ARTICLE TWO. ZONE DISTRICTS.

50-13 GENERAL PROVISIONS DISTRICTS.

50-13.1 Purpose.

This Article establishes the base and overlay zone districts available in the city to regulate land and implement the comprehensive land use plan. It also contains basic information pertaining to the districts, including statements of purpose and dimensional standards. Article III, *Permitted Uses*, identifies the uses allowed within each districts. Article IV, *Development Standards,* contains the site layout and building design standards that apply to development in the districts. (Ord. No. 10044, 8-16-2010, § 6.)

50-13.2 Article organization.

A. Section 50-13, G*eneral provisions*, establishes the zone districts and contains basic information pertaining to all districts and the zoning map;

B. Section 50-14, *Residential districts*, describes the residential districts and includes purpose statements, dimensional requirements, photographic examples of typical structures, graphic sketches of allowed development and district-specific standards if applicable;

C. Section 50-15, *Mixed use districts*, describes the mixed use districts and includes purpose statements, dimensional requirements, photographic examples of typical structures, graphic sketches of allowed development and district-specific standards if applicable;

D. Section 50-16, *Form districts*, describes the form-based districts and includes purpose statements, regulating standards and regulating graphics of typical structures;

E. Section 50-17, *Special purpose districts*, describes the special purpose districts and includes purpose statements, dimensional requirements, photographic examples of typical structures, graphic sketches of allowed development and district-specific standards if applicable;

F. Section 50-18, *Overlay districts*, identifies the overlay districts and includes purpose statements and any district-specific standards. (Ord. No. 10044, 8-16-2010, § 6.)

50-13.3 Zone districts established.

For the purposes of this Article, the city is hereby divided into districts, as follows:

Table 50-13.3-1: Zone Districts Established		
District Type	**Abbreviation**	**District Name**
Residential	R-C	Rural-Conservation
	RR-1	Residential-Rural 1
	RR-2	Residential-Rural 2
	R-1	Residential-Traditional
	R-2	Residential-Urban
	R-P	Residential-Planned
Mixed Use	MU-N	Mixed Use-Neighborhood
	MU-C	Mixed Use-Commercial
	MU-I	Mixed Use-Institutional
	MU-B	Mixed Use-Business Park
	MU-W	Mixed Use-Waterfront
	MU-P	Mixed Use-Planned
Form Based	F-1	Form District 1
	F-2	Form District 2
	F-3	Form District 3
	F-4	Form District 4
	F-5	Form District 5
	F-6	Form District 6
	F-7	Form District 7
	F-8	Form District 8
	F-9	Form District 9
Special Purpose	I-G	Industrial-General
	I-W	Industrial-Waterfront
	P-1	Park & Open Space
	AP	Airport
Overlay	NR-O	Natural Resources Overlay
	A-O	Airport Overlay
	SP-O	Skyline Parkway Overlay
	HR-O	Historic Resources Overlay
	HE-O	Higher Education Overlay

(Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10192, 12-17-2012, § 2.; Ord. No 10355, 4-13-2015, § 2)

50-13.4 Zoning map.

A. Zoning map.

The boundaries of the districts set out in Table 50-13.3-1 are hereby established as shown on the city's official zoning map, as that map may be updated by council from time to time. That map shall be maintained by the city and is hereby made a part of this Chapter and incorporated by reference;

B. Zoning map amendments.

Procedures for amending the zoning map are in Article V of this Chapter;

C. Questions regarding zoning designations.

In the event of uncertainty regarding zoning designations or the exact boundaries of any zone district, the land use supervisor shall make a determination based upon the interpretation rules in subsection D below. The land use supervisor's determination shall be subject to appeal pursuant to Article V of this Chapter;

D. Interpretation of map boundaries.

Where uncertainty exists with respect to the boundaries of the districts shown on the zoning map, the land use supervisor's decision shall be based on the following standards:

1. Where a district is bounded by a street, alley or other public way, the centerline of the street, alley, or other public way shall be construed to be the boundary of the district;
2. Boundaries delineated by lot lines shall follow those lot lines;
3. Boundaries delineated by railroad lines shall be midway between the main tracks or the centerline of a single track;
4. Boundaries dividing a lot or transecting un-subdivided land shall be determined using the scale appearing on the zoning map, unless the boundary location is indicated by dimensions shown on the map;
5. Boundaries shown parallel to or as extensions of features indicated in this subsection shall be interpreted as such. Distances not specifically indicated on the zoning map shall be determined by the scale of the map;
6. Where the description of the property is contained in an ordinance, the metes and bounds description of the property in the ordinance shall control over the zoning map. When a metes and bounds description contained in an ordinance is for an unplatted tract of land, the land use supervisor is authorized the make the appropriate modifications to the zoning map at the time the property is platted so that the boundaries of the zone district coincide with the newly created property lines;
7. Whenever any street, alley or other public way is vacated by official action of the council, the zone district adjoining each side of such street, alley, or public way shall be automatically extended to the center of such vacated street, alley or public way, and all areas included in the vacated street, alley or public way shall be subject to all regulations of the extended district, unless otherwise approved by council;

E. Relationship to overlay districts.

All lands within the city shall be designated as one of the base zone districts listed in Table 50-13-1. In addition, some lands may be located within one or more of the overlay districts listed in that table. Where the property is designated as an overlay district, the regulations governing development in the overlay district shall apply in addition to the regulations governing development in the underlying base district. In the event of an express conflict between the two sets of standards, the standards for the overlay district shall control;

F. Annexed territory.

All territory annexed to the city after November 19, 2010, shall be automatically classified as R-C, until a different zone district is assigned by council. In a newly annexed area classified as R-C, no permit for construction of a building other than a single-family dwelling or accessory building permitted in an R-C district shall be issued by the city until such permit has been specifically authorized by council, or until the area is reclassified according to the rezoning procedures in Article V;

G. Structure of zone district standards.

1. Each of the following base zone district sections has a common structure consisting of a purpose statement and one or more of the following graphic illustrations, each of which is numbered for reference purposes.
    (a) One or more tables setting out the district's bulk and dimensional requirements;
    (b) A photograph representative of typical building forms;
    (c) A graphic depiction of the district's primary bulk and dimensional standards;
2. The graphic illustrations in this Chapter are intended to illustrate the primary dimensional standards and the general character of each district, and do not necessarily reflect all the standards that may apply to a particular development. All development is subject to all dimensional standards of this Chapter, all applicable overlay district standards in this Chapter, the applicable use-specific standards in Article III, and the applicable requirements of Article IV. (Ord. No. 10044, 8-16-2010, § 6.)

50-14 RESIDENTIAL DISTRICTS.

50-14.1 General purposes of residential zone districts.

The residential zone districts are intended to:

A. Provide appropriately located areas for residential development that are consistent with the comprehensive land use plan and with the public health, safety, and general welfare;
B. Ensure adequate light, air, and privacy for all dwelling units;
C. Protect the scale and character of existing residential neighborhoods and the community;
D. Discourage any use that, because of its character or size, would create additional requirements and costs for public services that are in excess of such requirements and costs if the district were developed solely for the intended type of residential uses;
E. Provide a mechanism – the R-P zone district – through which certain listed non-residential uses that serve neighborhoods can be integrated into residential developments. (Ord. No. 10044, 8 16 2010, § 6.)

50-14.2 Rural-Conservation (R-C).

A. Purpose.

The R-C district is established to accommodate low-density, single-family detached residential uses on parcels of at least ten acres each in areas where the comprehensive land use plan calls for protection of rural character. The district encourages development designs that conserve open space and natural resources and preserve rural character. Complimentary uses such as limited agriculture, parks, minor utilities and certain temporary uses are allowed as shown in Table 50-19.8.

TABLE 50-14.2-1
R-C DISTRICT DIMENSIONAL STANDARDS

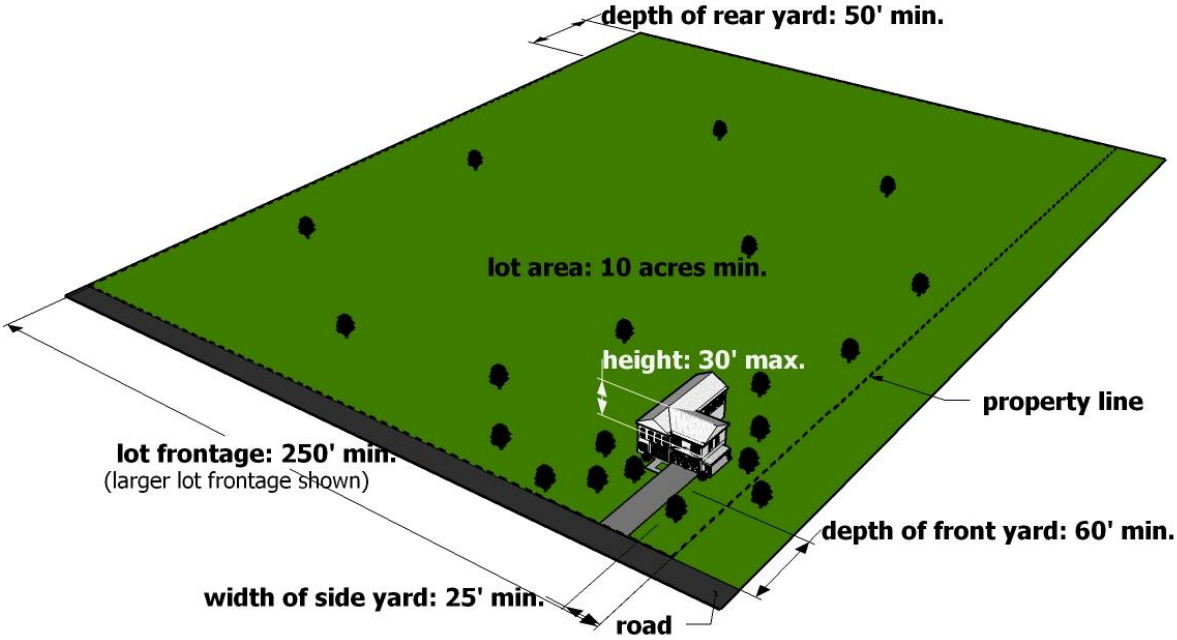
LOT STANDARDS	
Minimum lot area per family (calculated to include any highway easements or parts of highway easements within the original parcel of land)	10 acres
Minimum lot frontage (ft)	250 ft.
STRUCTURE SETBACKS	
Minimum depth of front yard (ft)	60 ft.
Minimum width of side yard (ft)	25 ft.
Minimum depth of rear yard (ft)	50 ft.
STRUCTURE HEIGHT	
Maximum height of building (ft)	30 ft.

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

B. Example.

C. Illustration.

R-C Example Lot Layout



D. Development standards.

All homesites in the R-C zone district shall be located so as to preserve the rural character of the district and to avoid unnecessary fragmentation of the rural landscape by:

1. Designating a portion of the site containing no more than one acre of land in compact configuration as the homesite in which the primary dwelling and all major accessory buildings will be located;
2. Locating the homesite either (1) adjacent to a side or rear property line of the parcel, or (2) where the primary structure is hidden from view from public rights-of-way by an intervening natural feature such as a hillside, berm, or tree grove;
3. Locating the driveway leading from the public right-of-way to the homesite (1) as close to a side property line of the parcel as is reasonably possible without significant grading, vegetation, or stream crossings, or (2) in another location that will minimize the fragmentation of field, pasture, or naturally vegetated areas. (Ord. No. 10044, 8-16-2010, § 6.)

50-14.3 Residential-Rural 1 (RR-1).

A. Purpose.

The RR-1 district is established to accommodate large-lot, single-family detached residential uses, typically surrounded by significant open space, on lots of at least 5 acres each. The district encourages distinctive neighborhoods with a semi-rural character. Complimentary uses such as limited agriculture, small-scale institutional uses, parks, minor utilities and certain temporary uses are allowed as shown in Table 50-19.8.

TABLE 50-14.3-1
RR-1 DISTRICT DIMENSIONAL STANDARDS

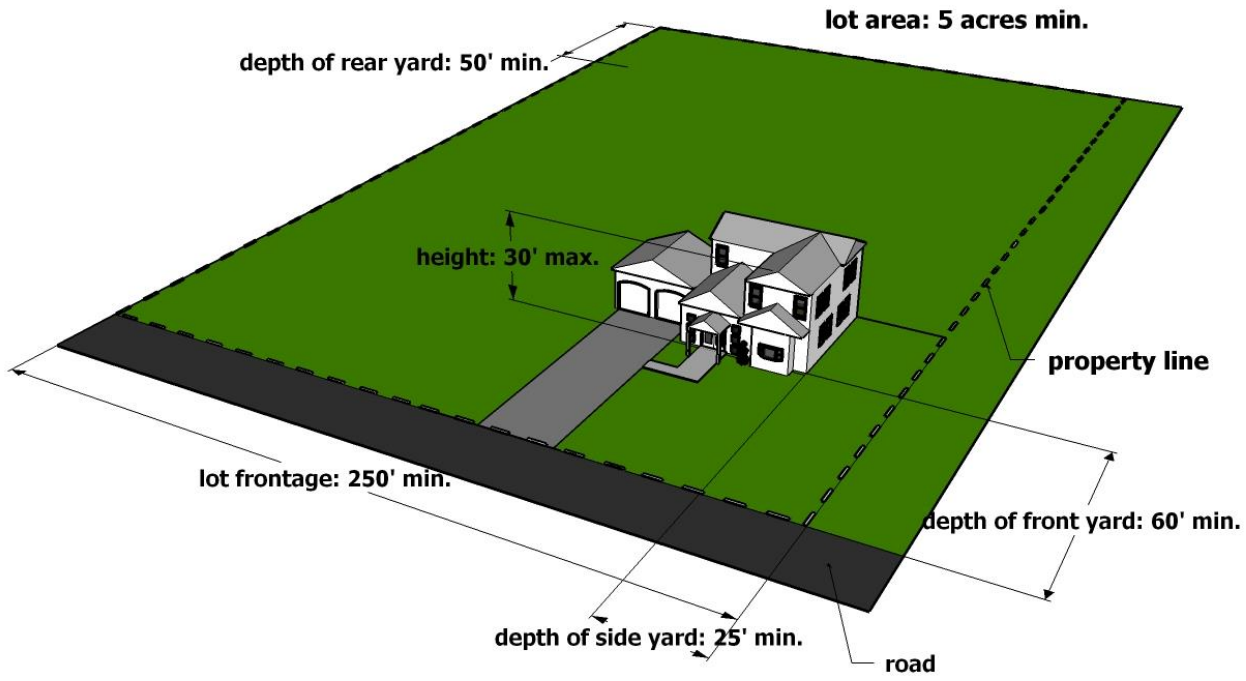
LOT STANDARDS	
Minimum lot area per family (calculated to include any highway easements or parts of highway easements within the original parcel of land)	5 acres
Minimum lot frontage	250 ft.
STRUCTURE SETBACKS	
Minimum depth front yard	60 ft.
Minimum width of side yard	25 ft.
Minimum depth of rear yard	50 ft.
STRUCTURE HEIGHT	
Maximum height of building	30 ft.

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

B. Example.

C. Illustration.

RR-1 Example Lot Layout



(Ord. No. 10044, 8-16-2010, § 6.)

50-14.4 Residential-Rural 2 (RR-2).

A. Purpose.

The RR-2 district is established to accommodate single-family detached residential uses on lots of at least two acres each. The district encourages distinctive neighborhoods with a suburban character. The district may serve as a transition between lower-density semi-rural areas and more intense residential or mixed use neighborhoods. Complimentary uses such as limited agriculture, small-scale institutional uses, parks, minor utilities and certain temporary uses are allowed as shown in Table 50-19.8.

TABLE 50-14.4-1
RR-2 DISTRICT DIMENSIONAL STANDARDS

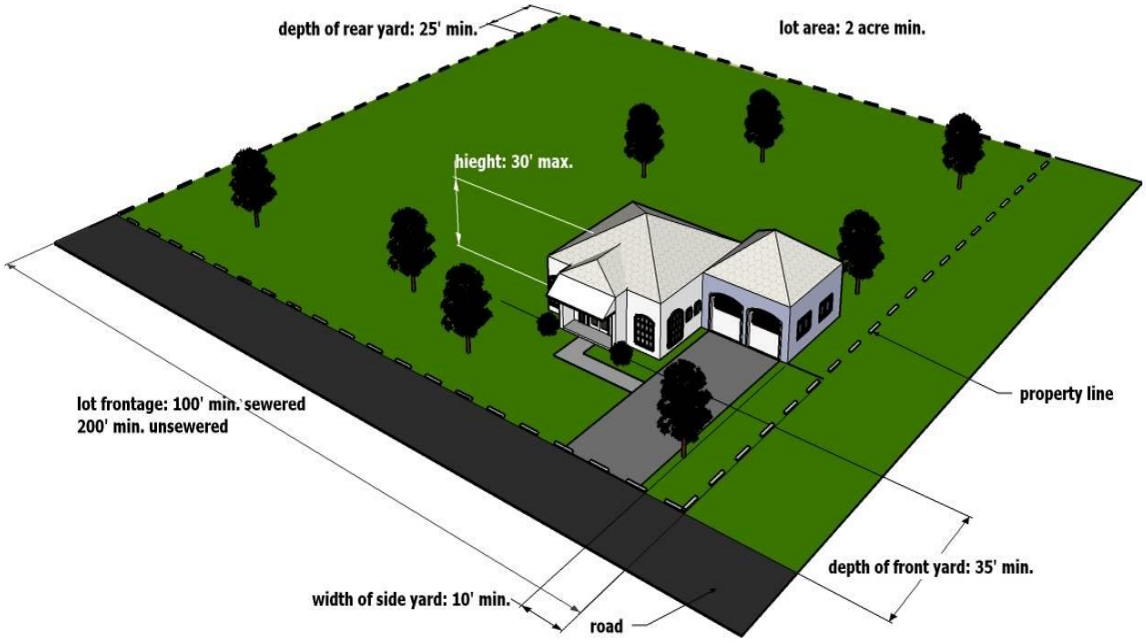
LOT STANDARDS	
Minimum lot area per family	2 acres
Minimum lot frontage	100 ft.
STRUCTURE SETBACKS	
Minimum depth front yard	35 ft.
Minimum width of side yard	10 ft.
Corner Lot: width of front side yard	25 ft.
Minimum depth of rear yard	25 ft.
STRUCTURE HEIGHT	
Maximum height of building	30 ft.

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

B. Example.

C. Illustration.

RR-2 Example Lot Configuration



(Ord. No. 10044, 8-16-2010, § 6.)

50-14.5 Residential-Traditional (R-1).

A. Purpose.

The R-1 district is established to accommodate traditional neighborhoods of single-family detached residences, duplexes and townhouses on moderately sized lots. This district is intended to be used primarily in established neighborhoods. Many of the dimensional standards in this district require development and redevelopment to be consistent with development patterns, building scale, and building location of nearby areas. Uses are allowed as shown in Table 50-19.8;

TABLE 50-14.5-1
R-1 DISTRICT DIMENSIONAL STANDARDS

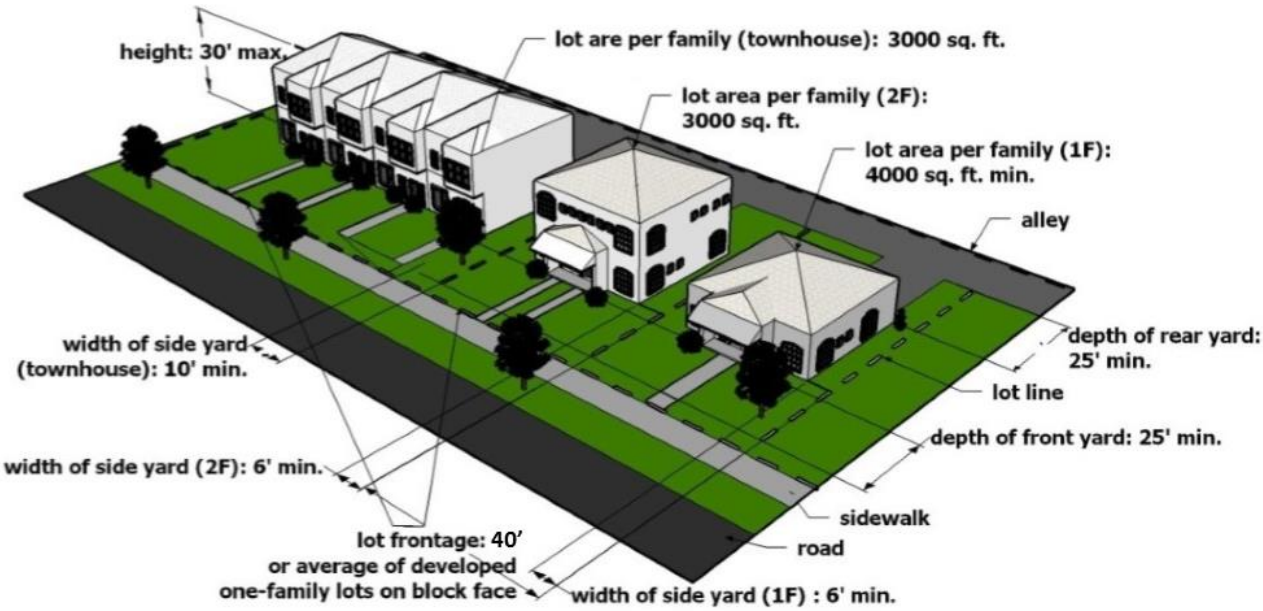
LOT STANDARDS		
Minimum lot area per family (One-family) [1] [2]		The smaller of 4,000 sq. ft. or average of developed 1-family lots on the block face
Minimum lot area per family (Two-family) [1] [2] [3]		The smaller of 3,000 sq. ft. or average of developed 2-family lots on the block face
Minimum lot area per family (Townhouse) [1]		3,000 sq. ft.
Minimum lot frontage (one-family) [1]		The smaller of 40 ft. or average of developed lots with similar uses on the block face
Minimum lot frontage (two-family and townhouses) [1]		The average of developed lots with similar uses on the block face, but not less than 40 feet.
STRUCTURE SETBACKS		
Minimum depth of front yard		The smaller of 25 ft. or average of adjacent developed lots facing the same street
Minimum width of side yard (one- and two-family)	General	6 ft.
	Lots with less with 50 ft, but more than 25 ft frontage	Combined width of side yards must be at least 12 ft., with no side yard less than 3 ft. wide
	Lots with 25 ft or less of frontage	Combined width of side yards must be at least 8 ft., with no side yard less than 3 ft. wide
Minimum width of side yard (all other principal structures)		10 ft. if adjacent to another lot
		25 ft. if adjacent to platted street
Corner Lot: width of front side yard	Dwelling	15 ft.
	Detached accessory building	15 ft.
	All other Principal Structures	25 ft.
Minimum depth of rear yard		25 ft.
STRUCTURE HEIGHT		
Maximum height of bulding		30 ft.

