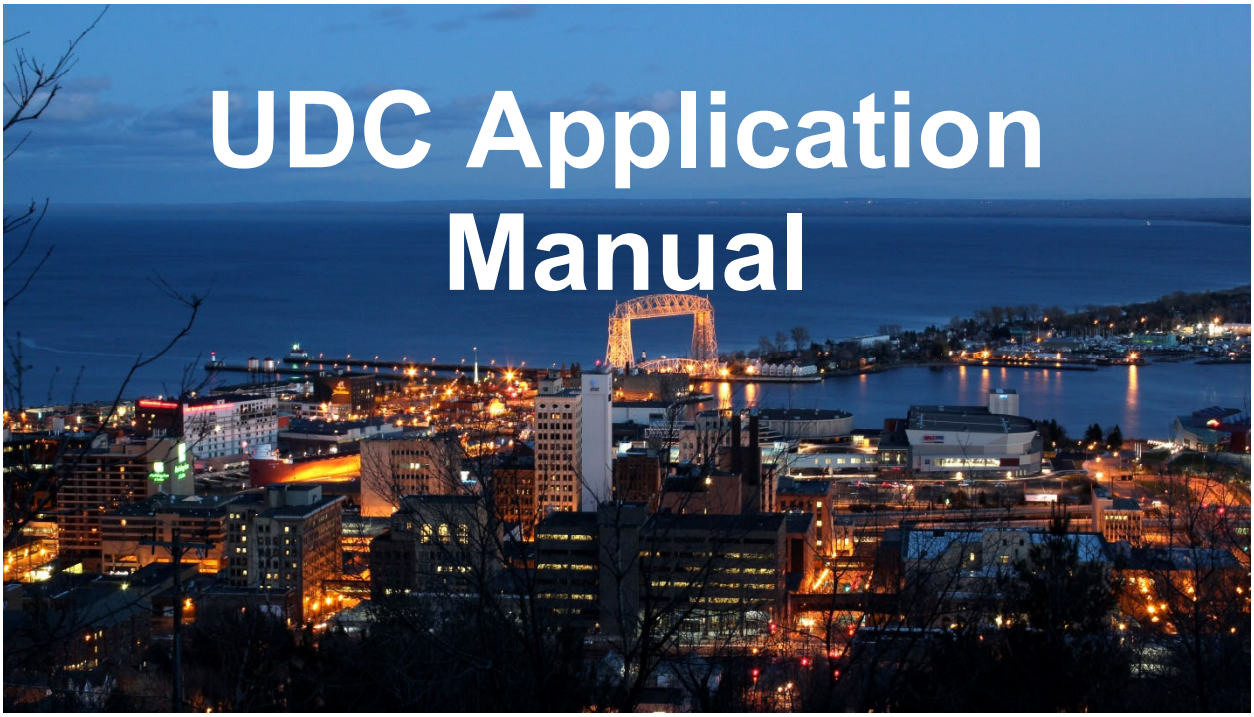

Unified Development Chapter of the City of Duluth Legislative Code

Revised November 2021

THE CITY OF
DULUTH
MINNESOTA

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Important Notice: *Applicants are reminded this manual does not serve as a substitute for any of the City of Duluth's adopted ordinances and is intended only as a guide to the users of the UDC. In case of conflict between this document and other City ordinances, the adopted City ordinances shall control.*

1.0 About the Unified Development Chapter (UDC)

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. The UDC brings together all the zoning and development related sections of the City code into one unified document.

Note that other City regulations, such as the building code or engineering guidelines, may also apply to your project.

See Article 1 in the UDC for more information about general provisions.

2.0 How do I use the UDC?

1. **Consult the Zoning Map.** Consult the zoning map to identify the base zone district for your property.

   A zoning map can be found on the City's web site at **https://duluthmn.gov/planning-development/land-use-zoning-and-applications/**

   There are four types of base zone districts: Residential (R), Mixed Use (MU), Form (F) and Special Purpose (SP).

2. **Review Your Base Zone District**. Find the description of that base zone district in Article 2 of the UDC. In some cases there are special controls or procedures that apply to the base zone district. Article 2 also includes setbacks and height restrictions.

3. **Review the Overlay Zone Districts.** Also review Section 50-18 to determine if your property is included in any of the City's five overlay zone districts – the Natural Resources Overlay (NR-O), Airport Overlay (A-O), Historic Resources Overlay (HR-O), Skyline Parkway Overlay (SP-O), or Higher Education Overlay (HE-O). Each overlay includes additional development regulations that modify the base district regulations. It is particularly important that you review the Natural Resources Overlay (wetlands, flood plains, shorelands, and stormwater) in Section 50-18.1, because federal, State, or local environmental controls may determine what parts of the property may be developed.

   Detailed maps can be found on the City's web site at **https://duluthmn.gov/planning-development/land-use-zoning-and-applications/**

4. **Find Permitted Uses of Property.** Review the Permitted Use Table in Article 3 to determine whether your proposed use of the property is permitted by right, available as a special use, or is prohibited in your base zone district. Article 3 also contains accessory uses and use-specific standards that control how some uses may be developed or operated.

5. **Review What Development Standards Apply.** Review Article 4 to determine what type and size of building may be constructed on your property and what quality standards will apply to the development. If your property is located in a Form District (one that begins with an "F"), only specific types of buildings will be allowed, and those building types are explained in Section 50-22. If your property is located in an R, MU, or SP district, the basic lot and building requirements are found in Section 50-21. The remaining provisions of Article 4 (examples include parking, landscaping, and lighting) apply to all zone districts. Platting regulations are also found in Article 4.

6. **Find What Procedures May Be Required.** If your proposed use requires a special use permit, you will need to follow the process for obtaining that permit as described in Article 5. If your proposed development requires any other types of approvals (for example, a variance from setback requirements), those procedures are also described in Article 5.

How do I use this Application Manual?

Find the checklist for the type of application you want to apply for in Section 3 of this Manual.

Items with a check box are things you need to complete as part of the application process. Items without a check box are provided for your information.

A Note On Submission Materials: All materials, whether submitted electronically or as a hard copy, must be legible and reproducible on letter size (8½"x11") paper. For some very detailed plans, tabloid (11"x17") may be acceptable.

3.0 Filing an Application

UDC Applications

A UDC Application is needed for the following types of activities:

- UDC Map Amendment
- District Plan Adoption or Amendment
- Subdivision Plat Approval or Amendment, including applicable Registered Land Survey (RLS)
- Minor Subdivision, including applicable Registered Land Survey (RLS)
- Boundary Line Adjustment, including applicable Registered Land Survey (RLS)
- Vacation of Street, including vacation of easements
- Concurrent Use of Streets Permit
- Historic Resource Designation
- Variance
- Special Use or Interim Use Permit, including Vacation Dwelling Units
- Planning Review in an MU-C, MU-I, MU-W, or HE-O district
- Sidewalk Use Permit
- Historic Construction/Demolition Permit
- Accessory Home Share Permit
- Accessory Vacation Dwelling Unit, Limited Permit

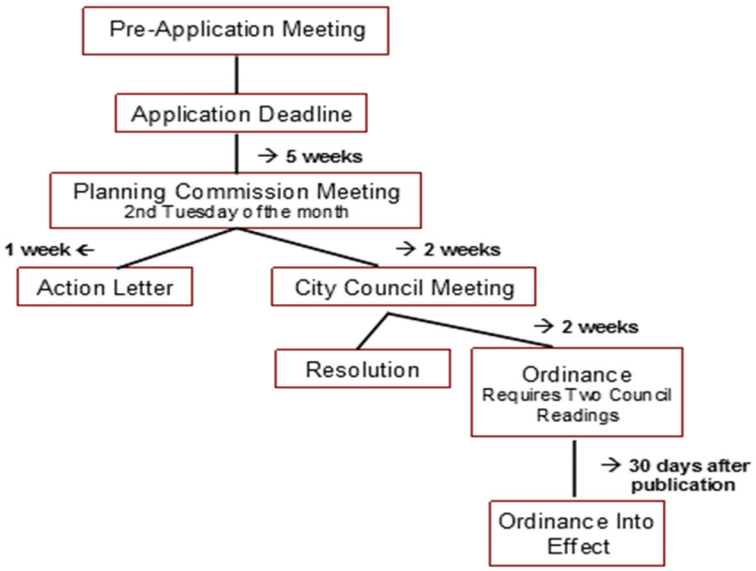
Specific application requirements for these are listed in **sections 3.1 to 3.19**. Make sure all items listed in these sections are submitted; otherwise, the application will be determined incomplete. Many applications also require a **pre-application meeting** with planning staff. At this meeting, staff will briefly review your proposal and make recommendations regarding application materials to submit. Please note that all information submitted as part of an application is considered part of the public record.

Timeline

UDC Applications have deadlines that are generally **five weeks** before each Planning Commission meeting. (Note that Historic Resource Designations and Historic Construction/Demolition Permits follow a different process.) This timeframe allows for the application to be reviewed by staff for completeness, any public or legal notice required, and a staff report sent to Planning Commissioners for their review prior to the meeting. You or your designee will be asked to attend the Planning Commission meeting.

Once staff have determined your application to be complete, a notice will be sent to the applicant. For most applications, this notice will

Timeline- UDC Applications (General)



also include information about the City's 120-day timeframe, per State Statute 15.99, to make a decision.

For applications where the final decision is made by Planning Commission, an action letter will be sent generally within 1 week.

For applications where the final decision is made by the Historic Preservation Commission, a Certificate of Appropriateness (COA) will be sent within 1-2 weeks.

For applications where the final decision is made by City Council, you may wish to check the Council web site at https://duluthmn.gov/city-clerk/. Planning Commission recommendations are heard at the Council meeting approximately two weeks after the Planning Commission meeting. A list of Council actions is posted to the Council web site the day after the Council meeting.

Council resolutions may be voted on at the meeting they are introduced. Ordinances require readings at two subsequent Council meetings and go into effect 30 days after publication. The City Clerk's office sends notices of Council actions to applicants.

Note that these dates reflect typical timelines but are subject to change.

For specific month-by-month application deadlines, visit https://duluthmn.gov/planning-development/

Timeline – UDC Applications (Historic Resource Designation)

Construction Services Permits

The following are Construction Services permits:

- Temporary erosion and sediment control
- Shoreland permit
- Building permit
- Certificate of occupancy

For information on how to apply for these, contact Construction Services:

Room 100 City Hall
218-730-5240
https://duluthmn.gov/csi/
permittingservices@duluthmn.gov

Timeline – UDC Applications (Historic Construction/ Demolition Permit)

Stormwater Approvals

If your project requires permanent stormwater permits or approvals (see UDC Section 50-18.1.D), review the Engineering Guidelines at http://www.duluthmn.gov/engineering or visit the Engineering Office, Room 211 City Hall, 218-730-5200.

Additional Approval for Obstructions in Public Right of Way/Easements

In the event that it is determined that there is a structure in public right of way or on top of dedicated public easement, the City will require the property owner to either remove the obstruction, or seek and receive approval for a concurrent use permit.

Wetland Approvals

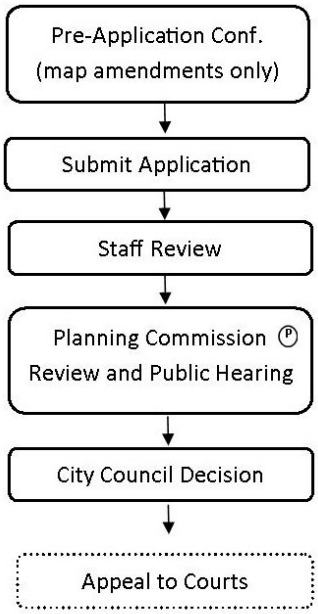
Wetland approvals are discussed in Section 4.0.

3.1 Checklist

UDC Map Amendment (Rezoning)

A UDC Map Amendment allows for adjustment of zone district boundaries for your property. For example, if you want to use your property in a way that is not permitted by its current zoning, under some circumstances a rezoning may be possible. To change the zoning of a property, the proposed zoning district must be consistent with adopted City plans and an ordinance must be passed by the City Council. See UDC Section 50-37.3 for more information.

UDC Map Amendment



Ⓟ Indicates Public Hearing Required

Starting the Application Process

- ☐ Call 218-730-5580 or email planning@duluthmn.gov to schedule a pre-application meeting. The pre-application meeting is intended to discuss the application process and general timeline. A comprehensive review of the proposed project is not possible at this meeting; detailed review of the project will occur once a complete application, with sufficient supporting information and exhibits, is submitted.
  - ☐ If the rezoning involves a planned district (Mixed Use-Planned or Residential-Planned), a community meeting is required before submitting the application. Discuss requirements for this meeting at the pre-application meeting.

Your Application

- ☐ Submit your application materials by the Planning Commission application deadline. There are numerous in-person and electronic application methods available; visit https://duluthmn.gov/planning-development/land-use-zoning-and-applications/applications-checklists/ for current information. Your application must include the following:
  - ☐ Application Cover Sheet, available at https://duluthmn.gov/planning-development/land-use-zoning-and-applications/applications-checklists/, and applicable fee
  - ☐ Petition
    - ➢ If requesting a change from one residential district to another residential district or from a non-residential district to another non-residential district, only the subject property owners need to sign the petition.
    - ➢ If requesting a change from a residential district to a mixed use, form, or special purpose district, written consent is required of the owners of two-thirds of those properties located wholly or partially within 100 feet of the subject property. ***Note: All property owners of a parcel must sign the petition if held in joint ownership.*** If you are unable to get signatures from two-thirds of these properties, then a 6/9 vote of City Council will be required for the map amendment to pass.
  - ☐ A plat or map clearly showing the area to be rezoned

Important Dates

Application Deadline: _____

Sign Notice Placed: _____

Planning Commission: _____

City Council (1st read)*: _____

City Council (2nd read)*: _____

Effective*: _____

**Please note that these dates are approximate guidelines and may change*

- ☐ Legal description

- ☐ If the rezoning involves a planned district (Mixed Use-Planned or Residential-Planned), required documentation of your community meeting

After Submitting Your Application

1. Determination of Completeness. Within 15 business days of your application, you should expect to:

- Receive an "Applicant Letter," which acknowledges a complete application, shares the date of the Planning Commission meeting and the assigned staff person, and notifies you of State-mandated deadlines for the City to make a decision, **OR**
- Receive notification that your application is incomplete, with details on further information to submit.

2. Public Notice.

- ☐ **You are required to post a sign notice** on the property at least two weeks before the date of the public hearing. See UDC Section 50-37.1.H for information on size, placement, and content of each sign; you may want to contact a sign company or printing company to have the sign made. You must provide evidence that the signs were in place; ***submit photo(s) of the signs to the Planning Division at least two weeks before the date of the public hearing***.

A newspaper notice (legal ad) will be placed by the City at least once each week for three weeks before the date of the public hearing.

A mailed notice will be sent by the City to property owners within 350 feet when the amendment involves a rezoning of 5 acres or less.

3. Staff Review. Planning staff will evaluate your application and prepare a staff report. When considering a recommendation for a zoning text or map amendment, Planning staff generally review the Comprehensive Plan (including the Future Land Use Map, Governing Principles, and Policies), surrounding land uses and zoning, individual factors that are unique or special to the proposal, any additional criteria listed in the UDC, and other related factors.

- ➢ You will receive an email with the Planning Commission agenda and a link to this staff report about 5 days prior to the meeting.

4. Planning Commission Hearing. Planning Commission meetings are scheduled at 5:00 pm on the second Tuesday of each month. **We ask that applicants or an agent attend this meeting.**

The Planning Commission will conduct a public hearing and make a recommendation.

5. City Council Decision. The action of the Planning Commission will be submitted to the City Council in the form of an ordinance. This ordinance must be read twice (two separate council meetings), before the Council votes. The Mayor must sign and the ordinance must be published in the paper. It becomes effective 30 days after publication.

Planning staff will send notice of the Council action to the applicant.

3.2 Checklist

District Plan Adoption or Amendment

District Plans are optional for the MU-I district. See Section 50-37.4 of the UDC for more information.

Starting the Application Process

- ☐ Call 218-730-5580 or email planning@duluthmn.gov to schedule a pre-application meeting. The pre-application meeting is intended to discuss the application process and general timeline. A comprehensive review of the proposed project is not possible at this meeting; detailed review of the project will occur once a complete application, with sufficient supporting information and exhibits, is submitted.

- ☐ If you are submitting a District Plan, you need to hold at least one community meeting before submitting the plan for review and approval by the City.
  - ➢ Mail notice to all property owners within 350 feet outside the planning area boundaries (City will provide names and addresses upon request).

