fire towers	Up to 5 ft. into any required rear yard, except as required to comply with applicable fire code or Americans with Disabilities Act
Chimneys and flues	Up to 2 ft. into any required front or side setback.
Open sided ~~uncovered~~ porch, deck, or paved terrace	Up to 10 ft. into front yard, but no closer than 5 ft. from any ~~street~~ property line ~~on a corner lot~~
Enclosed vestibule or fixed canopy with a floor area of not more than 40 sq. ft.	Up to 4 ft. into front yard
Fuel pumps or pump islands	Not closer than 15 ft. from any street line or closer than 50 ft. from any residential use
Fences meeting the standards of Section 50-26.4	Fences may not be located closer than 3 ft. to any publicly maintained right-of-way
Porte cochere, carport or canopy if every part is unenclosed except for necessary structural supports	Permitted in any side setback, but not less than 5 ft. from any side lot line
Residential window well	Permitted to encroach up to two feet from any property line, provided that window well: (a) has a minimum distance of at least 5 feet from any structure on any adjancent property, and (b) is limited to the minimum window well depth and width required by fire and building codes
Accessory structures	No accessory structure may be located: (a) between a street and any façade of a primary building facing that street, or (b) closer than 10 ft. to any principal structure on an adjoining property, or (c) closer than 5 ft. to any rear lot line, or (d) closer than 3 ft. to any side lot line, except as listed for specific accessory structures below.
Accessory boat dock, residential	No setback required from property lines along the water
Accessory clotheslines, play equipment, trash containers, odor-controlled composting bins and rainwater harvesting tanks	Permitted in side and rear yards
Accessory rain garden	Permitted in all (front, side and rear) yards
Accessory wind power equipment	Permitted in side and rear yards except where prohibited by adopted building code
Exceptions to Building Height Limits	
Television and radio towers, accessory communications towers for private use, religious assembly or ornamental spires and towers, belfries, monuments, tanks, water and fire towers, stage tower or scenery lofts, cooling towers, chimneys, elevator penthouses, air conditioning penthouses, skylights, smokestacks, conveyors, storage elevators and facilities, flagpoles, accessory wind power equipment or accessory rooftop solar collectors	In the Form District, the exceptions to building height limits for religious assembly or ornamental spires and towers only apply if the applicant proposes an Iconic Building

50-22.4 Cap types.

Cap type standards apply to the cap of all building types as required in this Section.

A. General provisions.

The following provisions apply to all cap types.

1. Intent. To guide the design of building caps in order to ensure an appropriate and aesthetically pleasing cap for all buildings;
2. Applicability. All buildings must meet the requirements of one of the cap types permitted for the building type;
3. Measuring height. Refer to the definition of "height of building" in Article VI;
4. Other cap types. The Iconic building type may seek to incorporate other building caps not listed as a specific type by applying for a special use permit pursuant to Section 50-37.10, but the height may not exceed the maximum height of the tallest cap type permitted for the building type;

B. Parapet cap type.

A parapet is a low wall projecting above a building's roof along the perimeter of the building. It can be utilized with a flat or pitched roof and also serves to limit the view of roof-top mechanics from the street. (Refer to Figure 50-22.4-A)

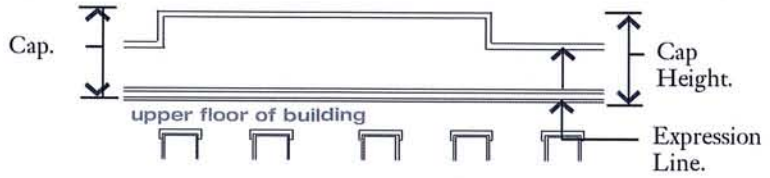


Figure 50-22.4-A: Parapet cap type

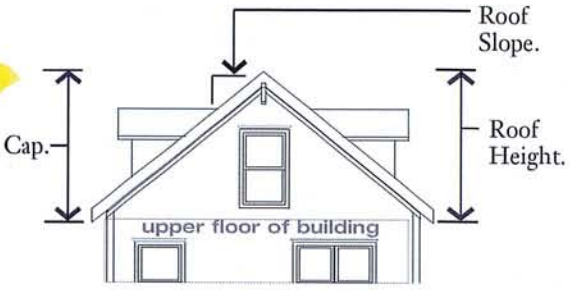
1. Parapet height. Height is measured from the top of the upper story to the top of the parapet;
   (a) Minimum height is two feet with a maximum height of six feet;
   (b) Cap shall be high enough to screen the roof and any roof appurtenances when viewed from the street(s) and any adjacent building of similar height;
2. Horizontal expression lines. An expression line shall define the cap from the upper stories of the building and shall also define the top of the cap;
3. Occupied space. Occupied space may not be incorporated behind this cap type;

C. Pitched roof cap type.

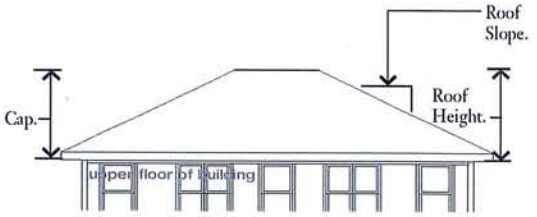
This cap type has a sloped or pitched roof. Slope is measured with the vertical rise divided by the horizontal span or run. (Refer to Figure 50-22.4-B)

1. Pitch measure. The roof may not be sloped ~~steeper~~ flatter than a 6:12 (rise:run) or ~~flatter~~ steeper than 16:12 (rise:run);
2. Roof types. Hipped, gabled, and combination of hips and gables with or without dormers are acceptable. Gambrel and mansard roofs are acceptable provided that when the ridge runs parallel to the street, one dormer per 15 feet of street face is required;
3. Parallel ridge line. A gabled end or perpendicular ridge line shall occur at least every 100 feet of roof for two-story buildings or higher and at least every 50 feet of roof for one-story buildings when the ridge line runs parallel to the front property line;
4. Roof height. Roof height may not be greater than the total of all floors below the roof. For single story portions of the building, roof height may not exceed one-and-one-half times the floor below the roof;

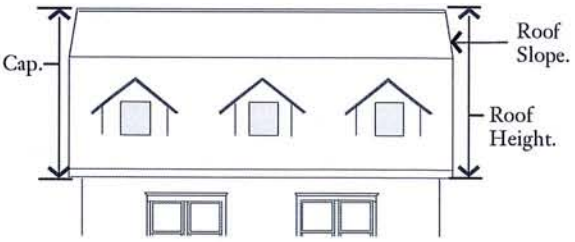
Figure 50-22.4-B: Pitched roof



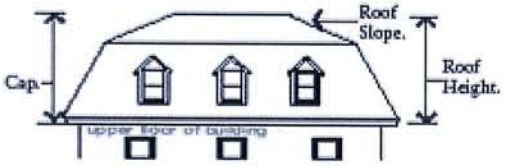
Pitched Roof cap type – Gabled



Pitched Roof cap type - Hipped



Pitched Roof cap type - Gambrel



Pitched Roof cap type - Mansard

D. Flat Roof cap type

This cap type has a flat roof with overhanging eaves. (Refer to Figure 50-22.4-C)

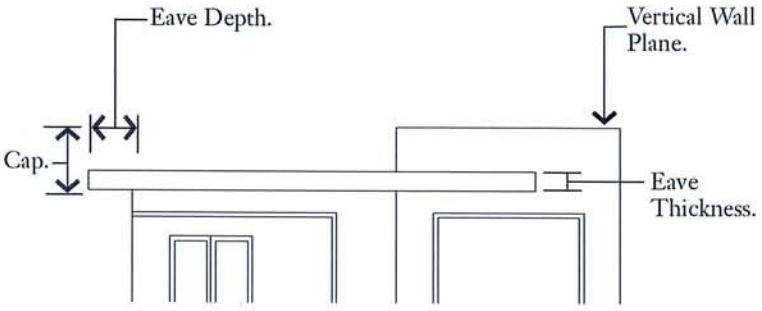


Figure 50-22.4-C: Flat roof

1. Roof types. Roofs with no visible slope are acceptable. Eaves are required on all street-facing facades;
2. Eave depth. Eave depth is measured from the building façade to the outside edge of the eave. Eaves shall have a depth of at least 12 inches;
3. Eave thickness. Eave thickness is measured at the outside edge of the eave, from the bottom of the eave to the top of the eave. Eaves shall be a minimum of six inches thick;
4. Interrupting vertical walls. Vertical walls may interrupt the eave and extend above the top of the eave with no discernible cap;
   (a) No more than one-half of the front façade can consist of an interrupting vertical wall;
   (b) Vertical walls shall extend no more than four feet above the top of the eave;

E. Towers.

A tower is a rectilinear or cylindrical vertical element that must be used with other cap types. (Refer to Figure 50-22.4-D)

1. Quantity. One tower is permitted per building;
2. Tower height. Maximum height, measured from the top of the upper story to the top of the tower, is the equivalent of the height of one upper floor of the building to which the tower is applied;
3. Tower width. Maximum width along all facades is one-third the width of the front facade or 30 feet, whichever is less;
4. Occupied space. Towers must be occupied by the same uses allowed in upper stories of the building type to which it is applied;
5. Tower cap. The tower may be capped by the parapet, pitched, or flat roof cap types. (Ord. No. 10044, 8-16-2010, § 6; cited only by Ord. No. 10284, 3-10-2014, § 2.)

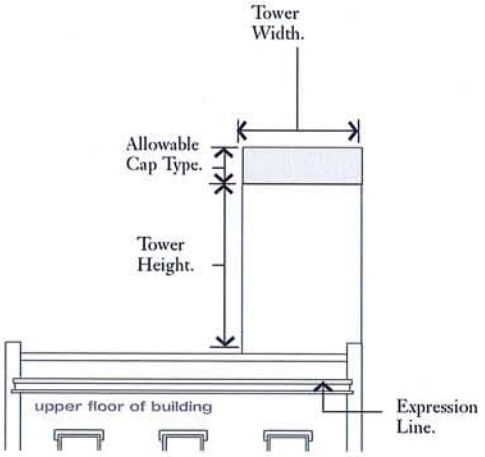


Figure 50-22.4-D: Tower

50-23.2 General circulation requirements.

Applications for subdivision, replatting, RLS, development, or redevelopment shall meet the following standards:

A. Where adopted city plans show a bicycle or pedestrian path or trail or sidewalk, the site design shall provide connections to those paths or trails or sidewalks;

B. Any requests by the city for designation or dedication of land for bicycle or pedestrian trails within a proposed development shall comply with the provisions of Section 50-33.8, *Land for public purposes*;

C. Unless the city engineer waives the requirement in writing based on concerns of public safety, or due to site/ topography constraints:

1. Each proposed street within a new subdivision shall be public and designed and constructed to city engineer construction standards.

~~1~~2 Each proposed public or private street within the R-1, R-2, R-P, MU-N, MU-C, MU-I or MU-W districts shall include a sidewalk at least five feet wide on both sides of the street;

~~2~~3 Each proposed public or private street within the MU-B, I-G or I-W districts shall include a sidewalk at least five feet wide on one side of the street;

D. Whenever cul-de-sac streets are created, one ten foot wide pedestrian access/public utility easement shall be provided, between the cul-de-sac head or street turnaround and the sidewalk system of the closest adjacent street or pedestrian sidewalk or pathway, unless the city engineer determines that public access in that location is not practicable due to site or topography constraints (refer to Figure 50-23-A);

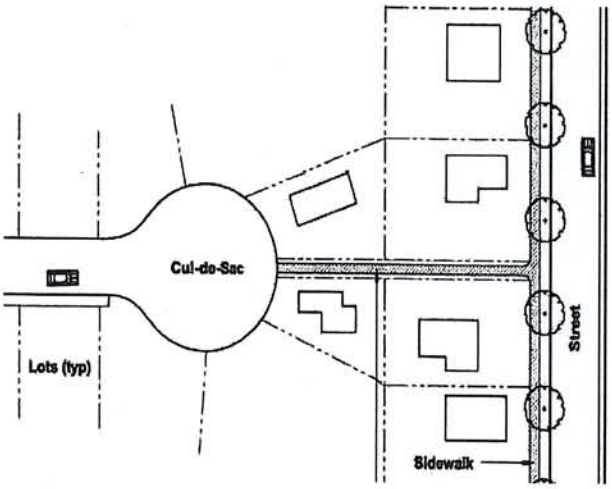


Figure 50-23-A: 10 ft. access easement from head of cul-de-sac to nearest street or path

E. A pedestrian way at least ten feet in width shall be provided near the middle of any block face longer than 800 feet in order to provide connections with streets on either side of the block;

F. Any use requiring vehicle access from a public street or alley shall be referred to the city engineer for review before any permits are issued. The city engineer shall consider, but not be limited to, the following factors when determining whether to approve the proposal:

1. The consolidation of curb cuts shall be encouraged, and new curb cuts shall be discouraged whenever appropriate, considering safe traffic flow, the objectives of this chapter, and access points needed for the proper function of the use;
2. Functional classification of the road where the curb cut is proposed;
3. The location of driveways shall be at least 100 feet from an intersection. The city engineer may permit driveways closer to an intersection due to limited lot frontage or site/topography constraints;
4. The location of driveways relative to other existing uses is such that street traffic shall not be seriously disrupted and no unnecessary hazards shall be established for pedestrians.

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 9 residential care beds, but not less than 2 spaces
Rooming house	1 space per habitable unit
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
Museum, library or art gallery	1 space per 1,000 sq. ft. of gross floor area
Nursing home	1 space per 6 beds

Table 50-24-1: Off-Street parking Spaces Required	
Use	**Requirement* (May Be Adjusted to 30% Less or 50% More)**
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 ~~or high~~	1 parking space for each 8 seats in the main auditorium or 3 spaces for each classroom, whichever is greater
School, high	5.0 parking spaces for each classroom or 2 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 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 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

Table 50-24-1: Off-Street parking Spaces Required	
Use	**Requirement* (May Be Adjusted to 30% Less or 50% More)**
	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 persions 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	

Table 50-24-1: Off-Street parking Spaces Required	
Use	**Requirement* (May Be Adjusted to 30% Less or 50% More)**
Airport and related facilities	As determined by airport management
• 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
• 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
• Manufacturing, light manufacturing, heavy manufacturing, hazardous or special • Storage warehouse • Water-dependent manufacturing, light or heavy • Wholesaling	1 per 1,000 sq. ft. of gross floor area
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

*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) and Section 50-24.4 (Maximum parking spaces).