[1] Determined using "Lots on the block face" definition. When doing this calculation, exclude the subject lot from the calculation.
[2] Lots without municipal sewer must also meet requirements of 50-21.2.
[3] Existing structures that have a change of use from one-family to two-family must meet minimum lot area and frontage, but not setbacks. For lots with less than the minimum lot frontage, refer to 50-38.5
Section 50.21 *Dimensional standards* contains additional regulations applicable to this district.

B. Example.

C. Illustration.

R-1 Example Lot Layout



(Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 7; Ord. No. 10225, 5-28-2013, § 1; Ord. No. 10337, 11-24-2014, § 1; Ord. No. 10421, 11-9-2015, § 1; Ord. No. 10659, 10-28-2019 §1)

50-14.6 Residential-Urban (R-2).

A. Purpose.

The R-2 district is established to accommodate multi-family apartments and townhouses, in an urban setting. This district also allows for single-family detached dwellings, duplexes and group living accommodations as shown in Table 50-19.8. The district is intended primarily for locations closer to commercial and mixed use activity centers, and may serve as a transition between lower-density residential areas and more intense commercial and mixed use neighborhoods;

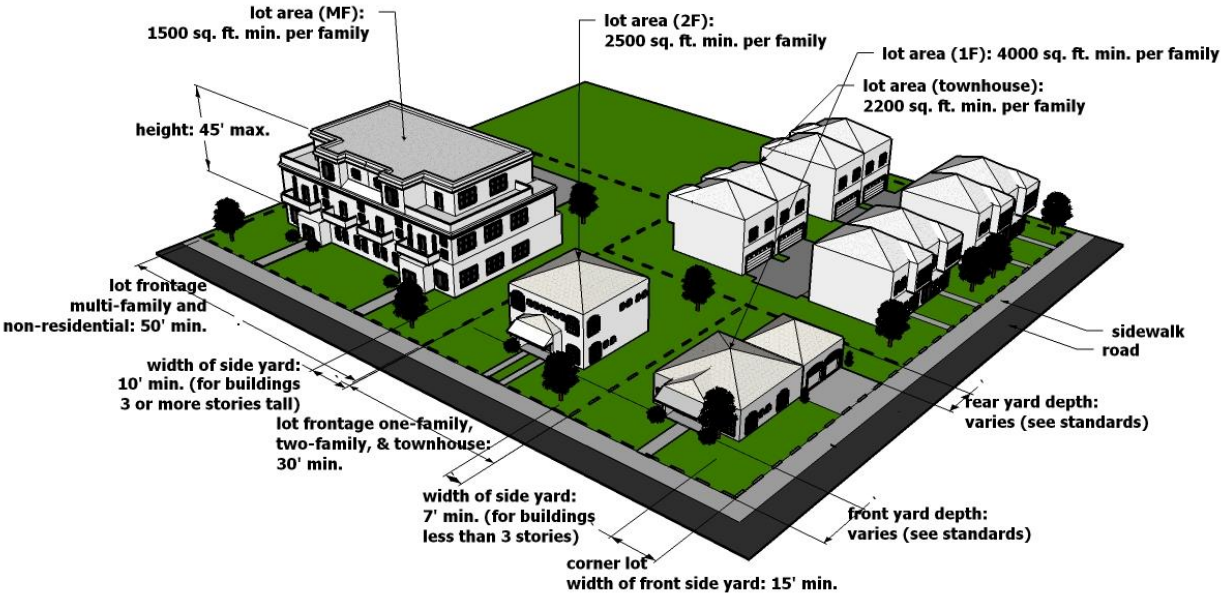
TABLE 50-14.6-1
R-2 DISTRICT DIMENSIONAL STANDARDS

		LOT STANDARDS
Minimum lot area per family	One-family	4,000 sq. ft.
Minimum lot area per family	Two-family	2,500 sq. ft.
Minimum lot area per family	Multi-family	750 sq. ft.
Minimum lot area per family	Townhouse	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, and townhouse	30 ft.
	Multi-family and non-residential	50 ft.
		STRUCTURE SETBACKS
Minimum depth front yard		The smaller of 25 ft. or average of adjacent developed lots facing the same street
Minimum width of side yard for buildings less than 3 stories		6 ft
Minimum width of side yard for buildings less than 3 stories (one and two-family)		Combined width of side yards must be at least 8 ft., with no side yard being less than 3 ft. wide
Minimum width of side yard for building 3 stories or more		10 ft.
Corner Lot: width of front side yard	Dwellings	15 ft.
	Detached accessory building	15 ft.
	All other Principal Structures	25 ft.
Minimum depth of rear yard		25 ft.
		STRUCTURE HEIGHT
Maximum height of building		45 ft.
Section 50.21 *Dimensional standards* contains additional regulations applicable to this district. For lots with less than the minimum lot frontage, refer to 50-38.5.		

B. Example.

C. Illustration.

R-2 Example Lot Layout



(Ord. No. 10042, 8-16-2010, § 1; Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2-11. § 8; Ord. No. 10192, 12-17-2012, § 3, Ord. No. 10659, 10-28-2019 § 2)

50-14.7 Residential-Planned (R-P).

A. Purpose.

The R-P district is established to provide a flexible development option for residential projects that integrate creative site design, provide a variety of housing types, provide unique on-site amenities, conserve natural features, increase pedestrian connectivity, or otherwise result in a final product that provides a greater level of public benefit than would be required under the existing zone district. Each R-P district requires approval of an R-P regulating plan that includes the location, type and intensity of proposed development and a description of public amenities or benefits included. Single-family residences, two-family residences and townhouses, as well as accessory uses, are permitted, as shown in Table 50-19.8, provided projects are compatible in scale and character with the surrounding neighborhood and are included in the approved R-P plan;

B. Examples.

C. Modifications.

An applicant may seek only the modifications in Table 50-14.7-1, based on demonstration of how the proposal supports the purpose of the R-P district as stated in subsection 50-14.7.A and the following desired R-P amenities:

1. Significant preservation and protection of natural resources and undeveloped areas, including wetlands, trees, key habitat, and wildlife areas.
2. A higher level of sustainability, demonstrated in buildings, site design, and transportation, than required by Section 50-28.
3. More efficient and effective use of streets, utilities, and public facilities to support high quality development at a lesser cost.
4. Recreational facilities that are open to the public, such as parks and playgrounds.
5. Accommodations for and linkages to mass transit.
6. Creative site design as appropriate for the site, such as New Urbanist design for a walkable community or conservation development for a rural neighborhood.
7. Bike lanes and trails within the development and connecting to other trails and destinations.
8. Pedestrian amenities such as benches, plazas, pedestrian-scaled lighting, traffic calming, and art.

Table 50-14.7-1: Modifications Allowed	
Chapter Requirement	**Maximum Modification Allowed**
Distance from property lines	Reduction in setbacks; minimum 5' setback from rights of way
Lot frontage	25% decrease
Lot area, general	20% decrease
Lot area, when clustering is used to preserve open space	Overall density of the R-P district should demonstrate a maximum of 20% decrease over base zone districts. Individual lot sizes are allowed up to a 50% decrease.
Building height	Up to a 5' increase
Landscaping	15% decrease
Street width	As determined by city engineer

D. Applicability.

An R-P district shall only be established in the RR-1, RR-2 and R-1 districts provided the property meets the requirements in Table 50-14.7-2;

TABLE 50-14.7-2: Characteristics of High-Density and Low-Density in R-P Areas	
Current zoning	RR-1, RR-2, R-1
Minimum lot size	4 acres

E. Rezoning approval and regulating plan required.

The establishment of an R-P district requires rezoning the property per Section 50-37.3 from a current zone district to R-P and the approval of an R-P plan per Section 50-37.11 that governs the uses, location, density, dimensional standards and character of the proposed project.

In accordance with the purpose of the R-P district, approval of the R-P plan is deemed to include subdivision approval; R-P districts are not required to submit a separate subdivision application under Section 50-37.5;

F. Development standards.

1. The development standards of the base zone district(s) where the property is located shall apply to any R-P zoned land unless waived or varied by the terms of an approved R-P regulating plan. The ordinance approving an R-P district and the approved regulating plan shall identify the previous base zone districts for each portion of the property;
2. Overall density in residential portions of the R-P shall follow the density requirements of the previous zone district unless modified as part of the R-P plan;
3. Minimum percentage of property (excluding common open space) used for residential purposes shall be 66 percent;
4. Common open space. Adequate provisions shall be made for the permanent preservation and maintenance of active or passive open space. Common open space shall not be less than 30 percent of the area of the project (not including right-of-way) and shall comply with the following requirements:

(a) Common open space shall include the shore and bluff impact zones;

(b) Common open space shall include, where possible, lands within the Skyline Overlay;

(c) Common open space shall include, where possible, wetlands, floodplains, wildlife areas, steep slopes, rock outcrops, tree stands and areas unsuitable for development in their natural state;

(d) No more than one-quarter of the required common open space shall consist of wetlands;

(e) Common open space shall not include areas within 25 feet of any structure, any impervious surface, or the area between buildings within an individual cluster of buildings;

(f) At least 50 percent of the common open space shall be retained in a contiguous area;

(g) Where possible, the design should utilize features such as vegetation, fences, topography, roads or trails to delineate the boundary of the common open space to minimize potential physical encroachments into the common open space by adjacent homeowners;

(h) Common open space shall not include land within rights-of-way;

(i) Ownership of common open space. Common open space shall be owned and managed by a property owners association and shall be encumbered through an easement, restrictive covenant or other instrument suitable to the city;

5. All shoreland setbacks and other dimensional requirements from Section 50-18.1 (NR-O) shall continue to apply and cannot be varied through the R-P process;

G. Required community meeting.

The applicant shall hold at least one community meeting to discuss the plan before submitting the plan for review and approval by the city. Notice of the public meeting shall be mailed to all property owners within 350 feet outside the planning area boundaries, and the city shall provide the applicant with the names and address of those property owners upon request. The applicant shall submit with the application documentation that the community meeting has taken place, the date and time of the meeting, the number of attendees, any issues raised regarding the plan and any responses to those concerns incorporated in the plan;

H. Required rezoning application and regulating plan contents.

1. The rezoning application (approved per Section 50-37.3) shall include the following information:

(a) A concept map showing the property to be rezoned and general uses within the area;

(b) Maximum residential densities and maximum square footage for nonresidential land uses;

(c) Maximum building heights;

2. The regulating plan (approved per Section 50-37.11) shall cover all of the land in the proposed R-P district and shall regulate all future development in the R-P district. An approved R-P plan is required before any building permits may be issued within the R-P district. The R-P plan shall include maps and text describing the following information:

(a) General layout of development areas and building parcels in relation to the natural features to be protected and the proposed road, trail and bicycle circulation systems;

(b) Lot sizes and widths, building setbacks, and maximum building heights for all proposed development parcels;

(c) Previous base zone districts;

(d) A road, trail and bicycle circulation plan (including how the circulation may intersect with transit use) and a description of proposed road, trail and bike route widths, trail surfaces, a proposal for maintenance of each road and trail (which may include

dedication to and maintenance by the city), and a statement as to whether public access will be permitted on each road, trail, and bicycle route;

(e) A natural resources inventory and natural site features to be protected;

(f) Common open space to be provided, the location of that open space, a calculation of proposed open space as a percentage of the total land area in the R-P zone, a proposal for protection and maintenance of the open space over time and a statement as to whether public access to the open space shall be provided;

(g) Permitted and special uses for the site, which shall be consistent with those shown in Table 50-19.8; special uses listed in the R-P plan will need to apply for and receive a special use permit prior to building;

(h) Maximum residential densities and maximum square footage for nonresidential land uses;

(i) A plan describing the demand for and location of water, sewer, and utility service to the property, including any additional right-of-way needed to accommodate those utilities. In addition, the plan shall indicate all utilities that will be owned or maintained by the public, and if any of those services are to be provided by the city or a public or quasi-public district, and provide a statement as to whether the proposed facilities will meet the engineering and maintenance standards of that entity;

(j) Details on buffering or transitioning between uses of different intensities both on- and off-site;

(k) A plan for stormwater collection and treatment that includes a summary of land use and technical methods used to minimize storm water run-off from the site;

(l) Off street parking to be provided in driveways, surface lots and garages;

(m) Any public amenities, other than common open space, to be provided by the applicant, together with a statement as to whether those amenities shall be available for public use;

(n) Any required building types, form-based regulation or architectural design requirements, as well as a description of how those standards will be maintained and enforced over time;

(o) If a project involves construction over a period of time in two or more phases, a phasing plan demonstrating that each phase meets density requirements, open space requirements, and provision of public amenities. Phasing plan shall include an approximate time frame for each phase of development. The applicant shall provide agreements, contracts, covenants, deed restrictions, and sureties acceptable to the city attorney for the completion of the development according to the approved R-P plan;

(p) Cross sections demonstrating the proportions of buildings and the relationship between those buildings, pedestrian spaces, and the streetscape;

I. Previously approved developments.

All residential developments approved prior to November 19, 2010, as low-density planned developments pursuant to Sections 50-36.1 through 50-36.3 of the previous zoning code shall be treated as approved developments, and will be rezoned to the R-P zone district;

J. Amendments.

Applications to amend an existing R-P plan shall follow the process described in Section 50-37.3 if they relate to uses, densities, or height. All other amendments shall follow the process in Section 50-37.11. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 9; Ord. No. 10192, 12-17-2012, § 4; Ord. No. 10286, 3-10-2014, § 1.)

50-15 MIXED USE DISTRICTS.

50-15.1 General purposes of mixed use districts.

The mixed use districts are established to:

A. Increase opportunities for residents to live in close proximity to jobs and non-residential development;

B. Accommodate the mix of residential and non-residential land uses common in and around downtown/waterfront areas, major universities and medical centers and along commercial corridors;

C. Encourage mixed use redevelopment, conversion and reuse of aging and underutilized areas, and increase the efficient use of available commercial land in the city;

D. Create pedestrian-oriented environments that encourage transit use, pedestrian access, and more sustainable land use patterns;

E. Ensure that the appearance and function of residential and non-residential uses are of high and unique aesthetic character and quality, and are integrated with one another and the character of the area in which they are located. (Ord. No. 10044, 8 16 2010, § 6.)

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

A. Purpose.

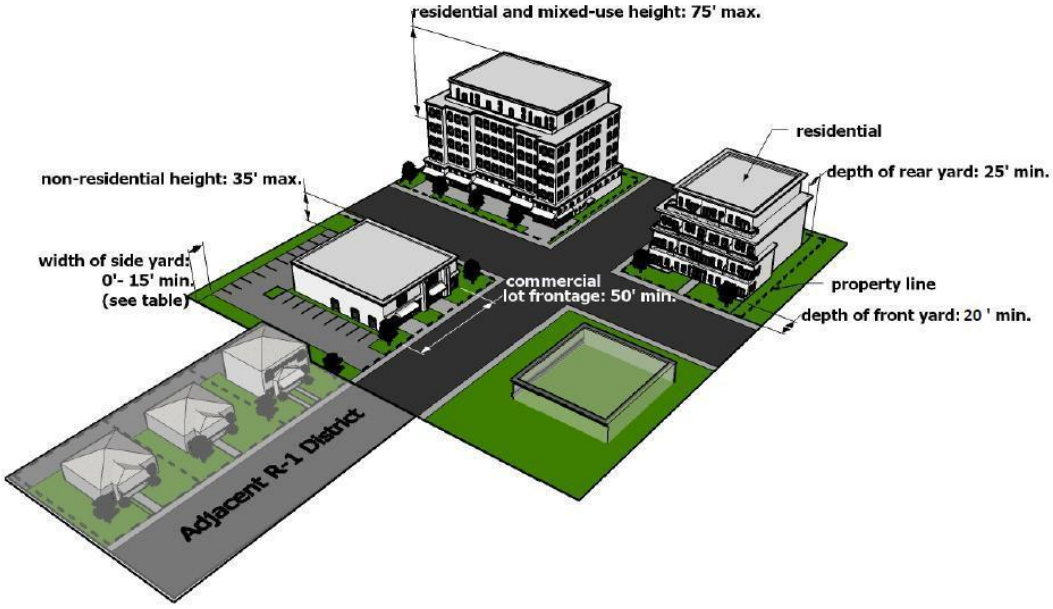
The MU-N district is established to accommodate a mix of neighborhood-scale, neighbor-hood serving non-residential uses and a range of residential uses located in close proximity. This district accommodates both horizontal (uses located in separate structures) and vertical (uses located in the same building) types of mixed use. Non-residential 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	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 portions of all structures higher than 35 feet	An additional 20 feet beyond the required front yard 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	45 ft.
	Residential or mixed use (general)	75 ft.
	Residential or mixed use (within 500 ft. of R-1 or R-2 district)	45 ft.
Section 50.21 *Dimensional standards* contains additional regulations applicable to this district.		

B. Example.

C. Illustration.



(Ord. No. 10041, 8-16-2010, § 1; Ord. No. 10042, 8-16-2010, § 2; Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 10; Ord. No. 10192, 12-17-2012, § 5; Ord. No. 10232, 6-10-2013, § 1; Ord. No. 10286, 3-10-2014, § 2; Ord No. 10468, 8-29-2016, §1)

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 connections between residential and non-residential uses;

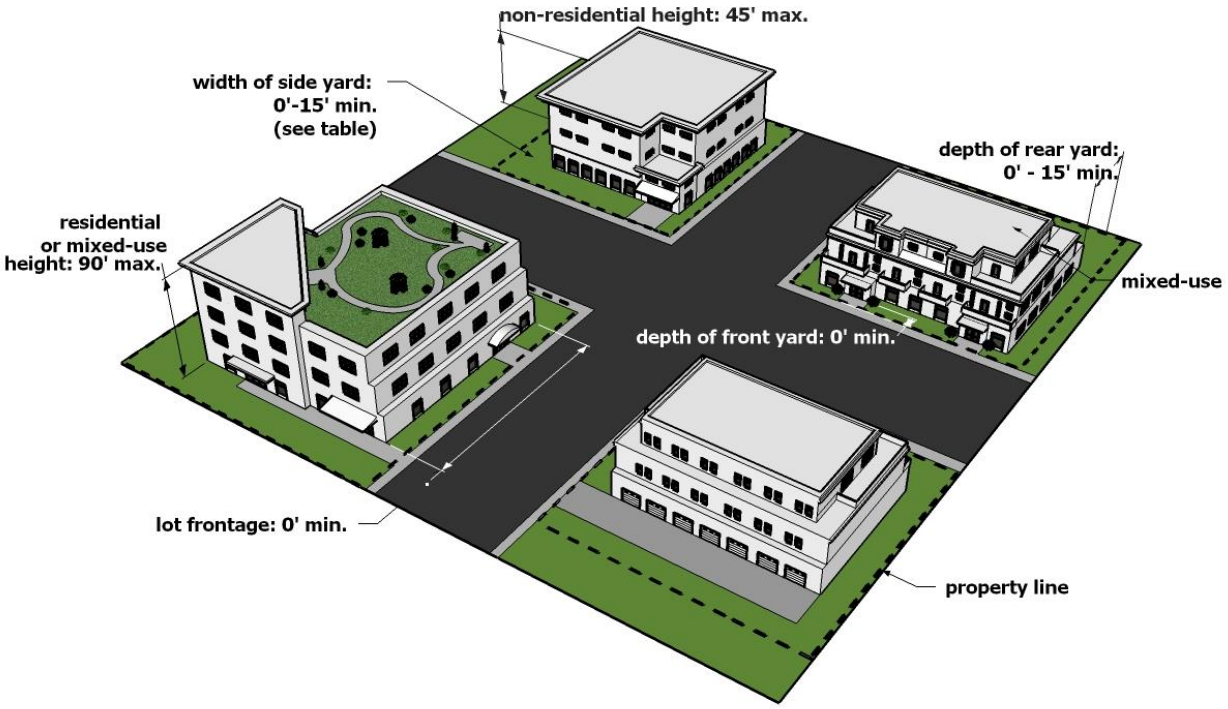
TABLE 50-15.3-1
MU-C DISTRICT DIMENSIONAL STANDARDS

		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 portions of all structures higher than 35 feet	12 ft.
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	45 ft.

