Article Three. Permitted Uses.

50-19 PERMITTED USE TABLE.

50-19.1 General.

Table 50-19.8, use table, lists land uses and indicates whether they are allowed by right or with a special use permit, or prohibited in each base zone district. The use table also includes references to any additional regulations applicable to that use.

The following legend in Table 50-19.1 shall be referenced when using the Table 50- 19.8:

Table 50-19.1: Use Table Legend for 50-19.8*

Abbreviation	Reference
P	Permitted Use
S	Special Use, refer to 50-37.10
I	Interim Use, refer to 50-37.10
A	Accessory Use
U	Use Permitted in the upper stories of the form district building
[1]	May require planning review (MU-C, MU-I, and MU-W Only), refer to 50-37.11
[2]	May require additional development standards and planning commission review if in the MU-N district, refer to 50-18.2

*Additional standards shall apply on uses within the Natural Resources, Airport, Historic Resources, or Skyline Parkway overlay districts (NR-O, A-O, HR-O, SP-O).

50-19.2 Permitted uses.

A “P” in a cell of the use table indicates that the land use is allowed by right in that base zone district. Permitted uses are subject to any use specific standards referenced in the final column of the table and to all other applicable requirements of this Chapter, including those set forth in Article 4. “U” in a cell of the use table indicates that the land use is allowed by right in that base district on any floor of the structure other than the ground floor, subject to compliance with the use-specific standards referenced in the final column of the use table.

50-19.3 Special uses and interim uses.

An “S” or an “I” in a cell of the use table indicates that the land use is allowed in that base zone district only upon approval of a special use or interim use permit as described in Section 50-37.10 and compliance with any use-specific standards referenced in the final column of the use table. Uses subject to a special use or interim use permit are subject to all other applicable requirements of this Chapter, including those set forth in Article 4.

50-19.4 Prohibited uses.

A blank cell in the use table indicates that the land use is prohibited in that base zone district.

50-19.5 Overlay districts provisions govern.

When a property is located within the boundaries of an overlay district, the provisions for that overlay district prevail over those in the base zone district. For example, if a use is prohibited in the base zone district where the property is located, but is a permitted use in an overlay district applicable to the same

property, then the use is allowed on that property. On the other hand, if a use is listed as a permitted use in the base zone district but is listed as a special use in an overlay zone district applicable to the same property, then the use is a special use for that property. Where a property is located in more than one overlay district, then the most restrictive use provision in those overlay zone districts shall apply to the property.

50-19.6 Use-specific standards.

When a land use is a permitted or a special use in a zone district, there may be additional standards that apply to that specific use. Those additional standards are cross-referenced in the last column of the use table (use-specific standards). The cross-referenced standards appear in Section 50-20 immediately following the use table.

50-19.7 Unlisted uses.

When a land use is a permitted or a special use in a zone district, there may be additional standards that apply to that specific use. Those additional standards are cross-referenced in the last column of the use table (use-specific standards). The cross-referenced standards appear in Section 50-20 immediately following the use table.

50-19.8 Permitted use table.

When a land use is a permitted or a special use in a zone district, there may be additional standards that apply to that specific use. Those additional standards are cross-referenced in the last column of the use table (use-specific standards). The cross-referenced standards appear in Section 50-20 immediately following the use table.

Table 50-19.8: Use Table, Revised Jan 2026																			
P: Permitted Use S: Special Use I: Interim Use A: Accessory Use U: Permitted Only in Upper Stories (Form Districts)	Residential					Mixed Use					Form District				Special				Use Specific Standards
	R-C	RR-1	RR-2	R-1	R-2	MU-N	MU-C	MU-I	MU-B	MU-W	F-1	F-2	F-3	F-4	I-G	I-W	P-1	AP	
COMMERCIAL USES																			
Agriculture and Animal-Related																			
Agriculture, community garden	P	P	P	P	P	P	P	P											50-20.3.B
Agriculture, farmers market			S		S	S	S	S		S									50-20.3.B
Agriculture, general	P	P																	50-20.3.B
Agriculture, urban			P	S	S	S	S	S											50-20.3.B
Kennel	S	S					S	S	P		S	S	S						50-20.3.~~T~~U
Riding stable	S	S	S							S							S		
Veterinarian or animal hospital	S	S			P	P	P	P	P	P	P	P	P						50-20.3.U
Food, Beverage and Indoor Entertainment																			
Adult entertainment establishment															P				Chapter 5
Convention or event center							P		P	P		P	P						50-20.3.H
Indoor entertainment facility							P		P	P		P	P						
Restaurant (less than 5,000 sq. ft.)					S	S	P	P	P	P	P	P	P	P					50-20.3.~~R~~S
Restaurant (5,000 sq. ft. or more)							P	P	P	P	P	P	P	P					50-20.3.~~R~~S
Theater						S	P			P	P	P	P						
Lodging																			
~~Bed and breakfast~~				~~S~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~						~~50-20.3.F~~
Campground and Recreational Vehicle Park	S	S	S														S		50-20.3.G
~~Hotel or motel~~						~~S~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~					
Lodging, large						S	P	P	P	P	P	P	P	P					50-20.3.L
Lodging, small		S	S			P		P		P	P	P	P	P					50-20.3.M
~~Vacation dwelling unit~~		~~I~~	~~I~~	~~I~~	~~I~~	~~I~~					~~I~~	~~I~~	~~I~~	~~I~~					~~50-20.3.V~~
~~Seasonal Camp or Cabin~~	~~S~~	~~S~~	~~S~~														~~S~~		~~50-20.3.T~~

Table 50-19.8: Use Table, Revised Jan 2026																			
P: Permitted Use S: Special Use I: Interim Use A: Accessory Use U: Permitted Only in Upper Stories (Form Districts)	Residential					Mixed Use					Form District				Special				Use Specific Standards
	R-C	RR-1	RR-2	R-1	R-2	MU-N	MU-C	MU-I	MU-B	MU-W	F-1	F-2	F-3	F-4	I-G	I-W	P-1	AP	
Offices																			
Bank						S	P	P	P	S	P	P	P	P					50-20.3.E
Office					S	P	P	P	P	P	P	P	P	P					50-20.3.~~M~~O
Data center						S	P	P	P	S	U	U	U	U	P				
Outdoor Recreation & Entertainment																			
Golf course		S	S														P		
Marina or yacht club										P						S	S		
~~Recreational Vehicle Park~~	~~S~~	~~S~~	~~S~~							~~S~~							~~S~~		~~50-20.3.Q~~
Other outdoor entertainment or recreation use not listed		S					S		S	S									50-20.3.~~N~~P
Personal Services																			
Business park support services									P										
Commercial support services						S	P		P										
Preschool		S	S	S	P	P	P	P	S	P	P	P	P	S					50-20.3.I
Daycare facility, small (14 or fewer)	P	P	P	P	P	P	P	P	S	P	P	P	P	P					50-20.3.I
Daycare facility, large (15 or more)		S	S	S	S	P	P	P	S	P	P	P	P	S					50-20.3.I
Funeral home or crematorium					S	S	P	P	P			P	P		P				
Mini-storage facility or self-service storage facility		S					S		P			P	P		P	P			50-20.3.~~L~~N
Personal service and repair, small (less than 10,000 sq. ft.)					S	P	P	P	P	P	P	P	P	P					
Personal service and repair, large (10,000 sq. ft. or more)						S	P	P	P	P		P	P		P				

Table 50-19.8: Use Table, Revised Jan 2026																			
P: Permitted Use S: Special Use I: Interim Use A: Accessory Use U: Permitted Only in Upper Stories (Form Districts)	Residential					Mixed Use					Form District				Special				Use Specific Standards
	R-C	RR-1	RR-2	R-1	R-2	MU-N	MU-C	MU-I	MU-B	MU-W	F-1	F-2	F-3	F-4	I-G	I-W	P-1	AP	
Retail Sales																			
Adult bookstore															P				Chapter 5
Building materials sales							S		P										50-20.3.~~G~~F
Garden material sales		S					P					P							
Grocery store, small (less than 15,000 sq. ft.)					S	P	P			P	P	P	P	P					50-20.3.K
Grocery store, large (15,000 sq. ft. or more)						P													50-20.3.K
Retail store not listed, small (less than 15,000 sq. ft.)					S	P	P	P		P	P	P	P	P					50-20.3.~~S~~T
Retail store not listed, large (15,000 sq. ft. or more)							P			P		P	P						50-20.3.~~S~~T
Vehicle Related																			
Automobile and light vehicle, service						S	P		P			P	P		P				50-20.3.C
Automobile and light vehicle, repair							P		P						P				50-20.3.C
Automobile and light vehicle sales, rental, or storage							S		P						P				50-20.3.D
Automobile and light vehicle impound lot							S		P						P				50-20.3.~~W~~V
Car wash (primary use)						S	P		P										50-20.3.~~X~~W
Filling station (small)					S	S	P		P	P		P	P		P	P			50-20.3.J
Filling station (large)							P		P	P		P	P		P	P			50-20.3.J
Parking lot (primary use)					S	S	P	P	P	P	S	S	S	S	P	P			50.20.3.~~P~~R
Parking structure							P	P	P	P		S	S		P	P			50.20.3.~~P~~R
Overflow Parking Area					I	I	I	I	I	I	I	I	I	I	I	I	I	I	50.20.3.~~O~~Q

Truck or heavy vehicle sales, rental, repair or storage									P						P				

P: Permitted Use S: Special Use I: Interim Use A: Accessory Use U: Permitted Only in Upper Stories (Form Districts)	Residential					Mixed Use					Form District				Special				Use Specific Standards
	R-C	RR-1	RR-2	R-1	R-2	MU-N	MU-C	MU-I	MU-B	MU-W	F-1	F-2	F-3	F-4	I-G	I-W	P-1	AP	
Accessory Uses																			
Accessory agriculture roadside stand	A	A															A		50.20.5.A
~~Accessory bed and breakfast~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~		~~A~~		~~A~~									~~50.20.5~~
Accessory boat dock, residential	A	A	A	A	A	A	A	A		A									50-20.5.~~C~~B
Accessory caretaker quarters									A						A	A	A		
Accessory communications tower for private use	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		
Accessory day care facility	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A				50-20.5.~~D~~C
Accessory dwelling unit	A	A	A	A	A	A													50-20.5.~~E~~D
Accessory heliport	A							A							A				50-25.5.~~F~~E
Accessory home occupation	A	A	A	A	A	A	A	A		A	A	A	A	A					50-20.5.~~G~~F
~~Accessory home share~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~					~~A~~	~~A~~	~~A~~	~~A~~					~~50-20.5.G~~
Accessory recycling collection point					A	A	A	A	A	A	A	A	A	A	A	A			
Accessory sidewalk dining area					A	A	A	A	A	A	A	A	A	A					50-20.5.~~I~~G

Accessory retail or showroom									A						A				50-20.5.~~J~~H
Accessory solar or geothermal power equipment	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	50-20.5.~~K~~I
Accessory uses and structures not listed elsewhere	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	50-20.5.~~L~~J
~~Accessory vacation dwelling unit~~		~~I~~	~~I~~	~~I~~	~~I~~	~~I~~					~~I~~	~~I~~	~~I~~	~~I~~					~~50-20.5.N~~
~~Accessory vacation dwelling unit, limited~~		~~A~~	~~A~~	~~A~~	~~A~~	~~A~~					~~A~~	~~A~~	~~A~~	~~A~~					~~50-20.5.O~~
Accessory wind power equipment	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	50-20.5.~~M~~K
Minor utilities and accessory wireless antennas attached to existing structures	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	50-20.5.~~N~~L

50-20. USE SPECIFIC STANDARDS.

50-20.3 Commercial uses.

A. Adult entertainment establishment.

All adult entertainment establishments shall comply with Minnesota Statutes, Section 617.242 and Chapter 5 of this Code.

B. Agriculture, community garden, farmers market, general, and urban.

1. Agriculture, community garden.
   (a) Compost bins, water tanks, and other containers shall be controlled for odors and pests and shall be screened from view by adjacent properties and any public right-of-way with a fence at least as tall as the container, or with shrubs, trees, and/or perennials planted so that at maturity they will provide at least 75 percent opacity to the height of the container. If not visible from a public right-of-way or adjacent property, this screening is not required;
   (b) If a principal structure is present, accessory structures shall follow requirements in Section 50-21. If no principal structure is present, structures shall be allowed no closer than 20 feet from the front property line, three feet from any side property line, and five feet from the rear property line. No accessory structure shall exceed 20 feet in height;
   (c) Fences must adhere to restrictions in Section 50-26.4;
   (d) No sale of produce or other goods is allowed;
   (e) Events such as weddings, parties and other activities normally associated with an event center, religious assembly, or other use that typically holds large events, are not allowed unless permitted within the zone district;
   (f) For outdoor growing operations, mechanized equipment similar in scale to that designed for household use shall be permitted. Use of larger mechanized farm equipment is generally prohibited; provided, however, that during the initial preparation of the land, heavy equipment may be used;
   (g) Keeping of bees is permitted, as regulated by Chapter 6 of this Code. Keeping of all other animals is prohibited;
   (h) All tools and equipment shall be stored in an enclosed, secured structure;
2. Agriculture, farmers market.
   (a) Farmers markets are only allowed between the hours of 7:00 a.m. to 7:00 p.m.;
   (b) As part of the special use permit process, planning commission shall determine that the farmer's market will provide adequate on-site parking, or that sufficient public parking exists nearby;
   (c) Sales shall be limited to no more than three days per week;
3. Agriculture, general.