50-25.2 General landscaping standards.

A. Landscape plan required.

A landscape plan shall be submitted as a part of all development applications for those activities listed in Section 50-25.1.A, unless the land use supervisor determines that compliance with the provisions of Section 50-25 can be demonstrated without the use of a landscape plan. A landscape plan may be combined with other required application materials if compliance with Section 50-25 can be demonstrated in the combined materials;

B. Plant materials.

Plant materials shall be from the city's approved landscaping plant list as shown in the UDC application manual. All plant material shall be hardy to Northeast Minnesota, suitable for the site, free of disease and insects and conform to the American Standard for Nursery Stock of the American Nursery and Landscape Association;

C. Minimum living materials.

In all areas where landscaping is required, a minimum of 50 percent of the surface area shall be covered by living materials, rather than bark, gravel or other non-living materials;

D. Existing vegetation.

Existing vegetation shall be protected during construction through use of a fence around an area sufficient to protect the health of the vegetation, and shall be incorporated into the landscape plan wherever possible;

E. Vegetation grouping.

Landscaping shall generally incorporate large irregular groupings of the same species of shrub, avoiding rigid or repeated specimen planting except for boulevard trees, and shall introduce multiple varieties within one general area. Except for plantings used for screening, no one species of tree or shrub may make up more than 50 percent of the total amount of landscape plantings;

F. Soil condition.

All required landscaping shall be planted in uncompacted soil with a minimum depth of two feet;

G. Grading and drainage.

All open areas shall be graded, properly drained and maintained according to stormwater standards in Section 50-18.1.E;

H. Raingardens and stormwater management features.

Areas included in raingardens or vegetated site features created to meet stormwater management requirements in Section 50-18.1.E shall be counted towards any required interior site or parking lot landscaping, and if vegetated to meet the requirements for any landscaped buffers shall count towards those buffer requirements;

I. Minimum plant sizes.

Where included as part of the required landscaping, deciduous trees shall have a minimum caliper of 2.5 inches, coniferous trees shall be a minimum of six feet in height, large shrubs shall be of a minimum five gallon container size and have a height of at least six feet at maturity, small shrubs shall be of a minimum five gallon container size and have a height of

less than six feet at maturity, and ground cover shall be of a minimum one gallon container size. The above dimensions apply to sizes at time of planting. Deciduous trees planted using air pot containers instead of balled and burlap stock may have an minimum caliper of 2.0 inches;

J. Plant material spacing.

Except for buffer zone provisions of Section 50-25.5, *Landscaping between differing land uses*, plant materials shall not be placed closer than four feet from any fence line or property line. Where tree planting requirements are based on linear street frontage, areas occupied by driveways shall be included when calculating the number of trees required to be planted, and any trees that would otherwise be required in driveways shall be planted in other landscaped front yard areas unless prohibited by minimum spacing requirements for that species as recommended by the American Standard for Nursery Stock of the American Nursery and Landscape Association. The land use supervisor may authorize adjustments to these spacing requirements when required due to topography, drainage, utilities or obstructions, provided that the total amount of required landscaping is not reduced;

K. Snow storage areas.

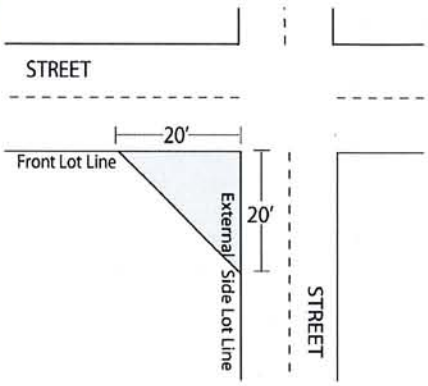
Areas required for snow storage and areas required for landscaping shall not overlap, except that snow may be stored on ground cover landscape areas (e.g., turf) that do not contain required landscape trees or other plantings;

L. City right-of-way.

Tree removal or planting in city rights-of-way shall be done only with the approval of the city forester;

M. Protection of site distances;

On any corner lot on which a front and side yard are required, no wall, fence, structure, sign, or any plant growth that obstructs sight lines at elevations between 2.5 feet and six feet above the driving surface of the adjacent roadway shall be maintained in a triangle formed by measuring from the point of intersection of the front and exterior side lot lines a distance of 20 feet along the front and side lot lines and connecting the points so established to form a right triangle on the area of the lot adjacent to the street intersection;



N. Delay of installation due to season.

Whenever the installation of required landscaping is not possible by the time construction on the primary structure or primary use parking lot has been completed, the city may authorize a delay in installation until no later than the following August 31. As a condition of authorizing a delay in installation, the city may require that a surety or other guarantee, in a form acceptable to the city, in the estimated amount of such installation be provided, or the city may issue a temporary certificate of occupancy, with the permanent certificate of occupancy to be issued following installation of all required landscaping;

O. Flexibility for redevelopment.

Where the requirements of this Section 50-25 apply to a redevelopment or reconstruction project, rather than a new development, the land use supervisor may authorize a reduction of minimum off-street parking requirements established in Section 50-24 by up to ten percent if

required to accommodate street frontage landscaping required by Section 50-25.3 or parking area landscaping required by Section 50-25.4.

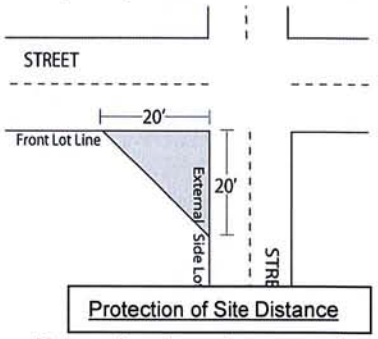
P. Protection of required landscaping trees

Trees required by this section that are placed within 5 feet of a driving or parking surface shall be placed behind a raised curb, or planter, or similar physical barrier or obstacle to protect the tree trunks from interference by vehicles or snow removal operations. Curb openings for sidewalks or for drainage to the landscape areas is allowed.

Tree soil must have a minimum depth of 2 feet, and not contain different soil layers. The soil can not have any herbicides, heavy metals, biological toxins, or hydrocarbons that will impact plant growth or are at levels exceeding the EPA's standards for soil contaminants. No stones or particles greater than 1 inch in the longest dimension are permitted. This includes fragments of brick, concrete, wood, glass, metal, stone and plastic.

50-27.2 Enforcement.

A. No sign permit shall be required for the types of signs shown in Table 50-27-1, but each such sign shall be required to comply with the provisions of this Section 50-27. Any sign placed on public property or within a public right-of-way or public easement without authorization or without a required sign permit can be removed without notice. Such signs will be held by the city for ~~30~~ 10 days. The owner of the sign may reclaim the sign within such period, subject to any fines imposed by the city. If not reclaimed, the city may destroy the sign following expiration of the ~~30~~ 10 day period;



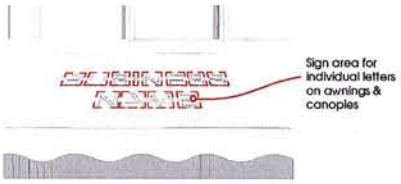
B. If a sign is constructed illegally, either without a required permit or in violation of this section or previous sign regulations, the city may serve notice to the property owner that such sign must be removed or the violation corrected within ~~30~~ 10 days. If the sign is not removed or the violation corrected within the ~~30~~ 10 day period, the city may remove the sign at the property owner's expense. An extension of this ~~30~~ 10 day period may be granted per Section 50-37.1.O (*Appeals*) of this Chapter, and must be applied for prior to expiration of the initial ~~30~~ 10 day period.

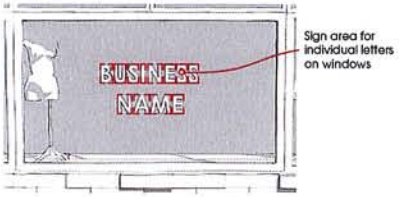
50-27.3 Design and construction standards.

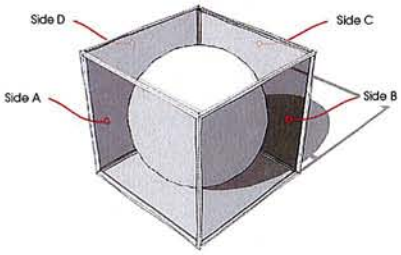
All signs constructed, erected, modified or altered must comply with the provisions of this Section and the requirements of the City Code.

A. Prohibited sign location.

1. No sign may be erected in a location that violates the Minnesota State Building Code, Minnesota State Fire Code or other regulations;
2. No sign, other than that placed by agencies of government or a sign whose placement is authorized by this Section or the city, may be erected in the public right-of-way or on public property;
3. Signs located on public right-of-ways or on/in public or private skywalks must comply with Chapter 44A of the City Charter;
4. No sign may be erected on private property without prior consent of the property owner;
5. No sign may be erected in violation of the view obstruction provisions of Section 50-25.2.M (*Protection of site distance*) with the exception of a freestanding pole sign, if permitted in the district, with a diameter no greater than one foot and where the sign face is mounted a minimum of eight feet above grade. No sign can be erected that obstructs free and clear vision of any street, intersection, parking lot ingress or egress, or driveway;
6. No sign may be erected in a manner that







obstructs access to fire escapes, any ingress or egress, or standpipes;

7. No sign may be erected on the exterior of a building to cover any windows or doors;
8. Signs on lots adjacent to state or county highways shall conform to the respective setbacks and other standards of the state and county highway departments;
9. Freestanding monument signs shall not be located closer than three feet from the lot line;
10. The supporting pole of a freestanding pole sign shall be setback from the lot line a minimum of three feet, but the sign itself may be up to the lot line. No part of a freestanding pole sign may encroach on a public right-of-way;

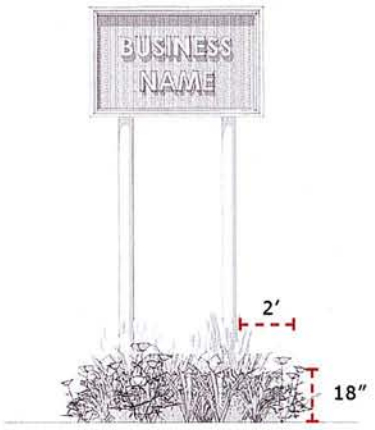
B. Sign dimension measurement methodology.

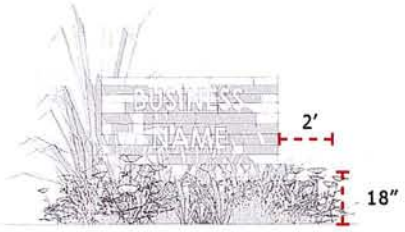
1. General measurement of sign area. Sign area is measured as follows:
   (a) For signs on a background, the entire area of the framework or background of the sign is calculated as sign area, including any material or color forming the sign face or background used to differentiate the sign from the structure against which it is placed. Sign area does not include any supports or bracing, unless such framework or bracing is part of the message or sign face;
   (b) For signs consisting of freestanding letters or logos, the sign area is calculated as the total area of each square, circle, rectangle or triangle, or combination thereof, that encompasses each individual letter or logo. Sign area does not include any supporting framework or bracing, unless such framework or bracing is part of the message or sign face;
   (c) For awning and canopy signs, the sign area is the printed area of the awning or canopy, calculated as the total area of each square, circle, rectangle or triangle, or combination thereof, that encompasses each individual letter or logo;
   (d) Window signs printed on a transparent film and affixed to the interior or exterior of a windowpane are calculated as individual letters or logos, provided that the portion of the transparent film around the perimeter of the individual letters or logos maintains 100 percent transparency of the window. Transparency is defined as both the ability to view into the interior of the establishment from the outside and to view the outside from the interior of the establishment through the same area;
   (e) The sign area of a three-dimensional, free-form or sculptural (non-planar) sign is calculated as 50 percent of the sum of the area of the four vertical sides of the smallest cube that will encompass the sign;
   (f) If a sign has two or more faces, the area of all faces is included in determining the area of the sign, unless the two sign faces are placed back-to-back and are no more than two feet apart. In such case, the sign area is calculated as the area of one face. If the two faces are unequal in area, the area of the larger face is used to calculate sign area;
   (g) Necessary supports or uprights on which the sign is erected are not included in the sign area computation.
2. General measurement of sign height.