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

B. Example.

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. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10232, 6-10-2013, § 2; Ord No. 10468, 8-29-2016, §2)

50-15.4 Mixed Use-Institutional (MU-I).

A. Purpose.

The MU-I district is established to provide for the unique development needs and impacts of major medical, educational and research institutional development. The intent is to give institutional land-owners the flexibility to plan and develop their facilities while ensuring that surrounding neighbor-hoods are protected from adverse impacts, such as traffic, overshadowing buildings, noise and unexpected expansion of institutional uses into residential areas;

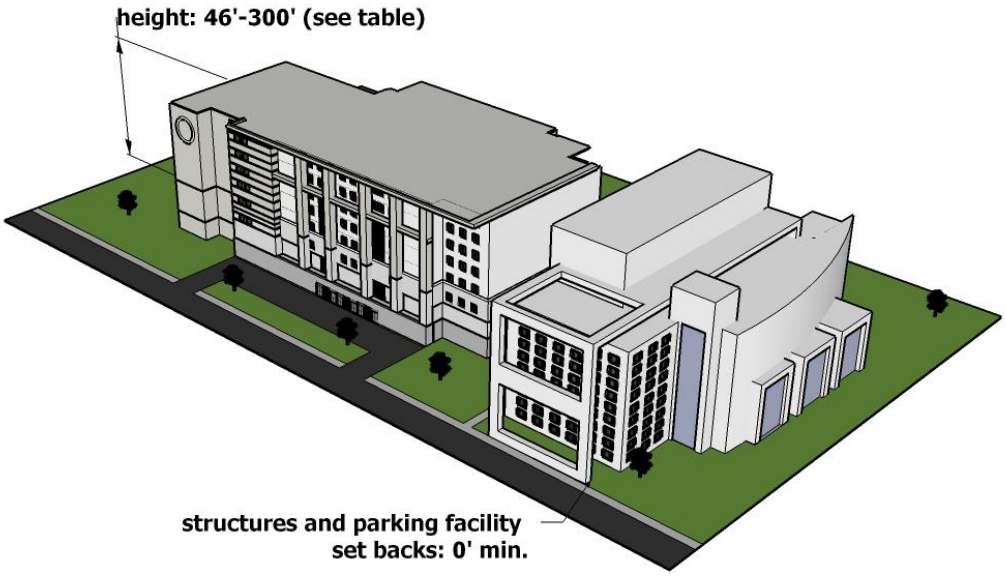
TABLE 50-15.4-1
MU-I DISTRICT DIMENSIONAL STANDARDS

LOT STANDARDS		
Minimum lot area per family	Multi-family	500 sq. ft.
	Efficiency unit	380 sq. ft.
STRUCTURE SETBACKS		
Structures and parking facility setbacks		0 ft.
STRUCTURE HEIGHT		
Maximum height of building	Generally	120 ft.
	On development sites totaling not more than 15% of developable area of the zone district, but not within those areas where a lower maximum is noted below.	300 ft.
	Within 200 ft. of R-1	46 ft.
	Within 200 ft. of R-2	66 ft.
	Within 200 ft. of MU-N	91 ft.

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

B. Example.

C. Illustration.



D. Planning commission approval required.

1. A planning review by the planning commission, pursuant to the procedures in Article V, shall be required for all development and redevelopment, unless the applicant chooses to use the district plan option described below. Development may not proceed until the planning commission has approved the project through planning review or the district plan option;
2. Any proposed rezoning of land from an R district into the MU-I district shall require the preparation of a plan addressing how traffic, parking, and view impacts from the proposed redevelopment will be minimized for those lands on nearby R district properties or mitigated within existing MU-I lands, and planning review shall be based on that plan. The plan shall include any land and facilities within the current MU-I district that will be used to support the use or development of the property to be rezoned, and shall demonstrate how the rezoned and existing institutional properties will functionally relate in terms of parking, circulation, noise, visual impacts, and other applicable development standards;
3. Applicants that do not opt for approval of a district plan shall obtain separate approval for each future expansion or development project through the planning review procedures pursuant to Section 50-37.11, which may include requirements for special use permits or variances. Such approval will require review of vehicle circulation and building scale;

E. District plan option.

1. In an MU-I zone district that contains ten acres or more of land and multiple buildings owned or operated by a single institution, the institution may choose to obtain approval of a district plan from the city as set forth in Article V;
2. After a district plan that complies with this Section 50-15.4 is approved, all subsequent development proposed by the institution that substantially complies with the density, location and uses of the approved district plan shall be administratively approved by the land use supervisor through the planning review process in Section 50-37.11 without the need for additional planning commission review or public hearings;

F. Optional district plan requirements.

Planning area.

1. The planning area for the optional district plan shall include all the contiguous areas and properties under the ownership and control of the institution. All maps submitted under this Section also shall depict properties within 500 feet of the planning area boundaries;

Plan requirements.

2. An optional district plan shall, at a minimum, include the following information unless the land use supervisor determines that some elements are not necessary to evaluate the institution's future impacts on surrounding neighborhoods:
    - (a) A statement as to whether the institution intends to acquire any additional properties in the surrounding area for conversion to institution uses over the ten year period, and, if so, the general direction of that proposed expansion;
    - (b) A plan and description of the maximum amount of development of land and buildings expected to occur within the planning area boundaries within over the next ten years, including:
        - (i) Location of each potential new building or significant expansion of or addition to existing buildings;
        - (ii) Maximum floor area and height of potential new buildings and additions to and expansions of existing buildings;
        - (iii) Any setbacks and buffering from the external planning area boundaries;
        - (iv) Total number and location of parking spaces that will be developed to serve any new development;
        - (v) A statement of any sensitive natural areas or site features that will be protected from development, and the measures to be taken to protect them;
        - (vi) A statement as to any public improvements anticipated to be required from the city or any public or quasi-public entity to serve the proposed development;
    - (c) A transportation and parking management element that identifies traffic circulation patterns, entry and exit points for traffic at the planning area boundaries, any anticipated increases or decreases in traffic entering or exiting the planning area, how parking needs and transit service will be accommodated within the planning area and any measures to be used to mitigate traffic and parking impacts on surrounding areas. If the district plan reflects an increase of ten percent or more in building gross square footage or an increase of ten percent or more of employment or enrolled students within the planning areas, the city may require that the institution base this element on a traffic and parking study prepared by a qualified consultant;
    - (d) An open space, trail and pedestrian/bicycle circulation element that describes how those features will be integrated into the proposed development and connected to similar features in the surrounding area;
    - (e) A massing plan showing the locations of all existing and planned buildings more than 20 feet taller than the maximum height allowed in any adjacent residential zone district, together with any design standards to be applied on those buildings to reduce the degree to which those buildings obstruct views of Lake Superior from adjacent residential neighborhoods;
    - (f) A description of any requested variation from the development standards in Article IV that would otherwise apply to the planning area. Unless varied by the district plan, the provisions otherwise applicable to the MU-I zone district will apply;

G. Community meeting.

The applicant shall hold at least one community meeting to discuss the district plan before submitting the plan for review and approval by the city. Notice of the public meeting shall be mailed to all property owners within 350 feet outside the planning area boundaries, and the city shall provide the applicant with the names and address of those property owners upon request. The applicant shall submit with the application documentation that the community meeting has taken place, the date and time of the meeting, the number of attendees, any issues raised regarding the district plan and any responses to those concerns incorporated in the district plan;

H. Approval criteria.

The city shall approve an optional district plan if it finds that the application meets all of those district plan approval criteria in Section 50-37.4C and in addition meets the following criteria:

1. The district plan complies with all applicable standards of this Chapter, or offers sound reasons for variations from those standards;
2. The district plan mitigates any potential significant adverse impacts to surrounding areas – including but not limited to traffic, parking, and visual obstruction of views of Lake Superior and the St. Louis River to the extent reasonable;
3. Sufficient public safety, transportation and utility facilities and services are available to serve the planning area at the proposed level of development, while maintaining sufficient levels of service to existing and anticipated development in surrounding areas. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 11.)

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;

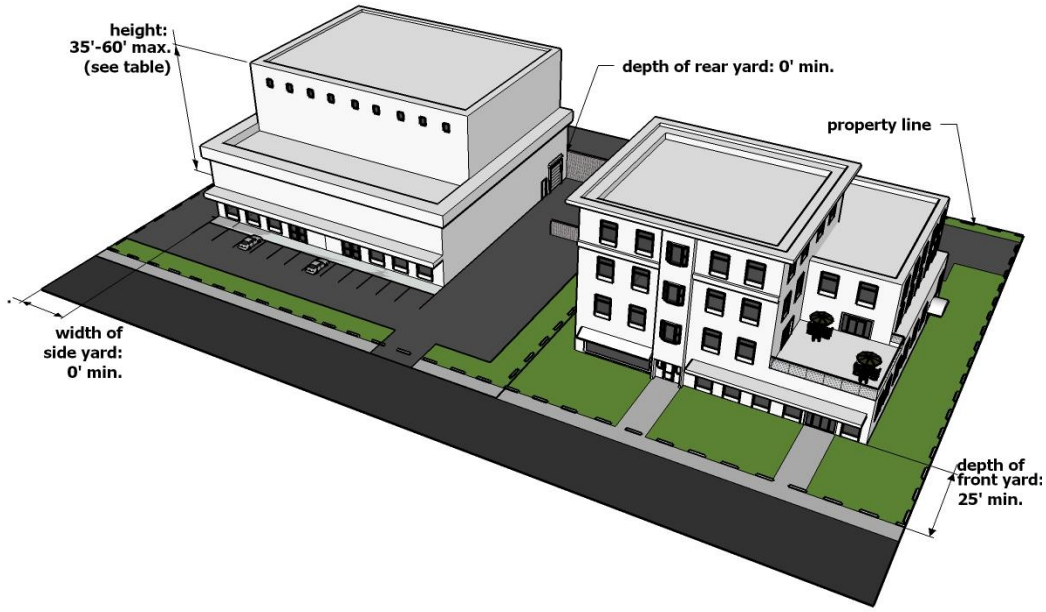
TABLE 50-15.5-1
MU-B DISTRICT DIMENSIONAL STANDARDS

		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	45 ft.

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

B. Example.

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. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10232, 6-10-2013, § 3, Ord No. 10468, 8-29-2016, §3)

50-15.6 Mixed Use-Waterfront (MU-W).

A. Purpose

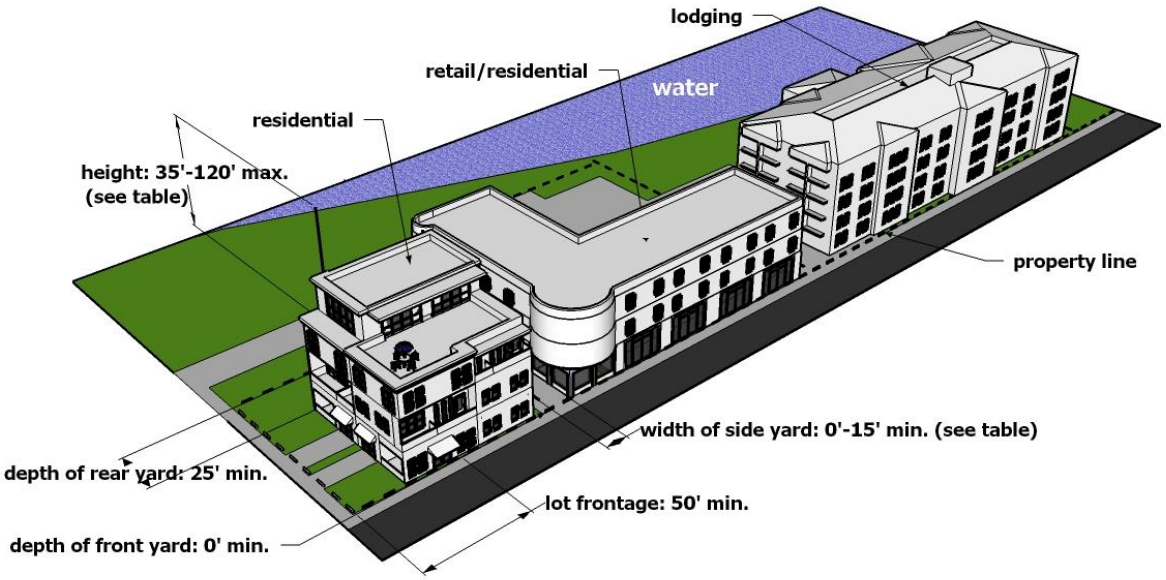
The MU-W district is intended to provide for waterfront-dependent commercial uses and medium to high density residential development. Intended non-residential uses include visitor-related retail and services, lodging, recreational facilities and maritime uses, as well retail and service uses that take advantage of the waterfront setting, as shown in Table 50-19.8. Development may include horizontal or vertical mixed use, and should facilitate transit and pedestrian connections between developments and the surrounding areas and community;

TABLE 50-15.6-1
MU–W DISTRICT DIMENSIONAL STANDARDS

		LOT STANDARDS
Minimum lot area per family	Townhouse or live-work dwelling	2,200 sq. ft.
	Multi-family	500 sq. ft.
	Efficiency unit	380 sq. ft.
Minimum lot frontage		50 ft.
		STRUCTURE SETBACKS
Minimum depth of front yard		0 ft.
Minimum width of side yard		25 ft.
Minimum depth of rear yard		25 ft.
		STRUCTURE HEIGHT
Maximum height of building	Residential or mixed use	120 ft.
	Non-residential	60 ft.
	Within 500 ft. of R-1 district	35 ft.
	Within 500 ft. of R-2 district	50 ft.
Section 50.21 *Dimensional standards* contains additional regulations applicable to this district.		

B. Example.

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 development, redevelopment and expansions in the MU-W 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.

All permitted development in the MU-W shall comply with the following development standards:

1. Proposed development shall be visually and functionally oriented toward the waterfront of Lake Superior, the harbor and the St. Louis River to the maximum extent possible so that users of buildings and associated outdoor areas have direct views and physical access to the waterfront;
2. To protect public views to the waterfront from the closest landward public street running approximately parallel to the water, all primary structures shall have a maximum width of 200 feet measured along the shoreline and shall be separated from other primary structures by a minimum of 50 feet;
3. Buildings shall have a primary façade, with a functioning entrance for residents, employees or patrons facing the waterfront, and a second primary façade with a similar functioning entrance facing at least one of the adjacent streets, to the maximum extent feasible;
4. The quality of façade design and materials and the level of detail on the building façade facing the water shall be comparable to that on any other building façade containing a functioning entrance. The building façade facing the water shall have at least 40 percent transparency, measured as set forth in Section 50-22.5.D.1; no rectangular area greater than 30 percent of each story of the façade facing the water may be windowless, as measured from floor to floor, and no horizontal distance greater than 15 feet of each story of a facade facing the water may be windowless;

5. For any development, redevelopment, or expansion of an existing structure or use, the parking requirements in Section 50-24 shall be met without use of the reduction allowed by 50-24.3, adjustment to required off-street parking. However, the required parking may be reduced as allowed by 50-24.3 only if the applicant can demonstrate to the Land Use Supervisor's satisfaction that nearby properties provide sufficient supplemental off-street parking and that all the parking needs generated by the use can be met on site. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10232, 6-10-2013, § 4; Ord. No. 10286, 3-10-2014, § 3; Ord. No. 10589, 9-24-2018, § 1; Ord. No. 10723, 12-14-2020, § 3)

50-15.7 Mixed Use-Planned (MU-P).

A. Purpose.

The MU-P district is established to provide a flexible development option for mixed use projects that integrate creative site design, provide a variety of building types, provide unique on-site amenities, conserve natural features, increase pedestrian connectivity, or otherwise result in a final product that provides a greater level of public benefit than would be required under the existing zone district. Each MU-P district requires approval of an MU-P regulating plan that includes the location, type, and intensity of proposed development and a description of public amenities or benefits included. A variety of residential and commercial uses are permitted, as shown in Table 50-19.8, provided projects are compatible in scale and character with the surrounding neighborhood and are included in the approved MU-P plan;

B. Examples.

C. Modifications.

An applicant may seek only the modifications in Table 50-15.7-1, based on demonstration of how the proposal supports the purpose of the MU-P district as stated in Section 50-15.7.A and the following desired MU-P amenities:

1. Significant preservation and protection of natural resources and undeveloped areas, including wetlands, trees, key habitat, and wildlife areas;
2. A higher level of sustainability, demonstrated in buildings, site design, and transportation, than required by Section 50-28;
3. More efficient and effective use of streets, utilities, and public facilities to support high quality development at a lesser cost;
4. Recreational facilities that are open to the public, such as parks and playgrounds.
5. Accommodations for and linkages to mass transit;
6. Creative site and building design;
7. Bike lanes and trails within the development and connecting to other trails and destinations;
8. Pedestrian amenities such as benches, plazas, pedestrian-scaled lighting, traffic calming, and art;

Table 50-15.7-1: Modifications Allowed.	
Chapter Requirement	**Maximum Modification Allowed**
Distance from property lines	No required yards
Building height	20% increase if not within 200' of an R-1 or R-2
Lot frontage	10% decrease
Buildings per lot	More than one building may be placed on one lot
Parking	10% decrease in addition to other allowable chapter reductions **or** a 10% increase over the maximum
Landscaping	20% decrease
Street width	As determined by City Engineer
Building design standards	Can propose alternative standards
Higher Education Overlay	Can propose alternative standards

D. Applicability.

An MU-P district shall only be established in the R-2, MU-N, MU-C, and MU-B districts provided the property meets the requirements in Table 50-15.7-2.

TABLE 50-15.7-2: Characteristics of MU-P Areas.	
Current zoning	R-2, MU-N, MU-C, MU-B
Minimum lot size	2 acres

E. Rezoning approval and regulating plan required.

The establishment of an MU-P district requires rezoning the property per Section 50-37.3 from a current zone district to MU-P and the approval of an MU-P plan per Section 50-37.11, that governs the uses, location, density, dimensional standards and character of the proposed project.

In accordance with the purpose of the MU-P district, approval of the MU-P plan is deemed to include subdivision approval; MU-P districts are not required to submit a separate subdivision application under Section 50-37.5.