Your Application

- ☐ Submit your application materials by the Planning Commission application deadline. There are numerous in-person and electronic application methods available; visit https://duluthmn.gov/planning-development/land-use-zoning-and-applications/applications-checklists/ for current information. Your application must include the following:

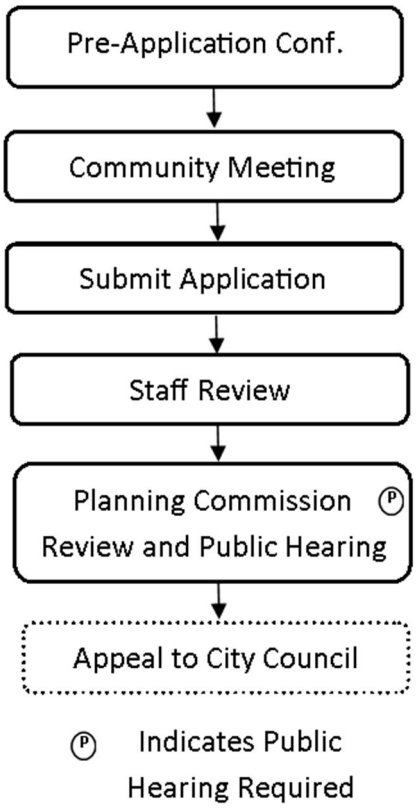
  - ☐ Application Cover Sheet, available at https://duluthmn.gov/planning-development/land-use-zoning-and-applications/applications-checklists/, and applicable fee

  - ☐ Legal description(s) of properties included in the plan

  - ☐ A district plan that includes the following:

    - ➢ A statement as to whether the institution intends to acquire any additional properties in the surrounding the area and, if so, the general direction of that proposed expansion
    - ➢ A plan and description of the maximum amount of development of land and buildings over the next ten years
    - ➢ A transportation and parking management element
    - ➢ An open space, trail, and pedestrian/bicycle circulation element
    - ➢ A massing plan
    - ➢ A description of any requested variation from the development standards in Article 4

District Plan Adoption or Amendment



Important Dates

Application Deadline:

_____

Sign Notice Placed:

_____

Planning Commission:

_____

Effective*:

_____

**Please note that these dates are approximate guidelines and may change*

- Documentation of the community meeting, including date and time, number of attendees, any issues raised regarding the district plan, and any responses to those concerns incorporated in the district plan

After Submitting Your Application

1. Determination of Completeness. Within 15 business days of your application, you should expect to:

- Receive an "Applicant Letter," which acknowledges a complete application, shares the date of the Planning Commission meeting and the assigned staff person, and notifies you of State-mandated deadlines for the City to make a decision, **OR**
- Receive notification that your application is incomplete, with details on further information to submit.

2. Public Notice.

☐ **You are required to post a sign notice** on the property at least two weeks before the date of the public hearing. See UDC Section 50-37.1.H for information on size, placement, and content of each sign; you may want to contact a sign company or printing company to have the sign made. You must provide evidence that the signs were in place; ***submit photo(s) of the signs to the Planning Division at least two weeks before the date of the public hearing***.

3. Staff Review. Planning staff will evaluate your application and prepare a staff report. When considering a recommendation for a district plan adoption or amendment, Planning Staff generally review the Comprehensive Plan (including the Future Land Use Map, Governing Principles, and Policies), consistency with the purpose of the zone district, whether the proposal will create material adverse impacts on nearby properties (and if impacts are created, they are mitigated to the extent reasonably possible), any additional criteria in the UDC, and other related factors.

- You will receive an email with the Planning Commission agenda and a link to this staff report about 5 days prior to the meeting.

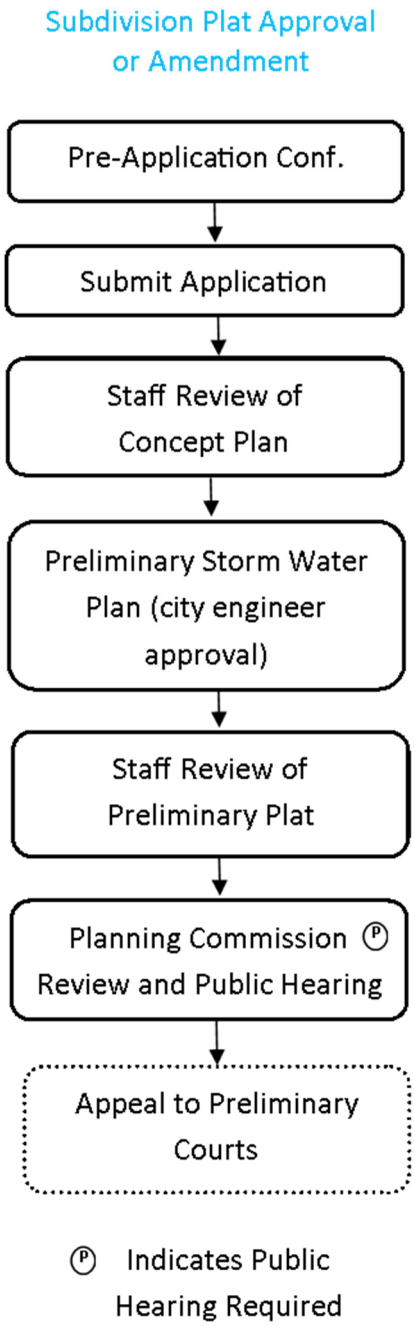
4. Planning Commission Hearing and Decision. Planning Commission meetings are scheduled at 5:00 pm on the second Tuesday of each month. **We ask that applicants or an agent attend this meeting.**

The Planning Commission will review the application, conduct a public hearing, and make a decision to adopt, adopt with modifications, or deny the application.

You will receive an Action Letter documenting the decision.

3.3 Checklist

Subdivision Plat Approval or Amendment



A subdivision application is needed to subdivide unplatted land, or to replat previously platted land.

Applications to divide land into 4 or fewer parcels, or applications to combine previously platted lots into a smaller number of lots, can follow the Minor Subdivision Process described in Section 3.4. All other subdivisions follow the Preliminary Plat Process and Final Plat Process described here.

See Sections 50-33 and 50-37.4 of the UDC for more information.

Concept Plan

- ☐ Call 218-730-5580 or email planning@duluthmn.gov to schedule a pre-application meeting.
  - ➢ After the pre-application meeting, you will submit a concept plan to planning staff. See UDC Section 50-37.5.B for more information on concept plans.
  - ➢ The concept plan may suggest potential street names, but the City has the final authority in assigning new street names.
  - ➢ Read and review the requirements of 50-23 Connectivity and Circulation, and 50-33 Plats, before submitting a concept plan.

- ☐ Submit your concept plan. There are numerous in-person and electronic application methods available; visit https://duluthmn.gov/planning-development/land-use-zoning-and-applications/applications-checklists/ for current information. Your application must include the following:
  - ☐ Application Cover Sheet, available at https://duluthmn.gov/planning-development/land-use-zoning-and-applications/applications-checklists/, and applicable fee
  - ☐ Exhibit showing the current property/lot line configuration
  - ☐ Exhibit showing the proposed property/lot configuration (including proposed public right of way or utility/pedestrian easements)
  - ☐ Exhibit showing site characteristics such as water features including wetlands, dense tree stands, rock outcroppings, etc.

Planning Staff, in conjunction with staff from Engineering and Fire (and any other appropriate City or public agency) will review the concept plan. An action letter with a list of comments and changes will be sent to the project applicant.

Preliminary Storm Water Plan

- ☐ Submit a Preliminary Storm Water Plan to City Engineering (see UDC Section 50-33.2.B); this is required before a preliminary plat is submitted for Planning Commission review. The Engineering office will issue a letter with any comments on this preliminary plan.

Preliminary Plat Process

- ☐ Submit your application materials by the Planning Commission application deadline. There are numerous in-person and electronic application methods available; visit https://duluthmn.gov/planning-development/land-use-zoning-and-applications/applications-checklists/ for current information. Your application must include the following:
  - ☐ Application Cover Sheet, available at https://duluthmn.gov/planning-development/land-use-zoning-and-applications/applications-checklists/, and applicable fee
  - ☐ Legal description in recordable form,
    printed clearly on an 8.5”x 11” sheet
    (consult a surveyor or attorney if needed)
  - ☐ A written statement describing the proposal and any requested subdivision variances
  - ☐ Property boundary survey – three copies
  - ☐ A vicinity map (8.5” x 11”) indicating the site and names of adjacent streets
  - ☐ A utility plan showing the location of proposed water, sewer, and storm water drainage facilities necessary to serve the
    platted area and connections to the surrounding area– two 22”x34” (folded to 8.5”x11”) copies and one 11”x17” copy.
  - ☐ A preliminary plat, prepared at a scale of no less than 1”=100’, and at a scale sufficient to clearly show the following details (submit one 22”x34” copy, folded to 8.5”x11”, and two 11”x17” copies):
    - The proposed name of the subdivision
    - The location and boundaries of the subdivision, names of all abutting subdivisions with lines indicating abutting lots, or, if the abutting land is unplatted, a notation to that effect, and names of all abutting streets
    - Contours at two-foot intervals
    - The date of preparation, scale, and north sign
    - The location of structures on the property and approximate location of structures off the property within ten feet of the proposed plat boundary
    - The name, address, and telephone number of the licensed surveyor, licensed engineer, or designer of the plat
    - Total acreage, total linear feet at the subdivision perimeter, and, if the subdivision is in an R-C, RR-1, or RR-2 district, the total linear feet around building lot clusters
    - The location and dimensions of all proposed public improvements, public easements, lot lines, parks, and other areas to be dedicated for public use and identification of areas reserved for future public acquisition
    - Zoning on and adjacent to the proposed subdivision, including shoreland areas, Skyline Parkway Overlay areas, and shore and bluff impact zones
    - Areas subject to the one-hundred year flood, base flood elevation data, and the source used in determining that elevation
    - A designation of all wetlands by type
    - Location of wildlife areas, rock outcrops, tree stands and areas in their natural state that are unsuitable for development
    - The number of lots and each lot size
    - Proposed uses of each lot
    - Proposed ownership and use of outlots
    - Names of all proposed and existing streets
    - Radii on all street curves
    - The location and size of existing utilities within or adjacent to the proposed subdivision including water, sewer, storm sewers and drainage facilities, fire hydrants within three hundred fifty feet of the property, electricity, and gas

- ☐ Wetland delineation report – two copies
- ☐ Statement as to how commonly owned land is to be owned and managed, including restrictive covenants proposed
- ☐ Schedule for making improvements
- ☐ Tree Preservation Report and Tree Replacement Plan, if required (see Appendix)

After Submitting Your Application

1. Determination of Completeness. Within 15 business days of your application, you should expect to:

- Receive an "Applicant Letter," which acknowledges a complete application, shares the date of the Planning Commission meeting and the assigned staff person, and notifies you of State-mandated deadlines for the City to make a decision, **OR**
- Receive notification that your application is incomplete, with details on further information to submit.

2. Public Notice.

- ☐ **You are required to post a sign notice** on the property at least two weeks before the date of the public hearing. See UDC Section 50-37.1.H for information on size, placement, and content of each sign; you may want to contact a sign company or printing company to have the sign made. You must provide evidence that the signs were in place; ***submit photo(s) of the signs to the Planning Division at least two weeks before the date of the public hearing***.

3. Staff Review. Planning staff will evaluate your application and prepare a staff report. When considering a recommendation for a subdivision plat approval or amendment, Planning Staff generally review the zoning of the site (including overlay zones), the Comprehensive Plan (including the Future Land Use Map, Governing Principles, and Policies), surrounding land uses and zoning, consistency with any approved district plan, adequacy of infrastructure and public safety capacity to service the proposed plat, individual factors that are unique or special to the proposal, any additional criteria listed in the UDC, and other related factors.

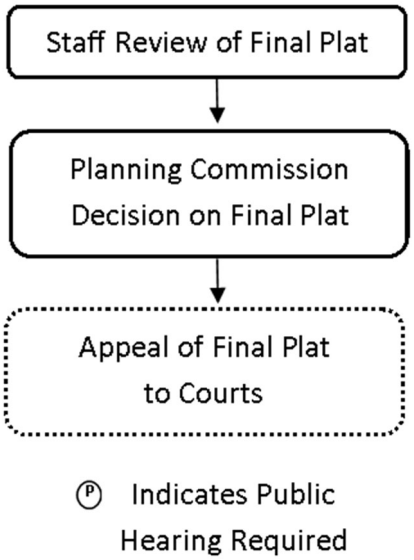
- ➢ You will receive an email with the Planning Commission agenda and a link to this staff report about 5 days prior to the meeting.

4. Planning Commission Hearing. Planning Commission meetings are scheduled at 5:00 pm on the second Tuesday of each month. **We ask that applicants or an agent attend this meeting.**

The Planning Commission will review the application, conduct a public hearing, and make a decision to adopt, adopt with modifications, or deny the application.

You will receive an Action Letter documenting the decision.

Final Plat



Final Plat Process

- ☐ Submit your application materials by the Planning Commission application deadline. There are numerous in-person and electronic application methods available; visit https://duluthmn.gov/planning-development/land-use-zoning-and-applications/applications-checklists/ for current information. Your application must include the following:
  - ☐ Application Cover Sheet, available at https://duluthmn.gov/planning-development/land-use-zoning-and-applications/applications-checklists/, and applicable fee
  - ☐ A list of any conditions that were part of the preliminary plat approval, and an explanation of how these conditions will be met.
  - ☐ Legal description in recordable form, printed clearly on an 8.5”x 11” sheet (consult a surveyor or attorney if needed)
  - ☐ A vicinity map (8.5” x 11”) indicating the site and names of adjacent streets
  - ☐ Final plat (submit two 22”x34” copies, folded to 8.5”x11”, and one 11”x17” copy), at a scale no less than 1”=100’, and at a scale sufficient to clearly show the following details. Note that MS 505.021 is included in the appendix for your reference.
    - The subdivision title (must meet MS 505.021 Subd. 5)
    - Accurate dimensions (meeting MS 505.021 Subd. 5) for all lines, angles, and curves used to describe boundaries, public improvements, easements, areas to be reserved for public use, and other important features. All curves shall be circular arcs and shall be defined by the radius, central angle tangent, arc and cord distances. All dimensions, both linear and angular, are to be determined by an accurate survey.
    - The names of all abutting subdivisions, or if the abutting land is unplatted, a notation to that effect.
    - An identification system for all lots and blocks (must meet MS 505.021 Subd. 4) and names of streets (must meet MS 505.021 Subd. 6)
    - The location and dimensions of all proposed public improvements, public easements, lot lines, parks, and other areas to be dedicated for public use and identification of areas reserved for future public acquisition
    - Total acreage, total linear feet at the subdivision perimeter, and, if the subdivision is in an R-C, RR-1, or RR-2 district, the total linear feet around building lot clusters
    - The number of lots and each lot size
    - Ownership and use of outlots
    - Areas subject to the one-hundred year flood, base flood elevation data, and the source used in determining that elevation
  - ☐ Certifications by the land surveyor, local government official, county surveyor, county tax official, and county recorder, as specified in MS 505.021 Subd. 9.
  - ☐ A survey as specified in MS 505.021 Subd. 10.
  - ☐ Tree Preservation Report and Tree Replacement Plan, if required (see Appendix)

Important Dates

Application Deadline:

_____

Planning Commission:

_____

Effective*:

_____

**Please note that these dates are approximate guidelines and may change*

- ☐ Two copies of documents granting any easements required as part of plat approval (if applicable). The county clerk and recorder's recording number and proof of ownership of the property underlying the easement must be satisfactory to the city attorney.
- ☐ If wetlands are being impacted, a copy of the approved Notice of Decision for the wetland replacement plan.

<u>After Submitting Your Application</u>

1. Determination of Completeness. Within 15 business days of your application, you should expect to:

- Receive an "Applicant Letter," which acknowledges a complete application, shares the date of the Planning Commission meeting and the assigned staff person, and notifies you of State-mandated deadlines for the City to make a decision, **<u>OR</u>**
- Receive notification that your application is incomplete, with details on further information to submit.

2. Staff Review. Planning staff will evaluate your application and prepare a staff report. When considering a recommendation for a subdivision plat approval or amendment, Planning Staff generally review the Comprehensive Plan (including the Future Land Use Map, Governing Principles, and Policies), criteria listed in the UDC, surrounding land uses and zoning, consistency with any approved district plan, adequacy of infrastructure and public safety capacity to service the proposed plat, individual factors that are unique or special to the proposal, and other related factors.

- ➢ You will receive an email with the Planning Commission agenda and a link to this staff report about 5 days prior to the meeting.

3. Planning Commission Decision. Planning Commission meetings are scheduled at 5:00 pm on the second Tuesday of each month. **We ask that applicants or an agent attend this meeting.**

The Planning Commission will review the application and make a decision to adopt, adopt with modifications, or deny the application.

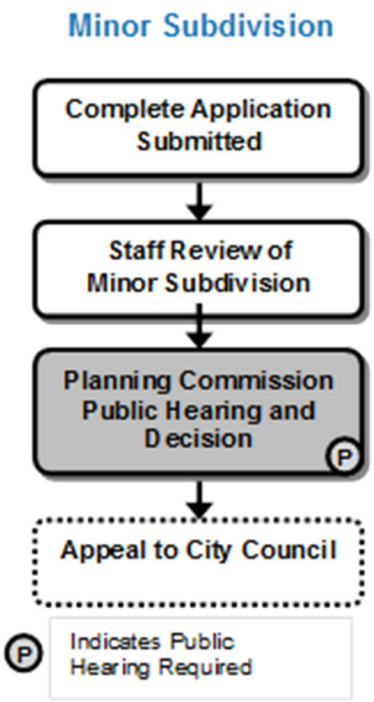
You will receive an Action Letter documenting the decision.

