



City of Duluth

Meeting Agenda

Planning Commission.

Tuesday, December 8, 2020

5:00 PM

Council Chamber, Third Floor, City Hall, 411
West First Street

To view the meeting, visit <http://www.duluthmn.gov/live-meeting>

Call to Order and Roll Call

Public Comment on Items Not on Agenda

Approval of Planning Commission Minutes

[PL 20-1110](#) Minutes 11/10/20

Attachments: [11-10-20 PC Minutes \(not approved yet\)](#)

Consent Agenda

[PL 20-175](#) Concurrent Use Permit for HVAC Equipment Above the Alley at 301-07 W
1st Street

Attachments: [PL 20-175 Staff Report and Attachments](#)

[PL 20-166](#) Interim Use Permit for Vacation Dwelling Unit at 621 W 5th Street by
Benjamin Klismith

Attachments: [PL 20-166 Staff Report with Attachments](#)

Public Hearing

[PL 20-158](#) Variance to Side Yard Setback for Garage with Living Space at 204 W 6th
Street by Roger Reinert

Attachments: [PL 20-158 Staff Report and Attachments](#)

[PL 20-152](#) UDC Map Amendment to Rezone from Mixed Use Business Park (MU-B)
to Residential-Urban (R-2) for Properties Between 1725 and 1827 W 1st
Street, Located on the Northwest Side of the Block of West 1st Street
Between Piedmont Avenue and 19th Avenue West by the City of Duluth

Attachments: [PL 20-152 Staff Report and Attachments](#)

[PL 20-178](#) UDC Map Amendment to Rezone from Mixed Use Neighborhood (MU-N) to Form District 5 (F-5) at 215 N First Avenue E, the North Half of the Site of the Historic Old Central High School, by the City of Duluth

Attachments: [PL 20-178 Staff Report and Attachments](#)

[PL 20-179](#) UDC Text Change Related to Connectivity/ Circulation and Platting/Developments

Attachments: [PL 20-179 Final Memo](#)

Communications

- Land Use Supervisor Report
- Historic Preservation Commission Report
- Joint Airport Zoning Board Report
- Duluth Midway Joint Powers Zoning Board Report

[PL 20-Air](#) Airport Zoning Ordinance

Attachments: [2020.11.02 Duluth Joint Airport Zoning Ordinance -Final for MnDOT submission](#)

NOTICE: The Duluth Planning Commission will be holding its December 8, 2020 Special Meeting by other electronic means pursuant to Minnesota Statutes Section 13D.021 in response to the COVID-19 emergency. Some members of the Commission will be participating through video conference. Due to the COVID-19 emergency and the closure of City facilities, public comment will not be taken in person. However, members of the public can monitor the meeting and provide public comment on agenda items through WebEx Events. Visit <https://duluthmn.gov/live-meeting> to access the meeting. The public is also encouraged to submit written comment to planning@duluthmn.gov prior to the meeting. Please include "Planning Commission Agenda" in the subject line, and include your name and address and the agenda item you are speaking to. Please note that all public comment is considered Public Data. The public is also encouraged to watch the meeting by tuning into Public Access Television, Channel 180.

City of Duluth Planning Commission

PC Packet 12-08-2020

November 10, 2020
Meeting Minutes

Due to the COVID-19 emergency, many planning commission members participated through video conference from home. The meeting was held as a Special Meeting pursuant to Minnesota Statute 13D.021 in response to the Covid-19 emergency. Public comment was taken at planning@duluthmn.gov prior to and during the meeting, and via verbal comment through public attendance in the WebEx video conference during the meeting.

Call to Order

President Margie Nelson called to order the meeting of the city planning commission at 5:00 p.m. on Tuesday, November 10th, 2020.

Roll Call

Attendance: (* Via WebEx video conferencing – all votes conducted via roll call)

Members Present: Jason Crawford*, Gary Eckenberg*, Tim Meyer*, Margie Nelson*, Eddie Ratnam*, Michael Schraepfer*, Andrea Wedul*, Sarah Wisdorf*, and Zandra Zweibel*

Member Absent: N/A

Staff Present: Adam Fulton*, Robert Asleson*, Steven Robertson*, Kyle Deming*, and Chris Lee*, Cindy Stafford

Public Comment on Items Not on Agenda - No speakers.

Approval of Planning Commission Minutes

Planning Commission Meeting – October 13, 2020

MOTION/Second: Wisdorf/Zwiebel approved the minutes

VOTE: (9-0)

Consent Agenda

PL 20-169 Shoreland Variance at 41 E St Marie Street by Ashley Wilcox

PL 20-149 Minor Subdivision at 2535 Nanticoke Street by Neil Cole and Jacaria Hughes

PL 20-153 Minor Subdivision at 1508 E Skyline Parkway by Ryan Jones-Casey, Kelsey Jones-Casey, Anthony Hoff, and Kjerstin Anderson

PL 20-164 Vacation of a Portion of 21st Avenue W at 102 S 21st Avenue W by Jon Aamodt

PL 20-145 Vacation of Wicklow Street at 645 Atlantic Avenue by Blake Shippee

Staff: PL 20-145 Deputy Director Adam Fulton stated staff received a letter from Mike Casey in opposition of the vacation and outlined the contents of that letter.

Public: PL 20-145: Mike Casey, 415 88th Ave W, addressed the commission. He noted the importance of safe routes to school initiatives. It is difficult for kids to get to school other than by vehicle. He would like the planning commission to pay extra attention to right of ways around schools. He is opposed to the vacation. Deputy Director Fulton shared a link to the safe routes to school plan. Fulton noted this location is steep, and this part of the Wicklow Street right of way does not fully connect to the street grid.

Commissioners: N/A

MOTION/Second: Wisdorf/Wedul approved the consent agenda items as per staff recommendations.

VOTE: (9-0)

Public Hearings

PL 20-160 Variance to Front Yard Setback at 316 Mygatt Avenue by Jean Sramek and John Bankson

Staff: Chris Lee introduced the applicants' proposal for a variance to the front yard setback from the required 25 feet to a distance of 15 feet to allow for the construction of an addition to the front of the existing house. The proposed variance, if granted, would apply to the addition only. The practical difficulty exists on the site related to the topography and the position of the house on the parcel. Alternate locations are either too steep, or too close to the neighboring property. The addition will make the house comparable in size to others on the block. The addition creates more livable space and will allow the applicant to age in place. Staff recommends approval with the conditions listed in the staff report. Zandy Zwiebel asked if there were any objections from neighbors, and noted that the addition would shorten the distance between the sidewalk and the house. Lee stated the neighbors did not object. Zwiebel is also okay with it, if the neighbors did not object. Andrea Wedul asked about the stair diagram found in the staff report packet. Is something else going on? Lee noted the stairs are inside the house, and included for a point of reference.

Applicant: Jean Sramek addressed the commission and clarified their existing house is only 1,248 square feet.

Public: No speakers.

Commissioners: Zwiebel appreciates the owners' home improvement efforts, and feels their neighbors will, too. Wedul agreed.

MOTION/Second: Zwiebel/Crawford approved as per staff recommendations.

VOTE: (9-0)

PL 20-155 Variance from Shoreland Setback at 740 S Lake Avenue by Carolyn Shull

Staff: Kyle Deming introduced the applicant's proposal to construct an 80 foot long by approximately 4 foot tall retaining wall along the rear property line to retain sand, trees, and beach grass, protecting their property from additional erosion by Lake Superior storms. The actual beach is owned by the City of Duluth. One condition added by the commission is to ensure the fence is built on the owners' property. Mitigation for the variance is required in the form of vegetative plantings in an 8 foot wide natural buffer along the retaining wall with the preservation and re-establishment of American Beach grass and other natural vegetation including four 12 foot tall trees to be planted next spring. They plan to tie into the existing retaining wall on the north side. The design consists of primarily wood timbers, which has a softer appearance, held in place by iron H-beams pounded into the sand every 10 feet. Staff recommends approval with the eight conditions listed in the staff report. Eckenberg asked about the retaining walls on neighboring properties. Deming defers to the applicants' agent. Deputy Director Fulton noted the coastal erosion, which they continue to evaluate. They are working closely with the DNR to coordinate. The City has received complaints about fences in the rights of way on street ends in the past, and notes public access is important. This applicant has met the regulations. Wedul asked if this project has been reviewed by the DNR. Deming stated the

DNR did review, and no public water permit was needed. Wedul asked where the Ordinary High Water Level (OHWL) mark is located. Deming stated the fence will be constructed completely on the owners' property, and above the OHWL.

Applicant: Applicant's agent, Ryan Dagger of AMI Consulting Engineers, P.A. addressed the commission. He described where the OHWL was listed, and noted the neighboring properties with retaining walls are three and four houses away. Zwiebel suggested a more permanent material be used for the stakes on staff report condition #5. (Property corners will be clearly marked with stakes, which must be in place throughout the construction work.) Deming suggested adding it as a condition to their motion. Wedul noted the height of the wall, which would be 4-5' on the low side. Deming noted it is not excessively tall. Deming affirmed Patty Fowler of the DNR reviewed and is satisfied with the design.

Public: No speakers.

MOTION/Second: Zwiebel/Meyer approved as per staff recommendations with added condition that the property's corners be identified with permanent metal stakes. Wedul asked for a friendly amendment to the motion to mark the OHWL as a benchmark level. Sarah Wisdorf noted this would be temporary during construction. Wedul noted this would be to protect the land owners and the water quality. Ryan Dagger stated the beach sand is fluid and moves over time. The OHWL is outside of the proposed fence, which why a DNR permit is not needed. Deputy Director Fulton fence markings for the OHWL would be impractical. Wedul noted it would be a temporary demarcation during construction, but if the DNR is comfortable going without it, it should be okay. Deputy Director Fulton noted even a temporary fence would need approval. Wedul rescinded her friendly amendment. The original motion was voted on.

VOTE: (9-0)

PL 20-172 UDC Text Changes Related to Floodplains, Solar, and Dwellings in the Context of Primary Uses and Accessory Structures and Uses, and Administration of Vacations and Concurrent Use Permits, Heritage Preservation, Circulation, and Land Use Supervisor Interpretations

Staff: Deputy Director Fulton noted staff is still working on two items: sober houses and vacation dwellings. There is a possibility of public meetings in the future. Steven Robertson introduces planning staff recommendations for changes to the Unified Development Chapter. The proposed changes will be submitted as two separate ordinances, and summarized in the staff report highlighted in yellow. The circulation item is still being reviewed by engineering, so staff would like to omit for now. Staff recommends approval.

Applicant: N/A

Public: No speakers.

Commissioners: Wedul asked about the proposed change to 50-37.1 regarding zoning appeals going to the land use supervisor versus the building official. Robertson noted the change makes sense, because the building official weighs in very little on zoning code. Zwiebel clarified circulation/connectivity not going forward. Robertson affirmed and noted this will give engineering more time to evaluate. Zwiebel stated having sidewalks on both sides of a street is a huge impact. Wedul asked when they will revisit the issue. Robertson stated it would be on December's agenda. Wedul agrees with Zwiebel and likes a sidewalk on only one side of the street. Wisdorf noted the change to accessory structures. What happens if it is habitable? Could a tiny house shift to the primary structure? Robertson affirmed.

MOTION/Second: Wedul/Schraepfer approved as per staff recommendations. Recommended Approval with item 58-20.3 regarding circulation be omitted until a future date.

VOTE: (9-0)

PL 20-173 UDC Text Changes Related to Form Districts

Staff: Steven Robertson gave an overview. Every new multi-family dwelling unit on or above ground level shall have at least one exterior window that allows for the exchange of air and the admittance of daylight. Deputy Director Fulton also noted items for iconic buildings, and the additional allowance for height. Structures within the downtown area of the Downtown and Canal Park Special Parking District may exceed the max height allowed, if the building's proposed use meets specific housing priorities of the city. Wedul asked if this was housing only. Deputy Director Fulton clarified if the building is mixed-use, it must be predominantly housing and meet comprehensive plan housing goals to qualify for the exemption.

Applicant: N/A

Public: No speakers.

Commissioners: Wedul noted there will be additional costs associated with the window clause. President Nelson appreciates the window clause.

MOTION/Second: Wisdorf/Ratnam recommended approved approval as per staff recommendations.

VOTE: (9-0)

Communications

Land Use Supervisor (LUS) Report – Deputy Director Fulton noted the city hall reclosure. Staff has been working full time from home. There is a newly formed commission (The African Heritage Commission) meeting for the first time on Monday. Deputy Director Fulton thanked City Attorney Asleson for his feedback on the planners' staff reports. They will be modifying their staff reports to accommodate the comprehensive plan. There was a first notice sent to auto business in non-compliance on Cody Street. Citations may be moving forward. He asked for the commissioners' feedback on auto sales in an MU-N district. Schraepfer noted it is an appropriate use, but the issues are more about conforming to code. Eckenberg asked when would it be appropriate, and stated it usually degrades a neighborhood. Deputy Director Fulton noted is sometimes does, but auto sales have moved more towards an online business where cars aren't even on the site. Schraepfer noted the little business nodes throughout the community. It gives merit to how the city was built. Wedul noted the indoor car sales business near the casino; maybe it would not be favorable in a neighborhood setting. They could be reviewed on a per case basis. Schraepfer noted the process the commission went through to determine small versus large gas stations. They could do something similar with auto sales. Eckenberg noted the Cody business is not large, but definitely is a problem.

Heritage Preservation Commission – Commissioner Wisdorf stated their annual meeting was yesterday. The current officers will serve for another year. They are firming up their 2021 work plan.

Joint Airport Zoning Board – No report.

Duluth Midway Joint Powers Zoning Board – No report.

Adjournment

Meeting adjourned at 6:43 p.m.

Respectfully,

Adam Fulton – Deputy Director
Planning and Economic Development



Planning & Development Division
 Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

File Number	PL 20-175	Contact	John Kelley, 218-730-5326	
Type	Concurrent Use Permit	Planning Commission Date	December 8, 2020	
Deadline for Action	Application Date	November 2, 2020	60 Days	January 1, 2021
	Date Extension Letter Mailed	November 19, 2020	120 Days	March 2, 2020
Location of Subject	301 West 1 st Street			
Applicant	Three D 1 LLC – David Dubin	Contact		
Agent	Ryan Arola	Contact		
Legal Description	See attached			
Site Visit Date	November 24, 2020	Sign Notice Date	November 24, 2020	
Neighbor Letter Date	N/A	Number of Letters Sent	N/A	

Proposal: The purpose of this application is to obtain a concurrent use permit to attach HVAC duct equipment to the rear building wall of the Board of Trade building and within the right of way for the West 2nd Street Alley.

Staff Recommendation: Staff is recommends that Planning Commission recommend approval to City Council.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-8	Multifamily/office/commercial	Central Business Primary
North	F-5	Parking	Central Business Secondary
South	F-8	Office/Commercial	Central Business Primary
East	F-8	Office/Commercial	Central Business Primary
West	F-5	Office/Commercial	Central Business Primary

Summary of Code Requirements:

UDC Section 50-37.7C. The Planning Commission shall review the application, and council shall approve the application or approve it with modifications, if it determines that:

1. The proposed concurrent use will not harm or inconvenience the health, safety and general welfare of the city.
2. ... Not Applicable
3. No portion of a public easement proposed for use is being physically used or occupied by the public.

Comprehensive Plan Governing Principle and/or Policies and Current History (if applicable):

Governing Principle #1 – Reuse previously developed lands: includes adaptive reuse of existing building stock and historic resources, as this strengthens neighborhoods.

Future Land Use – Central Business Primary: Encompasses a broad range of uses and intensities: Governmental campus, Significant retail, Entertainment and lodging, Opportunities for high density housing, Central plaza, public/open space and Public parking facilities.

Review and Discussion Items

Staff finds that:

- 1.) The Board of Trade building located at 301 West 1st Street was recently renovated to allow multifamily use on the upper floors of the building. These renovations included a change order that necessitated installation of HVAC duct equipment on the rear of the building which will extend into the West 2nd Street Alley. The applicant is seeking a concurrent use permit to encroach into the alley right of way.
- 2.) The concurrent use area consists of two locations on the rear of the building and described as 3 parcels on the exhibits submitted with the application. Parcel one consists of a 16"x10" duct and louver shutter located on the center portion of the rear of building. Parcels 2 and 3 have HVAC duct equipment extending into the alley right of way by 1 foot beginning approximately 9 feet above the alley grade level and extending outward to 2.4' at a height of 15 feet. The applicant has stated that the ductwork is for the 2nd floor apartment amenities spaces, mail room, leasing office, lounge, exercise rooms and similar uses. The duct work is attached to the building with minimal intrusion into the alley and will not impact pedestrian or vehicular movement in the alley, nor will it impact the visual characteristics of the alley.
- 3.) The City of Duluth requires concurrent use permits to include liability insurance to indemnify the City against occurrences in the right of way. Other protections for the city and the public are typically included in the ordinance that is submitted to City Council. The ordinance will state that the City is not responsible for remove/replacement of the applicant's infrastructure should the City need to access the right-of-way in the permitted area.
- 4.) The area proposed for the concurrent use permit will not diminish the public's ability to use the public right of way, nor will it harm or inconvenience the health, safety, and general welfare of the city.
- 5.) No other public, agency, or other comments have been received as of November 25, 2020.

Staff Recommendation

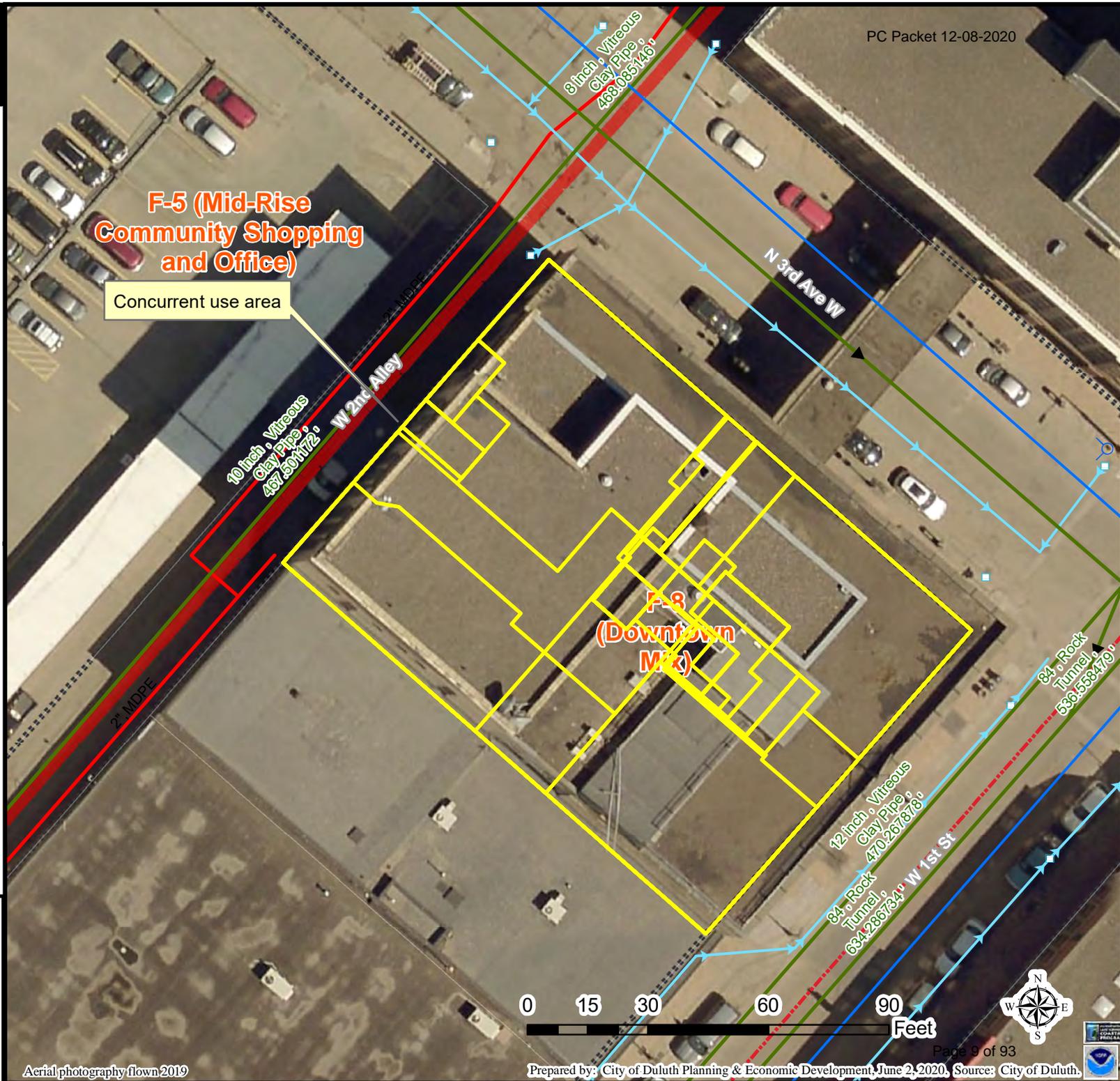
Based on the above findings, Staff recommends that Planning Commission adopt the findings of the staff report and recommend approval of the concurrent use permit with the following conditions:

- 1.) Applicant shall maintain the project as identified in the attached exhibits.
- 2.) Applicant shall provide annual proof of liability insurance to indemnify the City against any occurrences in the right of way that are due to items covered under this permit.
- 3.) Applicant will remove the obstructions at the applicant's expense if directed to by the City with appropriate notice.
- 4.) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.



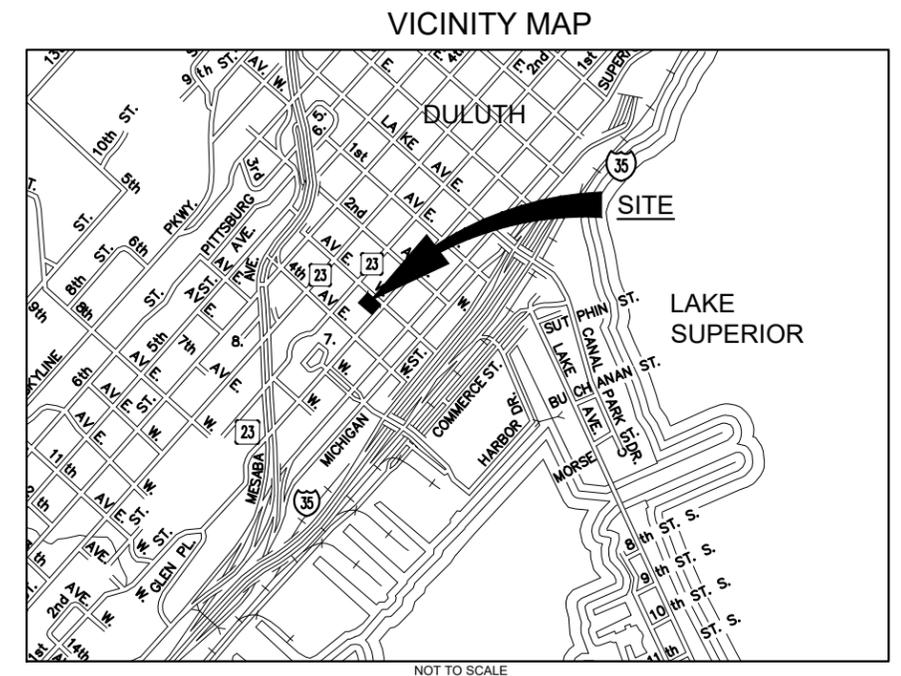
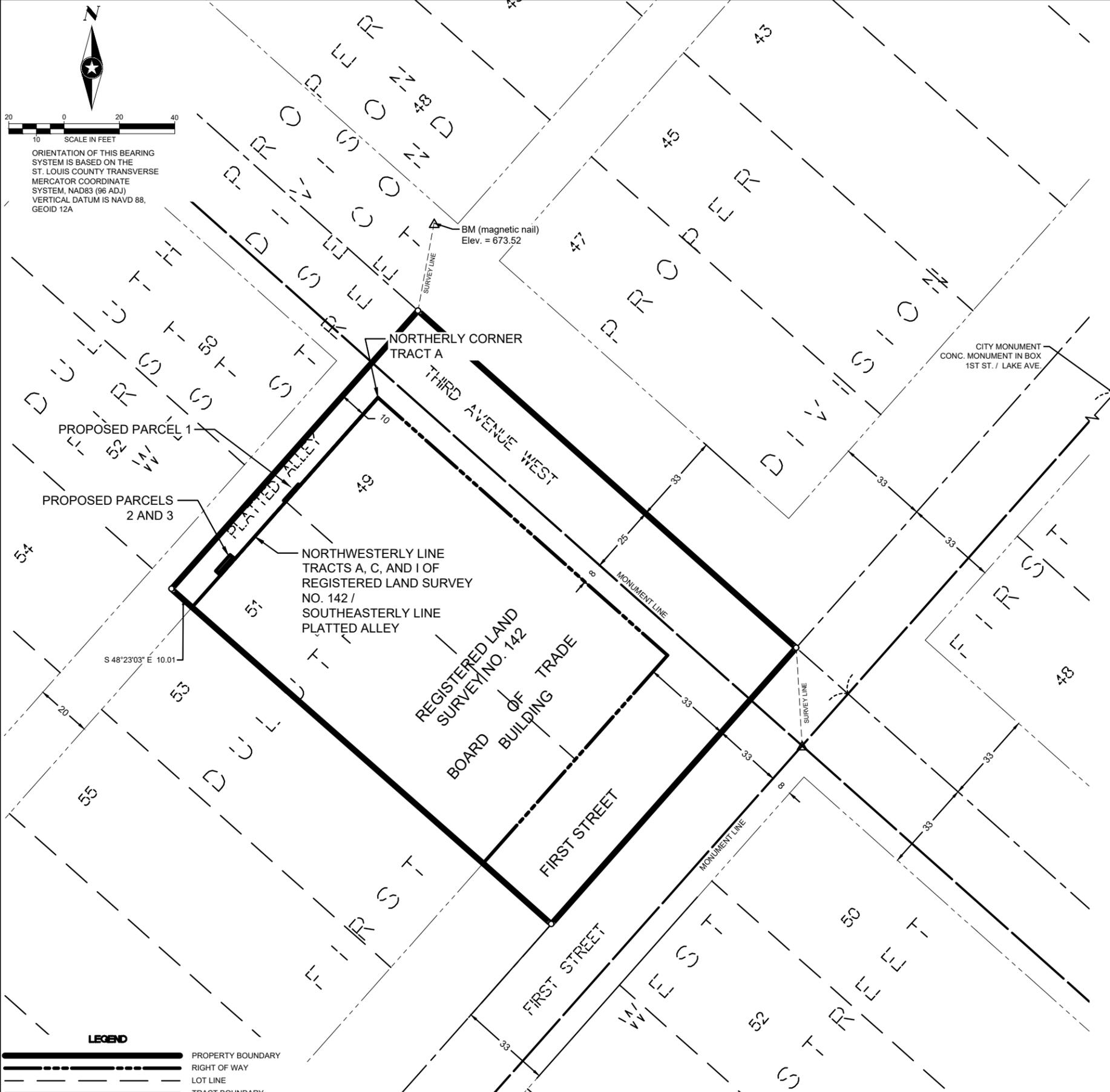
Legend

- <all other values>
- Bike_Facil**
 - Bikelane
 - Future Bike Facility
 - Multi-Use Path
 - Seasonal Multi-Use
 - Signed Bikeable Shoulder
 - Signed Shared Lane
 - Study Route
- Gas Main
- Water Main
- Hydrant
- Sanitary Sewer Mains**
 - CITY OF DULUTH
 - WLSSD; PRIVATE
 - Sanitary Sewer Forced Main
- Storage Basin
- Pump Station
- Storm Sewer Mains**
 - Storm Sewer Pipe
 - Storm Sewer Catch Basin
- Road or Alley ROW
- Vacated ROW
- Easement Type**
 - Utility Easement
 - Other Easement
 - Zoning Boundaries



The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for errors contained within this data provided or for any damages in connection with the use of this information contained within.





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LEGEND

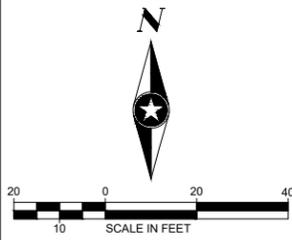
	PROPERTY BOUNDARY
	RIGHT OF WAY
	LOT LINE
	TRACT BOUNDARY
	SURVEY LINE
	MONUMENT LINE
	MONUMENT FOUND
	MONUMENT SET (MAG NAIL & WASHER STAMPED 45848)

BOARD OF TRADE BUILDING CONCURRENT USE PERMIT EXHIBIT

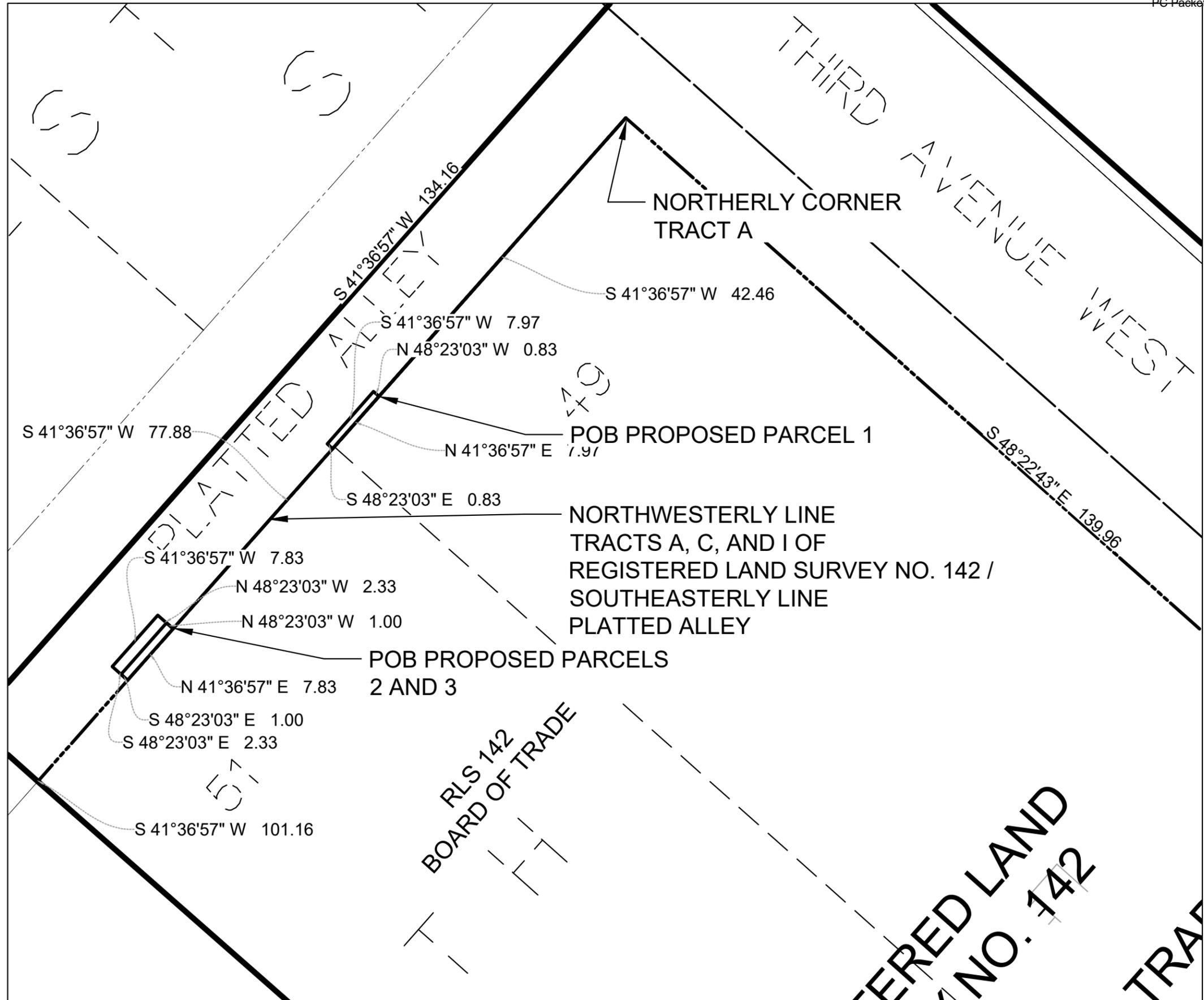
NOVEMBER 30, 2020

SHEET 1 OF 2





ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM, NAD83 (96 ADJ) VERTICAL DATUM IS NAVD 88, GEOID 12A



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LEGEND

- PROPERTY BOUNDARY
- RIGHT OF WAY
- LOT LINE
- TRACT BOUNDARY
- SURVEY LINE
- MONUMENT LINE
- MONUMENT FOUND
- MONUMENT SET (MAG NAIL & WASHER STAMPED 45848)

BOARD OF TRADE BUILDING CONCURRENT USE PERMIT EXHIBIT

NOVEMBER 30, 2020

SHEET 2 OF 2





Building a Better World
for All of Us®

Board of Trade Building
Concurrent Use Permit
Proposed Legal Land Description
SEH No. DUDDI 144962

Benefitted Property Description (Torrens - COT No. 347895):

Tract A, Tract C, and Tract I, Registered Land Survey No. 142, according to the recorded plat thereof, St. Louis County, Minnesota.