F. Development standards.

1. The development standards of the base zone district(s) where the property is located shall apply to any MU-P zoned land unless waived or varied by the terms of an approved MU-P regulating plan. The ordinance approving an MU-P district and the approved regulating plan shall identify the previous base zone districts for each portion of the property;
2. Overall density in residential portions of the MU-P shall follow the density requirements of the previous zone district unless modified as part of the MU-P plan;

3. Height standards:
    (a) Maximum building height within 200 feet of an R-1 district is 35 feet;
    (b) Maximum building height within 200 feet of an R-2 district is 50 feet;
4. Common open space. Adequate provisions shall be made for the permanent preservation and maintenance of active or passive open space. Common open space shall not be less than 20 percent of the area of the project and shall comply with the following requirements:
    (a) Common open space shall include the shore and bluff impact zones;
    (b) Common open space shall include, where possible, wetlands, floodplains, wildlife areas, steep slopes, rock outcrops, tree stands and areas unsuitable for development in their natural state;
    (c) At least 50 percent of the common open space shall be retained in a contiguous area;
    (d) Common open space shall not include roads or right-of-way;
5. The development shall encourage walkable, bikeable communities through the use of complete streets, alleys, sidewalks and trails, interconnected street networks, small blocks, front porches, and buildings that are sited adjacent to streets;
6. All shoreland setbacks and other dimensional requirements from Section 50-18.1 (NR-O) shall continue to apply and cannot be varied through the MU-P process;

G. Required community meeting.

The applicant shall hold at least one community meeting to discuss the plan before submitting the plan for review and approval by the city. Notice of the public meeting shall be mailed to all property owners within 350 feet outside the planning area boundaries, and the city shall provide the applicant with the names and address of those property owners upon request. The applicant shall submit with the application documentation that the community meeting has taken place, the date and time of the meeting, the number of attendees, any issues raised regarding the plan and any responses to those concerns incorporated in the plan;

H. Required rezoning application and regulating plan contents.

1. The rezoning application (approved per Section 50-37.3) shall include the following information:
    (a) A concept map showing the property to be rezoned and general uses within the area;
    (b) Maximum residential densities and maximum square footage for nonresidential land uses;
    (c) Maximum building heights;
2. The regulating plan (approved per Section 50-37.11) shall cover all of the land in the proposed MU-P district and shall regulate all future development in the MU-P district. An approved MU-P plan is required before any building permits may be issued within the MU-P district. The MU-P plan shall include maps and text describing the following information:
    (a) General layout of development areas and building parcels in relation to the natural features to be protected and the proposed road, trail and bicycle circulation systems;
    (b) Lot sizes and widths, building setbacks, and maximum building heights for all proposed development parcels;
    (c) Previous base zone districts;
    (d) A traffic impact analysis;
    (e) A road, trail and bicycle circulation plan (including how the circulation may intersect with transit use) and a description of proposed road, trail and bike route widths, trail surfaces, a proposal for maintenance of each road and trail (which may include dedication to and maintenance by the city), and a statement as to whether public access will be permitted on each road, trail, and bicycle route;
    (f) A natural resources inventory and natural site features to be protected;
    (g) Common open space to be provided, the location of that open space, a calculation of proposed open space as a percentage of the total land area in the MU-P

zone, a proposal for protection and maintenance of the open space over time and a statement as to whether public access to the open space shall be provided;

(h) Permitted and special uses for the site, which shall be consistent with those shown in Table 50-19.8; special uses listed in the MU-P plan will need to apply for and receive a special use permit prior to building;

(i) Maximum residential densities and maximum square footage for nonresidential land uses;

(j) A plan describing the demand for and location of water, sewer, and utility service to the property, including any additional right-of-way needed to accommodate those utilities. In addition, the plan shall indicate all utilities that will be owned or maintained by the public, and if any of those services are to be provided by the city or a public or quasi-public district, and provide a statement as to whether the proposed facilities will meet the engineering and maintenance standards of that entity;

(k) Details on buffering or transitioning between uses of different intensities both on- and off-site;

(l) A plan for stormwater collection and treatment that includes a summary of land use and technical methods used to minimize storm water run-off from the site;

(m) Off-street parking to be provided in driveways, surface lots and garages;

(n) Any public amenities, other than common open space, to be provided by the applicant, together with a statement as to whether those amenities shall be available for public use;

(o) Any required building types, form-based regulation or architectural design requirements, as well as a description of how those standards will be maintained and enforced over time;

(p) If a project involves construction over a period of time in two or more phases, a phasing plan demonstrating that each phase meets density requirements, open space requirements, and provision of public amenities. Phasing plan shall include an approximate time frame for each phase of development. The applicant shall provide agreements, contracts, covenants, deed restrictions, and sureties acceptable to the city attorney for the completion of the development according to the approved MU-P plan;

(q) Cross sections demonstrating the proportions of buildings and the relationship between those buildings, pedestrian spaces and the streetscape;

I. Amendments.

Applications to amend an existing MU-P plan shall follow the process described in Section 50-37.3 if they relate to uses, densities, or height. All other amendments shall follow the process in Section 50-37.11. (Added by Ord. No. 10192, 12-17-2012, § 6; Ord. No. 10286, 3-10-2014, § 4.)

50-16 FORM DISTRICTS.

50-16.1 General purposes of form districts.

Nine new districts were created for those areas within the city to be regulated by form-based coding. Sections 50-16.2 through 50-16.10 below contain brief descriptions of each of the form districts. Section 50-22, *Building form standards,* provides additional information that applies to these districts and regulates the types of buildings, development and rezoning permitted in each district. (Ord. No. 10044, 8-16-2010, § 6; cited only by Ord. 10284, 3-10-2014, § 1.)

50-16.2 Form District 1 (F-1) low-rise neighborhood shopping.

A. Purpose.

The F-1 District consists of only one building type, Main Street Building I. This district is meant to be mapped within the East Superior Street study area (Lakeside/Lester Park) along the commercial nodes that take the form of traditional mixed use development. Main Street Building I has a build-to zone of between 0 and 15 feet, that allows the building to either be built adjacent to the sidewalk or set back further on the lot to match its surrounding residential context. This building type also requires a high amount of transparency on the ground floor. Permitted and special uses are shown in Table 50-19.8;

Building Types	Form Districts								
	F-1	F-2	F-3	F-4	F-5	F-6	F-7	F-8	F-9
Main Street Building I	●	●							
Main Street Building II			●	●	●	●			
Main Street Building III							●	●	
Corridor Building I		●							
Corridor Building II				●	●				
Lakefront Corridor									●
Corridor Building III								●	
Cottage Commercial I		●				●			
Cottage Commercial II				●					
Iconic Building		●		●	●	●		●	

B. Example.

Example of Main Street I

Example of a Main Street I

C. Illustration.

See Section 50-22 for illustrations of building types permitted in the F-1 district. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10284, 3-10-2014, § 1.)

50-16.3 Form District 2 (F-2) low-rise neighborhood mix.

A. Purpose.

The F-2 District permits Main Street Building I, Corridor Building I, Cottage Commercial Building I and the Iconic Building. This district was designed for both the East Superior Street (Lakeside/ Lester Park) and London Road (12th to 21st avenues East) study areas, and is meant to serve as a mixed use, neighborhood-scale commercial district. Corridor Building I is better suited for office or residential (apartment) uses. Due to its residential character, Cottage Commercial I is well suited to commercial uses that may occur adjacent to a residential area. Permitted and special uses are shown in Table 50-19.8;

Building Types	Form Districts								
	F-1	F-2	F-3	F-4	F-5	F-6	F-7	F-8	F-9
Main Street Building I	●	●							
Main Street Building II			●	●	●	●			
Main Street Building III							●	●	
Corridor Building I		●							
Corridor Building II				●	●				
Lakefront Corridor									●
Corridor Building III								●	
Cottage Commercial I		●				●			
Cottage Commercial II				●					
Iconic Building		●		●	●	●		●	

B. Example.

Example of Corridor Building I

Example of Cottage Commercial I

C. Illustration.

See Section 50-22 for illustrations of building types permitted in the F-2 district. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10284, 3-10-2014, § 1.)

50-16.4 Form District 3 (F-3) mid-rise community shopping.

A. Purpose.

Several pockets within the West Duluth (Grand Avenue and Central Avenue) and Canal Park study areas contain older mixed use buildings, with retail or office uses on the ground floor and office or residential uses on the upper floors. F-3: Main Street Building II was created to preserve this style of development and provide stan-dards for future infill development to emulate the style as well. Main Street Building II has a small build-to zone, requiring the building to be constructed fairly close to the front property line. Permitted and special uses are shown in Table 50-19.8;

building types	Form Districts								
	F-1	F-2	F-3	F-4	F-5	F-6	F-7	F-8	F-9
Main Street Building I	●	●							
Main Street Building II			●	●	●	●			
Main Street Building III							●	●	
Corridor Building I		●							
Corridor Building II				●	●				
Lakefront Corridor									●
Corridor Building III								●	
Cottage Commercial I		●				●			
Cottage Commercial II				●					
Iconic Building		●		●	●	●		●	

B. Example.

Example of Main Street Building II

Example of Main Street Building II

C. Illustration.

See Section 50-22 for illustrations of building types permitted in the F-3 district. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10284, 3-10-2014, § 1.)

50-16.5 Form District 4 (F-4) mid-rise community mix.

A. Purpose.

Portions of the London Road and West Duluth (Grand Avenue and Central Avenue) study areas either contain auto-oriented development or a mixture of different building types. The F-4 District was created for those areas that are not strictly comprised of mixed use buildings. These areas are often transitional in nature, as the study area switches from commercial to residential. The integration of Corridor Building II and Cottage Commercial II will assist in stepping down the intensity as the district approaches residential neighborhoods. Permitted and special uses are shown in Table 50-19;

Building Types	Form Districts								
	F-1	F-2	F-3	F-4	F-5	F-6	F-7	F-8	F-9
Main Street Building I	●	●							
Main Street Building II			●	●	●	●			
Main Street Building III							●	●	
Corridor Building I		●							
Corridor Building II				●	●				
Lakefront Corridor									●
Corridor Building III								●	
Cottage Commercial I		●				●			
Cottage Commercial II				●					
Iconic Building		●		●	●	●		●	

B. Example.

Example of Corridor Building II

Example of Cottage Commercial II

C. Illustration.

See Section 50-22 for illustrations of building types permitted in the F-4 district. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 12; Ord. No. 10284, 3-10-2014, § 1.)

50-16.6 Form District 5 (F-5) mid-rise community shopping and office.

A. Purpose.

The F-5 District is applied to both the West Superior Street study area (Lincoln Park) and the transitional areas surround-ing Downtown, including Canal Park and Central Hillside (Second Street from Sixth Avenue West to Third Avenue East). These areas consist of a combination of traditional mixed use buildings and office buildings, which conform to the style of Main Street Building II and Corridor Building II. Permitted and special uses are shown in Table 50-19.8;

Building Types	Form Districts								
	F-1	F-2	F-3	F-4	F-5	F-6	F-7	F-8	F-9
Main Street Building I	●	●							
Main Street Building II			●	●	●	●			
Main Street Building III							●	●	
Corridor Building I		●							
Corridor Building II				●	●				
Lakefront Corridor									●
Corridor Building III								●	
Cottage Commercial I		●				●			
Cottage Commercial II				●					
Iconic Building		●		●	●	●		●	

B. Example.

Example of Corridor Building II

Example of Main Street Building II

C. Illustration.

See Section 50-22 for illustrations of building types permitted in the F-5 district. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10284, 3-10-2014, § 1.)

50-16.7 Form District 6 (F-6) mid-rise neighborhood shopping.

A. Purpose.

This district was created to respond to the commercial nodes present in the Central Hillside neighborhood (14th Street from Mesaba Avenue to Third Avenue East). These nodes are separated by residential developments, which were not included in the study area. Main Street Building II, Corridor Building II, and Cottage Commercial Building I provide flexibility in the style of commercial building, with the Cottage Commercial building type especially applicable when it's located adjacent to residential development. Permitted and special uses are shown in Table 50-19.8;

Building Types	Form Districts								
	F-1	F-2	F-3	F-4	F-5	F-6	F-7	F-8	F-9
Main Street Building I	●	●							
Main Street Building II			●	●	●	●			
Main Street Building III							●	●	
Corridor Building I		●							
Corridor Building II				●	●	●			
Lakefront Corridor									●
Corridor Building III								●	
Cottage Commercial I		●				●			
Cottage Commercial II				●					
Iconic Building		●		●	●	●		●	

B. Example.

Example of Cottage Commercial I

Example of Main Street Building II

C. Illustration.

See Section 50-22 for illustrations of building types permitted in the F-6 district. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10284, 3-10-2014, § 1, Ord No. 10522, 9-11-2017 § 1)

50-16.8 Form District 7 (F-7) downtown shopping.

A. Purpose.

To preserve the historic mixed use core of Downtown, F-7 was created to be applied in specific areas along Superior Street. This district permits only Main Street Building III, which seeks to codify the existing urban structure of the heart of Downtown. The building type requires a storefront on the ground floor and that the building be located adja-cent to the sidewalk. The F-7 and F-8 districts also permit the highest intensity development, with a maximum height along Superior Street of 15 stories. Permitted and special uses are shown in Table 50-19.8;

Building Types	Form Districts								
	F-1	F-2	F-3	F-4	F-5	F-6	F-7	F-8	F-9
Main Street Building I	●	●							
Main Street Building II			●	●	●	●			
Main Street Building III							●	●	
Corridor Building I		●							
Corridor Building II				●	●				
Lakefront Corridor									●
Corridor Building III								●	
Cottage Commercial I		●				●			
Cottage Commercial II				●					
Iconic Building		●		●	●	●		●	

B. Example.

Example of Main Street Building III

Example of Main Street Building III

C. Illustration.

See Section 50-22 for illustrations of building types permitted in the F-7 district. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10284, 3-10-2014, § 1.)

50-16.9 Form District 8 (F-8) downtown mix.

H. Purpose.

F-8 applies to other Downtown areas not included in the F-7 district. The district provides slightly more flexibility in building form than does F-7, as it permits both Main Street Building III and Corridor Building III for office and residential uses. Permitted and special uses are shown in Table 50-19.8;

Building Types	Form Districts								
	F-1	F-2	F-3	F-4	F-5	F-6	F-7	F-8	F-9
Main Street Building I	●	●							
Main Street Building II			●	●	●	●			
Main Street Building III							●	●	
Corridor Building I		●							
Corridor Building II				●	●				
Lakefront Corridor									●
Corridor Building III								●	
Cottage Commercial I		●				●			
Cottage Commercial II				●					
Iconic Building		●		●	●	●		●	

I. Example.

Example of Main Street Building III

Example of Corridor Bulding III

J. Illustration.

See Section 50-22 for illustrations of building types permitted in the F-8 district. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10284, 3-10-2014, § 1.)

50-16.10 Form District 9 (F-9) Canal Park lakefront.

A. Purpose.

F-9 applies specifically to the east side of Canal Park Drive, addressing the parcels currently occupied by hotels. This district is unique in that the parcels are deep and front both Lake Superior and Canal Park Drive. The Lakefront Corridor Building was developed specifically for these locations, requiring frontage on both sides with enough depth to nestle parking in between the buildings. Views through these parcels to the lake are also addressed with view corridors. Permitted and special uses are shown in Table 50-19.8;

Building Types	Form Districts								
	F-1	F-2	F-3	F-4	F-5	F-6	F-7	F-8	F-9
Main Street Building I	●	●							
Main Street Building II			●	●	●	●			
Main Street Building III							●	●	
Corridor Building I		●							
Corridor Building II				●	●				
Lakefront Corridor									●
Corridor Building III								●	
Cottage Commercial I		●				●			
Cottage Commercial II				●					
Iconic Building		●		●	●	●		●	

B. Example.

Example of Lakefront Corridor

Example of Lakefront Corridor

C. Illustration.

See Section 50-22 for illustrations of building types permitted in the F-9 district. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10284, 3-10-2014, § 1.)

50-17 SPECIAL PURPOSE DISTRICTS.

50-17.1 General purposes.

The special purpose zone districts are intended to:

A. Preserve, protect and promote employment-generating uses;
B. Create suitable environments for various types of commercial and industrial uses and protect them from the adverse effects of incompatible uses;
C. Help implement the comprehensive land use plan by accommodating special land uses needed by Duluth's residents, businesses, visitors and workers;
D. Encourage site planning, land use planning and architectural design that create an interesting, pedestrian-friendly environment where appropriate;
E. Minimize potential negative impacts of non-residential development on adjacent residential areas;
F. Preserve the natural resources of the city. (Ord. No. 10044, 8-16-2010, § 6.)

50-17.2 Industrial-General (I-G).

A. Purpose.

The I-G district is intended to provide for general- to heavy- impact industrial, processing, assembly, fabrication and manufacturing uses. Office uses are allowed provided they are clearly incidental to and supportive of on-site industrial uses, as shown in Table 50-19.8. The district is intended primarily for locations close to major transportation corridors and active commercial centers. This district should be located away from residential development;

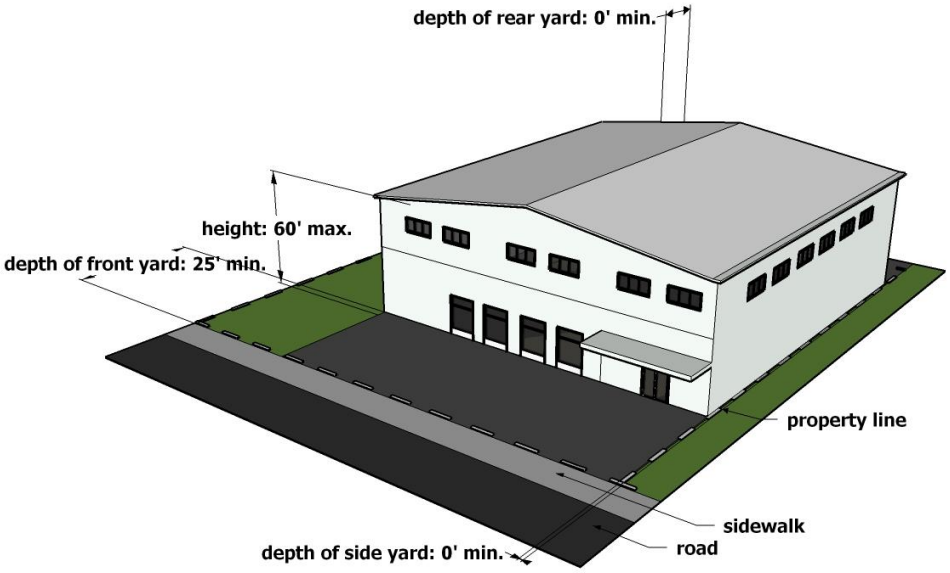
TABLE 50-17.2-1
I-G DISTRICT DIMENSIONAL STANDARDS

		LOT STANDARDS
Minimum lot area		0 sq. ft.
Minimum lot frontage		0 ft.
		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	General	0 ft.
	Adjacent to residential use or district	15 ft.
Minimum depth of rear yard (ft)	General	0 ft.
	Adjacent to residential use or district	25 ft.
		STRUCTURE HEIGHT
Maximum height of building	General	60 ft.
	Within 200 ft. of R-1 district	35 ft.
	Within 200 ft. of R-2 district	50 ft.

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

B. Example.

C. Illustration.



(Ord. No. 10044, 8-16-2010, § 6.)

50-17.3 Industrial-Waterfront (I-W).

A. Purpose.

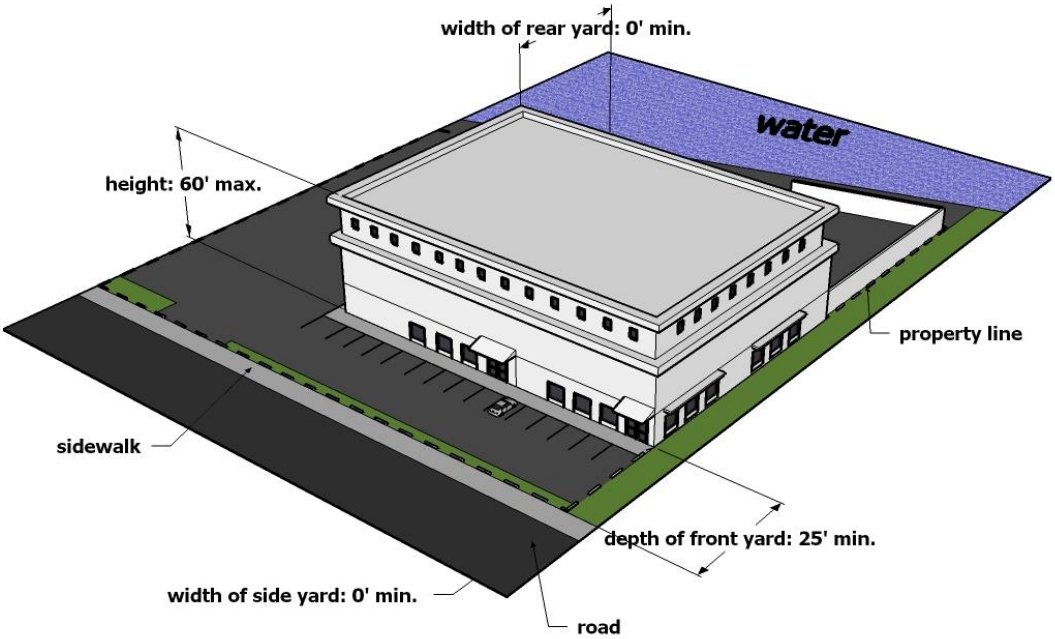
The I-W district is intended to provide for water-dependent and port-dependent industrial uses as shown in Table 50-19.8. Office uses are allowed provided they are clearly incidental to and supportive of on-site industrial uses. This district should be located away from residential development.

TABLE 50-17.3-1
I-W DISTRICT DIMENSIONAL STANDARDS

LOT STANDARDS		
Minimum lot area		0 sq. ft.
Minimum lot frontage		0 ft.
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	General	0 ft.
	Adjacent to residential	15 ft.
Minimum depth of rear yard	General	0 ft.
	Adjacent to residential	25 ft.
STRUCTURE HEIGHT		
Maximum height of building	General	60 ft.
	Within 200 ft. of R-1 district	35 ft.
	Within 200 ft. of R-2 district	50 ft.
Section 50.21 *Dimensional standards* contains additional regulations applicable to this district.		