(a) No killing or dressing of poultry, rabbits or other small or large animals, fish or creatures shall be permitted, other than the animals, fish or creatures raised on the premises and that such killing or dressing is done in an accessory building located not less than 200 feet from any lot line;
(b) All buildings and enclosures, including fences, for the feeding, breeding or milking of large livestock or small animals, such as poultry, rabbits, fish and other similar animals, but not including pasturing and grazing, of such animals, must be located not less than 200 feet from any lot line;
(c) Any production or processing of cheese, honey or other products raised on the farm must be done inside a building and in accordance with all state regulations;

4. Agriculture, urban.
(a) Compost bins, water tanks, and other containers shall be controlled for odors and pests and shall be screened from view by adjacent properties and any public right-of-way with a fence at least as tall as the container, or with shrubs, trees, and/or perennials planted so that at maturity they will provide at least 75 percent opacity to the height of the container. If not visible from a public right-of-way or adjacent property, this screening is not required;
(b) If a principal structure is present, accessory structures, including ones of a temporary nature such as hoop houses, shall follow requirements in Section 50-21;
(c) For urban agriculture uses where operations are primarily conducted within a building, such as a greenhouse or hydroponic operation, such building shall be considered the principal building and not an accessory building. For urban agriculture uses where operations are primarily conducted outside, structures (including ones of a temporary nature such as hoop houses) shall be allowed no closer than 20 feet from the front property line, three feet from any side property line, and five feet from the rear property line. No accessory structure shall exceed 20 feet in height, and accessory structures shall not exceed more than 30 percent of the lot area;
(d) Fences must adhere to restrictions in Section 50-26.4;
(e) No sale of produce or other goods is allowed;
(f) Events such as weddings, parties and other activities normally associated with an event center, religious assembly, or other use that typically holds large events, are not allowed unless permitted within the zone district;
(g) For outdoor growing operations, mechanized equipment similar in scale to that designed for household use shall be permitted. Use of larger mechanized farm equipment is generally prohibited; provided, however, that during the initial preparation of the land, heavy equipment may be used;
(h) Keeping of fish for aquaculture or aquaponics is allowed, subject to any conditions of the special use permit. Keeping of chickens, rabbits and bees is permitted, as regulated by Chapter 6 of this Code. Keeping of all other animals is prohibited unless specifically approved in this Code;
(i) All tools and equipment shall be stored in an enclosed, secured structure.

C. Automobile and light vehicle repair and service.

1. No displays or storage of merchandise, parts or refuse may be located closer than 20 feet from any public right-of-way;

2. A dense urban screen must be installed and maintained along all side and rear property lines abutting a residential or mixed use district;

3. All areas for outdoor storage of automobiles or light vehicles shall be screened from adjacent properties by a dense urban screen regardless of the use on the adjacent property.

D. Automobile or light vehicle sales, rental or storage.

In the MU-C district, the use is permitted when located at least 100 feet from any residential zone district.

E. Bank.

1. When in the MU-N district, the following 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) Banks are limited to no more than two drive-through windows and one drive-through lane for ATM services on the premises;
2. Any drive-through lane that is located between a bank and a residential district or structure shall be buffered from the residential district or structure by a dense urban screen and shall not be open past 10:00 p.m.;
3. Banks in the R-P, F-1, F-2, F-3, F-4 districts may not have drive-through facilities;
4. Drive-through lanes shall allow for stacking space for three cars.

~~F. Bed and breakfast.~~

~~This is a primary use of land, and the owner need not reside in the use. The use shall:~~

1. ~~Have no more than 12 habitable units;~~
2. ~~If located in a residential zone district, the use shall appear outwardly to be a one-family dwelling, giving no appearance of a business use other than allowed signs;~~
3. ~~If located in a residential zone district, the use shall have no greater impact on surrounding public areas or infrastructure or natural resources than a fully occupied private home with house guests;~~
4. ~~Be located on a lot or tract containing a minimum of 0.6 acres;~~
5. ~~Contain a minimum of 1,500 square feet of area on the first floor of the main building;~~
6. ~~Dining areas shall not exceed five seats per habitable unit. In addition to resident guests, only guests of resident guests shall be permitted to dine in a bed and breakfast, or guests~~

~~participating in meetings or other private events hosted by the facility when other overnight guests are not present, not to exceed the approved seating capacity of the facility. For-profit events on the premises that involve a total number of participants in excess of the approved dining area seating capacity shall be limited to six days per year and shall be restricted to the period of October 15 through June 15;~~

~~7. Shall not have signage exceeding 12 square feet in size, and any signage shall complement the architecture of the structure;~~

~~8. Shall limit each guest stay to a maximum of 21 consecutive days.~~

~~G.~~ F. Building materials sales.

1. Outdoor storage is limited to 10 percent of the lot's land area, and shall not be permitted in any front yard area;
2. Each such area shall be screened from view from any ground floor window or door on any adjacent property, and from all adjacent rights-of-way, by an opaque fence or wall between six feet and eight feet in height. The fence may exceed eight feet in height where the difference in grade between the property line or right-of-way and the outdoor storage area makes a taller fence necessary to effectively screen the area;
3. A landscaped earth berm may be used instead or in combination with a required fence or wall.

G. Campground and Recreational Vehicle Park

1. There shall be no more than 10 campground sites per acre. The number of campsites allowed may be reduced during the special use permit process based on topographical and natural features of the property.
2. No more than 10 percent of the campsites may be located in a group location.
3. No more than 50 percent of the campsites may be rented on a monthly or seasonal basis.
4. Toilet facilities must be provided during all seasons of operation.
5. In the R-C and RR-1 districts, buildings shall be located not less than 100 feet from any property line abutting a residential use.
6. In the R-C district, the design of the property shall preserve the rural character by preserving all natural vegetation not required to be removed for access roads, trails, or campsites, and by separating each campsite by at least 25 feet, measured from the closest points on each campsite.
7. New recreational vehicle parks or campgrounds and expansions to existing recreational vehicle parks or campgrounds are prohibited in any floodplain district. Recreational vehicles placed in existing recreational vehicle parks, campgrounds or lots of record in the floodplain are subject to the following:
    (a) For lawful, non-conforming recreational vehicle sites located within any floodplain being subject to standards in 50-38.2.B and:
        (i) Meet the following requirements for manufactured homes in Section 50-20.1.D; or
        (ii) Be travel ready, meeting the following criteria:

(1) The vehicle must be fully licensed;

(2) The vehicle must be ready for highway use, meaning on wheels or the internal jacking system, attached to the site only by quick disconnect type utilities;

(3) No permanent structural type additions may be attached to the vehicle; and

(4) Accessory structures may be permitted in the Flood Fringe District, provided they do not hinder the removal of the vehicle should flooding occur, and meet the standards outlined in Section 50-18.1.C.2 and Section 50-18.1.C.4(b)(iii); or

(iii) Within Coastal V zones, recreational vehicles must meet the criteria within Section 50-20.3.G.7.(a)(ii) or otherwise comply with the provisions of Section 50-18.1.C.6(c)(ii)(1-4).

H. Convention or event center.

A convention center or event center may not exceed 50,000 square feet if it is within 500 feet of a multi-family use, or 15,000 square feet if it is within 500 feet of a one- or two-family use.

I. Daycare facility, large and small, and preschool.

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

J. Filling station.

1. No displays or storage of merchandise, parts or refuse may be located closer than ten feet from any public right-of-way;
2. A dense urban screen must be installed and maintained along all side and rear property lines abutting a residential or mixed use district;

3. A vehicle wash facility or fueling pump or dispenser must be at least 50 feet from any property line containing a residential structure, excluding any residential use or structure on the same property as the filling station or within the same development. All outdoor speakers and audio components of a vehicle wash facility or fuel pump or dispenser located within 125 feet of any residential structure shall be muted daily between the hours of 10:00 p.m. and 6:00 a.m.;

4. In all residential districts and MU-N district, or any form district where a filing station is an allowed use, the following additional standards apply:
   (a) New structures, including car washes, convenience stores, and canopies shall be located close to the street to define the street edge, and shall provide transparent windows and doors for retail buildings to ensure security and visibility between the store, the pump islands and surrounding streets, with interior signage to make opaque no more than 30 percent of any transparent window or door;
   (b) An unobstructed, five-foot wide minimum, pedestrian walkway between the public sidewalk (or if none exists at the time of development, the adjacent street curb) and building entrances shall be provided;
   (c) Curb cuts to allow for vehicle traffic into and out of the site shall be located a minimum of 50 feet from street intersections, unless a greater or lesser distance is specified by the city engineer for reasons of traffic or pedestrian safety. The number and width of curb cuts from the public street shall be evaluated to ensure pedestrian safety and to encourage walkability, including evaluation to consider appropriate car entrance locations while allowing for necessary tanker truck turning;
   (d) Vehicle stacking lanes shall be located away from adjacent uses such as residential and outdoor amenity areas to reduce the impacts of noise and pollution caused by stacking vehicles near such uses. Landscaping and fencing shall be used to buffer potential impacts;
   (e) Noise-generating areas, including auto service bays, car wash openings, vacuum stations, outdoor loading areas, garbage storage and stacking lanes, shall be located away from adjacent residential areas and outdoor amenity areas. Potential noise generators shall be buffered with landscaping, berming, or fencing to reduce impacts;
   (f) Site and sign illumination shall be designed to avoid glare/light spillover toward adjacent land uses. Proposed concrete color shall take glare and light spillover into account.

K. Grocery store, small and large.

1. Merchandise shall not obstruct or be located within parking or pedestrian and vehicular circulation areas;

2. Outdoor displays shall be for the temporary display of merchandise and not for the permanent storage of stock.

L. Lodging, large

1. In person 24 hour staffing must be provided at a front desk that is accessible to all guests; virtual staffing, where staff is available via phone or messaging instead of in person, may be used for the portion of the day between 10:00pm and 6:00am.

M. Lodging, small

2. This use may not be open to members of the public that are not overnight guests for any for any conferences, exhibitions, events, large meetings, seminars or trainings, unless an event center is otherwise permitted in the zone district.

3. In-person staffing must be provided at a front desk that is accessible to all guests during any times when check-in or check-out may occur. These hours must be posted on-site for all guests and posted on the lodging's web site.

4. Twenty-four hour guest assistance must be available either in person, via phone, or via messaging.

5. In the RR-1 district, buildings shall be located not less than 50 feet from any property line abutting a residential use.

6. In the RR-1 and RR-2 districts, building height may be no more than 1 story.

~~L.~~ N. Mini-storage and self-service storage facility.

7. Mini-storage facilities are allowed in the RR-1, MU-B, I-G and I-W districts, and shall comply with the following standards:
   (a) The use shall be contained within an enclosed building or buildings;
   (b) If the use abuts a residential zone district on any property line, building architecture shall employ sloped roofs and shall display wall relief features and colors commonly found in residential construction;
   (c) The use shall be designed so that doors to individual storage units do not face any abutting street frontage;
   (d) At least 50 percent of the wall surface area of any wall facing an abutting public street shall be faced with brick or split-block materials. Exposed concrete masonry unit (CMU) construction is not permitted on those facades;
   (e) Hours of public access to storage units abutting one or more residential zone districts shall be limited to the period from 6:00 a.m. to 10:00 p.m.;
   (f) Signage shall be limited to one 40 square foot free standing sign and 20 square feet of non-illuminated wall signage. Signs shall not be located closer than ten feet to the front property line;
   (g) Mini-storage facilities in the RR-1 district are only allowed on properties that are also within the A-O district Safety Zone B. There shall be a landscaped or naturally vegetated buffer a minimum of 50 feet along all property lines in addition to a dense urban screen along all side and rear property lines;
2. Self-service storage facilities are allowed in the F-2, F-3, MU-C and MU-B districts, and shall comply with the following standards:

(a) The use must be completely contained with an enclosed principal building;
(b) Signage for this use is permitted as a commercial use in Section 50-27;
(c) In F-2, and F-3 districts:
    (i) The use is permitted only on the lowest floor or basement of the building. This use is not allowed on any floor that is above grade with the primary street, except for office or lobby areas associated with the storage facility;
    (ii) Vehicular access to the storage units may not be provided from the primary street. Where the access is on a secondary street, parking must be available within 30 feet of the doorway and the doorway may not be a roll up door;
(d) In the MU-C and MU-B districts:
    (i) The building shall be at least 350 feet from any one-family, two-family, or townhouse, excluding any residential use or structure on the same property or within the same development;
    (ii) Access to storage units through a garage door, roll up door, or loading dock may only be provide from the rear or side of the structure;
    (iii) In addition to design standards that may be required in Section 50-30, these facilities shall provide:
        (1) For any building frontage facing and located within 60 feet of a public street or public right of way, or facing a parking area of greater than 25 parking spaces, the building frontage shall consist of a minimum of 60' of building depth of occupied space over no less than 66 percent of the building frontage. The frontage of such buildings shall be used for active, customer-facing commercial activities permitted in the zone district per Table 50-19.8, and shall not be used for warehouse or self-storage uses;
        (2) A minimum of 65 percent of the front and 25 percent of the side façade, between two and eight feet above the sidewalk or ground surface, must consist of transparent, non-reflective windows, and a minimum of 25 percent of the windows shall have views directly into and out of the ground floor occupied space;
        (3) At least 50 percent of the wall surface area of any front or side façade, excluding window surfaces, shall be faced with brick or split-block materials. Exposed concrete masonry unit (CMU) construction is not permitted on those facades;
        (4) Where compliance with the specific requirements of Section 50-20.3.~~I~~N.2(d)(iii) is infeasible due to unique site or building conditions, an applicant may propose alternatives. The land use supervisor may approve, or may refer to the planning commission for consideration, any alternative proposal where an applicant demonstrates that compliance is not possible and the alternative proposal achieves substantially the same degree of building design and functional aesthetics as required in the provisions for this use.

~~M.~~ O. Office.

1. In the MU-I district, offices are limited to those in support of the permitted institutional uses in the district; general offices unrelated to the activities of those institutions are not permitted;
2. In the MU-B district, offices are limited to those in support of the permitted industrial uses in that zone district; general offices unrelated to the activities of those institutions are not permitted;
3. In the form districts, offices may not have drive-through facilities.

~~N.~~ P. Other outdoor entertainment or recreation use not listed.

No circus ground, carnival ground, event ground, or amusement park shall be approved within 300 feet of an R-C, RR-2, R-1, or R-2 districts.

~~O.~~ Q. Overflow parking area.

1. Interim use permits for Overflow Parking Areas may be granted for a period not to exceed two years. If the applicant has documented an ongoing parking need, with a parking study documenting the location, use, and adequacy of existing parking in the surrounding area, the Interim use permit may be approved for up to 5 years;
2. If located in a neighborhood or district that demonstrates a need for additional off-street parking, the Overflow Parking Area shall be public parking (either free or paid), or shared with other nearby uses. Applicant shall include information about parking demand in the application for the Interim use permit, as well as a plan for how the parking will be shared and/or open to the public;
3. Overflow Parking Areas, being temporary in nature, may not be required to meet the paving requirements of Section 50-24.5 or the landscaping requirements of Section 50-25.4, and may propose alternatives to these requirements; however, if paving is provided, all requirements of Sections 50-24 and 50-25 must be met, if applicable;
4. Applicant must work with the city engineer on a stormwater and erosion plan that adequately meets stormwater requirements for the duration of the anticipated use of the parking area, and shall provide the approved plan as part of the application; applicant is responsible for ongoing maintenance of stormwater and erosion infrastructure and is expected to provide proof of such maintenance upon request during the course of the interim use permit;
5. Prior to establishment of the parking area, applicant shall provide financial security, in the amount necessary to reestablish the area to natural vegetation, once the overflow parking area is terminated. This security shall be held without interest until the parking area is discontinued and applicant or property owner has provided proof that the area has either been reestablished to natural vegetation or been developed with an approved use on the property;
6. The interim use permit shall terminate upon change in ownership of the property and is not transferable.