Proposed Land Description:

All those parts of the Platted Alley northwesterly of and adjacent to Tract A, Tract C, and Tract I, Registered Land Survey No. 142, according to the recorded plat thereof, St. Louis County, Minnesota, being within the following described Parcel 1, Parcel 2, and Parcel 3:

Parcel 1 being located above NAVD 88 (Geoid Model 12A) elevation 683.74 and below NAVD 88 (Geoid Model 12A) elevation 685.07: Commencing at the Northerly Corner of said Tract A, thence South 41 degrees 36 minutes 57 seconds West along the northwesterly line of said Tract A, Tract I, and Tract C, said line also being the southeasterly line of said Platted Alley, a distance of 42.46 feet to the POINT OF BEGINNING; thence North 48 degrees 23 minutes 03 seconds West a distance of 0.83 feet; thence South 41 degrees 36 minutes 57 seconds West a distance of 7.97 feet; thence South 48 degrees 23 minutes 03 seconds East a distance of 0.83 feet to the said southeasterly line of said Platted Alley; thence North 41 degrees 36 minutes 57 seconds East along said line a distance of 7.97 feet to the Point of Beginning and there terminating;

Parcel 2 being located above NAVD 88 (Geoid Model 12A) elevation 681.84 and below NAVD 88 (Geoid Model 12A) elevation 688.42: Commencing at the Northerly Corner of said Tract A, thence South 41 degrees 36 minutes 57 seconds West along the northwesterly line of said Tract A, Tract I, and Tract C, said line also being the southeasterly line of said Platted Alley, a distance of 77.88 feet to the POINT OF BEGINNING; thence North 48 degrees 23 minutes 03 seconds West a distance of 1.00 foot; thence South 41 degrees 36 minutes 57 seconds West a distance of 7.83 feet; thence South 48 degrees 23 minutes 03 seconds East a distance of 1.00 foot to the said southeasterly line of said Platted Alley; thence North 41 degrees 36 minutes 57 seconds East along said line a distance of 7.83 feet to the Point of Beginning and there terminating;

Parcel 3 being located above NAVD 88 (Geoid Model 12A) elevation 688.42 and below NAVD 88 (Geoid Model 12A) elevation 697.65: Commencing at the Northerly Corner of said Tract A, thence South 41 degrees 36 minutes 57 seconds West along the northwesterly line of said Tract A, Tract I, and Tract C, said line also being the southeasterly line of said Platted Alley, a distance of 77.88 feet to the POINT OF BEGINNING; thence North 48 degrees 23 minutes 03 seconds West a distance of 2.33 feet; thence South 41 degrees 36 minutes 57 seconds West a distance of 7.83 feet; thence South 48 degrees 23 minutes 03 seconds East a distance of 2.33 feet to the said southeasterly line of said Platted Alley; thence North 41 degrees 36 minutes 57 seconds East along said line a distance of 7.83 feet to the Point of Beginning and there terminating;

All reported distances are horizontal. Subject to easements, restrictions, and reservations of record.

Engineers | Architects | Planners | Scientists

Short Elliott Hendrickson Inc., 418 West Superior Street, Suite 200, Duluth, MN 55802-1512
SEH is 100% employee-owned | sehinc.com | 218.279.3000 | 888.722.0547 | 888.908.8166 fax

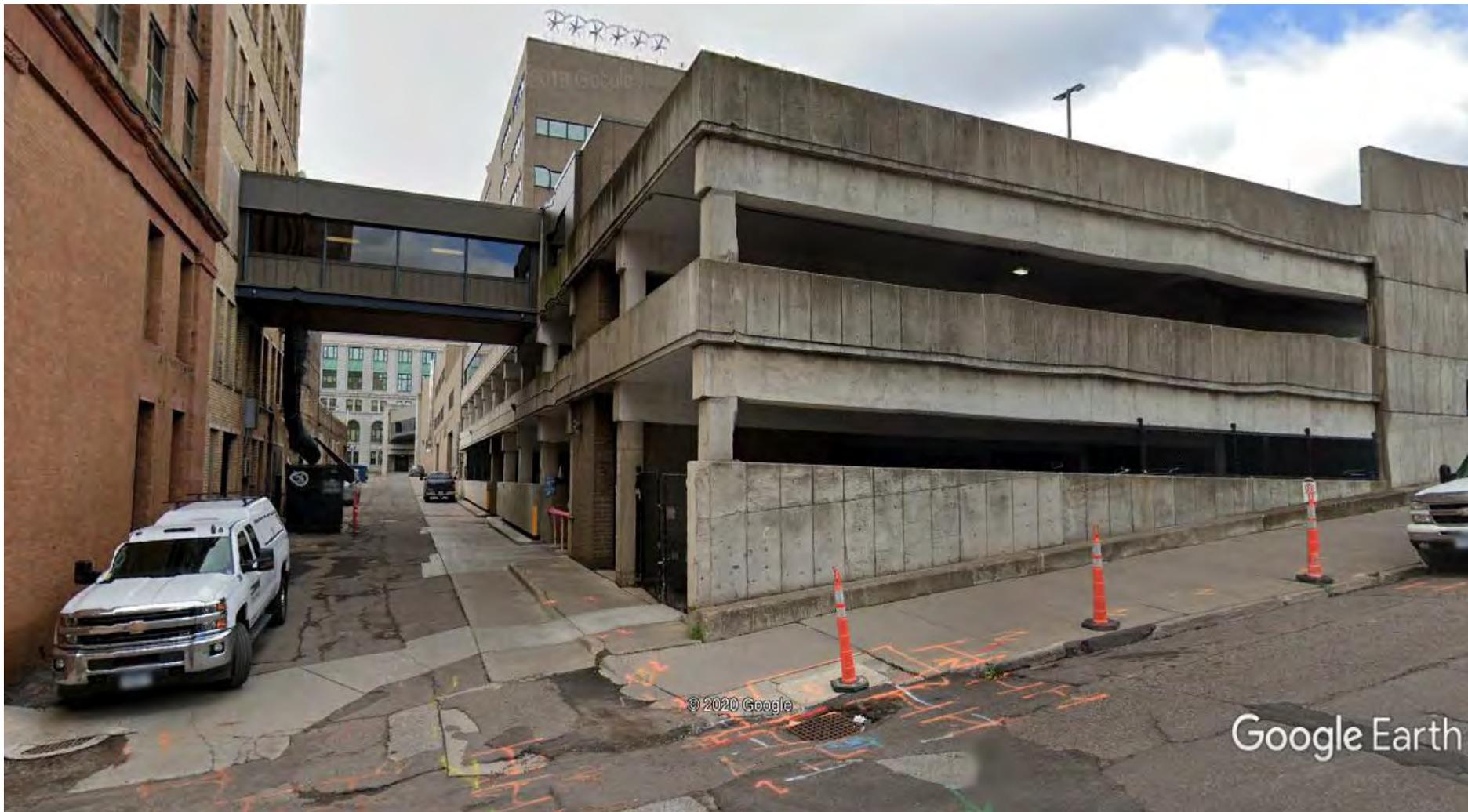
CERTIFICATION

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.



Chris A. Larsen, PLS
Minnesota License No. 45848

November 30, 2020
Date





Planning & Development Division
 Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

File Number	PL 20-166	Contact	John Kelley, jkelley@duluthmn.gov	
Type	Interim Use Permit – Vacation Dwelling Unit	Planning Commission Date	December 8, 2020	
Deadline for Action	Application Date	October 13, 2020	60 Days	December 12, 2020
	Date Extension Letter Mailed	November , 2020	120 Days	February 10, 2021
Location of Subject	621 West 5 th Street			
Applicant	Benjamin Klismith	Contact		
Agent		Contact		
Legal Description	PID # 010-1290-01000, 010-1290-00980, 010-1290-01080			
Site Visit Date	November 25, 2020	Sign Notice Date	November 24 , 2020	
Neighbor Letter Date	September 28, 2020	Number of Letters Sent	<u>40</u>	

Proposal

Applicant proposes use of an 8 bedroom single-family dwelling unit as a vacation dwelling unit. The permit will allow for 17 occupants.

Recommended Action: Staff recommends that Planning Commission recommend approval.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Single Family Dwelling	Traditional Neighborhood
North	R-2	Undeveloped	Traditional Neighborhood
South	R-1	Single Family Dwelling	Traditional Neighborhood
East	R-2	Single Family Dwelling	Traditional Neighborhood
West	R-1	Single Family Dwelling	Traditional Neighborhood

Summary of Code Requirements:

UDC Section 50-19.8. Permitted Use Table. A Vacation Dwelling Unit is an Interim Use in the F-2 zone district.

UDC Sec. 50-37.10.E . . . the Council shall only approve an interim use permit, or approve it with conditions, if it determines that:

1. A time limit is needed to protect the public health, safety and welfare from potential longer term impacts of the requested use in that location;
2. The applicant agrees to sign a development agreement with the city.
3. No more than 60 permits may be issued for either vacation dwelling units or accessory vacation dwelling units. Permits issued for vacation dwelling units or accessory vacation dwelling units in any form district shall not be counted against the maximum



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number of permits that may be issued, 4. Except for properties within the Higher Education Overlay District as identified in 50-18.5, the minimum rental period and off-street parking requirements of 50-20.3.U and 50-20.5.M shall not apply for vacation dwelling units or accessory vacation dwelling units in form districts,

Comprehensive Plan Governing Principle and/or Policies and Current History (if applicable):

Governing Principle #8 - Encourage mix of activities, uses, and densities.

- Econ. Dev. Policy #3 - Build on Existing Economic Strengths & Competitive Advantages
S9: Encourage expansion of the city's tourism economy through efforts to expand in areas of current activity, such as in Canal Park, but also through marketing and investment in destination neighborhoods and iconic tourism experiences unique to Duluth.

Applicant is proposing to provide another type of lodging product for visitors to the City of Duluth and surrounding area.

Future Land Use – Traditional Neighborhood: Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Limited commercial, schools, churches, and home businesses. Parks and open space areas are scattered through or adjacent to the neighborhood. Includes many of Duluth's older neighborhoods, infill projects, neighborhood extensions, and new traditional neighborhood areas.

History: Dwelling unit is 4,631 square feet in size and constructed in 1917.

Review and Discussion Items:

- Mr. Klismith is an eligible applicant on the list of potential applicants for an Interim Use Permit (IUP) in an R-1 zone district. This IUP will not increase the cap of 60 permits and is an eligible application due to another permittee having an expired permit and not wanting to renew. Applicant's property is located at 621 West 5th Street. The proposed vacation dwelling is a 4,631 square foot 8 bedroom 2 story home. The 8-bed room house would allow for a maximum of 17 guests.
- A vacation dwelling unit with 4+ bedrooms is required to provide the number of spaces equal to the number of bedrooms minus one. The property has a large parking area in the rear yard area and a large garage to accommodate the onsite parking. The applicant is proposing to provide 8 parking spaces with one accessible space and RV parking in the garage. The parking area will be accessed via West 6th Street.
- The site plan depicts a patio in the backyard. The applicant is not proposing any outdoor amenities such as a hot tub or fire pit, but will allow occasional outdoor games in the backyard. The backyard area is screened from the adjacent property with a 6-foot tall chain link fence covered with vines along the western property line. Staff believes this is sufficient screening to mitigate impacts to the adjacent property.
- Permit holders 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 complaints from neighbors or the City. Permit holder must provide the contact information for the managing agent or local contact to all property owners within 100 feet of the



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property boundary. The applicant has listed Justen Janssen to serve as the managing agent, and meet the criteria.

7) A time limit on this Interim Use Permit ("IUP") is needed to minimize negative impacts to surrounding residential uses thereby causing damage to the public's health, safety and welfare. Section 50-20.3.U.7 states the IUP shall expire upon change in ownership of the property or in six years, whichever occurs first.

8) Applicant has applied for all relevant permits and licenses and these are contingent upon approval of the Interim Use Permit for a Vacation Dwelling Unit.

9) Applicant must comply with Vacation Regulations (included with staff report), including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Parks, Pets, and Noise").

10) No comments from citizens, City staff, or any other entity were received regarding the application.

Staff Recommendation:

Based on the above findings, Staff recommends that Planning Commission recommend approval subject to the following:

- 1) The Interim Use Permit shall not be effective until the applicant has received all required licenses and permits for operation.
- 2) The applicant shall adhere to the terms and conditions listed in the Interim Use Permit.

Legend

- Gas Main
- Water Main
- Hydrant
- Sanitary Sewer Mains**
- CITY OF DULUTH
- WLSSD; PRIVATE
- Sanitary Sewer Forced Main
- Storage Basin
- Pump Station
- Storm Sewer Mains**
- Storm Sewer Pipe
- Storm Sewer Catch Basin
- Easement Type**
- Utility Easement
- Other Easement
- Zoning Boundaries
- Trout Stream (GPS)
- Other Stream (GPS)



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Aerial photography flown 2019





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File Number	PL 20-158	Contact	Kyle Deming, kdeming@duluthmn.gov	
Type	Variance – corner side yard setback	Planning Commission Date	December 8, 2020	
Deadline for Action	Application Date	November 23, 2020	60 Days	January 22, 2020
	Date Extension Letter Mailed	November 30, 2020	120 Days	March 23, 2021
Location of Subject	204 W. Sixth St. (Central Hillside)			
Applicant	Roger Reinert	Contact		
Agent		Contact		
Legal Description	N 79 FT OF LOT 1 EX PART LYING SELY OF A LINE BEG 79 FT S OF N LINE & 5 FT W OF E LINE THENCE 11.18 FT TO A PT ON E LINE 69 FT S OF NE COR & E 25 FT OF N 79 FT OF LOT 2, ALL IN BLOCK 1, FLEISCHER-CREMERS REARR BLK 56 3RD DIV (010-1280-00010)			
Site Visit Date	November 25, 2020	Sign Notice Date	November 24, 2020	
Neighbor Letter Date	November 23, 2020	Number of Letters Sent	40	

Proposal

Construct a 22 foot by 22 foot addition to the northeast corner of the dwelling, such addition to consist of a garage with one level of living space above. A variance is needed to reduce the corner side yard setback (N. Second Ave. W.) to 3 feet.

Recommended Action: Approve variance with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Dwelling	Traditional Neighborhood
North	R-1	Undeveloped lot	Traditional Neighborhood
South	R-1	Dwelling	Traditional Neighborhood
East	R-1	Mesaba Ave.	Traditional Neighborhood
West	R-1	Dwellings	Traditional Neighborhood

Summary of Code Requirements

Table 50-14.5-1 – Corner Lot: width of front side yard is 15 feet for a dwelling.

Sec. 50-37.9.C – General Variance Criteria (paraphrased): Granting of variances of any kind is limited to situations where, due to characteristics of the applicant’s property, enforcement of the ordinance would cause the landowner exceptional practical difficulties or undue hardship. The Planning Commission must find the following for a variance to be granted: a) That the landowner is proposing to use the property in a reasonable manner, b) that the need for relief for from the normal regulations is due to circumstances unique to the property and not caused by the landowner, c) that granting the variance will not alter the essential character of the area, d) that granting the variance is consistent with the intent of the UDC and the Comprehensive Plan.

Comprehensive Plan Governing Principles and/or Policies and Current History (if applicable):

Governing Principle #5 – Promote reinvestment in neighborhoods.

Housing Policy #4 – Improve the quality of the city’s housing stock and neighborhoods

Zoning – Residential-Traditional (R-1): traditional neighborhoods of single-family, duplexes and townhouses on moderately sized lots. Intended to be used primarily in established neighborhoods. Dimensional standards require development and redevelopment to be consistent with development patterns, building scale, and building location of nearby areas.

Future Land Use – Traditional Neighborhood - Characterized by grid/connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Includes many of Duluth’s older neighborhoods, infill projects, neighborhood extensions. 4-8 units/acre, mix of housing types (i.e. town homes and 4-plexes).

Review and Discussion Items

Staff finds that:

- 1) The applicant’s existing 1,696 sq. ft. dwelling was constructed in 1896, and includes a two-story addition (288 sq. ft.) constructed in 2000. The existing home is positioned on the 75 foot by 79 foot corner lot with 13.2 feet to the north property line (W. Sixth St.) and 18.1 feet to the east property line (N. Second Ave. W.). The home is 28 feet from the west property boundary and 29 feet from the south property line.
- 2) The property is zoned R-1, Residential-Traditional, which requires a front yard setback equal to the neighboring property facing W. Sixth St., which is 8 feet, and a corner side yard setback of 15 feet. The proposed addition would be set at the 8 foot front yard setback, but would need a variance to be set 3 feet from N. Second Ave. W., which is the corner side.
- 3) The applicant is proposing to use the property in a reasonable manner through adding a modest-sized two-car garage with 484 sq. ft. of living space above to an average sized dwelling.
- 4) The applicant’s property is severely impacted by steep slopes dropping 30 feet from northwest corner to southeast corner, with a particularly steep drop from W. Sixth St. This topography limits where vehicle parking will fit on the lot even though there is space to the south and west of the house.
- 5) Due to the steep 12 foot drop from W. Sixth St., positioning the garage to the west of the house would require large retaining walls to create a space at street level. Additionally, the foundation from a demolished house in this area further complicates siting a garage to the west of the house. Positioning the garage to the south of the house would also require a large retaining wall, a steep driveway, and a rear yard setback variance. These topographic challenges and the presence of a foundation from a demolished house constitute a practical difficulty in positioning the garage in a reasonable location.
- 6) The special circumstances creating the need for the variance are a result of the steep slopes on the property and the position of the house on the lot. The house was likely positioned as a result of bedrock conditions which are visible in the area.
- 7) The variance, if granted, would not alter the essential character of the area as the addition would be partly built into the hillside where the existing driveway and parking are located. Additionally, the addition would be at the same distance to W. Sixth St. as the neighboring property to the west.
- 8) This addition is at the corner of the property and would not affect neighboring properties’ access to light or air circulation. The garage would be sited where an existing driveway is located and, therefore, wouldn’t change the traffic situation on 2nd Ave. W, a low speed and volume street. However, the sloped gravel driveway is likely a source of sediment running into the City’s storm sewer system and, therefore, staff recommends a condition of approval be that the driveway be paved.
- 9) The health, safety, and public welfare are not expected to be effected by the granting of the variances. Construction of the addition according to current building codes will not result in danger of fire or other safety issues any more so if it were constructed within normal setbacks.

10. The variance, if granted, would not impair established property values in the surrounding area since the building would be partially built into the hillside and be no taller than the existing house, thereby not impacting views. The addition of a garage and additional living space will increase the appeal of the property.
11. The variance, if granted, would not impair the intent of the UDC expressed in Sec. 50-2. The variance is consistent with the Comprehensive Plan designation of the property as Traditional Neighborhood and housing policy that seeks to foster opportunities for reinvestment in homes.
12. No additional landscaping is recommended as mitigation for the reduced setback per Sec. 50-37.9.H since landscaping is not required for one-family dwellings.
13. No comments from citizens, City staff, or any other entity were received regarding the application.
14. Per UDC Section 50-37.1.N. approved variances lapse if the project or activity authorized by the permit or variance is not begun within one-year.

Staff Recommendation

Based on the above findings, staff recommends that Planning Commission adopt the findings of fact in the staff report and approve the Variance with the following conditions:

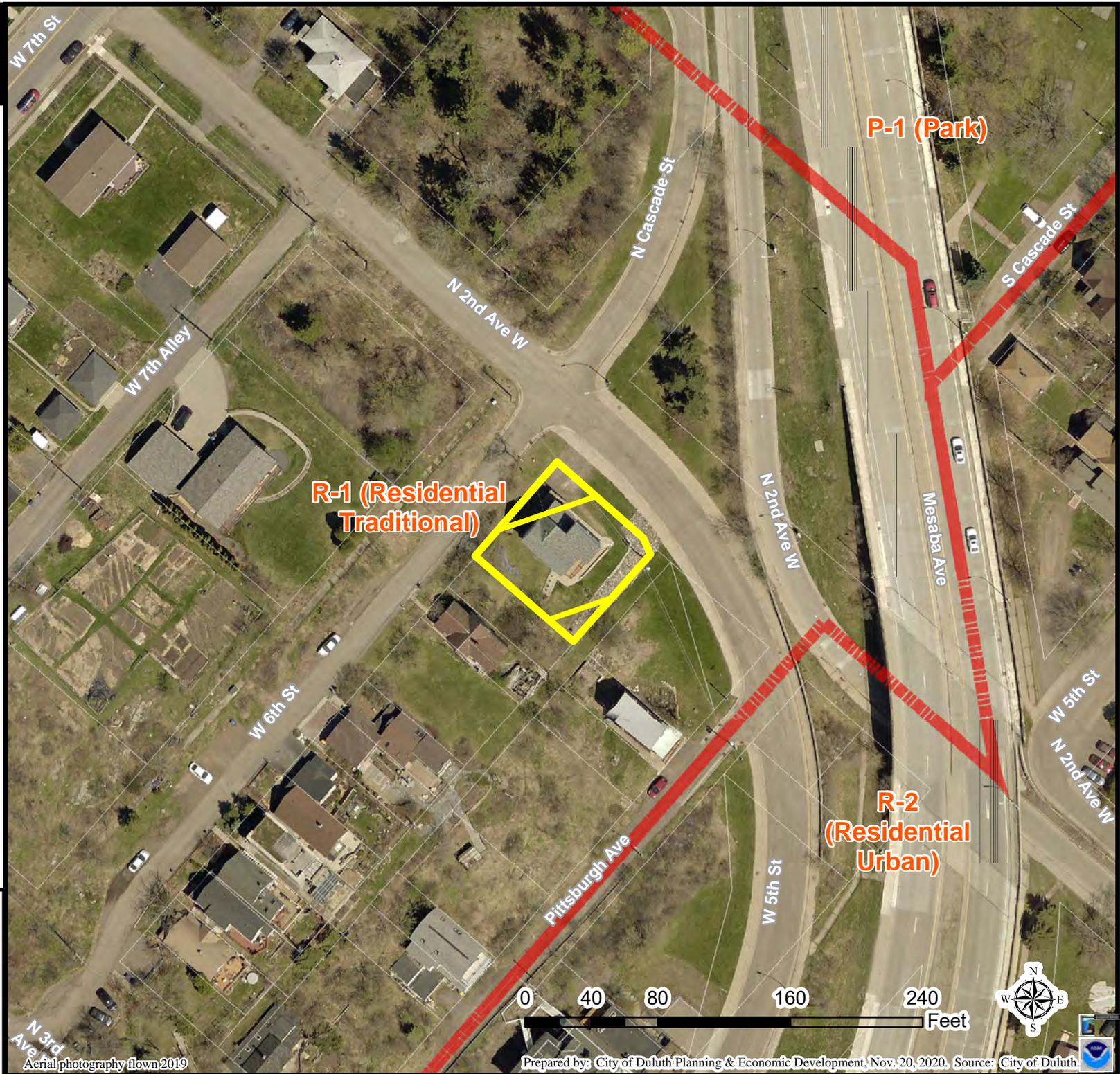
- 1) The project be limited to a 22 foot by 22 foot garage and one-story of living space above the garage as shown on the site plan attached to the variance application.
- 2) The driveway be paved with a dust-free, hard-surface material such as bituminous or concrete and any adjustments made to the public sidewalk and driveway apron be made with City Engineer approval.
- 3) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.



PL 20-158
204 W. Sixth St.
Setback Variance

Legend
 Zoning Boundaries

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Prepared by: City of Duluth Planning & Economic Development, Nov. 20, 2020. Source: City of Duluth.

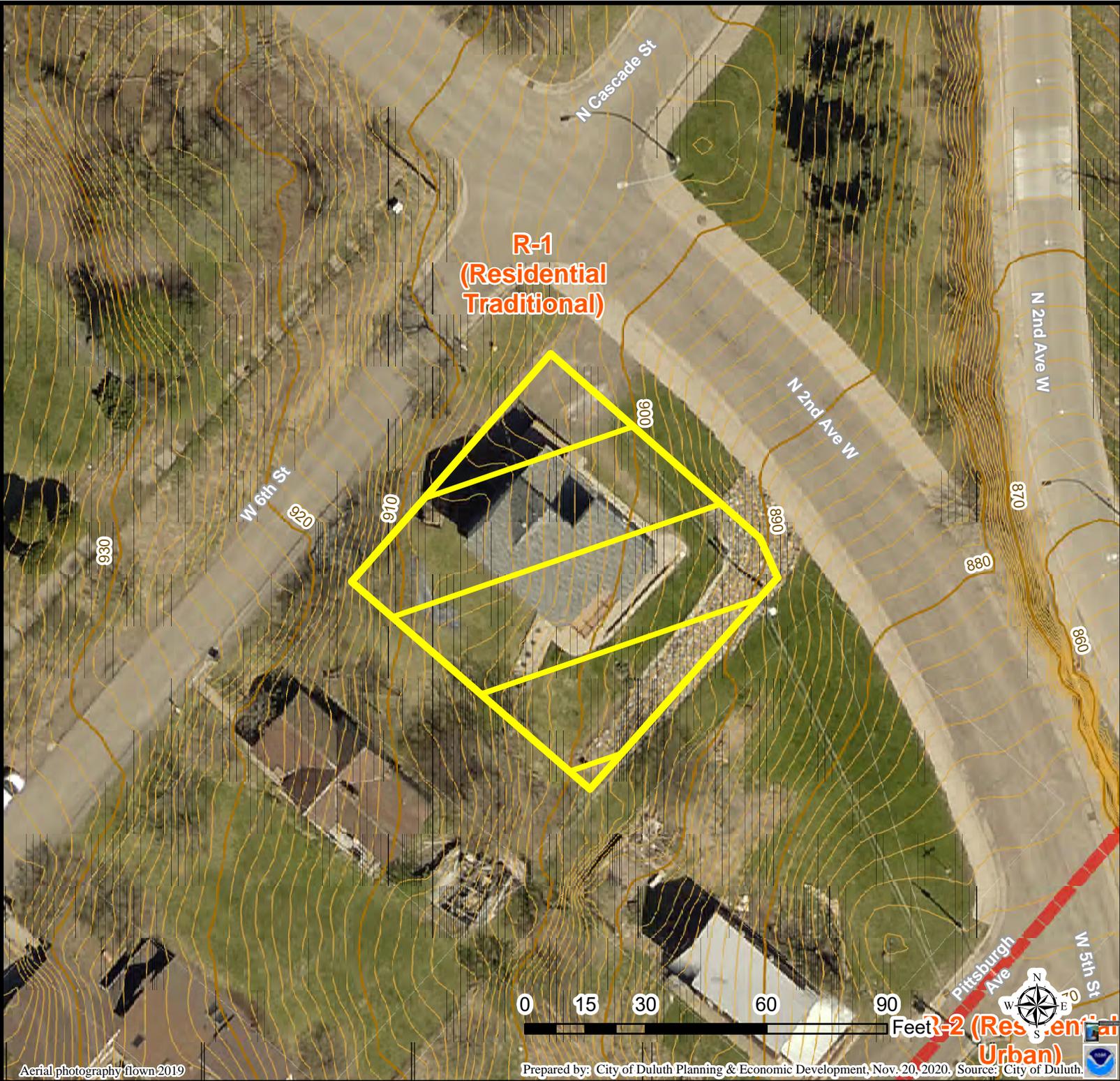


PL 20-158
204 W. Sixth St.
Setback Variance

Legend

Elevation

- 1 Ft contour
- 10 Ft contour
- Zoning Boundaries



**R-1
(Residential
Traditional)**

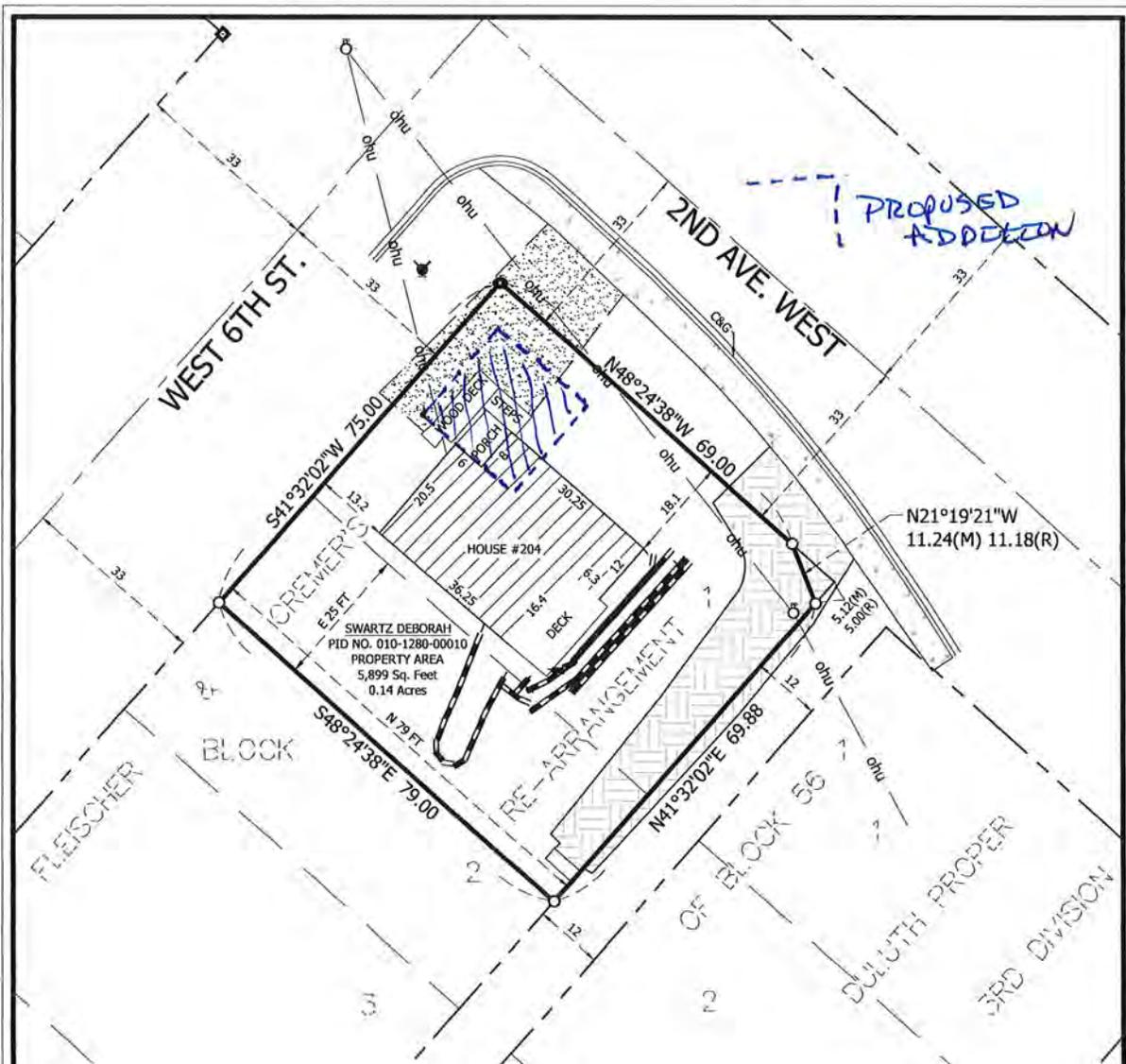
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0 15 30 60 90 Feet

Prepared by: City of Duluth Planning & Economic Development, Nov. 20, 2020, Source: City of Duluth.