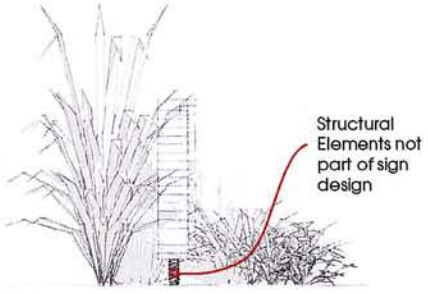
(a) Pole sign height is measured from the grade to the uppermost point of the sign. Grade is established by the elevation of the back of curb or, if no curb exists, from the edge of pavement at the center of the abutting street frontage where the sign will be erected. The pole sign height may also be measured from the natural slope of the lot where the sign will be erected;
(b) Monument sign height is measured from the existing lowest point of the ground where the monument sign is to be installed to the uppermost point of a sign;

C. Construction standards.

1. Supports and braces must be designed as an integral part of the overall sign design and hidden from public view to the extent technically feasible;
2. All signs attached to a building must be installed and maintained so that wall penetrations are watertight and the structure does not exceed allowable stresses of supporting materials;
3. All signs must be designed and constructed in accordance with Minnesota State Building and Fire codes. Marquee structures must be approved by the city engineer and building safety department; (a)
4. Glass forming any part of a sign must be safety glass;
5. All letters, figures, characters or representations in cut-out or irregular form, maintained in conjunction with, attached to or superimposed upon any sign must be safely and securely built into or attached to the sign structure;
6. Audio components are prohibited on any sign, with the exception of menuboards;
7. Any form of pyrotechnics is prohibited;







D. Electrical wiring.

1. All electrical fixtures, devices, circuits, conduits, raceways or apparatus used to illuminate, move or project any sign must be installed and maintained in accordance with Minnesota State Building Code, including the National Electrical Code. Electrical permits are required for sign installation in accordance with the Minnesota State Building Code;
2. Conduits and other components of a sign illumination system must be designed as an integral part of the overall sign structure and hidden from public view to the extent technically feasible;

E. Permit identification.

Every sign must include an identification of the permit number and name of sign installer either painted on the sign or by the application of a metallic sticker. The information must be visible from the ground with the exception of signs mounted seven or more feet above grade;

F. Required landscaping.

All freestanding signs, except in lots zoned I-G and I-W, must be landscaped at the base of the sign in accordance with the following:

1. Freestanding signs must be landscaped with small shrubs a minimum of 18 inches in height at planting, spaced appropriately based on mature height and spread to provide continuous screening of sign base once shrubs have reached maturity. The remainder of the landscape area must be planted with perennials, turf or other live groundcover;
2. Landscape must extend a minimum of two feet from the sign base on all sides. If this two foot area extends into the right-of-way, landscape is not required within the right-of-way area. All landscape must be maintained in good condition, and free and clear of rubbish and weeds. Landscape around the base of a sign is included in the total amount of landscape required on a site, if applicable;
3. There is no requirement regarding the mature height of landscape, though landscape must be tailored to the scale of the sign. Landscape may be trimmed and maintained along the sign base to maintain visibility of the sign face;
4. When a monument sign is designed as a single structure where the pediment is constructed of similar or complimentary materials as the sign, and no structural elements that are not related to such overall design of the sign are visible, no landscape is required;

G. Required sign maintenance.

1. All signs must be maintained in a safe, neat and orderly condition and appearance, and must be repainted or otherwise maintained by the property owner to prevent corrosion or deterioration caused by the weather, age or any other condition;
2. All signs must be maintained to prevent any kind of safety hazard, including faulty sign structures, a fire hazard or an electrical shock hazard;
3. All unused sign hardware or wiring that is visible from the right-of-way must be removed;
4. If a sign is maintained in an unsafe or insecure condition, the city will give written notice to the property owner. If property owner fails to remove or alter the structure to comply with the standards of this Section, the sign may be removed by city at the expense of the property owner. The city may remove any sign that is an immediate peril to persons or property summarily and without notice;

H. Noncommercial messages.

A noncommercial message may be substituted for a commercial message on any sign permitted by this Section.

I. Permit identification.

All architectural signs on a structure announcing the original or historic name of the building, year of construction, or insignias must be maintained, and cannot be removed, altered, or covered. Such signs are not calculated as part of any sign area or maximum number of signs permitted by this Section.

50-27.7 Sign types.

A. General regulation.

The following types of signs require a zoning permit before they can be erected on a site. Table 50-27-4: Sign Types – Permit Required: District and Use Permissions describes which sign types are permitted in each district. In many districts, multiple sign types for the same development may be permitted.

TABLE 50-27-4: SIGN TYPES – PERMIT REQUIRED: DISTRICT AND USE PERMISSIONS

KEY (REFERENCE TABLE 50-19.8 FOR USES)

1 : Residential Uses
1A: Multi-Family Dwelling Only
2 : Public, Institutional and Civic Uses
3: Commercial Uses
4: Industrial Uses

NOTE: Accessory uses are subject to the home occupation sign 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
A-Frame Sign							3	3			3	3	3	3	3	3	3	3	3	3	3			2
Awning	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	2
Banner - Exhibition	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Billboard [1]								3 4		3 4		3 4										3 4		
Canopy	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	1A 2 3 4	2
Electronic Message Sign [2]	2	2	2	2	2	2	2	2 3 4	2 3 4	2 3 4	2	2 3 4	2	2	2	2	2	2	2 3	2 3 4	4	2	2	2
Freestanding Signs – Pole	2	2	2	2	2	2	2 3 4	2 3 4	2 3 4	2	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2
Freestanding Signs – Monument	1 2	1 2	1 2	1 2	1 2	1 2	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4	2
Marquee							3	3			3	3					3		3	3				
Projecting Sign							3 4	3 4	2 3 4	3 4	3 4	3 4	3 4	3 4	3 4	3 4	3 4	3 4	3 4	3 4	3 4	3 4	3 4	
Scoreboard	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Wall Sign	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2 3 4	2

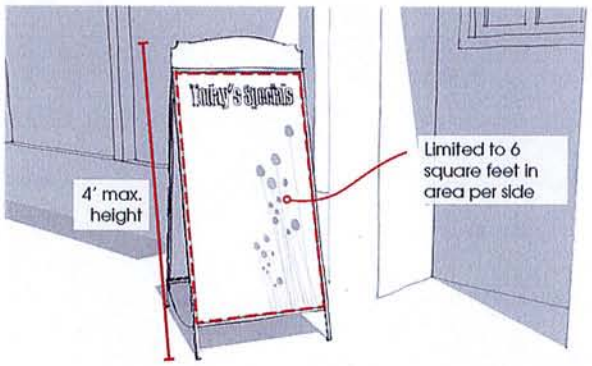
1 Billboards are permitted on any lot within the noted districts, whether developed or undeveloped, unless such lot is developed for a one-family or two-family dwelling.

2 Filling station uses in any district are permitted to display fuel prices by an electronic message component, and are subject to the restrictions of that section. Electronic message signs are not allowed in the Historic Canal Park area as identified in UDC Section 50-27.8.C. Electronic message signs are allowed in the Entertainment District area as identified in UDC Section 50-27.8.B.

B. A-frame signs.

A-frame signs are permitted as indicated in Table 50-27-4, subject to the following regulations.

1. A-frame signs are limited to six square feet in area per side and four feet in height. The use of A-frame signs is limited to business hours only and may not be displayed for more than 16 hours in a 24 hour period. Signs must be stored indoors at all other times;
2. An A-frame sign must be placed on the property where the business is located and within ten feet of the primary entrance of the business or on the right-of-way in front of property. A-frame signs must provide an unobstructed sidewalk width

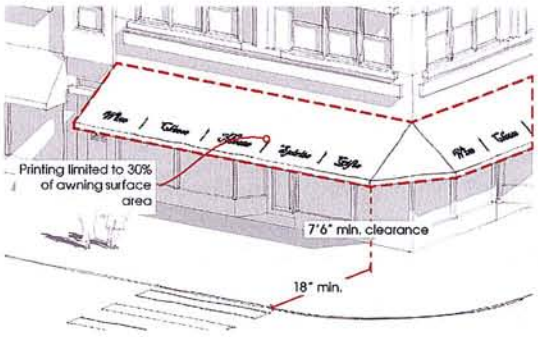


of at least five feet for pedestrian passage and must not interfere with pedestrian traffic or violate standards of accessibility as required by the ADA or other accessibility codes;
3. The permit applicant must provide and maintain in force a certificate of insurance, in a form approved by the city, that evidences that the applicant has in force insurance in the minimum amounts required by the city for bodily injuries or property damage in any one year protecting such person or organization and the City against liability for injuries or damages resulting from the placement of such objects or materials in the public right-of-way. Proof of insurance must be renewed on an annual basis;

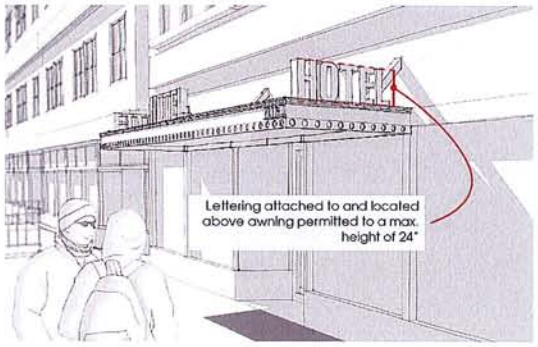
C. Awning.

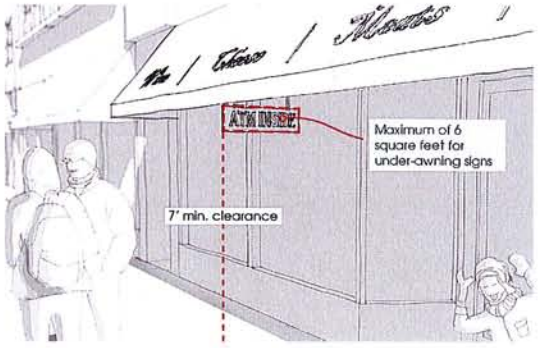
Awnings without printing, with the exception of a street address number (number only), are considered an architectural feature and are not regulated by this Section. This Section regulates awning signs, which are used to identify a use by name or logo, the goods or services offered on-site, and similar sign information. Awning signs are permitted as indicated in Table 50-27-4, subject to the following regulations:

1. Awning signs must maintain a minimum vertical clearance of seven feet six inches (7' 6");
2. Awning signs must be located a minimum of 18 inches from the back of curb;
3. Awning signs must comply with Minnesota State Building and Fire codes, including provisions for encroachment into the public right-of-way, structural requirements, sprinkler protections and similar regulations;
4. Awning signs must be made of a durable, weather-resistant material like canvas, canvas-like material, nylon, vinyl-coated fabric or metal. Solid, flat-roofed awnings may also be made out of finished wood, wood and plastic composites, metal or metal cladding, stucco or EIFS;
5. Printing on any awning sign is limited to 30 percent of the surface area;
6. Awning signs are permitted lettering attached to and located above the top of a solid awning to a maximum height of 24 inches. Signs mounted to solid, flat roofed awnings are limited to individually-mounted letters with internal illumination (if illuminated) or a sign board with external illumination – no internally illuminated cabinet signs;



7. Awning signs may illuminate the printed area of the awning with gooseneck or similar external illumination. Back-lit awnings are prohibited;
8. Under-awning signs are permitted subject to the following:
   (a) Under-awning signs must be attached to the underside of an awning. Under-awning signs must not project beyond the awning;
   (b) Under-awning signs must maintain a minimum vertical clearance of seven feet;
   (c) A maximum of one under-awning sign is permitted per business establishment with frontage on the street where the awning is mounted;



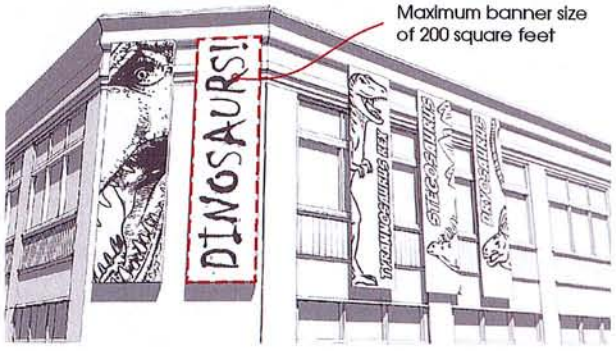


(d) Each under awning sign is limited to a maximum of six square feet;
(e) Under-awning signs must be securely fixed to the awning with metal supports;
(f) Under-awning signs must be made of wood, metal or plastic;

9. A sign permit is required for recovering or resurfacing an existing awning;

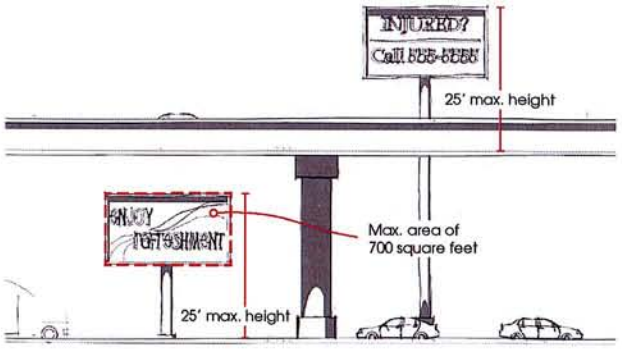
D. Exhibition banners.