4. Recording (if approved).

- ☐ **Record the final plat in the office of the county recorder within two years after approval**.
  - ➢ The plat will need signatures from the President and Secretary of the Planning Commission prior to recording; contact your assigned staff person to coordinate these signatures.
  - ➢ Submit a receipt or other documentation that it has been recorded to the City's One Stop Shop.
  - ➢ After the final plat has been recorded, lots may be sold and building permits may be issued. Building permits cannot be issued until the City has received documentation of the subdivision being recorded with the county recorder.
- ☐ If applicable, file a recorded copy of applicable Home Owner' Association (HOA) bylaws and regulations to the One Stop Shop.
- ☐ The City of Duluth **will require two mylar copies** of the final plat.

3.4 Checklist

Minor Subdivision Approval



A minor subdivision allows for the subdivision of a maximum of four lots, or the combination of any number of previously platted lots into a smaller number of platted lots. A minor subdivision is an approval process for simple land divisions; it does not provide for the subdivision of unplatted land, unless that land is described by a governmental subdivision legal description.

See Sections 50-33 and 50-37.5 of the UDC for more information.

Your Application

- ☐ Submit your application materials by the Planning Commission application deadline. There are numerous in-person and electronic application methods available; visit https://duluthmn.gov/planning-development/land-use-zoning-and-applications/applications-checklists/ for current information. Your application must include the following:
  - ☐ Application Cover Sheet, available at https://duluthmn.gov/planning-development/land-use-zoning-and-applications/applications-checklists/, and applicable fee
  - ☐ A legal description and survey or similar recordable exhibit, prepared by a licensed land surveyor, reflecting the relocated boundaries

After Submitting Your Application

1. Determination of Completeness. Within 15 business days of your application, you should expect to:

- Receive an "Applicant Letter," which acknowledges a complete application, shares the date of the Planning Commission meeting and the assigned staff person, and notifies you of State-mandated deadlines for the City to make a decision, **OR**
- Receive notification that your application is incomplete, with details on further information to submit.

Important Dates

Application Deadline:

_____

Planning Commission:

_____

Effective*:

_____

**Please note that these dates are approximate guidelines and may change*

2. Staff Review. Planning staff will evaluate your application and prepare a staff report. When considering a recommendation for a minor subdivision, Planning Staff generally ensure there is adequate frontage on a public street, the lots meet the minimum zoning requirements, and does not create any nonconformities or increase existing nonconformities.

- ➢ You will receive an email with the Planning Commission agenda and a link to this staff report about 5 days prior to the meeting.

3. Planning Commission Decision. Planning Commission meetings are scheduled at 5:00 pm on the second Tuesday of each month. **We ask that applicants or an agent attend this meeting.**

The Planning Commission will review the application and make a decision to adopt, adopt with modifications, or deny the application.

You will receive an Action Letter documenting the decision.

4. Recording (if approved).

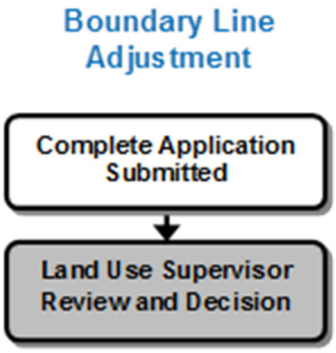
- ☐ **Record the deeds reflecting this decision in the office of the county recorder within 180 days**. Submit a receipt or other documentation that it has been recorded to the City's One Stop Shop.

After the deeds have been recorded, lots may be sold and building permits may be issued. Building permits cannot be issued until the City has received documentation of the recording.

3.5 Checklist

Boundary Line Adjustment

A boundary line adjustment provides for the alteration of existing property lines, where no additional lots and parcels are created. See Section 50-37.5 of the UDC for more information.



Your Application

- ☐ Submit your application materials by the Planning Commission application deadline. There are numerous in-person and electronic application methods available; visit https://duluthmn.gov/planning-development/land-use-zoning-and-applications/applications-checklists/ for current information. Your application must include the following:
  - ☐ Application Cover Sheet, available at https://duluthmn.gov/planning-development/land-use-zoning-and-applications/applications-checklists/, and applicable fee
  - ☐ Legal description in recordable form, printed clearly on an 8.5”x 11” sheet (consult a surveyor or attorney if needed), for both existing and proposed conditions
  - ☐ A vicinity map (8.5” x 11”) indicating the existing site and names of adjacent streets
  - ☐ A map of the proposed parcels after the adjustment

After Submitting Your Application

1. Determination of Completeness. If your application is missing any information, staff will contact you to ask for additional information.

2. Staff Review. Planning staff will evaluate your application. When considering a recommendation a boundary line adjustment, Planning Staff generally ensure that the resulting lots or parcels will meet zoning requirements and not create any nonconformities.

3. Land Use Supervisor Decision. The Land Use Supervisor will review the application and make a decision to adopt or deny the application.

4. Recording (if approved).

- ☐ **Record the deeds reflecting this decision in the office of the county recorder within 180 days**. Submit a receipt or other documentation that it has been recorded to the City’s One Stop Shop.

After the deeds have been recorded, lots may be sold and building permits may be issued. Building permits cannot be issued until the City has received documentation of the recording.

3.6 Checklist

Vacation of Street

This applies to all applications to vacate a public street, highway, or utility easement. See UDC Section 50-37.6 for more information.

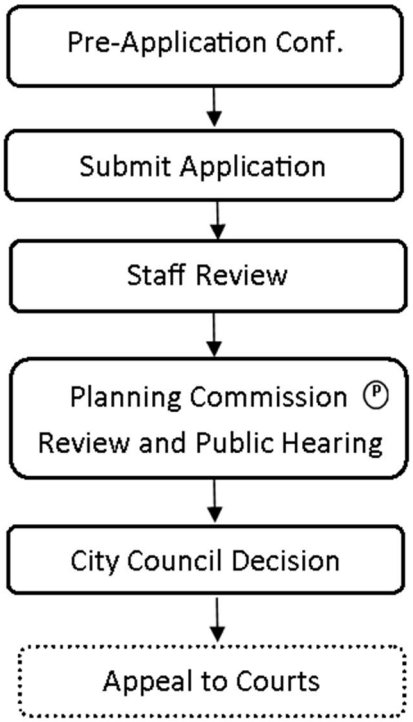
Starting the Application Process

- ☐ Call 218-730-5580 or email planning@duluthmn.gov to schedule a pre-application meeting. The pre-application meeting is intended to discuss the application process and general timeline. A comprehensive review of the proposed project is not possible at this meeting; detailed review of the project will occur once a complete application, with sufficient supporting information and exhibits, is submitted.

Your Application

- ☐ Submit your application materials by the Planning Commission application deadline. There are numerous in-person and electronic application methods available; visit https://duluthmn.gov/planning-development/land-use-zoning-and-applications/applications-checklists/ for current information. Your application must include the following:
  - ☐ Application Cover Sheet, available at https://duluthmn.gov/planning-development/land-use-zoning-and-applications/applications-checklists/, and applicable fee
  - ☐ A plat or map, clearly showing the portion of the street to be vacated (must meet standards of the County Recorder's Office). The City Engineer and staff will review the exhibit, and may ask for corrections/amendments. **Important note: Until the exhibit has been reviewed, and approved, by the City Engineering, the application is considered incomplete.**
  - ☐ Legal description in recordable form, printed clearly on an 8.5"x 11" sheet (consult a surveyor or attorney if needed)
  - ☐ A petition of the majority of landowners abutting the right of way or easement to be considered for vacation; see the Vacation Petition Form. Note that the City generally only considers vacations of right of ways on a block by block basis; even if you are only interested in vacating one small section of right of way, the City will generally not accept an application unless it plans for vacating the entire section of right of way within the block.
  - ☐ If there are Minnesota Power utility line the right of way, contact Minnesota Power before submitting your application. Minnesota Power may either require the applicant to pay for relocating the line, or require a utility easement be preserved over the entire right of way line.

Vacation of Street



Ⓟ Indicates Public Hearing Required

Important Dates

Application Deadline: _____

Sign Notice Placed: _____

Planning Commission: _____

City Council*: _____

Effective*: _____

**Please note that these dates are approximate guidelines and may change*

After Submitting Your Application

1. Determination of Completeness. Within 15 business days of your application, you should expect one of the following (remember, until the exhibit has been reviewed, and approved, by the City Engineering, the application is considered incomplete):

- Receive an "Applicant Letter," which acknowledges a complete application, shares the date of the Planning Commission meeting and the assigned staff person, and notifies you of State-mandated deadlines for the City to make a decision, **OR**
- Receive notification that your application is incomplete, with details on further information to submit.

2. Public Notice. A mail notice will be sent by the City to property owners abutting the portion of the street proposed to be vacated, and to the portion of the street extending 350 feet from the ends of the portion.

- ☐ **You are required to post a sign notice** on the property at least two weeks before the date of the public hearing. See UDC Section 50-37.1.H for information on size, placement, and content of each sign; you may want to contact a sign company or printing company to have the sign made. You must provide evidence that the signs were in place; ***submit photo(s) of the signs to the Planning Division at least two weeks before the date of the public hearing.***

3. Staff Review. Planning staff will evaluate your application and prepare a staff report. When considering a recommendation for a vacation of street request, Planning Staff generally review the current and projected usefulness of the street (is it being used now and/or is there a chance it could be useful in the future) for vehicular, pedestrian, and utility purposes, surrounding land uses, surrounding traffic circulation and projected future traffic circulation, the likelihood of creating a dead-end street, any additional criteria in the UDC, and other related factors.

- ➢ You will receive an email with the Planning Commission agenda and a link to this staff report about 5 days prior to the meeting.

4. Planning Commission Hearing. Planning Commission meetings are scheduled at 5:00 pm on the second Tuesday of each month. **We ask that applicants or an agent attend this meeting.**

The Planning Commission will conduct a public hearing and make a decision to adopt, adopt with modifications, or deny the application.

5. City Council Decision. The Planning Commission recommendation will be forwarded to City Council in the form of a resolution. City Council will make a decision whether to approve the proposed vacation, approve it with modifications, or deny it.

6. Recording. If approved, City staff will submit a certified copy of the vacation resolution and signed exhibit to the County Recorder. **You will receive a bill for any recording fees.** Once it has been legally recorded, planning staff will send notice of the Council action to the applicant.

3.7 Checklist

Concurrent Use of Streets Permit

This permit is needed for construction of a skywalk or any other application requesting concurrent use of the street surface, air rights above the street, or land beneath the street. It does not apply to applications for a sidewalk café or eating area or a bicycle parking area (see Sidewalk Use Permit). See UDC Section 50-37.7 for more information. Note: a concurrent use permit cannot be issued in order to satisfy the off-street parking spaces requirement of the UDC.

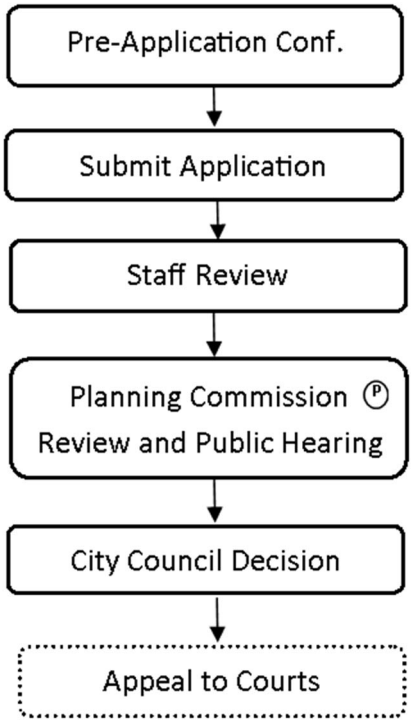
Starting the Application Process

- ☐ Call 218-730-5580 or email planning@duluthmn.gov to schedule a pre-application meeting. The pre-application meeting is intended to discuss the application process and general timeline. A comprehensive review of the proposed project is not possible at this meeting; detailed review of the project will occur once a complete application, with sufficient supporting information and exhibits, is submitted.

Your Application

- ☐ Submit your application materials by the Planning Commission application deadline. There are numerous in-person and electronic application methods available; visit https://duluthmn.gov/planning-development/land-use-zoning-and-applications/applications-checklists/ for current information. Your application must include the following:
  - ☐ Application Cover Sheet, available at https://duluthmn.gov/planning-development/land-use-zoning-and-applications/applications-checklists/, and applicable fee
  - ☐ Survey of the property (generally required unless explicitly waived by city staff); and a site plan with accurate depiction of the lot lines, existing and proposed structures, parking, and any other relevant features, and that clearly shows the portion of the right of way to be used or occupied by the applicant. **Important note: Until the exhibit has been reviewed, and approved, by the City Engineering, the application is considered incomplete.**
  - ☐ Legal description of the proposed right of way to be used or occupied by the applicant
  - ☐ Contact your insurance provider about the need, if the application is approved, of amending your insurance policy to list the City as an additional insured. The City will need proof before any concurrent use permit ordinance is effective (typically set at $1,500,000 for bodily injuries, $500,000 for property damage, $1,500,000 single limit coverage, but may be lower or higher based upon the scope and impacts of the project)

Concurrent Use of Street Permit



Ⓟ Indicates Public Hearing Required

Important Dates

Application Deadline: _____

Sign Notice Placed: _____

Planning Commission: _____

City Council (1st read)*: _____

City Council (2nd read)*: _____

Effective*: _____

**Please note that these dates are approximate guidelines and may change*

☐ Applications for wireless cellar facilities in the public right of way (small cell/micro cell), regardless if located on city infrastructure (light poles, etc) or private or MnDOT/Minnesota Power/County etc infrastructure, must also submit:

- Engineering drawings signed by a professional engineer which show the location of all above and underground equipment or cabling to be installed, including the route and location for backhaul facilities. Plans should include information on restoration of the right-of-way, any temporary or permanent obstructions of the sidewalk or street, include any traffic control plans, and indicate any conflicts with field verified existing utilities. Plans shall include construction specifications and product specifications for all installations, including diagrams and shop drawings for the small wireless facility. Plans shall indicate ownership of existing and proposed equipment and wiring. Restoration and penalties shall be as required in city code Sec. 45. Hand hole or Pull/Splice Vaults shall be installed in accordance with city standards.
- Applicant shall obtain a radio frequency interference study carried out by an independent professional radio frequency engineer ("RF Engineer") that shows that the applicant's intended use will not interfere with any existing, licensed communications facilities, as well as any of the city's licenses or unlicensed communications facilities which are located on or near the structure. The RF Engineer shall provide said evaluation no later than 45 days after frequencies are provided by the city. Applicant shall not transmit or receive radio waves at the wireless support structure until such evaluation has been satisfactorily completed. If upon applicant's initial radio frequency transmissions, the city deems a radio frequency emissions survey is necessary, the applicant shall be responsible to hire a RF Engineer and pay for all costs of such survey.
- Applicant shall identify all power sources, and indicate connection and ownership of power source, providing evidence of approval by other entities besides the city when applicable. Indicate location of any new meters as may be required.
- Applicant will locate any underground items in accordance with Gopher State Once Call rules and the applicant or subsequent owner of the small wireless facility shall relocate any underground facilities found to be in conflict with existing or future city utility or street projects.
- Any other relevant information requested by the City Engineer.
- Statement indicating how the project is adhering to the small cellular wireless facilities aesthetic design criteria (19-0027R)

After Submitting Your Application

1. Determination of Completeness. Within 15 business days of your application, you should expect to:

- Receive an "Applicant Letter," which acknowledges a complete application, shares the date of the Planning Commission meeting and the assigned staff person, and notifies you of State-mandated deadlines for the City to make a decision, **OR**
- Receive notification that your application is incomplete, with details on further information to submit.

2. Public Notice.

☐ **You are required to post a sign notice** on the property at least two weeks before the date of the public hearing. See UDC Section 50-37.1.H for information on size, placement, and content of each sign; you may want to contact a sign company or printing company to have the sign made. You must provide evidence that the signs were in place; ***submit photo(s) of the signs to the Planning Division at least two weeks before the date of the public hearing.***

3. Staff Review. Planning staff will evaluate your application and prepare a staff report. When considering a recommendation for a concurrent use of streets permit, Planning Staff generally review the necessity of the request to protect the health, safety, and welfare of the city, how the proposal will only occupy the portion of the public easement not being physically used or occupied by the public, and that it will not inconvenience the public's use of the easement, as well as any additional UDC criteria and other related factors.

- You will receive an email with the Planning Commission agenda and a link to this staff report about 5 days prior to the meeting.

4. Planning Commission Hearing. Planning Commission meetings are scheduled at 5:00 pm on the second Tuesday of each month. **We ask that applicants or an agent attend this meeting.**
Planning Commission will hold a public hearing and make a recommendation to adopt, adopt with modifications, or deny the application.

5. City Council Decision. The Planning Commission decision will be forwarded to City Council in the form of an ordinance, which will require two readings. City Council will make a decision whether to approve the permit, approve it with modifications, or deny it.

If the City Council approves the ordinance, the Planning staff will send a copy of the certified document to the applicant once all the conditions have been met (such as proof of listing the City as an additional insured in the applicant's insurance policy). Annual updates of insurance coverage will be required from the applicant in most cases.