R-2 (Residential Urban)



LEGEND

	CONCRETE SURFACE	(M)-FIELD MEASURED DIMENSION (R)-RECORD DIMENSION		HYDRANT
	GRAVEL SURFACE	C&G-CONCRETE CURB & GUTTER		FOUND CAPPED REBAR
	LANDSCAPED SURFACE	ohu OVERHEAD UTILITIES		SET GIN SPIKE
	EXISTING BUILDINGS	RETAINING WALL		SET CAPPED REBAR RLS. NO. 49505
		o Center LINE		UTILITY POLE
		o Right OF WAY LINE		
		o Play LINE		
		o Boundary LINE AS SURVEYED		

LEGAL DESCRIPTION PER CERTIFICATE OF TITLE NO. 311849

PARCEL I
 East 25 feet of North 79 feet of Lot 2, Block 1, FLEISCHER & CREMER'S RE-ARRANGEMENT OF BLOCK 56, DULUTH PROPER THIRD DIVISION.

PARCEL II
 N'y 79 feet of Lot 1, Block 1, FLEISCHER & CREMER'S RE-ARRANGEMENT OF BLOCK 56, DULUTH PROPER THIRD DIVISION, EXCEPT the following description:
 All that part of the East 1/2 of the North 79 feet of Lot 1, Block 1, FLEISCHER & CREMER'S RE-ARRANGEMENT OF BLOCK 56, DULUTH PROPER THIRD DIVISION, lying southeasterly of the following described line:
 Beginning at a point 79.0 feet south of the north line of said Lot 1 said point being 5.0 fee west of the east line of said Lot 1, thence 11.18 feet to a point on the east line of said Lot 1, said point being 69.0 feet south of the northeast corner of said Lot 1, and there terminating.

SURVEYOR'S NOTES

- THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT OR TITLE OPINION. A TITLE SEARCH FOR RECORDED OR UNRECORDED EASEMENTS WHICH MAY BENEFIT OR ENCUMBER THIS PROPERTY HAS NOT BEEN COMPLETED BY ALTA LAND SURVEY COMPANY. THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR SHOWING THE LOCATION OF RECORDED OR UNRECORDED EASEMENTS OR OTHER ENCUMBRANCES NOT PROVIDED TO THE SURVEYOR AS OF THE DATE OF THE SURVEY.
- BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996. (NAD 83 2011)
- BUILDING DIMENSIONS SHOWN ARE FOR HORIZONTAL & VERTICAL PLACEMENT OF STRUCTURE ONLY. SEE ARCHITECTURAL PLAN FOR BUILDING FOUNDATION DIMENSIONS.
- NO SPECIFIC SOILS INVESTIGATION HAS BEEN COMPLETED ON THIS LOT BY ALTA LAND SURVEY COMPANY. THE SUITABILITY OF SOILS TO SUPPORT THE SPECIFIC STRUCTURE PROPOSED IS NOT THE RESPONSIBILITY OF ALTA LAND SURVEY COMPANY OR THE SURVEYOR.



I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

David R. Everson
 David R. Everson
 DATE: 08-21-2020 MIN LIC. NO. 49505

CERTIFICATE OF SURVEY

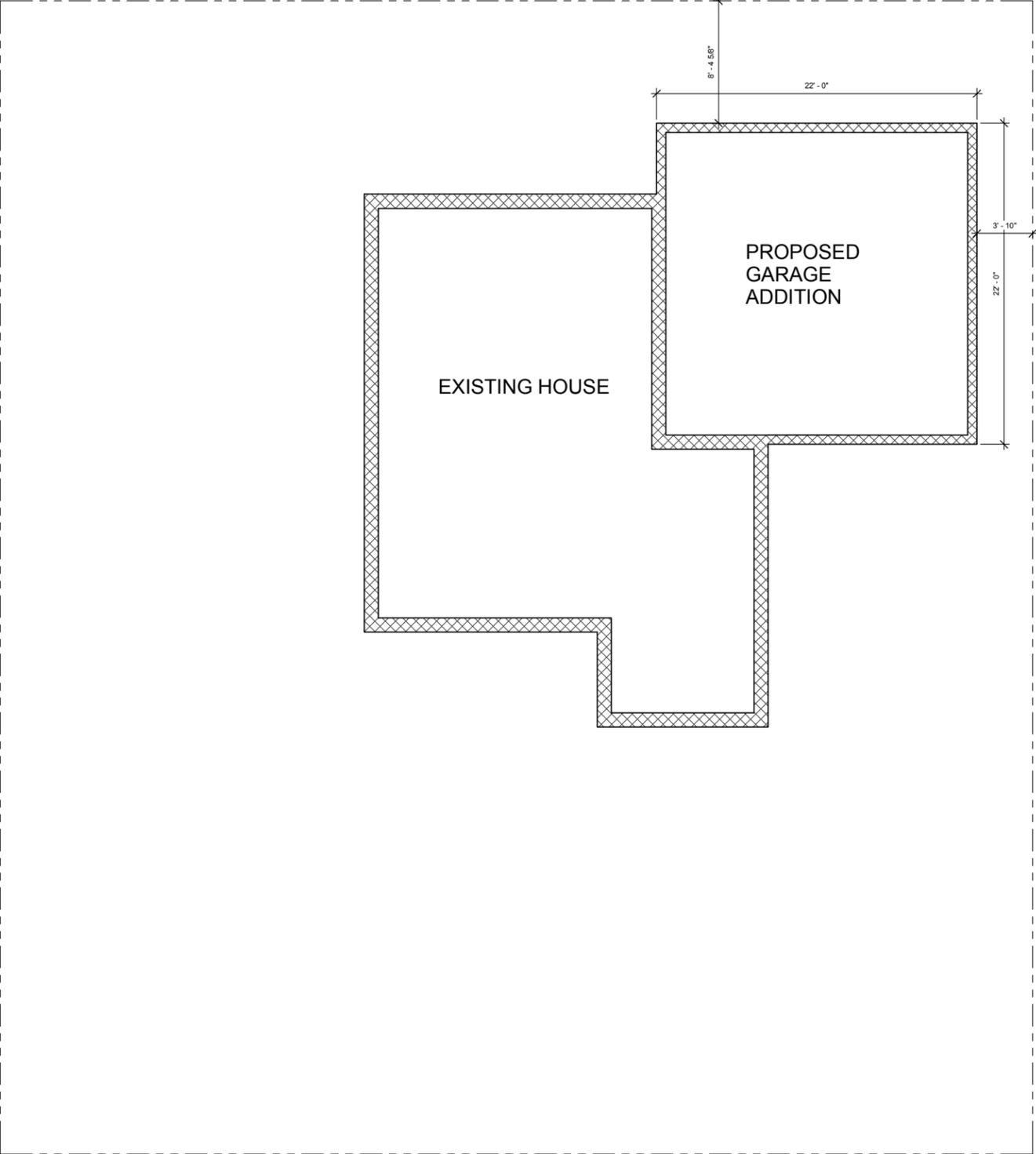
CLIENT: BLUESTONE CONSTRUCTION
 ADDRESS: 204 WEST 6TH STREET
 DULUTH, MN 55806
 DATE: 08-21-2020

REVISIONS:

JOB NO: 20-252 SHEET 1 OF 1

ALTA
 LAND SURVEY COMPANY
 PHONE: 218-727-5711
 LICENSED IN MN & WI
 WWW.ALTLANDSURVEY.COM/DULUTH

WEST SIXTH STREET



2ND AVENUE WEST





Planning & Development Division
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 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

File Number	PL 20-152	Contact	Steven Robertson	
Type	Rezone from MU-B to R-2	Planning Commission Date	December 8, 2020	
Deadline for Action	Application Date		60 Days	N/A City Application
	Date Extension Letter Mailed	N/A	120 Days	N/A
Location of Subject	Northwest Side of West 1st St, Between Piedmont Ave and 19 th Ave West			
Applicant	City of Duluth	Contact	Planning and Development	
Agent		Contact		
Legal Description	See Attached Map			
Site Visit Date	October 27, 2020	Sign Notice Date	November 25, 2020	
Neighbor Letter Date	November 23, 2020	Number of Letters Sent	64	

Proposal

Rezone property from the current zoning of Mixed-Use Business Park (MU-B) to Residential Urban (R-2).

Staff Recommendation

Staff is recommending approval of the proposed rezoning to R-2

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-B	Residential/Commercial	Traditional Neighborhood
North	R-2	Residential	Traditional Neighborhood
South	MU-B/F-5	Commercial	Central Business Secondary
East	R-2/F-5	Residential/Commercial	Central Business Secondary/Trad. Neigh.
West	R-2/F-5	Residential/Commercial	Central Business Secondary/Neigh. Mixed Use

Summary of Code Requirements

- UDC Sec. 50-37.3.B: Planning Commission shall review the application, conduct a public hearing ... with public notice ... and make a written recommendation to council.
- UDC Sec. 50-37.3.B.3 Where a proposed amendment to the zoning map would change any property from a residential district to a mixed use, form or special purpose district, a planning commission hearing and a notice of three weeks shall be required. In addition, the affirmative vote of 2/3 of the council shall be required The city has not received the written consent of the owners of 2/3 of those properties located wholly or partially within 100 feet of the property ... to be rezoned;
- UDC Sec. 50-37.3.C: The Planning Commission shall review the application, and Council shall approve the application or approve it with modifications, if it determines that the application: 1. Is consistent with the Comprehensive Land Use Plan; 2. Is reasonably related to the overall needs of the community, to existing land use, or to a plan for future land use; 3. Is required by public necessity, convenience, or general welfare, or good zoning practice; 4. Will not create material adverse impacts on nearby properties, or if material adverse impacts may be created they will be mitigated to the extent reasonably possible.

Comprehensive Plan Governing Principle and/or Policies and Current History (if applicable):

Governing Principles

Governing Principle 8 - Encourage mix of activities, uses and densities

Cities have evolved as a mix of land uses, building types, housing types, and activities. Accommodating choice while protecting investment is a balance to strike in land use regulation. Mixed uses provide opportunity for a diversity of activity that segregated, uniform uses do not provide.

Future Land Use

Traditional Neighborhood. Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Limited commercial, schools, churches, and home businesses. Parks and open space areas are scattered through or adjacent to the neighborhood. Includes many of Duluth 's older neighborhoods, infill projects, neighborhood extensions, and new traditional neighborhood areas.

Site History or Previous Studies

Prior to the UDC adoption in 2010, this area was zoned M-1, Manufacturing District.

The Lincoln Park Small Area Plan was adopted on August 31, 2015. The purpose of the Lincoln Park small Area Plan was to "conduct a more detailed study of the neighborhood and business district area along West Superior Street that was provided for in the Compressive Land use plan through an assessment of current demographics land use, zoning, transportation, development opportunities, and environmental characteristics that will form the basis of the plan recommendations and implantation strategy." The small area plan recommended rezoning an area to the east of the this proposed rezoning area (east of Piedmont Ave, between West Superior Street and West 1st Street) from MU-B to MU-N, but this specific area was not addressed; neither a rezoning change nor a future land use change was specifically called out in the plan. But it did have two recommendations in the housing section that supports this rezoning: Goal 1, Improve the Housing Stock, Making The Neighborhood a More Desirable Place to Live with Affordable Housing Options and Goal 3, Encourage Housing Development Near/Within the Superior Street Corridor.

The Imagine Duluth 2035 Comprehensive Land Use Plan was adopted on June 25, 2018.

Review and Discussion Items:

- 1) The City is proposing to rezone property from the current zoning of Mixed Use Business Park (MU-B), to Residential Urban (R-2), in conformance with the future land use map.
- 2) The future land use designation of this area is Traditional Neighborhood. Areas with this future land use designation are typically zoned R-1.
- 3) The Minnesota Planning Act provides that zoning (an "official control") should implement the general objectives of the Comprehensive Plan, and appellate courts have issued decisions that zoning must comply with the Comprehensive Plan or be considered arbitrary and capricious. Good zoning practice requires that zone districts be consistent with the future land use category identified for the area. The future land use category of Urban Residential is most commonly reflected in the City's zoning map as R-2. Other criteria for zoning may include considering existing land use patterns and if the rezoning is related to the needs to the community or existing land use.
- 4) This area is currently zoned MU-B. The purpose of the MU-B district is intended to "accommodate modern light industrial and technology-based developments of attractive integrated design and function. The development standards for this district are intended to ensure that projects minimize adverse impacts on surrounding uses and neighborhoods, reduce impacts on the natural environment, enhance the visual quality of development and ensure the provision of adequate and cost-efficient public facilities. Intended uses include wholesaling, industrial services, research laboratories, and light manufacturing needed to support the community and region at large".

5) This area is proposed to be zoned R-2. The purpose of the R-2 district is to accommodate multi-family apartments and townhouses, in an urban setting. This district also allows for single-family detached dwellings, duplexes and group living accommodations. The district is intended primarily for locations closer to commercial and mixed use activity centers, and may serve as a transition between lower density residential areas and more intense commercial and mixed use neighborhoods.

6) The area to be rezoned contains approximately 11 principle structures used for residential purposes (single and multi-family). This proposed rezoning excludes one principle structure used for commercial purposes (auto repair) and an adjacent residential structure that are on the same block as the rezoning action. By approving this rezoning, the 11 residential structures would becoming legal conforming uses in the R-2 district. However, these structures themselves would still need to abide by setback and other bulk standards, are seek variances in the event of an expansion further into the setbacks.

7) Based on the future land use designation, character of the neighborhood in general and the proposed rezoning area in particularly, and the purpose statement of the R-2 zone district, rezoning as proposed is appropriate for this subject area.

8) No written correspondence has been received as of the date that this memo was printed, but there were several conversations with a property owner adjacent to the rezoning area.

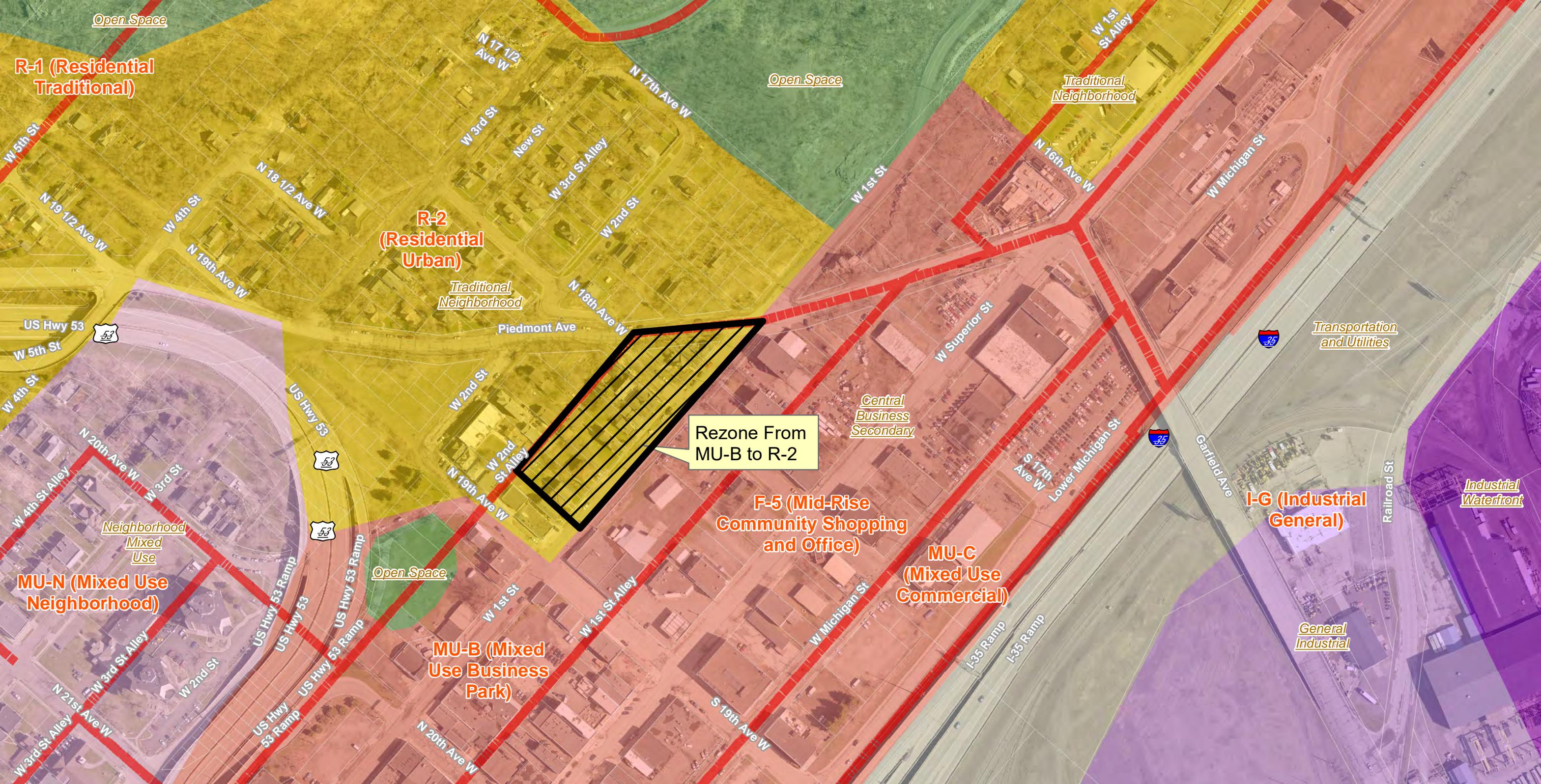
Staff Recommendation:

Based on the above findings, staff recommends that the Planning Commission recommend approval to the City Council of the rezoning to R-2, Residential Urban.

1) The rezoning is consistent with the Comprehensive Plan Future Land Use Map.

2) The proposed zone districts are the most reasonably able to implement the objectives of the Comprehensive Plan related to the proposed land use for this area.

3) Material adverse impacts on nearby properties are not anticipated.



R-1 (Residential Traditional)

R-2 (Residential Urban)

MU-N (Mixed Use Neighborhood)

MU-B (Mixed Use Business Park)

F-5 (Mid-Rise Community Shopping and Office)

MU-C (Mixed Use Commercial)

I-G (Industrial General)

I-W (Industrial Waterfront)

Rezone From MU-B to R-2

Open Space

Open Space

Traditional Neighborhood

Traditional Neighborhood

Central Business Secondary

Transportation and Utilities

Neighborhood Mixed Use

Open Space

General Industrial

W 5th St
N 19 1/2 Ave W
W 4th St
N 18 1/2 Ave W
N 19th Ave W

N 17 1/2 Ave W
W 3rd St
New St
W 3rd St Alley
W 2nd St
N 17th Ave W
W 1st St

W 1st St Alley
N 16th Ave W
W Michigan St

US Hwy 53
W 5th St
W 4th St

US Hwy 53
W 2nd St
N 19th Ave W
W 2nd St Alley

Piedmont Ave
W 2nd St
N 18th Ave W
W 2nd St

W Superior St
S 17th Ave W
Lower Michigan St

Garfield Ave
Railroad St

W 4th St Alley
N 20th Ave W
W 3rd St
W 2nd St

US Hwy 53 Ramp
US Hwy 53
US Hwy 53 Ramp
W 1st St
W 1st St Alley

W Michigan St
S 19th Ave W

I-35 Ramp
I-35 Ramp

W 3rd St Alley
N 21st Ave W
W 3rd St Alley
W 2nd St
N 20th Ave W

US Hwy 53 Ramp
US Hwy 53
US Hwy 53 Ramp
N 20th Ave W

W Michigan St
S 19th Ave W

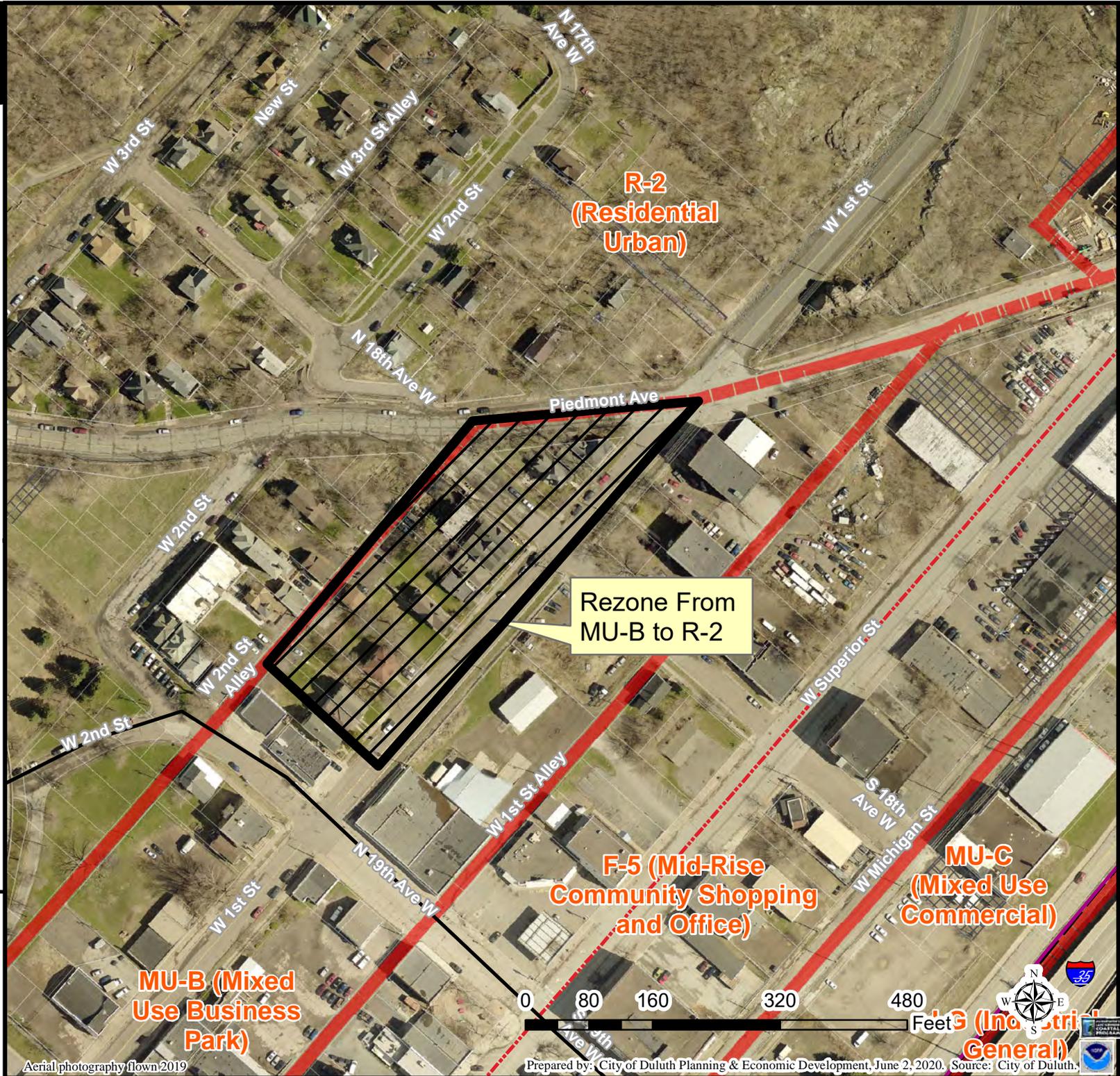
I-35 Ramp
I-35 Ramp

Legend

<all other values>

Bike_Facil

- Bikelane
- Future Bike Facility
- Multi-Use Path
- Seasonal Multi-Use
- Signed Bikeable Shoulder
- Signed Shared Lane
- Study Route
- Bike
- Bike/Hike
- Horseback
- Hiking
- Multi-Use - Paved
- XC
- XC-Skiing Lighted
- Mountain Biking and X-Country Skiing
- Snowmobile
- Multi-Purpose Snowmobile
- Disc Golf Trail
- Climbing
- Vacated ROW
- Zoning Boundaries
- Trout Stream (GPS)
- Other Stream (GPS)



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Uses Allowed in Mixed Use-Business Park (MU-B) Zone District

Revised January 2019

Permitted Uses

- Bus or rail transit station
- Government building or public safety facility
- Business art or vocational school
- Medical or dental clinic
- Kennel
- Veterinary or animal hospital
- Convention or event center
- Indoor entertainment facility
- Restaurant (less than 5,000 sq. ft.)
- Restaurant (5,000 sq. ft. or more)
- Hotel or motel
- Bed and breakfast
- Bank
- Office
- Data center
- Business park support activities
- Funeral home or crematorium
- Mini-storage facility
- Personal service and repair, small (less than 10,000 sq. ft.)
- Personal service and repair, large (10,000 sq. ft. or more)
- Building material sales
- Automobile and light vehicle repair service
- Automobile and light vehicle sales, rental or storage
- Filing station
- Parking lot (primary use)
- Parking structure
- Truck or heavy vehicle sales, rental, repair and storage
- Contractor's shop and storage yard
- Dry cleaning and laundry plant
- Research laboratories
- Industrial services
- Manufacturing, craft artisan studio
- Manufacturing, craft brewery
- Manufacturing, light
- Truck freight or transfer terminal
- Solar, geothermal, or biomass facility (primary use)
- Storage warehouse
- Wholesaling

Special Uses

- Cemetery or mausoleum
- Museum, library or art gallery
- Religious assembly, small (less than 50,000 sq ft)
- Religious assembly, large (50,000 sq. ft. or more)
- Other outdoor entertainment or recreation use not listed
- Electric power transmission line or substation
- Major utility or wireless telecommunication facility
- Radio or television broadcast tower
- Water or sewer pumping stations/reservoirs
- Wind power facility (primary use)
- Recycling collection point (primary use)
- Solid waste disposal or processing facility

Interim Uses

- Medical cannabis distribution facility
- Medical cannabis laboratory

Uses Allowed in Residential-Urban (R-2) Zone District Revised January 2019

Permitted Uses

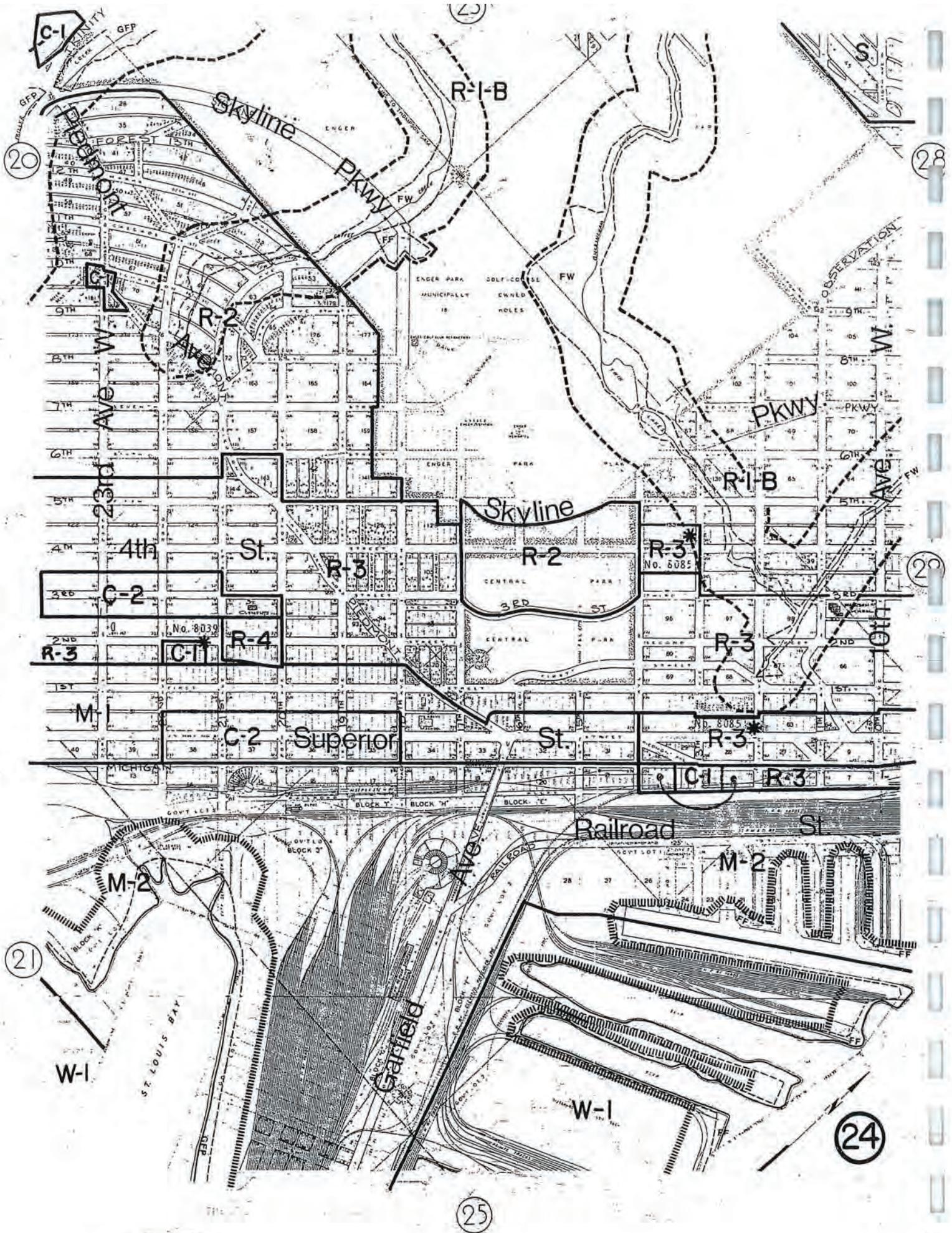
- Dwelling, one family
- Dwelling, two family
- Dwelling, townhouse
- Dwelling, multifamily
- Residential care facility/assisted living (6 or fewer)
- Residential care facility/assisted living (7 or more)
- Government building or public safety building
- Park, playground, or forest reserve
- Religious assembly, small (less than 50,000 sq. ft. or more)
- School, elementary
- Nursing home
- Agriculture, community garden
- Veterinarian or animal hospital
- Bed and breakfast
- Preschool
- Day care facility, small (14 or fewer)

Special Uses

- Manufactured Housing Park
- Co-housing facility
- Rooming house
- Cemetery or mausoleum
- Club or lodge (private)
- Museum, library, or art gallery
- Religious assembly, large (50,000 sq. ft. or more)
- School, middle or high
- Agriculture, farmers market
- Agriculture, urban
- Medical or dental clinic
- Restaurant (less than 5,000 sq. ft.)
- Office
- Day care facility, large (15 or more)
- Funeral Home or crematorium
- Retail store not listed, small (less than 15,000 sq. ft.)
- Filling station
- Electric power transmission line or substation
- Major utility or wireless telecommunication facility
- Water or sewer pumping stations/reservoirs

Interim Uses

- Vacation Dwelling Unit



IRONCLAD

LINCOLN PARK

SMALL AREA PLAN



Health Impact Assessment-Transportation

Rationale

The three health determinants assessed for Transportation recommendations included 1) safety (traffic and crime), 2) community building/social cohesion, and 3) access to healthy food. Overall the recommendations will likely have a significant positive impact on traffic safety for all users, and particularly for pedestrians and bicyclists; and possible positive impact on community building/social cohesion and access to healthy foods. Crime levels may be positive or negatively impacted; if more people are active in a community it can result in 'natural surveillance', more 'eyes on the street' and less crime; or more activity can sometimes result in higher crime levels (bike theft as a result of more bike parking).