~~P.~~ R. Parking lot or parking structure (primary use).

1. Parking lots.
   (a) Parking lots as a primary use shall be stand-alone and self-contained, separate and distinct from other adjacent land uses. They need to conform to requirements of this Chapter, such as lot frontage and drive aisle width, independent of adjacent properties;
   (b) In the MU-N or R-2 districts, the following standards apply:
      (i) Primary use parking lots shall meet all the street landscaping provisions in Section 50-25.3, as applicable. In addition, primary use parking lots shall be screened from adjacent structures and uses. Such screening shall consist of a continuous, view-obscuring fence, wall or compact evergreen hedge along all property lot lines which are adjacent to residential structures and uses, which shall be broken only for egress and access driveways and walkways. Such fence, wall or hedge shall be not less than four feet nor more than six feet in height;

(ii) Primary use parking lots shall meet all the landscaping provisions in Section 50-25.4, as applicable. In addition, regardless of the number of parking spaces provided, the parking lot must set aside at least 15 percent of the interior parking area for landscaping islands;
(iii) If the primary use parking lot abuts an improved public alley, driveway access must be provided to the alley;
(iv) Primary use parking lots must be designed to be a similar lot size as other lots in the neighborhood, and shall not alter the essential character of the neighborhood;

2. Parking structures.
In the MU-C district, any parking structure shall be located at least 50 feet from any R-C, RR-1, RR-2 or R-1 district.

~~Q. Recreational vehicle (RV) park.~~

~~New recreational vehicle parks or campgrounds and expansions to existing recreational vehicle parks or campgrounds are prohibited in any floodplain district. Recreational vehicles placed in existing recreational vehicle parks, campgrounds or lots of record in the floodplain are subject to the following:~~

~~1. For lawful, non-conforming recreational vehicle sites located within any floodplain being subject to standards in 50-38.2.B and:~~
~~(a) Meet the requirements for manufactured homes in Section 50-20.1.D; or~~
~~(b) Be travel-ready, meeting the following criteria:~~
~~(i) The vehicle must be fully licensed;~~
~~(ii) The vehicle must be ready for highway use, meaning on wheels or the internal jacking system, attached to the site only by quick disconnect type utilities;~~
~~(iii) No permanent structural type additions may be attached to the vehicle;~~
~~(iv) Accessory structures may be permitted in the Flood Fringe District, provided they do not hinder the removal of the vehicle should flooding occur, and meet the standards outlined in Section 50-18.1.C.2 and Section 50-18.1.C.4(b)(iii);~~
~~(c) Within Coastal V zones, recreational vehicles must meet the criteria within Section 50-20.3.Q.1(b) or otherwise comply with the provisions of Section 50-18.1.C.6(c)(ii)(1-4).~~

~~R.~~ S. Restaurant.

1. In the R-2 and MU-N districts, no use shall exceed 5,000 square feet in gross floor area;
2. Drive-ins and drive-throughs for restaurants are only allowed in the MU-N, MU-C, MU-B, and form districts;
3. Drive-through lanes shall allow for stacking space for 5 cars;
4. When in the MU-N and form districts, 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 form 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.

~~S.~~ T. Retail sales, small and large.

1. Merchandise shall not be located within or obstruct required parking and pedestrian and vehicular circulation areas;
2. Outdoor display is for the temporary display of merchandise and not for the permanent storage of stock;
3. Retail stores are limited to one drive-through window;
4. Any drive-through lane that is located between a retail store and a residential district or structure shall be buffered from the residential district or structure by a dense urban screen and shall not be open part 10:00 p.m.;
5. Drive-through lanes shall allow for stacking space for three cars;
6. When in the MU-N district, the following 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.

~~T. Seasonal camp or cabin~~

~~1. In the R-C and RR-1 districts, buildings shall be located not less than 200 feet from any R district;~~

~~2. In the R-C district, the design of the site shall preserve the rural character by:~~

~~(a) Separating each camp or cabin site by at least 50 feet, measured from the closest points on each tent or cabin area;~~

~~(b) Preserving all natural vegetation not required to be removed for access roads, trails or public safety;~~

~~(c) Using gravel or pervious paving, rather than impervious materials, for all access road and driveways serving fewer than 25 camp or cabin sites~~

U. Veterinarian or animal hospital, and kennel.

1. In the R-C and RR-1 districts, a veterinarian or animal hospital is permitted provided that service is limited to large livestock/large animal care and any building or enclosure so used shall be located not less than 100 feet from any lot line;

2. In the R-2, R-P, MU-N and MU-C districts, a veterinarian or animal hospital is permitted provided that practice is limited to the treatment of small animals (household pets, i.e. dogs, cats, birds, that are ordinarily permitted in the house for company) and that all aspects of the facility are totally contained (including kennel runs and exercise areas) within a soundproof building with adequate ventilation;

3. For form districts that permit both a veterinarian or animal hospital, and kennel, all aspects of the facility must be totally contained (including kennel runs and exercise areas) within a soundproof building with adequate ventilation.

~~V. Vacation dwelling unit.~~

~~1. Rental Period. The minimum rental period shall not be less than two consecutive nights, nor more than a maximum of 29 consecutive nights. The minimum rental period shall not apply for vacation dwelling units in form districts;~~

~~2. Maximum Number of Persons and Bedrooms. The total number of persons that may occupy the vacation dwelling unit is one person plus the number of bedrooms multiplied by two, which shall not exceed nine. The maximum number of bedrooms that may be rented may not exceed~~

four. Vacation dwelling units licensed before December 1, 2021, that exceeded four bedrooms are entitled to continue operating, however, this exemption expires upon transfer of any ownership interest in the permitted property;

3. Off-Street Parking. Off-street parking shall be provided at the following rate:
   (a) Vacation dwelling units licensed on May 15, 2016, shall provide the following minimum number of off street parking spaces:
      (i) 1-2 bedroom unit, one space;
      (ii) 3-4 bedroom unit, two spaces;
      (iii) 5+ bedroom unit, three spaces;
   (b) Vacation dwelling units licensed after May 15, 2016, shall provide the following minimum number of off street parking spaces:
      (i) 1-2 bedroom unit, one space;
      (ii) 3 bedroom unit, two spaces;
      (iii) 4+ bedroom unit, number of spaces equal to the number of bedrooms minus one;
   (c) Vacation dwelling units licensed on May 15, 2016, are entitled to continue operating under the former off-street parking requirement. The parking exemption for vacation dwelling units licensed on May 15, 2016, expires upon transfer of any ownership interest in the permitted property;
   (d) The minimum off-street parking requirements shall not apply for vacation dwelling units in form districts;

4. Motorhome/ATV. Only one motorhome (or pickup-mounted camper) and/or one trailer either for inhabiting or for transporting recreational vehicles (ATVs, boat, personal watercraft, snowmobiles, etc.) may be parked at the site, off the street;

5. Other Licenses Required. In addition to the permit issued pursuant to this chapter, the property owner must obtain all licenses and permits from the city of Duluth and state of Minnesota required for guest occupancy on the property;

6. Guest Records. The property owner must provide required documents and adhere to additional requirements listed in the city of Duluth's UDC application manual related to the keeping of a guest record, designating and disclosing a local contact, property use rules, taxation, and interim use permit violations procedures;

7. Application Materials. The property owner must provide a site plan, drawn to scale, showing parking and driveways, distance from lot line of proposed vacation dwelling to neighboring residential structures, all structures and outdoor recreational areas that guests will be allowed to use, including, but not limited to, deck/patio, barbecue grill, recreational fire, pool, hot tub, or sauna, and provide detail concerning the provision of any dense urban screen or fence that may be required to buffer these areas from adjoining properties. A dense urban screen or fence is required if the adjoining property is used as a residential use, as identified in 50-19.8. Prior to the permit being authorized, the fence or dense vegetative screen must be in place, and it must be continuously maintained during the entire permit period. The requirement for a dense urban screen or fence may be waived if the adjoining property owner does not want it on or near their shared property line, and indicates this with a signed letter;

8. Vacation Rentals Within Multi-Family Structures. Any vacation dwelling unit that will be located in a multi-family structure that has nine or more dwelling units shall:

~~(a) Make available 24-hour staffing at a front desk that is accessible to all tenants;~~

~~(b) If determined applicable by the land use supervisor, provide a letter from a duly established home owner's association stating the support of the home owner's association board of directors for the vacation dwelling unit, and enumerating any home owner's association rules to be incorporated into the interim use permit;~~

~~9. Termination. The interim use permit shall terminate upon change in ownership of the property or in six years after the date of issuance, whichever occurs first. Upon permit termination, property owner may reapply. The permit is only valid for the property and applicant or property owner that it was initially issued to and the permit shall not be transferred to a new applicant or property owner, or to a new property or different address;~~

~~10. Maximum Number of Vacation Dwelling Units. No more than 60 permits may be issued for either vacation dwelling units or accessory vacation dwelling units, excepting that the maximum number of permits that may be issued shall increase by 10 percent of the net increase in housing units constructed and issued certificates of occupancy in the city in the previous year, or no more than ten (10) new vacation dwelling units per year, whichever is less, provided that the total number of vacation dwelling units authorized shall not exceed 120 units. Permits for vacation dwelling units within Form Districts (F1-F4) are exempt from the maximum number of permits that may be issued;~~

~~11. Nuisance Reduction. The vacation dwelling permit holder shall ensure that all requirements for waste removal services and prohibitions on burning of trash is strictly adhered to by occupants of the vacation dwelling. The permit holder must designate in writing a managing agent or local contact who resides within 25 miles of the city and who has authority to act for the owner in responding 24 hours a day to any complaints from neighbors or the city. The permit holder must notify the city within 10 days of a change in the managing agent or local contact's contact information. The permit holder shall notify by letter all property owners within 100' of the property boundaries of the name, address, and phone number of the managing agent or local contact named above and provide the city with a copy of the letter. The permit holder must notify said property owners within 10 days of a change in the managing agent or local contact's contact information;~~

~~12. Advertisement. The permit holder must include the permit number on all print, poster or web advertisements.~~

~~W.~~ V. Automobile and light vehicle impound lot.

1. All driving and parking surfaces shall be surfaced in a dust free, hard surface material such as concrete or bituminous;
2. A dense urban screen, must be installed and continuously maintained along all side and rear property lines;
3. Site illumination shall be designed to avoid glare/light spillover toward adjacent land uses;
4. Signage, as allowed in Section 50-27, shall not be located closer than ten feet to the front property line.

~~X.~~ W. Car wash (primary use).

1. All driving and parking surfaces shall be surfaced in a dust free, hard surface material such as concrete or bituminous;

2. The vehicle exit door(s) shall be at least twenty (25) feet from the street property line or public sidewalk;
3. No displays or storage of merchandise, parts or refuse may be located closer than ten feet from any public right-of-way;
4. A dense urban screen must be installed and maintained along all side and rear property lines abutting a residential or mixed-use district;
5. The car wash must be at least 50 feet from any property line containing a residential structure, and all outdoor speakers and audio components of a vehicle wash facility located within 150 feet of any residential structure shall be muted daily between the hours of 10:00 p.m. and 6:00 a.m., excluding any residential use or structure on the same property as the filling station or within the same development;
6. In the MU-N district, the following additional standards apply:
   (a) Curb cuts to allow for vehicle traffic into and out of the site shall be located a minimum of 50 feet from street intersections, unless a greater or lesser distance is specified by the city engineer for reasons of traffic or pedestrian safety. The number and width of curb cuts from the public street shall be evaluated to ensure pedestrian safety and to encourage walkability;
   (b) Vehicle stacking lanes shall be located away from adjacent uses such as residential and outdoor amenity areas to reduce the impacts of noise and pollution caused by stacking vehicles near such uses. Landscaping and fencing shall be used to buffer potential impacts;
   (c) Noise-generating areas, including car wash openings, vacuum stations, garbage storage, and vehicle stacking lanes, shall be located away from adjacent residential areas and outdoor amenity areas. Potential noise generators shall be buffered with landscaping, berming, or fencing to reduce impacts;
   (d) Site illumination shall be designed to avoid glare/light spillover toward adjacent land uses.

50.20.5 Accessory uses.

A. Accessory agriculture roadside stand.

Only one stand offering for sale farm products produced on the premises is permitted provided that such stand does not exceed an area of 200 square feet and that it is located not nearer than 25 feet to any street or highway.

~~B. Accessory bed and breakfast.~~

~~The owner and operator of an accessory bed and breakfast shall be required to live in the establishment. In addition, the use shall:~~

~~1. Have no more than five habitable units;~~

~~2. Appear outwardly to be a one-family dwelling, giving no appearance of a business use other than allowed signs;~~

~~3. Have no greater impact on surrounding public areas, infrastructure or natural resources than a fully occupied private home with house guests;~~

~~4. Be located on a lot or tract containing a minimum of 0.6 acres;~~

~~5. Contain a minimum of 1,500 square feet of area on the first floor of the main building;~~

~~6. Dining areas shall not exceed three seats per habitable unit in bed and breakfast inns. In addition to resident guests, only guests of resident guests shall be permitted to dine in a bed and breakfast, or guests participating in meetings or other private events hosted by the facility when other overnight guests are not present, not to exceed the approved seating capacity of the facility. For profit events on the premises that involve a total number of participants in excess of the approved dining area seating capacity shall be limited to six days per year and shall be restricted to the period of October 15 through June 15;~~

~~7. Shall not have signage exceeding 12 square feet in size, and any signage shall complement the architecture of the structure;~~

~~8. Shall limit each guest stay to a maximum of 21 consecutive days;~~

~~9. May be subject to other conditions deemed necessary by the city to ensure the use complies with the purpose of this Section 50-20.5.B.~~

~~C.~~ B. Accessory boat dock, residential.