Exhibition banners are intended to be used in conjunction with a special exhibit for an educational facility, government building, museum, library or art gallery, or religious assembly. Exhibition banners are permitted for events and exhibitions as indicated in Table 50-27-4, subject to the following regulations:



1. Each use is permitted up to six exhibition banners during one display period. The display period is defined as the combined period of 30 days prior to the opening of the exhibit, the run of the exhibit, and for 14 days following the close of the exhibit. In no event may the display of exhibition banners exceed four months in any calendar year;

2. Exhibition banners must be made of a durable, weather-resistant material like canvas, nylon or vinyl-coated fabric;
3. Each exhibition banner is limited to a maximum sign area of 200 square feet;
4. Exhibition banners must be securely and tautly attached to the wall of the structure and no exhibition banner may be located higher than the roofline;

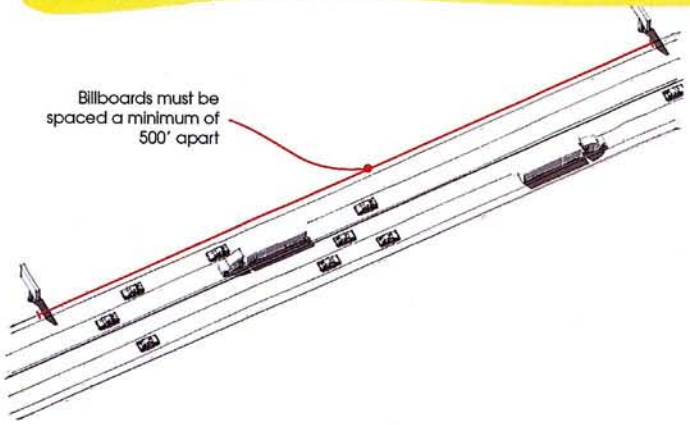


E. Billboard.

The following types of signs require a zoning permit before they can be erected on a site;

1. Billboards are permitted as indicated in Table 50-27-4 subject to the following regulations. However, billboards are only permitted in the MU-B and I-G districts with the use of an exception credit (Section 50-38.7). Billboards are also further restricted by the requirements of Minnesota State Statute Section 173.08, Subdivision 2, as amended from time to time;
2. The maximum sign area for a billboard is 700 square feet;
3. Billboards adjacent to on-grade roadways are limited to a maximum height of 25 feet. Billboards adjacent to grade separated/elevated roadways are permitted to measure the 25 foot height from the roadbed crown to the tallest projection of the structure. This measurement is taken at a perpendicular angle between the grade separated/elevated roadway and the sign location;
4. Billboards may only be mounted as freestanding pole signs. However, when an exception credit is used, billboards may be wall-mounted and are limited to the wall sign area allowed for that district;
5. Billboards are required to be spaced 500 feet apart, subject to the following:

(a) Billboards located along Interstate Highway No. 35 and Interstate Highway No. 535 must be spaced 800 feet apart, unless erected under an exception credit in which case only the 500 foot spacing is required;
(b) Spacing is measured along the nearest edge of the right-of-way pavement to which the billboard is displayed and between points directly opposite the center of the billboard;
(c) Spacing requirements apply only to billboards located on the same side of the same highway;
(d) Multi-faced or back-to-back billboards, up to a maximum of a five foot separation between sign faces, are considered one billboard. Multi-faced or back-to-back electronic billboards are considered two separate billboards for the purposes of exception credits;



6. Electronic billboards are permitted only in the MU-C, MU-B, and I-G districts. Electronic billboards are also subject to the additional following regulations:
(a) An electronic billboard may only be erected if one of the following criteria is met:
(i) The electronic billboard is constructed using exception credits. The number of exception credits, in square footage, must equal three times the square footage of the electronic billboard to be constructed;
(ii) Nonconforming billboards of a total square footage are removed in an amount equal to three times the square footage of the electronic billboard to be constructed;
(b) Each message displayed on an electronic billboard must be static or depicted for a minimum of ~~eight~~ twenty seconds. Any scrolling, flashing or movement of the message is prohibited;
(c) The maximum brightness of an electronic billboard is limited to 5,000 nits or 464 candelas per square foot during daylight hours, and 500 nits or 46 candelas per square foot between dusk to dawn. The billboard must have an automatic dimmer control that produces a distinct illumination change from a higher allowed illumination level to a lower allowed level for the time period between one-half hour before sunset and one-half hour after sunrise;
7. No off-premises sign or billboard in excess of 60 square feet shall be erected or maintained in any area shown on the maps in Exhibit 50-27.8-1;
8. A billboards is only allowed as an accessory use on a property that has a legal conforming principle use and principle structure;

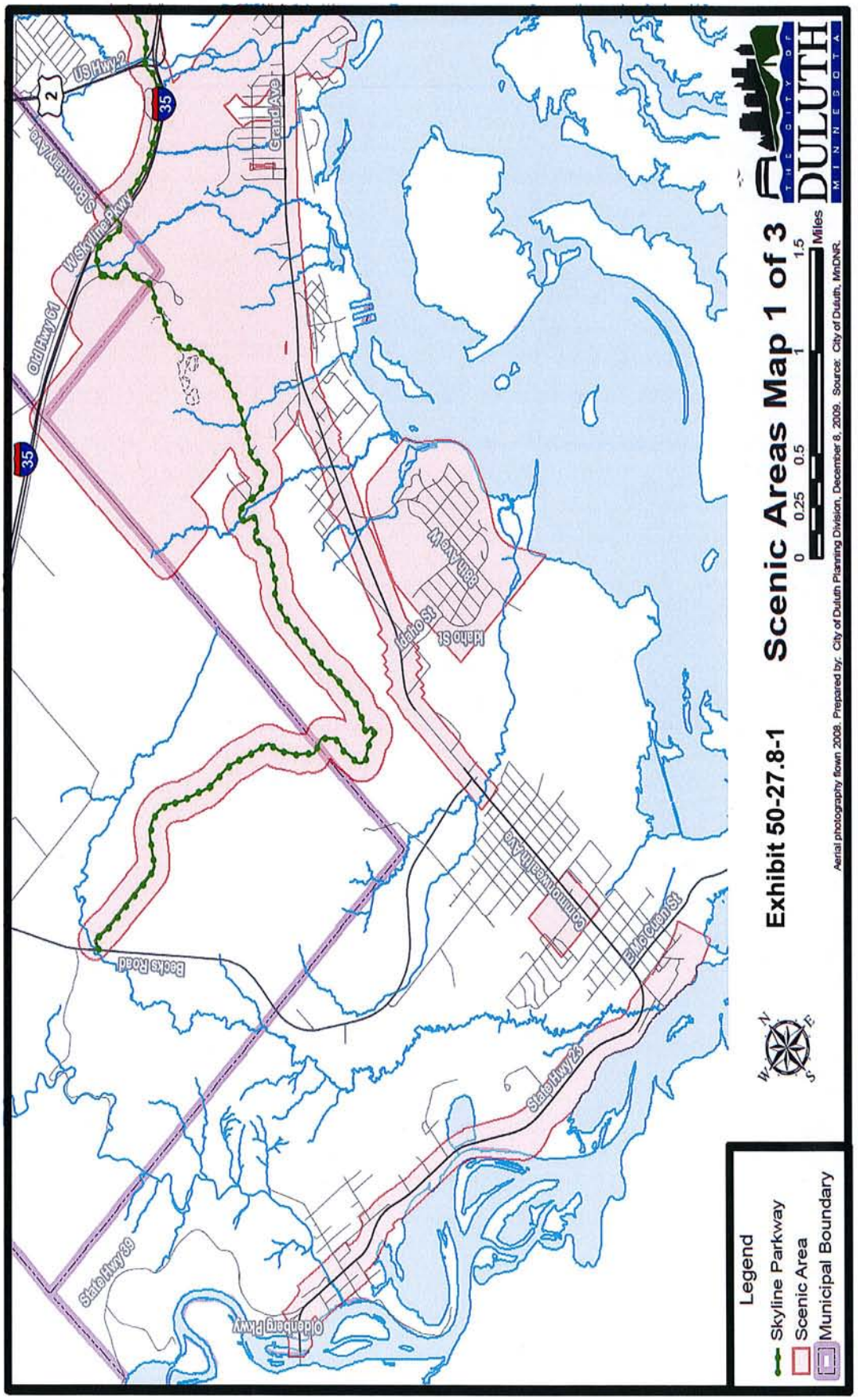


Exhibit 50-27.8-1
Scenic Areas Map 1 of 3
0 0.25 0.5 1 1.5 Miles
Aerial photography flown 2008. Prepared by: City of Duluth Planning Division, December 8, 2009. Source: City of Duluth, MnDNR.
THE CITY OF DULUTH MINNESOTA
Legend
Skyline Parkway
Scenic Area
Municipal Boundary
US Hwy 2
S Boundary Ave
W Skyline Pkwy
Old Hwy 61
Grand Ave
88th Ave W
Idaho St
Commonwealth Ave
E McCuen St
Becks Road
State Hwy 23
State Hwy 39
Oldenberg Pkwy
35
2

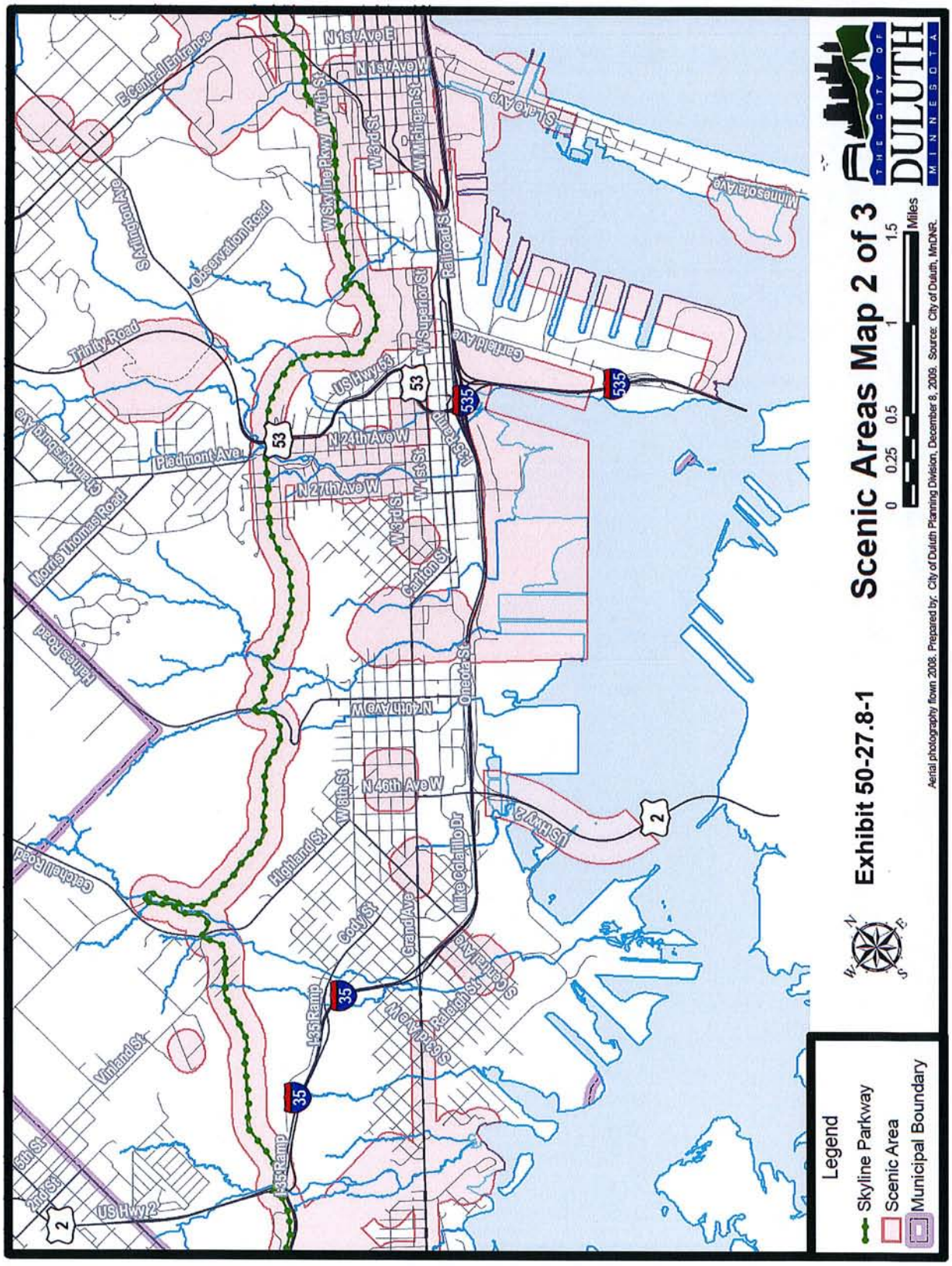
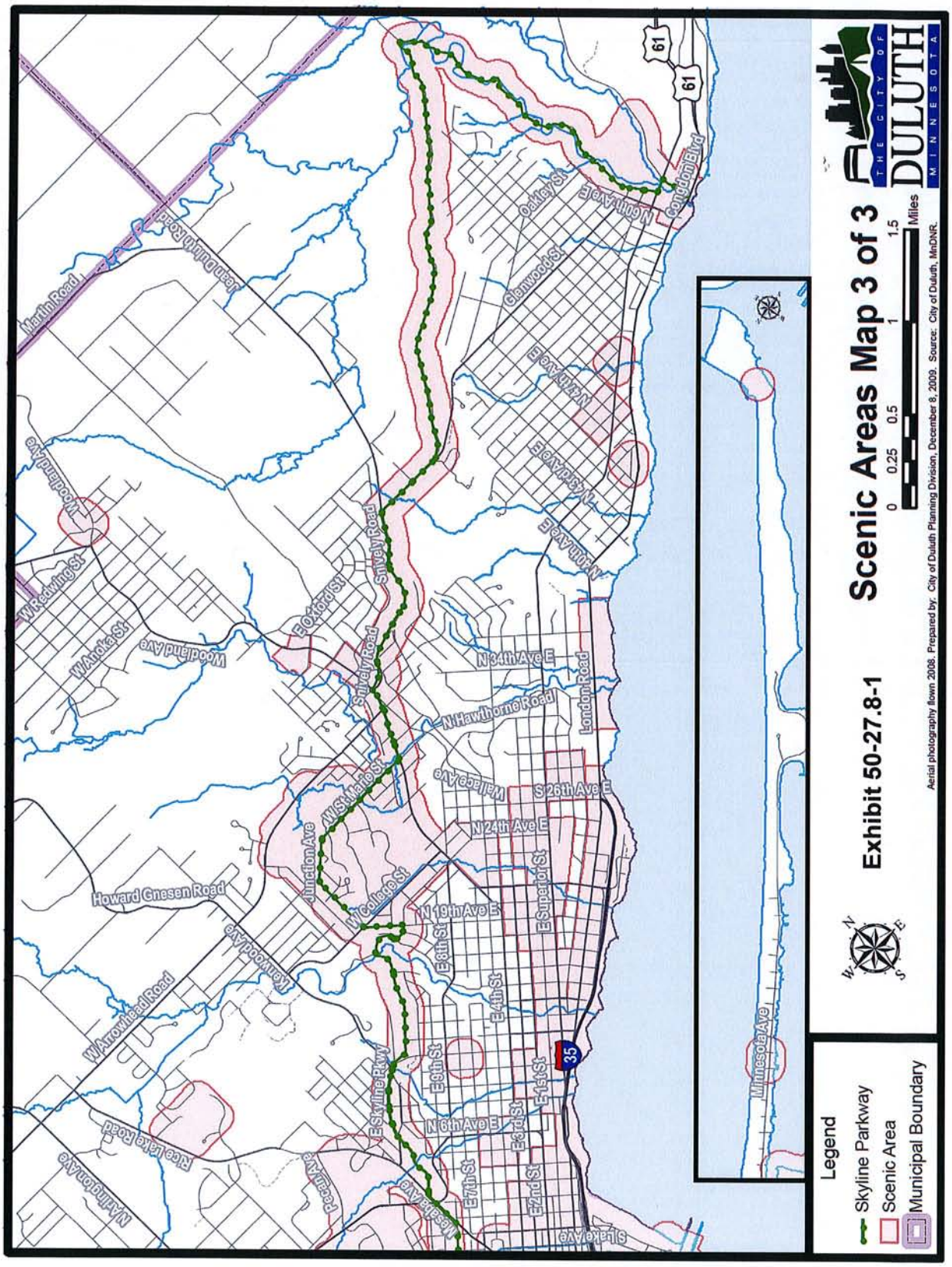
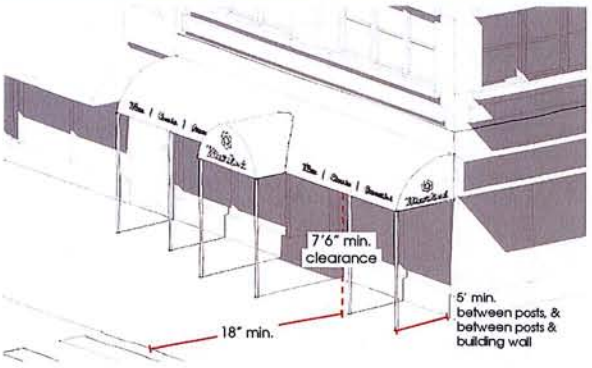