Recommendations

- A. Locate bus stops away from entrances to bars, within sight of other locations (natural surveillance).
- B. Wayfinding – point out access to local retail, service and recreation destinations (e.g., Wheeler, Wade, Heritage, and “restaurants & shops” in central business district).
- C. Encourage more greening by developing a Lincoln Park streetscape program or requirements for street trees and street and building lighting in sidewalk replacement projects. Work with business owners and City Engineering on proper placement of street trees and lighting.



Housing

Rationale

The dynamics of Lincoln Park's population is shifting. This includes a large number of people in their mid to late twenties who will be starting families in the near future. The 4th largest age cohort is 0-5 years of age suggesting this trend has already begun. To accommodate the housing needs for these age groups and to support efforts being made by community leaders a housing focus zone was identified on the Western edge of the Lincoln Park study area. This area is predominantly single family homes and is walkable to Harrison Community Center, Lincoln Park Middle School, the Heritage Center, and Duluth Children's Museum. Many of the homes were built on 25 foot wide lots over 60 years ago and are in poor condition. The focus will be on rehabbing homes that are in moderate condition, demolish those that are in poor condition, and consolidate these now vacant lots with the property of the adjacent neighbor thereby increasing the value of their property while reducing the neighborhood density. This will provide emerging families an improved housing stock to choose from and help give the neighborhood a more stable population.

To support young single and two person households and to meet the market demand, second floor housing above multi-story buildings along Superior Street is encouraged. The proposed zoning changes will allow for mixed used development and provide for convenient non-motorized access to businesses and amenities. Coordination among City departments and community partner's in identifying and enforcing the building code and rental licensing standards will promote the proposed housing recommendations and encourage resulting in a mix of housing that is decent and affordable.

Goal 1.

Improve the housing stock, making the neighborhood a more desirable place to live with affordable housing options

Recommendations

- A. Work with rental licensing and inspections to fully enforce rental and building code and gain full compliance of vacant property registration to ensure all rental properties in the area are safe and up to code.
- B. Increase promotional and educational efforts of the Housing Resource Connection. Inform the public throughout Lincoln Park, about all of the housing assistance products and programs available to assist with lowering existing homeowner's cost of living, removing

blight, encourage and lowering the cost of housing rehabilitation, and improvement to the rental housing stock.

- C. Designate a six-block focus area as a 'Lincoln Park Housing Revitalization Area' between First Street and Third Street and 26th Ave W and 30th Avenue West. This neighborhood has potential to be the impetus behind an entire revitalization of all of Lincoln Park given its centrality, proximity to businesses, amenities, parks, and transportation. Property values are low, yet many of the properties are in good condition or are potentially good rehab candidates. A focus of many of the previous recommendations could help to begin initial investment, with the potential of attracting families or young professionals looking to purchase first homes.

Goal 2.

Create a vibrant and safe residential neighborhood

Recommendations

- A. In areas where residential land uses collide with other non-residential uses, evaluate the effectiveness of current required screening for vehicle parking, parking lot surface, storage, and other potential neighborhood detractors.
- B. Remove structures that are condemned and deteriorated beyond rehabilitation. Remaining lots should be evaluated for redevelopment or sold to adjoining property owners, decreasing density and expanding lot sizes.

Goal 3.

Encourage housing development near/within the Superior Street Corridor.

Recommendations

- A. Through revised zoning, building code enforcement and housing program incentives encourage second floor apartments above businesses along the Superior Street Corridor, which creates addition housing but also the potential for business owners and/or employees to live near where they work.

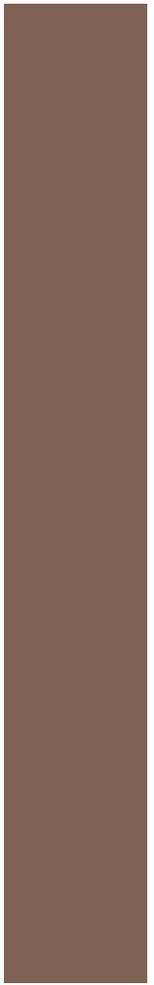
Health Impact Assessment—Housing

Rationale

The three health determinants assessed for Housing recommendations included 1) housing needs (tenure, quality and affordability); 2) community building/social cohesion; and 3) access to healthy food. Overall, the recommendations will likely have a positive impact on homeownership and housing quality. The recommendations could possibly have positive or negative impacts on housing affordability (rehab costs could increase housing costs or result in cost savings, such as energy efficiency), community building/social cohesion (homeownership often increase social cohesion, but residents moving in and out of the neighborhood voluntarily or involuntarily can decrease social cohesion), and access to healthy food (could increase if new residents are coming from areas with lower food access or housing costs decrease and free up money for food, or it could be the opposite).

Recommendations

- A. Host annually an informational session in Lincoln Park on the acquisition of vacant residential buildings (or parcels), purchasing a home, and rehabilitation.
- B. Include "energy efficiency programs/assistance for home owners and renters, if available" in Housing recommendation 1-B. Energy efficiency improvements increase the value of home and could reduce housing cost-burden.
- C. Encourage screening between residential and non-residential uses to use "green wall" or other type of green screening as an alternative to hard-scape, while keeping in mind Crime Prevention through Environmental Design best practices for safety and defensible space.
- D. Enforce Duluth's first source hiring requirement in development agreements and consider tying requirement for attempted local hiring to the storefront loan program if there is a resulting increase in jobs. Increasing employment in the community may have a positive impact on crime levels and social cohesion.
- E. To support redevelopment of buildings and parcels in Lincoln Park, explore the possibility of unique building ownership models, such as non-profit owners with businesses run by for-profit companies.





Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

File Number	PL 20-178	Contact	Steven Robertson	
Type	Rezone from MU-N to F-5	Planning Commission Date	December 8, 2020	
Deadline for Action	Application Date		60 Days	N/A City Application
	Date Extension Letter Mailed	N/A	120 Days	N/A
Location of Subject	Historic Old Central High School			
Applicant	City of Duluth	Contact	Planning and Development	
Agent		Contact		
Legal Description	See Attached Map			
Site Visit Date	October 27, 2020	Sign Notice Date	November 25, 2020	
Neighbor Letter Date	November 23, 2020	Number of Letters Sent	38	

Proposal

Rezone property from the current zoning of Mixed-Use Neighborhood (MU-N) to Form District 5 Mid Rise Community Shopping and Office (F-5).

Staff Recommendation

Staff is recommending approval of the proposed rezoning to F-5

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-N	Institutional	Central Business Secondary
North	MU-N/F-6	Institutional	Open Space/Neighborhood Mixed Use
South	F-5	Commercial	Central Business Secondary
East	MU-N	Residential	Urban Residential
West	MU-N	Residential	Urban Residential

Summary of Code Requirements

- UDC Sec. 50-37.3.B: Planning Commission shall review the application, conduct a public hearing ... with public notice ... and make a written recommendation to council.
- UDC Sec. 50-37.3.B.3 Where a proposed amendment to the zoning map would change any property from a residential district to a mixed use, form or special purpose district, a planning commission hearing and a notice of three weeks shall be required. In addition, the affirmative vote of 2/3 of the council shall be required The city has not received the written consent of the owners of 2/3 of those properties located wholly or partially within 100 feet of the property ... to be rezoned;
- UDC Sec. 50-37.3.C: The Planning Commission shall review the application, and Council shall approve the application or approve it with modifications, if it determines that the application: 1. Is consistent with the Comprehensive Land Use Plan; 2. Is reasonably related to the overall needs of the community, to existing land use, or to a plan for future land use; 3. Is required by public necessity, convenience, or general welfare, or good zoning practice; 4. Will not create material adverse impacts on nearby properties, or if material adverse impacts may be created they will be mitigated to the extent reasonably possible.

Comprehensive Plan Governing Principle and/or Policies and Current History (if applicable):

Governing Principles

Governing Principle 8 - Encourage mix of activities, uses and densities

Cities have evolved as a mix of land uses, building types, housing types, and activities. Accommodating choice while protecting investment is a balance to strike in land use regulation. Mixed uses provide opportunity for a diversity of activity that segregated, uniform uses do not provide.

Future Land Use

Central Business Secondary. An area adjacent to and supporting the central business primary area or a stand-alone area providing a similar mix of destination land uses but at a lower intensity than the primary CB area. Includes mixed regional and neighborhood retail, employment centers, public spaces, medium density residential, and public parking facilities.

Site History or Previous Studies

This property is designated as a local historic landmark (Ord 9127), with an adopted local preservation plan. Any redevelopment or reuse of the structure must conform to the preservation plan. The Heritage Preservation Commission reviews and approves Certificates of Appropriateness, to ensure proposed new construction follows the standards established by the preservation plan. The property owner and prospective developers will be encouraged to engage with the HPC early in the planning phases to discuss any proposed redevelopment.

Prior to the UDC adoption in 2010, the northern half of the school site (area for this rezoning) was zoned R-4, and the southern half was zoned C-4. Note that boundary of the Downtown and Canal Park Special Parking Area, as shown in section 50-24.1, generally follows the boundaries of the old C-4 zone district. These boundaries were set without consideration of property lines, and instead followed streets and alleys in the downtown area.

Form Districts were suggested in the 2006 Comprehensive Plan. The specific rezoning recommendations establishing form district zones were identified in the 2009 "City of Duluth Guide to Mapping Form Districts". The boundaries of the updated zoning districts for the site did not take into account the property's shape, dimensions, or historic use.

Two accessory parking lots serve this property and are located on either side of the structure but across the Avenues, adjacent to West Third Street. These parking lots are not part of the zoning, but continue as an accessory use to the principal use, the historic school structure. If those parking lots were sold separately, their underlying zoning of MU-N would apply for any redevelopment proposals.

Review and Discussion Items:

- 1) The City is proposing to rezone property from the current zoning of Mixed-Use Neighborhood (MU-N) to Form District 5 Mid Rise Community Shopping and Office (F-5).
- 2) The future land use designation of this area is Central Business Secondary. Areas with this future land use designation are typically zoned either MU-C or a Form District.
- 3) The Minnesota Planning Act provides that zoning (an "official control") should implement the general objectives of the Comprehensive Plan, and appellate courts have issued decisions that zoning must comply with the Comprehensive Plan or be considered arbitrary and capricious. Good zoning practice requires that zone districts be consistent with the future land use category identified for the area. Other criteria for zoning may include considering existing land use patterns and if the rezoning is related to the needs to the community or existing land use.
- 4) This area is currently zoned MU-N. The purpose of the MU-N district is intended to "accommodate a mix of neighborhood-scale, neighborhood serving non-residential uses and a range of residential uses located in close proximity. This district accommodates both horizontal (uses located in separate structures) and vertical (uses located in the same building)

types of mixed use. Non-residential uses may include small-scale retail, service and professional offices that provide goods and services to the residents of the surrounding neighborhood.”

5) This area is proposed to be zoned F-5. The F-5 District is “applied to both the West Superior Street study area (Lincoln Park) and the transitional areas surrounding Downtown, including Canal Park and Central Hillside (Second Street from Sixth Avenue West to Third Avenue East). These areas consist of a combination of traditional mixed use buildings and office buildings, which conform to the style of Main Street Building II and Corridor Building II.”

6) This site is currently split zoned between MU-N on the northern half (with the structure), and F-5 to south. Properties that are zoned two (or more) distinctive zone districts are a challenge for the property owners to development/redevelop, and challenge for city staff to regulate. When possible and practical, it is best practices to have a parcel or development site to be located in one zoning district. Rezoning to F-5 is supported by the Future Land Use Designation.

7) Based on the future land use designation, character of the neighborhood in general and the proposed rezoning area in particular, and the purpose statement of the F-5 zone district, rezoning as proposed is appropriate for this property.

8) No written correspondence has been received as of the date that this memo was printed.

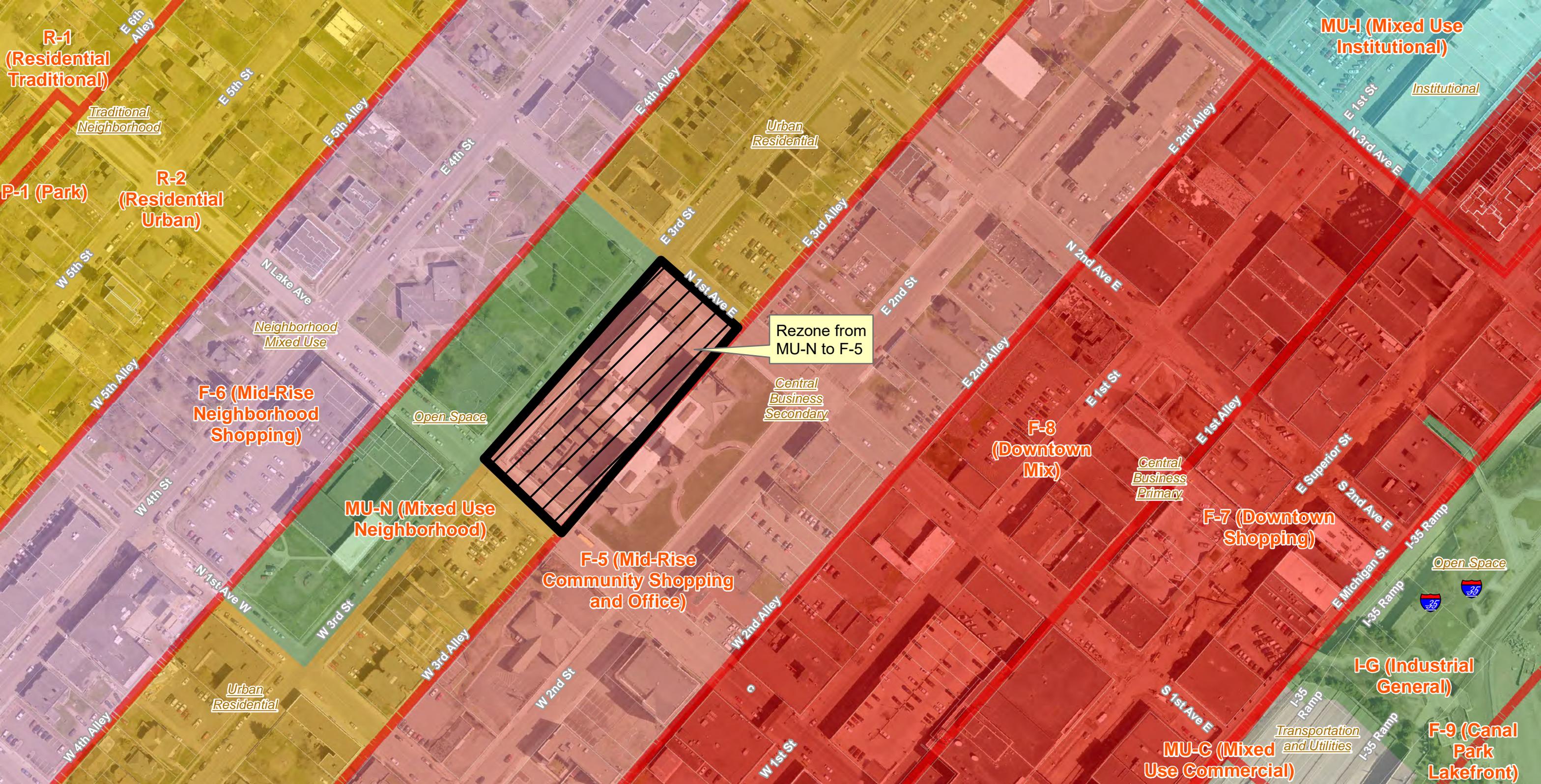
Staff Recommendation:

Based on the above findings, staff recommends that the Planning Commission recommend approval to the City Council of the rezoning to F-5.

1) The rezoning is consistent with the Comprehensive Plan Future Land Use Map.

2) The proposed zone districts are the most reasonably able to implement the objectives of the Comprehensive Plan related to the proposed land use for this area.

3) Material adverse impacts on nearby properties are not anticipated.



R-1
(Residential
Traditional)

*Traditional
Neighborhood*

P-1 (Park)

R-2
(Residential
Urban)

*Urban
Residential*

**MU-I (Mixed Use
Institutional)**

Institutional

**F-6 (Mid-Rise
Neighborhood
Shopping)**

*Neighborhood
Mixed Use*

**MU-N (Mixed Use
Neighborhood)**

Open Space

**F-5 (Mid-Rise
Community Shopping
and Office)**

*Central
Business
Secondary*

Rezone from
MU-N to F-5

**F-8
(Downtown
Mix)**

*Central
Business
Primary*

**F-7 (Downtown
Shopping)**

Open Space

**I-G (Industrial
General)**

*Transportation
and Utilities*

**MU-C (Mixed
Use Commercial)**

**F-9 (Canal
Park
Lakefront)**

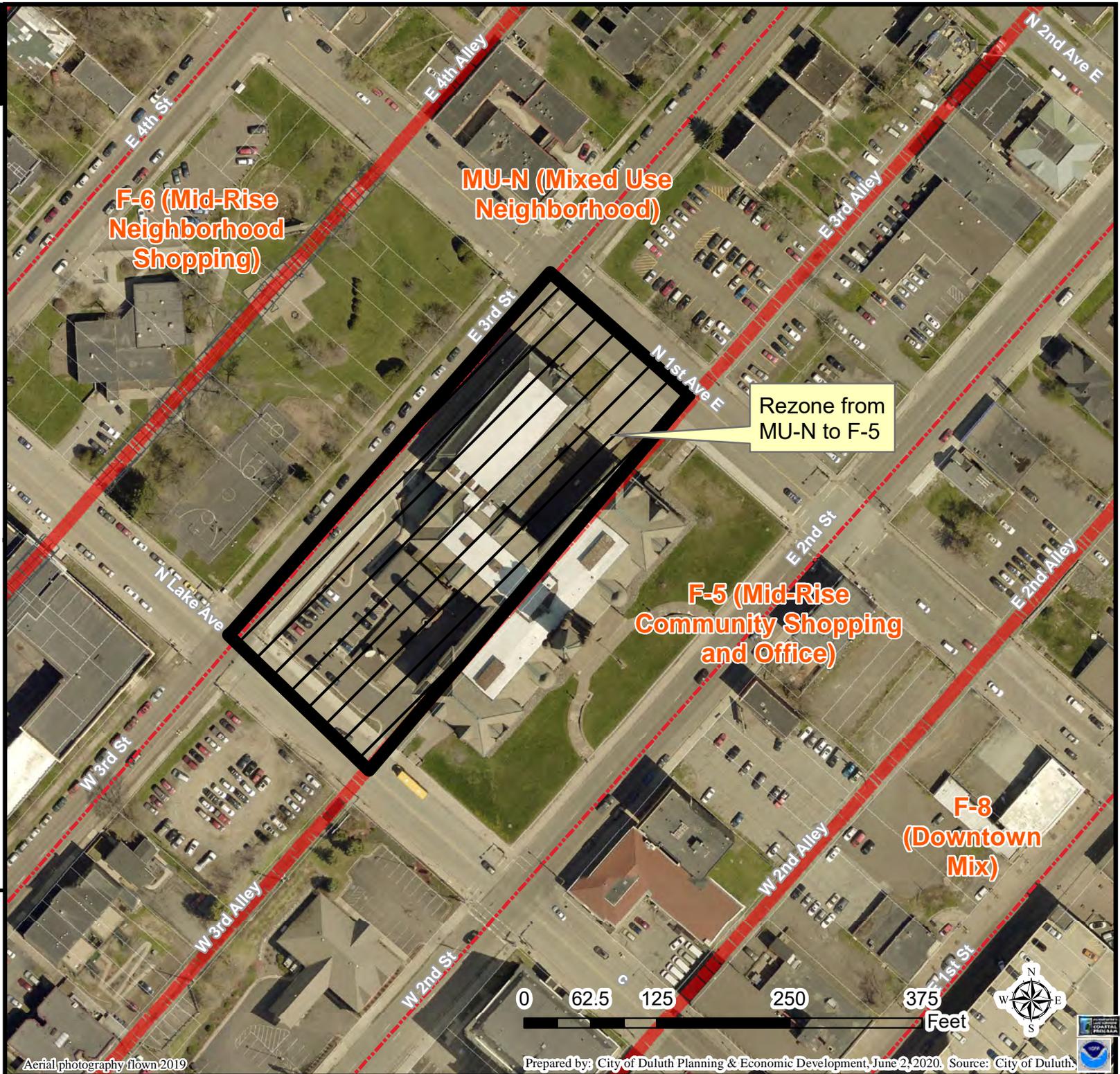
*Urban
Residential*



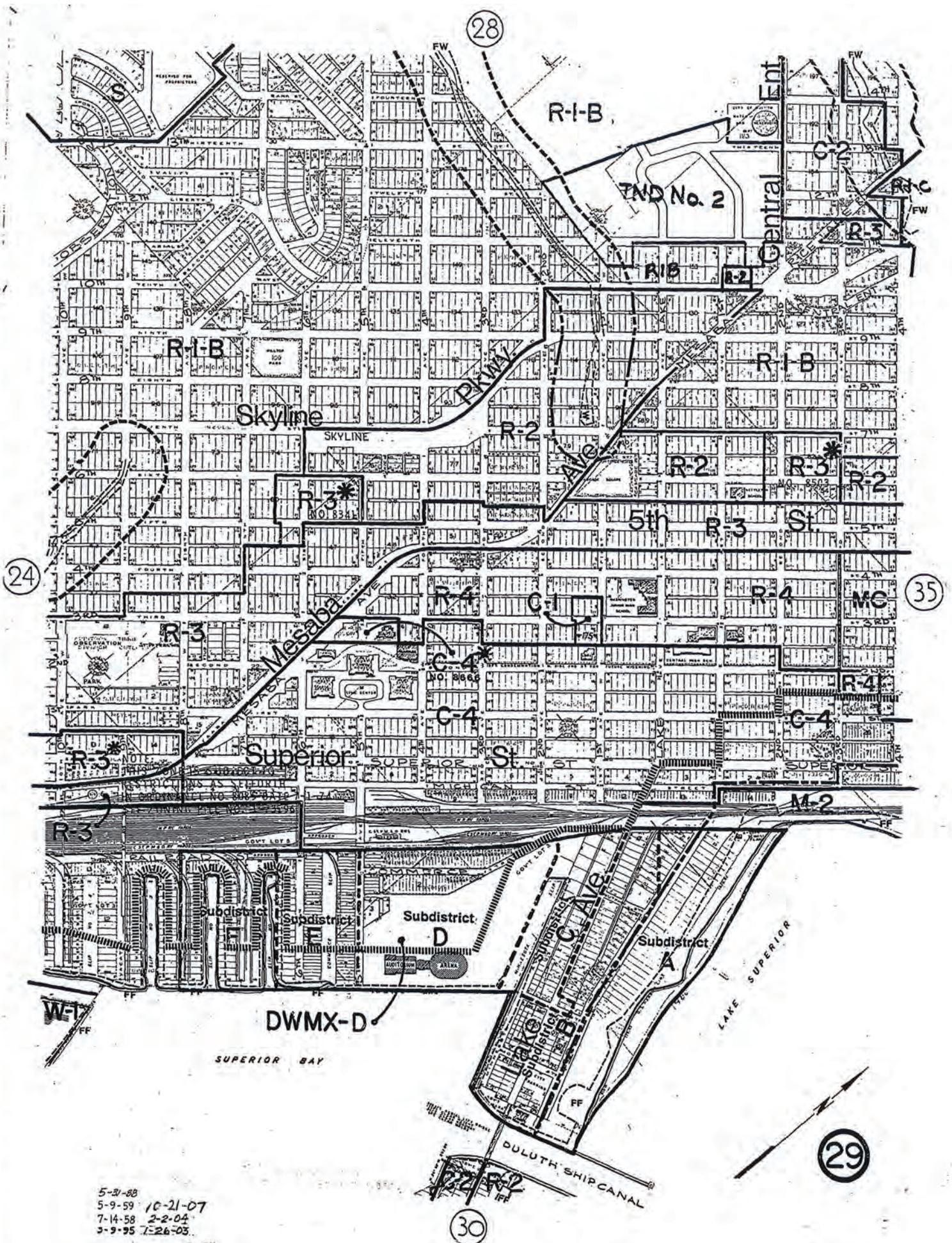


Legend

- <all other values>
- Bike_Facil**
 - Bikelane
 - Future Bike Facility
 - Multi-Use Path
 - Seasonal Multi-Use
 - Signed Bikeable Shoulder
 - Signed Shared Lane
 - Study Route
- Vacated ROW
- Zoning Boundaries
- Trout Stream (GPS)
- Other Stream (GPS)

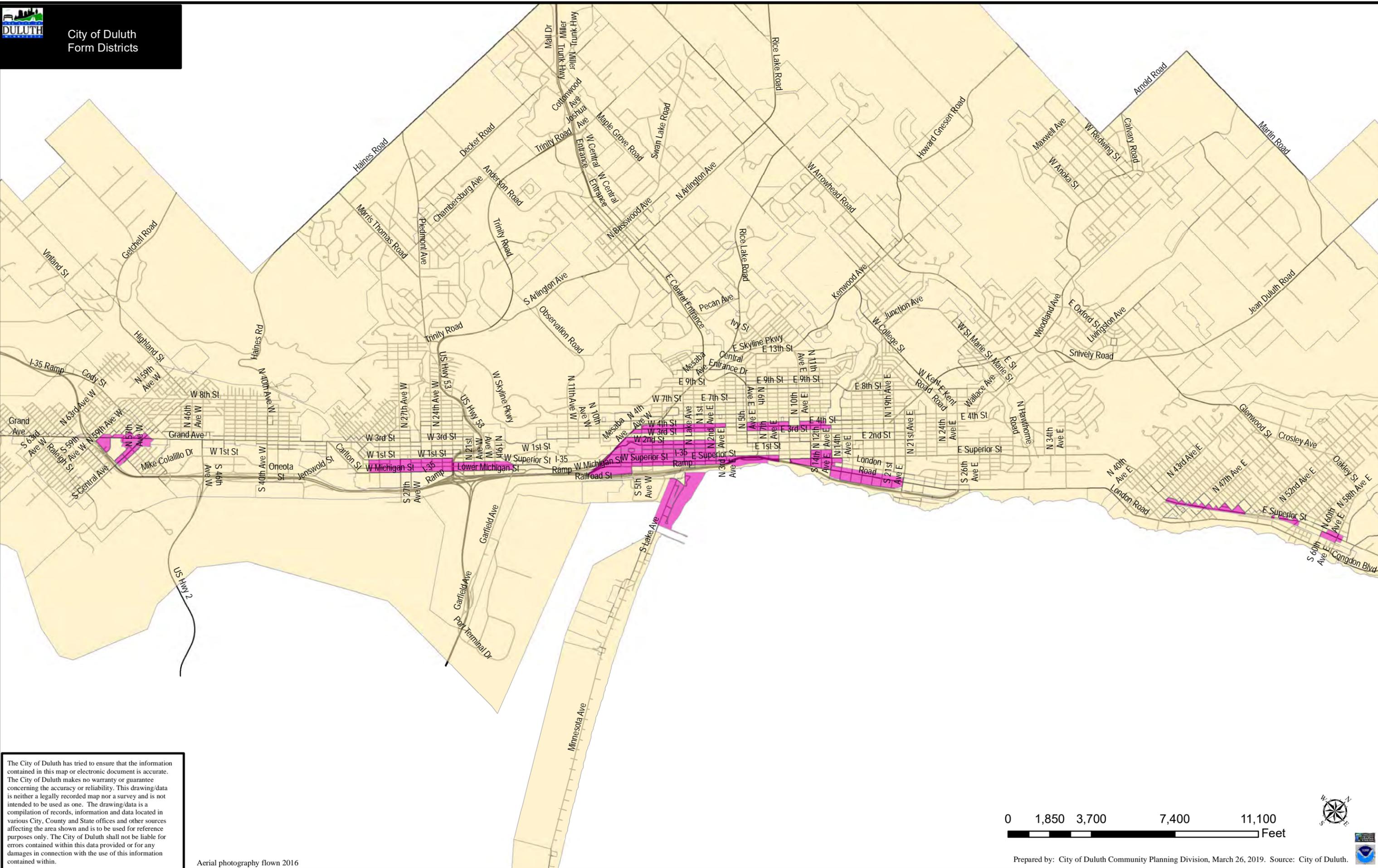


The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for errors contained within this data provided or for any damages in connection with the use of this information contained within.