Note that other City codes may apply to your project. Please be aware of any applicable Building Code (Construction Services Division), Fire Code (Life Safety Division), and stormwater/engineering (Engineering Division) regulations. The zoning approval may be only the first step in a several step process.

*If a **wetland delineation** is needed for the project to proceed, it must be reviewed and approved before any zoning application will be accepted. If a **wetland replacement plan** is required for a project to proceed, it must have been submitted and accepted as a complete application before the project zoning application will be accepted.*

3.8 Checklist

Historic Resource Designation

Historic resource designation aims to preserve districts and landmarks that reflect elements of the City's cultural, social, economic, political, engineering, visual, or architectural history. See UDC Section 50-37.8 for more information.

Starting the Application Process

- ☐ Submit your application materials by the application deadline, four weeks prior to an HPC meeting. HPC meetings are held the second Tuesday of the month. There are numerous in-person and electronic application methods available; visit https://duluthmn.gov/planning-development/land-use-zoning-and-applications/applications-checklists/ for current information. Your application must include the following:
  - ☐ Application Cover Sheet, available at https://duluthmn.gov/planning-development/land-use-zoning-and-applications/applications-checklists/, and applicable fee
  - ☐ Nomination form and any documentation

After Submitting Your Application

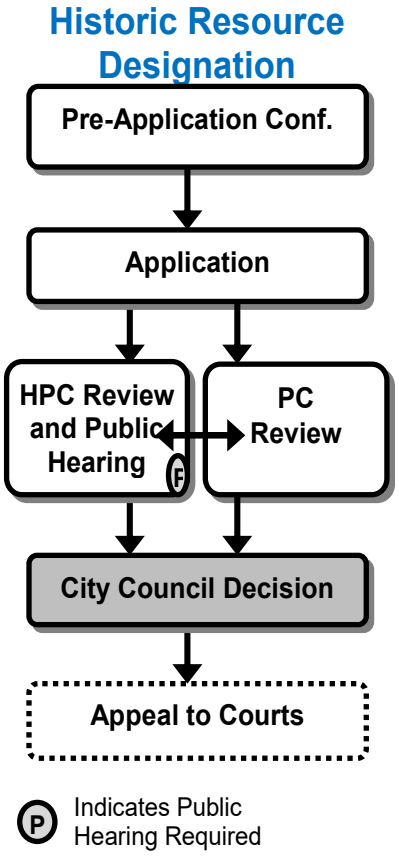
1. Determination of Completeness. Within 15 business days of your application, you should expect to:

- Receive an "Applicant Letter," which acknowledges a complete application, shares the date of the HPC meeting and the assigned staff person, and notifies you of State-mandated deadlines for the City to make a decision, **OR**
- Receive notification that your application is incomplete, with details on further information to submit.

2. Public Notice. A mail notice will be sent by the City to property owners within 350 feet of the subject property.

3. Heritage Preservation Commission Hearing. The HPC will review the application, send it to Planning Commission for their review and recommendation, conduct a public hearing, and forward a recommendation to City Council. You will be notified when an HPC hearing is scheduled for your application. **We ask that applicants attend this meeting.**

4. City Council Decision. The Historic Preservation Commission recommendation will be forwarded to City Council in the form of an ordinance, which will require two readings. City Council will make a decision whether to approve the historic resource designation, approve it with modifications, or deny it. Planning staff will send notice of the Council action to the applicant.



Important Dates

Application Deadline: _____

Sign Notice Placed: _____

HPC Mtg: _____

Planning Commission: _____

City Council (1st read)*: _____

City Council (2nd read)*: _____

Effective*: _____

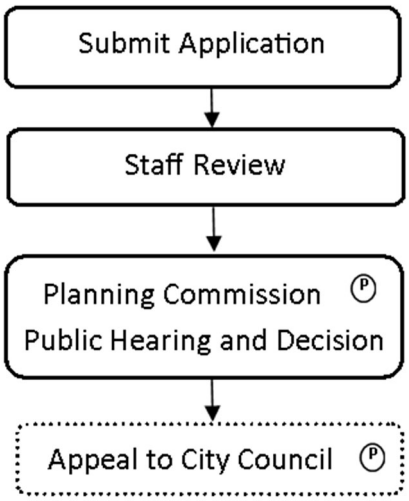
**Please note that these dates are approximate guidelines and may change*

5. Preservation Plan. Historic landmarks and districts require a Preservation Plan. **You will need** to submit a Plan to the HPC for their approval. There is no fee for this process. Contact your assigned Planning Staff person if you need examples of Preservation Plans or guidance on this part of the process.

3.9 Checklist

Variance

Variance



Ⓟ Indicates Public Hearing Required

These types of applications allow for a variance from the terms and provisions of the UDC (typically bulk standards, such as setbacks, structure height, lot area, etc). See UDC Section 50-37.9 for more information.

Starting the Application Process

- ☐ Call 218-730-5580 or email planning@duluthmn.gov to schedule a pre-application meeting. The pre-application meeting is intended to discuss the application process and general timeline. A comprehensive review of the proposed project is not possible at this meeting; detailed review of the project will occur once a complete application, with sufficient supporting information and exhibits, is submitted.

Your Application

- ☐ Application Cover Sheet, available at https://duluthmn.gov/planning-development/land-use-zoning-and-applications/applications-checklists/, and applicable fee
- ☐ A survey of the property (required for all variances, unless waived in advance by the Land Use Supervisor). Also, a site plan or exhibit with the location of current structures on the property and the proposed requested variance area (such as proposed location of new structure). This information can also be illustrated on the survey. For shoreland variances, include the location of the Ordinary High Watermark (OHM) of the waterway, and the distance to the subject of the variance (proposed structure, etc)
- ☐ A brief written statement affirming that the property has obtained all required City permits (i.e. all the structures on the property have received building permits, where applicable; property owner has a valid rental license, where applicable, etc).
- ☐ Variance supplemental application form
- ☐ Materials for specific variances:
  - ☐ *Variances to lot size in unsewered areas:* a permit or letter of intent to issue a permit for on-site sewer treatment from the County
  - ☐ *Variances to reduce setbacks:* a landscaping and buffering plan
  - ☐ *Variances to flood plain regulations:* documentation regarding flood levels and flood protection may apply
  - ☐ *Variances to shoreland regulations:* A plan to mitigate the impacts of the variance on shoreland areas
  - ☐ *Variances within Skyline Parkway Overlay:* see Skyline Parkway Materials in Appendix

Important Dates

Application Deadline: _____

Sign Notice Placed: _____

Planning Commission: _____

Effective*: _____

**Please note that these dates are approximate guidelines and may change*

After Submitting Your Application

1. ***Determination of Completeness.*** Within 15 business days of your application, you should expect to:
    - Receive an "Applicant Letter," which acknowledges a complete application, shares the date of the Planning Commission meeting and the assigned staff person, and notifies you of State-mandated deadlines for the City to make a decision, **OR**
    - Receive notification that your application is incomplete, with details on further information to submit.

***2. Public Notice*.** A mail notice will be sent by the City to property owners within 350 feet.

- ☐ **You are required to post a sign notice** on the property at least two weeks before the date of the public hearing. See UDC Section 50-37.1.H for information on size, placement, and content of each sign; you may want to contact a sign company or printing company to have the sign made. You must provide evidence that the signs were in place; ***submit photo(s) of the signs to the Planning Division at least two weeks before the date of the public hearing.***

3. Staff Review. Planning staff will evaluate your application and prepare a staff report. When considering a recommendation for a variance, Planning Staff generally review the legal minimum requirements for a variance establish by State statute (literal interpretation of the UDC would result in exceptional or peculiar practical difficulty, special circumstances exist that are unique to the property, the situation was not created by the applicant, variance is necessary and not simply a convenience to the applicant, etc.), the standards specific to the type of variance being sought, any additional UDC criteria, and other related factors.

- ➢ You will receive an email with the Planning Commission agenda and a link to this staff report about 5 days prior to the meeting.

4. Planning Commission Hearing and Decision. Planning Commission meetings are scheduled at 5:00 pm on the second Tuesday of each month. **We ask that applicants or an agent attend this meeting.**

The Planning Commission will review the application, conduct a public hearing, and make a decision to approve, approve with modifications, or deny the application.

If approved, you will receive an Action Letter documenting approval.

Note that other City codes may apply to your project. Please be aware of any applicable Building Code (Construction Services Division), Fire Code (Life Safety Division), and stormwater/engineering (Engineering Division) regulations. The zoning approval may be only the first step in a several step process.

*If a **wetland delineation** is needed for the project to proceed, it must be reviewed and approved before any zoning application will be accepted.*
*If a **wetland replacement plan** is required for a project to proceed, it must have been submitted and accepted as a complete application before the project zoning application will be accepted.*

3.10 Checklist

Special Use Permit - General

A special use permit applies to applications for those special uses listed for specific zone districts in Table 50-19.8 of the UDC. See UDC Section 50-37.10 for more information.

Starting the Application Process

- ☐ Call 218-730-5580 or email planning@duluthmn.gov to schedule a pre-application meeting. The pre-application meeting is intended to discuss the application process and general timeline. A comprehensive review of the proposed project is not possible at this meeting; detailed review of the project will occur once a complete application, with sufficient supporting information and exhibits, is submitted.

- ☐ Submit your application materials by the Planning Commission application deadline. There are numerous in-person and electronic application methods available; visit https://duluthmn.gov/planning-development/land-use-zoning-and-applications/applications-checklists/ for current information. Your application must include the following:

  - ☐ Application Cover Sheet, available at https://duluthmn.gov/planning-development/land-use-zoning-and-applications/applications-checklists/, and applicable fee

  - ☐ Survey of the property (recommended); and a site plan with accurate depiction of the lot size, existing and proposed structures, parking, and any other relevant features (required)

  - ☐ Landscape or screening plan (if required) detailing species type and number of trees and shrubs. The City may require an escrow fee to ensure that the landscape is installed and maintained as approved.

  - ☐ Projects that may create more than 100 trips per hour or 1,000 trips may day will require a traffic study.

  - ☐ Statement about how the requested use is consistent with the comprehensive plan (12 guiding principles, future land use designation)

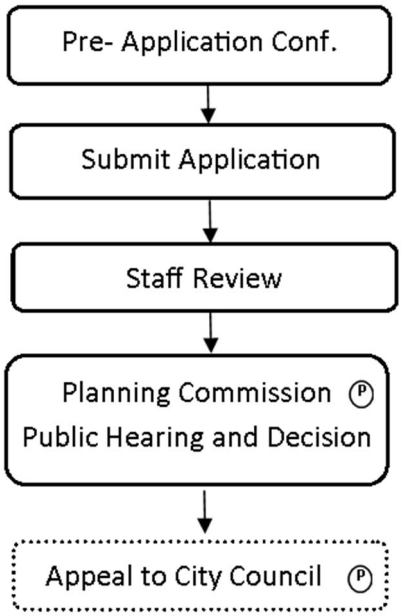
  - ☐ Statement about how the requested use will not have a negative impact on the community, with supporting evidence (such as photos) as needed

  - ☐ Any materials needed to confirm compliance with Use-Specific Standards in Section 50-20 or any Development Standards in Article 4, to be determined at the pre-application meeting:

    _____

  - ☐ Materials for specific uses:

Special Use Permit



Ⓟ Indicates Public Hearing Required

Important Dates

Application Deadline:

_____

Sign Notice Placed:

_____

Planning Commission:

_____

Effective*:

_____

**Please note that these dates are approximate guidelines and may change*

☐ *Solid waste disposal facility*:

- A detailed plan for excavation, grading, dumping, filling, covering, landscaping, and closure of the facility
- Engineering certification, signed by the project engineer, which must certify that the design for construction is in accordance with standards in the UDC and State statutes
- Drainage plan that provides for diversion of surface water around and away from the disposal area and does not increase the rate of runoff, from the predevelopment condition, from the site onto adjoining properties
- Ground water monitoring plan as and if required by State statutes or rules
- A detailed dust control plan for the facility and for roadways in and leading to and from the facility

☐ *Mining, extraction and storage*: A plan or map showing the area to be excavated; existing contour lines and proposed contour lines which will result from the excavation or removal; existing and proposed drainage on the premises; all street and public easements; proposed routes of access to public highways from the area to be excavated; and location, size and use of all buildings.

After Submitting Your Application

1. Determination of Completeness. Within 15 business days of your application, you should expect to:

- Receive an "Applicant Letter," which acknowledges a complete application, shares the date of the Planning Commission meeting and the assigned staff person, and notifies you of State-mandated deadlines for the City to make a decision, **OR**
- Receive notification that your application is incomplete, with details on further information to submit.

2. Public Notice. A mailed notice will be sent to property owners within 350 feet of the property.

☐ **You are required to post a sign notice** on the property at least two weeks before the date of the public hearing. See UDC Section 50-37.1.H for information on size, placement, and content of each sign; you may want to contact a sign company or printing company to have the sign made. You must provide evidence that the signs were in place; ***submit photo(s) of the signs to the Planning Division at least two weeks before the date of the public hearing.***

3. Staff Review. Planning staff will evaluate your application and prepare a staff report. When considering a recommendation for a special use or interim use, Planning Staff generally review the Comprehensive Plan (including the Future Land Use Map, Governing Principles, and Policies), surrounding land uses and zoning (including use-specific standards), individual factors that are unique or special to the proposal, compliance with any approved district plan for the area, and other related factors.

- You will receive an email with the Planning Commission agenda and a link to this staff report about 5 days prior to the meeting.

4. Planning Commission Hearing and Decision. Planning Commission meetings are scheduled at 5:00 pm on the second Tuesday of each month. **We ask that applicants or an agent attend this meeting.**

The Planning Commission will review the application, conduct a public hearing, and make a decision to adopt, adopt with modifications, or deny the application. If approved, you will receive an Action Letter documenting approval.

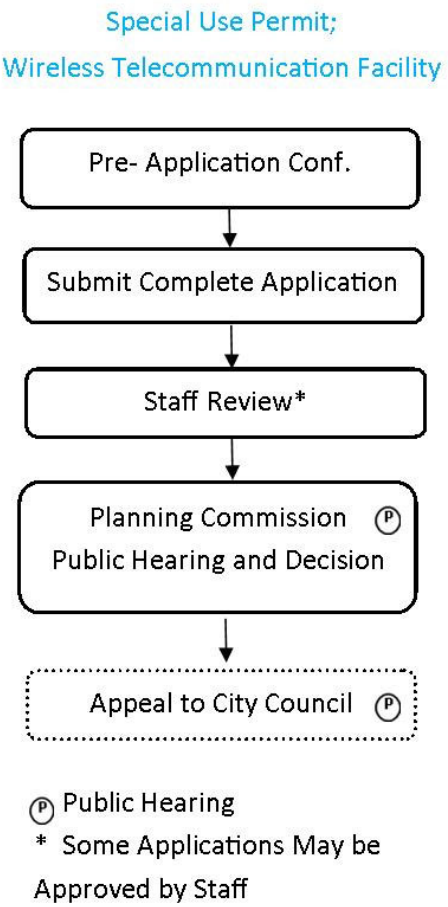
Note that other City codes may apply to your project. Please be aware of any applicable Building Code (Construction Services Division), Fire Code (Life Safety Division), and stormwater/engineering (Engineering Division) regulations. The zoning approval may be only the first step in a several step process.

*If a **wetland delineation** is needed for the project to proceed, it must be reviewed and approved before any zoning application will be accepted.*

*If a **wetland replacement plan** is required for a project to proceed, it must have been submitted and accepted as a complete application before the project zoning application will be accepted.*

3.11 Checklist

Special Use Permit – Wireless Telecommunication Facilities



See UDC Section 50-37.10 for more information. Review this information before submitting any pre-application materials for any specific site.

Process for a Special Use Permit

A special use permit (SUP) is required for all new towers and wireless communication facilities, including micro/small cell systems and for all modification of existing towers and wireless facilities where there is a visible change to physical and visually discernable components of the facility, for new or visible changes to antennas, cables, equipment shelters, landscaping, fencing, for changes to parking or to access, for co-location, including equipment upgrades, and for changes in colors or materials. Micro/small cell systems proposed in public right of way shall submit a concurrent use permit application instead of a special use permit.

Applications for a new wireless telecommunication facility, or modification of an existing facility, are reviewed and approved/denied by the Planning Commission, with the two following exceptions:

Exception 1. A special use permit is required for colocation on an existing wireless telecommunication facilities, but may be approved by City staff (Land Use Supervisor), if the colocation would not substantially change the physical dimensions of the wireless telecommunication facility. Substantial change is defined as

(i) the mounting of the proposed antenna on the tower would increase the existing height of the tower by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to avoid interference with existing antennas; or

(ii) the mounting of the proposed antenna would involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four, or more than one new equipment shelter; or

(ii) the mounting of the proposed antenna would involve adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable; or

(iv) the mounting of the proposed antenna would involve excavation outside the current tower site, defined as the current boundaries of the leased or owned property; or

(v) the mounting of the proposed antenna would defeat the concealment elements of the eligible support structure; or

(vi) the mounting of the proposed antenna would not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment.