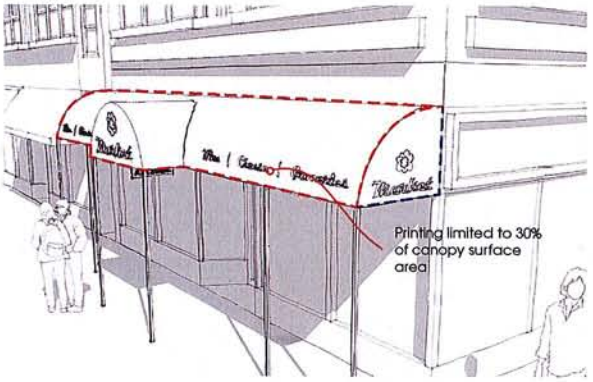
Exhibit 50-27.8-1
Scenic Areas Map 2 of 3
THE CITY OF DULUTH MINNESOTA
0 0.25 0.5 1 1.5 Miles
Aerial photography flown 2008. Prepared by: City of Duluth Planning Division, December 8, 2009. Source: City of Duluth, MnDNR.
Legend
Skyline Parkway
Scenic Area
Municipal Boundary
E Central Entrance
N 1st Ave E
N 1st Ave W
W Skyline Pkwy
W 7th St
Ward St
W Michigan St
Minnesota Ave
Observation Road
Trinity Road
Piedmont Ave
Chambersburg Ave
Morris Thomas Road
Haines Road
Cedarwall Road
Vinland St
5th St
2nd St
US Hwy 2
35
35 Ramp
Highland St
W 8th St
N 46th Ave W
N 40th Ave W
N 27th Ave W
N 24th Ave W
W 1st St
W Superior St
US Hwy 53
53
Railroad St
Canal Park
Onedo St
Carlton St
Cody St
Grand Ave
Mike Colalillo Dr
E Superior St
E Railroad St
E 1st St
E 4th St
E 6th St
E 7th St
E 8th St
E 9th St
E 10th St
E 11th St
E 12th St
E 13th St
E 14th St
E 15th St
E 16th St
E 17th St
E 18th St
E 19th St
E 20th St
E 21st St
E 22nd St
E 23rd St
E 24th St
E 25th St
E 26th St
E 27th St
E 28th St
E 29th St
E 30th St
E 31st St
E 32nd St
E 33rd St
E 34th St
E 35th St
E 36th St
E 37th St
E 38th St
E 39th St
E 40th St
E 41st St
E 42nd St
E 43rd St
E 44th St
E 45th St
E 46th St
E 47th St
E 48th St
E 49th St
E 50th St
E 51st St
E 52nd St
E 53rd St
E 54th St
E 55th St
E 56th St
E 57th St
E 58th St
E 59th St
E 60th St
E 61st St
E 62nd St
E 63rd St
E 64th St
E 65th St
E 66th St
E 67th St
E 68th St
E 69th St
E 70th St
E 71st St
E 72nd St
E 73rd St
E 74th St
E 75th St
E 76th St
E 77th St
E 78th St
E 79th St
E 80th St
E 81st St
E 82nd St
E 83rd St
E 84th St
E 85th St
E 86th St
E 87th St
E 88th St
E 89th St
E 90th St
E 91st St
E 92nd St
E 93rd St
E 94th St
E 95th St
E 96th St
E 97th St
E 98th St
E 99th St
E 100th St
E 101st St
E 102nd St
E 103rd St
E 104th St
E 105th St
E 106th St
E 107th St
E 108th St
E 109th St
E 110th St
E 111th St
E 112th St
E 113th St
E 114th St
E 115th St
E 116th St
E 117th St
E 118th St
E 119th St
E 120th St
E 121st St
E 122nd St
E 123rd St
E 124th St
E 125th St
E 126th St
E 127th St
E 128th St
E 129th St
E 130th St
E 131st St
E 132nd St
E 133rd St
E 134th St
E 135th St
E 136th St
E 137th St
E 138th St
E 139th St
E 140th St
E 141st St
E 142nd St
E 143rd St
E 144th St
E 145th St
E 146th St
E 147th St
E 148th St
E 149th St
E 150th St
E 151st St
E 152nd St
E 153rd St
E 154th St
E 155th St
E 156th St
E 157th St
E 158th St
E 159th St
E 160th St
E 161st St
E 162nd St
E 163rd St
E 164th St
E 165th St
E 166th St
E 167th St
E 168th St
E 169th St
E 170th St
E 171st St
E 172nd St
E 173rd St
E 174th St
E 175th St
E 176th St
E 177th St
E 178th St
E 179th St
E 180th St
E 181st St
E 182nd St
E 183rd St
E 184th St
E 185th St
E 186th St
E 187th St
E 188th St
E 189th St
E 190th St
E 191st St
E 192nd St
E 193rd St
E 194th St
E 195th St
E 196th St
E 197th St
E 198th St
E 199th St
E 200th St
E 201st St
E 202nd St
E 203rd St
E 204th St
E 205th St
E 206th St
E 207th St
E 208th St
E 209th St
E 210th St
E 211th St
E 212th St
E 213th St
E 214th St
E 215th St
E 216th St
E 217th St
E 218th St
E 219th St
E 220th St
E 221st St
E 222nd St
E 223rd St
E 224th St
E 225th St
E 226th St
E 227th St
E 228th St
E 229th St
E 230th St
E 231st St
E 232nd St
E 233rd St
E 234th St
E 235th St
E 236th St
E 237th St
E 238th St
E 239th St
E 240th St
E 241st St
E 242nd St
E 243rd St
E 244th St
E 245th St
E 246th St
E 247th St
E 248th St
E 249th St
E 250th St
E 251st St
E 252nd St
E 253rd St
E 254th St
E 255th St
E 256th St
E 257th St
E 258th St
E 259th St
E 260th St
E 261st St
E 262nd St
E 263rd St
E 264th St
E 265th St
E 266th St
E 267th St
E 268th St
E 269th St
E 270th St
E 271st St
E 272nd St
E 273rd St
E 274th St
E 275th St
E 276th St
E 277th St
E 278th St
E 279th St
E 280th St
E 281st St
E 282nd St
E 283rd St
E 284th St
E 285th St
E 286th St
E 287th St
E 288th St
E 289th St
E 290th St
E 291st St
E 292nd St
E 293rd St
E 294th St
E 295th St
E 296th St
E 297th St
E 298th St
E 299th St
E 300th St
E 301st St
E 302nd St
E 303rd St
E 304th St
E 305th St
E 306th St
E 307th St
E 308th St
E 309th St
E 310th St
E 311th St
E 312th St
E 313th St
E 314th St
E 315th St
E 316th St
E 317th St
E 318th St
E 319th St
E 320th St
E 321st St
E 322nd St
E 323rd St
E 324th St
E 325th St
E 326th St
E 327th St
E 328th St
E 329th St
E 330th St
E 331st St
E 332nd St
E 333rd St
E 334th St
E 335th St
E 336th St
E 337th St
E 338th St
E 339th St
E 340th St
E 341st St
E 342nd St
E 343rd St
E 344th St
E 345th St
E 346th St
E 347th St
E 348th St
E 349th St
E 350th St
E 351st St
E 352nd St
E 353rd St
E 354th St
E 355th St
E 356th St
E 357th St
E 358th St
E 359th St
E 360th St
E 361st St
E 362nd St
E 363rd St
E 364th St
E 365th St
E 366th St
E 367th St
E 368th St
E 369th St
E 370th St
E 371st St
E 372nd St
E 373rd St
E 374th St
E 375th St
E 376th St
E 377th St
E 378th St
E 379th St
E 380th St
E 381st St
E 382nd St
E 383rd St
E 384th St
E 385th St
E 386th St
E 387th St
E 388th St
E 389th St
E 390th St
E 391st St
E 392nd St
E 393rd St
E 394th St
E 395th St
E 396th St
E 397th St
E 398th St
E 399th St
E 400th St
E 401st St
E 402nd St
E 403rd St
E 404th St
E 405th St
E 406th St
E 407th St
E 408th St
E 409th St
E 410th St
E 411th St
E 412th St
E 413th St
E 414th St
E 415th St
E 416th St
E 417th St
E 418th St
E 419th St
E 420th St
E 421st St
E 422nd St
E 423rd St
E 424th St
E 425th St
E 426th St
E 427th St
E 428th St
E 429th St
E 430th St
E 431st St
E 432nd St
E 433rd St
E 434th St
E 435th St
E 436th St
E 437th St
E 438th St
E 439th St
E 440th St
E 441st St
E 442nd St
E 443rd St
E 444th St
E 445th St
E 446th St
E 447th St
E 448th St
E 449th St
E 450th St
E 451st St
E 452nd St
E 453rd St
E 454th St
E 455th St
E 456th St
E 457th St
E 458th St
E 459th St
E 460th St
E 461st St
E 462nd St
E 463rd St
E 464th St
E 465th St
E 466th St
E 467th St
E 468th St
E 469th St
E 470th St
E 471st St
E 472nd St
E 473rd St
E 474th St
E 475th St
E 476th St
E 477th St
E 478th St
E 479th St
E 480th St
E 481st St
E 482nd St
E 483rd St
E 484th St
E 485th St
E 486th St
E 487th St
E 488th St
E 489th St
E 490th St
E 491st St
E 492nd St
E 493rd St
E 494th St
E 495th St
E 496th St
E 497th St
E 498th St
E 499th St
E 500th St
E 501st St
E 502nd St
E 503rd St
E 504th St
E 505th St
E 506th St
E 507th St
E 508th St
E 509th St
E 510th St
E 511th St
E 512th St
E 513th St
E 514th St
E 515th St
E 516th St
E 517th St
E 518th St
E 519th St
E 520th St
E 521st St
E 522nd St
E 523rd St
E 524th St
E 525th St
E 526th St
E 527th St
E 528th St
E 529th St
E 530th St
E 531st St
E 532nd St
E 533rd St
E 534th St
E 535th St
E 536th St
E 537th St
E 538th St
E 539th St
E 540th St
E 541st St
E 542nd St
E 543rd St
E 544th St
E 545th St
E 546th St
E 547th St
E 548th St
E 549th St
E 550th St
E 551st St
E 552nd St
E 553rd St
E 554th St
E 555th St
E 556th St
E 557th St
E 558th St
E 559th St
E 560th St
E 561st St
E 562nd St
E 563rd St
E 564th St
E 565th St
E 566th St
E 567th St
E 568th St
E 569th St
E 570th St
E 571st St
E 572nd St
E 573rd St
E 574th St
E 575th St
E 576th St
E 577th St
E 578th St
E 579th St
E 580th St
E 581st St
E 582nd St
E 583rd St
E 584th St
E 585th St
E 586th St
E 587th St
E 588th St
E 589th St
E 590th St
E 591st St
E 592nd St
E 593rd St
E 594th St
E 595th St
E 596th St
E 597th St
E 598th St
E 599th St
E 600th St
E 601st St
E 602nd St
E 603rd St
E 604th St
E 605th St
E 606th St
E 607th St
E 608th St
E 609th St
E 610th St
E 611th St
E 612th St
E 613th St
E 614th St
E 615th St
E 616th St
E 617th St
E 618th St
E 619th St
E 620th St
E 621st St
E 622nd St
E 623rd St
E 624th St
E 625th St
E 626th St
E 627th St
E 628th St
E 629th St
E 630th St
E 631st St
E 632nd St
E 633rd St
E 634th St
E 635th St
E 636th St
E 637th St
E 638th St
E 639th St
E 640th St
E 641st St
E 642nd St
E 643rd St
E 644th St
E 645th St
E 646th St
E 647th St
E 648th St
E 649th St
E 650th St
E 651st St
E 652nd St
E 653rd St
E 654th St
E 655th St
E 656th St
E 657th St
E 658th St
E 659th St
E 660th St
E 661st St
E 662nd St
E 663rd St
E 664th St
E 665th St
E 666th St
E 667th St
E 668th St
E 669th St
E 670th St
E 671st St
E 672nd St
E 673rd St
E 674th St
E 675th St
E 676th St
E 677th St
E 678th St
E 679th St
E 680th St
E 681st St
E 682nd St
E 683rd St
E 684th St
E 685th St
E 686th St
E 687th St
E 688th St
E 689th St
E 690th St
E 691st St
E 692nd St
E 693rd St
E 694th St
E 695th St
E 696th St
E 697th St
E 698th St
E 699th St
E 700th St
E 701st St
E 702nd St
E 703rd St
E 704th St
E 705th St
E 706th St
E 707th St
E 708th St
E 709th St
E 710th St
E 711th St
E 712th St
E 713th St
E 714th St
E 715th St
E 716th St
E 717th St
E 718th St
E 719th St
E 720th St
E 721st St
E 722nd St
E 723rd St
E 724th St
E 725th St
E 726th St
E 727th St
E 728th St
E 729th St
E 730th St
E 731st St
E 732nd St
E 733rd St
E 734th St
E 735th St
E 736th St
E 737th St
E 738th St
E 739th St
E 740th St
E 741st St
E 742nd St
E 743rd St
E 744th St
E 745th St
E 746th St
E 747th St
E 748th St
E 749th St
E 750th St
E 751st St
E 752nd St
E 753rd St
E 754th St
E 755th St
E 756th St
E 757th St
E 758th St
E 759th St
E 760th St
E 761st St
E 762nd St
E 763rd St
E 764th St
E 765th St
E 766th St
E 767th St
E 768th St
E 769th St
E 770th St
E 771st St
E 772nd St
E 773rd St
E 774th St
E 775th St
E 776th St
E 777th St
E 778th St
E 779th St
E 780th St
E 781st St
E 782nd St
E 783rd St
E 784th St
E 785th St
E 786th St
E 787th St
E 788th St
E 789th St
E 790th St
E 791st St
E 792nd St
E 793rd St
E 794th St
E 795th St
E 796th St
E 797th St
E 798th St
E 799th St
E 800th St
E 801st St
E 802nd St
E 803rd St
E 804th St
E 805th St
E 806th St
E 807th St
E 808th St
E 809th St
E 810th St
E 811th St
E 812th St
E 813th St
E 814th St
E 815th St
E 816th St
E 817th St
E 818th St
E 819th St
E 820th St
E 821st St
E 822nd St
E 823rd St
E 824th St
E 825th St
E 826th St
E 827th St
E 828th St
E 829th St
E 830th St
E 831st St
E 832nd St
E 833rd St
E 834th St
E 835th St
E 836th St
E 837th St
E 838th St
E 839th St
E 840th St
E 841st St
E 842nd St
E 843rd St
E 844th St
E 845th St
E 846th St
E 847th St
E 848th St
E 849th St
E 850th St
E 851st St
E 852nd St
E 853rd St
E 854th St
E 855th St
E 856th St
E 857th St
E 858th St
E 859th St
E 860th St
E 861st St
E 862nd St
E 863rd St
E 864th St
E 865th St
E 866th St
E 867th St
E 868th St
E 869th St
E 870th St
E 871st St
E 872nd St
E 873rd St
E 874th St
E 875th St
E 876th St
E 877th St
E 878th St
E 879th St
E 880th St
E 881st St
E 882nd St
E 883rd St
E 884th St
E 885th St
E 886th St
E 887th St
E 888th St
E 889th St
E 890th St
E 891st St
E 892nd St
E 893rd St
E 894th St
E 895th St
E 896th St
E 897th St
E 898th St
E 899th St
E 900th St
E 901st St
E 902nd St
E 903rd St
E 904th St
E 905th St
E 906th St
E 907th St
E 908th St
E 909th St
E 910th St
E 911th St
E 912th St
E 913th St
E 914th St
E 915th St
E 916th St
E 917th St
E 918th St
E 919th St
E 920th St
E 921st St
E 922nd St
E 923rd St
E 924th St
E 925th St
E 926th St
E 927th St
E 928th St
E 929th St
E 930th St
E 931st St
E 932nd St
E 933rd St
E 934th St
E 935th St
E 936th St
E 937th St
E 938th St
E 939th St
E 940th St
E 941st St
E 942nd St
E 943rd St
E 944th St
E 945th St
E 946th St
E 947th St
E 948th St
E 949th St
E 950th St
E 951st St
E 952nd St
E 953rd St
E 954th St
E 955th St
E 956th St
E 957th St
E 958th St
E 959th St
E 960th St
E 961st St
E 962nd St
E 963rd St
E 964th St
E 965th St
E 966th St
E 967th St
E 968th St
E 969th St
E 970th St
E 971st St
E 972nd St
E 973rd St
E 974th St
E 975th St
E 976th St
E 977th St
E 978th St
E 979th St
E 980th St
E 981st St
E 982nd St
E 983rd St
E 984th St
E 985th St
E 986th St
E 987th St
E 988th St
E 989th St
E 990th St
E 991st St
E 992nd St
E 993rd St
E 994th St
E 995th St
E 996th St
E 997th St
E 998th St
E 999th St
E 1000th St