City of Duluth Form Districts



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Aerial photography flown 2016



Prepared by: City of Duluth Community Planning Division, March 26, 2019. Source: City of Duluth.



City of Duluth:
A Guide to Mapping the Form Districts

Draft September 9, 2009

Duluth Form-Based Districts

Guidelines for Mapping Form-Based Areas

The form-based districts (F-1 through F-8), listed in the proposed zoning code, each contain a mix of building types and use regulations. This document provides guidelines to assist in the location of these districts on the City's zoning map.

General Guidelines

Form-Based Code Areas

The following mixed use commercial areas are those generally defined by the City to receive form-based districts:

- West Duluth
- West Superior
- Downtown and Canal Park
- Central Hillside
- London Road
- Lakeside/Lester Park (East Superior)

These areas were utilized as survey sites to develop the building types included in the code, although the building types may apply to other locations within the city. The form-based districts should be applied to pedestrian-oriented mixed use and commercial corridors or nodes within the city.

A sample map for each form-based code area is included for illustrative purposes, with the assumption that the City will map each area more specifically as they are remapping the entire city. The sample maps illustrate one possible application of the standards with a detailed description discussing how the standards were applied. Within these areas, appropriate mixed use and commercial locations will receive a form-based district, while residential properties within or adjacent to the areas should receive an appropriate [non-form-based] residential district.

Form-Based Districts

New districts were created for those areas within the City that are regulated by form-based coding. A brief description of each district follows; See **Section XX** for more information on Building Types. Table 1 lists the building types available in each district, as well as the study area surveyed

F-1: Main Street Building I

The F-1 District consists of only one building type, Main Street Building I. This district is meant to be mapped within the East Superior study area along the commercial nodes that take the form of traditional mixed-use development. Main Street Building I has a build-to zone of between 0' and 15', which allows the building to either be built adjacent to the sidewalk or set back further on the lot to match its surrounding residential context. This Building Type also requires a high amount of transparency on the ground floor.

F-2: Main Street Building I, Corridor Building I, Cottage Commercial Building I, Iconic Building

The F-2 District permits Main Street Building I, Corridor Building I, Cottage Commercial Building I, and the Iconic

Building. This district was designed for both the East Superior and London Road study areas, and is meant to serve as a mixed-use, neighborhood-scale commercial district. Corridor Building I is better suited for office or residential (apartment) uses. Due to its residential character, Cottage Commercial I is well suited to commercial uses that may occur adjacent to a residential area.

F-3: Main Street Building II

Several pockets within the West Duluth and Canal Park study areas contain older mixed-use buildings, with retail or office uses on the ground floor and office or residential uses on the upper floors. F-3: Main Street Building II was created to preserve this style of development and provide standards for future infill development to emulate the style as well. Main Street Building II has a small build-to zone, requiring the building to be constructed fairly close to the front property line.

F-4: Main Street Building II, Corridor Building II, Cottage Commercial Building II, Iconic Building

Portions of the West Duluth study area either contain auto-oriented development or a mixture of different Building Types. The F-4 District was created for those areas within West Duluth that are not strictly comprised of mixed-use buildings. These areas are often transitional in nature, as the study area switches from commercial to residential. The integration of Corridor Building II and Cottage Commercial II will assist in stepping down the intensity as the district approaches residential neighborhoods.

F-5: Main Street Building II, Corridor Building II, Iconic Building

The F-5 District is applied to both the West Superior area and the transitional areas surrounding Downtown, including Canal Park and 2nd Street from 6th Ave West to 3rd Ave East. These areas consist of a combination of traditional mixed-use buildings and office buildings, which conform to the style of Main Street Building II and Corridor Building II.

F-6: Main Street Building II, Cottage Commercial Building I

This district was created to respond to the commercial nodes present in the Central Hillside neighborhood. These nodes are separated by residential developments, which were not included in the study area. Main Street Building II and Cottage Commercial Building I provide flexibility in the style of commercial building, with the Cottage Commercial Building Type especially applicable when it's located adjacent to residential development.

F-7: Main Street Building III

To preserve the historic mixed-use core of Downtown Duluth, F-7 was created to be applied in specific areas along West Superior Street. This district permits only Main Street Building III, which seeks to codify the existing urban structure of the heart of Downtown. The Building Type requires a storefront on the ground floor and that the building be located adjacent to the sidewalk. The F-7 and F-8 districts also permit the highest intensity development, with a maximum height along West Superior Street of 15 stories.

F-8: Main Street Building III, Corridor Building III, Iconic Building F-8 applies to other Downtown areas not included in the F-7 district. The district provides slightly more flexibility in building form than does F-7, as it permits both Main Street Building III and Corridor Building III for office and residential uses.

Mapping the Districts

The sample maps on the following pages illustrate the Districts outlined in the previous section. These standards relate back to the Building Types and Uses sections, which outline the physical requirements for buildings, such as location of the building on a lot, height, use, and general facade requirements. The discussions associated with each map also outline the permitted uses (refer to Section 3. Permitted Uses).

When mapping the districts, there are a few general planning guidelines to follow:

1. *Face Similar Districts Across Streets.* Similar districts should typically be located across the street, so that front doors face the same type of development. Building types can be mixed as long as their uses are similar, or, at a minimum, compatible.
2. *Transition Districts at Rear Property Line.* When transitioning between higher and lower intensity districts, such as Main Street-type commercial to single-family residential, the ideal transition point is typically along the rear property line.
3. *Corner Lots may be more intense.* Corner lots may be more intensely developed than the interior of a block, particularly if the corner lot faces a primary street or a street with a higher volume of traffic.
4. *Mapping Nodes.* Most of the study areas are continuous commercial corridors, multiple blocks in length. Some, however, are more nodal in character. For example, in

Central Hillside along 4th Street, the commercial occurs mainly at intersections, less than one block long. These nodes serve the neighborhood well. In some cases, one corner may be occupied by a commercial building. In others, when a building one lot in is commercial, it is recommended that the node be mapped to the corner.

Multiple Building Options

Several of the districts contain multiple Building Type options, all of which have their own purpose and appropriate application. For the most part, Main Street Buildings are meant to embody the historic pattern of development in Duluth - storefronts on the ground floor containing retail, office, or service uses with office or residential uses in the upper stories.

The Corridor Building Type has less transparency required on the ground floor, and is therefore better suited to office or multifamily uses, but in more intensive shopping areas such as Canal Park, can include retail and services on the ground floor. The Cottage Commercial Building Type is meant to blend in with the form of existing surrounding residential single-family but utilize commercial and office uses. It can serve as a nice transition between Main Street buildings and single family residences.

Lastly, the Iconic Building Type is reserved for unique civic, institutional, or public buildings that may not fit the standards for the other Building Types.

Primary Streets

Each form-based code area sample map also locates primary streets. Primary street designation indicates its importance as a walkable commercial thoroughfare; buildings should front on the primary street, treating the side of the lot adjacent to the primary street as the front of the lot. Typically, building types call for the entrances to be located on the front of the lot and parking may be accessed off a secondary street.

Districts	Building Types								Areas	
	Main Street Building I	Main Street Building II	Main Street Building III	Corridor Building I	Corridor Building II	Corridor Building III	Cottage Commercial I	Cottage Commercial II		Iconic Building
F1: Low-Rise Neighborhood Shopping	●									East Superior
F2: Low-Rise Neighborhood Mix	●			●			●		●	East Superior, London Road
F3: Mid-Rise Community Shopping		●								West Duluth, Canal Park
F4: Mid-Rise Community Mix		●			●			●	●	West Duluth
F5: Mid-Rise Community Shopping/Office		●			●				●	West Superior, Canal Park, 2nd St Downtown
F6: Mid-Rise Neighborhood Shopping		●					●			Central Hillside
F7: Downtown Shopping			●							Downtown
F8: Downtown Mix			●			●			●	Downtown

Table 1: Building Types by Districts and Areas.

Duluth Form-Based Districts

West Duluth, West Superior, London Road, & East Superior Study Area Sample Maps

West Duluth

The West Duluth study area has relatively intact areas of historic main street-style development as well as newer development including strip malls and other auto-oriented building types. To respond to these two very different context areas, the West Duluth study area should contain 2 districts: F-3 and F-4. The F-3 District is mapped to preserve those areas that currently contain traditional mixed-use development (see Figure xx). It is also mapped to transition key areas, such as the intersection at Grand and Central, to create walkable connections to the intact portions of the study area. However, this will create multiple non-conformances in these locations and should be considered carefully during the mapping process performed by the City.

The F-4 District, which permits the Corridor II, Cottage Commercial II, and Iconic building types in addition to Main Street Building II, provides greater flexibility outside of the traditional mixed-use areas and should be utilized to transition away from the mixed use core. The existing large scale shopping center could be mapped as either F-3 or F-4, depending on the type of development desired in that area. Either district, however, will require that the buildings are built up to the street (Bristol, Ramsey, and/or a new street) to extend the pedestrian-orientation of West Duluth. Alternatively, the shopping center could be mapped as a more automobile oriented commercial district and remain as is.

West Superior

The West Superior study area consists primarily of older mixed-use buildings; however, many do not meet the transparency requirements of a storefront. Additionally, many of the uses along West Superior tend more towards office and service than retail. To preserve these buildings but allow lower levels of transparency to occur on the groundfloor, the F-5 district is recommended for this study area. Within F-5, Main Street Building II fits the characteristics of the majority of existing buildings in West Superior, and Corridor Building II is permitted in this area as well to provide some flexibility in building type.

Uses permitted in this area are similar to those permitted for other study areas. Main Street Building II is meant to house commercial or office uses on the ground floor and office or residential above, while Corridor Building II should have primarily office or residential uses. However, due to existing uses in the West Superior study area, there are also some light industrial and manufacturing uses permitted that could occur in either building type.

Finally, it might make more sense to confine the form-based districts to the areas between 22nd and 19th Streets, as this constitutes the most intact, walkable section. Remaining portions could be zoned with non-form districts to allow flexibility as the area transitions.

London Road

Recent planning efforts for the area of London Road have indicated a desire to return to a pedestrian-scaled environment, including a plan to narrow London Road to facilitate the ability of residents, visitors, and employees to cross the street freely and safely. To capitalize on this street improvement, it is recommended that development along London Road take the form of more pedestrian-friendly development. For this reason, the F-2 District is mapped for the London Road study area, as it provides a good amount of flexibility in building style and type, but also will further the walkability of the area.

The F-2 District permits a wide range of building types, including Main Street Building I, Corridor Building I, Cottage Commercial Building I, and the Iconic Building for use as the corridor completely transitions away from its existing form. It is important to note that this process will create multiple non-conformances. In this location, perhaps more so than any other, a plan should be in place to support this extensive change in character.

Lakeside/Lester Park (East Superior)

The East Superior corridor is a lengthy corridor extending through the Lakeside and Lester Park neighborhoods. The commercial areas along East Superior extend a couple of blocks, transition to residential, and then pick up again, making it nodal in character. The character of the area is less intensive, with smaller scale buildings and more cottage commercial than other locations.

There are two districts applied to the East Superior study area: F-1 and F-2. F-1 is mapped at the very western edge of the study area, while F-2 covers the majority of the rest of the area. There are also residential pockets in between the commercial areas, which should be given zoning classifications based on Chapter 2 of the Unified Development Code.

The F-1 district, mapped only in one very specific location in the East Superior area, requires Main Street Building I to match the existing mixed-use buildings in the area. The F-2 district, however, permits Corridor Building I, Cottage Commercial Building I, and the Iconic Building to provide more diversity in building style and the ability to blend in with single-family residential with the Cottage Commercial I building. Corridor Building I also provides an opportunity to incorporate more multifamily housing into the area, as the building type allows both office and residential uses.

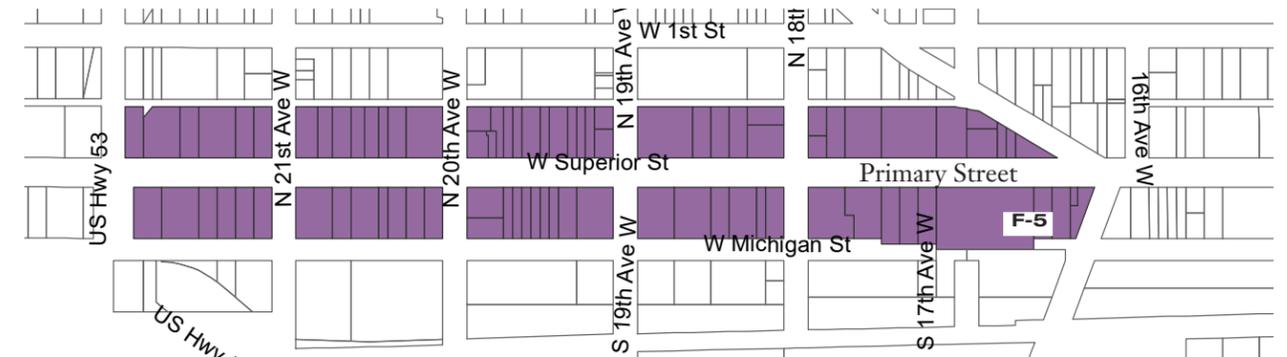


Figure XX: West Superior Sample Regulating Plan.

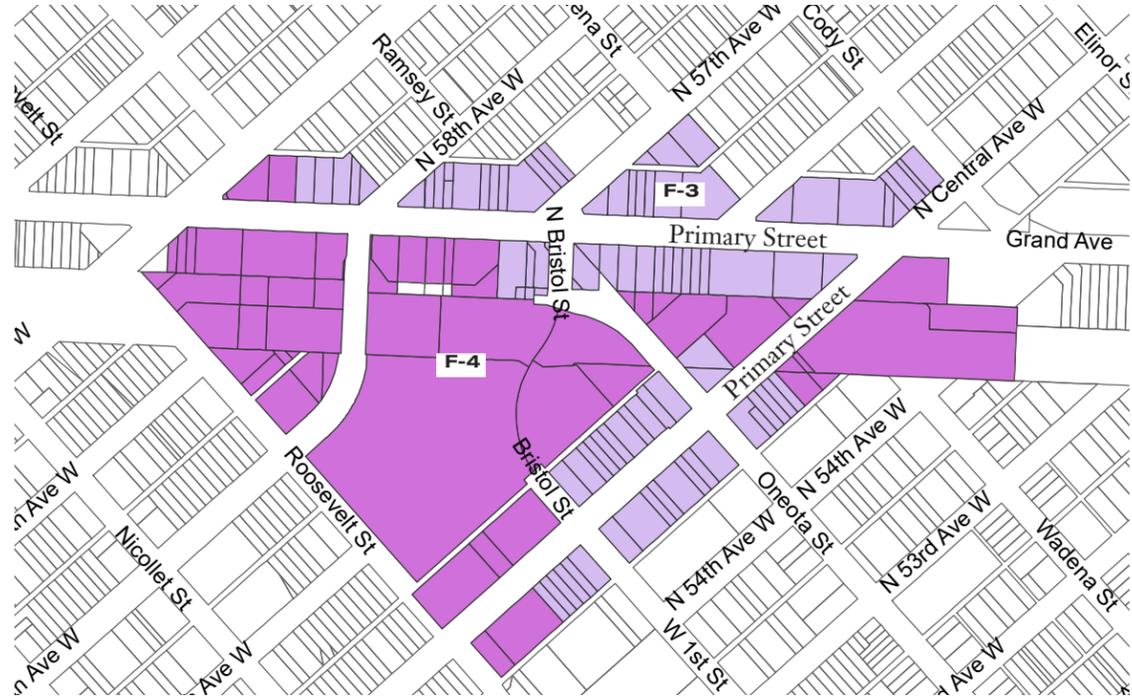


Figure XX: West Duluth Sample Regulating Plan.

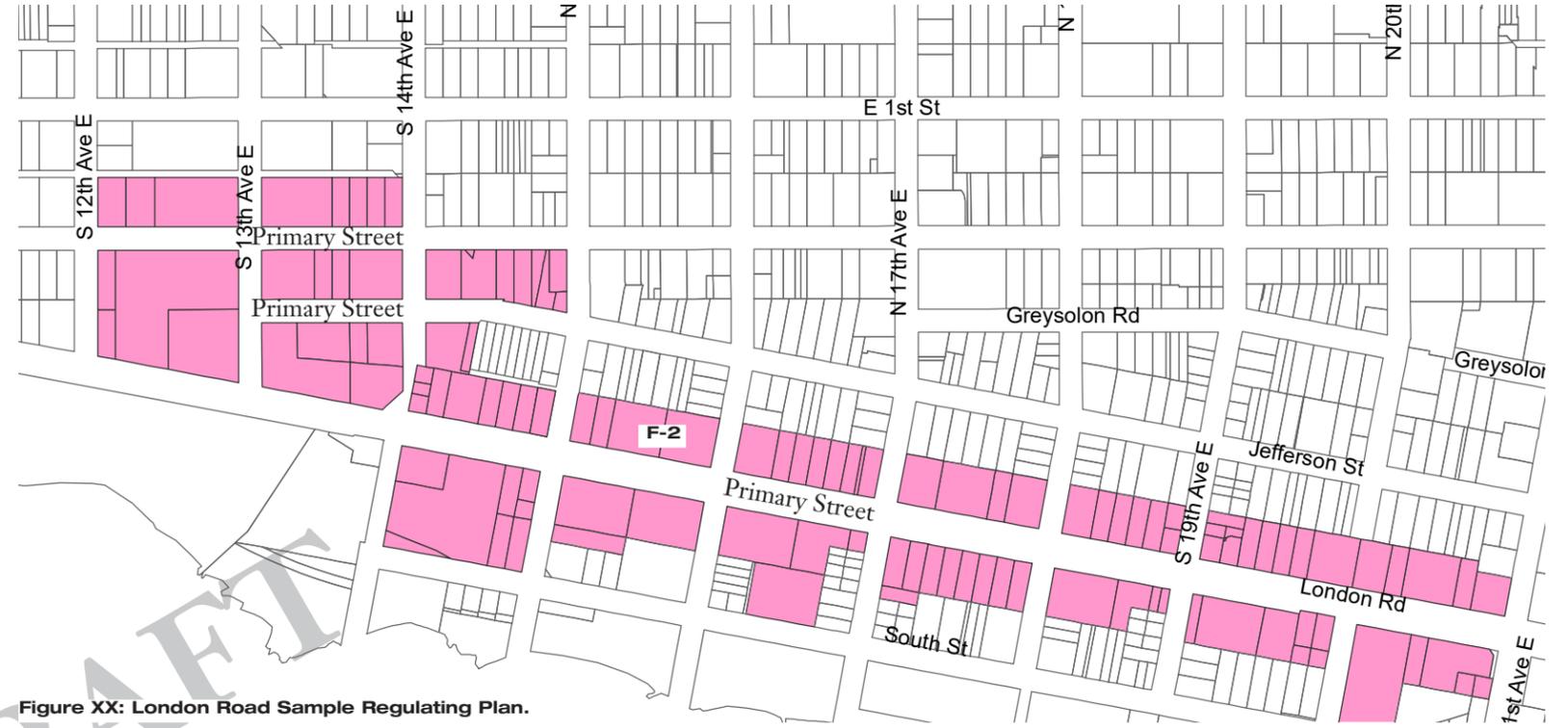
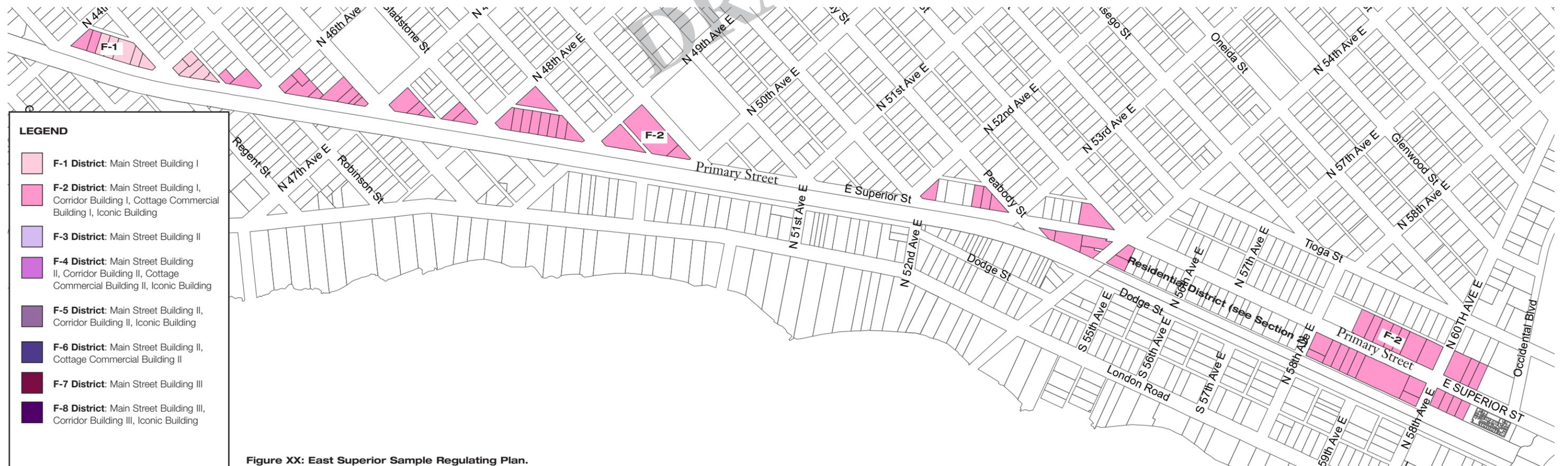


Figure XX: London Road Sample Regulating Plan.



LEGEND

- F-1 District:** Main Street Building I
- F-2 District:** Main Street Building I, Corridor Building I, Cottage Commercial Building I, Iconic Building
- F-3 District:** Main Street Building II
- F-4 District:** Main Street Building II, Corridor Building II, Cottage Commercial Building II, Iconic Building
- F-5 District:** Main Street Building II, Corridor Building II, Iconic Building
- F-6 District:** Main Street Building II, Cottage Commercial Building II
- F-7 District:** Main Street Building III
- F-8 District:** Main Street Building III, Corridor Building III, Iconic Building

Figure XX: East Superior Sample Regulating Plan.

Duluth Form-Based Districts

Central Hillside, Downtown, & Canal Park Study Area Sample Maps

Central Hillside

The Central Hillside study area is characterized by nodes of neighborhood-scale commercial development interspersed with residential areas. The F-6 District is proposed to preserve and enhance the commercial nodes along West 4th Street, while the residential areas should be assigned a residential district per Chapter 2 of the Unified Development Code. The F-6 District includes Main Street Building III for typical mixed-use buildings and Cottage Commercial Building II, which will help to blend commercial areas with the adjacent residential. This district should be mapped primarily at the ends of blocks; If the district is required in the middle of a block, it should be extended to cover the whole block. In many cases, parking lots on corners are mapped as F-6 to encourage this extension to the corner.

Downtown Duluth

Downtown Duluth's map consists of three different districts: F-5, F-7, and F-8. These districts exist to preserve the retail core of Downtown in F-7, provide a flexible retail and supportive services area in F-8, and provide a transitional area between Downtown and the adjacent residential neighborhoods to the northeast in F-5. The F-7 District, mapped very sparingly along West Superior Street, permits only one building type, Main Street Building III. Most, if not all, of the existing building types in the F-7 area conform to the characteristics of Main Street Building III; this district is meant to preserve the historic storefront core of Downtown.

The F-8 District provides a little more flexibility than the F-7 district, permitting Main Street Building III as well but also Corridor Building III for supportive office and residential apartment uses. The Iconic Building is also permitted for civic and institutional uses. Finally, the F-5 district is mapped along West 2nd Street and permits essentially the same building types as F-8 but as different versions - Main Street Building II, Corridor Building II, and, again, the Iconic Building. Main Street Building II and Corridor Building II are less intensive building types than their counterparts in the F-7 and F-8 districts

(Main Street Building III and Corridor Building III), making them ideal to step down development from the Downtown core towards the residential neighborhoods.

There is also a variation of heights allowed in different parts of the Downtown study area. For example, Main Street Building III and Corridor Building III are permitted to reach up to 15 stories along West Superior Street; this number drops down to 9 stories on adjacent streets. Main Street Building II and Corridor Building II, being located in a transitional area, are permitted to reach up to 6 stories along 2nd Street. These heights were set based on existing buildings in the Downtown, but should be verified prior to mapping and implementation.

Primary street frontages have been defined for the study area; buildings should treat the side of the lot facing the primary street as the front of the lot. In instances where the lot is a through lot, as between West Superior Street and East Michigan Street, the lot should treat West Superior Street as the primary frontage.

Commercial, office, and limited residential uses are permitted throughout Downtown in order to provide flexibility to respond to market changes as well as to limit nonconforming uses. However, since the F-7 district represents the retail core of Downtown, effort should be made when possible to keep the district as retail-oriented as possible.

Canal Park

Canal Park has two permitted districts, F-3 and F-5. The F-3 district permits only Main Street Building II to preserve the mixed-use retail node along Canal Park Drive. While office and residential uses are permitted in the F-3 district, retail should be emphasized as the desired ground floor use in this area to promote a strong commercial node. The F-5 District permits Main Street Building II as well, and adds in Corridor Building II and the Iconic Building. Corridor Building II is meant for office and apartment uses as well as to accommodate hotel uses along Lake Superior. While it is recommended that the majority of

buildings in Canal Park front on the primary streets indicated on Figure xx, buildings along Lake Superior may front on the lake.



Figure XX: Central Hillside Sample Regulating Plan.

LEGEND	
	F-1 District: Main Street Building I
	F-2 District: Main Street Building I, Corridor Building I, Cottage Commercial Building I, Iconic Building
	F-3 District: Main Street Building II
	F-4 District: Main Street Building II, Corridor Building II, Cottage Commercial Building II, Iconic Building
	F-5 District: Main Street Building II, Corridor Building II, Iconic Building
	F-6 District: Main Street Building II, Cottage Commercial Building II
	F-7 District: Main Street Building III
	F-8 District: Main Street Building III, Corridor Building III, Iconic Building
	Study Area Boundary



Planning & Development Division
Planning & Economic Development Department

Room 160
411 West First Street
Duluth, Minnesota 55802

 218-730-5580

 planning@duluthmn.gov

Date: November 30, 2020
To: Planning Commission
From: Steven Robertson, Senior Planner
RE: Proposed UDC Text Amendments for Consideration, PL 20-179

Planning Staff are proposing a number of changes to the Unified Development Chapter. The proposed changes reflect efforts at correcting identified errors or omissions, updating the code to reflect suggestions through Imagine Duluth 2035, and suggestions from city staff for improving the code.

This item is following discussion from the November 10, 2020, Planning Commission Meeting. One of the items, related to circulation, was tabled to allow more time for city staff to comment. Listed below is the planning staff recommendation for UDC text changes related to circulation. One part relates to circulation within commercial developments specifically related to drive-through (to allow longer business hours Friday and Saturday), and the other relates to pedestrian connection and street naming within a development/plat (to improve consistency and coordination).

Note that the use specific standards for Restaurants is similar to Bank and Retail Sales (50-20.3.E. and .R), so presumably those standards would also reflect these changes as well, if recommended by the Planning Commission.

50-20.3.Q Restaurant.

1. In the R-2 and MU-N district, no use shall exceed 5,000 sq. ft. in gross floor area;
2. Drive-ins and drive-throughs for restaurants are only allowed in the MU-N, MU-C, MU-B, MU-P, F-2, F-3, F-4, and F-5 zone districts;
3. Drive-through lanes shall allow for stacking space for 5 cars;
4. When in the MU-N district, the following additional standards apply:
 - (a) The speaker box and drive-through window must be at least 50 feet from any property line containing a residential structure;
 - (b) Drive-through may not open before 7:00 a.m. or after 10:00 p.m. during the weekday, or before 8:00 a.m. or after 10:00 p.m. on the weekend. Drive-through may be open at 6:00 a.m. during the weekday or at 7:00 a.m. on the weekend only if all speaker boxes and drive-through windows are at least 125 feet from any residential structure, **or open until 11:00 pm on Friday and Saturday if all speaker boxes and drive-through windows are at least 250 feet from any residential structure,** excluding any residential use or structure on the same property or within the same development.
 - (c) Glare **and noise** from cars in the drive-through lane and stacking space shall be shielded from adjacent residential properties through the use of screening, fencing, **and/or** a dense urban screen;
 - (d) The land use supervisor may require that the drive-through be located on the opposite side of the building from a residential use or that a masonry sound wall be constructed;
 - (e) Restaurants are limited to one drive through lane and one speaker box;
5. When in the F-3 and F-5 districts, the following additional standards apply:
 - (a) Access to and from the drive-through must be through the alley, if alley exists;
 - (b) Restaurants are limited to one drive through lane;

50-23 CONNECTIVITY AND CIRCULATION.

50-23.1 Applicability and exemptions.