B. Example.

C. Illustration.



(Ord. No. 10044, 8-16-2010, § 6.)

50-17.4 Park and Open Space District (P-1).

A. Purpose.

The P-1 district is intended to protect and reserve lands for recreational, scenic and natural resource uses. It is intended to be applied to publicly owned land but may be applied to private property with the landowner's written consent. Both passive recreational (e.g., walking paths, picnic tables) and active recreational (e.g., playgrounds, ball fields, tennis courts) uses may be permitted, as shown in Table 50-19.8. Small-scale buildings, structures and development (e.g., parking) that are incidental to and supportive of an approved use may also be permitted. All uses and structures shall be compatible in scale, design and impact with the natural features and character of the land;

TABLE 50-17.4-1: P-1 DISTRICT DIMENSIONAL STANDARDS

LOT STANDARDS	
Minimum lot area	0 sq. ft.
Minimum lot frontage	0 ft.
STRUCTURE SETBACKS	
Minimum depth of front yard	25 ft.
Minimum width of side yard	25 ft.
Minimum depth of rear yard	25 ft.
STRUCTURE HEIGHT	
Maximum height of building	30 ft.

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

B. Example.

(Ord. No. 10044, 8-16-2010, § 6 Ord. No. 10225, 5-28-2-13, § 2.)

50-17.5 Airport District (AP)

A. Purpose.

The AP district is intended to protect and reserve lands dedicated for airport operations. Structures and development (e.g., parking, hangars) that are incidental to and supportive of airport operations may be permitted (added by Ord. No. 10366, 4-13-2015, § 1)

TABLE 50-17.5-1: AP DISTRICT DIMENSIONAL STANDARDS

LOT STANDARDS	
Minimum lot area	0 sq. ft.
Minimum lot frontage	0 ft.
STRUCTURE SETBACKS	
Minimum depth of front yard	5 ft.
Minimum width of side yard	5 ft.
Minimum depth of rear yard	5 ft.
STRUCTURE HEIGHT	
Maximum height of building	30 ft., or Per 50-18.2, whichever is greater

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

50-18 OVERLAY DISTRICTS.

50-18.1 Natural Resources Overlay (NR-O).

A. General.

1. Purpose statement.

The purpose of this overlay is to promote, preserve and enhance the water resources and environment within the city and protect them from adverse effects caused by poorly sited or incompatible development. It is intended to implement the Minnesota Wetland Conservation Act (WCA), federal emergency management agency (FEMA) rules, and the Minnesota department of natural resources (DNR) shoreland and flood plain regulations. In accordance with this regulatory framework, wetlands, flood plains and shorelands are protected by regulating developments that would have an adverse or potentially irreversible impact on unique and fragile land, by minimizing conflicts and encouraging compatibility between environmentally sensitive lands, and by requiring detailed review standards and procedures for developments proposed for such areas, thereby achieving a balance between urban growth and development and protection of natural areas;

2. NR-O map.

The NR-O map contains data from the following sources:

(a) For wetlands, there is no official wetlands map. All lands in the city that meet the definition of wetlands in Article VI are considered wetlands for the purposes of this Section;

(b) For flood plains:

(i) The Flood Insurance Study, City of Duluth, Minnesota, St. Louis County, dated August 1979;

(ii) Flood Boundary and Floodway Map panels for the City of Duluth Minnesota, dated February 1, 1980, and numbered:

(1) 270421 0015 C
(2) 270421 0025 C
(3) 270421 0030 C
(4) 270421 0035 C
(5) 270421 0040 C
(6) 270421 0045 C

(iii) Flood Insurance Rate Map panels for the City of Duluth, Minnesota, dated April 2, 1982, and numbered:

(7) 270421 0015 C
(8) 270421 0025 C
(9) 270421 0030 C
(10) 270421 0035 C
(11) 270421 0045 C

(iv) Flood Insurance Rate Map panel for the City of Duluth, Minnesota, numbered 270421 0040 D and dated November 4, 1992;

(v) Flood Insurance Rate Map panels for St. Louis County, Minnesota, unincorporated areas, numbered 270416 1475 C, 270416 1500 C, and 270416 1650 C, all dated February 19, 1992;

(vi) The Letter of Map Revision issued by the Federal Emergency Management Agency, Case No. 07-05-3554P, with an effective date of October 17, 2008, including all attached maps, tables and flood profiles; and

(vii) The Letter of Map Revision issued by the Federal Emergency Management Agency, Case No. 12-05-3211P, with an effective date of November 26, 2012, including all attached maps, tables and flood profiles.

Copies of the above-listed documents are hereby adopted by reference and declared to be a part of this section. All documents shall be kept on file in the land use supervisor's office;

(c) For shorelands, boundaries shall be based on (i) waters shown as protected on the map and inventory of protected waters in Duluth prepared by the DNR commissioner pursuant to Chapter 199, Laws of Minnesota, 1979, and (ii) selected waters that the city has added to the commissioner's survey as being worthy of shoreland protection. All of these waters are shown on the NR-O map as currently revised as of November 19, 2010*;*

(d) Where interpretation is needed as to the exact location of any boundary as shown on an official map, the city engineer shall make the necessary interpretation based on available technical data, and, in the case of flood plains, based particularly on elevations on the regional flood profile or hydraulic modeling data;

(e) The NR-O map may be amended in the future, and any revisions shall become effective upon adoption of the revised NR-O map as an amendment to this Chapter;

B. Wetlands.

This Section 50-18 shall apply to all wetlands within the city. All development in the city shall comply with state statutes and regulations. Inddition, any development impacting wetlands requires formal approval by the designated city wetland representative.

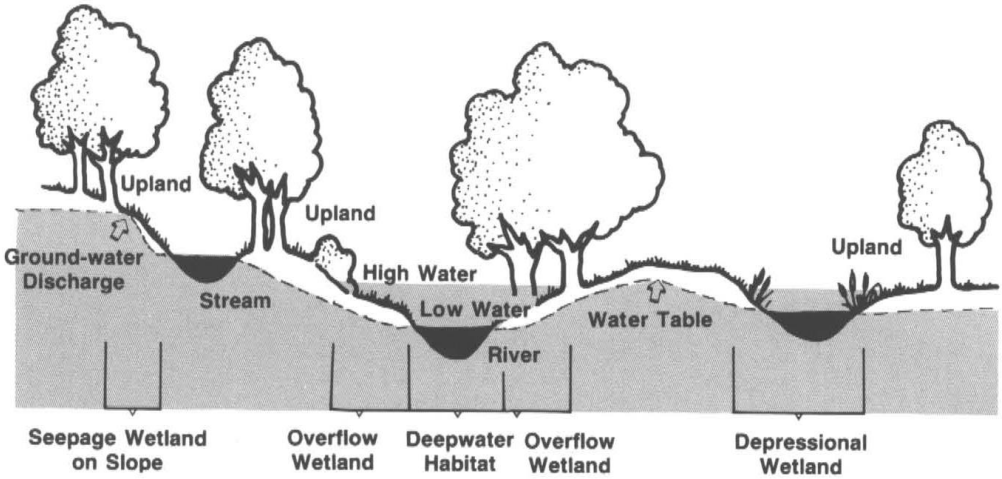


Figure 50-18.1-1: Typical Inland Wetland. Graphic taken from *Floodplain Management in the United States: An Assessment Report*, prepared for the Federal Interagncy Floodplain Management Task Force 1992.

1. The building official shall require each permit applicant to specify on the permit application whether or not the proposed site contains wetlands. Regardless of the answer given, if the building official has reasonable grounds to believe the site contains wetlands, the official shall make a determination as to the existence of wetlands. In making that determination, the building official may require any of the following:
   (a) Require the applicant to submit a complete wetland delineation as outlined in WCA and performed by a professional wetland delineator, including information such as soil analysis, surveys of vegetation and engineering or hydrological data, to aid in the determination;
   (b) Conduct a site inspection and evaluation;
   (c) Consult with the city engineer, St. Louis County Soil and Water Conservation District, Board of Water and Soil Resources, and other available wetland experts;
   (d) Use any other reasonable method to determine if the site contains wetlands;

C. Flood plains.

This Section shall apply to all lands within the city that are shown as flood plains on the NR-O map. For purposes of relating those districts to plats and lots within the city, the NR-O map shall be used as a working map in the administration of the flood plain controls unless it is clearly shown that there is an inconsistency between the flood insurance rate map, or the flood boundary and floodway map and said NR-O map, in which case the flood insurance rate map or flood boundary and floodway map, as applicable, shall control.

All lands within flood plains shall be divided into floodway districts, flood fringe districts, or general flood plain districts:

a) The floodway district shall include those areas designated as floodway on the flood boundary and floodway map identified in Section 50-18.A.2.b;

b) The flood fringe district shall include those areas designated as flood fringe on the flood boundary and floodway map;

c) The general flood plain district shall include those areas designated as Zone A on the flood insurance rate maps identified in Section 50-18.A.2.b., and those areas designated Zone A1-A30 on the flood insurance rate maps that do not have a corresponding floodway/flood fringe delineation on the flood boundary and floodway map;

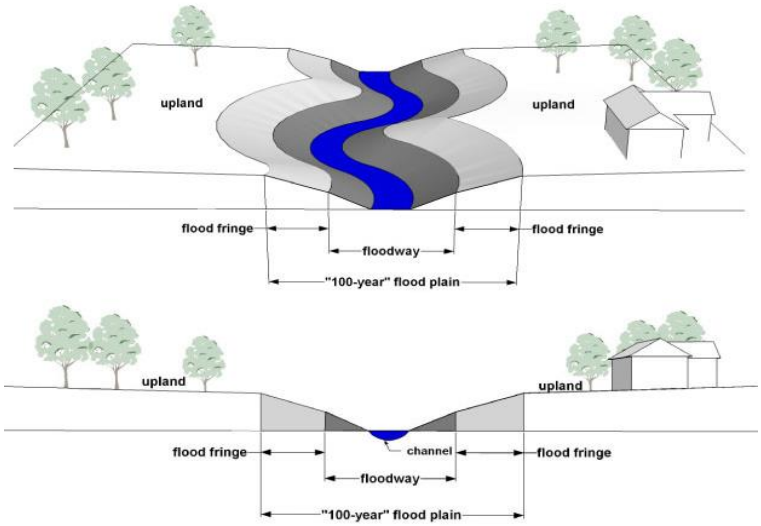


Figure 50-18.1-2: Flood plain, floodway, and flood fringe Graphic taken from *Floodplain Management in the United States: An Assessment Report*, prepared for the Federal Interagency Floodplain Management Task Force 1992.

1. Compliance.

Within the flood plain districts, no new structure or land shall be used and no structure shall be constructed, located, extended, converted or structurally altered without full compliance with the terms of this Section 50-18.1.C. Within the floodway, flood fringe and general flood plain districts, all uses not listed as permitted uses or special uses are prohibited;

2. Uses and special use permits – floodway.

(a) Permitted uses in floodway.

Only the following uses shall be permitted within the floodway, and only if the land use supervisor determines that (a) the use is shown as a permitted use in the underlying zone district in Table 50-19.8, (b) the use has a low flood damage potential, (c) the use will not obstruct flood flows or increase flood elevations, and (d) the use does not involve structures, fill, obstructions, excavations or storage of materials or equipment:

(i) Agriculture;

(ii) Industrial, commercial and mixed use loading areas, parking areas and airport landing strips;

(iii) Outdoor open space, recreation, and entertainment facilities and structures;

(iv) Residential lawns, gardens, parking areas and play areas;

(b) Special uses in floodway.

The following uses involving accessory structures or fill or storage of materials or equipment may be permitted only after the issuance of a special use permit pursuant to Article V:

(i) Structures accessory to a permitted use as listed in 50-18.1.C.2.a;

(ii) Mining, extraction and storage of sand, gravel and other materials;

(iii) Marina or yacht club or accessory residential boat dock;

(iv) Railroad yard or shipyard and related facilities, electric power transmission lines, major utilities or wireless communication towers and minor utilities and accessory wireless antennas attached to existing structures;

(v) Bulk storage not listed elsewhere;

(vi) Placement of fill or construction of fences;

(vii) Road-ready recreational vehicles either on individual lots of record or in existing or new subdivisions or commercial or condominium type campgrounds, subject to the exemptions and provisions of Section 50-20;

(viii) Structural works for flood control such as levees, dikes, and floodwalls constructed to any height where the intent is to protect individual structures;

(c) Standards for special use permits in floodway.

A special use permit for uses and structures listed in subsection (b) above shall only be issued if the following standards are met:

(i) The proposed use or structure will not cause any increase in the stage of the 100-year or regional flood or cause an increase in flood damages in the reach or reaches affected;

(ii) Any fill deposited in the floodway shall be no more than the minimum amount necessary to grade or landscape, shall not in any way obstruct the flow of flood waters and shall be protected from erosion by the planting of vegetative ground cover, the use of rip rap or other method approved by the city;

(iii) Accessory structures:

- Shall not be designed for human habitation;
- Shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters;
- Shall be constructed whenever possible with the longitudinal axis parallel to the direction of flood flow;
- Shall be placed approximately on the same flood flow lines as those of adjoining structures; and
- Shall be elevated on fill or floodproofed to the flood protection elevation in accordance with the FP-1 or FP-2 flood proofing classifications in the State Building Code;

(iv) All floodproofed accessory structures must meet the following additional standards, if the building official determines that compliance is necessary to carry out the stated purposes of this Section 50-18.1.c:

- The structure must be adequately anchored to prevent flotation, collapse or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls;
- Any mechanical and utility equipment in a structure must be elevated to or above the regulatory flood protection elevation or properly floodproofed;

As an alternative, an accessory structure may be internally or wet floodproofed to the FP-3 or FP-4 floodproofing classifications in the State Building Code, provided the accessory structure constitutes a minimal investment, does not exceed 576 square feet in size at its largest projection, and for a detached garage, the structure must be used solely for parking of vehicles and limited storage. The structure must meet the following standards:

- To allow for the equalization of hydrostatic pressure, there must be a minimum of two “automatic” openings in the outside walls of the structure having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and
- There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings;

(v) The use will not include the storage or processing of materials that are, in time of flooding, flammable, explosive or injurious to human, animal or plant life. All materials or equipment stored shall be readily removable from the area within the time available after a flood warning;

(vi) Any structural works for flood control that will change the course, current, or cross-section of wetlands or public waters shall comply with the provisions of Minnesota Statutues, Chapter 103G.245;

(vii) Any levee, dike or floodwall constructed in the floodway shall not cause an increase to the 100-year or regional flood, based on technical analysis that assumes equal conveyance or storage loss on both sides of a waterway;

(viii) Within an A-O zone, there must be adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures or structure additions;

(ix) Dredge spoil sites and sand and gravel operations shall not be allowed in the floodway unless a long-term site development plan is submitted which includes an erosion/sedimentation prevention element;

3. Uses and special use permits – flood fringe.

(a) Permitted uses in flood fringe.

Those uses listed in Table 50-19.8 as permitted uses in the zone district where the property is located, provided that the building official determines that:

(i) All structures, including accessory structures, shall be elevated on fill so that a structure's lowest floor is above the regulatory flood protection elevation. The finished fill elevation for structures shall be no lower than one foot below the regulatory flood protection elevation and the fill shall extend at that elevation at least 15 feet beyond the outside limits of the structure. In A-O zones, the finished fill elevation for structures must be a minimum of two feet above the highest adjacent grade. The structure's design and as-built condition in relation to the regulatory flood protection elevation must be certified by a professional engineer or architect licensed in Minnesota;

(ii) Any portion of a non-residential structure below the regulatory flood protection elevation will be structurally dry floodproofed in accordance with the FP-1 or FP-2 classification found in the State Building Code;

(iii) As an alternative to elevation, accessory structures that constitute a minimal investment and that do not exceed 576 square feet may be internally floodproofed in accordance with Section 50-18.1.C.2(c)(iii) and (iv) above;

(iv) Any placement of fill with a cumulative volume in excess of 1,000 cubic yards at any one time may only be used to elevate a structure in accordance with this subsection 3(a)(i);

(v) Any stored materials or equipment shall be elevated on fill to the regulatory flood protection elevation;

(b) Special uses in flood fringe.

The placement of more than 1,000 cubic yards of fill or other similar material, other than for the purpose of elevating a structure to the regulatory flood protection elevation, and the storage of materials and equipment below the regulatory flood protection elevation, may be permitted only after the issuance of a special use permit as provided in Article V. In addition, this use is subject to the limitations on flood plain variances in Article V and the following requirements:

(i) Any fill deposited in the flood fringe shall be no more than the minimum amount necessary to grade or landscape, shall not in any way obstruct the flow of flood waters and shall be protected from erosion by the planting of vegetative ground cover, the use of rip rap or other method approved by the city;

(ii) The use must not include the storage or processing of materials that are, in time of flooding, flammable, explosive or injurious to human, animal or plant life. All materials or equipment stored shall be readily removable from the area within the time available after a flood warning;

(c) Standards for all flood fringe uses.

(i) All new principal structures must have vehicular access at or above an elevation not more than two feet below the regulatory flood protection elevation. If a variance to this requirement is granted, limitations on the period of use or occupancy of the structure for times of flooding may be specified;

(ii) Flood plain developments shall not adversely affect the hydraulic capacity of the channel and adjoining flood plain of any tributary watercourse or drainage system where a floodway or other encroachment limit has not been specified on the NR-O map;

(iii) Accessory land uses such as yards, railroad tracks, and parking lots may be at elevations more than two feet below the regulatory flood protection elevation. Any facility that will be used by employees or the general public must have a flood warning system that provides adequate time for evacuation if the area would be inundated by the regional flood to a depth and velocity such that when multiplying the depth (in feet) times velocity (in feet per second) the product number exceeds four;

(iv) Standards for recreational vehicles are contained in Section 50-20;

(v) All manufactured homes and those recreational vehicles not meeting the exemption criteria must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces;

(vi) Within an A-O zone, there must be adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures or structure additions;

4. General flood plain district.

(a) Permitted uses in general flood plain district.

(i) The uses listed in subsection C.2(a) above shall be permitted uses;

(ii) All other uses shall be subject to the floodway/flood fringe evaluation criteria below and the resulting designation shall be used in determining uses. If the property owner does not complete a floodway/flood fringe evaluation, the land is presumed to be floodway;

(iii) Land determined to be in the floodway pursuant to subsection 4.(b) shall have those permitted and special uses listed in Section 50-18.C.2 above;

(iv) Land determined to be in the flood fringe pursuant to subsection 4.(b) shall have those permitted and special uses listed in Section 50-18.C.3 above;

(b) Procedures for floodway and flood fringe determinations within the general flood plain district:

(i) The applicant shall submit appropriate information to a designated engineer or other expert person or agency for technical assistance in determining whether the proposed use is in the floodway or flood fringe district and to determine the regulatory flood protection elevation. Procedures consistent with Minnesota Regulations 1983, parts 6120.5000 – 6120.6200 and 44 Code of Federal Regulations Part 65 shall be followed in this expert evaluation. The designated engineer or expert is strongly encouraged to discuss the proposed technical evaluation methodology with the respective DNR Area Hydrologist prior to commencing the analysis. The designated engineer or expert shall:

(1) Estimate the peak discharge of the regional flood;

(2) Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas;

(3) Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than 0.5 feet. A lesser stage increase than 0.5 feet shall be required if, as a result of the additional stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach shall be assumed in computing floodway boundaries;

(ii) The city engineer shall present the technical evaluation and findings to the city council. The city council must formally accept the technical evaluation and the recommended floodway and/or flood fringe district boundary and that the proposed use is allowed in the area where it is proposed, or deny the permit application. Prior to official action the city council may submit the application and all supporting data and analyses to FEMA, the DNR or the planning commission for review and comment. Once the floodway and flood fringe district boundaries have been determined, and assuming the proposed use is allowed in the area where it is proposed, the city council shall refer the matter to staff who shall process the permit application consistent with the applicable provisions of this Section 50-18.1.C;

5. Public utilities, railroads, roads and bridges.

(a) All public utilities and facilities such as gas, electrical, sewer and water supply systems, with the exception of sumps and wet wells, to be located in the floodway or flood fringe shall be floodproofed in accordance with the State Building Code or elevated to above the regulatory flood protection elevation;

(b) Railroad tracks, roads and bridges to be located within the floodway or flood fringe shall comply with subsections 2 and 3 above, as applicable. Elevation to the regulatory flood protection elevation shall be provided where failure or interruption of these transportation facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety;

(c) On-site water supply and sewage treatment systems: Where public utilities are not provided: 1) on-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems; and 2) new or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and they shall not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in accordance with the state's current statewide standards for on-site sewage treatment systems shall be determined to be in compliance with this Section;

6. Subdivisions.

New subdivisions in the flood plain area shall meet the following requirements:

(a) No land shall be subdivided which is unsuitable for reasons of flooding or inadequate drainage, water supply, or sewage treatment facilities. Manufactured home parks and recreational vehicle parks or campgrounds are considered subdivisions under this Section;

(b) All lots within the flood plain districts shall be able to contain a building site outside of the floodway district at or above the regulatory flood protection elevation;

(c) All subdivisions shall have water and sewage treatment facilities that comply with the provisions of this Chapter;

(d) All subdivisions shall have road access both to the subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation, unless a flood warning emergency plan for the safe evacuation of all vehicles and people during the regional flood has been approved by the city council. The plan shall be prepared by a registered engineer or other qualified individual, and shall demonstrate that adequate time and personnel exist to carry out the evacuation;

(e) The floodway and flood fringe district boundaries, the regulatory flood protection elevation and the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents;

(f) In the general flood plain district, applicants shall provide the information required in section 15-18.C.4(b) to determine the regional flood elevation, the floodway and flood fringe district boundaries, and the regulatory flood protection elevation for the subdivision site;

7. Amendments.

(a) The flood plain designation on the official zoning map shall not be removed from flood plain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regulatory flood protection elevation and is contiguous to lands outside the flood plain. Special exceptions to this requirement may be permitted by the commissioner of the department of natural resources (DNR) if the commissioner determines that, through other measures, lands are adequately protected for the intended use;

(b) All amendments to Section 50.18.1.C, including flood plain designation amendments to the official zoning map, must be submitted to and approved by the commissioner of the department of natural resources (DNR) prior to adoption. Changes in the official zoning map must meet the federal emergency management Agency's (FEMA) technical conditions and criteria and must receive prior FEMA approval before adoption. The commissioner of the DNR must approve the amendment prior to community approval;

(Ord. No. 10723, 12-14-2020, § 4)

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;

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;

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.