Exception 2. A Special Use Permit is not required for the replacement of any components of an existing legal wireless facility where the replacement is identical to the component being replaced or for any matters that involve the normal repair and maintenance of a wireless facility without adding, removing or changing anything, nor is a Special Use Permit required for upgrades or changeouts of equipment or antennas where the replacement is of similar size and appearance. A building permit may be required, however.

Application Materials

Call 218-730-5580 or email planning@duluthmn.gov to schedule a pre-application meeting. Prior to the actual meeting, the City may require that funds be placed in escrow to pay for technical review of the application.

☐ Submit your application materials by the Planning Commission application deadline. There are numerous in-person and electronic application methods available; visit https://duluthmn.gov/planning-development/land-use-zoning-and-applications/applications-checklists/ for current information. An application is not complete unless all the items required by the UDC are addressed. Incomplete applications will be returned to the applicant. **Schedule the pre-application meeting before proceeding with detailed site or construction plans; based on the citing criteria, proposed locations may need to be amended and/or the search ring for eligible locations expanded.**

Your application must include the following:

- Application Cover Sheet, available at https://duluthmn.gov/planning-development/land-use-zoning-and-applications/applications-checklists/, and required application fee
- Required escrow (as applicable)
- Reponses to items listed in Section 50-20.4.E, Major Utility or Wireless Telecommunications Facility.
- Application materials in the list below
- Note: this list is not all-inclusive and additional information may be required; prior to submitting an application review UDC Section 50-20.4.E.

☐ **1 Staff Review/Non-Substantial Change**. If the applicant requests staff review and approval of the Special Use Permit application because it does not substantially change the physical dimensions of the facility, a statement is needing demonstrating how it meets that criteria in the ordinance (paraphrased in Exception 1 above).

☐ **2 Siting Criteria.** Documentation is needed verifying that the applicant has reviewed the ordinance, understands the citing criteria, and is in compliance. If the proposed site is not proposed for the highest priority listed above, then a detailed explanation must be provided as to why a site of a higher priority was not selected. The person seeking such an exception must satisfactorily demonstrate the reason or reasons why such a permit should be granted for the proposed site, and the hardship that would be incurred by the applicant if the permit were not granted for the proposed site. If the application is on an existing legal telecommunications site, a simple written statement is needed stating such.

☐ **3 Right to Proceed.** Documentation verifying the applicant's right to proceed as proposed on the site. An executed copy of the lease with the landowner or landlord (sensitive information such as dollar amounts may be redacted) or a signed letter acknowledging authorization. If the applicant owns the site, a copy of the ownership record is required.

☐ **4 Operation in Safe Manner.** A written statement is required stating that

A That the applicant's proposed wireless telecommunications facilities shall be maintained in a safe manner, and in compliance with all conditions of the special use permit, without

exception, unless specifically granted relief by the City
in writing, as well as all applicable and permissible local codes, ordinances, and regulations, including any and all applicable City, State and federal laws, rules and regulations.

B That the construction of the wireless telecommunications facilities is legally permissible, including, but not limited to, the fact that the applicant is authorized to do business in the State.

☐ **5 Description of Project.** A descriptive written statement of the objective(s) for the new facility or modification including and expanding on a need such as coverage and/or capacity requirements. This is required for all new facilities.

☐ **6 Need for Facility.** Documentation that demonstrates and proves the need for the wireless telecommunications facility to provide service primarily and essentially within the city. Such documentation shall include propagation studies of the proposed site and all adjoining planned, proposed, in-service or existing sites that demonstrate a significant gap in coverage and/or if a capacity need, including an analysis of current and projected usage. This is not required for colocation on an existing legal site that meets criteria in the ordinance (paraphrased in Exception 1 above).

☐ **7 General Site Information.** Required for all applications.

A The name, address, and phone number of the property owner and applicant, including the legal name of the applicant. If the site is a tower and the owner is different than the applicant, provide name and address of the tower owner.

B. The zoning district or designation in which the property is situated.

C. The location, size and height of all existing and proposed structures on the property.

D. The type, locations and dimensions of all existing landscaping and fencing.

E. The type, locations and dimensions of all proposed landscaping and fencing.

F. The size of the property stated both in square feet and lot line dimensions, and a survey showing the location of all lot lines (only required for new telecommunication sites).

G. The location of nearest residential structure (only required for new telecommunication sites).

☐ **8 Site Appearance.** Required for all applications. Applicant will submit pictures showing the current condition of the site pre-application. These pictures will show required screening, safety signs, security measures, etc. Good visual documentation of the current site conditions will help the City determine what additional conditions (if any) to apply to the special use permit.

☐ **9 Specific Project Information.** Required for all applications. Can be included in the draft construction drawings.

A The azimuth, size and center-line height location of all proposed and existing antennae on the supporting structure

B The number, type and model of the antenna(s) proposed with a copy of the specification sheet

C The make, model, type and manufacturer of the tower and design plan stating the tower's capacity to accommodate multiple users

D A site plan describing the proposed tower and antenna(s) and all related fixtures, structures, appurtenances and apparatus, including height above pre-existing grade, materials, color and lighting

E The frequency, modulation and class of service of radio or other transmitting equipment;

F The actual intended transmission power stated as the maximum effective radiated power (ERP) in watts;

☐ **10 RF Emissions, Compliance With FCC RF Guidelines**. Signed documentation such as the "Checklist to Determine Whether a facility is Categorically Excluded" found in Appendix A of the FCC publication titled "A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures and Practical Guidance" dated June 2, 2000 to verify that the wireless

telecommunication facility with the proposed installation will be in full compliance with the current FCC RF Emissions guidelines (NIER). If not categorically excluded, a complete RF Emissions study is required to provide verification;

- ☐ **11 RF Emissions, Statement of Non Interference.** A signed statement that the proposed installation will not cause physical or RF interference with other telecommunications devices
- ☐ **12 FCC License.** A copy of the FCC license applicable for the intended use of the wireless telecommunications facilities
- ☐ **13 Geotechnical.** A copy of the geotechnical sub-surface soils investigation, evaluation report and foundation recommendation for a proposed or existing tower site and if existing tower or water tank site, a copy of the installed foundation design. This is not required for existing sites on rooftops.
- ☐ **14 Structural Analysis.** Certification documentation of structural analysis, including calculations that the telecommunication facility tower and foundation and attachments, rooftop support structure, water tank structure, and any other supporting structure as proposed to be utilized are designed and will be constructed to meet all City, State and federal structural requirements for loads, including wind and ice loads
- ☐ **15 Compliance with FAA Regulation Part 77.** A written copy of an analysis, completed by a qualified individual or organization, to determine if the proposed new tower or existing structure intended to support wireless facilities is in compliance with FAA Regulation Part 77 and if it requires lighting. This requirement shall also be for any existing structure or building where the application increases the height of the structure or building. If this analysis determines that an FAA determination is required, then all filings with the FAA, all responses from the FAA and any related correspondence shall be provided with the application
- ☐ **16 Colocation or Modification of Existing Facility**. If the proposal is for a co-location or modification on an existing facility, the applicant is to provide signed documentation of the tower condition such as an ANSI report as per Annex E, Tower Maintenance and Inspection Procedures, ANSI/TIA/EIA-222F or most recent version;
- ☐ **17 Screening.**
  - A A demonstration that the facility will be sited so as to minimize visual intrusion as much as possible, given the facts and circumstances involved and will thereby have the least adverse visual effect on the environment and its character and on the residences in the area of the wireless telecommunications facility;
  - B A written description and drawing showing how the applicant shall effectively screen from view the base and all related equipment and structures of the proposed wireless telecommunications facility
- ☐ **18 Visual Impact.** If a new tower, proposal for a new antenna attachment to an existing structure, or other modification will add to a visual impact, the application shall include a Visual Impact Assessment, which shall include the following. This is not required for colocation on an existing legal site that meets criteria in the ordinance (paraphrased in Exception 1 above).
  - A If the application is for a new tower or seeks to increase the height of an existing structure, a computer generated "Zone of Visibility Map" at a minimum of one mile radius from the proposed structure, with and without foliage to illustrate locations from which the proposed installation may be seen
  - B Photo simulations of before and after views from key viewpoints both inside and outside of the City as may be appropriate, including but not limited to State highways and other major roads; State and local parks; other public lands; historic districts; preserves and historic sites normally open to the public; and from any other location where the site is visible to a large number of visitors, travelers or residents. Guidance will be provided concerning the appropriate key sites at the pre-application meeting. The applicant shall also provide a map showing the locations of where the pictures were taken and distance from the proposed structure

C A written description of the visual impact of the proposed facility including, and as applicable, the tower base, guy wires, fencing and accessory buildings from abutting and adjacent properties and streets as relates to the need or appropriateness of screening

☐ **19 After Approval.**

A RF Emission. Applicants will do post-construction testing of the new or upgraded facility to document that the site is in compliance with the FCC requirements, and share the results with the City. This should reflect all RF emission on the site, not just the specific RF emissions from the applicants project (this is applicable, for example, when there are several antennas from several carriers on one roof top site). This is only required for sites that are not categorically excluded. This is required within 60 days of project completion, or 180 days of project approval, whichever is greater.

B Site Appearance. Applicant will submit pictures showing the condition of the site post-condition. These pictures will show required screening, safety signs, security measures, etc., as applicable, as well as the antennas and other equipment that was installed.

Determination of Completeness

The City has 15 business days to determine whether the application is complete or incomplete. If incomplete, you will be notified and asked to submit additional information.

Public Notice for Public Hearing (For Planning Commission Review Only)

Special Use Permits that are reviewed by the Planning Commission require a public hearing, and public notice. A mailed notice will be sent by the City to property owners within 350 feet.

☐ You are required to post a sign notice on the property at least two weeks before the date of the public hearing. See UDC Section 50-37.1.H for information on size, placement, and content of each sign; you may want to contact a sign company or printing company to have the sign made. You must provide evidence that the signs were in place; submit photo(s) of the signs to the Planning Division at least two weeks before the date of the public hearing.

Staff Review

Planning staff will evaluate your application, in coordination with the City's consultant, and prepare a staff report. When considering a recommendation for a special use or interim use, Planning Staff generally review the Future the Comprehensive Plan (including the Future Land Use Map, Governing Principles, and Policies), surrounding land uses and zoning (including use-specific standards), individual factors that are unique or special to the proposal, compliance with any approved district plan for the area, any additional UDC criteria, and other related factors.

Planning Commission Hearing and Decision

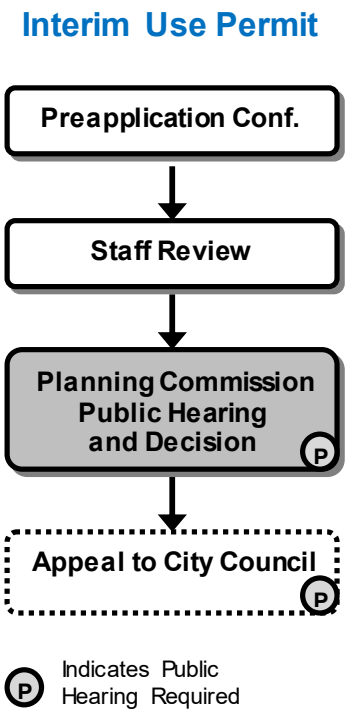
You will be notified when a Planning Commission hearing is scheduled for your application, if applicable. Planning Commission meetings are typically scheduled at 5:00 pm on the second Tuesday of each month. The Planning Commission will review the application, conduct a public hearing, and make a decision to adopt, adopt with modifications, or deny the application.

If approved, you will receive an Action Letter documenting approval. Bring a copy of the Action Letter and approved plans when you submit your building permit.

Note that other City codes may apply to your project. Please be aware of any applicable Building Code (Construction Services Division), Fire Code (Life Safety Division), and stormwater/engineering (Engineering Division) regulations. The zoning approval may be only the first step in a several step process.

3.12 Checklist

Interim Use Permit, Including Vacation Dwelling



An interim use permit applies to special uses that will be authorized only for a specified period of time. See UDC Section 50-37.10 for more information. This process is required for vacation dwelling unit applications, but not for an accessory home share or accessory vacation dwelling, limited.

Starting the Application Process

- ☐ Call 218-730-5580 or email planning@duluthmn.gov to schedule a pre-application meeting. The pre-application meeting is intended to discuss the application process and general timeline. A comprehensive review of the proposed project is not possible at this meeting; detailed review of the project will occur once a complete application, with sufficient supporting information and exhibits, is submitted.

- ☐ Submit your application materials by the Planning Commission application deadline. There are numerous in-person and electronic application methods available; visit https://duluthmn.gov/planning-development/land-use-zoning-and-applications/applications-checklists/ for current information. Your application must include the following:

  - ☐ Application Cover Sheet, available at https://duluthmn.gov/planning-development/land-use-zoning-and-applications/applications-checklists/, and applicable fee

  - ☐ Survey of the property (recommended); or a site plan with accurate depiction of the lot dimensions, existing structures with distance to property boundaries, any existing off-street parking, and any existing fencing.

  - ☐ Landscape or screening plan detailing species type and number of trees and shrubs, if application is proposing additional landscaping to screen property from adjoining neighbors.

  - ☐ Vacation Dwelling Unit Worksheet

  - ☐ Other materials needed to confirm compliance with applicable standards, to be determined at the pre-application meeting:_____

Important Dates

Application Deadline:

_____

Sign Notice Placed:

_____

Planning Commission:

_____

City Council*:

_____

Effective*:

_____

**Please note that these dates are approximate guidelines and may change*

After Submitting Your Application

1. Determination of Completeness. Within 15 business days of your application, you should expect to:

- Receive an "Applicant Letter," which acknowledges a complete application, shares the date of the Planning Commission meeting and the assigned staff person, and notifies you of State-mandated deadlines for the City to make a decision, **OR**
- Receive notification that your application is incomplete, with details on further information to submit.

2. Public Notice. A mailed notice will be sent by the City to property owners within 350 feet.

☐ **You are required to post a sign notice** on the property at least two weeks before the date of the public hearing. See UDC Section 50-37.1.H for information on size, placement, and content of each sign; you may want to contact a sign company or printing company to have the sign made. You must provide evidence that the signs were in place; ***submit photo(s) of the signs to the Planning Division at least two weeks before the date of the public hearing.***

3. Staff Review. Planning staff will evaluate your application and prepare a staff report. When considering a recommendation for an interim use, Planning Staff generally review the Comprehensive Plan (including the Future Land Use Map, Governing Principles, and Policies), surrounding land uses and zoning, individual factors that are unique or special to the proposal, compliance with any approved district plan for the area, any additional UDC criteria, and other related factors.

- You will receive an email with the Planning Commission agenda and a link to this staff report about 5 days prior to the meeting.

4. Planning Commission Hearing. Planning Commission meetings are scheduled at 5:00 pm on the second Tuesday of each month. **We ask that applicants or an agent attend this meeting.**

The Planning Commission will hold a public hearing and make a recommendation to adopt, adopt with modifications, or deny the application.

5. City Council Decision. The Planning Commission recommendation will be forwarded to City Council in the form of a resolution. City Council will make a decision whether to approve the permit, approve it with modifications, or deny it.

The City Clerk's office will send notice of the Council action to the applicant.

6. Development Agreement. Interim Use Permits require a development agreement, to be finalized and signed after City Council approval. Staff will discuss the format and content of the development agreement with you. Alternatively, a development agreement can be done prior to submitting your application; let Planning staff know if you would prefer this.

Note that other City codes may apply to your project. Please be aware of any applicable Building Code (Construction Services Division), Fire Code (Life Safety Division), and stormwater/engineering (Engineering Division) regulations. The zoning approval may be only the first step in a several step process.

Vacation Dwelling Unit Worksheet

1. The minimum rental period shall be not less than two consecutive nights (does not apply to Form districts). **What will be your minimum rental period? _____ nights**

2. The total number of persons that may occupy the vacation dwelling unit is one person plus the number of bedrooms multiplied by two. You may rent no more than four bedrooms.

How many legal bedrooms are in the dwelling? **What will be your maximum occupancy?**

_____ _____

3. Off-street parking shall be provided at the following rate:

a. 1-2 bedroom unit, 1 space

b. 3 bedroom unit, 2 spaces

c. 4+ bedroom unit, number of spaces equal to the number of bedrooms minus one.

d. Vacation dwelling units licensed on May 15, 2016, are entitled to continue operating under the former off-street parking requirement. The parking exemption for vacation dwelling units licensed on May 15, 2016, expires upon transfer of any ownership interest in the permitted property.

e. Form districts are not required to provide parking spaces.

How many off-street parking spaces will your unit provide? _____

4. Only one motorhome (or pickup-mounted camper) and/or one trailer either for inhabiting or for transporting recreational vehicles (ATVs, boat, personal watercraft, snowmobiles, etc.) may be parked at the site, on or off the street. **Will you allow motorhome or trailer parking? If so, where? _____**

5. The property owner must provide required documents and adhere to additional requirements listed in the City of Duluth's UDC Application Manual related to the keeping of a guest record, designating and disclosing a local contact, property use rules, taxation, and interim use permit violations procedures.

6. The property owner must provide a site plan, drawn to scale, showing parking and driveways, all structures and outdoor recreational areas that guests will be allowed to use, including, but not limited to, deck/patio, barbeque grill, recreational fire, pool, hot tub, or sauna, and provide detail concerning the provision of any dense urban screen that may be required to buffer these areas from adjoining properties. Please note that this must be on 8 x 11 size paper.

