



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Master

File Number: 19-006-O

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Type: Ordinance

Status: Passed

Version: 1

**Agenda
Section:**

Committee: Planning and
Economic
Development

File Created: 02/14/2019

Subject:

Final Action: 03/25/2019

Title: AN ORDINANCE AMENDING SECTIONS 50-19.8 USE TABLE AND 50-20.3 COMMERCIAL USES TO ALLOW DAYCARE FACILITIES AND PRESCHOOLS IN THE MIXED USE BUSINESS (MU-B) ZONE DISTRICT.

Internal Notes: Ordinance by Steven Robertson

Sponsors: Forsman

Enactment Date: 03/25/2019

Attachments: Attachment A, Attachment B

Enactment Number: 10615

Recommendation:

Hearing Date:

Drafter: cstafford@duluthmn.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Council	03/11/2019	read for the first time				
1	City Council	03/25/2019	adopted				

Text of Legislative File 19-006-O

AN ORDINANCE AMENDING SECTIONS 50-19.8 USE TABLE AND 50-20.3 COMMERCIAL USES TO ALLOW DAYCARE FACILITIES AND PRESCHOOLS IN THE MIXED USE BUSINESS (MU-B) ZONE DISTRICT.

CITY PROPOSAL:

The city of Duluth does ordain:

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

Attachment 2, Table 50-19.8 Use Table

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

as follows:

50-20.3.1 Daycare facility, small and large, and Preschools

1. For all new uses after May 1, 2019, as part of the requirement to provide off-street parking in 50-24.2, the use must provide off-street parking spaces for pick-up and drop-off determined by the Land Use Supervisor to be sufficient to provide for the safe pick-up and drop-off of users of the facility based on the maximum licensed capacity of the facility, the configuration of the facility, the types and intensity of other uses adjacent to the facility, the intensity of traffic adjacent to the facility and other factors determined to be relevant to the safe pick-up and drop-off of users of the facility the determination of the Land Use Supervisor may be appealed to the Commission Pick-up and drop-off areas must be clearly signed as for pick-up and drop-off only, and shall not conflict with safe on-site pedestrian and vehicular movements. This specific standard does not apply to uses with the Downtown and Canal Park Special Parking Areas in 50-24.
2. In the RR-1 and RR-2 districts this use and related parking facilities and structures other than driveways are limited to no more than 20 percent of the lot or parcel area;
3. In the MU-B district, uses shall provide a fenced outdoor exercise area. Outdoor exercise areas must be separated from improved public streets, drive lanes, and loading areas by at least 20 feet;
4. In the MU-B district, the application may be denied by the Land Use Supervisor if he or she determines that the size, nature, character or intensity of the use of property in the immediate vicinity of the applicant's property would pose an unreasonable risk to the health, safety or welfare of users of the applicant's facility; the decision of the Land Use Supervisor may be appealed to the Commission.

Section 3. That this ordinance shall take effect 30 days after its passage and publication.

(Effective date: _____, 2019)

STATEMENT OF PURPOSE: This ordinance implements a minor text amendment related to childcare facilities and preschools to chapter 50 of the City Code, known as the Unified Development Chapter (UDC).

During the Imagine Duluth 2035 Comprehensive Plan planning process in 2017 and 2018, significant comment was received from the public about ways the city code help to improve the situation for working families seeking daycare. The lack of affordable options was cited as a limiting factor for some people trying to enter the workforce. This text change is intended to allow daycares and preschools in the MU-B zone district (business parks and large employers can be found in the MU-B district).

The planning commission held a public hearing and considered the changes at their February 12, 2019, regular Planning Commission meeting. Following discussion and additional amendments to the proposed text change, the Commission voted with 7 yeas, 0 nays, and 0 abstentions, to recommend that the city council approve the text change to the Unified Development Chapter of the City Code.