(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 previous 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;

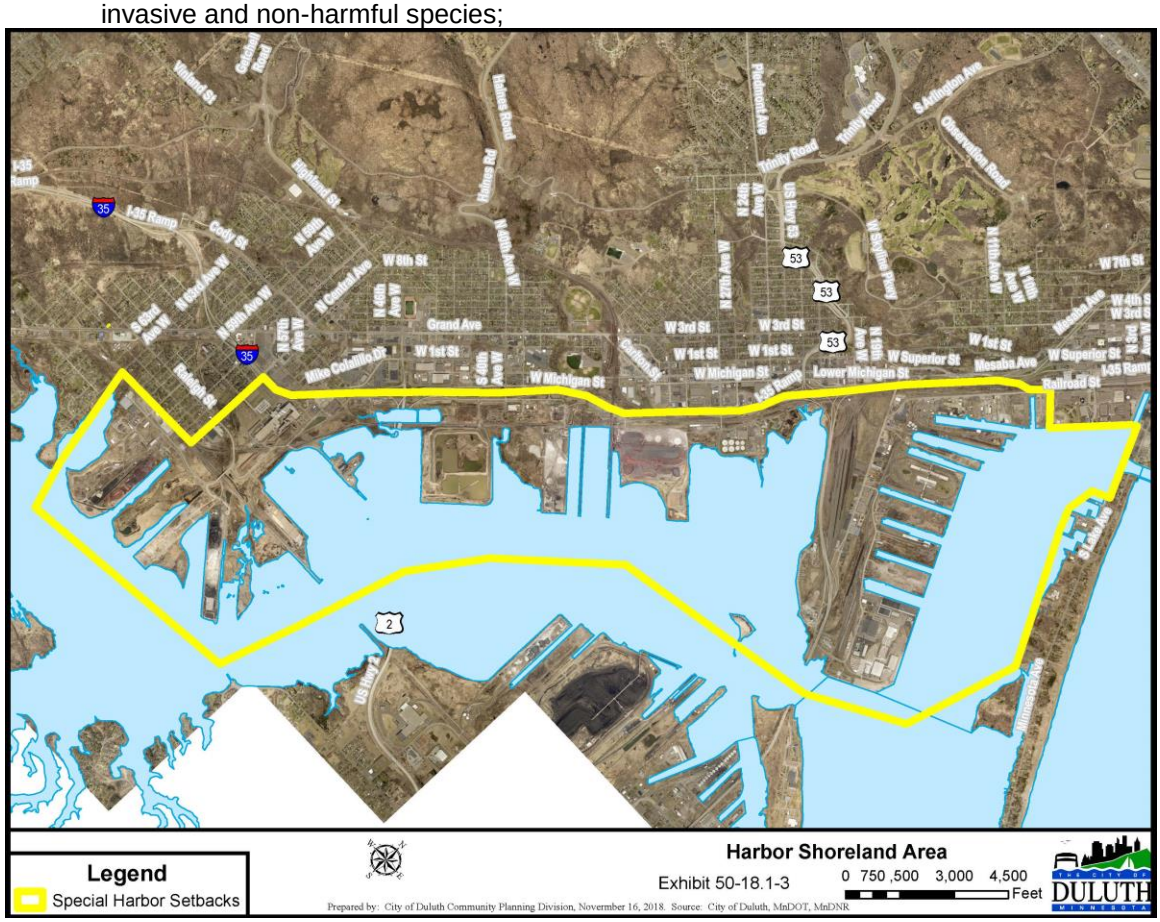


Figure 50-18.1-3

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. Shoreland permit for water access via walkways, stairways,steps and landings.

A Shoreland permit shall be required for walkways, stairways, steps and landings providing access to water. Shoreland permit applications must comply with Section 50-37.13 Zoning Permits of the UDC.

(a) Shoreland water access permit applications shall include submittal of the following:

(i) Property boundary survey prepared by a licensed Surveyor.

(ii) Site plan

(iii) Grading plan;

(iv) Landscape plan

(v) Erosion control permit application;

(vi) Proof of notification to adjacent property owners of an application for a zoning permit to construct stairways, steps and landings (not required for walkways);

(vii) Written statement accepting liability for repair of damage to the slope, i.e. erosion, loss of vegetation and/or sloughing caused by the walkway, stairway or stairway construction.

(b) Application review standards:

(i) All walkways, stairways, steps and landings must be constructed in a manner that requires the least amount of disturbance possible;

(ii) A walkway not involving construction of a stairway must be constructed in such a way as to prevent soil erosion, may be natural-surfaced or paved, must be limited to 4 feet in width, only one is allowed per lot. For new development on lots zoned as mixed use development or residential planned development access must be centralized in one location and located in areas suitable for the development;

(iii) Stairways, steps and landings shall comply with applicable building codes;

(iv) Stairways cannot exceed 100 feet in length and 4 feet in width;

(v) Stairways, steps and landings must be located at least 3 feet above the Ordinary high water mark or to the Ordinary high water mark if approved by the Land Use Supervisor provided that it is determined that the extension is necessary to preserve access to water,

(vi) A stairway providing access to Lake Superior will need to be above the regulatory flood protection elevation and be outside of the wave run up boundary as determined by the DNR. Activities below the Ordinary high water mark shall comply with DNR regulations;

(vii) A stairway providing access to Lake Superior shall be cabled off to ground anchor points to insure it is not dislodged and swept out into the adjacent waterbody;

(viii) If the stairway structure providing access to Lake Superior is dislodged and ends up in the Lake, the Permitee or his successor in interest to the property agrees to promptly remove completely the structure from the Lake and to restore the property upon which it had been located to substantially the condition it had been in prior to the original installation of the structure;

(ix) Landings for stairways must not exceed 32 square feet on residentially-zoned lots and 64 square feet on mixed use and industrially-zoned lots;

(x) Canopies or roofs shall not be allowed on stairways, steps or landings;

(xi) Stairways, steps and landings may be either constructed above the ground on posts, or placed on the ground, provided they are designed and built in a manner that ensures control of soil erosion;

(xii) The use of natural or earth-tone building materials shall be required for the construction of stairways, steps and landings so they are not visually intrusive.

6. 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;

7. 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;

E. Stormwater management and erosion control.

1. Goals and purpose.

(a) The federal Clean Water Act (CWA) requires that municipal stormwater discharges be authorized under the national pollution discharge elimination system (NPDES). The city is allowed to discharge its stormwater under coverage provided by a CWA municipal separate storm sewer system general permit (MS4 permit). As part of the requirements of the permit, the city is required to develop a stormwater pollution prevention program (MS4 program) with specific goals requiring:

i. Non-degradation of all city waters;

ii. Restrictions to special designated waters in the city, including: (a) Lake Superior (which is an MPCA designated outstanding value resource water with both restricted discharge and impaired water designations); (b) St. Louis River (which is an MPCA designated impaired water and area of concern; and (c) 16 trout streams designated by the DNR;

(b) The goals described in the city's MS4 program pertaining to illicit discharge detection and elimination, construction-site runoff controls, and post-construction runoff treatment are incorporated into this Chapter by reference;

(c) The purpose of this Section 50-18.1.E is to establish regulations to comply with the federal CWA and the city's MS4 permit and to achieve the goals stated in the city's MS4 program;

(d) All proposed developments shall follow the requirements in the most recent version of the city of Duluth, engineering guidelines for professional engineering services and developments, and the city of Duluth construction standards were applicable;

(e) Refer to the Minnesota Stormwater Manual and other stormwater management publications for temporary and permanent low impact development design practices;

2. Temporary erosion and sediment controls.

(a) Applicability.

This Section 50-18.1.E.3 applies to all land disturbing activities within the city, except those specifically exempt in this Section and those subject to a superseding or preemptive state or federal law. This Section shall be deemed to supplement, but not to conflict with, the applicable provisions of the State Building Code;

(b) Requirements.

All proposed development and redevelopment and all subdivision plats and re-plats shall include drainage system and temporary erosion and sediment best management practices (BMPs) in compliance with the city's MS4 program and the requirements shown in Table 50-18.1.E-1 below. Plans, engineering analysis and calculations, diagrams, drainage reports and other data shall be submitted, as required by the city engineer or designee with each development proposal or application for permit;

Table 50-18.1.E-1: Temporary Erosion and Sediment Controls			
Land Area Disturbed ► **Development Plan Measures Required ▼**	**≤ 3,000 sq. ft.** [1]	**> 3,000 sq, ft. and < 1 acre**[2]	**≥ 1 acre**
Temporary erosion and sediment controls to prevent any off-site migration of sediment	✓		
Site specific Erosion and Sediment Control Plan (ESCP) and ESCP Permit from city engineer		✓	✓
Site specific Stormwater Pollution Prevention Plan (SWPPP) meeting MPCA NPDES Permit requirements for Construction Activity		✓	✓
MPCA NPDES/State Disposal System Construction Stormwater Permit			✓
MS4 Statement of Compliance from city engineer		✓	✓

[1] If the city engineer determines that the proposed development is in a vulnerable area and may cause the degradation of the waters connected to the city's stormwater system, then the provisions applicable to land disturbance areas greater than 3,000 sq. ft. shall apply.
[2] If land disturbed is within a mapped shorelands zone, an MS4 Statement of Compliance from the city engineer is also required.

(c) Authority to waive.
The city engineer has authority to waive the requirements in Table 50-18.1.E.1 in accordance with the city's MS4 permit. If stormwater and erosion controls required by this subsection 2 are demonstrated to be technically feasible, provisions of subsection 2 must be met to the maximum extent practicable;

3. Permanent water quality and discharge rate, volume and temperature controls.

(a) Applicability.

(i) This Section 50-18.1.E.3 applies to all land disturbing activities within the city, except those specifically exempt in this Section and those subject to a superseding or preemptive state or federal law. This Section shall be deemed to supplement, but not to conflict with provisions of the State Building Code;

(ii) This Section does not apply to pavement resurfacing and pavement rehabilitation projects that meet all of the following conditions:

- No new impervious surface is created;
- There is no change to the configuration of the site;
- There is no change to the land use;

(b) General requirements.
All proposed development and redevelopment and all subdivision plats and re-plats shall include a drainage system with stormwater runoff site, volume and temperature controls and water quality treatment in compliance with the city's MS4 program and the requirements shown in Table 50-18.1.E-2 below. Plans, engineering analysis and calculations, diagrams, drainage reports and other data shall be submitted, as required by the city engineer with each project (referred to as the "development plan" below);

Table 50-18.1.E-2: Permanent Water Quality and Discharge Rate, Volume and Temperature Controls *[See additional requirements for land in shorelands below]*		
	Total New Impervious Area Created or the Impervious Area Redeveloped[1][2]	
Development Plan Measures required ▼	**≤ 3,000 sq. ft.**	**> 3,000 sq. ft.[3][4]**
Water quality treatment	NONE	✓
Runoff rate controls		✓
Volume Controls		✓
Temperature Controls[5]		✓
Drainage report		✓
Site specific SWPPP		✓
BMP Operation and Maintenance Manual		✓
MS4 Statement of Compliance from city engineer		✓

[1] The total area is the sum of both the new and redeveloped impervious areas that are part of the common plan of development or sale.
[2] A pavement resurfacing or pavement rehabilitation project is exempt where: (a) no new impervious surface is created; and (b) no change to configuration of the site occurs; and (c) no change to land-use occurs.
[3] An individual one-family or two-family residence (that is not part of a common plan of development) with less than 10,000 sq. ft. of disturbed area and less than 7,500 sq. ft. of new impervious area is exempt.
[4] If the site contains an existing impervious surface area greater than one acre, the drainage report must include a determination of the current total suspended solids removal across the entire site. If the current TSS removal is below 50 percent, the drainage report must include an evaluation of the feasibility of increasing the TSS removal to 50 percent on an annual basis across the entire site.
[5] Temperature controls are required for projects that discharge to, and are within one mile from, a trout/cold water stream.

(c) Authority to waive.
The city engineer has authority to waive the requirements in Table 50-18.1.E-2 in accordance with the city's MS4 permit, if the developer demonstrates it to be technically non-feasible AND then mitigates for the non-compliance by increasing the level treatment or control of one of the other requirements;

(d) Shoreland requirements.
(i) In addition to the requirements in subsection 50-18.1.E.3(b) above, no residential development or redevelopment within a shoreland shall result in impervious surface area exceeding 25 percent of the lot area unless the owner (a) submits a development plan including water quality treatment and (b) obtains an MS4 statement of compliance by the city engineer;

(ii) In addition to the requirements in subsection 50-18.1.E.3(b) above, no commercial, mixed use, institutional or industrial development or redevelopment within a shoreland shown on the NR-O map shall create new impervious surface area unless the owner (a) submits a development plan including water quality treatment and (b) obtains an MS4 statement of compliance issued by the city engineer;

(e) Water quality treatment requirements.
Where subsection 50-18.1.E.3(b) requires that a development plan include water quality treatment, the development or redevelopment must provide at least the minimum treatment shown in Table 50-18.1.E.3;

Table 50-18.1.E-3: Water QualityTreatment Requirements (Total Suspended Solids TSS, Total Phosphorus TP)		
Development Type	**New and Existing Impervious surface**	**Required Treatment**
New	> 3,000 S.F.	No net increase of TSS/TP from predevelopment conditions.
Redevelopment	> 3,000 S.F. and < 1 acre	10% reduction in impervious surface or 50% TSS removal (TP to be removed via TSS reduction).
Redevelopment	≥ 1 acre	50% TSS removal. No net increase in TP from pre-project condition.

(f) Runoff rate control.
Where subsection 5018.1.E.3(b) requires that a development plan include runoff rate control, the development or redevelopment must be designed to provide the controls as follows. Runoff rate control is beneficial in the upper, flatter part of the watershed above the bluff line. Below the bluff line, the topography is relatively steep and stormwater flows quickly to Lake Superior and the St. Louis River. This bluff line designation is show on the NR-O map. The stormwater rate control requirements for development and redevelopment are shown in Table 50-18.1.E-4;

Table 50.18.1.E-4: Discharge Rate Limits		
Location ►	**Post-Development Peak Flow Rates at Each Discharge Point Shall Not Exceed**	
Type of Activity ▼	**Zone A -- Above Bluff Line**	**Zone B -- Below Bluff Line**
New Development	75% of predevelopment peak flow rates for 10 and 100 year events; and 90% of predevelopment peak flow rate for 2 year event	Predevelopment peak flow rates for all storm events
Redevelopment	Predevelopment peak flow rates for all storm events	Predevelopment peak flow rates for all storm events

(g) Stormwater runoff volume control.
Where subsection 50-18.1.E.3(b) requires that a development plan include storm water runoff volume control, the development or redevelopment must be designed to provide the controls so that the volume of stormwater runoff discharged from a proposed project shall not exceed the pre-development site conditions;

(h) Storm water temperature control.
Temperature controls are required for development and redevelopment where subsection 50-18.1.E.3(b) specifies. Temperature controls are beneficial for trout/cold water streams, by minimizing the increase in stream temperatures from stormwater runoff from impervious surfaces that tend to be warmer than natural vegetated surfaces. The potential for the increase in temperature of stormwater runoff discharged from a proposed project shall be minimized through the use of certain BMPs and/or site design methods;

(i) General design criteria.

(i) New minor system drainage systems shall be designed to efficiently convey the peak discharge rates for a ten-year flow;

(ii) New major system drainage systems shall be designed to efficiently convey the peak discharge rates for a 100-year flow;

(iii) The 100-year rainfall event or 100-year peak flow shall be evaluated to ensure that no damage occurs to adjacent properties for all systems;

(iv) The stormwater management systems for any new or redevelopment project shall maintain at least two feet of freeboard between the anticipated 100-year high water elevation and the minimum building opening;

(v) Consideration may be given for treating existing untreated impervious areas diverted to the site and included in the control area for analysis if it is in the best interest of the city;

(vi) All impervious areas shall be considered connected and curve numbers shall not be weighted for impervious areas except under special circumstances;

(vii) Ninety-five percent of all newly added impervious surface shall have its runoff directed to the water quality treatment area. If it is impractical to direct 95 percent of the added impervious surface to water quality area, alternate methods may be used in combination so long as 95 percent is treated and all peak flow requirements are fulfilled;

(viii) Flow shall not be diverted from one major or minor system to another major or minor system;

(ix) When stormwater management plans involve directing runoff from a site, it shall be the responsibility of the applicant to obtain from adjacent property owners any necessary easements or other property interests concerning flowage of water to a point where the stormwater enters a major system;

(x) Adequate measures shall be taken to prevent uncontrolled drainage across lot lines;

4. General stormwater restrictions.

City of Duluth has numerous ordinances regarding stormwater runoff and the protection of the area's water resources. Refer to the Duluth, MN - Legislative Code, Chapter 43 Article XI Stormwater Utility System, Chapter 45 Division 2 – Improvements by Private Party and Article VIII – Obstructions to Watercourses, and Illicit Discharge;

5. Ownership and maintenance.

(a) Maintenance of temporary erosion and sediment control practices.

During the period of a land disturbing activity, the person engaging in the construction shall be responsible for installing and maintaining erosion and sediment control practices. After construction is completed, the owner of the property shall be responsible for installing and maintaining erosion and sediment control practices. For the purposes of inspection during construction monitoring, the permittee shall maintain inspection logs and will make them available to the city upon request. The permittee shall retain the inspection logs for three years after the project is complete;

(b) Ownership.

(i) All components of the stormwater management system shall be constructed, owned, operated and maintained by the developer or owner(s) to their confluence with the major system or city owned minor system;

(ii) In the case of developments in which right-of-way is transferred to public ownership, the storm drain system within the city right-of-way shall be owned and maintained by the city. Stormwater treatment facilities and ponds shall be in common space and shall be owned and maintained by the developer or the owners of the development. Stormwater treatment facilities shall not be located in the public right-of-way;

(c) Owner inspection, operation and maintenance.

(i)A stormwater management facilities operation and maintenance manual shall be prepared by an engineer for the development and approved by the city engineer;

(ii) Stormwater management facilities shall be designed to minimize maintenance and provide inspection and maintenance access;

(iii) All facilities shall have a plan of operation and maintenance that assures continued effective removal of runoff pollutants and accumulated sediment;

(iv) The developer or the owner(s) shall be responsible for inspection, maintenance and reporting for all non-publicly owned stormwater management facilities associated with the development. Facilities shall include structural components and all non-structural components (buffer strips, swales and other stormwater management practices that were part of the approved development);

(v) An annual inspection and maintenance report shall be submitted to the city engineer. Inspection and maintenance shall be performed on a regular basis so the stormwater management facilities function as designed, but not less than annually. Maintenance work and repairs identified in the annual report shall be completed within three month of the annual inspection;

(vi) The inspection and maintenance of the stormwater facility shall be performed by a qualified professional and who will prepare and sign the annual inspection/maintenance report.