7. The interim use permit shall expire upon change in ownership of the property or in six years, whichever occurs first. An owner of a vacation dwelling unit permitted prior to May 15, 2016, may request, and the land use supervisor may grant, an application for adjustment of an existing permit to conform to this section, as amended, for the remainder of the permit term.

8. Permit holder must keep a guest record including the name, address, phone number, and vehicle (and trailer) license plate information for all guests and must provide a report to the City upon 48 hours' notice. **Please explain how and where you will**

keep your guest record (log book, excel spreadsheet, etc):

_____

9. Permit holder must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24-hours-a-day to any complaints from neighbors or the City. The permit holder must notify the Land Use Supervisor within 10 days of a change in the managing agent or local contact's contact information. **Please provide the name and contact information for your local contact:**

_____

10. Permit holder must disclose in writing to their guests the following rules and regulations:

a. The managing agent or local contact's name, address, and phone number;

b. The maximum number of guests allowed at the property;

c. The maximum number of vehicles, recreational vehicles, and trailers allowed at the property and where they are to be parked;

d. Property rules related to use of exterior features of the property, such as decks, patios, grills, recreational fires, pools, hot tubs, saunas and other outdoor recreational facilities;

e. Applicable sections of City ordinances governing noise, parks, parking and pets;

Please state where and how this information will be provided to your guests:

_____

_____

11. Permit holder must post their permit number on all print, poster or web advertisements. **Do you agree to include the permit number on all advertisements? _____**

12. Prior to rental, permit holder must provide the name, address, and phone number for the managing agent or local contact to all property owners within 100' of the property boundary; submit a copy of this letter to the Planning and Community Development office. In addition, note that permit holder must notify neighboring properties within 10 days of a change in the managing agent or local contact's contact information.

Additional Contacts

Other contacts that may be needed for your vacation dwelling unit:

1.) City of Duluth Construction Services and Inspections, for a **Change of Use Permit** and/or **Building Permit**: https://duluthmn.gov/csi/ or 218-730-5240.

2.) Life Safety Division of the Fire Department, for an **Operational Permit**: https://duluthmn.gov/fire/ or 218-730-4380.

3.) State Department of Health, for a **Lodging License:** Sara Bents, 218-302-6184, or https://www.health.state.mn.us/

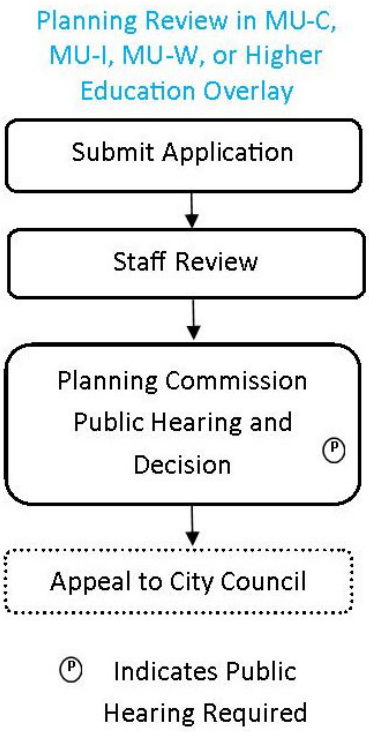
4.) State **Tax Identification Numbers** can be obtained by calling 651-282-5225 or visiting https://www.revenue.state.mn.us

5.) Make sure you sign up for **City of Duluth Tourism Tax** by contacting the City Treasurers office at 218-730-5350 or www.duluthmn.gov/finance/tourism-taxes/ .

3.13 Checklist

Planning Review

Planning review is needed for certain types of development and redevelopment activities in the MU-C, MU-I, MU-W, and HE-O zone districts. See UDC Section 50-37.11 for more information.



Starting the Application Process

- ☐ Call 218-730-5580 or email planning@duluthmn.gov to schedule a pre-application meeting. The pre-application meeting is intended to discuss the application process and general timeline. A comprehensive review of the proposed project is not possible at this meeting; detailed review of the project will occur once a complete application, with sufficient supporting information and exhibits, is submitted.

- ☐ Submit your application materials by the Planning Commission application deadline. There are numerous in-person and electronic application methods available; visit https://duluthmn.gov/planning-development/land-use-zoning-and-applications/applications-checklists/ for current information. Your application must include the following:

  - ☐ Application Cover Sheet, available at https://duluthmn.gov/planning-development/land-use-zoning-and-applications/applications-checklists/, and applicable fee
  - ☐ Survey of the property (recommended)
  - ☐ Site plan showing existing structures and proposed structures
  - ☐ Building elevation
  - ☐ Grading plan
  - ☐ Landscape plan (if required) detailing species type and number of trees and shrubs. The City may require an escrow fee to ensure that the landscape is installed and maintained as approved.
  - ☐ Information on traffic control and improvements (to be determined at pre-application meeting depending on scope and location of project). Projects that may create more than 100 trips per hour or 1,000 trips may day will require a traffic study.
  - ☐ If delineated wetlands are being impacted, a copy of the approved Notice of Decision for the Wetland Replacement Plan.
  - ☐ Other materials as indicated in the below table:

Important Dates

Application Deadline: _____

Sign Notice Placed: _____

Planning Commission: _____

Effective*: _____

**Please note that these dates are approximate guidelines and may change*

If application:	Must submit:	UDC Section
Article 2		
Is within the **Skyline Parkway Overlay**	Materials showing: ▪ Boundary of the Skyline Parkway Overlay as described in UDC Section 50-18.4 ▪ Building footprints and setbacks ▪ The long-axis of the building footprint ▪ Driveway locations ▪ Building elevations when viewed from Skyline Parkway ▪ Maximum height of each structure in relation to the centerline of Skyline Parkway at its closest point ▪ Location, setbacks, height, and transparency of any fences or walls on the property ▪ Location, type, and height at maturity of all landscaping on the site.	Skyline Parkway Overlay, 50-18.4
Article 3		
Involves a **wireless telecommunications tower** and does not have a special use permit	See "Antenna and Wireless Communication Facilities" handout for information on materials to submit.	Use-Specific Standards, 50-20.4.E
Article 4		
Is in a **Form District**, if any of the following apply: ▪ New building construction ▪ Renovation of existing structures where the renovation includes an addition of more than 50% in building square footage ▪ Renovation affecting the front façade ▪ Renovation in the shape or style of the roof	▪ Site plan that includes building location, driveways, Build-to Zone and Setback Measurements, and parking and loading locations ▪ Building elevations showing compliance with UDC Section 50-22 ▪ Landscape plan	Building Form Standards, 50-22
ALL subdivisions, replatting, Registered Land Surveys, development, or redevelopment	Site plan showing paths, trails, sidewalks, pedestrian accesses, and public utility easements.	Connectivity and Circulation, 50-23.2
Is in any zone district other than the RC, RR-1, RR-2, MU-B, I-G, or I-W district **AND** is larger than 3 acres **AND** will contain more than one development parcel	Site plan showing that paths, trails, streets, and pedestrian accesses will comply with requirements in UDC Section 50-23.3.	Connectivity and Circulation, 50-23.3
Contains **more than one principal building**	Site plan showing that walkway(s) will be provided complying with Section 50-23.5.	Connectivity and Circulation, 50-23.5

Involves a **skywalk** remodeled at more than 50% of the assessed value	Elevations showing both vertical sides of the skywalk.	Connectivity and Circulation, 50-23
Is on a lot or parcel of more than 10,000 sq. ft., includes a primary structure with a multi-family, mixed use, commercial, institutional, industrial, or parking principal use, **and**: ▪ A new primary structure is constructed **OR** ▪ The floor area increases by more than 25% **OR** ▪ The primary structure is relocated **OR** ▪ The primary structure is renovated or redeveloped and the value of the renovation is more than 75% of the market value **OR** ▪ An existing lot is redesigned **OR** ▪ A new parking lot of 25 or more spaces is built	▪ A landscape plan demonstrating compliance with standards in UDC Section 50-25. ▪ Site plan showing parking.	Landscaping, 50-25
Is on a lot of more than 10,000 square feet with a multi-family, mixed use, commercial, institutional, industrial, or parking principal use **OR** a lot of record created after 11/19/10	Tree Preservation Report and, if necessary, Tree Replacement Plan (see Appendix).	Tree Preservation, 50-25.9
Contains any of the following **exterior mechanical features** on multi-family, commercial, institutional, industrial, or mixed use buildings (except those located in I-G and I-W districts): ▪ Electrical and gas-powered mechanical equipment and power systems equipment ▪ Heating, ventilating, and air conditioning equipment ductwork and lines ▪ Power systems equipment	▪ For roof-mounted equipment: building elevations and photo simulations showing compliance with Section 50.26-1-B (1). ▪ For ground-mounted equipment,: site plan, elevations showing views of equipment locations and, if landscaping is used for screening, a landscape plan.	Screening, Walls and Fences, 50-26.1
Contains **service areas or off-street loading areas** on properties containing multi-family, commercial, institutional, industrial, or mixed-use buildings	▪ Site plan ▪ Landscape plan ▪ Building elevations showing the service/loading areas	Screening, Walls and Fences, 50-26.2

(except those located in I-G and I-W districts)		
Contains **commercial containers EXCEPT** the following: ▪ Containers in I-G and I-W districts ▪ Containers behind a building and not visible from a public street or adjoining single-family, multi-family, mixed use, or public property ▪ Temporary containers meeting criteria in Section 50-26.3 (A)	▪ Site plan ▪ Building elevations or illustrations showing screening of containers that meets criteria of Section 50-26.3.	Screening, Walls and Fences, 50-26.3
Involves new construction or redevelopment/renovation where the building square footage is expanded by more than 50%	Building elevations demonstrating compliance with Section 50-30	Design Standards, 50-30
Includes installation of exterior lighting	Lighting Plan	Exterior Lighting, 50-31

After Submitting Your Application

1. Determination of Completeness. Within 15 business days of your application, you should expect to:

- Receive an "Applicant Letter," which acknowledges a complete application, shares the date of the Planning Commission meeting and the assigned staff person, and notifies you of State-mandated deadlines for the City to make a decision, **OR**
- Receive notification that your application is incomplete, with details on further information to submit.

2. Public Notice. A mailed notice will be sent by the City to property owners within 350 feet.

☐ **You are required to post a sign notice** on the property at least two weeks before the date of the public hearing. See UDC Section 50-37.1.H for information on size, placement, and content of each sign; you may want to contact a sign company or printing company to have the sign made. You must provide evidence that the signs were in place; ***submit photo(s) of the signs to the Planning Division at least two weeks before the date of the public hearing.***

3. Staff Review. Planning staff will evaluate your application and prepare a staff report. When considering a recommendation for Planning Review, Planning Staff generally review the zoning of the site (including overlay zones), the Comprehensive Plan (including the Future Land Use Map, Governing Principles, and Policies), surrounding land uses and zoning, individual factors that are unique or special to the proposal, any additional UDC criteria, and other related factors.

- You will receive an email with the Planning Commission agenda and a link to this staff report about 5 days prior to the meeting.

4. Planning Commission Hearing and Decision. Planning Commission meetings are scheduled at 5:00 pm on the second Tuesday of each month. **We ask that applicants or an agent attend this meeting.**

The Planning Commission will review the application, conduct a public hearing, and make a decision to adopt, adopt with modifications, or deny the application.

If approved, you will receive an Action Letter documenting approval.

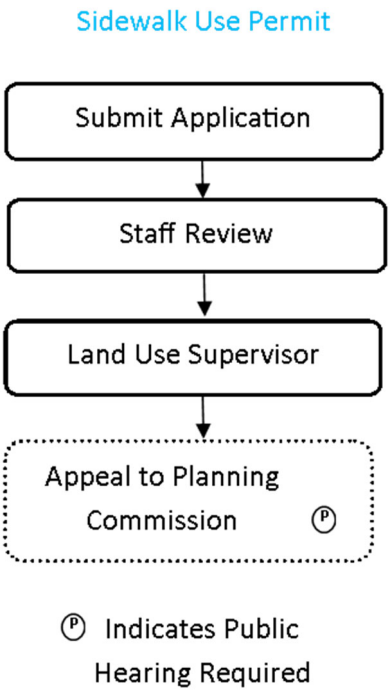
Note that other City codes may apply to your project. Please be aware of any applicable Building code (Construction Services Division), Fire code (Life Safety Division), and stormwater/engineering (Engineering Division) regulations. The zoning approval may be only the first step in a several step process.

*If a **wetland delineation** is needed for the project to proceed, it must be reviewed and approved before any zoning application will be accepted.*

*If a **wetland replacement plan** is required for a project to proceed, it must have been submitted and accepted as a complete application before the project zoning application will be accepted.*

3.14 Checklist

Sidewalk Use Permit



A sidewalk use permit applies if you would like to use a portion of a public sidewalk for a café, eating area, bicycle rack, temporary display, or other purpose that does not involve the permanent vacation of any part of the street. See UDC Section 50-37.12 for more information.

Starting the Application Process

- ☐ Submit your application. There are numerous in-person and electronic application methods available; visit https://duluthmn.gov/planning-development/land-use-zoning-and-applications/applications-checklists/ for current information. Your application must include the following:
  - ☐ Application Cover Sheet, available at https://duluthmn.gov/planning-development/land-use-zoning-and-applications/applications-checklists/, and applicable fee
  - ☐ Sidewalk Use Agreement
  - ☐ Certificate of Insurance meeting requirements specified in Sidewalk Use Agreement
- ☐ Additionally, if this is a **new** Sidewalk Use Permit (or a renewal later than 30 days after expiration of a previous Permit), please submit the following:
  - ☐ A map or diagram showing the proposed use area, and nearby drive aisles, loading zones, fire lanes, parking lots, building entrances, street trees, and street furniture. Note the following criteria:
    - Must not encroach into drive aisles, loading zones, fire lanes, or parking lots
    - Must not be in the area located between the street curb and building entrance
    - Must be set back at least 7' from curb and 6' from meters, trees, benches, etc.
    - Shall be only on sidewalk areas adjacent to applicant's property

After Submitting Your Application

1. Determination of Completeness. The City has 15 business days to determine whether the application is complete or incomplete. If incomplete, you will be notified and asked to submit additional information.

2. Land Use Supervisor Decision

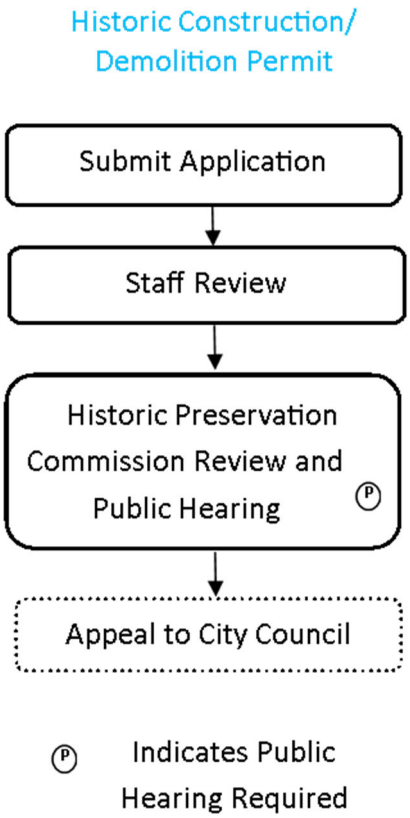
The Land Use Supervisor will review the application and make a decision to adopt, adopt with modifications, or deny the application. If approved, you will receive an Action Letter documenting approval.

Sidewalk Use Permits remain in effect for one year. To continue use of the sidewalk after that year, you will need to submit another application.

Please note: Any sidewalk use involving alcohol may require a new liquor license or an expansion of the existing liquor license. Please call the City Clerk at 730-5500.

3.15 Checklist

Historic Construction/Demolition Permit



A historic construction/demolition permit applies for construction or demolition within a historic district or on a historic property listed in UDC Section 50-18.3. See UDC Section 50-37.14 for more information.

Starting the Application Process

- ☐ Submit your application materials by the application deadline, four weeks prior to an HPC meeting. HPC meetings are held on the second Tuesday of each month. There are numerous in-person and electronic application methods available; visit https://duluthmn.gov/planning-development/land-use-zoning-and-applications/applications-checklists/ for current information. Your application must include the following:
  - ☐ Application Cover Sheet, available at https://duluthmn.gov/planning-development/land-use-zoning-and-applications/applications-checklists/, and applicable fee
  - ☐ Application for Certificate of Appropriateness

After Your Application

1. Determination of Completeness. Within 15 business days of your application, you should expect to:

- Receive an "Applicant Letter," which acknowledges a complete application, shares the date of the Planning Commission meeting and the assigned staff person, and notifies you of State-mandated deadlines for the City to make a decision, **OR**
- Receive notification that your application is incomplete, with details on further information to submit.