This use shall comply with the following standards:

1. Dockage of boats owned and primarily used by a resident of the property is a permitted accessory use to the primary residential use and shall not be limited in number;
2. If there is a residential structure on the property and the property has frontage on an improved street, the owner of the residential structure may rent out boat dockage to a maximum of two boats owned by others. If the property does not have frontage on an improved street, the owner of the residential structure may not rent dockage space to others. Boat dockage use on a property that is not residentially developed is permitted as a primary use provided that the use is limited to one boat for each lot or group of contiguous lots in the same ownership, and the boat is owned and primarily used by the owner of the property;
3. For each new rental boat dock space created or made legal after April 14, 1974, one off street parking space shall be provided in addition to all other off street parking spaces required by other legal uses of the property, such spaces to be constructed in accordance with Section 50-24;
4. At the request of the building official, the owner of property shall provide boat registration or other documentary evidence to prove compliance with these standards;
5. No buildings other than residential or residential accessory structures, no winter storage of boats other than those owned by a resident of the property in question, no repair facilities, fuel sales, food or refreshment sales, rentals of boats, boat or parts sales or displays or other commercial uses shall be permitted.

~~D.~~ C. Accessory day care facility.

1. For all new uses after January 31, 2024, the use must provide off-street parking spaces for pick - up and drop-off determined by the land use supervisor to be sufficient to provide for the safe pick-up and drop-off of users of the facility based on the maximum licensed capacity of the facility, the configuration of the facility, the types and intensity of other uses adjacent to the facility, the intensity of traffic adjacent to the facility and other factors determined to be relevant to the safe pick-up and drop-off of users of the facility. The determination of the land use supervisor may be appealed to the planning commission. Pick-up and drop-off areas must be clearly signed as for pick-up and drop-off only, and shall not conflict with safe on-site pedestrian and vehicular movements;
2. In the RR-1 and RR-2 districts, this use and related parking facilities and structures other than driveways are limited to no more than 20 percent of the lot;
3. In the MU-B and I-G districts, where an outdoor exercise area is provided, the exercise area shall be enclosed by a fence. Outdoor exercise areas must be separated from improved public streets, drive lanes, and loading areas by a distance of at least 20 feet;
4. In the MU-B and I-G districts, the application may be denied by the land use supervisor if he or she determines that the size, nature, character or intensity of the use of property in the immediate vicinity of the applicant's property would pose an unreasonable risk to the health, safety or welfare of users of the applicant's facility; the decision of the land use supervisor may be appealed to the planning commission;
5. In the I-G district, the use must be related to provision of day care services to the primary use on the lot, and the use may not exceed 15 percent of the gross floor area of the buildings on the lot.

~~E.~~ D. Accessory dwelling unit.

An accessory dwelling unit may be created within, or detached from, any one-family or two-family dwelling, as a subordinate use, in those districts shown in Table 50-19.8, provided the following standards are met:

1. Only one accessory dwelling unit may be created per lot;
2. Only the property owner, which shall include title holders and contract purchasers, may apply for an accessory dwelling unit;
3. Accessory dwelling units shall contain no more than 800 square feet of total floor space and shall be consistent in character and design with the primary dwelling. An accessory dwelling unit shall not exceed the total floor area square footage of the principal structure;
4. If a separate outside entrance is necessary for an accessory dwelling unit located within the primary dwelling, that entrance must be located either on the rear or side of the building;
5. An accessory dwelling unit shall not be considered a principal one-family dwelling. An accessory dwelling must be located on the same tax parcel as the principal one- or two-family dwelling;
6. An accessory dwelling unit shall not exceed the height of the principal residential structure or 20 feet, whichever is greater;

~~F.~~ E. Accessory heliport.

1. All accessory heliports shall have and maintain in effect at all times all required permits and approvals, if any, for the facility and operation required by the FAA, and shall design and maintain the facility and conduct operations in compliance with those permits and approvals;
2. In the R-C district, this use shall be permitted only when it is accessory to an airport as a primary use.

~~G.~~ F. Accessory home occupation.

All home occupations not listed separately in Table 50-19.8 must comply with the following standards:

1. The use must be conducted entirely in the residence or accessory buildings and not on outdoor portions of the lot, except that the growing of food crops or ornamental crops, to be sold or donated off-site, shall be exempt from this provision;
2. No business involving retail sales of goods from the premises is permitted;
3. No person not a member of the family residing on the premises shall work on the premises;
4. Not more than 25 percent of the floor area of one story of the dwelling shall be devoted to such home occupation and not more than 50 percent of an accessory structure may be devoted to such home occupation;
5. The home occupation shall not require external alterations that would change the residential character of the property;
6. No display pertaining to such occupation shall be visible from the street;
7. The use of the property for a home occupation shall not result in the number of client appointments at the property in excess of two appointments per hour and appointments shall be limited to the hours of 8 a.m. to 7 p.m. and not more than four clients shall be on site at the same time;
8. No equipment shall be used that creates offensive noise, vibration, sound, smoke, dust, odors, heat, glare, X-ray or electrical disturbance to radio or television or that otherwise constitutes a nuisance;
9. All home occupations that require a license from the state shall maintain a valid license at all times and shall operate in compliance with the terms of that license and all applicable regulations of the state at all times;
10. No motor vehicle repair is permitted as an accessory home occupation and repair of motor vehicles not registered to the owner or leaseholder of the property is prohibited regardless of whether the repair is being made for compensation.

~~H. Accessory home share.~~

~~An accessory home share may be created within those districts shown where allowed by Table 50.19.8 provided these standards are met:~~

~~1. Eligible Applicant. Property owners that reside in the owner-occupied homestead property may apply for one accessory home share in their owner-occupied homesteaded property. The owner-occupied unit may be located within a one-family or two-family structure, but may not~~

~~be located in a multi-family building with 3 units or more. In a two-family structure, the accessory home share shall be located in the same unit the owners inhabit;~~

2. ~~Rental Period. The rental or purchase period shall be for 29 consecutive nights or less;~~

3. ~~Guests and Rooms. The maximum number of overnight guests allowed is 4 persons in addition to the owner occupants. The maximum number of bedrooms that may be rented may not exceed two. Only bedrooms are allowed to be rented; all other space in the unit such as living and kitchen areas shall be shared common space with the owner occupants. Only one rental listing per night is allowed;~~

4. ~~Other Licenses Required. In addition to the permit issued pursuant to this chapter, the property owner must obtain all permits from the city of Duluth and state of Minnesota required for guest occupancy on the property;~~

5. ~~Other Standards. The property owner must provide required documents and adhere to additional requirements listed in the city of Duluth's UDC application manual related to the keeping of a guest record, property use rules, taxation, and home share permit violations procedures;~~

6. ~~Termination. The permit shall terminate upon change in ownership of the property or three years from issuance date, whichever occurs first. Upon permit termination, property owner may apply to renew the permit. The permit shall be non-transferable is only valid for the property and applicant or property owner that it was initially issued to and the permit shall not be transferred to a new applicant or property owner, or to a new property or different address;~~

7. ~~Residency. At least one permanent resident must be generally present on or about the premises at all times that the property is rented and occupied by the guests;~~

8. ~~Advertisement. A permit holder may not advertise an accessory home share for an accessory structure that is a storage shed or garage or in any area exterior to the dwelling unit or any lot without a principal dwelling. The permit holder must include the permit number on all print, poster or web advertisements.~~

~~I.~~ G. Accessory sidewalk dining area.

In all districts, this use requires approval of a sidewalk use permit pursuant to Section 50-37.12;

~~J.~~ H. Accessory retail or showroom.

The use must not exceed 15 percent of the gross floor area of the buildings on the lot which are associated with the assembly, manufacture, or processing of the products on display or offered for sale.

~~K.~~ I. Accessory solar or geothermal power equipment.

In all districts, other than building integrated solar collection systems, solar collection systems shall comply with the following requirements:

1. Ground-mounted solar system.

(a) Solar collectors shall not be located in the front yard between the principal structure and the public right-of-way;
(b) Solar collectors shall be located a minimum of six feet from all property lines and other structures;
(c) Solar collector areas in any residential district shall not exceed the greater of the footprint of the principal structure or 1,000 square feet, whichever is greater. The size of solar collector areas in all districts except residential districts shall not exceed one-half of the footprint of the principal structure. Ground mounted solar collectors that serve a government building or public safety building, or water or sewer pumping stations or treatment facilities, are exempt from this requirement;
(d) Free-standing or ground-mounted solar installations shall not exceed 20 feet in height, when the system is oriented at its maximum design pitch;

2. Roof-mounted or wall-mounted solar system.
(a) A solar collection system shall be located a minimum of six feet from all property lines and other structures except the structure on which it is mounted. If an existing structure is located closer than 6 feet to a property line, solar collection systems may be placed on the existing structure if the following conditions are met:
(i) The collection systems are mounted on the same plane as the existing wall or roof; and
(ii) The collection systems are mounted with minimal spacing between the surface of the wall or roof, and
(iii) The collection systems are mounted in compliance with all building codes, and
(iv) The collection systems do not result in an encroachment into another property or public easement;
(b) Notwithstanding the height limitations of the zoning district, building-mounted solar energy systems shall not extend higher than three feet above the ridge level of a roof on a structure with a gable, hip or gambrel roof and shall not extend higher than ten feet above the surface of the roof when installed on a flat or shed roof;
(c) The solar collector surface and mounting devices for building-mounted solar energy systems shall be set back not less than one foot from the exterior perimeter of a roof for every one foot that the system extends above the parapet wall or roof surface, if no parapet wall exists, on which the system is mounted. Solar energy systems that extend less than three feet above the roof surface shall be exempt from this provision;
(d) A solar collection system may be located on an accessory structure;

3. Solar easements.
A property owner who has installed or intends to install a solar collection system shall be responsible for negotiating with other property owners in the vicinity for any necessary solar easement and shall record the easement with the county recorder. If no such easement is negotiated and recorded, the owner of the solar collector shall have no right to prevent the construction of structures permitted by this Chapter on nearby properties on grounds that the construction would cast shadows on the solar collection system.

~~L.~~ J. Accessory uses or structures not listed elsewhere.

1. In any residential district, any accessory building that is erected prior to the construction of the principal building shall comply with the following conditions:

(a) The construction of the principal building shall be completed and the certificate of occupancy for such primary use issued within two years of issuance of the building permit for the accessory building;
(b) Prior to issuance of a building permit for such accessory use, a building demolition bond shall be approved by the city and in an amount sufficient to demolish such accessory structure be filed with the building official;
(c) The owner shall execute a license, in a form approved by the city, authorizing the city to enter upon the real property for the purpose of demolishing such accessory structure in the event a principal structure is not completed as required by this Section;

2. In the R-2 district, accessory building includes a storage garage on a lot occupied by a multi-family dwelling, townhouse or rooming house;

3. In the MU-N district and all residential districts, accessory buildings shall be subject to the following restrictions:
   (a) Except for truckload or trailer-load retail sales lasting less than 30 days where allowed, no accessory use shall be conducted in or out of a trailer or truck;
   (b) Storage of trailers and trucks or storage of goods within trailers and trucks shall not be a permitted accessory use unless (i) the primary use of the lot is a parking lot, parking garage, or filling station, or (ii) the truck or trailer is used on a regular basis for deliveries or the hauling of supplies to or from a business;

4. In the MU-C, MU-I and MU-W districts, accessory buildings shall be erected at the same time or after the construction of the principal building and subject to the following restrictions:
   (a) Except for truckload or trailer-load retail sales lasting less than 30 days, no accessory use shall be conducted in or out of a trailer or truck;
   (b) The storage of trailers and trucks or the storage of goods within trailers and trucks shall not be a permitted use unless (i) the primary use of the lot is a parking lot, parking garage, filling station, automobile or light vehicle sales or service, or automobile or light vehicle storage, or (ii) the truck or trailer is used on a regular basis for deliveries or the handling of supplies to or from a business;

5. In the MU-B, I-G, and I-W districts, accessory buildings shall be erected at the same time or after the construction of the building for the primary use;

6. An accessory building may observe an equal or greater distance to the front property line as provided by a principal structure if the accessory building provides the front and side yards required for dwelling in that district as per Article 2 and Section 50-20;

7. If a principal structure is demolished or removed, any subordinate existing accessory structure must be demolished or removed within two years of the date of the principal structure being demolished or removed.

~~M.~~ K. Accessory wind power equipment.

In all districts, accessory wind power systems shall comply with the following requirements:

1. The base of the tower shall be set back from all property lines, public rights-of-way, and public utility lines a distance equal to the total extended height. A tower may be allowed closer to a property line than its total extended height if the abutting property owner(s) grants written permission and the installation poses no interference with public utility lines or public road and rail rights-of-way;

2. Towers that are 50 feet or less in height are permitted by right. Towers exceeding 50 feet in height require approval of a special use permit, provided that in no case shall tower height exceed 130 feet;
3. Notwithstanding the provisions of Section50-20.5.~~M~~K.2 above, no wind power facility shall be taller than 75 feet within any migratory bird flight path;
4. Sound produced by the turbine under normal operating conditions, as measured at the property line of any adjacent property improved with a dwelling unit at the time of the issuance of the zoning certificate, shall not exceed 55 dBa for any period of time. The 55 dBa sound level may be exceeded during short-term events out of the owner's control such as utility outages or severe wind storms;
5. The turbine and tower shall remain painted or finished in the color that was originally applied by the manufacturer;
6. The blade tip or vane of any small wind energy system shall have a minimum ground clearance of 15 feet as measured at the lowest point of the arc of the blades;
7. No sign that is visible from any public street shall be permitted on the generator, tower, building or other structure associated with a small wind energy system other than the manufacturer's or installer's identification and appropriate warning signs;
8. No illumination of the turbine or tower shall be allowed unless required by the FAA;
9. Any climbing feet pegs or rungs below 12 feet of a freestanding tower shall be removed to prevent unauthorized climbing. For lattice or guyed towers, sheets of metal or wood or similar barriers shall be fastened to the bottom tower section such that it cannot readily be climbed;
10. No part of this use may project above any of the imaginary airspace surfaces described in FAR Part 77 of the FAA guidance on airspace protection;
11. No small wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

~~N.~~ L. Minor utilities and accessory wireless antennas attached to existing structures.

The following standards apply to accessory wireless antennas that are attached to existing structures and to minor utilities regardless of whether they are attached to an existing structure:

1. A special use permit is required to allow any antenna to exceed 150 feet in height;
2. All building-mounted antennas shall meet or exceed current standards and regulations of the FAA, FCC and any other state or federal agency with the authority to regulate communications antennae and support structures;
3. The size, design and location of each attached antenna shall reduce visibility from surrounding buildings and from the public rights-of-way adjoining the property to the greatest extent feasible;
4. Building-mounted antennas or disguised antenna support structures shall be of a color identical to or closely compatible with the surface to which they are mounted;
5. Except when a support structure for a building-mounted antenna is an otherwise lawfully permitted sign, the placement of advertising on antennae is prohibited.