Copies of the inspection and maintenance records shall be maintained by the developer or owner for a period of six years. Copies of all inspection records shall be provided to the city upon request. (Ord. No. 10041, 8-16-2010, § 2; Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10075; 1-24-2011, § 1; Ord. No. 10082, 4-11-2011, § 1 *[NR-O Map 6]*; Ord. No. 10096, 7-18-2011, § 13; Ord. No. 10285, 3-10-2014, § 1; Ord. No. 10341, 11-24-2014, § 1; Ord. No. 10456, 7-11-2016, § 1; Ord. No. 10570, 5-29-2018, § 1)

50-18.2 Airport Overlay (A-O)

The A-O district is intended to protect the lives and property of users of Duluth International Airport and Sky Harbor Municipal Airport from hazards and to protect the lives and property of residents living in the vicinity of the airports from risks and impacts of airport-related activities. The purpose of this district is also to prevent and, when possible, to minimize, reduce or remove hazards that interfere with the safe operation of the respective airports.

A. Purpose and authority.

The council, pursuant to the provisions and authority of Minnesota Statute Sec. 360.063, hereby finds and declares that:

1. Airport hazards endanger the lives and property of users of Duluth International Airport and the Sky Harbor Municipal Airport, and property or occupants of land in their vicinity, and may reduce the size of the area available for the landing, takeoff and maneuvering of aircraft, thus tending to destroy or impair the utility of the airports and the public investments they represent;
2. The creation or establishment of an airport hazard is a public nuisance and an injury to the region served by both airports;
3. For the protection of the public health, safety, and welfare, it is necessary to prevent the creation or establishment of airport hazards;
4. The prevention of these airport hazards should be accomplished, to the extent legally possible, by the exercise of the police power without compensation;
5. The prevention of the creation or establishment of airport hazards, and the elimination, removal, alteration mitigation, or marking and lighting of existing airport hazards are public purposes;

B. Airport zoning ordinance incorporated.

This Section 50-18.2 incorporates the Duluth International Airport Zoning Ordinance, as amended, created by the Duluth Airport Authority and the Duluth International Airport zoning board under the authority of the Laws of Minnesota 1969, Chapter 577, and MSA 360.061 to 360.074, as amended. Any changes to this Section 50-18.2 must comply with the requirements of MSA 360.061 to 360.074, as amended;

C. Land affected.

The land affected by this Section 50-18.2 is shown on exhibits 50-18.2-1 and 2;

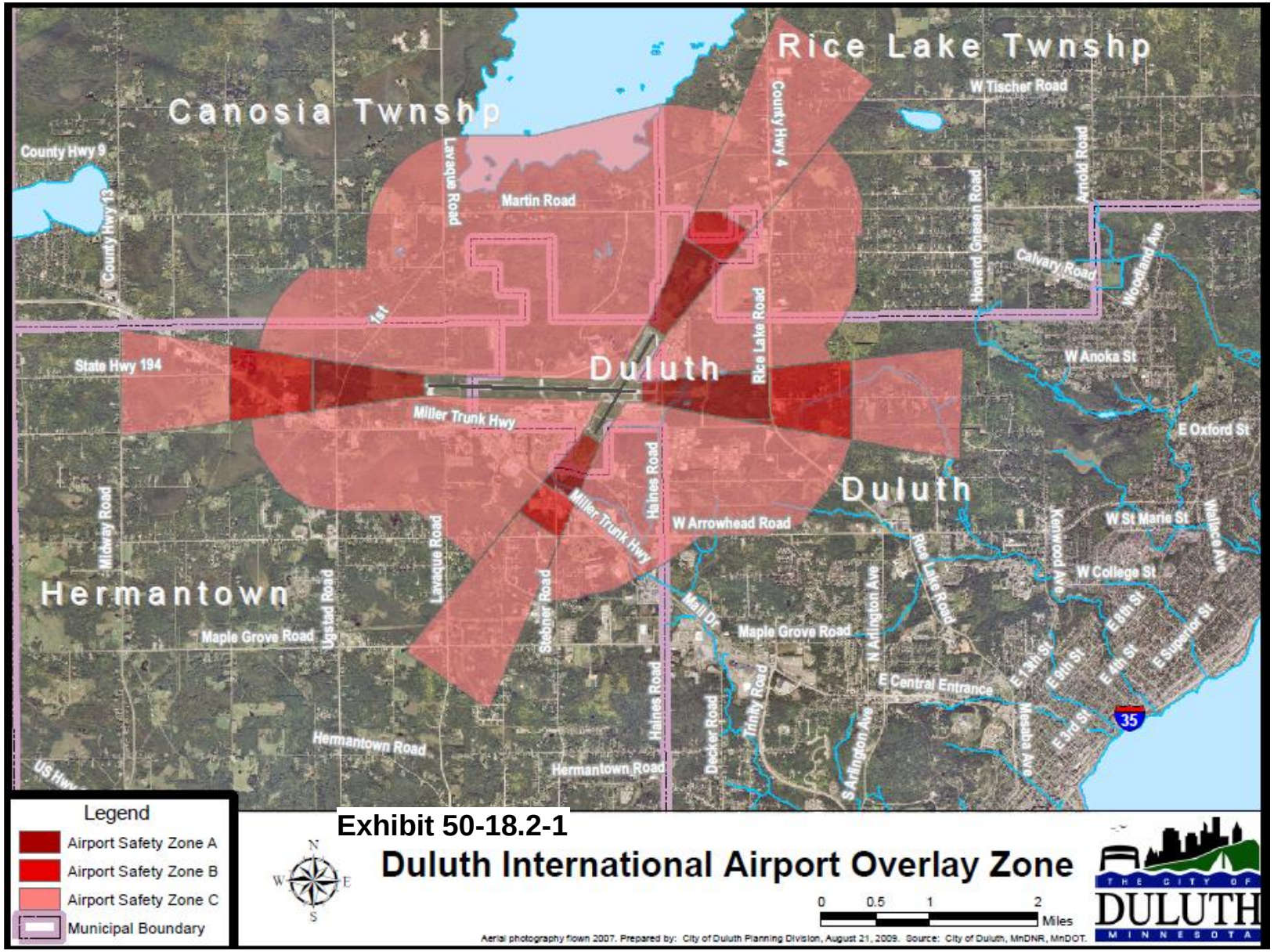


Exhibit 50-18.2-1

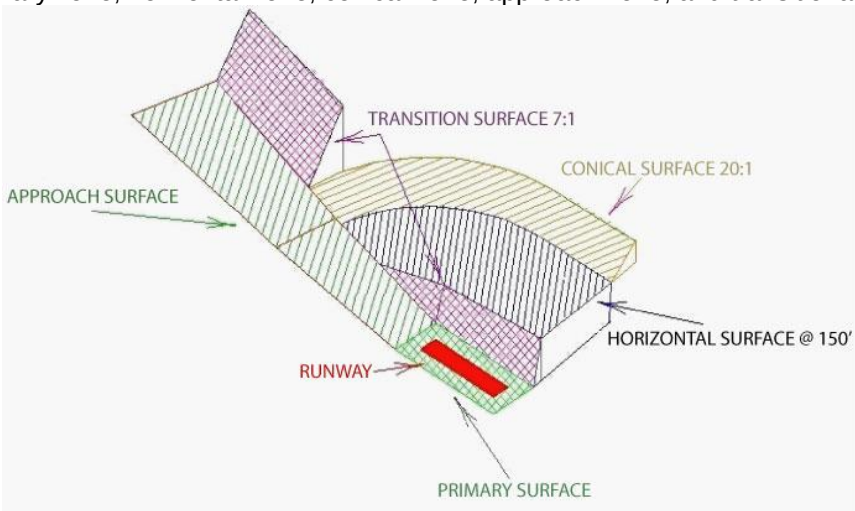
Duluth International Airport Overlay Zone

Exhibit 50-18.2-2

Skyharbor Airport Overlay Zone

D. Air space obstruction zones.

1. Air space zones.
In order to carry out the purpose of this Section, the following air space zones are hereby established: primary zone, horizontal zone, conical zone, approach zone, and transitional zone;



2. Primary zone.
All land that lying directly under an imaginary primary surface longitudinally centered on a runway and (a) extending 200 feet beyond each end of Sky Harbor Municipal Airport Runway 14-32 and Duluth International Airport Runways 9-27, 3-21 and 13-21; and (b) coinciding with each end of Runways 14-32, 9-27, 3-21 and 13-21. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is:
(a) 1,000 feet for Duluth International Airport Runways 9-27 and 3-21;
(b) 500 feet for Sky Harbor Municipal Airport Runway 14-32;

3. Horizontal zone.
All land lying directly under an imaginary horizontal surface 150 feet above the established airport elevation, or a height of 1,580 feet above mean sea level for Duluth International Airport and 760 feet above mean sea level for Sky Harbor Municipal Airport, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:
(a) 10,000 feet for Duluth International Airport Runway 9-27 and 3-21;
(b) 6,000 feet for Sky Harbor Municipal Airport Runway 14-32;

4. Conical zone.
All land lying directly under an imaginary conical surface extending upward and outward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of 4,000 feet as measured radially outward from the periphery of the horizontal surface;

5. Approach zone.
All land lying directly under a surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to the end of a runway based on the type of approach available or planned for that runway.
(a) The inner edge of the approach surface is the width as the primary surface and it expands uniformly to a width of: (i) 1,250 feet for that end of a utility runway with only visual

approaches; (ii) 1,500 feet for that end of a runway other than a utility runway with only visual approaches; (iii) 2,000 feet for that end of a utility runway with a nonprecision instrument approach; (iv) 3,500 feet for that end of a nonprecision instrument runway other than utility, having visibility minimums greater than three-fourths of a statute mile; (v) 4,000 feet from that end of a nonprecision instrument runway, other than utility, having a nonprecision instrument approach with visibility minimums as low as three-fourths statute mile; and (vi) 16,000 feet for precision instrument runways;

(b) The approach surface extends for a horizontal distance of (i) 5,000 feet at a slope of 20:1 for all utility and visual runways; (ii) 10,000 feet at a slope of 34:1 for all nonprecision instrument runways other than utility, and (iii) 10,000 feet at a slope of 50:1 with an additional 40,000 feet at a slope of 40:1 for all precision instrument runways;

(c) The outer width of an approach surface to an end runway will be that width prescribed in this subsection 5 for the most precise approach existing or planned for that runway end;

6. Transitional zone.
All land lying directly under surfaces that extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7:1 from the sides of the primary surface and from the sides of the approach surfaces. Transitional surfaces for those portions of the precision approach surface that project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at right angles to the runway centerline;

7. Height restrictions.
Except as necessary and incidental to airport operations, no structure or tree shall be constructed, altered, maintained or allowed to grow in any air space obstruction zone so as to project above any of the imaginary air space surfaces described in subsections 1 through 6. Where an area is covered by more than one height limitation, the more restrictive limitation shall apply;

8. Traverse ways.
For the purpose of determining height limits in this Section 50-18.2, traverse ways shall be increased in height by 17 feet for interstate highways; 15 feet for all other public roadways; ten feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for private roads; 23 feet for railroads; and for waterways and all other traverse ways not previously mentioned, an amount equal to the height of the highest mobile object that would normally traverse it;

E. Land use safety zoning.

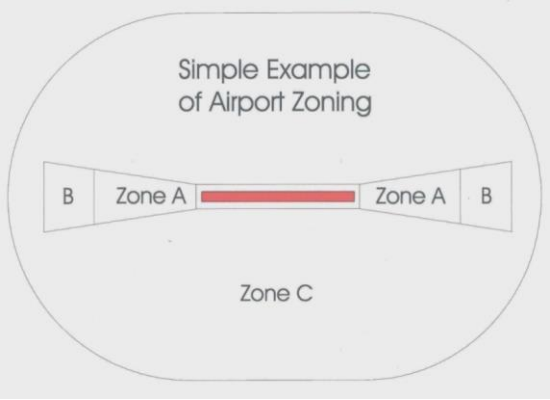
1. Safety zone boundaries.
   Safety zones are created to protect the surrounding community and to assist aircraft in the event of emergency landings. Safety zones seek to limit the population and building density to protect life and property in case of accident. In order to carry out the purpose of this Section to restrict those uses that may be hazardous to the operational safety of aircraft operating to and from the Duluth International Airport or Sky Harbor Municipal Airport, the following land use safety zones are established:

2. Safety Zone A.
   All land in that portion of the approach zones of a runway, as defined in subsection 50-18.2.D, that extends outward from the end of primary surface a distance equal to 2/3 of the planned length of the runway, which distance is:
   (a) 7,435 feet for Duluth International Airport runway 9-27;
   (b) 5,415 feet for Duluth International Airport runway 3-21;
   (c) 2,230 feet for Sky Harbor Municipal Airport runway 14-32;
3. Safety Zone B.
   All land in that portion of the approach zones of a runway, as defined in subsection 50-18.2.D that extends outward from Safety Zone A a distance equal to 1/3 of the planned length of the runway, which distance is:
   (a) 3,718 feet for Duluth International Airport runway 9-27;
   (b) 2,708 feet for Duluth International Airport runway 3-21;
   (c) 1,120 feet for Sky Harbor Municipal Airport runway 14-32;

4. Safety Zone C.
   All that land that is enclosed within the perimeter of the horizontal zone, as defined in subsection 50-18.2.D, and that is not included in Safety Zone A, Safety Zone B, or the exempted parcels referred to in Section 50-18.2.D.5;

F. Land use restrictions.

1. General.
   No use shall be made of any land in any land use safety zone that creates or causes interference with the operations of radio or electronic facilities on the airport or with radio or electronic communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and other lights, results in glare in the eyes of pilots using the airport, impairs visibility in the vicinity of the airport or otherwise endangers the landing, taking off or maneuvering of aircraft;



2. Zone A.
   Areas designated as Zone A shall contain no buildings, temporary structures, exposed transmission lines, or other similar above ground land use structural hazards, and shall be restricted to those uses that will not create, attract or bring together an assembly of more than 100 persons on the property. Permitted uses may include but are not limited to: agriculture (seasonal crops), horticulture, animal husbandry, raising of livestock, wildlife habitat, light outdoor recreation (non spectator), cemeteries and automobile parking;

3. Zone B.
   Areas designated as Zone B shall be restricted in use as follows:
   (a) Each use shall be on a site of not less than three acres;

(b) Each use shall not create, attract or bring together a site population that would exceed 15 times that of the site acreage. Compliance with this subsection shall be determined by multiplying the number of required parking spaces for each use on the site by the vehicle occupancy rates for each use on the site, as provided in Table 50-18.2.-1;

TABLE 50-18.2-1: Vehicle Occupancy Rates	
Land Use	**Vehicle Occupancy Rate**
Industrial / Storage / Transportation	1.2
Educational	1.2
Health Care	1.7
Retail Store	1.5
Restaurant / Community and Cultural Facility / Recreational	2.0
Example: The site population for a 1,500 sq. ft. restaurant is calculated as follows: 15 (i.e., 1 parking space per 100 sq. ft) X 2.0 (i.e., vehicle occupancy rate) = 30 people. Therefore, the site would need to be at least 2 acres in size to meet the 15 people / acre maximum site population limit.	

(c) Each site shall have no more than one building plot upon which any number of structures may be erected;

(d) A building plot shall be a single, uniform and non-contrived area, whose shape is uncomplicated and whose area shall not exceed the following minimum ratios with respect to the total site area:

TABLE 50-18.2-2: Ratio of Site Area to Building Area		
Site area	**Ratio of site area to building plot area**	**Building plot area (sq. ft)**
3.00 – 3.99 acres	12:1	10,900
3:00 – 5.99 acres	10:1	17,400
6:00 – 9.99 acres	8:1	32,700
10:00 – 19.99 acres	6:1	72,600
20:00 acres or more	4:1	218,000

(e) The following uses are specifically prohibited in Zone B: churches, hospitals, schools, theaters, stadiums, hotels, motels, trailer courts, campgrounds and other places of frequent public or semi public assembly;

4. Zone C.
Zone C is subject only to height restrictions set forth in subsection D above and to the general restrictions contained in subsection F.1 above;

5. Exemptions for established residential neighborhoods.
Land uses that existed as of June 18, 1988, for the Duluth International Airport, and as of January 1, 1994, for Sky Harbor Municipal Airport, and that were established residential neighborhoods in built-up urban areas on those dates, are subject to the height restrictions of subsection D above, but are not subject to the additional restrictions in subsections F.2 or 3 above. Land uses that came or come into existence after those dates, are treated as though they were or are not in a listed established residential neighborhood and are subject to the restrictions in subsections F.2 or 3 above, as applicable based on the location of the property. (Ord. No. 10044, 8-16-2010, § 6.)

50-18.3 Historic Resources Overlay (HR-O).

A. Purpose.

The purpose of this Section 50-18.3 is to preserve, protect and promote any areas, places, buildings, structures, lands, districts and other objects having a special historical, community or aesthetic interest or value. The Historic Resources Overlay:

1. Safeguards the heritage of the city by preserving properties that reflect elements of the city's cultural, social, economic, political, engineering, visual or architectural history;
2. Protects and enhances the city's appeal and attraction to residents, visitors and tourists, while enhancing its economic viability through the protection and promotion of its unique character as related to its history and heritage;
3. Enhances the visual and aesthetic character, diversity and interest of the city;
4. Fosters civic pride in the beauty and notable accomplishments of the past;
5. Promotes the preservation and continued use of historic properties for the education and general welfare of the people of the city;

B. Designation of historic resources.

1. Through the process for designating historic resources in Section 50-37.8, or its predecessor ordinance previously codified as Chapter 28A of the City Code, the heritage preservation commission has designated:
   (a) Two historic preservation districts: the Duluth Civic Center Historic District, and the Duluth State Normal School Historic District, whose boundaries are shown on Exhibits 50-18.3-1 and 50-18.3-2; and
   (b) Those designated historic preservation landmarks on file with the secretary of the planning commission;
2. The heritage preservation commission and planning commission may from time to time recommend, and the council may approve, additional historic preservation districts or landmarks pursuant to Section 50-37.8;

C. Review of construction/demolition activities.

Within those designated historic preservation districts shown on Exhibit 50-18.3-1 and those historic preservation landmarks on file with the secretary of the planning commission:

1. Construction and demolition activities, including all street and utility activities, shall be approved pursuant to Section 50-37.14;
2. The issuance of city permits to do any of the following shall be approved pursuant to Section 50-37.14:
   (c) Remodel, repair or alter in any manner that will change the exterior appearance;
   (d) New construction, including parking facilities;
   (e) Move a building;
   (f) Change the nature or appearance of a designated historic preservation landmark or district, including landscape features;
   (g) Demolition in whole or in part;

D. Emergency repair.

In emergency situations where immediate repair is needed to protect the safety of the structure and its inhabitants, the building official may approve the repair of only those items needed to ensure safety. Such repairs shall be limited to those necessary to correct the safety emergency. In the case of a permit issued pursuant to this subsection D, the building official shall require that the repairs be made in conformance with the U.S. secretary of interior's recommended standards for heritage preservation projects and adopted historic preservation guidelines for the landmark or district to the extent possible. In addition, the building official shall immediately notify the historic preservation commission of the action and specify the facts or conditions constituting the emergency situation;

E. Building code enforcement.

This Section 50-18.3 is also intended to encourage the sensitive rehabilitation, restoration, stabilization and preservation of historic buildings throughout the city. These rehabilitation and preservation efforts should provide for the upgrading and maintenance of the safety features of the building or structure to provide a practical level of safety to the public and surrounding properties. While ensuring this increased level of public safety, the enforcement authorities are encouraged to be open to acceptable alternative solutions and alternative compliance concepts, where practical, that will permit the continued use of existing buildings and structures without creating overly restrictive financial burdens on owners or occupants. Nothing in this Section shall be construed to prevent the ordinary maintenance or repair of any exterior elements of any building or structure.

(Ord. No. 10041, 8-16-2010, § 4; Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 14; Ord. No. 10225, 5-28-2013, § 3.)

Legend

Duluth Civic Center Historic District

N W E S

Exhibit 50-18.3-1

Duluth Historic Preservation Districts Map 1 of 2

0 200 400 800 Feet

Aerial photography flown 2007. Prepared by: City of Duluth Planning Division, May 24, 2010. Source: City of Duluth, MnDNR, MnDOT.

THE CITY OF DULUTH MINNESOTA

Legend

Duluth State Normal School Historic District

Exhibit 50-18.3-2

Duluth Historic Preservation Districts Map 2 of 2

0 100 200 400 Feet

Aerial photography flown 2007. Prepared by: City of Duluth Planning Division, August 21, 2009. Source: City of Duluth, MnDNR, MnDOT.

THE CITY OF DULUTH MINNESOTA

50-18.4 Skyline Parkway Overlay (SP-O).