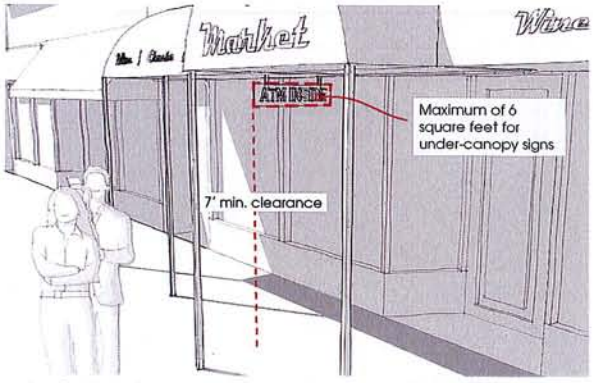

Scenic Areas Map 3 of 3
Exhibit 50-27.8-1
0 0.25 0.5 1 1.5 Miles
Aerial photography flown 2008. Prepared by: City of Duluth Planning Division, December 8, 2009. Source: City of Duluth, MnDNR.
THE CITY OF DULUTH MINNESOTA
Legend
Skyline Parkway
Scenic Area
Municipal Boundary
Martin Road
Jean Duluth Road
Woodland Ave
W Redwing St
W Anoka St
E Oxford St
Snively Road
N Hawthorne Road
London Road
N 34th Ave E
Wallace Ave
S 26th Ave E
N 24th Ave E
W St Marie St
Junction Ave
W College St
N 19th Ave E
E Superior St
Howard Gnesen Road
Kenwood Ave
W Arrowhead Road
E 8th St
E 4th St
E 9th St
E 1st St
E 3rd St
E 2nd St
E 7th St
E Skyline Pkwy
N 6th Ave E
Rice Lake Road
N Arlington Ave
Pecan Ave
Mesaba Ave
S Lake Ave
Minnesota Ave
Oakley St
Glenwood St
N 47th Ave E
N 43rd Ave E
N 40th Ave E
N 60th Ave E
Congdon Blvd
61
35

F. Canopy.

Canopies without printing, with the exception of a street address number (number only), are considered an architectural feature and are not regulated by this Section. This Section regulates canopy signs, which are used to identify a use by name or logo, the goods or services offered on-site, and similar sign information. Canopy signs are permitted as indicated in Table 50-27-4 subject to the following regulations:







1. Canopy signs must maintain a minimum vertical clearance of seven feet six inches (7' 6");
2. Canopy signs must be located at least 18 inches from the back of curb. Support posts must maintain a minimum separation of five feet between posts and between the posts and any building wall. No obstructions are permitted within this area;
3. Canopy signs must comply with Minnesota State Building and Fire codes, including provisions for encroachment into the public right-of-way, structural requirements, sprinkler protections and similar regulations;
4. Canopy signs must be made of a durable, weather-resistant material like canvas, canvas-like material, nylon, vinyl-coated fabric or metal. Solid, flat-roofed canopies may also be made out of finished wood, wood and plastic composites, metal or metal cladding, stucco or EIFS;;
5. Printing on any canopy sign is limited to 30 percent of the surface area. Signs mounted to solid, flat roofed canopy are limited to individually-mounted letters with internal illumination (if illuminated) or a sign board with external illumination – no internally illuminated cabinet signs;
6. Canopies may include underside, external illumination;
7. Under-canopy signs are permitted subject to the following:
   (a) Under-canopy signs must be attached to the underside of a canopy. Under-canopy signs must not project beyond the canopy;
   (b) Under-awning signs must maintain a minimum vertical clearance of seven feet;
   (c) A maximum of one under-canopy sign is permitted;
   (d) Each under-canopy sign is limited to a maximum of six square feet;

(e) Under-canopy signs must be securely fixed to the awning with metal supports;
(f) Under-awning canopy must be made of wood, metal or plastic;

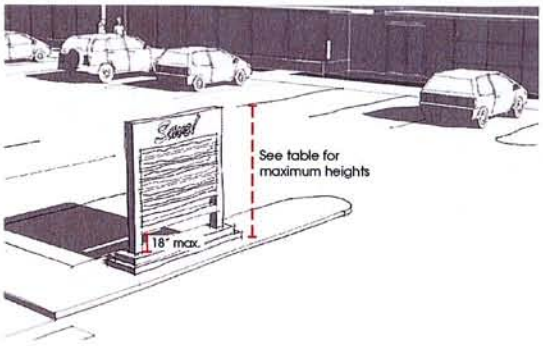
G. Electronic message sign.

Electronic message signs are permitted as indicated in Table 50-27-4 subject to the following regulations. However, all filling stations in any district are permitted to display fuel prices by an electronic message component. Such component must only display numerical fuel prices and must be static.

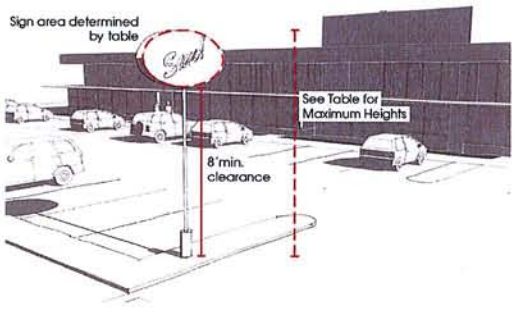
1. Only one electronic message sign per lot is permitted;
2. Each message or image displayed on an electronic message sign must be static or depicted for a minimum of eight seconds. Any scrolling, flashing or movement of the message is prohibited;
3. The maximum brightness of an electronic message sign is limited to 5,000 nits or 464 candelas per square foot during daylight hours, and 500 nits or 46 candelas per square foot between dusk to dawn. The sign must have an automatic dimmer control that produces a distinct illumination change from a higher allowed illumination level to a lower allowed level for the time period between one-half hour before sunset and one-half hour after sunrise;
4. Electronic message signs are permitted as part of a freestanding sign, wall sign or marquee and, in addition, are subject to the requirements for those sign types;
5. Electronic message signs must be integrated into the larger sign structure and must include the name of the use as a non-electronic component as part of the sign structure. Electronic message signs are limited to a maximum of 60 percent of the sign area of the freestanding or wall sign with which it is integrated;
6. Electronic message signs cannot display any off-premises commercial advertising;
7. Electronic display screens are prohibited;

H. Freestanding signs-pole and monument.

Freestanding signs are permitted as indicated in Table 50-27-4, subject to the following regulations:



1. Freestanding sign maximum height and sign areas are as indicated in Table 50-27-5. Freestanding signs must be constructed of solid or composite finished wood, metal, masonry, neon, glass or nonwoven plastic;
2. Only one freestanding sign, either pole or monument, is permitted per street frontage of a lot. For each additional 200 feet of street frontage, above an initial 200 feet of frontage, an additional freestanding sign, either pole or monument, is permitted, up to a maximum of three freestanding signs;
3. All freestanding signs over seven feet in height must submit construction plans prepared by a design professional licensed in Minnesota that comply with the requirements of the Minnesota State Building Code;
4. No part of a freestanding sign may project into, over or otherwise encroach on a public right-of-way;
5. A freestanding pole sign must



maintain a minimum vertical clearance of eight feet. When the pole structure of a freestanding pole sign is wrapped in any decorative material, the decorative pole wrapping must be permanently installed. Decorative wrapping shall not be closer than three feet to the property line, and shall not be wider than 25 percent of the sign face. No temporary signs may be attached to the pole of a freestanding pole sign;

6. Freestanding monument signs may be internally or externally illuminated. If externally illuminated, all light must be directed onto the sign face. Freestanding pole signs may only be internally illuminated;

TABLE 50-27-5: FREESTANDING SIGN REGULATIONS

DISTRICT	SIGN AREA	POLE SIGN	MONUMENT SIGN
	Maximum Sign Area (Square Feet)	**Maximum Sign Height (Feet)**	**Maximum Sign Height (Feet)**
R-C	42 sf	17	6
RR-1	42 sf	17	6
RR-2	42 sf	17	6
R-1	42 sf	17	6
R-2	42 sf	17	6
R-P	42 sf	17	6
MU-N	42 sf	17	6
MU-C*	60 sf	25	8
MU-I*	50 sf	25	8
MU-B*	50 sf (Monument)	Prohibited	8
MU-W*	50 sf	20	6
MU-P*	60 sf	25	8
F-1	42 sf	17	6
F-2	42 sf	17	6
F-3	42 sf	17	6
F-4	42 sf	17	6
F-5	42 sf	17	6
F-6	42 sf	17	6
F-7	42 sf	17	6
F-8	42 sf	15	6
F-9	60 sf	25	8
I-G*	60 sf	25	8
I-W*	60 sf	25	8
P-1	42 sf	17	6

*Freestanding Pole and Monuments Signs in the MU-I, MU-B and MU-W zones are allowed a maximum of 50 square feet. However, for sites with lot frontage that exceeds 250 lineal feet, the maximum size area of the sign may equal up to 20 percent of the lineal street frontage on the street nearest the sign, up to a maximum sign area of 100 square feet.