2. Public Notice.

- ☐ **You are required to post a sign notice** on the property at least two weeks before the date of the public hearing. See UDC Section 50-37.1.H for information on size, placement, and content of each sign; you may want to contact a sign company or printing company to have the sign made. You must provide evidence that the signs were in place; ***submit photo(s) of the signs to the Planning Division at least two weeks before the date of the public hearing.***

3. Historic Preservation Commission Decision. The Historic Preservation Commission will review the application, conduct a public hearing, and make a decision to adopt, adopt with modifications, or deny the application. **We ask that applicants or an agent attend this meeting.** If approved, you will receive a Certificate of Appropriateness (COA).

Important Dates

Application Deadline: _____

Sign Notice Placed: _____

HPC: _____

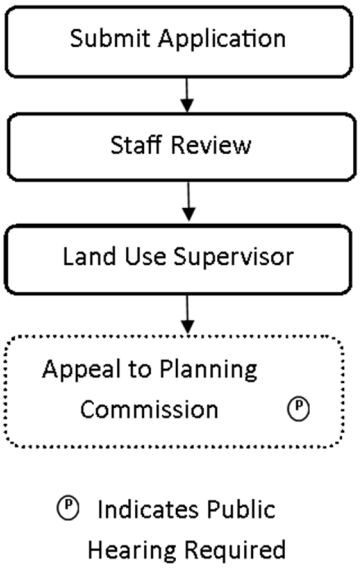
Effective: _____

**Please note that these dates are approximate guidelines and may change*

Note that other City codes may apply to your project. Please be aware of any applicable Building Code (Construction Services Division), Fire Code (Life Safety Division), and stormwater/engineering (Engineering Division) regulations. The zoning approval may be only the first step in a several step process.

3.16 Checklist

Temporary Use Permit - General



Temporary Use Permits are allowed via UDC Section 50-37.13.

Starting the Application Process

- ☐ Submit your application. There are numerous in-person and electronic application methods available; visit https://duluthmn.gov/planning-development/land-use-zoning-and-applications/applications-checklists/ for current information. Your application must include the following:
  - ☐ Application Cover Sheet, available at https://duluthmn.gov/planning-development/land-use-zoning-and-applications/applications-checklists/, and applicable fee
  - ☐ A site plan showing the proposed location, including detailed dimensions and sizes.
  - ☐ Statement explaining the project, hours and duration of operation, and potential neighborhood impacts.
  - ☐ Any additional information as determined by planning staff.

After Submitting Your Application

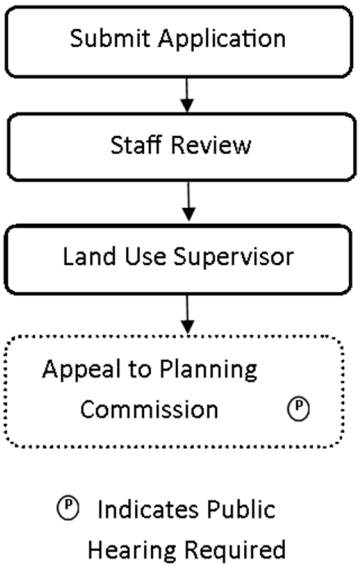
1. Determination of Completeness. The City has 15 business days to determine whether the application is complete or incomplete. If incomplete, you will be notified and asked to submit additional information.

2. Land Use Supervisor Decision. The Land Use Supervisor will review the application and make a decision to adopt, adopt with modifications, or deny the application. If approved, you will receive an Action Letter documenting approval.

Note that other City codes may apply to your project. Please be aware of any applicable Building Code (Construction Services Division), Fire Code (Life Safety Division), and stormwater/engineering (Engineering Division) regulations. The zoning approval may be only the first step in a several step process.

3.17 Checklist

Temporary Use Permit - Parklets



Parklets are permitted via the Temporary Use Permit process, with additional criteria listed below. See UDC Section 50-37.13 for more information. Parklets may include seating, tables, artwork, bike parking, landscaping, and other amenities.

Starting the Application Process

- ☐ Submit your application. There are numerous in-person and electronic application methods available; visit https://duluthmn.gov/planning-development/land-use-zoning-and-applications/applications-checklists/ for current information. Your application must include the following:
  - ☐ Application Cover Sheet, available at https://duluthmn.gov/planning-development/land-use-zoning-and-applications/applications-checklists/,
  - ☐ Required fee
    - $150 for new parklet permits
    - $75 for renewing parklet permits (application submitted by April 15 of the year following a previous permit)
    - *Plus $250 if using a metered space; daily parking meter fees do not apply*
  - ☐ Parklet Use Agreement
  - ☐ Certificate of Insurance meeting requirements specified in Parklet Use Agreement
  - ☐ Parklet Petition, signed by a majority of the property owners, business owners, and residents that are on the same street and within 100' of the proposed location.
- ☐ Additionally, if this is a **new** Temporary Use Permit (or a renewal later than 30 days after expiration of a previous Permit), please submit the following:
  - ☐ A map or diagram showing the proposed parklet location, and nearby drive lanes, driveways, loading zones, fire lanes, parking lots, building entrances, street meters (with number of all meters to be hooded) street trees, and street furniture/lights/signs, as well as dimensions to all of these street features.
  - ☐ Elevations and/or illustrations of the parklet, showing dimension and materials to be used.
  - ☐ Any additional information needed to confirm that the parklet will meet the below requirements.

Parklet Requirements

1. Parklets must be directly in front of applicant's building. Eligible applicants are either the adjacent property owner or a storefront business owner, with the property owner's signature or letter of support
2. Parklets shall generally be designed to fit within one parking space, providing a buffer of one foot from all adjoining parking spaces and drive aisles. In areas where the proposed parking space is not

individually delineated, design the parklet to occupy a space no greater than 7.5' x 19'. In situations where on-street parking supply is determined by the Land Use Supervisor to exceed current demand, up to two parking spaces may be used.

3. Parklets shall be designed so that the floor of the parklet is flush with the street curb/sidewalk, to allow easy access and prevent a tripping hazard. Alternatively, a slope or ramp meeting ADA requirements may be used to provide access to the parklet.
4. The maximum horizontal gap between the curb and platform is one-half inch.
5. Parklets must be installed in a way that avoids damage (and may not be directly attached) to the curb, sidewalk, or street.
6. Parklets shall have a continuous fence or physical barrier, such as planters or furniture, a minimum of 30" in height (measured from the floor of the parklet) any edge that is adjacent to a drive aisle.
7. Parklets must maintain a visual connection to the street and not obstruct sight lines to existing businesses or roadway signage. In addition, for diagonal spaces, any vertical elements higher than 36" and within 10' of the drive lane shall be no more than 25% opaque.
8. Parklets are allowed only in an existing parking location, and not in any loading zone, fire lane, bus stop, taxi stand, ADA space, or other specially designated space. Parklets may be installed in front of a driveway if the applicant is the owner of the driveway or obtains written permission from the owners, and obtains written permission from the Fire Marshal.
9. Parklets are not allowed in front of City connections, fire hydrants, or over manhole covers, public utilities, or catch basins. Curb and roadside drainage shall not be impeded.
10. The proposed location should have a speed limit of 30 mph or less.
11. The parklet site shall be located at least one parking spot from an intersection, or, if on a corner, the parklet must be protected by a bollard or sidewalk bump-out.
12. The City will review proposed parklet locations for potential conflicts with future programmed projects. Proposed locations may be rejected if there is pending streetscape work planned.
13. If located adjacent to parallel parking spaces, parklets are required to have soft hit posts, wheel stops, or other buffer to prevent conflicts with parking cars.
14. A proposed parklet shall only be allowed if there are no other parklets on the same side of the street on the proposed block.
15. Any lighting must be self-contained (i.e. solar and/or battery powered). Parklets may not have any features powered by extension cord. Lighting should be low-level and designed to not distract drivers or disrupt nearby uses.
16. Parklets are allowed to be installed starting April 15 of the permit year. Parklets must be removed by October 31, or by the first measurable snowfall, whichever occurs first. Note that as part of the parklet permit, the City is not liable for any damage due to snow removal and plowing.
17. Note that any signs are governed by Section 50-27 of the UDC. Parklets should also include signage stating that it is a public space and/or open to the public.

After Submitting Your Application

1. Determination of Completeness. The City has 15 business days to determine whether the application is complete or incomplete. If incomplete, you will be notified and asked to submit additional information.

2. Land Use Supervisor Decision. The Land Use Supervisor will review the application and make a decision to adopt, adopt with modifications, or deny the application. If approved, you will receive an Action Letter documenting approval.

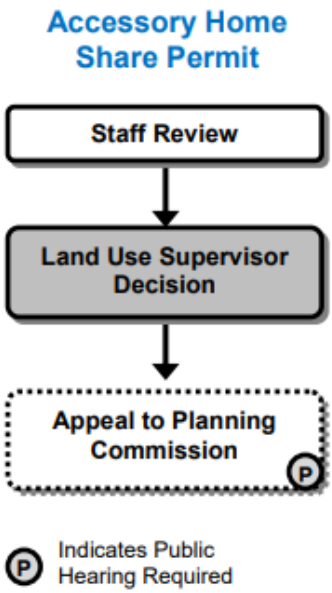
3. Installation. After approval, **you must notify the City Parking Division (Mark Bauer, at 730-5177) 48 BUSINESS hours prior to installation** of your parklet. This will allow time for staff to put signs in the affected space.

Temporary Use Permits for parklets remain in effect for the permit year. To continue use as a “renewing” parklet, you must apply by April 15 of the following year. Any applications received after April 15 of the following year will be deemed a “new” parklet.

Please note: Any parklet use involving alcohol may require a new liquor license or an expansion of the existing liquor license. Please call the City Clerk at 730-5500.

3.18 Checklist

Accessory Home Share Permits



An accessory home share permit applies when a property owner would like to have a short-term rental, and plans to reside at the property during the rental period. A maximum of 4 guests can stay in up to 2 rooms (but only one listing allowed), for 1-29 nights. This process does not apply for other short-term rentals, including vacation dwelling units and accessory vacation dwelling units, which require an Interim Use Permit.

Starting the Application Process

- ☐ Review information on the Short-Term Rental web site, including information about building code information and Frequently Asked Questions.
- ☐ Submit your application. There are numerous in-person and electronic application methods available; visit https://duluthmn.gov/planning-development/land-use-zoning-and-applications/applications-checklists/ for current information. Your application must include the following:
  - ☐ Application Cover Sheet, available at https://duluthmn.gov/planning-development/land-use-zoning-and-applications/applications-checklists/, and Applicable Fee
  - ☐ A site plan, drawn to scale, that shows lot lines, all structures on a lot, location of parking spaces, any outdoor spaces to be used, and any buffering from adjacent properties (such as vegetation or fencing)
  - ☐ A floor plan of the dwelling unit identifying which room(s) will be rented
  - ☐ Signed affidavit for verification of owner occupancy during guest rental
  - ☐ Life Safety Request Inspection Application and inspection fee. If renewal, submit directly to Life Safety Division. Life Safety's Operational Permits need to be renewed every 3 years.

After Submitting Your Application

Construction Services will review your application and contact you when the permit is approved.

You may need to obtain other licenses and permits from other State and City offices. Please see the Frequently Asked Questions for details.

Note that other City codes may apply to your project. Please be aware of any applicable Building Code (Construction Services Division), Fire Code (Life Safety Division), and stormwater/engineering (Engineering Division) regulations. The zoning approval may be only the first step in a several step process.

AFFIDAVIT

Date:_____
Purpose:___Verification of Owner Occupancy during guest rental_____
Address: _____ Parcel ID#:_____

(PRINT FULL NAME)_____personally came and appeared before me, the undersigned Notary, the within named (PRINT FULL NAME)_____ _____ who is the owner and occupant of the above address makes this his/her statement and General Affidavit upon oath and affirmation of belief and personal knowledge that the following matters, facts and things set forth are true and correct to the best of his/her knowledge:

- **I am currently the whole or partial owner of the above listed address and I reside at the address and will abide by the requirements for owner occupancy during the rental of the property as an accessory home share listed in UDC Sec. 50-20.5.G.**

Dated this _____ day of _____, 20__

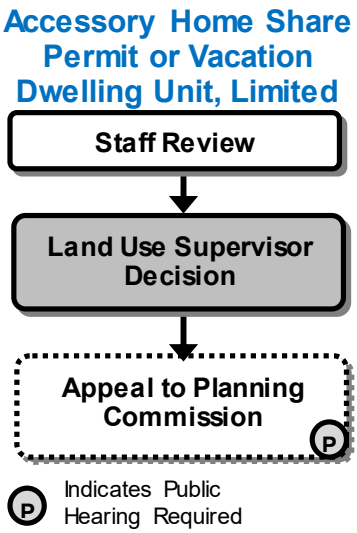
Signature of Affidavit Petitioner: _____

Sworn to subscribed before me, this _____ day of _____, 20__

Signature of Notary Public:_____

3.19 Checklist

Accessory Vacation Dwelling Unit, Limited Permit



An accessory vacation dwelling unit, limited permit applies when a homeowner of an owner-occupied property would like to have a short-term rental of that property for a limited number of nights a year. Properties can be rented for periods of 2 to 7 nights, for a maximum of 21 nights a year. This process does not allow use for other short-term rentals, including vacation dwelling units and accessory vacation dwelling units, which require an Interim Use Permit.

Starting the Application Process

- ☐ Review information on the Short-Term Rental web site, including information about building code information and Frequently Asked Questions.
- ☐ Submit your application. There are numerous in-person and electronic application methods available; visit https://duluthmn.gov/planning-development/land-use-zoning-and-applications/applications-checklists/ for current information. Your application must include the following:
  - ☐ Application Cover Sheet, available at https://duluthmn.gov/planning-development/land-use-zoning-and-applications/applications-checklists/, and Applicable Fee
  - ☐ A site plan, drawn to scale, that shows lot lines, all structures on a lot, location of parking spaces, any outdoor spaces to be used, and any buffering from adjacent properties (such as vegetation or fencing)
  - ☐ A floor plan of the dwelling unit identifying which room(s) will be rented
  - ☐ Signed affidavit for eligibility for Vacation Dwelling Unit, Limited
  - ☐ A copy of the current year's tax statement showing homestead status
  - ☐ Life Safety Request Inspection Application and inspection fee. If renewal, submit directly to Life Safety Division. Life Safety's Operational Permits need to be renewed every 3 years.

After Submitting Your Application

Construction Services will review your application and contact you when the permit is approved.

You may need to obtain other licenses and permits from other State and City offices. Please see the Frequently Asked Questions for details.

Note that other City codes may apply to your project. Please be aware of any applicable Building Code (Construction Services Division), Fire Code (Life Safety Division), and stormwater/engineering (Engineering Division) regulations. The zoning approval may be only the first step in a several step process.

AFFIDAVIT

Date:_____

Purpose: Verification of Eligibility for Accessory Vacation Dwelling Unit, Limited

Address: _____ Parcel ID#:_____

(PRINT FULL NAME)_____personally came and appeared before me, the undersigned Notary, the within named (PRINT FULL NAME)_____ who is the owner and occupant of the above address makes this his/her statement and General Affidavit upon oath and affirmation of belief and personal knowledge that the following matters, facts and things set forth are true and correct to the best of his/her knowledge:

- I am currently the whole or partial owner of the above listed address and I reside at the address and will abide by the requirements for owner occupancy of the property being used for an Accessory Vacation Dwelling Unit, Limited, as listed in UDC Sec. 50-20.5.N.
- I testify that this property will only be rented for periods of 2 to 7 nights, and for no more than a total of 21 nights in a calendar year, which will be the following 21 nights:

Dates Unit Will Be Rented						
1.	2.	3.	4.	5.	6.	7.
8.	9.	10.	11.	12.	13.	14.
15.	16.	17.	18.	19.	20.	21.

(Note: You may ONLY advertise for the dates listed above)

Dated this _____ day of _____, 20_

Signature of Affidavit Petitioner: _____

Sworn to subscribed before me, this _____ day of _____, 20_____

Signature of Notary Public:_____

4.0 Wetland Applications

All development in the city must comply with State statutes and regulations. In addition, any development impacting wetlands requires formal approval by the designated City wetland representative. See UDC Section 50-18.1.B.

If a **wetland delineation** is needed for the project to proceed, it must be reviewed and approved before any zoning application will be accepted.

If a **wetland replacement plan** is required for a project to proceed, it must have been submitted and accepted as a complete application before the project zoning application will be accepted. In some circumstances the zoning application can be accepted, but will not heard at a public hearing until the wetland replacement plan is approved, approved with conditions, or denied.

Impacted wetlands must be replaced under a replacement plan approved by the City of Duluth. The replacement plan must demonstrate compliance with **"sequencing,"** i.e., **(a)** that wetland **impacts are avoided** as much as possible, **(b)** that to the extent that the impacts cannot be avoided, the wetland **impacts are minimized**, and **(c)** that unavoidably impacted wetlands are **replaced as required** by the WCA Rules. The Rules include numerous specific requirements as to location, size, type, etc. of replacement wetlands. The WCA allows wetland losses from drain or fill activities to be replaced by wetlands previously restored or created and deposited into the State wetland bank. The banked wetlands can only be used if the result is a no-net-loss in the quantity, quality, and biological diversity of Minnesota's existing wetlands. Wetland bank "accounts" must always maintain a positive balance.