This Section 50-23 shall apply to all new subdivision, replatting, registered land surveys (RLSs), development and redevelopment applications after November 19, 2010. General circulation requirements are listed in Section 50-23.2, but additional circulation requirements apply in some circumstances. Sites that are (a) located in any zone district other than the RC, RR-1, RR-2, MU-B, I-G, or I-W districts, and (b) larger than three acres, and (c) will contain more than one development parcel shall meet the connectivity index requirements of Section 50-23.3. All new subdivision, replatting, development, and redevelopment applications shall meet the requirements of Section 50-23.4, and those containing more than one principal building shall meet the requirements of Section 50-23.5.

50-23.2 General circulation requirements.

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

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

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

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

1. Each proposed street within a new subdivision, regardless of zoning designation, shall be public and designed and constructed to city engineer construction standards.
2. Each proposed public or private street within the R-1, R-2, R-P, MU-P, MU-N, MU-C, MU-I or MU-W districts shall include a sidewalk at least five feet wide or a multi-use trail at least eight feet wide on both at least one side of the street, as determined by the City Engineer. The sidewalk or multi-use trail shall be set back from the edge of curb by at least five feet to allow room for snow storage and/or landscape features;
3. Each proposed public or private street within the MU-B, I-G or I-W districts shall include a sidewalk at least five feet wide or a multi-use trail at least eight feet wide on one side of the street;
4. Proposed public or private sidewalk and multi-use trails shall use the most direct path practical.

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

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

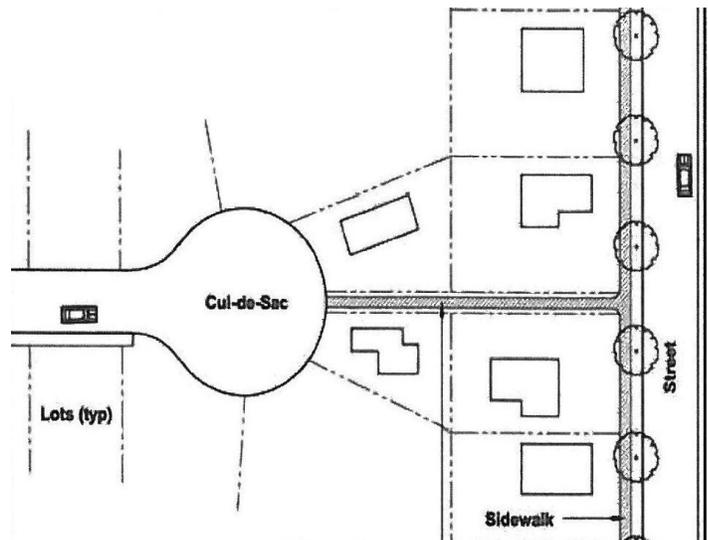


Figure 50-23-A: 10 ft. access easement from head of cul-de-sac to nearest street or path

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

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

50-23.3 Connectivity index for larger non-exempt developments.

A. Requirements.

1. A connectivity index is calculated by dividing the number of “links” in the proposed development by the number of “nodes” in the same development;
2. In order to promote walkability and reduce the number and length of vehicular trips both within developments and between new developments and surrounding areas, each development or redevelopment covered by this Section 50-23 shall provide internal junctions and external connections to achieve a connectivity index calculation of at least 1.65;
3. In addition, each street frontage of the development shall include at least one street stub or connection to the external street system every 1,500 feet;
4. The land use supervisor may reduce the required connectivity index, the requirement for external street connections, or the requirement for cul-de-sac access easements if compliance with the provisions of this subsection is impracticable due to site or topography constraints;

B. Example.

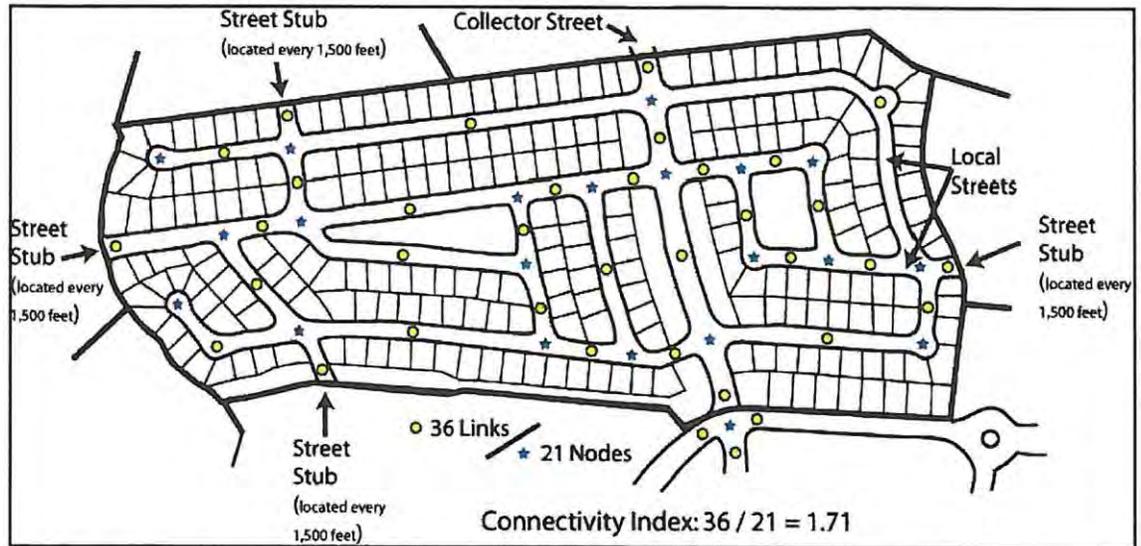


Figure 50-23-B: Example: There are 36 links (circles) and 21 nodes (stars).

50-23.4 Americans with Disabilities Act.

All “places of public accommodation,” as defined in the federal Americans with Disabilities Act (42 U.S.C. 12101 et. seq.) shall comply with the requirements of that act concerning on-site circulation and access.

50-23.5 Multi-building developments.

Commercial developments containing more than one principal building on a single lot or parcel shall include an unobstructed walkway or pathway providing access between the principal buildings. The walkway or pathway shall be at least five feet wide.

50-23.6 Skywalks.

- A. The location and design of skywalks should not compromise the historic or architectural integrity of existing buildings;
- B. Design of skywalks shall be approved based on their architectural sensitivity, harmony and cohesiveness with the historic/industrial waterfront character of the surrounding area;
- C. New skywalks installed and existing sidewalks remodeled at a cost of more than 50 percent of their assessed value after November 19, 2010, shall be designed so that 66 percent of each vertical side elevation is made of glass or transparent materials. A lower level of transparency can be reduced, but not to less than 50 percent, if a higher level of transparency is technically infeasible due to span length and engineering limitations. (Ord. No. 10044, 8-16-2010, § 6.)

50-23.7 Safe routes to school

Any subdivision approved by the City of Duluth on or after January 1, 2019, shall incorporate Safe Routes to School Infrastructure where applicable.

50-33.6 Streets.

A. Alignment.

1. New streets shall align with the existing street network on the same general alignment if practicable, unless the city engineer advises that an offset or alternate alignment is needed for public safety or topography;
2. Streets shall intersect at approximately right angles wherever practicable, and intersection angles less than 30 degrees shall be avoided;
3. On major and secondary streets the centerline radius of curvature shall be 350 feet. On minor and local streets the centerline radius of curvature shall be 100 feet;
4. Cul-de-sacs are discouraged in new and replatted developments except where through streets are not practicable due to site or topography constraints;

B. Grade.

1. Streets shall conform to existing contours as far as practicable so as to avoid grades in excess of five percent on major and secondary streets and ten percent on minor and local streets. Changes in grade shall be made by vertical curves of such length to meet the design speed of the road;
2. Where practicable, grades within 30 feet of street intersections, especially intersections on major streets, should not exceed three percent;
3. Where practicable, horizontal and vertical curves shall not occur together;

C. Width.

1. Major streets shall be platted at those widths shown in the major street plan and collector and local streets shall be platted not less than 66 feet, or 50 feet if there are no utilities, in right-of-way width, except as noted in subsection 2 below;
2. Where the plat includes parkways, streets along railway rights-of-way, immediate or future grade separations, bridges or viaducts, the city engineer shall specify the street width at the time of platting based on considerations of public safety and land use efficiency;
3. Dead-end streets shall be provided with ample turning spaces at or near the closed ends.

D. Names.

Proposed streets that are direct extensions or continuations of existing streets shall be given the same names as those existing streets. Other streets shall not be given names that duplicate existing street names or that may be confused with existing street names. The City Engineer shall review and approve all proposed street names in all subdivisions that are submitted for Planning Commission review and approval.

DULUTH INTERNATIONAL AIRPORT
ZONING ORDINANCE

CREATED BY THE DULUTH INTERNATIONAL AIRPORT

JOINT ZONING BOARD

Formed by and Comprised of:

CITY OF DULUTH

CITY OF HERMANTOWN

TOWNSHIP OF CANOSIA

CITY OF RICE LAKE

ST. LOUIS COUNTY

EFFECTIVE DATE: _____

THIS ORDINANCE AMENDS AND ENTIRELY REPLACES
DULUTH INTERNATIONAL AIRPORT ZONING ORDINANCE dated June 18, 1988,
recorded in the Office of the St. Louis, Minnesota, County Recorder as Document
No. _____

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DULUTH INTERNATIONAL AIRPORT
ZONING ORDINANCE

CREATED BY THE

CITY OF DULUTH – CITY OF HERMANTOWN – CANOSIA TOWNSHIP
CITY OF RICE LAKE – ST. LOUIS COUNTY
JOINT AIRPORT ZONING BOARD

AN ORDINANCE REGULATING AND RESTRICTING THE HEIGHT OF STRUCTURES AND OBJECTS OF NATURAL GROWTH, AND OTHERWISE REGULATING THE USE OF PROPERTY, IN THE VICINITY OF THE DULUTH INTERNATIONAL AIRPORT BY CREATING THE APPROPRIATE ZONES AND ESTABLISHING THE BOUNDARIES THEREOF; PROVIDING FOR CHANGES IN THE RESTRICTIONS AND BOUNDARIES OF SUCH ZONES; DEFINING TERMS USED HEREIN; REFERRING TO THE DULUTH INTERNATIONAL AIRPORT ZONING MAPS WHICH ARE INCORPORATED IN AND MADE A PART OF THIS ORDINANCE; PROVIDING FOR ENFORCEMENT; ESTABLISHING A BOARD OF ADJUSTMENT; AND IMPOSING PENALTIES.

IT IS HEREBY ORDAINED BY THE DULUTH INTERNATIONAL AIRPORT JOINT AIRPORT ZONING BOARD COMPRISED OF THE CITY OF DULUTH – CITY OF HERMANTOWN – CANOSIA TOWNSHIP – CITY OF RICE LAKE – ST. LOUIS COUNTY PURSUANT TO THE AUTHORITY CONFERRED BY THE MINNESOTA STATUTES 360.061 – 360.074, AS FOLLOWS:

SECTION 1: PURPOSE AND AUTHORITY

The Duluth International Airport Joint Airport Zoning Board, created and established by joint action of the City Councils of Duluth, Rice Lake, and Hermantown, and the Board of County Commissioners of St. Louis County, and the Town Board of Canosia pursuant to the provisions and authority of Minnesota Statutes 360.063, hereby finds and declares that:

- A. The Duluth International Airport is an essential public facility.
- B. An Airport Hazard endangers the lives and property of users of the Duluth International Airport, and property or occupants of land in its vicinity, and also if the obstructive type, in effect reduces the size of the area available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the Duluth International Airport and the public investment therein.
- C. The creation or establishment of an Airport Hazard is a public nuisance and an injury to the region served by the Duluth International Airport.
- D. For the protection of the public health, safety, order, convenience, prosperity and general welfare, and for the promotion of the most appropriate use of land, it is necessary to prevent the creation or establishment of Airport Hazards.
- E. The prevention of these Airport Hazards and Aircraft Accidents should be accomplished, to the extent legally possible, by the exercise of the police power without compensation

SECTION 2: SHORT TITLE

This Ordinance shall be known as “Duluth International Airport Zoning Ordinance.” Those sections of land affected by this Ordinance are indicated in “Exhibit A” which is attached to this Ordinance.

SECTION 3: DEFINITIONS

For the purposes of this Ordinance, the following words, terms, and phrases shall have the meanings herein given unless otherwise specifically defined by Minnesota Statutes Chapter 360 (Airports and Aeronautics), Section 360.013 (Definitions), and its successors.

Abandoned Structure – a Non-Conforming Structure that has not been legally occupied or used for any commercial or residential purpose for at least one consecutive year as determined by the Local Airport Zoning Administrator.

Abandoned Use – a Non-Confirming Use that has ceased to have been actively conducted for at least one (1) consecutive year as determined by the Local Airport Zoning Administrator.

Agricultural Uses - land used primarily for the production of crops or livestock including irrigated meadows, irrigated and dry pasture, irrigation ditches, stock drive routes, lands used for barns, corrals and storage of crops or agricultural products, but not including lands used primarily for the production of commercial timber; or

Aircraft - any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air, but excluding parachutes. (Minn. Stat. 360.013)

Aircraft Accident -an occurrence incident to flight in which, because of the operation of an aircraft, a person (occupant or non-occupant) receives fatal or serious injury or an aircraft receives substantial damage. Except as provided below, substantial damage means damage or structural failure that adversely affects the structural strength, performance, or flight characteristics of the aircraft, and which would normally require major repair or replacement of the affected component. Engine failure, damage limited to an engine, bent fairings or cowlings, dented skin, small puncture holes in the skin or fabric, ground damage to rotor or propeller blades, damage to landing gear, wheels, tires, flaps, engine accessories, brakes, or wingtips are not considered substantial damage.

Airport- the Duluth International Airport lands located in Sections 1, 2, 3, 11, 12, Township 50, Range 15; Section 6, Township 50, Range 14; and Section 31, Township 51, Range 14 that is used, or intended for use, for the landing and take-off of aircraft, and any appurtenant areas that are used, or intended for use, for airport buildings or other airport facilities or rights of way, together with all airport buildings and facilities located thereon.

Airport Boundary - those lands including the property owned by the City of Duluth, by the Government of the United States, and by the State of Minnesota and their respective subdivisions which are used for aeronautical purposes and are contiguous with the runway and building area facilities. The airport boundaries are illustrated in the Airport Property Map of the approved set of Airport Layout Plans on file in the offices of the Duluth Airport Authority.

Airport Elevation -the established elevation of the highest point on the usable landing area which elevation is established to be 1,428 feet above mean sea level.

Airport Hazard -any structure, object of natural growth, or use of land, which obstructs the air space required for the flight of aircraft in landing or taking off at any airport or restricted landing area or is otherwise hazardous to such landing or taking off. (Minn. Stat. 360.013)

Airport Safety Zone - an area subject to land use zoning controls adopted under Minnesota Statutes sections 360.061 to 360.074 if the zoning controls regulate (1) the size or location of buildings, or (2) the density of population. (Minn. Stat. 394.22, Subd. 1(a))

Airport Zoning Map- the Duluth International Airport Zoning Map prepared by RS&H, and adopted and attached hereto as Exhibit C of the Duluth International Airport Zoning Ordinance.

Airspace Zones – the Primary Zone, Horizontal Zone, Conical Zone, Approach Zone, Precision Instrument Approach Zone, and Transitional Zone, whose locations and dimensions are indicated on the Airport Zoning Map

Airspace Surface or Imaginary Surface - The imaginary areas in space and on the ground that are established by this Ordinance and/or the FAA in relation to the Duluth International Airport and its runways as the basis for regulating obstructions to air travel.

Approach Zone - All that land which lies directly under an imaginary approach surface longitudinally centered on the extended centerline at each end of the runway. The inner edge of the approach surface is at the same width and elevations as, and coincides with, the end of the primary surface; as illustrated in Airport Zoning Map.

Board of Adjustment – Board of Adjustment for the Duluth International Airport Joint Airport Zoning Board.

Building -Any structure designed or built for the support, enclosure, shelter or protection of persons, animals, chattels or property of any kind, and when separated by party or division walls without openings, each portion of such building so separated shall be deemed a separate building.

Commissioner - the commissioner of transportation of the State of Minnesota. (Minn. Stat. 360.013)

Conical Zone - all that land which lies directly under an imaginary conical surface extending upward and outward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of approximately 4,000 feet from the end of Runway 9-27 and Runway 3-21 as measured radially outward from the periphery of the horizontal surface; whose location and dimensions are indicated on the Airport Zoning Map

Department - the Minnesota Department of Transportation. (Minn. Stat. 360.013)

Dwelling - any building or portion thereof designed or used as a residence or sleeping place of one or more persons.

Duluth Airport Authority (“DAA”) – A political subdivision of the State of Minnesota established pursuant to Minnesota Laws of 1969, Chapter 577 for the purpose of controlling and managing City of Duluth airport facilities. DAA has the exclusive power to receive, control, and order the expenditure of any and all moneys and funds in the control and management of the City of Duluth airport facilities.

Duluth International Airport Joint Airport Zoning Board (“JAZB”) – The joint airport zoning board established pursuant to the authority conferred by Minnesota Statutes Sections 360.061-360.074 comprised of appointed representatives of the St. Louis County, City of Duluth, City of Hermantown, Canosia Township, and the City of Rice Lake.

Entities or, individually, Entity – mean the Cities of Hermantown, Duluth, Rice Lake, Canosia Township and County of St. Louis, Minnesota.

Federal Aviation Administration (FAA) – A federal agency charged with regulating air commerce to promote its safety and development; encourage and develop civil aviation, air traffic control, and air navigation; and promoting the development of a national system of airports.

Federal Aviation Regulations (FAR) – Regulations established and administered by the FAA that govern civil aviation and aviation-related activities.

FAR Part 36 – Regulation establishing noise standards for the civil aviation fleet.

FAR Part 77 – Objects Affecting Navigable Airspace - Part 77 (a) establishes standards for determining obstructions in navigable airspace; (b) defines the requirements for notice to the FAA Administrator of certain proposed construction or alteration; (c) provides for aeronautical studies of obstructions to air navigation to determine their effect on the safe and efficient use of airspace; (d) provides for public hearings on the hazardous effect of proposed construction or alteration on air navigation; and (e) provides for establishing antenna farm areas.

Group A Use – means assembly, churches, restaurants, movie theaters, banquet halls, bars, art galleries, casinos, bowling alleys, dance halls, funeral parlors, gymnasiums, indoor pools/tennis courts, lecture halls, museums, arenas, skating rinks, bleachers, grandstands, stadiums as described in the 2018 International Building Code, as may be revised from time to time.

Group E Use – means education use of a building by six or more at any one time for educational purposes through twelfth grade, daycare facilities for more than five children older than two and one-half years old for fewer than twenty-four hours per day as described in the 2018 International Building Code, as may be revised from time to time.

Group I-2 Use – means buildings used for medical care on a twenty-four hour basis for more than five persons who are incapable of self-preservation. Examples include detoxification, foster care, hospital, nursing homes and other supervised living facilities as described in the 2018 International Building Code, as may be revised from time to time.

Group R-1 Use – means residential occupancies containing sleeping units where occupants are primarily transient. Examples include B&Bs with more than six guest rooms, boarding homes

with more than ten occupants, and congregate living with more than ten units, and hotels/motels as described in the 2018 International Building Code, as may be revised from time to time.

Hazard to Air Navigation - any object that has a substantial adverse effect upon the safe and efficient use of navigable airspace. Any obstruction to air navigation is presumed to be a hazard to air navigation unless an FAA aeronautical study has determined otherwise.

Height of Building - the vertical distance measured from the highest ground elevation adjoining the front wall of the building to the highest point of the building

Height of Tower or Structure - the vertical distance measured from the pre-existing grade level to the highest point on the tower or structure, even if said highest point is an antenna or lightning protection device.

Horizontal Surface - all that land which lies directly under an imaginary horizontal surface 150 feet above the established airport elevation; whose location and dimensions are indicated on the Airport Zoning Map.

Industrial Use - the use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities or other wholesale items.

Land - Ground, soil, or earth, including structures on, above, or below the surface.

Landing Area - means the area of the airport used for the landing, taking off or taxiing of aircraft.

Local Airport Zoning Administrator - the person or position designated in the Local Airport Zoning Ordinance to administer and enforce the Local Airport Zoning Ordinance within their political subdivision

Local Airport Zoning Ordinance – means the ordinances as adopted by the City of Hermantown, City of Rice Lake, City of Duluth, Canosia Township, and St. Louis County and codified as a zoning ordinance of that political subdivision.

Material Change in Use – means that there is a change in the purposes for which the circumstances in which a building or property is used.

Material Expansion – means an increase in the floor or building coverage area or volume of an existing building.

Navigable Airspace - airspace at and above the minimum flight altitudes prescribed in the FAR's including airspace needed for safe takeoff and landing (refer to FAR Part 77 and 91).

Non-Conforming Lot - a lot of record created prior to the Effective Date of this Ordinance that does not conform to the requirements of this Ordinance.

Non-Conforming Structure - any structure constructed, converted or adopted for a use prior to the Effective Date of this Ordinance that does not conform to the requirements of this Ordinance.

Non-Conforming Use - any use of a structure or land or arrangement of land and structures existing prior to the Effective Date of this Ordinance that does not conform to the requirements of this Ordinance.

Non-Precision Instrument Runway - a runway having an existing or Planned straight-in instrument approach procedure utilizing air navigation facilities with only horizontal guidance, and for which no precision approach facilities are Planned.

Ordinance- This Duluth International Airport Zoning Ordinance, including all exhibits, appendices, and maps attached hereto.

Obstruction - Any structure, tree, plant or other object of natural growth that penetrates one or more of the applicable Navigable Airspaces, imaginary surfaces, or imaginary zones defined and illustrated in this Ordinance.

Permit- type of written authorization that must be granted by a government or other regulatory body before any activity regulated by the Local Airport Zoning Ordinance can legally occur.

Person - any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof. (Minn. Stat. 360.013)

Planned - as used in this Ordinance refers only to those proposed future airport developments that are so indicated on a planning document having the approval of the Federal Aviation Administration, the Department of Transportation, Division of Aeronautics, and Duluth Airport Authority.

Precision Instrument Approach Zone - all that land which lies directly under an existing or Planned imaginary precision instrument approach surface longitudinally centered on the extended centerline at each end of Precision Instrument Runways 9-27 and 3-21, The inner edge of the precision instrument approach surface is at the same width and elevation as, and coincides with, the end of the primary surface. The precision instrument approach surface inclines upward and outward at a slope of 50:1 for a horizontal distance of approximately 10,000 feet expanding uniformly to a width of approximately 4,000 feet, then continues upward and outward for an additional horizontal distance of approximately 40,000 feet at a slope of 40:1 expanding uniformly to an ultimate width of approximately 16,000 feet; whose location and dimensions are indicated on the Airport Zoning Map

Precision Instrument Runway - a runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), a Microwave Landing System (MLS), or a Precision Approach Radar (PAR), a Transponder Landing System (TLS), or a satellite-based system capable of operating to the same level of precision guidance provided by the other included systems. Also, a runway for which such a precision instrument approach system is Planned.

Primary Zone -All that land which approximately lies directly under an imaginary primary surface longitudinally centered on a runway and extending 200 feet beyond each end of Runways 9-27 and 3-21. The elevation of any point on the primary surface is the same as the

elevation of the nearest point on the runway centerline; whose location and dimensions are indicated on the Airport Zoning Map

Public Assembly Use – A structure or outdoor facility where concentrations of people gather for purposes such as deliberation, education, shopping, business, entertainment, amusement, sporting events, or similar activities, but excluding air shows. “Public assembly use” does not include places where people congregate for relatively short periods of time, such as parking lots and bus stops, or uses approved by the FAA in an adopted airport master plan.

Public, Civic and Institutional Uses - uses of a public, quasi-public, nonprofit, or charitable nature generally providing a local service to the people of the community. Generally, these uses provide the service on-site or have employees at the site on a regular basis. The service is ongoing, not just for special events. This use category includes the following use types:

- a) Community centers or facilities that have membership provisions or are open to the general public to join at any time; and
- b) Facilities for the provision of public services, including governmental offices and public safety and emergency response services, such as police, fire and ambulance services. Such facilities often need to be located in or near the area where the service is provided.

Religious Assembly - a facility or area for people to gather for public worship, religious training or other religious activities including a church, temple, mosque, synagogue, convent, monastery or other structure, together with its accessory structures, including a parsonage or rectory. This use does not include home meetings or other religious activities conducted in a privately occupied residence. Accessory uses may include meeting rooms and childcare provided for persons while they are attending assembly functions.

Resource Extraction Use - uses involved in the process of (1) removing or extracting minerals and building stone from naturally occurring veins, deposits, bodies, beds, seams, fields, pools or other concentrations in the earth’s crust, including the preliminary treatment of such ore or building stone; and (2) the extraction, exploration or production of oil or natural gas resources, including oil and gas wells and accessory offices, storage buildings, rig camps and gas transmission lines.

Runway - any existing or Planned paved surface or turf-covered area of the airport that is specifically designated and used or Planned to be used for aircraft landing and takeoff.

Safety Zone – The land use safety zones (Zones 1, 2 and 3) established by this Ordinance further illustrated in the Airport Zoning Map. *See also* Airport Safety Zone.

Site - a parcel or several adjoining parcels of land under common ownership.

Slope - an incline from the horizontal expressed in an arithmetic ratio of horizontal magnitude to vertical magnitude. (e.g., slope = 3:1 = 3 feet horizontal to 1 feet vertical).

Structure - Structure. Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground.

Structural Alteration - Any change in the supporting members of a building, such as bearing walls, columns, beams or girders, or any substantial changes in the roofs or exterior walls but not including openings in bearing walls as permitted by existing ordinances

Substantial Damage -Damage of any origin sustained by a Non-Conforming Structure where the cost of restoring the structure to its before damaged condition would equal or exceed 60 percent of the assessed market value of the structure as determined by the St. Louis County Assessor before the damage occurred. For flood plain management and flood hazard purposes, substantial damage shall occur when damage of any origin sustained by a structure, where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the assessed market value of the structure as determined by the St Louis County Assessor before the damage occurred.

Substantially Damaged Structure – means a Non-Conforming Structure that has sustained Substantial Damage.

Transitional Zone - All that land which lies directly under an imaginary transitional surface extending upward and outward at right angles to the runway centerline and the runway centerline extended at a slope of 7:1 from the sides of the primary surface and from the sides of the approach surface. Transitional surfaces for those portions of the instrument approach surface which project through and beyond the limits of the conical surface, extend a distance of approximately 5,000 feet measured horizontally from the edge of the instrument approach surface and at right angles to the extended instrument runway centerline; whose location and dimensions are indicated on the Airport Zoning Map.

Traverse Ways - roads, railroads, trails, waterways, or any other avenue of surface transportation.

Utility Runway - a runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight and less and which runway is less than 4,900 feet in length.

Variance – Any modification or variation of application of the this Ordinance to a real property structure or use approved in writing by the BOA.

Visual Runway - a runway intended solely for the operation of aircraft using visual approach procedures, with no existing or Planned instrument approach procedures.

Zoning – the partitioning of land parcels in a community by ordinance into zones and the establishment of regulations in the ordinance to govern the land use and the location, height, use and land coverage of buildings within each zone.

SECTION 4: AIRSPACE OBSTRUCTION ZONING

- A. **BOUNDARY LIMITATION:** The airspace obstruction height zoning restrictions set forth in this section shall apply for a distance not to exceed one-and-one-half (1.5) miles beyond the perimeter of the Airport boundary; said boundary location and dimensions are indicated on the Airport Zoning Map.
- B. **AIRSPACE ZONES:** Airspace Zones are established to regulate and protect aircraft from navigational hazards during landings and departures. In order to carry out

the purposes of this Ordinance, the following Imaginary Airspace Zones are hereby established: Primary Zone, Horizontal Zone, Conical Zone, Approach Zone, Precision Instrument Approach Zone, and Transitional Zone, all whose locations and dimensions are indicated on the Airport Zoning Map.

- C. **HEIGHT RESTRICTIONS:** Except as otherwise provided in the Ordinance, or except as necessary and incidental to airport operations, no structure or tree shall be constructed, altered, maintained, or allowed to grow so as to project above any of the Imaginary Airspace surfaces described in this Section 4(B) . Where an area is covered by more than one height limitation, the more restrictive limitations shall prevail.

SECTION 5: LAND USE SAFETY ZONING

SAFETY ZONE BOUNDARIES INTENT AND SCOPE: In order to carry out the purpose of this Ordinance, as set forth above, to restrict those uses which may be hazardous to the operational safety of aircraft operating to and from the Airport, and, furthermore, to limit population and building density in the runway approach areas, thereby creating sufficient open space to protect life and property in case of an accident, there are hereby created and established the following Safety Zones, which restrict land use:

- A. **SAFETY ZONE 1:** All land designated as Safety Zone 1 on the Airport Zoning Map and as legally described in Exhibit B.
- B. **SAFETY ZONE 2:** All land designated as Safety Zone 2 on the Airport Zoning Map and legally described in Exhibit B.
- C. **SAFETY ZONE 3:** All land designated as Safety Zone 3 on the Airport Zoning Map and legally described in Exhibit B.
- D. **BOUNDARY LIMITATIONS:** The land use zoning restrictions set forth in this Section 5 shall apply for a distance not to exceed one mile beyond the perimeter of the airport boundary and in the portion of an Airport Hazard Area under the approach zone for a distance not exceeding one and one-half (1½) miles from the airport boundary; said land use zoning boundary location and dimensions are indicated on the Airport Zoning Map.
- E. **USE RESTRICTIONS**
In order to restrict those uses which may be hazardous to the operational safety of aircraft operating to and from the Duluth International Airport, and furthermore to limit population and building density in the runway approach areas, thereby creating sufficient open space so as to protect life and property in case of accident, the following use restrictions are applied to the land use Safety Zones:
1. **ALL SAFETY ZONES:** No use shall be made of any land in any of the Safety Zones which creates or causes interference with the operation of radio or

electronic facilities on the airport or with radio or electronic communications between the airport and aircraft, makes it difficult for pilots to distinguish between airport lights and other lights, results in glare in the eyes of pilots using the airport, impairs visibility in the vicinity of the airport, or otherwise endangers the landing, taking off, or maneuvering of aircraft.