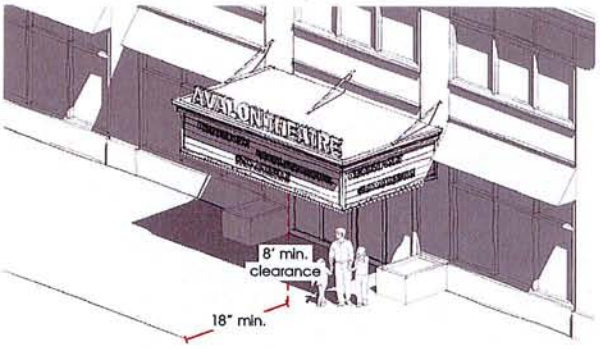
*Freestanding Pole and Monument Signs in the MU-C, MU-P, I-G, and I-W zones are allowed a maximum of 60 square feet. However, for sites with lot frontage that exceeds 300 lineal feet, the maximum size area of the sign may equal up to 20 percent of the lineal street frontage on the street nearest the sign, up to a maximum sign

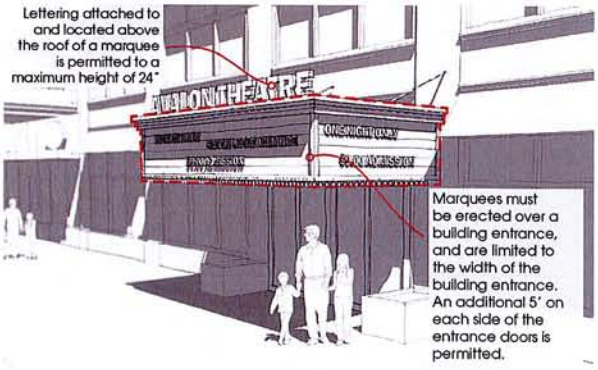
area of 150 square feet.

I. Marquee.

Marquees are permitted as indicated in Table 50-27-4, subject to the following regulations:

1. Marquees must be supported solely by the building to which they are attached. No exterior columns or posts are permitted as supports;
2. No marquee may be erected on any building or other structure of wood frame construction;
3. The roof of a marquee may not be used for any purpose other than to form and constitute a roof and must be constructed of noncombustible material;
4. Water from the roofs of a marquee may not drain, drip or flow onto the surface of a public sidewalk. Sufficient downspouts, drains and gutters must be installed as part of each marquee to prevent water from the roof of the marquee from flowing onto the surface of a public sidewalk;





5. Marquees must be erected over a building entrance and are limited to the width of the building entrance. An additional five feet on each side of the entrance doors covered by the marquee is permitted;
6. All marquees must maintain a minimum vertical clearance of eight feet and the roof of the marquee structure must be erected below the second floor window sill. Marquees may encroach up to 18 inches from the back of curb;
7. Marquees are permitted lettering attached to and located above the roof of a marquee to a maximum height of 24 inches;
8. Marquees may be internally illuminated. External Illumination is prohibited;

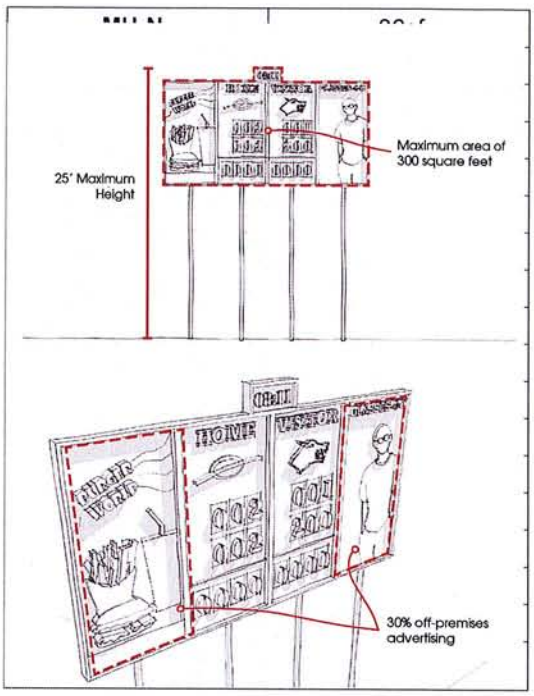
J. Projecting signs.

TABLE 50-27-6: PROJECTING SIGN REGULATIONS

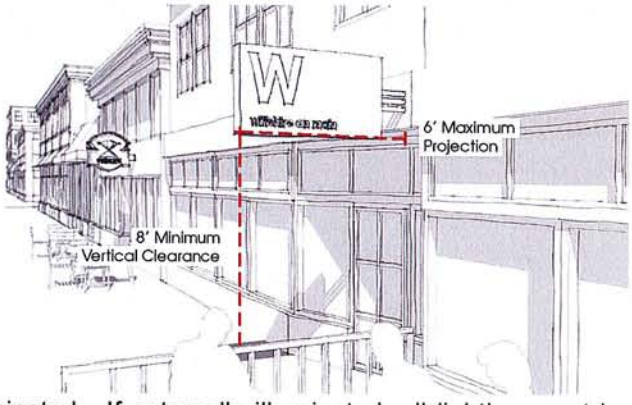
DISTRICT	MAXIMUM AREA
R-C	Prohibited
RR-1	Prohibited
RR-2	Prohibited
R-1	Prohibited
R-2	Prohibited
R-P	Prohibited

Projecting signs are permitted as indicated in Table 50-27-4, subject to the following regulations:

1. Projecting sign maximum area is as indicated in Table 50-27-6;
2. One projecting sign is permitted per establishment with frontage on a street. For a corner lot, one projecting sign is permitted for each street frontage. Projecting signs must be above or adjacent to the building entrance or, if a corner lot, the corner of the building;
3. Projecting signs may not project more than six feet from the face of the building to which they are attached, including the area between the sign and the face of the building;



4. Projecting signs must maintain a minimum vertical clearance of eight feet. No projecting sign affixed to a building may project higher than the building height, including the sign support structure;
5. Projecting signs, including frames, braces, and supports, must be designed by a licensed structural engineer or manufacturer. No projecting sign may be secured with wire, chains, strips of wood or nails nor may any projecting sign be hung or secured to any other sign. Any movable part of a projecting sign, such as the cover of a service opening, must be securely fastened by chains or hinges;
6. Projecting signs must be constructed of wood, metal, durable, weather-resistant material like canvas, canvas-like material, nylon or vinyl-coated fabric, or plastic. Projecting signs constructed of material must be mounted so that they are held taut between support posts;



7. Projecting signs may be internally or externally illuminated. If externally illuminated, all lighting must be directed onto the sign face from above;
8. Maximum projecting sign areas are provided in Table 50-27-6: *Projecting Sign Regulations*;
9. Projecting signs errected on properties within the Entertainment District and Historical Canal Park are subject to additional requirements as provided in 50-27.8;

K. Scoreboard and outfield signs.

1. Scoreboards and outfield signs are permitted as indicated in Table 50-27-4,

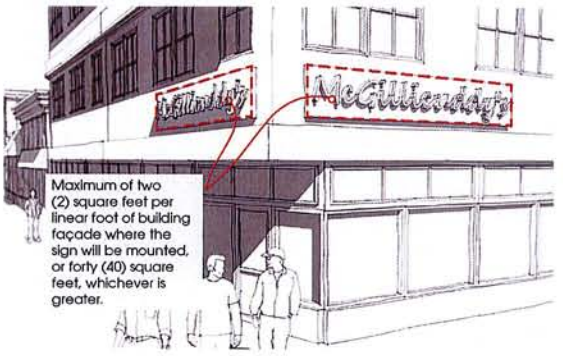
subject to the following regulations. Such signs are further restricted to recreational playing fields only;

2. Scoreboards must be constructed as a freestanding pole sign, no more than 300 square feet in sign area and 25 feet in height;
3. The score-keeping portion of the scoreboard may utilize an electronic message component;
4. If the scoreboard cannot be viewed from any adjacent right-of-way as measured along 500 foot sight lines from the scoreboard, up to 30 percent of the sign area may be used for off-premises advertising. If the scoreboard can be viewed from any adjacent right-of-way, up to 25 percent of the sign area may be used for off-premises advertising;
5. There is no limit on the number of outfield advertising signs so long as no such signs are visible from an adjacent right-of-way. No permit is required for outfield advertising signs;
6. Scoreboards and outfield signs that are part of a sports stadium as a principal use are considered part of the structure and not subject to these standards;

L. Wall signs.

Wall signs are permitted as indicated in Table 50-27-4, subject to the following regulations.

1. The maximum size of a wall sign is established at two square feet per linear foot of building façade where the wall sign will be mounted or 40 square feet, whichever is greater;



2. In addition, any structure over seven stories in height is permitted one additional wall sign per façade to identify the building, that must be placed within the top 20 feet of the structure and cannot cover any fenestration or architectural features. The maximum size is established at two square feet per linear foot of building façade, measured at the roof line, where the wall sign will be mounted;
3. Wall signs may be internally or externally illuminated. If externally illuminated, all light must be directed onto the sign face from above;
4. Wall signs must be safely and securely attached to the building wall. Wall signs must be affixed flat against the wall and must not project more than 18 inches from the building wall;
5. If a wall sign projects more than two inches from the surface, a minimum vertical clearance of eight feet is required;
6. No wall sign mounted on a structure may project above the roof of the structure to which it is attached, including the sign support structure. Wall signs may be mounted on a parapet wall when such parapet is consistent with the architectural design of the structure and/or the larger development, and such parapet wall is constructed of the same primary building materials as the structure, excluding any accent materials. When attached to a parapet wall, wall signs may not project more than eight feet above the roof of the structure, or 15 feet above the roof of the structure on properties zoned MU-C;
7. Wall signs must be constructed of wood, brick, metal or plastic. Wall signs of durable, weather-resistant material like canvas, canvas-like material, nylon or vinyl-coated fabric are also permitted but the signs must be held taught to the building with no sags or wrinkles and the mounting devices must be concealed

by a frame that covers the entire perimeter of the banner;

8. Wall signs must not cover windows, doors or architectural features. However, wall signs are permitted on architectural appurtenances, such as chimneys or penthouses, which are part of the original structure;

9. Ghost signs are considered wall signs. Existing ghost signs are exempt from these requirements and deemed conforming. Ghost signs may be maintained and repainted but no new information or images may be added to the existing sign. No new wall signs may be painted over ghost signs.

50-29 Sustainability standards.

50-29.1 Applicability.

In order to promote sustainable development, all new residential development proposals containing three or more units, and all non-residential development with a gross floor area of 10,000 square feet or more, shall be required to comply with the provisions of this Section 50-29. (Ord. No. 10044, 8-16-2010, § 6.)

50-29.2 Points required.

Each new development shall be required to achieve at least a minimum number of points from the menu of options shown in Table 50-29-1:

A. Residential development minimum requirements.

1. Residential development with 3-29 units: 3 points.
2. Residential development with 30 or more units: 4 points;

B. Non-residential development minimum requirements.

1. Non-residential development with 10,000 to 25,000 square feet: 3 points.
2. Non-residential development with a total square footage of more than 25,000 square feet: 4 points;

Table 50-29-1: Sustainability Point System	
	Points Earned
LOCATION	
Development on previously used or developed land that is contaminated with waste or pollution (brownfield site with Environmental Site Assessment documented contamination that will be removed by property owner as part of the project)	1.50
Development on previously used or developed land that is not contaminated (site re-use)	0.75
Development on a previously undeveloped site that is located immediately adjacent to existing city roadway and utility infrastructure and that does not require additional public roadway and utility infrastructure to be constructed to service development	0.25
ENERGY EFFICIENCY	
Meet ASHRAE standard 189.1 (Section 7.4.2) for building envelope design [1]	1.50
Meet ASHRAE standard 189.1 (Section 7.4.6) for lighting [1]	0.75
Meet ASHRAE standard 189.1 (Section 7.4.3) for HVAC equipment [1]	0.75
Meet Energy Star standards for low rise residential or exceed ASHRAE 90.1-2004 energy efficiency standards by 15%.[2]	1.00
ALTERNATIVE ENERGY	
Generate or acquire a minimum of 15% of the electricity needed by the development from alternative energy sources (solar, wind, etc)	1.00
Install solar panels on a minimum of 15% of homes dwelling units contained in one-family, two-family, or townhouse dwellings	0.75
Pre-wire a minimum of 10% of residential dwelling units for solar panels	0.25
Install solar panels on primary structure, or at least 50% of buildings in a multi-building complex	0.75
PASSIVE SOLAR	
A minimum of 20% of residential dwelling units or lots are oriented within 20% of east-west for maximum passive solar exposure	1.00

At least 20% of non-residential buildings have one longer axis oriented east-west for maximum solar exposure	1.00
WATER	
Install a "cool roof" ~~or green vegetated roof~~ on the primary structure, or at least 50% of all primary buildings in a multi-building complex. Cool roofs shall have a Solar Reflectance Index of 78 for flat roofs or 29 for roofs with a slope greater than 2:12. ~~Green or vegetated roofs shall include vegetation on at least 50% of the roof area (25% for renovated buildings) and shall use only plant materials permitted by the landscaping standards in Section 50-25.~~	~~2.00~~ 1.00
Install a green vegetated roof on the primary structure, or at least 50% of all primary buildings in a multi-building complex. Green or vegetated roofs shall include vegetation on at least 50% of the roof area (25% for renovated buildings) and shall use only plant materials permitted by the landscaping standards in Section 50-25.	2.00
Meet ASHRAE standard 189.1 (Section 6.3.1) for site water use reduction [1]	0.75
Meet ASHRAE standard 189.1 (Section 6.3.2) for building water use reduction [1]	0.50
STORMWATER, ADDITIONAL RETENTION	
Post construction development will retain at least 0.5 inches of runoff on the site from impervious surfaces (retrain through infiltration, need proper native soils verified through geotechnical field testing and approved by City Engineer)	.75
Post construction development will retain 1.1 inches of runoff on the site from impervious surfaces (retain through infiltration, need proper native soils verified through geotechnical field testing and approved by City Engineer)	.50
VEGETATION	
Retain at least 20% of existing pre-development, native natural vegetation (minimum 5,000 square feet)	~~0.75~~ .50
Turf grass is limited to 40% of the landscaped area (minimum 5,000 square feet)	0.25
Maintain a minimum 50 foot naturally vegetative buffer from delineated wetlands (minimum 25,000 square feet of delineated wetlands on the property)	.50
URBAN AGRICULTURE	
A fenced, centrally located community garden space is provided for residents and for urban gardening purposes at a ratio of 50 sq. ft. per dwelling unit as part of the overall landscape plan	1.00
A minimum of one on-site composting station is provided for every 25 units	0.25
TRANSPORTATION	
Source a minimum of 20% by cost of structure construction materials from recycled products or products manufactured, extracted, harvested, or recovered within ~~250~~ 500 miles of the site (excluding gravel, fill, concrete, asphalt, and similar site construction material)	1.50
A minimum of ~~1~~2% of required automobile parking spaces are signed and reserved for hybrid/electric/low energy vehicles in preferred locations near the primary building entrance	0.25

[1] *Standard for the Design of High-Performance Green Buildings*, American Society of Heating, Refrigerating, and Air-Condition Engineers, 2009.