~~O. Accessory vacation dwelling unit.~~

~~An accessory vacation dwelling unit may be created within any one-family dwelling, twin home, two-family dwelling, or attached or detached accessory dwelling unit provided these standards are met:~~

1. ~~Only one accessory vacation dwelling unit may be created per lot;~~
2. ~~No variances shall be granted for an accessory vacation dwelling unit;~~
3. ~~An accessory vacation dwelling unit shall contain no more than 800 square feet of floor area and shall be consistent in character and design with the primary dwelling;~~
4. ~~If a separate outside entrance is necessary for an attached accessory vacation dwelling unit located within the primary building, that entrance must be located either on the rear or side of the building;~~
5. ~~The minimum rental period shall be not less than two consecutive nights, nor more than a maximum of 29 consecutive nights. The minimum rental period shall not apply to accessory vacation dwelling units in form districts;~~
6. ~~The total number of persons that may occupy the vacation dwelling unit is one person plus the number of bedrooms multiplied by two, which shall not exceed nine. The maximum number of bedrooms that may be rented may not exceed four;~~
7. ~~Off-street parking shall be provided at the following rate:~~
   - ~~(a) Accessory vacation dwelling units licensed on or before May 15, 2016, shall provide the following minimum number of off-street parking spaces:~~
     - ~~(i) 1-2 bedroom unit, one space;~~
     - ~~(ii) 3-4 bedroom unit, two spaces;~~
     - ~~(iii) 5+ bedroom unit, three spaces;~~
   - ~~(b) Accessory vacation dwelling units licensed after May 15, 2016, shall provide the following minimum number of off-street parking spaces:~~
     - ~~(i) 1-2 bedroom unit, one space;~~
     - ~~(ii) 3 bedroom unit, two spaces;~~
     - ~~(iii) 4+ bedroom unit, number of spaces equal to the number of bedrooms minus one;~~
   - ~~(c) Accessory vacation dwelling units licensed on May 15, 2016, are entitled to continue operating under the former off-street parking requirement. The parking exemption for accessory vacation dwelling units licensed on May 15, 2016, expires upon transfer of any ownership interest in the permitted property;~~
   - ~~(d) The minimum off-street parking requirements shall not apply for vacation dwelling units in form districts;~~
8. ~~Motorhome/ATV. Only one motorhome (or pickup-mounted camper) and/or one trailer either for inhabiting or for transporting recreational vehicles (ATVs, boat, personal watercraft, snowmobiles, etc.) may be parked at the site, off the street;~~
9. ~~Other Licenses Required. In addition to the permit issued pursuant to this chapter, the property owner must obtain all licenses and permits from the city of Duluth and state of Minnesota required for guest occupancy on the property for two to 29 days;~~
10. ~~Guest Records. The property owner must provide required documents and adhere to additional requirements listed in the city of Duluth's UDC application manual related to the keeping of a guest record, designating and disclosing a local contact, property use rules, taxation, and interim use permit violations procedures;~~

11. Application Materials. The property owner must provide a site plan, drawn to scale, showing parking and driveways, distance from lot line of proposed vacation dwelling to neighboring residential structures, all structures and outdoor recreational areas that guests will be allowed to use, including, but not limited to, deck/patio, barbecue grill, recreational fire, pool, hot tub, or sauna, and provide detail concerning the provision of any dense urban screen or fence that may be required to buffer these areas from adjoining properties. A dense urban screen or fence is required if the adjoining property is used as a residential use, as identified in Section 50-19.8. Prior to the permit being authorized, the fence or dense vegetative screen must be in place, and it must be continuously maintained during the entire permit period. The requirement for a dense urban screen or fence may be waived if the adjoining property owner does not want it on or near their shared property line, and indicates this with a signed letter;

12. Any accessory vacation dwelling unit that will be located in a multi-family structure that has nine or more dwelling units shall:
    (a) Make available 24-hour staffing at a front desk that is accessible to all tenants;
    (b) If determined applicable by the land use supervisor, provide a letter from a duly established home owner's association stating the support of the home owner's association board of directors for the accessory vacation dwelling unit, and enumerating any home owner's association rules to be incorporated into the interim use permit;

13. Termination. The interim use permit shall terminate upon change in ownership of the property or in six years after the date of issuance, whichever occurs first. Upon permit termination, property owner may reapply. The permit is only valid for the property and applicant or property owner that it was initially issued to and the permit shall not be transferred to a new applicant or property owner, or to a new property or different address;

14. Maximum Number of Accessory Vacation Dwelling Units. No more than 60 permits may be issued for either vacation dwelling units or accessory vacation dwelling units, excepting that the maximum number of permits that may be issued shall increase by 10 percent of the net increase in housing units constructed and issued certificates of occupancy in the city in the previous year, or no more than ten (10) new vacation dwelling units per year, whichever is less, provided that the total number of vacation dwelling units authorized shall not exceed 120 units. Permits for accessory vacation dwelling units within form districts are exempt from the maximum number of permits that may be issued;

15. Nuisance Reduction. The accessory vacation dwelling permit holder shall ensure that all requirements for waste removal services and prohibitions on burning of trash is strictly adhered to by occupants of the accessory vacation dwelling. The permit holder must designate in writing a managing agent or local contact who resides within 25 miles of the city and who has authority to act for the owner in responding 24-hours-a-day to any complaints from neighbors or the city. The permit holder must notify the city within 10 days of a change in the managing agent or local contact's contact information. The permit holder shall notify by letter all property owners within 100' of the property boundary of the name, address, and phone number of the managing agent or local contact named above and provide the city with a copy of the letter. The permit holder must notify said property owners within 10 days of a change in the managing agent or local contact's contact information;

16. Advertisement. The permit holder must include the permit number on all print, poster or web advertisements.

~~P. Accessory vacation dwelling unit, limited.~~

~~1. Eligible Applicant. Property owners that reside in the owner-occupied homestead property may apply for an accessory vacation dwelling unit, limited, in their owner-occupied homesteaded property;~~

~~2. Rental Period. The minimum rental period shall not be less than two consecutive nights no more than 7 consecutive nights. The maximum total number of nights for which an accessory vacation dwelling unit, limited, may be rented may not exceed 21 nights per year. The rental period must be specified in the permit at the time that the permit was applied for, and may not be altered;~~

~~3. Other Standards. Accessory vacation dwelling units, limited, must adhere to the same standards as a vacation dwelling unit, per Section 50-20.3.U, in regards to maximum number of visitors, off-street parking, motorhome/ATV, guest records, nuisance reductions, advertisement, and application materials;~~

~~4. Other Licenses Required. In addition to the permit issued pursuant to this chapter, the property owner must obtain all licenses and permits from the city of Duluth and state of Minnesota required for guest occupancy on the property. The property owner must provide required documents and adhere to additional requirements listed in the city of Duluth's UDC application manual;~~

~~5. Maximum Number of Accessory Vacation Dwelling Units, Limited. There is no maximum to the number of permits that may be issued;~~

~~6. Termination. The permit shall terminate upon change in ownership of the property or one year from issuance date, whichever occurs first. The permit shall be non-transferable;~~

~~7. Principal dwelling. A permit holder may not advertise the accessory vacation dwelling unit, limited, in any area exterior to the dwelling unit or any lot without a principal dwelling.~~

50-24.2 Maximum parking spaces.

All development and redevelopment after December 11, 2023 shall adhere to a maximum amount of off street parking as stated in the table below unless an exemption from or variation of this requirement is provided in another section of this Chapter. Any permitted use per Table 50-19.8 but not listed in the table below is exempt from maximum parking requirements;

Off-street parking spaces that existed on November 18, 2010, and that were composed of hard-surfaced, dust-free material such as concrete, bituminous, or pervious paving materials, may continue even if they exceed the maximum parking limit.

Table 50-24-1: Maximum-Off-Street Parking

Use	Maximum
Residential Uses	
Dwelling, townhouse	2.5 spaces per dwelling unit
Dwelling, multi-family	2.5 spaces per dwelling unit
Residential care facility	1 space per 3 residential care beds
Sober house	1 space per 3 single occupancy beds
Rooming house	2 spaces per habitable unit
Public, Institutional, and Civic Uses	
Club or lodge (private)	4 spaces per 1,000 sq. ft. of floor area
Hospital	As determined by approved MU-I Plan
Medical or dental clinic	6 spaces per 1,000 sq. ft. of gross floor area
Nursing home	2 spaces per 6 beds
Religious assembly	1 space per 2 seats or per 100 sq. ft. in main auditorium, whichever is greater
Commercial Uses	
Automobile and light vehicle repair and service	3 spaces per 1,000 sq. ft. of gross floor area
Automobile and light vehicle sales, rental or storage	3 spaces per 1,000 sq. ft. of gross floor area
Bank	5 spaces per 1,000 sq. ft of gross floor area
Building material sales	1.5 spaces per 1,000 sq. ft. of gross floor area
Business park support activities	3 spaces per 1,000 sq. ft. of gross floor area
Convention and event center	1 space per 2.5 seats or per 100 sq. ft. in auditorium and event spaces, whichever is greater

Table 50-24-1: Maximum-Off-Street Parking	
Use	**Maximum**
Daycare facilities and preschools	1.5 spaces per 5 persons care capacity
Filling station	6 spaces per 1,000 sq. ft. gross floor area plus 1 per service stall
Garden material sales	1.5 spaces per 1,000 sq. ft. of gross floor area
Grocery store	5 spaces per 1,000 sq. ft. of gross floor area
~~Hotel or motel~~ Lodging, small and large	1 space per guest room plus 1 per 150 sq. ft. of gross floor area in all accessory uses including restaurants and meeting rooms
Indoor entertainment facility	4 spaces per 1,000 sq. ft. of gross floor area.
Marina or yacht club	4 spaces per 1,000 sq. ft. of clubhouse area, plus 1 per 10 boat slips
Office	4 spaces per 1,000 sq. ft of gross floor area
Personal service or repair	4 spaces per 1,000 sq. ft. of gross floor area
Restaurant	10 spaces per 1,000 sq. ft. of gross floor area
Retail store	4.5 spaces per 1,000 sq. ft. of gross floor area
Theater	1 space per 4 seats or 2 per 150 sq. ft. in main auditorium, whichever is greater
Truck or heavy vehicle sales, rental, repair or storage	1.5 spaces per 1,000 sq ft. of gross floor area
~~Vacation dwelling unit~~	~~As indicated in Section 50-20.3.V~~
Veterinarian or animal hospital	4 spaces per 1,000 sq. ft. of gross floor area
Industrial Uses	
• Contractor's shop and storage yard • Dry cleaning or laundry plant	1.5 spaces per 1,000 sq. ft. of gross floor area
~~**Accessory Uses**~~	
~~Accessory bed and breakfast~~	~~1 space for primary use dwelling; plus 1.5 spaces per habitable unit~~

50-24.6 Required loading space.

Unless otherwise provided in this Chapter, all construction of new buildings or expansions of existing buildings shall provide off street loading space shown in Table 50-24-5 below.

Table 50-24-5: Off-Street Loading Space Standards

Type of Use or Facility	Off-Street Loading Requirement
Office, ~~hotel or motel~~ Lodging, small or large	1 space for 20,000 sq. ft. of gross floor area
Personal service and repair not otherwise listed; building material sales; garden material sales; retail store not listed (large); automobile and light vehicle repair and service, automobile and light vehicle sales, rental, or storage; truck or heavy vehicle sales, rental, repair, or storage; wholesaling.	1 space for 20,000-50,000 sq. ft. of gross floor area; 2 spaces for more than 50,000 sq. ft. gross floor area
Manufacturing	1 space for 25,000 to 50,000 sq. ft. of gross floor area; 2 spaces for more than 50,000 sq. ft. of gross floor area.

50-24.8 Electric vehicle charging stations.

With the exception of one-family and two-family dwelling units, any new development, building expansions of more than 50 percent of the building's square footage, or renovations that exceed 50 percent of the building's value shall provide bicycle parking;

A. In any new parking lot that is accessory to either a multi-family or ~~hotel or motel~~ lodging, small or large use, electric vehicle (EV) charging stations shall be provided as follows: parking lots with 10 or more parking spaces must have EV charging stations or be EV ready for a minimum of 10 percent of the parking spaces. Charging stations must include Level 2 or higher chargers; if spaces are EV ready, the wiring must support Level 2 chargers. If the property is connected to solar or other renewable energy source, only 5 percent of the parking spaces are required to meet the EV charging/readiness requirements;

B. If the parking capacity of an existing parking lot with 20 or more spaces, that is also accessory to either a multi-family or ~~hotel or motel~~ lodging, small or large use, is increased by 30 percent or more, EV charging stations shall be provided as noted in 50-24.7.1 above;

C. EV ready spaces shall include a cabinet, box or enclosure connected to a conduit linking parking spaces with 208/240V or higher voltage AC electrical service suitable for the number of charging stations.

~~50-37.17 Accessory home share or accessory vacation dwelling unit, limited permit.~~

~~This Section applies to an accessory home share permit for the offering or advertising, for trade or sale, of a habitable room or space in an owner-occupied dwelling for a period of 29 nights or less, or an accessory vacation dwelling unit, limited, permit.~~

~~A. Application.~~

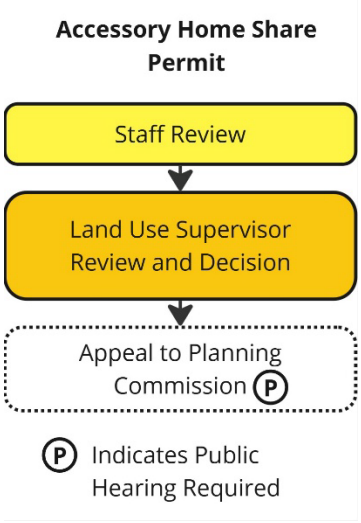
~~An application for an accessory home share permit or accessory vacation dwelling unit, limited, shall be filed pursuant to Section 50-37.17.~~

~~B. Procedure.~~

~~The land use supervisor shall review and make a decision on an application based on the criteria in Section 50-20.5.G. The land use supervisor may refer the application to any city, county or other public or quasi-public agency deemed necessary to confirm whether the criteria in Section 50-37.17.C below have been met.~~

~~C. Criteria.~~

~~An application for a certificate of occupancy shall be filed pursuant to Section 50-37.1.B.~~



50-39 ENFORCEMENT AND PENALTIES.

This Section describes how this Chapter will be enforced, as well as the penalties for violation of the Chapter. This Section is intended to comply with the provisions of Minnesota Statues, Section 462.362 as amended, and shall be interpreted to comply with those provisions wherever possible. All violations of this Chapter are hereby declared to be public nuisances.