2. **SAFETY ZONE 1:** Areas designated as Safety Zone 1 shall contain no buildings, temporary structures, exposed transmission lines, or other similar above-ground land use structural hazards, and shall be restricted to those uses which will not create, attract, or bring together an assembly of persons thereon. Permitted uses may include Agricultural Use, Resource Extraction Use, horticulture, animal husbandry, raising of livestock, wildlife habitat, light outdoor recreation (non-spectator), cemeteries, and automobile parking.
3. **SAFETY ZONE 2:**
 - 3.1 Specific Prohibited Uses. The following classifications of building and structures as to use and occupancy are prohibited in Safety Zone 2:
 - 3.1.1 Group A Uses;
 - 3.1.2 Group E Uses;
 - 3.1.3 Group I-2 Uses; and
 - 3.1.4 Group R-1 Uses.
 - 3.2 Density Limitation. Other uses not specifically prohibited by Section 3.1 must be on a site whose area is at least two and one-half (2.5) acres. Each use shall not create, attract, or bring together a site population in excess of 20 persons per acre during the same time period; density as calculated pursuant to the 2020 Minnesota State Building Code, or its successor.
4. **SAFETY ZONE 3:** Areas designated as Safety Zone 3 are only subject to the restrictions set forth in this Section 5(E)(1).

SECTION 6: AIRPORT ZONING MAP

The Zones established in this Ordinance are shown on the Airport Zoning Map attached hereto as Exhibit C and made a part hereof. The Airport Zoning Map, together with map and all notations, references, elevation, data, zone boundaries, and other information thereon, shall be referred to in this Ordinance is hereby adopted in its entirety as part of this Ordinance.

SECTION 7: EXISTING USES AND STRUCTURES AS OF ENACTMENT

- A. **THIS ORDINANCE AND ANY LOCAL AIRPORT ZONING ORDINANCE NOT RETROACTIVE:** The regulations prescribed by this Ordinance and any Local

Airport Zoning Ordinance shall not be construed to require the removal, lowering, or other changes or alteration of any existing use, lot, structure, or tree or otherwise interfere with the continuance of any such use or Structure, or tree after the Effective Date (Section 21 – EFFECTIVE DATE) of this Ordinance ..

- B. **ACQUISITION IN SAFETY ZONES:** The Airport is an essential public facility. The DAA or City of Duluth may acquire land at their own expense for the purposes of preventing and/or reducing Airport Hazards and Aircraft Accidents.

SECTION 8: PERMITS; AND ORDERS TO REMOVE USE OR STRUCTURE, OR TREE

- A. **PERMIT STANDARDS.** Permit applications shall be made in the manner and on the form established by the Local Airport Zoning Administrator pursuant to their applicable Local Airport Zoning Ordinance. Each Permit application shall indicate the purpose for which the Permit is desired, with sufficient information with respect to the proposed project to allow a determination as to whether it conforms to the applicable Local Airport Zoning Ordinance. If such determination is in the affirmative, the Permit shall be granted. Copies of applications for permits shall be provided to the DAA.
- B. **PERMIT REQUIRED.** The following structures or uses shall not be allowed in a Safety Zone 2 unless a Permit has first been submitted to and granted by the Local Airport Zoning Administrator for that jurisdiction:
1. Material expansion of an Existing Structure or Use. Permit required.
 2. New structures or uses. Permit required.
 3. Abandoned Non-Conforming Structure. Permit required for structure to be re-used, rebuilt or replaced.
 4. Substantially Damaged Non-Conforming Structure. Permit required to rebuild, repair, or replace.
 5. Material Change in Non-Conforming Use. Permit required before material change in use may occur.
- C. **ORDER TO REMOVE USE, STRUCTURE, OR TREE.** Whether application is made for a Permit under this subdivision or not, the Local Airport Zoning Administrator may by appropriate action compel the owner of any Structure, use, or tree, at the owner's expense, to lower, remove, reconstruct, or equip the object as may be necessary to conform to the regulations of the applicable Local Airport Zoning Ordinance. If the owner of the Structure, use, or tree neglects or refuses to comply with the order for ten days after notice of the order, the Local Airport Zoning Administrator may take whatever lawful actions they deem necessary and appropriate to obtain compliance with the provisions of the applicable Local Airport Zoning Ordinance.

SECTION 9: VARIANCES

- A. **APPLICATION.** Any person desiring to erect or increase the height of any Structure, permit the growth of any tree, or use property in a way prohibited by the applicable Local Airport Zoning Ordinance may apply to both the Local Airport Zoning Administrator and the BOA for a Variance from such regulations. Variance applications shall be made in the manner and on the form established by the Local Airport Zoning Administrator. The Local Zoning Administrator may also establish, collect, and retain a Variance application fee. Variance applications shall be delivered to the Local Airport Zoning Administrator, who shall then deliver the Variance application to the BOA and DAA. The Variance applications may only be made after the Local Airport Zoning Administrator determines that a Variance is required. Copies of Variance applications shall be provided to the DAA.
- B. **FAILURE OF BOARD TO ACT ON VARIANCE.** This Section 9B is intended to implement the provisions of Minnesota Statutes § 360.063, Subd. 6a and § 360.067, Subd. 2. If a person submits a complete application for a Variance by certified mail to both the Local Airport Zoning Administrator and the BOA, and they both fail to grant or deny the Variance within four (4) months after receipt of the application, the Variance shall be deemed to be granted by the BOA, unless the BOA has made its decision within a longer time period authorized in writing by applicant. When the Variance is granted by reason of the failure of the BOA to act on the Variance, the person receiving the Variance shall notify the BOA and the Commissioner, in writing by certified mail, that the Variance has been granted. The applicant shall include a copy of the original Permit and Variance applications with the notice. The Variance shall be effective sixty (60) days after this notice is received by the Commissioner subject to any action taken by the Commissioner pursuant to Minnesota Statutes Section 360.063, Subdivision 6(a).
- C. **VARIANCE STANDARDS.** The provisions of Minnesota Statutes § 360.067, Subd. 2 shall be applicable to an application for a Variance. Variances shall only be granted where it is duly found by the BOA that a literal application or enforcement of the regulations would result in practical difficulty, or undue hardship, and the relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of the applicable Local Airport Zoning Ordinance provided any Variance so allowed may be subject to any reasonable conditions that the JAZB or Commissioner may deem necessary to effectuate the purpose of the applicable Local Airport Zoning Ordinance.

SECTION 10: HAZARD MARKING AND LIGHTING

The Local Airport Zoning Administrator or the BOA may condition any Permit or Variance granted so as to require the owner of the Structure or tree or use in question at their own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to pilots the presence of an Airport Hazards.

SECTION 11: LOCAL AIRPORT ZONING ADMINISTRATOR

It shall be the duty of the Local Airport Zoning Administrator to enforce the regulations prescribed by the applicable Local Airport Zoning Ordinance. Regulations prescribed by the applicable Local Airport Zoning Ordinance for which a Permit is not required to be obtained

under the Local Airport Zoning Ordinance shall be enforced and administered as determined by the Local Airport Zoning Administrator. Permit applications shall be made to the Local Airport Zoning Administrator for that jurisdiction. Copies of Permit applications shall be provided to the DAA. Permit applications shall be promptly considered and granted or denied pursuant to the regulations by the applicable Local Airport Zoning Ordinance. Variance applications shall be made to both the Local Airport Zoning Administrator for that Jurisdiction and the BOA. Copies of Variance applications shall be provided to the DAA.

SECTION 12: BOARD OF ADJUSTMENT FOR THE DULUTH INTERNATIONAL AIRPORT JOINT ZONING BOARD

- A. Establishment: The Board of Adjustment (“BOA”) shall consist of five members, one member each appointed by:
1. Canosia Township
 2. City of Duluth;
 3. City of Hermantown;
 4. City of Rice Lake; and
 5. Duluth Airport Authority.

Each member shall serve for a term of three years and until their successor is duly appointed and qualified. In the event of a vacancy, the vacancy for the unexpired term shall be filled in the same manner as the appointment was originally made. BOA members may be removed by the Entity which appointed such member at any time, with or without cause. JAZB members may also serve on the BOA.

- B. Powers: The BOA shall have and exercise the following powers:
- (1) to hear and decide appeals from any order, requirement, decision, or determination made by the Local Airport Zoning Administrator in the enforcement of the Local Airport Zoning Ordinance;
 - (2) to hear and decide any special exceptions to the terms of the Local Airport Zoning Ordinance upon which the BOA may be required to pass under such Local Airport Zoning Ordinance; and
 - (3) to hear and decide Variances.
- C. Majority Vote: The concurring vote of a majority of the members of the BOA shall be sufficient for any action or any order, requirement, decision, or determination of the Local Airport Zoning Administrator, or to make a decision on any matter upon which it is required to pass under the Local Airport Zoning Ordinance or to make a decision on a Variance.
- D. Rules and Procedures: The BOA shall adopt rules in accordance with the provisions of this Ordinance. Upon their appointment the BOA members shall select a chair to act at the pleasure of the BOA. Meetings of the BOA shall be held at the call of the chair and at such other times as the BOA may determine. The chair, or if absent, the acting chair, may administer oaths and compel the attendance of witnesses. All hearings of the BOA shall be public. The BOA shall keep minutes of its proceedings, showing the vote of

each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the BOA and shall be a public record.

SECTION 13: APPEALS

A. Who May Appeal:

Any Person directly affected by any decision of the Local Airport Zoning Administrator in connection with the administration of a Local Airport Zoning Ordinance may appeal that decision to the BOA. Such appeals may also be made by any governing body of the Entities.

B. Procedure:

All appeals hereunder must be commenced in writing within 10 business days of the issuance in writing of the decision by the Local Airport Zoning Administrator, by filing with the Local Airport Zoning Administrator and the BOA a notice of appeal specifying the grounds thereof and the applicable appeal filing and hearing fee set by the BOA. The Local Airport Zoning Administrator shall forthwith transmit to the BOA all data constituting the record upon which the action appealed from was taken. Copies of the data shall also be provided to the DAA.

C. Stay of Proceedings:

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Local Airport Zoning Administrator certifies to the BOA, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate finds that a stay would, in their opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the BOA on written notice to the Local Airport Zoning Administrator and on due cause shown.

D. Hearing:

The BOA shall fix a time for hearing appeals, and then give public notice to the Entities and the DAA, and written notice by mail to the appellant. At the hearing, any party may appear in person or by agent or by attorney.

E. Decisions:

The BOA may, in conformity with the provisions of this ordinance, reverse or affirm, in whole or in part, or modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination, in writing with detailed findings, as may be appropriate under the circumstances, and to that end shall have all the powers of an Local Airport Zoning Administrator.

SECTION 14: JUDICIAL REVIEW

All decisions of the BOA are final. Any party aggrieved by a decision of the BOA may appeal as authorized by Minnesota law provided that such appeal is made within thirty (30) days of the date of the decision of the BOA.

SECTION 15: PENALTIES

- A. **CRIMINAL.** Every person who shall construct, establish, substantially change, alter or repair any existing structure or use, or permit the growth of any tree without having complied with the provision of this Ordinance or who, having been granted a Permit or Variance under the provisions of this Ordinance, shall construct, establish, substantially change or substantially alter or repair any existing growth or structure or permit the growth of any tree, except as permitted by such Permit or Variance, shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$1,000 or imprisonment for not more than 90 days or by both. Each day a violation continues to exist shall constitute a separate offense.
- B. **CIVIL.** In addition, a Local Airport Zoning Administrator or the DAA may institute in any court of competent jurisdiction an action to prevent, restrain, correct, or abate any violation of the Local Airport Zoning Ordinance, or of any order or ruling made in connection with their administration or enforcement of this Ordinance, and the court shall adjudge to the plaintiff such relief, by way of injunction (which may be mandatory) or otherwise, as may be proper under all the facts and circumstances of the case.

SECTION 16: EXEMPTIONS – LAND USED FOR AERONAUTICAL PURPOSES

The restrictions of this Ordinance or any Local Airport Zoning Ordinance shall not control the use of land or the height of structures on land owned by the City of Duluth, the State of Minnesota, the Duluth Airport Authority, or the United States of America and used by the Duluth Airport Authority exclusively for aeronautical purposes.

SECTION 17: CONFLICTS

Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance and any other regulations applicable to the same area including but not limited to the Local Airport Zoning Ordinance, whether the conflict be with respect to the height of Structures or trees, the use of land, or any other matter, the more stringent limitation or regulation shall govern and prevail.

SECTION 18: SEVERABILITY

In any case in which the provisions of this Ordinance, although generally reasonable, are held by a court to interfere with the use or enjoyment of a particular Structure or parcel of land to such an extent, or to be so onerous in their application to such a Structure or parcel of land, as to constitute a taking or deprivation of that property in violation of the United States or State of Minnesota Constitutions, such holding shall not affect the application of this Ordinance as to other structures and parcels of land, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 19: ADMINISTRATION

- A. Meetings and hearings of the JAZB and BOA shall be held at the Duluth International Airport.
- B. JAZB and BOA shall be supported administratively by the staff of the Duluth Airport Authority and Duluth City Attorney's Office.
- C. The BOA shall be supported by the staff and legal counsel provided by the Entity in whose jurisdiction the property affected by the Variance is located with respect to the requested Variance.
- D. The BOA shall be supported administratively by the staff of the Duluth Airport Authority and legal counsel provided by the Duluth Airport Authority in connection with any judicial review of any actions of the BOA pursuant to Section 14 hereof.
- E. The DAA shall provide reasonable technical advice and assistance to Local Zoning Administrators with respect to the administration and enforcement of a Local Zoning Ordinance upon request by a Local Zoning Administrator.

SECTION 20: LOCAL AIRPORT ZONING ORDINANCE

Each of the Entities shall consider the adoption of amendments to its comprehensive plan and thereafter amendments to the zoning for its jurisdiction that incorporate the applicable provisions of this Ordinance. Any such amendments to Entities' zoning shall become effective only after this Ordinance has been approved by the Commissioner.

SECTION 21: EFFECTIVE DATE

This Ordinance shall take effect upon recordation in the St. Louis County Recorder's Office, which shall occur after approval of the Ordinance by the Commissioner. Copies thereof shall be filed with the State of Minnesota Commissioner of Transportation, Division of Aeronautics, and the Entities.

Passed and adopted by the Duluth International Joint Airport Zoning Board ("JAZB") on _____ after public hearing by the JAZB, and after approval by the Commissioner.

Chairperson

ATTEST:

Its _____

EXHIBIT A–SAFETY ZONE LEGAL DESCRIPTIONS

Zone 1 of East End of Runway 9-27

That part of Section 6, Township 50, Range 14, St Louis County, Minnesota, described as follows:

Commencing at the northwest corner of the Southwest Quarter of said Section 6; thence on an assumed bearing of South 00 degrees 49 minutes 13 seconds East, along the west line of said Southwest Quarter, a distance of 935.43 feet to the intersection with the easterly extension of the centerline of Runway 9-27; thence South 88 degrees 23 minutes 44 seconds East, along last described easterly extension, a distance of 204.53 feet to the east end of the proposed runway 9-27; thence continuing South 88 degrees 23 minutes 44 seconds East, along last described easterly extension, a distance of 200.00 feet; thence South 01 degree 36 minutes 16 seconds West a distance of 500.00 feet to the actual point of beginning of Zone 1; thence North 01 degree 36 minutes 16 seconds East a distance of 1000.00 feet; thence North 83 degrees 04 minutes 25 seconds East a distance of 4180.09 feet to the intersection with the north line of the Northeast Quarter of the Southeast Quarter of said Section 6; thence North 89 degrees 17 minutes 03 seconds East, along last described north line, a distance of 705.98 feet to the westerly right of way line of Rice Lake Road; thence southerly, along last described right of way line, a distance of 2280.58 feet to the east line of the North Half of the South Half of the Southeast Quarter of the Southeast Quarter of said Section 6; thence South 01 degree 03 minutes 54 seconds East, along last described east line, a distance of 39.99 feet to the south line of said North Half of the South Half of the Southeast Quarter of the Southeast Quarter; thence South 89 degrees 00 minutes 30 seconds West, along last described south line, a distance of 457.54 feet to the intersection with a line bearing South 79 degrees 51 minutes 54 seconds East from said point of beginning; thence North 79 degrees 51 minutes 54 seconds West a distance of 4590.59 feet to said point of beginning.

Zone 2 of East End of Runway 9-27

That part of Sections 5, 6, and 8, Township 50, Range 14, St Louis County, Minnesota, described as follows:

Commencing at the northwest corner of the Southwest Quarter of said Section 6; thence on an assumed bearing of South 00 degrees 49 minutes 13 seconds East, along the west line of said Southwest Quarter, a distance of 935.43 feet to the intersection with the easterly extension of the centerline of Runway 9-27; thence South 88 degrees 23 minutes 44 seconds East, along last described easterly extension, a distance of 204.53 feet to the east end of the proposed runway 9-27; thence continuing South 88 degrees 23 minutes 44 seconds East, along last described easterly extension, a distance of 200.00 feet; thence South 01 degree 36 minutes 16 seconds West a distance of 500.00 feet to a point hereinafter referred to as Point "A"; thence North 01 degree 36 minutes 16 seconds East a distance of 1000.00 feet; thence North 83 degrees 04 minutes 25 seconds East a distance of 4180.09 feet to a point on the north line of the Northeast Quarter of the Southeast Quarter of said Section 6 said point being the actual point of beginning of Zone 2; thence North 89 degrees 17 minutes 03 seconds East, along last described north line, a distance of 705.98 feet to the westerly right of way line of Rice Lake Road; thence southerly, along last described right of way line, a distance of 2280.58 feet to the east line of the North Half of the South Half of the Southeast Quarter of the Southeast Quarter of said Section 6; thence South 01 degree 03 minutes 54 seconds East, along last described east line, a distance of 39.99 feet to the south line of said North Half of the South Half of the Southeast Quarter of the Southeast Quarter; thence South 89 degrees 00 minutes 30 seconds West, along last described south line, a distance of 457.54 feet to the intersection with a line bearing South 79 degrees 51 minutes 54 seconds East from said Point "A"; thence South 79 degrees 51 minutes 54 seconds East a distance of 4368.29 feet; thence North 00 degrees 07 minutes 11 seconds West a distance of 3643.14 feet to the intersection with a line bearing North 83 degrees 04 minutes 25 seconds East from said point of beginning; thence South 83 degrees 04 minutes 25 seconds West a distance of 4667.96 feet to said point of beginning.

Zone 1 of North End of Runway 3-21

That part of Section 31, Township 51, Range 14, St Louis County, Minnesota, described as follows:

Commencing at the southwest corner of the Southwest Quarter of said Section 31; thence on an assumed bearing of North 89 degrees 22 minutes 07 seconds East, along the south line of said Southwest Quarter, a distance of 56.31 feet to the intersection with the northeasterly extension of the centerline of Runway 3-21; thence North 30 degrees 52 minutes 18 seconds East, along last described northeasterly extension, a distance of 1458.40 feet to the end of the proposed extension of Runway 3-21; thence continuing North 30 degrees 52 minutes 18 seconds East, along last described northeasterly extension, a distance of 200.00 feet; thence South 59 degree 07 minutes 42 seconds East a distance of 500.00 feet to the

actual point of beginning of Zone 1; thence North 59 degrees 07 minutes 42 seconds West a distance of 1000.00 feet; thence North 22 degrees 20 minutes 27 seconds East a distance of 3933.06 feet to the intersection with the north line of the Northeast Quarter of the Northwest Quarter of said Section 31; thence North 89 degrees 06 minutes 56 seconds East, along last described north line, a distance of 470.64 feet to the west line of the East 200.00 feet of said Northeast Quarter of the Northwest Quarter; thence South 00 degrees 40 minutes 03 seconds East, along last described west line, a distance of 1323.05 feet to the south line of said Northeast Quarter of the Northwest Quarter; thence North 89 degrees 08 minutes 06 seconds East, along last described south line, a distance of 200.00 feet to the southeast corner of said Northeast Quarter of the Northwest Quarter; thence North 89 degrees 08 minutes 19 seconds East, along the south line of the Northwest Quarter of the Northeast Quarter of said Section 31, a distance of 990.90 feet to the west line of the East Half of the East Half of said Northwest Quarter of the Northeast Quarter; thence North 00 degrees 40 minutes 13 seconds West, along last described west line, a distance of 1323.39 feet to the north line of said Northeast Quarter of Section 31; thence North 89 degrees 07 minutes 22 seconds East, along last described north line, a distance of 990.84 feet to the east line of the West Half of the Northeast Quarter of the Northeast Quarter of said Section 31; thence South 00 degrees 40 minutes 22 seconds East, along last described east line, a distance of 185.61 feet to the intersection with a line bearing North 39 degrees 24 minutes 09 seconds East from said point of beginning; thence South 39 degrees 24 minutes 09 seconds West a distance of 5184.44 feet to said point of beginning.

Zone 1 of West End of Runway 9-27

That part of Sections 3 and 4, Township 50, Range 15, St Louis County, Minnesota, described as follows:

Commencing at the northeast corner of the Southeast Quarter of said Section 3; thence on an assumed bearing of South 00 degrees 17 minutes 07 seconds East, along the east line of said Southeast Quarter, a distance of 523.82 feet to the intersection with the westerly extension of the centerline of Runway 9-27; thence North 88 degrees 23 minutes 44 seconds West, along last described westerly extension, a distance of 817.84 feet to the end of the proposed extension of Runway 9-27; thence continuing North 88 degrees 23 minutes 44 seconds West, along last described westerly extension, a distance of 200.00 feet; thence South 01 degree 36 minutes 16 seconds West a distance of 500.00 feet to the actual point of beginning of Zone 1; thence North 01 degree 36 minutes 16 seconds East a distance of 1000.00 feet; thence North 79 degrees 51 minutes 54 seconds West a distance of 5093.17 feet to the intersection with the south line of the North Half of the North Half of the Southeast Quarter of the Northeast Quarter of said Section 4; thence South 89 degrees 17 minutes 28 seconds West, along last described south line, a distance of 612.03 feet to the west line of said Southeast Quarter of the Northeast Quarter; thence South 00 degrees 29 minutes 37 seconds East, along last described west line, a distance of 986.08 feet to the southwest corner of said Southeast Quarter of the Northeast Quarter; thence North 89 degrees 19 minutes 12 seconds East, along the south line of said Southeast Quarter of the Northeast Quarter, a distance of

1314.17 feet to the southeast corner of said Southeast Quarter of the Northeast Quarter; thence South 00 degrees 11 minutes 17 seconds West, along the east line of the Southeast Quarter of said Section 4, a distance of 1437.77 feet to the intersection with a line bearing South 83 degrees 04 minutes 25 seconds West from said point of beginning; thence North 83 degrees 04 minutes 25 seconds East a distance of 4311.30 feet to said point of beginning.

Zone 2 of West End of Runway 9-27

That part of Section 4, Township 50, Range 15, St Louis County, Minnesota, described as follows:

Commencing at the northeast corner of the Southeast Quarter of Section 3 of said Township 50; thence on an assumed bearing of South 00 degrees 17 minutes 07 seconds East, along the east line of said Southeast Quarter, a distance of 523.82 feet to the intersection with the westerly extension of the centerline of Runway 9-27; thence North 88 degrees 23 minutes 44 seconds West, along last described westerly extension, a distance of 817.84 feet to the end of the proposed extension of Runway 9-27; thence continuing North 88 degrees 23 minutes 44 seconds West, along last described westerly extension, a distance of 200.00 feet; thence South 01 degree 36 minutes 16 seconds West a distance of 500.00 feet to a point hereinafter referred to as Point "A"; thence North 01 degree 36 minutes 16 seconds East a distance of 1000.00 feet; thence North 79 degrees 51 minutes 54 seconds West a distance of 5093.17 feet to a point on the south line of the North Half of the North Half of the Southeast Quarter of the Northeast Quarter of said Section 4 said point being the actual point of beginning of Zone 2; thence South 89 degrees 17 minutes 28 seconds West, along last described south line, a distance of 612.03 feet to the west line of said Southeast Quarter of the Northeast Quarter; thence South 00 degrees 29 minutes 37 seconds East, along last described west line, a distance of 986.08 feet to the southwest corner of said Southeast Quarter of the Northeast Quarter; thence North 89 degrees 19 minutes 12 seconds East, along the south line of said Southeast Quarter of the Northeast Quarter, a distance of 1314.17 feet to the southeast corner of said Southeast Quarter of the Northeast Quarter; thence South 00 degrees 11 minutes 17 seconds West, along the east line of the Southeast Quarter of said Section 4, a distance of 1325.00 feet to the north line of the Southeast Quarter of the Southeast Quarter of said Section 4; thence South 89 degrees 14 minutes 37 seconds West, along last said north line, a distance of 1304.68 feet to the northwest corner of said Southeast Quarter of the Southeast Quarter; thence South 00 degrees 13 minutes 11 seconds East, along the west line of said Southeast Quarter of the Southeast Quarter, a distance of 253.87 feet to the intersection with a line bearing South 83 degrees 04 minutes 25 seconds West from said Point "A"; thence South 83 degrees 04 minutes 25 seconds West a distance of 3932.53 feet; thence North 00 degrees 07 minutes 11 seconds West a distance of 3854.41 feet to the intersection with a line bearing North 79 degrees 51 minutes 54 seconds West from said point of beginning; thence South 79 degrees 51 minutes 54 seconds East a distance of 4576.98 feet to said point of beginning.

Zone 1 of South End of Runway 3-21

That part of Sections 11 and 12, Township 50, Range 15, St Louis County, Minnesota, described as follows:

Commencing at the northeast corner of the Northwest Quarter of said Section 12; thence on an assumed bearing of South 89 degrees 22 minutes 46 seconds West, along the north line of said Northwest Quarter, a distance of 548.52 feet to the intersection with the southwesterly extension of the centerline of Runway 3-21; thence South 30 degrees 52 minutes 18 seconds West, along last described southwesterly extension, a distance of 349.89 feet to the end of proposed runway 3-21; thence continuing South 30 degrees 52 minutes 18 seconds West, along last described southwesterly extension, a distance of 200.00; thence South 59 degree 07 minutes 42 seconds East a distance of 500.00 feet to the actual point of beginning of Zone 1; thence North 59 degrees 07 minutes 42 seconds West a distance of 1000.00 feet; thence South 37 degrees 59 minutes 48 seconds West a distance of 3104.55 feet to the intersection with the northeasterly right of way line of Miller Trunk Highway; thence South 53 degrees 03 minutes 51 seconds East, along last said northeasterly right of way line, a distance of 739.20 feet to the east line of the Southeast Quarter of said Section 11; thence North 00 degrees 34 minutes 00 seconds West, along last described east line, a distance of 347.40 feet to the intersection with the northwesterly extension of the southwesterly line of Lot 4 of the recorded plat of "ANDERSON'S ACRE TRACTS" on file and of record in the office of the St Louis County Recorder; thence South 54 degrees 08 minutes 29 seconds East, along last described northwesterly extension and said southwesterly line of Lot 4 and the southeasterly extension of said southwesterly line of Lot 4, a distance of 1201.00 feet to the intersection with a line bearing South 23 degrees 51 minutes 10 seconds West from said point of beginning; thence North 23 degrees 51 minutes 10 seconds East a distance of 2989.06 feet to said point of beginning.

EXHIBIT B – AIRPORT ZONING MAPS

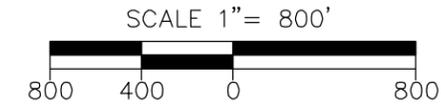
SURVEY FOR: REYNOLDS, SMITH AND HILLS, INC.
 4525 AIRPORT APPROACH ROAD, SUITE A
 DULUTH, MINNESOTA 55811

SURVEY OF: ZONES 1 AND 2 ON THE WEST
 END OF RUNWAY 9-27, LOCATED
 IN SECTION 3 AND 4, TOWNSHIP
 50, RANGE 15, ST LOUIS
 COUNTY, MINNESOTA.

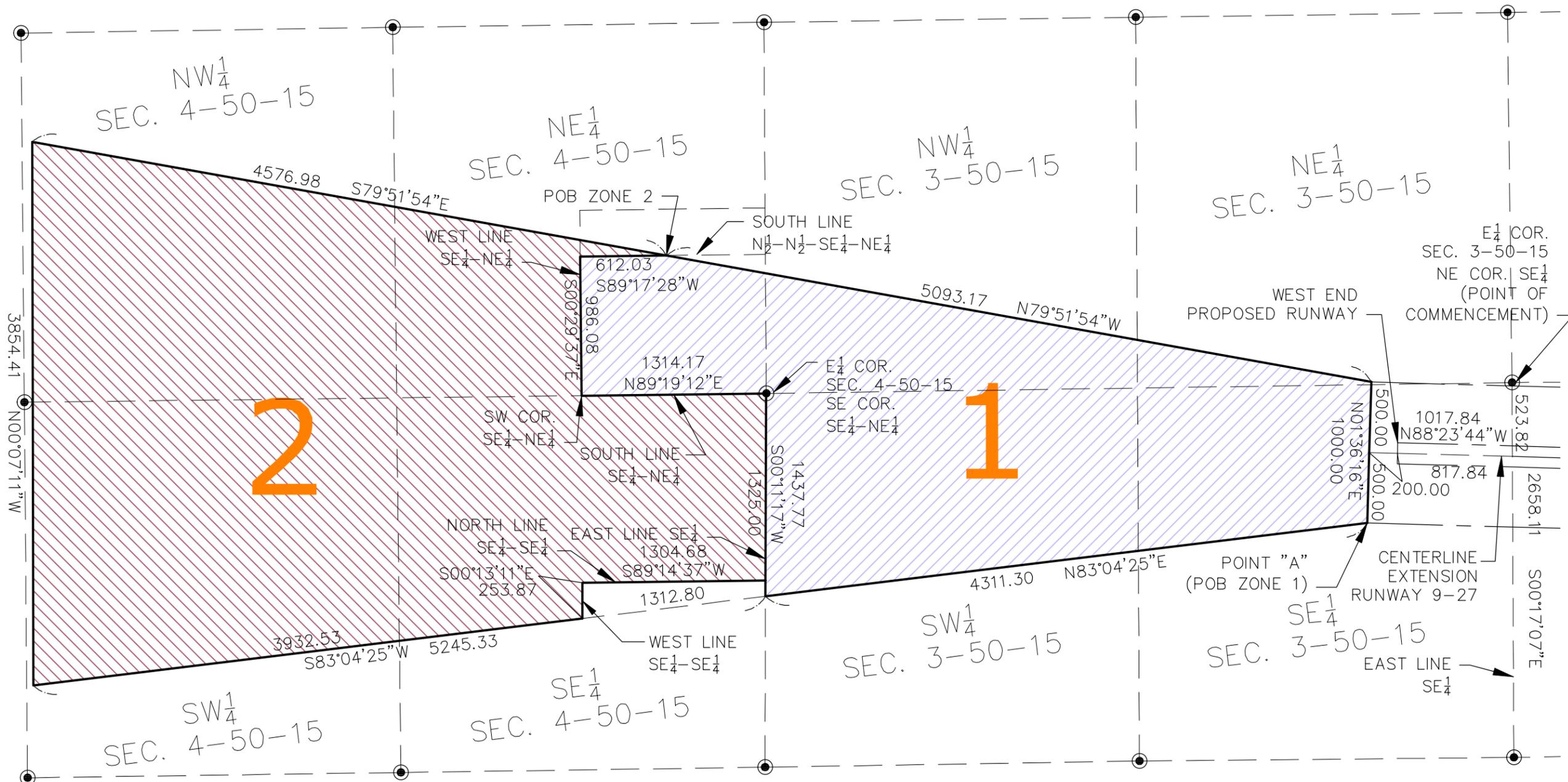
STRAIGHTLINE SURVEYING, INC.