For more information on wetland applications, visit https://duluthmn.gov/planning-development/environmental/natural-resources/

For information about wetland regulations in Minnesota, see https://bwsr.state.mn.us/wetlands-regulation-minnesota

For general information on wetlands, visit https://www.southstlouisswcd.org/

> "The Minnesota Wetland Conservation Act (WCA) was first passed in 1991. The WCA mandates that wetlands must not be drained or filled unless (a) drain or fill activity is exempt or (b) wetlands are replaced by restoring or creating wetland areas of at least equal public value. The goal is no net loss of wetlands. A wetland is defined by the presence of (a) hydric (developed under wet conditions) soils, (b) surface or subsurface hydrology (properties and distribution of water) , and (c) hydrophytic (affinity for water) vegetation. The Wetland Conservation Act applies to all Minnesota wetlands, except those identified on the DNR inventory of protected waters and wetlands. These wetlands are regulated by the DNR.
>
> "The local government unit (LGU) has the primarily responsibility for administration of the WCA and for making key determinations. Generally, the LGU is a city or county.
>
> "If an activity is not exempt, impacted wetlands must be replaced under a replacement plan approved by the LGU. The replacement plan must demonstrate compliance with **"sequencing,"** i.e., (a) that wetland **impacts are avoided** as much as possible, (b) that to the extent that the impacts cannot be avoided, the wetland **impacts are minimized**, and (c) that unavoidably

impacted wetlands are replaced as required by the WCA Rules. The Rules include numerous specific requirements as to location, size, type, etc. of replacement wetlands. The WCA allows wetland losses from drain or fill activities to be replaced by wetlands previously restored or created and deposited into the State wetland bank. The banked wetlands can only be used if the result is a no-net-loss in the quantity, quality, and biological diversity of Minnesota's existing wetlands. Wetland bank "accounts" must always maintain a positive balance.

"DNR Conservation Officers and other Peace Officers may issue cease and desist, restoration, and replacement orders for violations of the WCA. Violation of an order is a misdemeanor. Criminal prosecution of violations under the WCA is pursued by county attorneys."

- South St. Louis Soil and Water Conservation District

5.0 Appeals

Any person aggrieved by a decision of staff, the planning commission, historic preservation commission, or City council can file an appeal of that decision. See the table below for information on the types of appeals relating to the UDC. More information on appeals can be found in UDC Section 50-37.1.O.

Appeals of	To	Types of Decisions	File At
Staff decisions	Planning Commission	Planning Review, Sidewalk Use Permit, Zoning Permit, Certificate of Occupancy, WCA Decisions, Temporary Use Permits	Construction Services, Room 100 City Hall
Planning Commission	City Council	District Plan, Variance, Special Use Permit, Planning Review	City Clerk's Office, Room 330 City Hall
Historic Construction/ Demolition Permits	City Council	Historic Construction/ Demolition Permit	City Clerk's Office, Room 330 City Hall
City Council or Planning Commission decisions	Courts	Comprehensive Land Use Plan, UDC Text or Zoning Map Amendment, Subdivision/Registered Land Surveys, Vacation, Concurrent Use of Streets, Historic Resource Designation, Interim Use Permit	File appeal pursuant to applicable State law.

- Airport Environs Permits are appealed to the airport board of adjustment. See UDC Section 50-37.1.O.
- Appeals to decisions relative to the application of the Minnesota State Building Code (MSBC) (including some sign regulations) are to a board of appeals in accordance with MSBC Chapter 1300. Application forms for the Building Appeals Board are available in the Building Safety office.

6.0 Appendix

DEFINITIONS OF APPLICATION MATERIALS

Elevation
Elevations shall be referred to the Duluth datum, which is mean low water level of Lake Superior, 601.6 feet above sea level.

Landscape plan
All landscape plans shall show existing and proposed plant materials at 75 percent of mature size. Any preserved trees 5" DBH or greater must be included. See attached Species List for allowable species.

Lighting Plan
Lighting plans must include the following:

- A catalog page, cut sheet, or photograph of the lighting fixtures, including the mounting method.
- A photometric data test report of the proposed lighting fixture graphically showing the lighting distribution in all angles vertically and horizontally around the fixture (This is available from your lighting supplier).
- A site plan showing:
  - The location of all outdoor lighting fixtures proposed,
  - The mounting or installation height,
  - The overall illumination levels and uniformities,
  - The point where 0.5 horizontal footcandles occurs on the property or adjacent property at a distance four (4) feet above the ground.
- A graphic depiction of the lighting fixture's lamp concealment and light cutoff angles.

Maps
All maps must include a north arrow, scale bar, legend, and date created and/or modified. Maps must be reasonably legible.

Site plan
Site plans are scaled drawings showing building locations, roads, sidewalks, trails, parking areas, signage, and other physical features on the site. Site plans must also show that paths, trails, streets, and pedestrian accesses will comply with requirements in UDC Section 50-23.2. A site plan should include:

If foot print of the building **will not** be changed:

- Dimensions of the lot. Property lines must be consistent with the legal description of the property.
- All buildings existing on the lot, their exterior dimensions, distances to property lines. Include all projections and any accessory structures (decks, garages, sheds, etc).
- Scale
- North arrow
- Location of parking, including number and size of spaces, and width of drive aisles.
- Location and size/quantity of landscaping and screening, if required
- Any additional information needed to confirm UDC requirements, as directed by Planning staff

If footprint of building **will** be changed, also include:

- Dimensions of lot and survey monumentation on which the site plan is based (e.g., found property corner pins placed according to a recorded survey or plat). Property lines must be consistent with the legal description of the property.
- Complete exterior dimensions of all proposed structures, projections, and additions and dimensions to all property lines.
- Adjacent streets or alleys with right-of-way widths shown, if known.

- Any known easements on the property (i.e. utility or access) with dimensions, if known.

Natural resources inventory

A natural resources inventory shall show any shore impact zones, bluff impact zones, wetlands, floodplains, wildlife areas, steep slopes, rock outcrops, tree stands, and areas of sensitive species.

Traffic impact analysis

The City considers a traffic impact analysis **mandatory** if a project will generate an estimated **100 vehicle trips an hour** or **1,000 vehicle trips a day.** Traffic impact analyses may also be required for other developments depending on location and transportation characteristics. A traffic impact analysis must include the following components:

- ☐ Discussion of the public information/public participation process that was part of the traffic study
- ☐ Pertinent traffic and crash data, including source information
- ☐ A review of existing signalized intersections and recommendations for improvements at major intersections
- ☐ Determination whether any driveway access points will have a negative impact on traffic flow of existing adjacent streets
- ☐ Issues, problem areas and potential solutions
- ☐ Alternatives for the study area
- ☐ Evaluation of alternatives
- ☐ An implementation plan and report

Skyline Parkway Materials

These materials must be provided if the application includes development or redevelopment occurring within the Skyline Parkway Overlay and subject to the Skyline Parkway Overlay regulations as provided in UDC Section 50-18.4:

- ☐ Boundary of the Skyline Parkway Overlay as described in UDC Section 50-18.4
- ☐ Building footprints and setbacks
- ☐ The long-axis of the building footprint
- ☐ Driveway locations
- ☐ Building elevations when viewed from Skyline Parkway
- ☐ Maximum height of each structure in relation to the centerline of Skyline Parkway at its closest point
- ☐ Location, setbacks, height, and transparency of any fences or walls on the property
- ☐ Location, type, and height at maturity of all landscaping on the site.

Surveys

Surveys and plats shall be made under the supervision of a registered land surveyor, in accordance with the provisions of State law.

Tree Preservation Report

A tree preservation report is required for any development or redevelopment activities that impacts trees and is on a lot of more than 10,000 square feet or a lot of record created after 11/19/10. See sections 50-25.6 and 50-25.9 of the UDC for information on tree preservation standards. See Appendix for a Tree Preservation Report form.

If part of the property is covered by a Forest Management Plan and if applying for an exemption from tree preservation requirements, please attach a copy of the Forest Management Plan to your Tree Preservation Report. Forest Management Plans shall show the location of the forest to be managed, an estimate of the number, size, and species of trees that will be cut, expected timeline for cutting, and a plan for how the forest will be regenerated (i.e. planting or natural regeneration).

Tree Replacement Plans

A tree replacement plan is needed if your project requires any tree replacement per section 50-25.9 of the UDC. Tree replacement plans shall include:

- ☐ Location of the property, including street address and legal description and the name, address, and signature of the property owner
- ☐ A map showing the property boundary, existing and proposed structures, roadways, utility easements, stormwater ponds, and the locations and species of trees to be used for replacement.
- ☐ Tabular report presenting the total inches diameter (DBH) of all significant trees to be removed, categorized by species. The total inches diameter shall be calculated by one of two methods: the Tree Measurement method or the Canopy Cover method.

  (i) Tree Measurement Method. Measure and record the species and DBH of every significant tree that will be removed;

  (ii) Canopy Cover Method. For areas of dense forest cover greater than 5 acres, calculate the area of canopy cover that will be removed. Measure and record the species and DBH of significant trees in sample plots 1/10th acre in size (a square 66 feet per side or a circle with diameter of 75 feet) scattered throughout the area of canopy removal. Take these recordings in at least one plot for each two acres of canopy removal, with a minimum of five plots. Sum the total inches diameter of each species in all the plots. Multiply the sum of each species by the total acres of canopy cover and divide by the total acres covered by all the plots measured. These calculations provide an estimate of the total inches diameter of each species throughout the canopy removal area. All special tree species in the forest must be measured, not just those within the plots. Present all results in a tabular report.
- ☐ Explanation of how the Tree Replacement Policy will be followed, including the tree species to be used for replacement, the area where they will be planted, the expected spacing between them, and the expected time of completion of each phase. If payment into the City Tree Fund is chosen rather than planting replacement trees, indicate the amount that will be paid.

SPECIES LIST

All shrubs and trees chosen must be hardy in Zone 4. Please note that if your project requires species other than those on the below list, you may propose an Alternative Landscaping Plan per UDC Section 50-25.8.

Small Shrub Species < 6 feet tall

- Barberry – *any that are hardy in Zone 4*
- Bearberry, Massachusetts
- Black chokeberry
- Boxwood
  - Wintergreen
  - Saskatoon
- Chokeberry, autumn magic black
- Common juniper
- Cotoneaster
  - Cranberry
  - Spreading
- Currant
  - Alpine
  - Yellow Flowering
- Dogwood
  - Alleman's compact
  - Kelsey
  - *Others are hardy in Zone 4 and < 6 feet at maturity*
- Euonymus
  - Compact burning bush
  - Emerald gaiety
  - *Others hardy in Zone 4 and < 6 feet at maturity*
- Forsythia
  - Fiesta
  - Sunrise
  - *Others hardy in Zone 4 and < 6 feet at maturity*
- Honeysuckle
  - Dwarf bush
  - Butterfly bush
  - *Others hardy in Zone 4 and < 6 feet at maturity*
- Hydrangea – *any hardy in Zone 4 and < 6 feet at maturity*
- Leatherwood
- Ligustrum, lodense privet
- Lilac
  - Dwarf Korean
  - Sugar plum fairy
  - *Others hardy in Zone 4 and < 6 feet at maturity*
- Mockorange
  - Aurea golden
  - Miniature snowflake
  - *Others hardy in Zone 4 and < 6 feet at maturity*
- New Jersey tea
- Ninebark
  - Dart's gold
  - Nanus dwarf
  - *Others hardy in Zone 4 and < 6 feet at maturity*
- Peashrub, Siberian
- Potentilla – *any that are hardy in Zone 4*
- Prunus
  - Western Sand Cherry
  - Pink Almond
  - Beach Plum
- Rhododendron – *any that are hardy in Zone 4*
- Rose
  - Climbing prairie
  - Wild
- Spiraea – *any that are hardy in Zone 4 and < 6 feet at maturity*
- Sumac
  - Fragrant Sumac
  - Cutleaf Sumac
  - *Others hardy in Zone 4 and < 6 feet at maturity*
- Summersweet
  - Hummingbird
  - Ruby spice
  - September beauty
  - Sixteen candles
- St. Johnswort
- Viburnum
  - Emerald Triumph
  - Mohican
  - *Others hardy in Zone 4 and < 6 feet at maturity*
- Weigela
  - Carnaval
  - Minuet
  - Tango
  - *Others hardy in Zone 4 and < 6 feet at maturity*
- Willow
  - Hakura Nishiki Willow

- Dwarf Blue Arctic Willow

- Winterberry

Large Shrub Species > 6 feet tall

- American elderberry
- American hazelnut
- American highbush cranberry
- Bayberry, northern
- Buttonbush
- Chokeberry, glossy black
- Common chokecherry
- Common ninebark
- Dogwood
  - Gray
  - Red osier
  - *Others hardy in Zone 4 and > 6 feet at maturity*
- Euonymus
  - Burning bush
  - Prairie radiance
  - *Others hardy in Zone 4 and > 6 feet at maturity*
- False indigo
- Forsythia
  - Meadowlark
  - Northern sun
  - *Others hardy in Zone 4 and > 6 feet at maturity*
- Honeysuckle
  - Freedom
  - Honeyrose
  - *Others hardy in Zone 4 and > 6 feet at maturity*
- Hydrangea – *any hardy in Zone 4 and > 6 feet at maturity*
- Ligustrum, Cheyenne privet
- Lilac
  - Canada
  - Common purple
  - Common white
  - *Others hardy in Zone 4 and > 6 feet at maturity*
- Maple, amur
- Mockorange
  - Natchez
  - Minnesota snowflake

- Ninebark
  - Center glow
  - Afterglow – female
  - Red Sprite – female
  - *Others hardy in Zone 4 and < 6 feet at maturity*

  - Diabolo
  - *Others hardy in Zone 4 and > 6 feet at maturity*
- Nannyberry
- Peashrub
  - Globe
  - Pygmy
- Prunus
  - Nanking Cherry
  - Flowering Plum
  - Western Chokecherry
  - Canada Red Select Cherry
  - Purpleleaf Sand Cherry
- Scarlet elder
- Serviceberry
- Smokebush, young lady
- Smooth sumac
- Spiraea – *any that are hardy in Zone 4 and > 6 feet at maturity*
- Sumac
  - Smooth
  - Staghorn
  - *Others hardy in Zone 4 and > 6 feet at maturity*
- Viburnum
  - Nannyberry
  - American Cranberrybush
  - *Others hardy in Zone 4 and > 6 feet at maturity*
- Wild plum
- Willow
  - Pussy Willow
  - Flame Willow
- Winterberry
  - Sparkleberry-female
  - Southern Gentleman Winterberry – male
  - *Others hardy in Zone 4 and > 6 feet at maturity*
- Witch hazel

Trees Species and Canopy Diameter

- Alder, black: 20’ *P
- Ash
  - Green: 35’-50’
  - Mountain: 20’ *P
  - White: 50’-75’
  - *Others that are hardy in Zone 4*
- Balsam fir: 20’ *P
- Basswood, American: 50’ *P
- Birch
  - Paper: 30’ *P
  - River: 30’ *P
  - Yellow: 35’-50’
  - White: 20’-25’
  - *Others that are hardy in Zone 4.*
- Buckeye, Ohio: 25’ *P
- Locust, black: 25’-40’
- Crabapple: 15’ *P
  - *any that are hardy in Zone 4*
- Dogwood
  - Pagoda: 20’ *P
  - Gray:20’ *P
  - *Others that are hardy in Zone 4*
- Elm
  - Accolade: 40’ *P
  - American: 75’-80’
  - Discovery: 40’ *P
  - Homestead: 35’ *P
  - New Horizon: 25’ *P
  - Patriot: 25’ *P
  - Triumph: 40’ *P
  - *Others that are hardy in Zone 4*
- Hackberry: 35’ *P
- Hawthorne: 25’ *P
- Hemlock, Canadian: 25’ *P
- Honeylocust: 50’ *P
- Ironwood: 20’ *P
- Kentucky Coffeetree: 45’ *P
- Larch
  - Japanese: 30’ *P
  - American: 30’ *P
- Linden
  - Boulevard: 30’ *P
  - Littleleaf: 30’ *P
  - Silver: 30’
  - *Others that are hardy in Zone 4*
- Magnolia
  - Merrill: 25’ *P
  - Royal Star: 10’ *P
  - x Ann: 10’
- Maples
  - Autumn blaze: 40’ *P
  - Northwoods red: 35’ *P
  - Norway: 30’ *P
  - Red: 40’ *P
  - Silver: 45’
  - Sugar: 50’ *P
  - *Others that are hardy in Zone 4*
- Oak
  - Bicolor: 50’ *P
  - Bur: 40’ *P
  - Northern pin: 40’ *P
  - Red: 45’
  - White: 75’
  - *Others that are hardy in Zone 4*
- Pine
  - Red: 50’-75’
  - Scotch: 40’ *P
  - White: 30’
  - *Others that are hardy in Zone 4*
- Poplar
  - Balsam: 50’
  - *Others that are hardy in Zone 4*
- Redbud, Eastern: 20’-35’
- Serviceberry: 20’ *P
- Spruce
  - Norway: 25’ *P
  - White: 25’ *P
  - Black Hills: 15’ *P
  - Colorado Blue: 20’-35’
  - *Others that are hardy in Zone 4*
- Walnut, black: 50’ *P

*P designates parking lot hardiness

References:

- Arborday.org
- Minnesota Department of Transportation