50-39.1 Violations.

A. Violations defined.

It shall be a violation of this Chapter, and a public nuisance, to do any of the following:

1. Activities inconsistent with this Chapter.

   To erect, construct, reconstruct, remodel, alter, maintain, expand, move or use any building, structure or sign, or to engage in development or subdivision of any land inconsistent with this Chapter, or to fail to obtain required approvals for any of those activities;

2. Use of nonconformities inconsistent with this Chapter.

   To use, occupy, create, expand, replace, or change a nonconforming use, structure, lot or sign except in compliance with this Chapter;

3. Making lots or setbacks nonconforming.

   To reduce or diminish the lot area, setbacks, or open space on any parcel of land below the minimum required by this Chapter;

4. Increasing intensity of use.

   To increase the intensity of use of any land or structure, except in accordance with the procedural and substantive standards of this Chapter;

5. Activities inconsistent with approval of permit.

   To engage in any development, redevelopment, use, construction, remodeling or other activity inconsistent with the terms and conditions of any permit or approval issued by the city;

6. Violation of stormwater permits.

   In the case of violation of a stormwater permit, the permittee shall take the following actions prior to imposition of a penalty, if any, by the city:

   (a) Submit reports of noncompliance with requirements contained in a compliance schedule of the permit in writing within 14 days after the compliance schedule deadline. Reports of noncompliance shall include a description of the noncompliance, its cause, the steps taken or planned to reduce, eliminate and prevent reoccurrence of the noncompliance and the effect of the noncompliance on the permittee's ability to meet remaining deadlines;

   (b) Take all reasonable steps to minimize or prevent any adverse impacts on the waters of the state resulting from noncompliance with a stormwater permit;

7. Violations related to wireless telecommunications facilities.

Under the following circumstances, the city may declare the wireless telecommunications facility a public nuisance and take all available enforcement actions including, but not limited to, revocation of the special use permit:

(a) The wireless telecommunications facility has been abandoned. A facility is deemed abandoned if it is not used as wireless telecommunications facility for a period exceeding 90 consecutive days or a total of 180 days in any 365 day period, except for periods caused by force majeure or Acts of God, in which case repair or removal shall commence within 90 days;

(b) The wireless telecommunications facility fall into a state of disrepair and creates a health or safety hazard;

(c) The wireless telecommunications facility has been located, constructed, repaired, maintained or modified without first obtaining the required special use permit, or in any manner that constitutes a violation of Section 50-20.4.D;

(d) For a violation of the conditions and provisions of the special use permit;

8. Failure to remove signs.

   To fail to remove any sign installed, created, erected or maintained in violation of this Chapter, or for which a required sign permit was not obtained, or for which the sign permit has lapsed, or for which the business or use for which the sign was permitted has been closed for more than one year;

9. Failure to maintain.

   To fail to maintain any property, including without limitation: (a) any dwellings, dwelling units, housekeeping units, or rooming units; and (b) any sign; and (c) any required landscaping or screening in the condition required by this Chapter;

10. Failure to replace.

    To fail to replace any site feature or element required by this Chapter if that site feature is removed, or to fail to replace any required landscaping or screening that dies or becomes diseased;

11. Unauthorized actions involving historic resources.

    To fail to obtain required approvals before construction, remodeling, repainting or altering a historic preservation landmark or a structure in a historic preservation district identified in Section 50-18.3;

~~12. Violations related to vacation dwelling units, accessory vacation dwelling units or accessory home shares.~~

~~To use any lot, structure, dwelling or dwelling unit as a vacation dwelling unit, accessory vacation dwelling unit, or accessory home share without the approvals or permits required by this Chapter, in violation of the provisions of this Chapter, or in violation of any other applicable provisions of this Code.~~

B. Continuing violations.

Each day that a violation occurs or remains uncorrected after receipt of notice of the violation from the city shall constitute a separate violation.

50-39.2 Enforcement.

A. Responsibility.

The building official is responsible for enforcing this Chapter. No permit or approval for the construction, alteration or demolition of any building, or for the use of land, shall be issued if the building as proposed to be constructed, altered or demolished would be a violation of this Chapter.

B. Authorizing for inspections.

For the purposes of enforcing this Chapter, the building official is authorized to enter, examine and survey, between the hours of 8:00 a.m. and 5:00 p.m., any property subject to the regulations of this Chapter. Prior to making an inspection based on a possible violation, the building official shall inform the owner of the property to be inspected, or their agent, of the date and time of the inspection in writing at least four days prior to the inspection. Advance notice need not be given in the case of routine inspections. After written notice has been given, the owner or occupant of the property to be inspected, or the person in charge of that property, shall give the building official free access to the property between 8:00 a.m. and 5:00 p.m., for the purpose of inspection. The inspection shall not have for its purpose the harassment of the owner or occupant and shall be made so as to cause the least amount of inconvenience to the owner or occupant of the property consistent with the efficient performance of the duties of the building official. Nothing in this Section 50-39.2.B shall be construed to prohibit the entry of the building official:

1. At any time when in the opinion of the building official an actual emergency tending to create an immediate danger to public health and safety exists;

2. At any time when an inspection is requested by the owner or occupant.

C. Enforcement tools.

The city may use any of the following tools and powers to enforce this Chapter, in any order, and the use of one tool or power shall not restrict the city from using an additional tool or power to remedy the same violation.

1. Order requiring compliance.

   (a) The city may issue a written order identifying the violation(s) of this Chapter and requiring that the property owner or occupant bring the property into compliance with this Chapter, at the owner or occupant's expense, within a specified time. The notice shall state what actions are necessary to bring the property into compliance;

   (b) The time allowed for correction shall be not less than 14 days, except that: (i) if the order identifies a threat to public health or safety then a compliance shorter than 14 days may be required; and (ii) if the order involves a violation of the provisions of the A-O district or the sign regulations in Section 50-27, ~~or the vacation dwelling unit, accessory vacation dwelling unit, or accessory home share regulations in Sections 50-19 and 50-20~~, the time for compliance shall be not less than ten days. In determining a reasonable time for

performance the building official shall consider the nature and extent of the work involved, the season of the year, the existence of any immediate danger to public health and safety, and any other pertinent factors. The building official may extend the time for compliance in writing for good cause shown;

(c) The property may continue to be used for occupancy or habitation pending compliance with the order unless the notice identifies an imminent threat to public health or safety and requires that occupancy or habitation be limited or end by a certain date;

(d) When an order to correct a violation of this Chapter has been issued, the building official is authorized to enter and re-inspect the property subject to the order for the purpose of determining compliance with the order. The owner or occupant of the property, or the person in charge of the property, shall give free access to the property for the purpose of the inspection;

(e) Every occupant of property shall give the owner of the property, or his agent or employee, access to any part of the property at all reasonable times for the purpose of making repairs or alterations required to comply with the order;

(f) The city shall not charge a fee for inspections made in response to complaints or to confirm compliance with an order;

2. Enforcement of wireless telecommunications facility violations.

(a) If the city determines that the wireless telecommunication facility is a public nuisance, the building official shall notify the holder of the special use permit in writing and order the correction of the violation or removal of the facility;

(b) If the order requires removal of the wireless telecommunication facility the holder of the special use permit, or its successors or assigns, shall dismantle and remove such facility and all associated structures and facilities, from the site and restore the site to as close to its original condition as is possible, such restoration being limited only by physical or commercial impracticability, within the deadline provided for in the order to remove. If the owner of the property upon which the wireless telecommunications facilities are located wishes to retain any access roadway to the wireless telecommunications facilities, the owner may do so if the land use supervisor determines that the retention of those access roads would promote the purposes of this Chapter;

(c) Notwithstanding anything in this Section 50-39.2 to the contrary, the building official may approve a temporary extension of the order, for no more 90 days, during which time a suitable plan for the repair, sale, removal, conversion, or re-location of the affected wireless telecommunications facilities shall be developed by the holder of the special use permit, subject to the approval of the city, and an agreement to such plan shall be executed by the holder of the special use permit and the city. If such a plan is not developed, approved and executed within the 90 day time period, then the city may exercise all available legal rights;

(d) The holder of the special use permit for wireless telecommunications facilities may not use the payment of fines, liquidated damages or other penalties, to evade or avoid compliance with an order of the building official or any provision of Section 50-20.4.D;

(e) If compliance or substantial progress towards compliance with the order has not been made by the compliance deadline, the city may exercise any legal remedies available to secure compliance with the order at the sole expense of the owner or special use permit holder;

3. ~~Enforcement of vacation dwelling unit, accessory vacation dwelling unit, accessory vacation dwelling unit, limited, or accessory home share violations.~~

~~(a) If the city determines that a vacation dwelling unit, accessory vacation dwelling unit, accessory vacation dwelling unit, limited, or accessory home share is a public nuisance, operating without approvals or permits required by this Chapter, or operating in violation of this Chapter or any other applicable provisions of this Code, the city shall notify the holder of the interim use permit, accessory vacation dwelling unit, limited, or home share permit in writing and order the correction of the violation in accordance with this Section;~~

~~(b) Any vacation dwelling unit, accessory vacation dwelling unit, accessory vacation dwelling unit, limited, or home share permit issued pursuant to this Chapter may be suspended for up to six (6) months or revoked by the city for good cause. If the city intends to suspend or revoke a permit, the land use supervisor shall issue written notice of such intent to the permit holder at least twenty-one (21) days before such suspension or revocation is set to begin. The permit holder may then demand a hearing before the land use Supervisor. Such demand shall be made in writing to the land use supervisor within ten (10) days following issuance of the notice;~~

~~(c) For purposes of this Section, "good cause" shall include, but not be limited to:~~

~~(i) failure to remedy a violation noted pursuant to Section 50-39.2.C.1;~~

~~(ii) issuance of three or more violation notices under Section 50-39.2.C.1 within a single permit cycle;~~

~~(iii) the occurrence of one or more nuisance events as defined in Section 40-10 of this Code;~~

~~(iv) use or operation of the dwelling unit or home share in a manner that imperils public health, safety or welfare, including, but not limited to, violation of this Chapter or any other provision of local, state, or federal law intended to protect the occupants of the dwelling or the surrounding neighborhood and community;~~

~~(d) Any permit holder whose license is suspended or revoked by the land use supervisor may appeal the final suspension or revocation to the planning commission in accordance with 50-37.1.O;~~

4. 3. Withholding permits or approvals.

The city may refuse to process applications for permits and approvals under this Chapter if the application concerns a property where (a) the building official has determined to be in violation of the Chapter, (b) the city has issued an order requiring that the violation be corrected, and (c) the owner occupant has not remedied the violation within the time stated in that order, unless the application is for the purposes of remedying the existing violation;

5. 4. Prevention of violation.

   If the city becomes aware that a building, structure, sign or site feature is about to be constructed in violation of this Chapter, the city may take appropriate action to prevent the violation. The city's action may include but is not limited to withdrawal of any permits or approval related to the construction or activity that would constitute a violation;

6. 5. Abatement.

   (a) The city may take action to abate or remove the violation, and to charge the costs of the abatement or removal to the property owner if the property owner or occupant of a property fails to comply with an order to correct a violation of this Chapter within the time specified in the order, as that time may be extended by the building official in writing for good cause shown, and the building official determines that the continuance of the violation creates a threat to public health or safety;

   (b) Following the abatement or removal, the city shall issue an order that the owner of the land on which the violation occurred pay to the city the documented costs of the abatement or removal with 30 days;

   (c) If the owner of the land does not pay the documented costs of abatement or removal to the city within 30 days, those costs may be assessed against the land on which the violation occurred, and the city shall provide the owner of the land written notice of the assessment. Unless the assessment is paid within 90 days from the service of notice on the property owner, the sum shall bear interest at the rate set in accordance with Section 31-8 of this Code, per annum from the date the cost was incurred until paid, and shall be collected in the same manner as are general taxes;

   (d) The city shall end the process of assessing abatement and removal costs against the land, or shall cancel the assessment if it has been finalized, upon receipt of payment in full of all costs documented in the order and all accrued interest on those costs;

7. 6. Administrative citations.

   The city may issue an administrative citation pursuant to Chapter 12 of this Code and may take all actions authorized;

8. 7. Court actions.

   The city may enforce this Chapter by filing an action in law or equity in any court of competent jurisdiction, including without limitation a request for a declaratory judgment, a request for a restraining order or a temporary or permanent injunction, or a request for money damages based on the penalties for violation established in this Chapter or elsewhere in this Code. The

decision as to whether to seek enforcement in the courts, and what type of enforcement to seek, shall be at the discretion of the city;

9. 8. Nuisance abatement.

   If the building official determines that the violation constitutes a public nuisance under state law, the city may use all powers granted by state law to abate public nuisances;

10. 9. Other enforcement powers.

    The city may enforce this Chapter through any other powers granted to the city by state law.

D. Notices and orders.

1. Any notice and order under Section 50-39.2.C.1 shall be served upon the owner or the owner's agent and the occupant as the case may require. In the case of a notice involving the sign regulations in Section 50-27, the notice shall also be served on the owner of the sign or the person or entity that erected or caused the erection of the sign;

2. The notice shall be deemed to be properly served upon those individuals or entities identified in Section 50-39.2.D.1 above if a copy of the notice is:

   (a) Served personally; or

   (b) Sent by United States mail, postage prepaid, to the last known address of the owner, occupant or agent shows in the city records; or

   (c) Posted in a conspicuous place in or about the property affected by the notice; or

   (d) Served by any other method authorized or required by state law;

3. Any notice served pursuant to Section 50-39.2.D.1 shall automatically become an order if a written petition for a hearing is not filed with the building official within 14 days after the notice is served. An order is final unless an appeal is filed pursuant to Section 50-37.1.O;

If the building official finds that an emergency exists that requires immediate action to protect the public health and safety, the building official may, without notice or hearing, issue an order declaring that emergency and requiring those actions that the building official deems necessary to meet the emergency notwithstanding the other provisions of this Chapter, and that order shall be effective immediately. Any person to whom the order is directed shall comply with the order immediately, but may file with the building official a request for a hearing following compliance with the order.

50-41. DEFINITIONS.

50-41.1 Definitions: A.

Accessory agriculture roadside stand. A structure erected for the display and sale of agriculture products grown on the premises and that is subordinate to the primary residential or agricultural use of the premises.