P.O. Box 510, 500 Falz Blvd
 Moose Lake, MN 55767
 E-MAIL: banderson@straightlinesurveying.com

Telephone: (218)-485-4811
 Fax: (218)-485-4811



● DENOTES FOUND IRON MONUMENT
 POB = POINT OF BEGINNING



I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Benjamin H. Anderson 45498 10-28-2020 2015-056X NONE
 Benjamin H. Anderson License No. Date Job No. Book No.

SURVEY FOR: REYNOLDS, SMITH AND HILLS, INC.
 4525 AIRPORT APPROACH ROAD, SUITE A
 DULUTH, MINNESOTA 55811

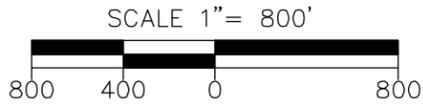
STRAIGHTLINE SURVEYING, INC.

P.O. Box 510, 500 Folz Blvd
 Moose Lake, MN 55767
 E-MAIL: banderson@straightlinesurveying.com

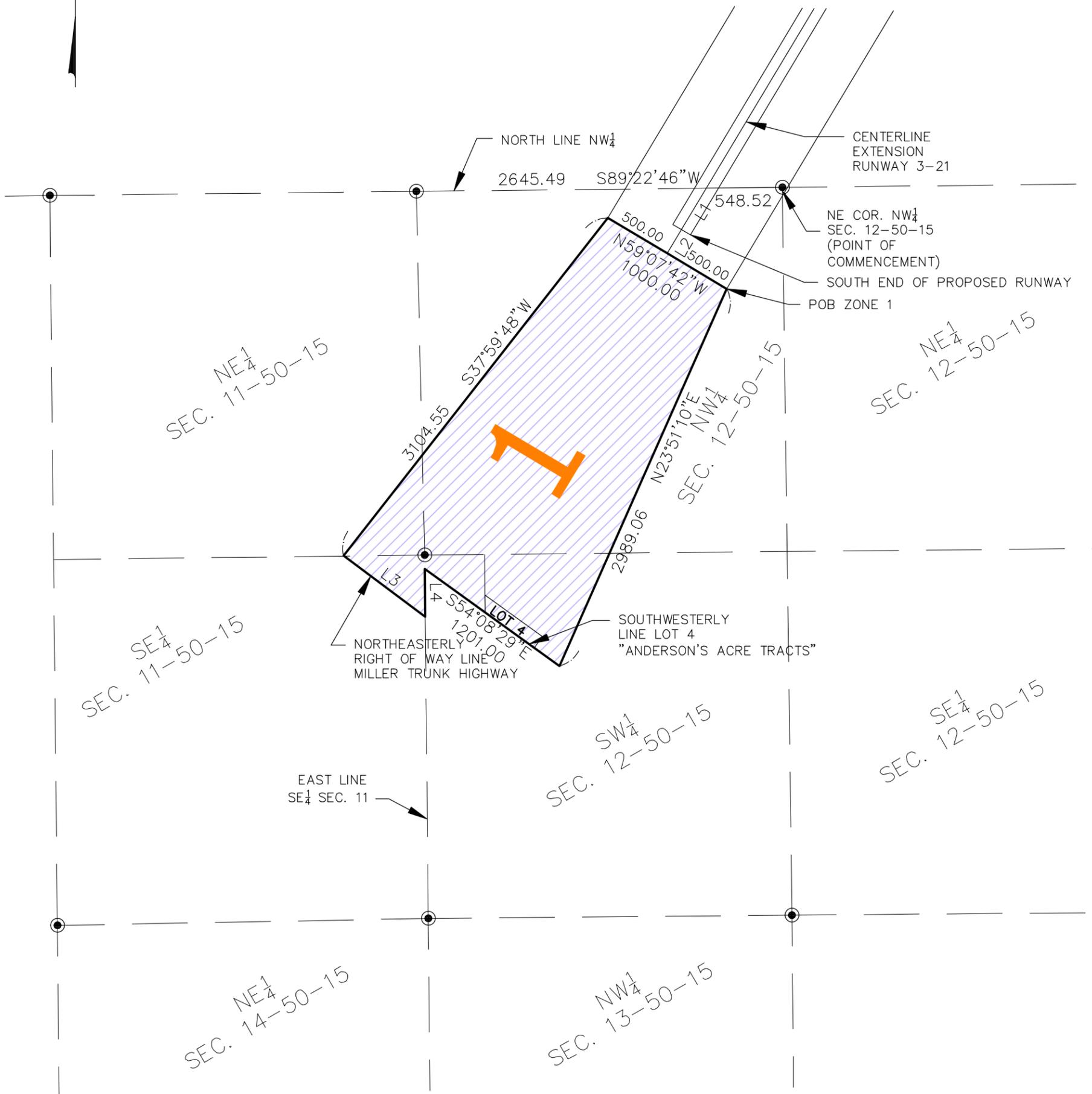
Telephone: (218)-485-4811
 Fax: (218)-485-4811

SURVEY OF: ZONE 1 ON THE SOUTHERLY SIDE
 OF RUNWAY 3-21, LOCATED IN
 SECTIONS 11, 12 AND 13,
 TOWNSHIP 50, RANGE 15, ST
 LOUIS COUNTY, MINNESOTA.

LINE TABLE		
LINE	LENGTH	BEARING
L1	349.89	S30°52'18"W
L2	200.00	S30°52'18"W
L3	739.20	S53°03'51"E
L4	347.40	N00°34'00"W



● DENOTES FOUND IRON MONUMENT
 POB = POINT OF BEGINNING



I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Benjamin H. Anderson
 Benjamin H. Anderson

45498
 License No.

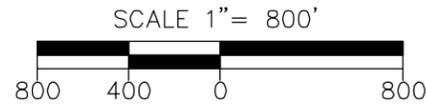
10-28-2020
 Date

2015-056X
 Job No.

NONE
 Book No.

SURVEY FOR: REYNOLDS, SMITH AND HILLS, INC.
 4525 AIRPORT APPROACH ROAD, SUITE A
 DULUTH, MINNESOTA 55811

SURVEY OF: ZONES 1 AND 2 ON THE EAST
 END OF RUNWAY 9-27, LOCATED
 IN SECTIONS 5, 6 AND 8,
 TOWNSHIP 50, RANGE 15, ST
 LOUIS COUNTY, MINNESOTA.

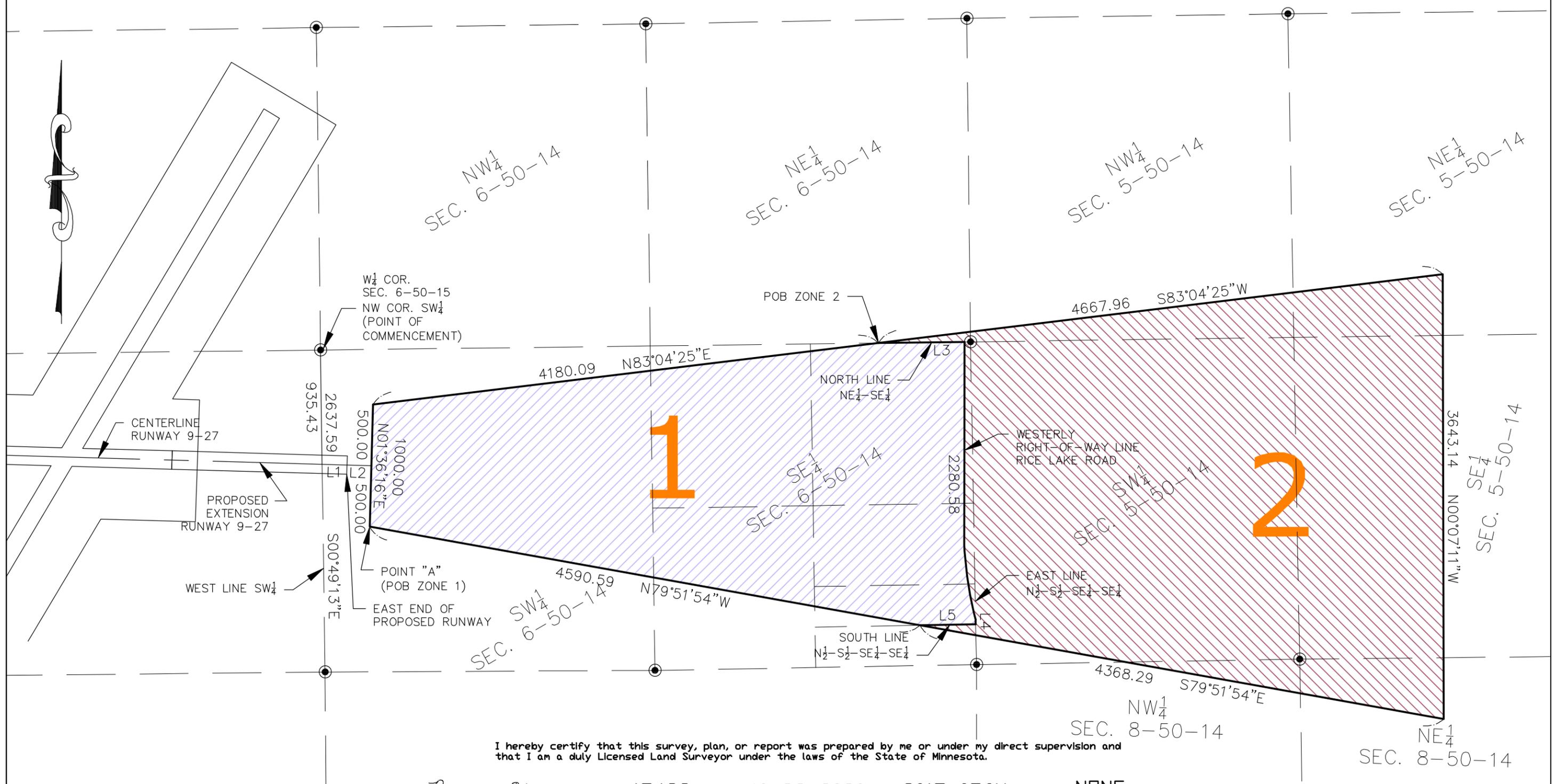


● DENOTES FOUND IRON MONUMENT
 POB = POINT OF BEGINNING

LINE TABLE		
LINE	LENGTH	BEARING
L1	204.53	S88°23'44"E
L2	200.00	S88°23'44"E
L3	705.98	N89°17'03"E
L4	39.99	S01°03'54"E
L5	457.54	S89°00'30"W

STRAIGHTLINE SURVEYING, INC.

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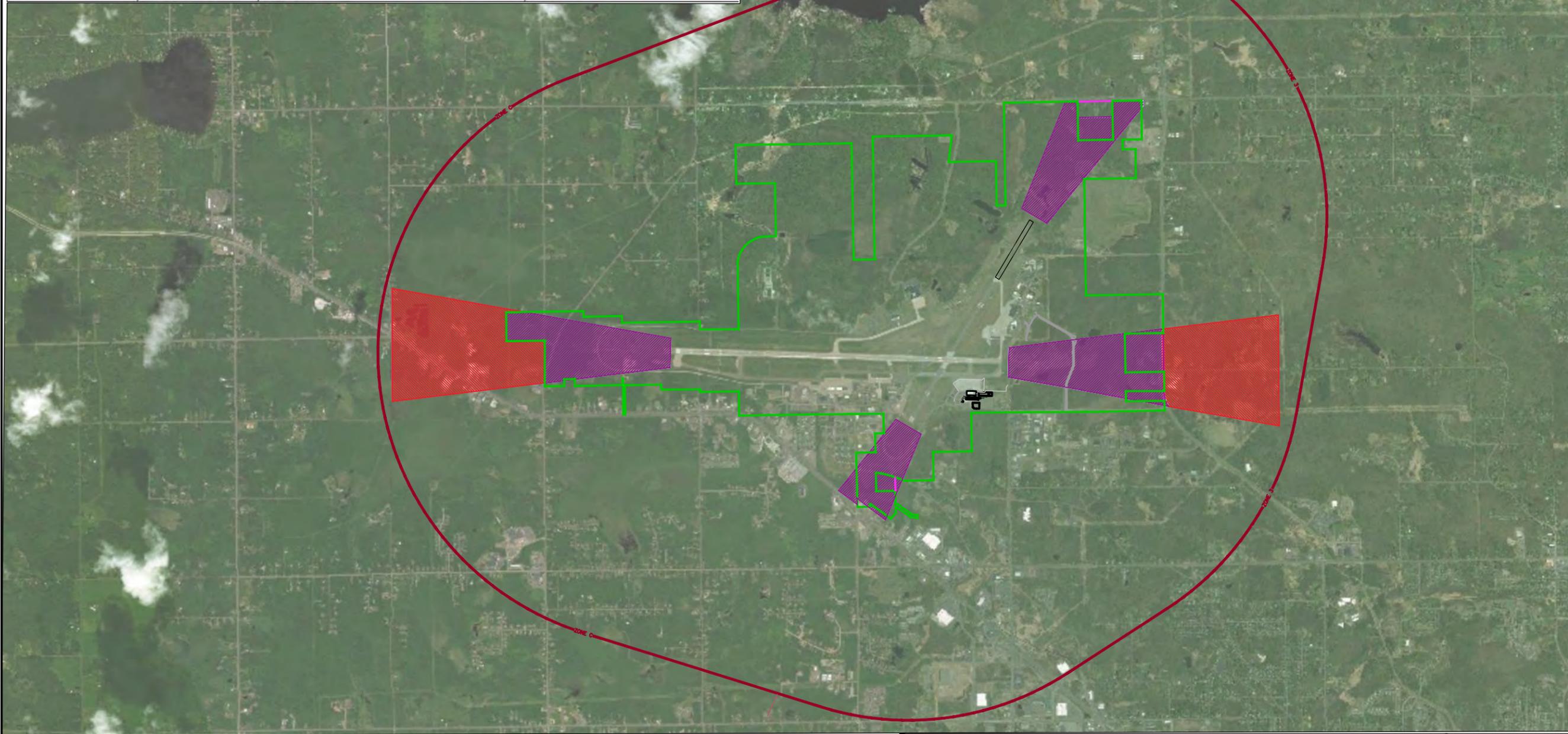


I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Benjamin H. Anderson 45498 10-28-2020 2015-056X NONE
 Benjamin H. Anderson License No. Date Job No. Book No.

AIRPORT LAND USE TABLE

AIRPORT ORDINANCE	EFFECTIVE DATE	ORDINANCE PURPOSE	ORDINANCE OVERSIGHT
DULUTH INTERNATIONAL AIRPORT ZONING ORDINANCE	ADOPTED: JUNE 18, 1988 AMENDED: MAY 23, 1996 (NOT ADOPTED) AMENDED: NOVEMBER 18, 2010 EFFECTIVE: TBD	THE AIRPORT ZONING ORDINANCE RESTRICTS THE HEIGHT OF BUILDINGS AND OBJECTS, AND REGULATES THE USE OF PROPERTY IN THE VICINITY OF THE AIRPORT. AIRSPACE OBSTRUCTION ZONING IS ACCOMPLISHED THROUGH THE USE OF THE AIRSPACE ZONES ESTABLISHED PER MINNESOTA RULES CHAPTERS 8900.1100/ 1200 AND COINCIDE WITH FAR PART 77 IMAGINARY SURFACES. LAND USE REGULATION IS ACCOMPLISHED THROUGH AIRPORT SAFETY ZONES 'A', 'B' AND 'C' PER MINNESOTA RULES CHAPTER 8900.2400, WHICH REGULATES POPULATION AND BUILDING DENSITIES. THE AIRPORT ZONING ORDINANCE MAPS CONSIST OF SIX SHEETS AS SPECIFIED BY THE ORDINANCE.	THE AIRPORT JOINT ZONING BOARD TO REGULATE THE AIRPORT ZONING ORDINANCE AS COMPRISED OF THE CITY OF DULUTH, CITY OF HERMANTOWN, CANOSIA TOWNSHIP, RICE LAKE TOWNSHIP AND ST. LOUIS COUNTY. PER THE AIRPORT ZONING ORDINANCE, A BOARD OF ADJUSTMENTS IS ESTABLISHED AS COMPRISED OF ONE MEMBER FROM THE DULUTH AIRPORT BOARD, CITY OF DULUTH, CITY OF HERMANTOWN, RICE LAKE TOWNSHIP AND CANOSIA TOWNSHIP.



RS&H
 RS&H, Inc.
 4525 Airport Approach Road, Suite A
 Duluth, Minnesota 55811
 218-722-1227 FAX 218-722-1052
 www.rsandh.com

DULUTH AIRPORT AUTHORITY

DULUTH CUSTOM ZONING ORDINANCE

CONSULTANTS

REVISIONS		
NO.	DESCRIPTION	DATE

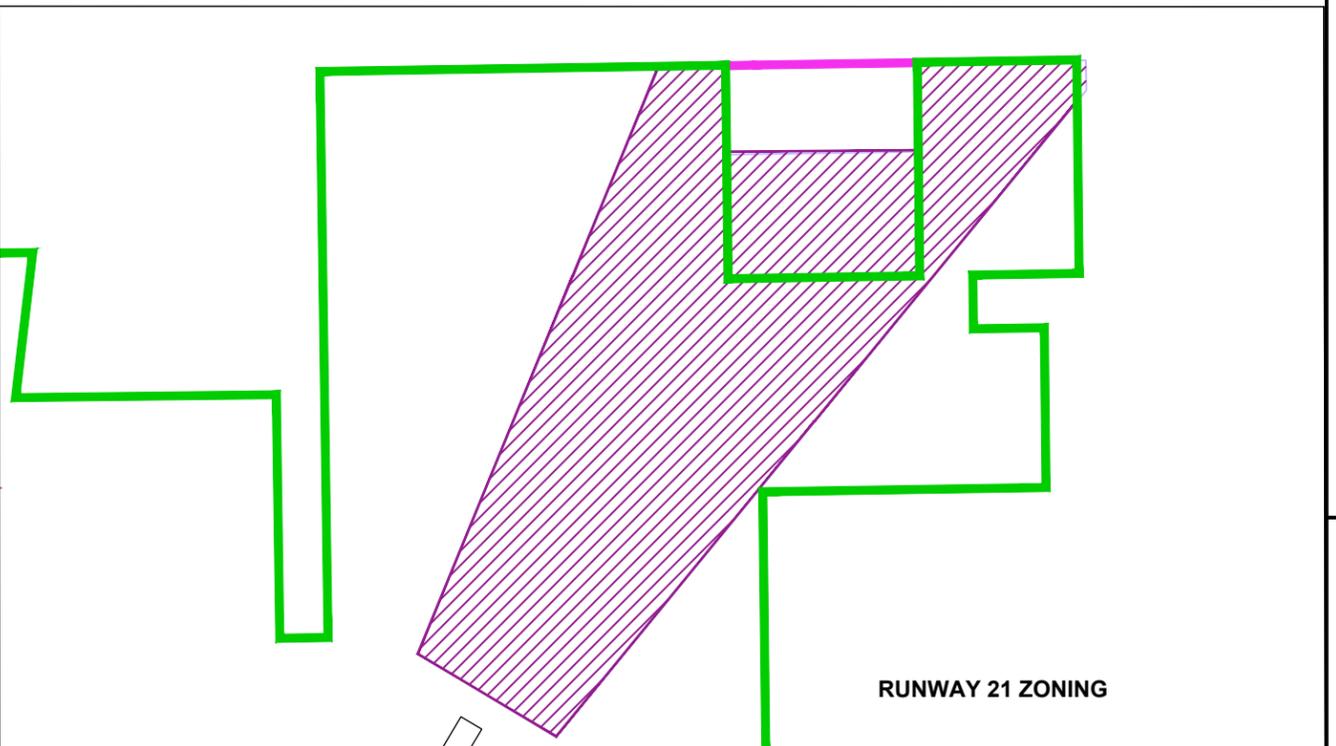
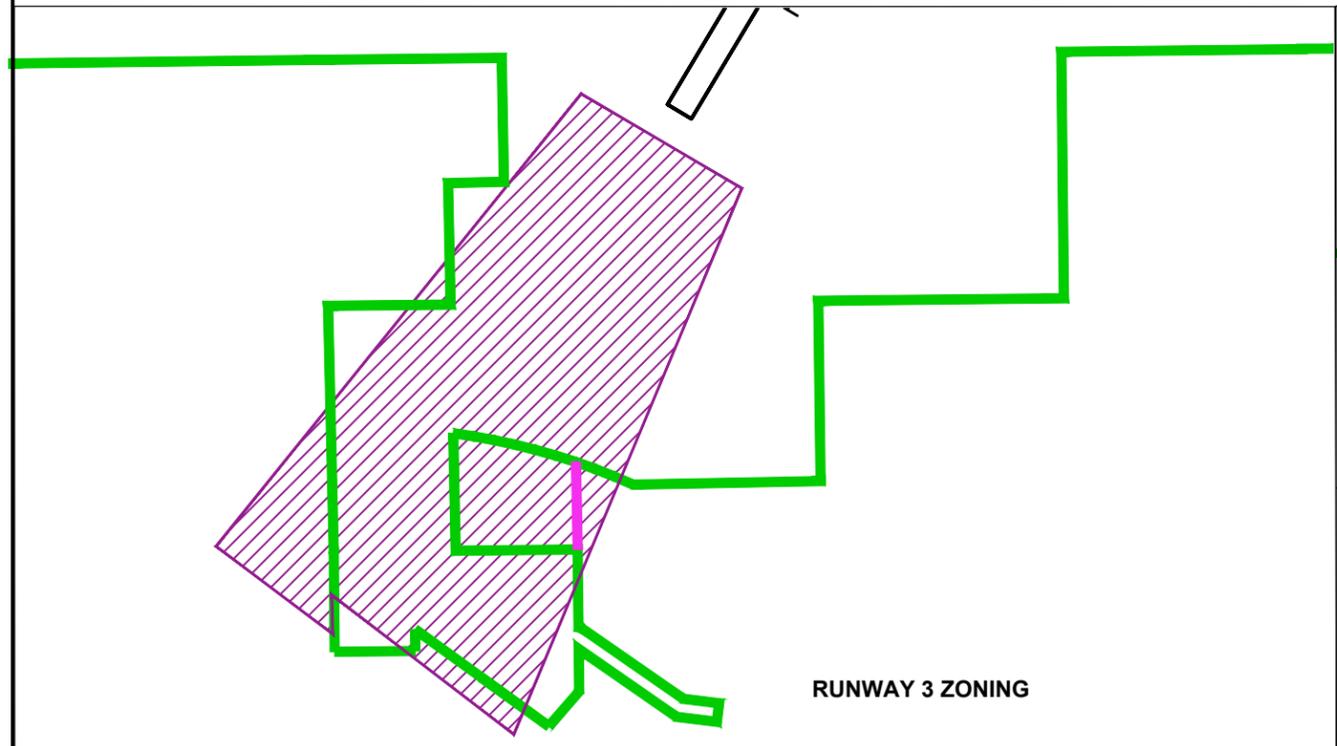
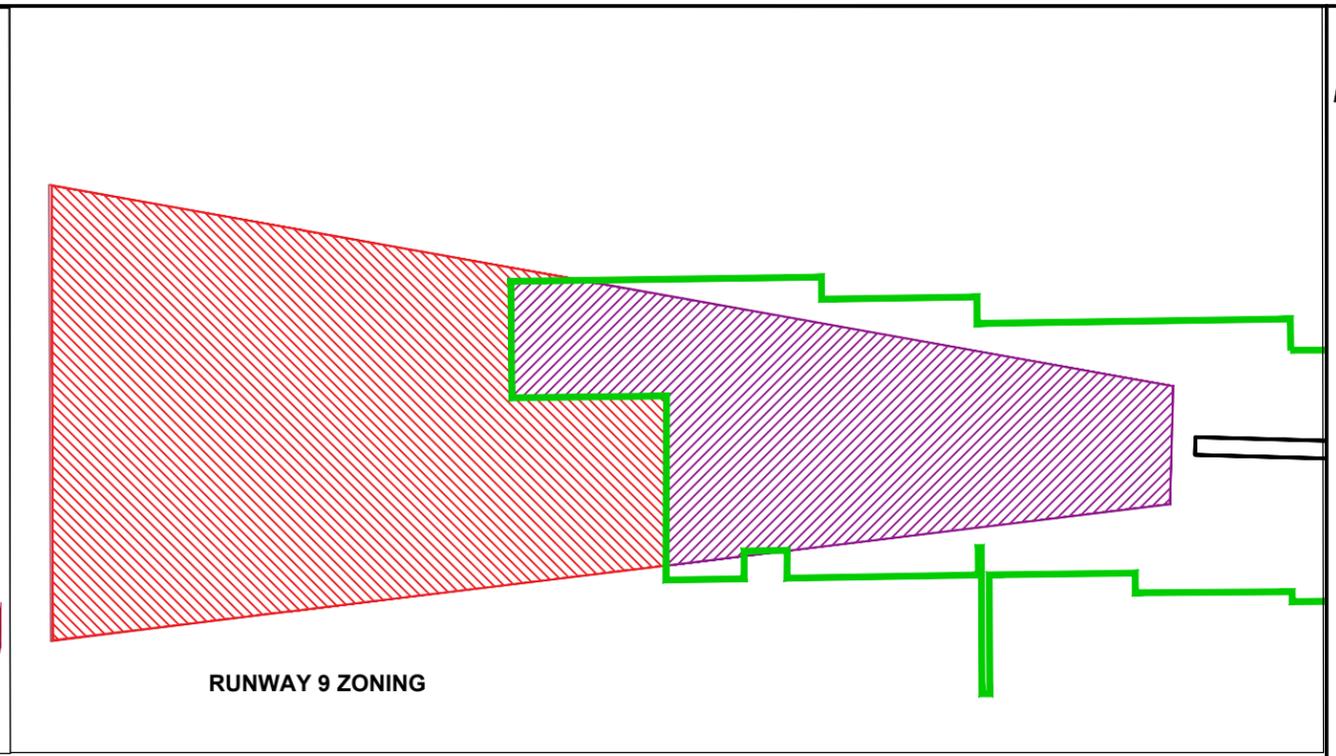
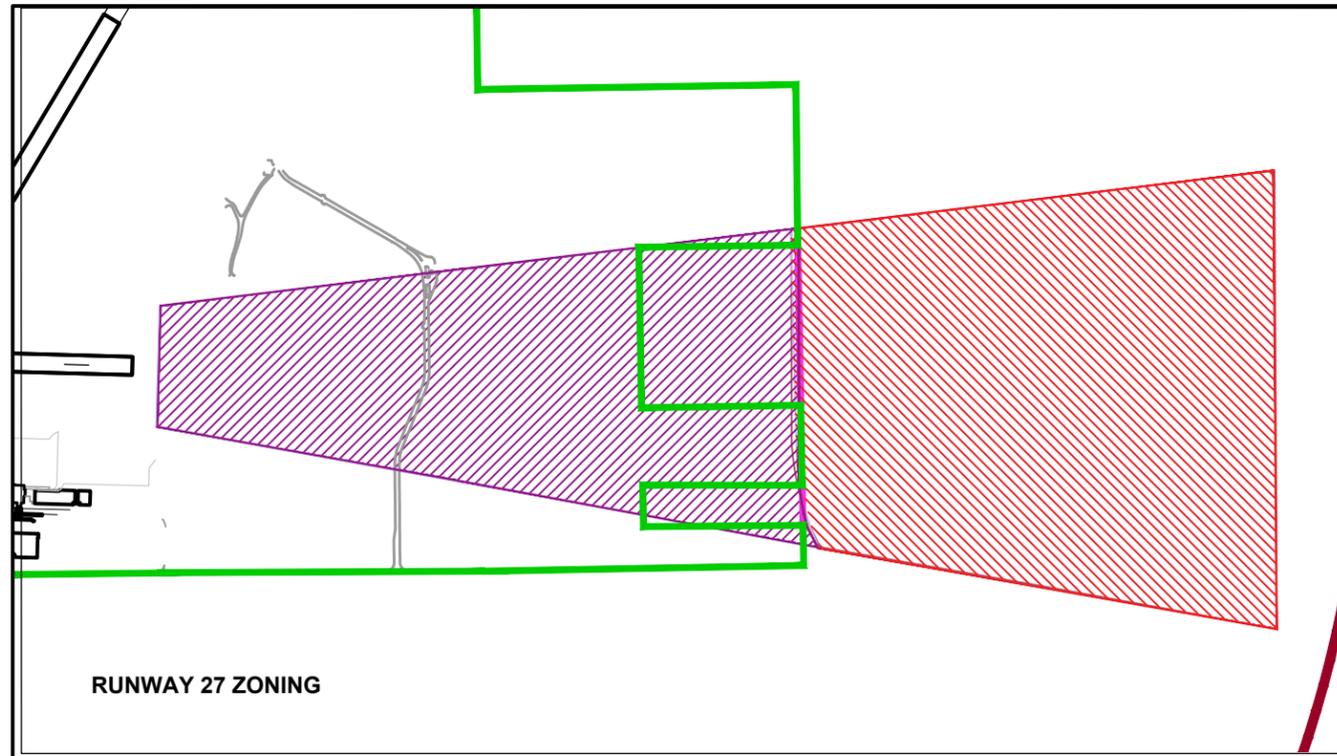
DATE ISSUED: _____
 REVIEWED BY: _____
 DRAWN BY: _____
 DESIGNED BY: _____

PROJECT NUMBER _____
 © 2020 RS&H INC.
 SHEET TITLE
SAFETY ZONES
 SHEET NUMBER
1

ZONING LEGEND

AIRPORT PROPERTY BOUNDARY	
FUTURE AIRPORT PROPERTY	
ZONE 1	
ZONE 2	
ZONE 3	





REVISIONS

NO.	DESCRIPTION	DATE

DATE ISSUED:
REVIEWED BY:
DRAWN BY:
DESIGNED BY:

PROJECT NUMBER

© 2020 RS&H INC.
SHEET TITLE

**SAFETY ZONES-
RUNWAY ENDS**

SHEET NUMBER

2

ZONING LEGEND

AIRPORT PROPERTY BOUNDARY	
FUTURE AIRPORT PROPERTY BOUNDARY	
ZONE 1	
ZONE 2	
ZONE 3	