[2] *Energy Standard for Buildings Except Low-Rise Residential*, American Society of Heating, Refrigerating, and Air-Condition Engineers, 2004.

C. LEED-certified building alternative.

Buildings that have achieved LEED requirements necessary to receive certification from the U.S. green building council at the silver level or above shall not be required to meet the above requirements;

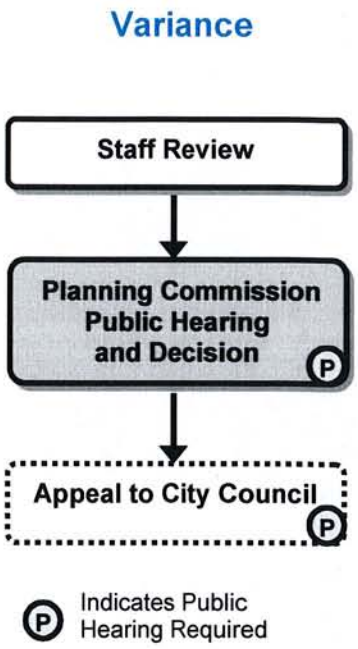
D. Documentation required.

Applicants shall provide documentation of techniques that will be used to satisfy the above requirement, as necessary, at the time of application submittal. Documentation for items that may not be visually verified as part of an inspection may be provided in the form of invoices, receipts, or delivery confirmation for the items in question.

50-32 ~~International~~ Housing and property maintenance code

The city has adopted by reference the year 200012 edition of the International Property Maintenance Code, as the Housing and Property Maintenance Code of the city, as amended by Chapter 29A of the code.

50-37.9 Variance.



This Section applies to applications for a variance from the terms and provisions of this Chapter. Different types of variances are subject to differing criteria for approval, and in many cases are also subject to limitations on the types of variances that can be granted.

A. Application.

An application for a variance shall be filed pursuant to Section 50-37.1.B;

B. Procedure.

The planning commission shall review the application, conduct a public hearing on the application pursuant to Section 50-37.1.I, with public notice as required by Section 50-37.1.H, and shall make a decision on the application based on the criteria in subsections C through M below, as applicable to the specific type of variance being requested. The planning commission may grant a different variance or different form of relief than that requested by the applicant if it determines that the alternative relief better meets the criteria in subsections C through M below. The commission may impose appropriate conditions and safeguards to protect adjacent properties and the public interest, including but not limited to financial security pursuant to Section 50-37.2.P or a development agreement regarding the design, construction and operation of the project, to protect the comprehensive land use plan, to conserve and protect property and property values in the neighborhood and to ensure that all conditions of the variance will continue to be met. Constructing any improvement or beginning any activity authorized by the variance shall constitute the applicant's agreement to conform to all terms and conditions of the permit;

C. General variance criteria.

Unless different or inconsistent criteria or limitations are stated in subsections D through M below for the specific type of variance being requested, the planning commission shall approve an application for a variance, or approve it with conditions, if it finds that the proposed variance meets the following criteria. If there is a direct conflict between a provision or criteria in subsections D through M below and the general criteria in this subsection C, the provisions in subsections D through M shall govern:

1. Because of the exceptional narrowness, shallowness or shape of the applicant's property, or because of exceptional topographic or other conditions related to the property, the strict application of the requirements of this Chapter would result in ~~peculiar and~~ practical difficulties ~~or exceptional or undue hardship~~ to the property owner;
2. ~~The special circumstances or conditions that create the need for relief were not directly or indirectly created by the action or inaction of the property owner or applicant~~ The plight of the property owner is due to circumstances unique to the property, and not created by the property owner or the property owners predecessors-in-interest;
3. The special circumstances or conditions applying to the building or land in question are peculiar to such property or immediately adjoining property, and do not apply generally to other land or buildings in the vicinity;
4. ~~The relief is necessary for the preservation and enjoyment of a substantial property right and not merely to serve as a convenience to the applicant~~ The property owner proposes to use the property in a reasonable manner not permitted by this code;

5. The relief will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets or the danger of fire or imperil the public safety or unreasonably diminish or impair established property values within the surrounding areas or in any other respect impair the health, safety or public welfare of the inhabitants of the city;
6. The relief may be granted without substantially impairing the intent of this Chapter, the official zoning map, and will not alter the essential character of the locality;
7. The relief does not allow any type of sign that is not allowed in the zone district where the property is located, pursuant to Section 50-27;
8. The relief complies with any additional limitations or criteria applicable to that variance in subsections D through M below;
9. Economic considerations alone shall not constitute a practical difficulty;

D. No use variances.

No variance may be permitted to allow any use that is not listed in Table 50-19.8 as a permitted or special use in the zone district where the property is located, or Table 50-27.4 for a permitted sign in the district where the property is located;

E. Variances to lot size in unsewered areas.

A variance from the minimum lot size in unsewered area shall not be granted without presentation of a permit or letter of intent to issue a permit for onsite sewerage treatment from the county.

F. Variances for two-family dwellings in the R-1 district.

The commission shall not grant any variance from the requirements for the allowance of two-family dwellings within the R-1 zone district except:

1. A variance from the required front yard setback;
2. A variance reducing the minimum dimensional requirements by up to ten percent;

G. Variances from parking and loading regulations.

1. Residential districts.
   (a) A variance may be granted to allow parking on a portion of a lot in an R zone where parking is not permitted by Section 50-24.6.B in the following two cases:
      (i) On any non-corner lot in an R district where the permitted parking area as shown in Table 50-24-3 is of insufficient size or configuration to allow for compliance with the off street parking requirements of this Chapter, and the applicant demonstrates hardship;
      (ii) On any corner lot in an R district where the R district parking area is of insufficient size or configuration to allow for compliance with the off street parking requirements of this Chapter, without a showing of hardship;
   (b) The variance shall be subject to the following conditions, and any other conditions determined by the commission to be reasonable and necessary to protect the interests of the abutting property owners and the residential character of the surrounding neighborhood:
      (i) On a non-corner lot with frontage of less than 50 feet, only one parking area may be located outside the R district parking area;
      (ii) On a corner lot with frontage of less than 50 feet, the variance may allow for compliance with the off street parking requirements of this Chapter;
      (iii) On a corner or non-corner lot with frontage of 50 feet or greater, no variance may allow a parking area, including any driveway area leading to it, to exceed an additional 30 percent of the front yard;

(iv) The proposed parking area shall be entirely located on the applicant's lot and shall not encroach across any abutting lot line unless such abutting lot and the subject lot are under the same ownership and the abutting lot is not occupied by a dwelling unit;

(v) Where the proposed parking area will encroach into any unimproved area of a street, the variance shall expire upon improvement of the street;

(vi) Economic considerations, in whole or part, shall not constitute a hardship;

2. Reducing required parking spaces.
Except as provided in 50-37.9.G, variances from the minimum amount of off-street parking required may be approved if a smaller amount of off-site parking will be adequate to meet the needs of the facility because the facility is restricted to occupancy or use by populations with documented lower vehicle uses, such as the elderly or disabled;

3. Exceeding required parking spaces.
Variances from the maximum parking limits provided in 50-24.4 shall not exceed 200 percent of the minimum requirement provided in Table 50-24.1. In addition to meeting the general variance criteria in 50-37.9.C, a parking study that provides justification for the number of off-street parking spaces proposed is required. It must include estimates of parking demand based on recommendations of the Institute of Traffic Engineers (ITE), or other acceptable estimates as approved by the City Engineer and should include other reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use. Comparability will be determined by density, scale, bulk, area, type of activity, and location. The study must document the source of data used to develop the recommendations.

H. Variances to reduce setbacks;

When the application is for the reduction of a required front, rear or side yard setback, the commission may require the submission of a landscaping and buffering plan, and may require that all required landscaping or buffering, or landscaping and buffering of equal effectiveness, be installed within the reduced setback area. Decorative fencing and decorative wall structures may be proposed where more intense vegetated landscaping will not provide adequate mitigation of impacts on adjacent properties. The commission shall only approve the variance if the landscaping and buffering will mitigate impacts on adjacent properties as effectively as those required by Sections 50-25 and 50-26 of this Chapter;

I. Variances in the MU-C district.

1. Within the MU-C district, the only variances that may be approved are variations in any dimensional standard in Sections 50-15.3 and 50-21 by no more than ten percent. However, if the need for a variance is the result of a government taking pursuant to eminent domain powers, then (a) the limits of this subsection I.1 shall not apply and (b) all or part of the required landscaping and buffering may be placed in the public right-of-way if the property owner executes a perpetual maintenance agreement with the owner of the right-of-way;
2. In the case of a setback reduction variance, the landscaping and buffering in any reduced setback area shall be at least four feet in height and screen out at least 50 percent of the view of any parking area, unless the setback is reduced to less than five feet, in which case it shall screen out at least 75 percent of the view of the parking area;

J. Variances in A-O airport overlay district.

Variances 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;

K. Variances from flood plain regulations.

Variances to the flood plain regulations in Section 50-18.1.C shall only be granted in compliance with the limitations in this subsection K.

1. In a floodway:
   (a) No variance shall be granted that would result in any increase in flood levels during the base flood discharge;
   (b) No variance shall authorize the placement of a manufactured home, dwelling unit or any structure designed for human habitation;
   (c) No variance shall be granted authorizing a lesser degree of floodproofing or flood protection than is required by Section 50-18.1.C;
   (d) Variances shall be limited to giving the applicant a minimal reasonable use of the site;
2. In a flood fringe:
   (a) No variance shall authorize a lesser degree of floodproofing or flood protection than is required by Section 50-18.1.C;
   (b) Variances shall not produce any adverse effects to the flood capacity or efficiency of the watercourse;
3. Flood insurance notice and recordkeeping.
   The building official shall notify the applicant for a variance that:
   (a) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage; and
   (b) Construction below the 100 year or regional flood level increases risks to life and property. Such copy notification shall be maintained with a record of all variance actions. The building official shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its annual or biennial report submitted to the administrator of the national flood insurance program;
4. General considerations.
   The city shall consider the following factors in granting variances and imposing conditions on permits and variances in flood plains:
   (a) The potential danger to life and property due to increased flood heights or velocities caused by encroachments;
   (b) The danger that materials may be swept onto other lands or downstream to the injury of others;
   (c) The proposed water supply and sanitation systems, if any, and the ability of these systems to minimize the potential for disease, contamination and unsanitary conditions;
   (d) The susceptibility of any proposed use and its contents to flood damage and the effect of such damage on the individual owner;
   (e) The importance of the services to be provided by the proposed use to the community;
   (f) The requirements of the facility for a waterfront location;
   (g) The availability of viable alternative locations for the proposed use that are not subject to flooding;
   (h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
   (i) The relationship of the proposed use to the comprehensive land use plan and flood plain management program for the area;
   (j) The safety of access to the property in times of flood for ordinary and emergency vehicles; and
   (k) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site;

5. Submittal of hearing and decision notices to the DNR.
   (a) The planning commission shall submit to the commissioner of the DNR a copy of the application for proposed variance sufficiently in advance so that the commissioner will receive at least ten days' notice of the hearing. Such notice shall specify the time, place, and subject matter of the hearing and shall be accompanied by such supporting information as is necessary to indicate the nature and effect of the proposed use. The notice may be sent by electronic mail or U.S. mail to the respective DNR area hydrologist;
   (b) A copy of all decisions granting variances shall be forwarded to the commissioner of the DNR within ten days of such action. The notice may be sent by electronic mail or U.S. mail to the respective DNR area hydrologist;
6. Additional federal emergency management agency conditions.
   The following additional conditions of FEMA must be satisfied:
   (a) Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;
   (b) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;
7. Conditions attached to variances,
   Upon consideration of the factors listed above and the purpose of this Section, the planning commission may attach such conditions to the granting of variances and permits as it deems necessary to fulfill the purposes of this Section. Such conditions may include, but are not limited to, the following:
   (a) Modification of waste treatment and water supply facilities;
   (b) Limitations on period of use, occupancy, and operation;
   (c) Imposition of operational controls, sureties, and deed restrictions;
   (d) Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures; and
   (e) Floodproofing measures, in accordance with the State Building Code and this chapter. The applicant shall submit a plan or document certified by a registered professional engineer or architect that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors;

L. Standards for variances in shorelands.

No variance shall be granted that compromises the general purposes or intent of Section 50-18.1.D or results in adverse consequences to the environment. Variances shall include a requirement for the applicant to mitigate the impacts of the variance on shoreland areas;

M. Reconstruction of a nonconforming building.

A variance may be granted to permit the reconstruction of a nonconforming building that has been damaged from any cause or has deteriorated to the extent of more than 60 percent of its assessed market value as determined by the city assessor, if the commission determines that it is necessary for the preservation and enjoyment of a substantial property right and is not detrimental to the public welfare of the city.