~~**Accessory bed and breakfast.** An owner-occupied building designed as a one-family dwelling that provides no more than five guest rooms for lodging accommodations by prior arrangements for compensation. The primary residence in the building or a separate, lawfully existing building located on the same site must be occupied by the building owner on a permanent basis. It may or may not include serving of meals to guests.~~

Accessory boat dock, residential. A personal use boating structure, subordinate to a primary residential use of property, that is built over or floats upon the water of a lake, river, or stream, and that serves one property owner for mooring boats or as a landing place for marine transport.

Accessory caretaker quarters. A subordinate dwelling unit intended for an employee or owner who looks after or takes charge of goods or property. The unit shall be either inside or attached to a main structure by a common wall. The unit is a complete, independent living facility with provisions for cooking, eating, sanitation and sleeping.

Accessory communications tower for private use. Any structure, subordinate to a primary use of land, that is designed and constructed primarily for the purpose of supporting one or more wireless analog or digital telecommunication facilities, that is located on the ground or anchored to the ground and exceeds 24 feet in height. Such a tower may have a variety of configurations, including a monopole, a lattice tower or a guyed tower.

Accessory day care facility. A private or public establishment licensed by the state that regularly provides, for periods less than 24 hours a day, one or more dependents of employees or users of a business or facility with care, training, supervision, rehabilitation or developmental guidance, for gain or otherwise, while the employees or users are on site for work or other activities related to the principal use of the property. This use is a secondary and subordinate activity to a permitted or approved special use of the property and does not result in additional trips to the site.

Accessory dwelling unit. A subordinate dwelling unit added to, created within, or detached from a one or two family dwelling, located on the same lot or parcel as a primary residential structure and owned by the same owner as the primary residential structure, and providing basic requirements for living, sleeping, cooking, eating, and sanitation, and is constructed on compliant permanent footings or foundation, with permanent connections to public sanitary sewer and water. No recreational vehicle, or structure on a chassis, shall constitute an accessory dwelling unit.

Accessory heliport. An area used or intended to be used for the landing and takeoff of helicopters that is secondary and incidental to, and is operated in support of, a permitted or approved special use on the same property, including operations facilities, such as maintenance, loading, and unloading, storage, fueling or terminal facilities.

Accessory home occupation. A business or occupation incidental and subordinate to the principal residential use. All home occupations must comply with the conditions in Section 50-20.5.F. Examples include but are not limited to: artist's studio; dressmaking; accessory beauty salon or barber shop, office of a physician or dentist for consultation or emergency treatment but not for general professional practice, lawyer, engineer, architect or accountant; teaching, with instruction limited to not more than two pupils at the same time. A home occupation shall not be interpreted to include ~~accessory bed and breakfast~~ lodging, small or large, restaurants or tea rooms.

~~**Accessory home share.** A habitable bedroom or bedrooms in an owner-occupied dwelling, offered for trade or sale, whether for money or exchange of goods or services, for periods of 29 nights or less.~~

Accessory recycling collection point. A facility used for the collection and temporary storage of empty beverage containers, aluminum, glass, paper or clothing for recycling purposes conducted totally within an enclosed structure or container, and that is accessory to a permitted or approved special use in the zone district. This definition does not include processing except for can banks that crush cans as they are deposited.

Accessory retail or showroom. Space allocated within an industrial business for the display and/or sales (or donation) of products assembled, manufactured, or processed on site.

Accessory sidewalk dining area. An outdoor eating and drinking area that is generally associated with and subordinate to a permitted or approved special use on the same property and that is, located on a. public sidewalk. This use may include removable tables, chairs, planters, or similar features and equipment.

Accessory solar or geothermal power equipment. Accessory uses and structures that are clearly subordinate in size and use to the primary use and structure on the property, and that are used to reduce energy consumption or to generate energy from non-fossil fuel and non-carbon dioxide emitting sources on the property. These structures and uses may include but are not limited to the following, and may be located at ground level or above or below ground unless specifically limited in this Chapter, provided that they meet all other applicable requirements of this Chapter: solar photovoltaic modules, solar thermal hot water collectors, solar arrays; and geothermal heat pumps, earth tubes, or downhole heat exchangers.

Accessory use or structure. A use or structure subordinate in use, area or purpose to the principal use or structure on the same lot and serving a purpose naturally and normally incidental to the principal use or structure and that is not included in a separate definition of an accessory use or structure in this Chapter. Where an accessory building is attached to the principal building in a substantial manner by a wall or a roof, it shall be considered part of the principal building. An accessory building or use may be permitted on a lot of record that abuts or is separated by a public easement of no more than 25 feet in width to another lot or lots on which the primary use is located, provided all lots are owned by the same owner and none of the parcels are severed, legally sold, conveyed, or used without the other parcels. Examples include but are not limited to pet houses, storage sheds, swimming pools, garages, accessory uses and structures for energy conservation and renewable energy production, and accessory structures for stormwater management and water conservation. Accessory structures proposed in the Special Flood Hazard Area, as defined within this section, shall be subject to the standards of Section 50-18.1.C.

~~**Accessory vacation dwelling unit.** An accessory dwelling unit as defined by this Chapter that is used as a vacation dwelling unit as defined by this Chapter for periods of occupancy from 2 to 29 nights.~~

~~**Accessory vacation dwelling unit, limited.** A dwelling unit, as defined by this Chapter, that is an owner-occupied homesteaded property, offered for trade or sale, whether for money or exchange of goods or services, for periods of no less than 2 consecutive nights and no more than 7 consecutive nights, and not exceeding 21 nights in total per year.~~

Accessory wind power equipment. A small-scale accessory wind power generating or distribution system, that is clearly subordinate in size and use to the primary use and structure on the property, and that is used to reduce energy consumption or to generate energy from non-fossil fuel and non-carbon dioxide emitting sources on the property. Accessory wind power equipment is designed to generate no more than 10Kw of energy.

Accessory wireless antenna attached to existing structure. Any wireless service antenna located in or on the roof or upper facade of a structure that is not a telecommunications tower, such as a building, water tower, steeple, silo or utility pole.

Adjacent developed lots facing the same street. Where a dimensional standard is related to dimensions on "adjacent developed lots facing the same street" the measurement shall only include those lots that contain a primary structure and that share a side lot line with the subject property and shall not include corner lots where the primary structure faces a different street. If there is only one adjacent developed lot that fronts the same street, the measure shall refer only to the dimension on that lot. For purposes of this measurement, all contiguous lots in common ownership shall be considered as a single lot, not as separate platted lots.

Adult entertainment establishment. See definition in Chapter 5 of the City Code.

Adult bookstore. See definition in Chapter 5 of the City Code.

Agriculture, community garden. A use in which land managed by a group of individuals is used to grow food or ornamental crops, such as flowers, but not cannabis products, for donation or for use by those cultivating the land and their households. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

Agriculture, farmers market. A recurring event, held outdoors or in another defined place, on designated days and times, where market vendors, consisting of agricultural producers, home processors, and craft producers that manufacture non-food goods by the force of their own labor, are organized for the purpose of selling their products directly to the public. A minimum of 30% of vendors shall be vendors selling food crops.

Agriculture, general. The production or keeping of livestock, dairy animals, dairy products, poultry or poultry products, fur-bearing animals, horticultural or nursery stock, fruit, vegetables, forage, grains, timber, trees, cannabis products, or bees and apiary products. This definition includes all activities listed under "agriculture, urban."

Agriculture, urban. An establishment where food or ornamental crops are grown that includes, but is not limited to, growing on the ground, on a rooftop or inside a building, aquaponics, and aquaculture. This does not include cultivation of cannabis products.

Airport boundary. Those lands including the property owned by the city, state, and the United States, and their respective political subdivisions, that are used for aeronautical purposes and are contiguous with the runway and building area facilities. The Duluth International 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. The Sky Harbor Municipal Airport boundaries are illustrated on Exhibit 50-18.2-2.

Airport elevation. 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 hazard. Any structure, tree, or use of land that obstructs the air space required for, or is otherwise hazardous to, the flight of aircraft in landing or taking off at the airport; and any use of land that is hazardous to persons or property because of its proximity to the airport.

Airport and related facilities. An area of land that is used or intended for the landing and takeoff of aircraft, and includes its buildings and facilities, if any. Accessory uses may include but are not limited to: car rental, aircraft servicing, fueling, or leasing, private aviation clubs or associations, and hotels. 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 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 of the Duluth International Airport. The Duluth International Airport Zoning Map prepared by RS&H and adopted and attached as Exhibit C of the Duluth International Airport Zoning Ordinance.

Alley. A dedicated public right-of-way not more than 30 feet wide affording a secondary means of access to abutting property and not intended for general traffic circulation.

Alley line. The established side line of an alley easement

Antenna. A system of electrical conductors that transmit or receive electromagnetic waves or radio frequency or other wireless signals.

Apartment. A part of a building consisting of a room or suite of rooms intended, designed or used as a residence by an individual or a one-family, including full cooking and bathroom facilities for individual use.

Apartment hotel. A building designed for or containing not less than 20 apartments, individual guest rooms or suites and in which may be furnished services ordinarily furnished by hotels, such as drugstores, tea room, barbershop, cigar and newsstands when such uses are located entirely within the building with no separate entrance from the street, and having no sign or display visible from the outside of the building indicating the existence of such use.

Artisan production shop. A building or portion thereof used for the creation of original handmade works of art or craft items by no more than six artists or artisans, either as a principal or accessory use, where the facility includes an area for retail of the art/craft items being produced.

Artisan studio. A building or portion thereof used for the creation of original handmade works of art or craft items by no more than three artists or artisans, either as a principal or accessory use, where the facility includes an area for retail of the art/craft items being produced.

Automobile and light vehicle sales, rental, or storage. The sale, display, lease, rental, or storage of light motor vehicles, including automobiles, vans, light trucks, light trailers, boats, and recreational vehicles. This shall not include salvage operations, scrap operations, vehicle impound yards, or commercial parking lots available for short-term use.

Automobile repair. An establishment engaged in performing repairs of, automobiles, light vehicles, and small engines. Repair may include all activities or repair or servicing of automobiles allowed in "automobile service", rebuilding or reconditioning of passenger automobiles, body, frame or fender straightening, dent repair, replacement or repair, painting or rust-proofing, or other similar repair or servicing of automobiles. Such work excludes commercial wrecking or dismantling, scrap/salvage yards, tire recapping and truck-tractor repair.

Automobile service. An establishment engaged in performing servicing of automobiles, light vehicles, and small engines. Service may include muffler replacement, oil changing and lubrication, tire repair and replacement except tire recapping, wheel alignment, brake repair, suspension repair, transmission repair and replacement, flushing of radiators, servicing of air conditioners, audio installation, detailing, and other similar activities of light repair or servicing of automobiles. This shall not include car washes, retail sale of automotive supplies, tires, or parts unrelated to repairs being performed on the premises, the retreading or vulcanizing of tires, filling stations, or convenience stores that sell gasoline or lubricating oil.

Automobile and light vehicle impound lot. A facility or area of land devoted principally to the storage of impounded vehicles or recreational vehicles with or without an office on the premises for the release of those types of vehicles.

Average lot depth. The average of the lengths of the two side lot lines of a platted lot. In the case of flag lots (lots where the buildable portion of the lot is connected to a public street by an access or driveway 20 feet wide or less), the length of the access or driveway portion of the lot shall be ignored in measuring either side lot line.

50-41.2 Definitions: B.

Bank. An establishment that provides retail banking, mortgage lending, and financial services to individuals and businesses, and including check-cashing facilities. Accessory uses may include automatic teller machines, offices, and parking.

Base Flood. The flood having a one-percent chance of being equaled or exceeded in any given year. "Base flood" is synonymous with the term "regional flood" used in Minnesota Rules, part 6120.5000.

Base Flood Elevation (BFE). The elevation of the base flood, regional flood, or one-percent annual chance flood. The term "base flood elevation" is used in the flood insurance study.

Basement. Any area of a structure, including crawl spaces, having its floor or base subgrade below ground level on all sides, regardless of the depth of excavation below ground level.

~~**Bed and breakfast.** A building designed as a one-family dwelling and operated as a primary use of land containing habitable units providing up to 12 guest rooms of lodging accommodations by prior arrangements, for compensation. It may or may not include serving of meals to guests and the general public, and the operator need not live inside the dwelling.~~

Block. An area of land enclosed by four public or dedicated private streets, or by a combination of public or dedicated private streets and a railroad right-of-way or a natural feature such as a lake shore, riverfront or stream.

Block face. All lots abutting both sides of a street (street A) between the nearest two streets that intersect street A.

Bluff. A topographic feature such as a hill, cliff, or embankment having all of the following characteristics:

- Part or all of the feature is located in a shoreland area;
- The slope rises at least 25 feet above the Ordinary High Water level of the water body or bottom of the bluff;
- The grade of the slope from the toe of the bluff to the top of the bluff averages 30 percent or greater.

Bluff, bottom of. The ordinary high water level or the lower point of a horizontal ten foot segment with an average slope exceeding 18 percent.

Bluff, top of. The higher point of a horizontal ten feet segment with an average slope exceeding 18 percent.

Bluff impact zone. A bluff and land located within 20 feet of a bluff.

Bluff line. The designation of a line to administratively divide the city as above or below the escarpment for purposes of requiring stormwater detention for future development.

Boathouse. A structure designed and used solely for the storage of boats or boating equipment and that is not used for human habitation. Any door or opening exceeding 40 inches in width in a boathouse shall face the water.

Breakaway wall. A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Brewery, craft, small. A facility with a capacity to manufacture 3,500 or fewer barrels of alcoholic and nonalcoholic malt liquor, as well as other craft beverages such as hemp beverage products, in a calendar year. A small craft brewery is one that contains less than 7,000 square feet of gross floor area. This definition excludes small breweries operated in conjunction with a bar or restaurant defined herein as an accessory use.

Brewery, craft, large. A facility with a capacity to manufacture more than 3,500 barrels of alcoholic and nonalcoholic malt liquor, as well as other craft beverages such as hemp beverage products, in a calendar year. A large craft brewery is one that contains 7,000 square feet or more of gross floor area.

Buffer area. A strip of land with natural or planted vegetation located between a structure and a side or rear property line intended to separate and partially obstruct the view of two adjacent land uses or properties from one another. A buffer area may include any required screening for the site.

Buffer, naturally vegetative. Land that is used to protect adjacent lands and waters from development and more intensive land uses. The land is kept in a natural state of trees, shrubs, and low ground cover and understory of plants and functions to filter runoff, control sediment and nutrient movement, and protect fish and wildlife habitat.

Build-to zone. The maximum horizontal distance, or a range of maximum horizontal distances, between a front lot line and a building or structure required by this Chapter.

