
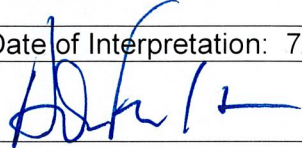


UDC Interpretation	#21-001	
	Daycare and Educational Facilities as An Accessory Use for Government Facilities	
	UDC Sections: 50-41.16	Date of Interpretation: 7/20/21
Approved by:	Adam Fulton, Land Use Supervisor	

BACKGROUND:

The Unified Development Chapter of the City of Duluth Legislative Code (UDC) is the official body of rules and regulations to guide land use and development in the City of Duluth, Minnesota. UDC Sec. 50-10 *Interpretation* authorizes the Land Use Supervisor to interpret the provisions of this Chapter.

The question was asked: can a daycare, preschool, or other early educational facility be considered an appropriate accessory use within the “park, playground, or forest reserve” land use?

CODE INFORMATION:

Section 50-41.16 of the UDC states Park, playground or forest reserve. A facility or area for recreational, cultural, or aesthetic use owned or operated by a public or quasi-public agency and available to the general public. This definition may include but is not limited to: parks, public lawns, active and passive recreation areas, playgrounds, water courses and wooded areas. Facilities may also include fountains, swimming pools, pavilions and similar public facilities within their boundaries.

UDC INTERPRETATION:

Section 50-41.1 states, in part, that accessory uses are uses that are subordinate in use, area, or purpose to the principal use on the same lot and serving a purpose naturally and normally incidental to the principal use.

Public parks primarily provide open space and recreational opportunities for citizens. However, due to their unique history and varied characteristics, some Duluth parks may specialize in providing a specific service to citizens. In the case of Hartley Park and Hartley Nature Center, one of the long-standing intents is to provide educational opportunities to children in a natural setting. As referenced in the City of Duluth’s Park and Recreation department website, “the park also has a long history of education and recreational activity related to the enjoyment, preservation and restoration of the natural environment”.

Therefore, daycares, preschools, or other early education facilities are allowable and appropriate in some public parks, but only when they serve a related and accessory function of education in a natural environment.

The City anticipates a technical correction to these provisions will be part of the annual UDC amendment package in the future, including the amendment of 50-18.9 to allow these uses as an appropriate accessory use in the P-1 district.

DISCLAIMER: While it is the intent of the administration to submit a technical correction to the City Council consistent with this interpretation, the code can only be amended by City Council action. This interpretation is not intended to be a promise or guarantee that the proposed amendment will be enacted.