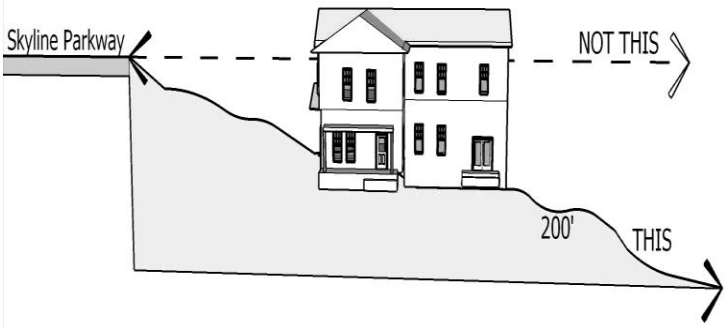
A. Purpose.

The purpose of this Section 50-18.4 is to protect the unique character and visual qualities of Skyline Parkway as documented in the Skyline Parkway corridor management plan and the comprehensive land use plan while protecting the property rights of private property owners affected by these regulations. One key purpose is to protect views from Skyline Parkway toward Lake Superior, the St. Louis River, and the harbor, from a wide variety of vantage points along the Parkway and to encourage the construction of narrower buildings located farther from the Skyline Parkway rather than wider buildings located closer to the parkway;

B. Land affected.

The regulations of this Section 50-18.4 apply to all private and public property located within 200 feet of the downhill side of Skyline Parkway as shown on Exhibits 50-18.4-2 to 4. The 200 foot distance shall be measured from the edge of the right-of-way along the slope of the affected property (not horizontally from the road), as shown in Figure 50-18.4-1. The Skyline Parkway Overlay maps are shown only for illustrative purposes and are not intended to regulate the boundary of the 200 feet distance as described above;

Exhibit 50-18.4-1: Measurement of 200' boundary



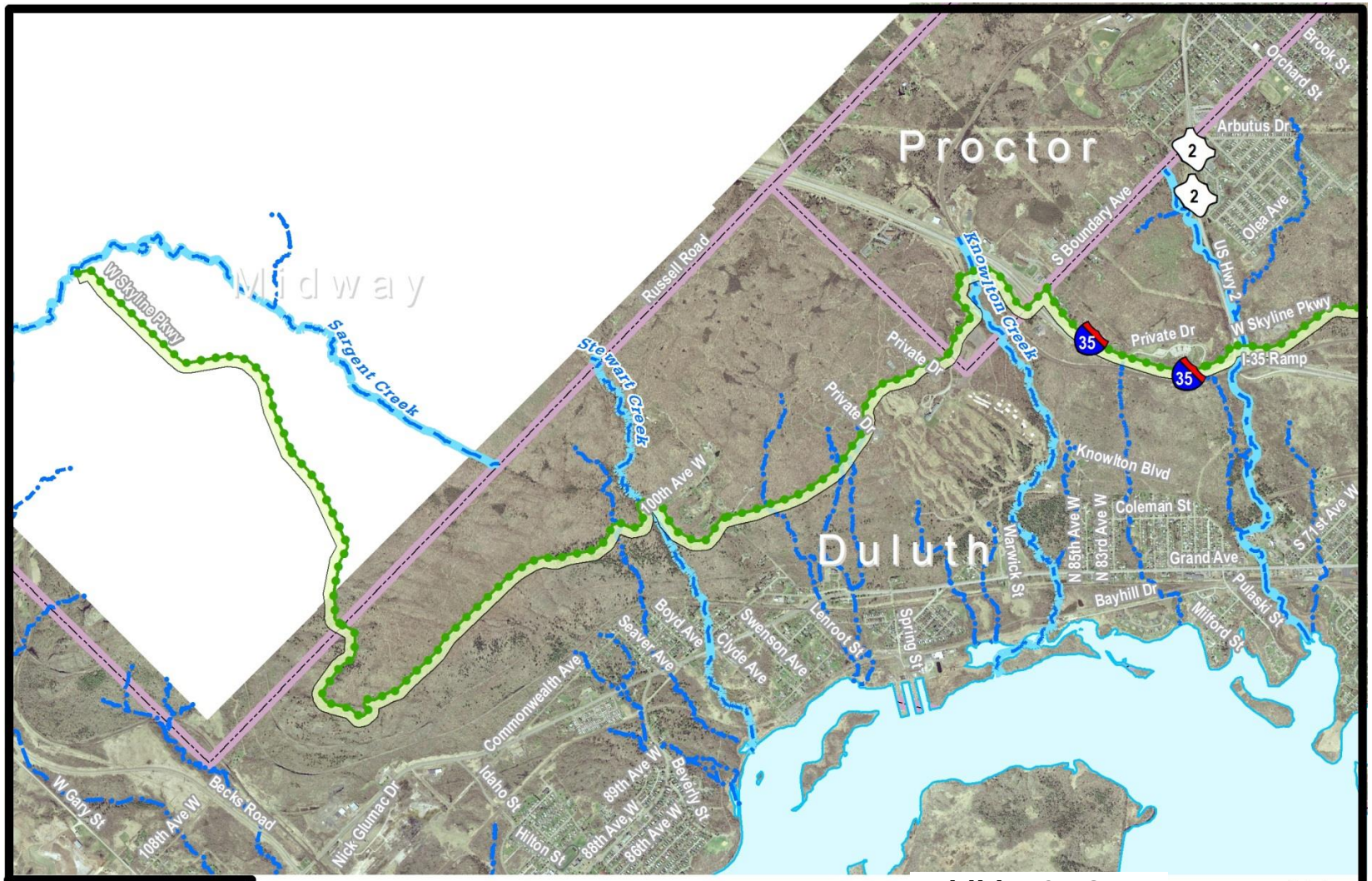
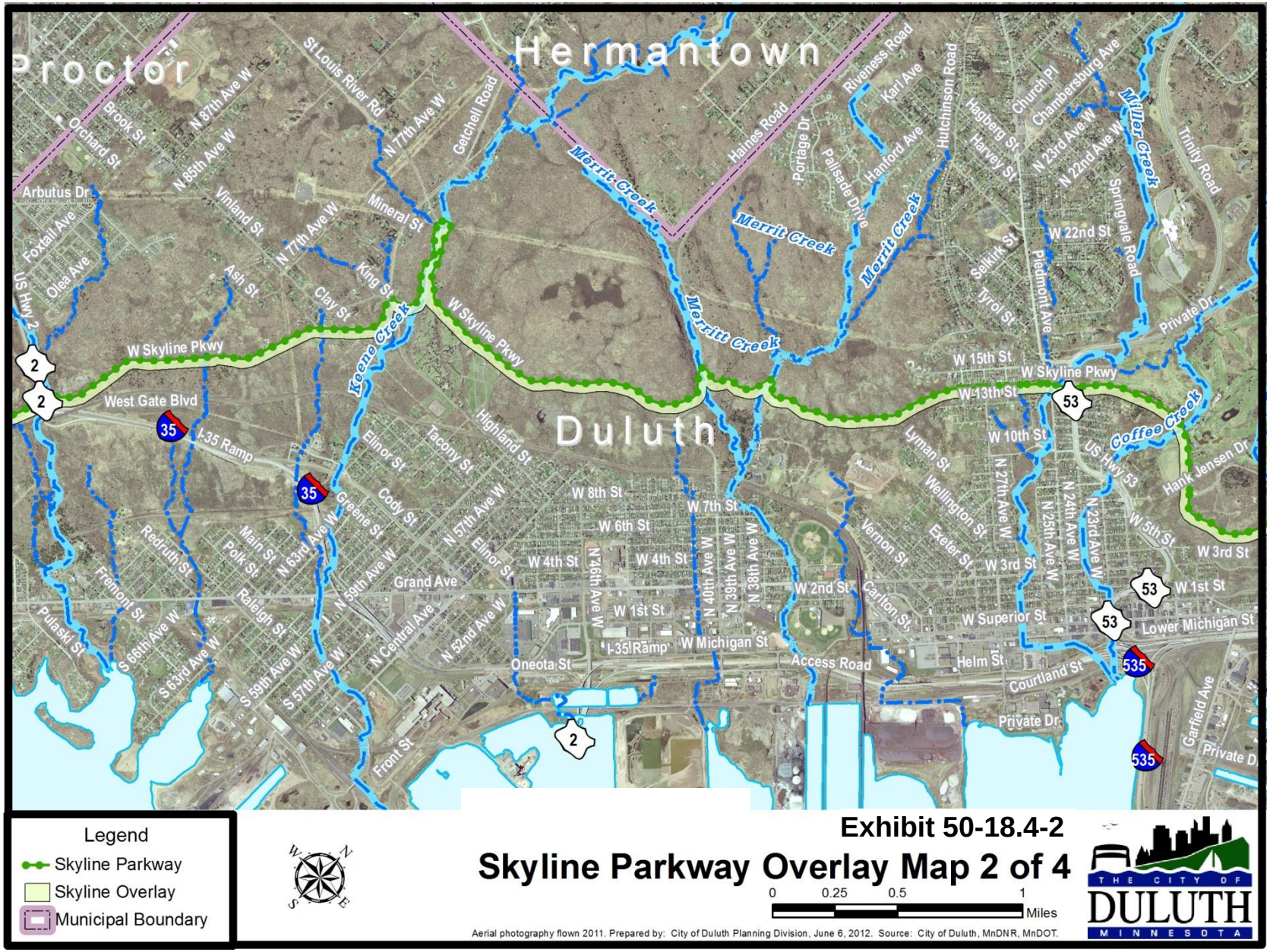


Exhibit 50-18.4-1

Skyline Parkway Overlay Map 1 of 4



Legend

- Skyline Parkway
- Skyline Overlay
- Municipal Boundary

Exhibit 50-18.4-2

Skyline Parkway Overlay Map 2 of 4

0 0.25 0.5 1 Miles

Aerial photography flown 2011. Prepared by: City of Duluth Planning Division, June 6, 2012. Source: City of Duluth, MnDNR, MnDOT.

THE CITY OF DULUTH MINNESOTA

Exhibit 50-18.4-3

Skyline Parkway Overlay Map 3 of 4

Exhibit 50-18.4.4

Skyline Parkway Overlay Map 4 of 4

C. Construction and reconstruction affected.

This Section 50-18.4 shall apply to (1) all construction of new buildings or additions to buildings, (2) all reconstruction of an existing building or addition, (3) all construction of fences and walls, and (4) all installation and maintenance of landscaping within the SP-O zone district, after November 10, 2010. Buildings, additions, fences and walls that are permitted or exist on November 19, 2010, shall not be required to comply with the provisions of this Section, and shall be considered conforming structures for zoning purposes;

D. Design controls.

When construction of a building or an addition to a building, or reconstruction of an existing building or addition is proposed within the SP-O zone district, the following standards shall apply:

1. The building or addition shall be located at least 50 feet from the right-of-way of Skyline Parkway, or as close to that distance as is reasonably possible without violating required side or rear setbacks;
2. The long axis of a new structure shall be located within 20 degrees of perpendicular to the right-of-way line of Skyline Parkway at the midpoint of the front property line, or if that is not possible due to site or engineering constraints, then as close to that number as is reasonably possible;

Exhibit 50-18.4-6:
Measurement of Long Axis

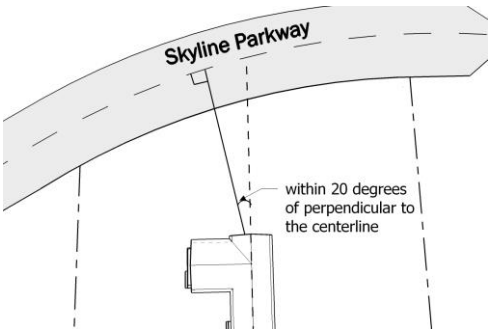
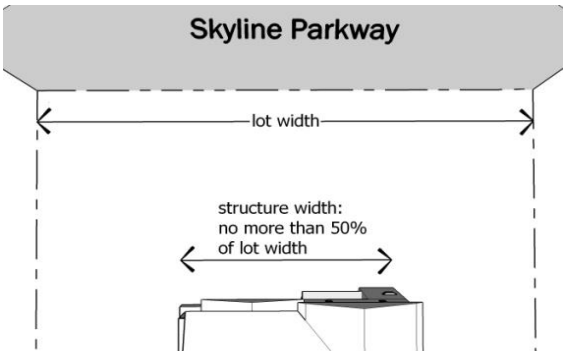


Exhibit 50-18.4-7:
Measurement of 50% of Lot Width



3. The width of a new primary structure closest to Skyline Parkway shall not exceed 50 percent of the width of the lot at the point closest to or adjacent to the Skyline Parkway right-of-way. For purposes of this paragraph, the width shall including all portions of the structure (including attached garages or enclosed porches);
4. Where an addition to an existing structure is proposed, the location of that addition shall not result in the width of structure and addition, taken together, exceeding 50 percent of the width of the lot at the point closest to or adjacent to the Skyline Parkway right-of-way;
5. The provisions of subsections 1 through 4 above shall not apply to any structure located and designed so that no part of the structure (other than chimneys) extends taller than three feet above the elevation of Skyline Parkway closest to the structure;
6. No wall located within 50 feet of horizontal distance from the property line along Skyline Parkway shall exceed a height of three feet above the elevation of the centerline of Skyline Parkway;
7. All portions of a fence located within 50 feet of horizontal distance from the property line along Skyline Parkway and extending more than three feet above the elevation of the centerline of Skyline Parkway shall be at least 75 percent transparent. No more than 25 percent of the area bounded by the top, bottom, and sides of the fence may be constructed of solid or opaque materials;

8. No landscaping located on the 50 percent of the lot width not occupied by the primary structure may be of a species that will have a height at maturity of more than three feet above the elevation of the centerline of Skyline Parkway, and all installed landscaping in those areas shall be maintained so that its height does not exceed three feet above the elevation of the centerline of Skyline Parkway. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10192, 12-17-2012, § 7.)

50-18.5 Higher Education Overlay (HE-O).

A Purpose.

The purpose of this Section 50-18.5 is to minimize the impacts of potential student use on adjacent residential neighborhoods and to encourage the development of pedestrian friendly neighborhood destinations near the UMD *[University of Minnesota-Duluth]* and St. Scholastica campuses;

B Applicablity.

This Section applies to land within the HE-O, shown in Exhibit 50-18.5-1, that (a) is zoned R-2 or MU-N; and (b) includes new development or redevelopment where the value of the redevelopment exceeds 75 percent of the market value of the land and buildings, as indicated by tax assessor's records; except for:

1. One-family or two-family dwellings;
2. Any residential development where all of the dwelling units are restricted by development agreement or covenant for occupancy by those aged 50 and over or for occupancy by those individuals and households protected by the federal Fair Housing Act amendments of 1988.

A planning review by the planning commission, pursuant to the procedures in Article 5, shall be required unless exempt in the above applicability standards;

C Development standards.

1. General.
   (a) Vehicle ingress and egress shall be located in a manner that avoids or minimizes impacts to residents in adjacent R-1 districts and that reduces the potential for pedestrian-vehicular conflicts;
   (b) Primary buildings shall adhere to a build-to zone of five feet to 20 feet along primary streets. This requirement shall supersede building setbacks in Section 50-14.6 and 50-15.2. Alternatively, if the land use supervisor determines that site conditions such as existing buildings or topography make this unfeasible, pedestrian walkways can be used to connect people from public sidewalks along primary streets to businesses and residences. These walkways shall:
      - Include pedestrian-scaled lighting;
      - Be raised or otherwise designed to encourage run-off and limit ponding during wet weather;
      - Be visually recognizable to both pedestrians and motorists;
      - Include trees and other landscaping along the length of the walkway; this landscaping can also be used to meet parking lot landscaping requirements in Section 50-25.4;
      - Be at least five feet wide;
      - Include well-marked crossings where the walkway intersects with private vehicle drives;
   (c) Unless lighting meets exception criteria in Section 50-31.1.B, the maximum height of any light pole is 20 feet;
2. Residential.
   (a) Required resident parking spaces shall be provided at the ratio of 0.7 space per bedroom, with a minimum of one space per dwelling unit;
   (b) Visitor parking spaces shall be provided at the rate of 15 percent of required resident parking spaces;
   (c) At least one bicycle or motorized scooter parking space per five parking spaces shall be provided, which shall not be located in any required yard or between the principal dwelling and the street;
   (d) A development that provides an enhanced shelter with space dedicated solely for bicycle or motorized scooter parking shall be granted a reduction in the off-street parking requirement of five percent if the shelter complies with the following standards:
      - The enhanced shelter shall not be located in any required yard setback;
      - The enhanced shelter shall not be located between the principal building and a public street;

- The enhanced shelter shall be enclosed on at least three sides and covered to adequately protect bicycles from the elements;
- The enhanced shelter shall utilize primary exterior materials that match the primary exterior materials of the principal structure;

(e) If the development or redevelopment is determined to have mitigated the impacts of potential student use in the adjacent residential neighborhood, the development or redevelopment may adjust the parking requirements as provided in either Section 50-24.3.A or 50-24.3.B if eligible, but may not utilize both adjustments;

(f) No residential balcony, patio, or deck shall be located on any side of the property facing and within 200 feet of an R-1 district;

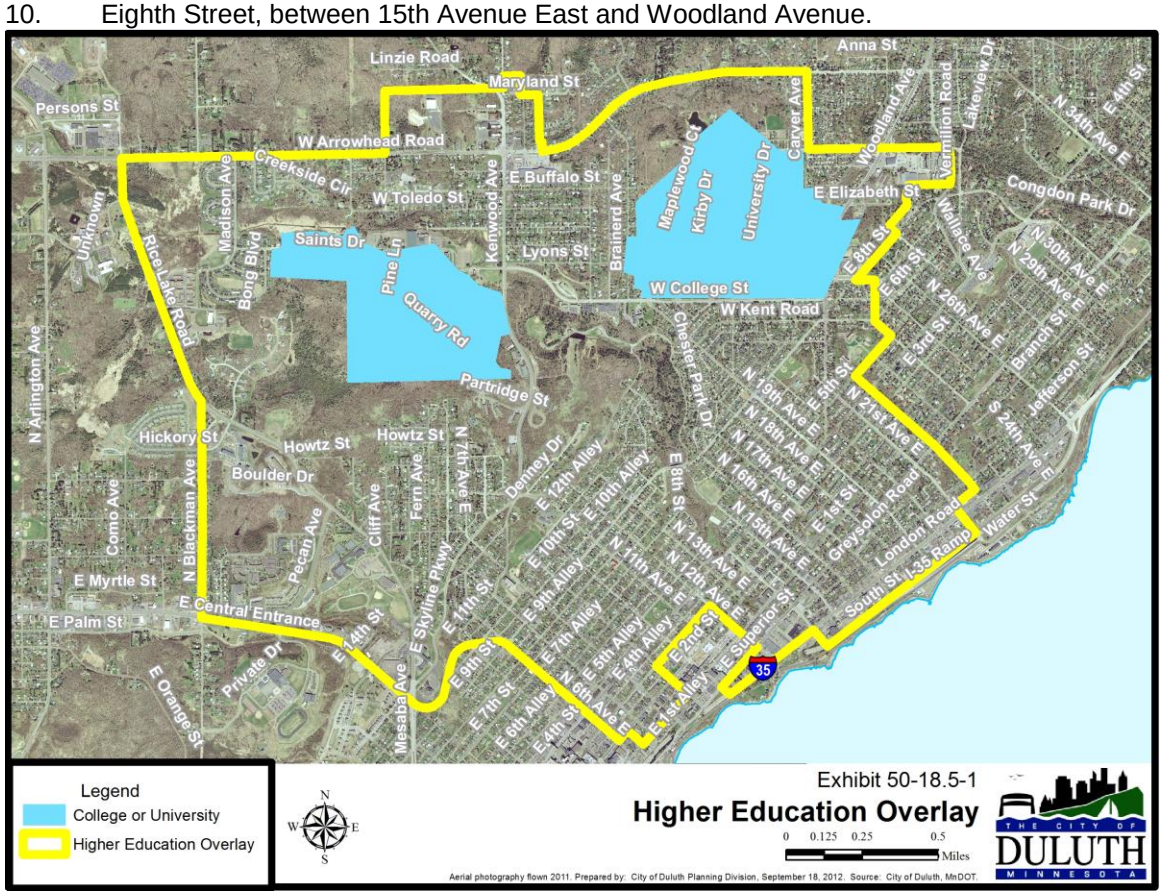
3. Commercial.

(a) Commercial development shall be concentrated on major roads, not on streets intended primarily for neighborhood traffic;

D Primary streets.

The following streets are designated as primary streets in the Higher Education Overlay District:

1. Woodland Avenue;
2. St. Marie Street;
3. Arrowhead Road;
4. College Street;
5. Kenwood Avenue, north of College Street;
6. Fourth Street;
7. London Road;
8. Superior Street;
9. Ninth Street, between Sixth Avenue East and 15th Avenue East; and
10. Eighth Street, between 15th Avenue East and Woodland Avenue.



(Added by Ord. No. 10192, 12-17-2012, § 8; Ord. No. 10286, 3-10-2014, § 5)