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. For floodplain management and flood hazard purposes, the term “building” shall be used synonymous with “structure” as defined in this section.

Building material sales. An establishment engaged in the storage, distribution, and sale of building materials such as lumber, brick, tile, cement, insulation, floor covering, lighting, plumbing supplies, electrical supplies, cabinetry and roofing materials. Accessory uses may include repair or delivery services and outside sale of plants and gardening supplies.

Bulk storage not listed elsewhere. An establishment engaged in the storage of oils, lubricants, grains, mineral products or other commodities not listed separately as specific types of warehousing, wholesaling or storage.

Bus or rail transit station. A facility or structure where bus transit or rail transit vehicles stop to provide transportation services to the public. Accessory uses can include convenience retail or restaurants.

Business, art, or vocational school. A school, other than a college, that provides specialized training and education beyond the high school level, principally in the business, commercial or vocational arts, that does not provide lodging or dwelling units for students or faculty, and that has programs that typically result in the awarding of a certificate.

Business park support services. An establishment primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing, consulting services, protective services, equipment rental, leasing and financial services. Uses must be incidental to and supportive of business park uses and shall not include activities that are primarily retail in nature and devoted to the sale of consumer goods.

50-41.3 Definitions: C.

Campground and Recreational Vehicle Park. A facility containing one or more sites for tents or recreational vehicles, offered for short-term use for compensation, and that may include accessory facilities such as showers, laundry, or cooking and dining facilities.

Car wash (primary use) A building containing facilities for washing one or more motor vehicles using steam cleaning or other mechanical devices. This definition includes self-service or automated car wash establishments. This definition does not include garages and filling stations where the washing of automobiles is only incidental or accessory to the business.

Cemetery or mausoleum. Land used or dedicated to the burial of the dead or the storage of cremated remains in a columbaria, and including necessary sales and maintenance facilities.

Channel. A natural or artificial depression of perceptible extent with a definite bed and banks to confine and conduct flowing water either continuously or periodically.

Club or lodge (private). A building or portion of a building or premises owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service that is customarily carried on as a business. This category includes fraternities and sororities.

Coastal A Zone. A special flood hazard area subject to the potential for breaking wave heights of greater than or equal to 1.5 feet, but less than 3 feet. The area will be identified on a FIRM as Zone AE, and located between the inland limit of Zone VE and the Limit of Moderate Wave Action (LiMWA).

Coastal High Hazard Area. An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast, and any other area subject to high velocity wave action from storms or seismic sources.

Co-housing facility. A residential development that combines individual owned dwelling units with smaller or partial kitchens and a larger community kitchen and dining room intended for communal use on a regular basis, and in which all residents agree to share in the provision of regular communal services such as cooking meals or providing child care.

Co-location. The use of an existing tower or structure to support antennae for the provision of wireless services. A replacement tower that is constructed on the same site as an existing tower will be considered a co-location as long as the new tower is no taller than the old tower and that the old tower is removed in a reasonably short time frame after the new tower is constructed.

Coldwater river. Rivers including trout streams and their tributaries.

Commercial impracticability or commercially impracticable. The inability to perform an act on terms that are reasonable in commerce; the cause or occurrence of which could not have been reasonably anticipated or foreseen and that jeopardizes the financial efficacy of the project. The inability to achieve a satisfactory financial return on investment or profit, standing alone, shall not deem a situation to be commercially impracticable and shall not render an act or the terms of an agreement commercially impracticable.

Commercial support services: A facility or area of land where commercial services such as cooking and cooking supplies, printing and photocopying, publishing, engraving, and other uses designed to support commercial activities in the vicinity, provided that such services are not listed separately as a permitted of special use in this Chapter.

Common open space. A portion of a development permanently set aside to preserve elements of the natural landscape for public or private use, which will not be developed or subdivided and is either owned in common by the individual owners in the development or by a permanently established management entity. Common open space does not include the area within 25 feet of any structure, any impervious surface, or the area between buildings within an individual cluster of buildings when the development is designed using clustered compact lots or clustered units or sites to create and preserve green space, such as in a conservation subdivision, planned unit development, or resort.

Common plan of development or sale. A contiguous area where multiple separate and distinct construction activities are planned to occur at different times on different schedules under one plan. For redevelopment projects, contiguous includes parcels separated by a right-of-way.

Composting. The controlled microbial degradation of organic waste to yield a humus-like product.

Confined animal feeding operation. A facility, area, or place where the feeding of livestock, poultry, pigs, or small animals takes place for commercial purposes in lots, pens, ponds, sheds or buildings where food is supplied primarily by means other than grazing, foraging, or other natural means.

Construction debris. Waste building materials, packaging and rubble resulting from construction, remodeling, repair and demolition of buildings and roads.

Contractor's shop and storage yard. A lot or portion of a lot or parcel used to store and maintain construction equipment and other materials and facilities customarily required in the building trade by a construction contractor. This definition includes architects, engineers, surveyors' construction offices and shops, real estate sign placement service, and showroom and shops for the display and sale of electrical, plumbing, heating, air conditioning, sheet metal and other material in connection with contracting services.

Convention or event center. A facility specially designed to host conferences, exhibitions, events, large meetings, seminars and training facilities, which may be associated with a ~~hotel or motel~~ lodging, small or large.

Cottage home park. A residential development consisting of two or more one-family dwellings with a common open space or amenity area.

Critical Facilities. Buildings and structures that contain essential facilities and services necessary for emergency response and recovery, or that pose a substantial risk to the public in the event of failure, disruption of function, or damage by flooding. Examples include (1) hospitals and health care facilities having surgery or emergency treatment facilities; (2) fire, rescue, ambulance, and police stations and emergency vehicle garages; (3) designated emergency shelters; (4) designated emergency preparedness, communication, and operation centers and other facilities required for emergency response.

Critical root radius. An area around a tree measured with a radius of one foot for every in. dia. of the tree, which is generally the area of soil that must remain undisturbed to ensure long-term viability of the tree.

Cutoff angle. For purposes of exterior lighting regulations, the angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source above from which no light is emitted.

50-41.8 Definitions: H.

Habitable room. Any room used or intended to be used for sleeping, cooking, living or eating purposes, excluding such enclosed spaces as closets, pantries, bath or toilet facilities, service rooms, corridors, laundries, unfinished attics, foyers, storage space, utility rooms or similar spaces.

Habitable unit. Any habitable room or group of habitable rooms that provide sleeping facilities alone or in combination with required cooking, eating or living facilities.

Hardship. The property in question cannot be put to reasonable use under existing regulations and the plight of the landowner is due to circumstances unique to the property and not created by the landowner. Economic considerations alone shall not constitute a hardship.

Hazardous waste. Any refuse, sludge or other waste material or combinations of refuse, sludge or other waste material in solid, semisolid, liquid or contained gaseous form that because of its quality, concentration, or chemical, physical or infectious characteristics may:

- Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or
- Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. Categories of hazardous waste materials include, but are not limited to: explosives, flammables, oxidizers, poisons, irritants and corrosives. Hazardous waste does not include source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended.

Height of building. The vertical distance at the center of the principal front of a building, measured from the grade on that front to the highest point of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable or of a mean height level between eaves and hip or gambrel roof**.**

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 lightening protection device.

Height of wall or fence. The vertical distance measured from finished grade on the highest side of the fence or wall to the top of the fence or wall.

Historic preservation district. A contiguous collection or group of lands, parcels, sites, structures, buildings or objects that is determined to be historically, culturally or architecturally significant as a whole and has been locally designated as a historic preservation district pursuant to Section 50-18.3 of this Chapter.

Historic preservation guidelines. The established criteria by which any proposed changes, including architectural or site modifications to a designated historic preservation district or landmark shall be judged.

Historic preservation landmark. Any individual property, parcel, place, building, structure, work of art or other object that has been determined to be historically, culturally or architecturally significant and has been locally designated as a historic preservation landmark pursuant to Section 50-18.3 of this Chapter.

Hospital. An institution or place where sick or injured in-patients are given medical or surgical care, at either public or private expense, but excluding a nursing home and excluding institutions where persons suffering from permanent types of illness, injury, deformity or deficiency or age are given care and treatment on a prolonged or permanent basis. Hospital services include the care and treatment of non-ambulatory patients, intensive care units and acute care services. Outpatient surgery and other treatment centers where overnight stays are provided are not hospitals for the purposes of this definition.

~~**Hosting platform.** Any entity, website, smartphone application or other intermediary used to facilitate reservations of vacation dwelling units, accessory vacation dwelling units, or accessory home shares within the city.~~

~~**Hotel or motel.** A building or series of buildings operated as a commercial establishment providing accommodations to the transient traveling public in habitable units for compensation, and including both short-stay and extended stay facilities, and that may offer customarily incidental services. A hotel must have a minimum of five separate habitable units, and must have a reception desk staffed at all times.~~

50-41.12 Definitions: L.

Land development. A human-made change to, or construction on, the land surface that changes its runoff characteristics.

Land disturbing activity. Land change that may result in soil erosion from water or wind and the movement of sediments into or upon waters or lands of or downstream of the city, including clearing, grading, excavating, transporting and filling of land. Land disturbing activity does not include:

- Minor land disturbing activities such as home gardens and individual home landscaping, repairs and maintenance work;
- Construction, installation and maintenance of electric, telephone and cable television utility lines or individual service connection to these utilities;
- Installation of septic tank lines or drainage fields unless included in an overall plan for a land disturbance activity relating to construction of a building to be served by the septic tank system;
- Tilling, planting or harvesting of agricultural, horticultural or silviculture crops;
- Installation of fence, sign, telephone and electric poles and other kinds of posts or poles;
- Emergency work to protect life, limb or property and emergency repairs, except if the land disturbing activity would have required an approved erosion and sediment control plan except for the emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of Section 50-18.1.E.

Landing area. The area of the airport used for the landing, taking off, or taxiing of aircraft.

Land owner. The legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

Landscape plan. An accurate scale drawing that indicates the major natural features of a site and all proposed buildings, structures and site improvements in sufficient detail to allow the evaluation of impacts on natural systems and other aspects of the development.

Laundromat. An establishment providing home type (large institutional or commercial type) washing, drying or ironing machines for use on the premises.

Limit of Moderate Wave Action (LiMWA). A line shown on a Flood Insurance Rate Map to indicate the inland limit of the 1.5-ft breaking wave height during the base flood.

Loading space. A space within the principal building or on the same lot as the principal, providing for the off street standing, loading or unloading of trucks and trailers.

Local watershed. All the water that drains to a natural waterway located primarily within the city.

Lodging, large. A building or series of buildings, with more than 12 lodging units, such as a motel, hotel, or resort, that are commercial in nature and marketed to the transient traveling public for overnight stays. Lodging may offer customarily incidental services including meals and services to its guests and may use hotel space for banquets and events.

Lodging, small. A building or series of buildings, with 6 to 12 lodging units under one ownership and on one parcel, such as a cabin, inn, hostel, motel, hotel, or resort, that are commercial in nature and

marketed to the transient traveling public for overnight stays. Lodging may offer customarily incidental services including meals and services to its guests. For hostels with one large sleeping area, each bed shall constitute a lodging unit if rented separately to individual guests.

Lot. Land occupied or intended for occupancy by a use permitted in this Chapter, including one main building together with its accessory buildings, and the yards and parking spaces required by this Chapter, and having its principal frontage upon a street or upon an officially approved place. For the purposes of this Chapter, the term "lot" may include two or more lots of record that are contiguous or separated only by a public easement not exceeding 25 feet in width, are owned by the same owner and where none of the parcels can be severed or legally sold, conveyed or used without the other parcels by virtues of a legally binding agreement that runs with the land and is recorded in the office of the county recorder. If at any time any parcel that had been recognized as part of any lot by reason of such proximity, ownership and agreement are severed, legally sold, conveyed or used separately from the other parcel or parcels making up said lot, the parcel so severed, legally sold, conveyed or used shall henceforth not be considered part of the lot, any uses relying on its status as part of the lot shall become nonconforming and the provision of Section 50-38 shall not be applicable to any such use.

Lot, corner. A lot abutting upon two or more streets at their intersection.

Lot, double frontage. A lot having a frontage on two streets as distinguished from a corner lot.

Lot, flag. A lot so shaped and designed that the main building site is setback from the street and that portion of the lot providing access has a width less than 25 percent of the lot width at its greatest point.

Lot, front. The area of a lot that abuts a public street is the front of the lot. For corner lots, the shortest side fronting upon a street shall be considered the front of the lot unless structures exist on the lot. In that case, the frontage shall be established by the orientation of the buildings, or of the principle entrance if building orientation does not clearly indicate lot frontage. For corner lots, where no other method determines conclusively the front of a lot, the city engineer shall select one frontage on the basis of traffic flow on adjacent streets, so that the lot is considered to front on the street with the greatest traffic flow.

Lot frontage. Frontage shall be the dimension of the lot line at the street, except where the lot line at the street is not straight, in which case the frontage shall be the dimension across the lot at the required front yard line.

Lot of record. A parcel of land that is part of a subdivision, the map of which has been recorded by the county recorder or a parcel of land described by metes and bounds the description of which has been recorded by the county recorder.

Lots on the block face. When a dimensional standard is calculated based on a dimension measured for "lots on the block face" the measurement shall apply only to (a) developed lots on the same side of the street between the next two intervening side streets, and (b) lots that face developed streets (not to streets shown on a plat or map that have not been constructed). For purposes of this measurement, all contiguous lots in common ownership shall be considered as a single lot (not as separate platted lots).

Low density residential lot. A single lot located in an area that is zoned for one-family or two-family residences and in which the predominant land use is such type of residences.

Low density residential structure. A one-family or two-family home.

Lowest floor. The lowest floor of the lowest enclosed area (including basement). In the context of flood related regulation, an unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR § 60.3.

50-41.19 Definitions: S.

Safe Routes to School Program. A federal program under Title I, Section 1404 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU} of 2005, Public Law 109-59, and adopted by the State of Minnesota in Minnesota Statutes, Section 174.40.

Safe Routes to School Program Funding. A State of Minnesota account consisting of state bond proceeds and other funds as appropriated to be expended on eligible costs of a Safe Routes to School Program project receiving financial assistance. Assistance may be offered for acquisition of land or permanent easements, predesign, design, preliminary and final engineering, environmental analysis, construction and reconstruction of publicly owned infrastructure with a useful life of at least ten years that provides for non-motorized to and from a school; preparation of land for which a route to school is established, including demolition of structures and remediation of any hazardous conditions on the land; payment for the unpaid principal on debt issued by a political subdivision for a Safe Route to School project; and for any other eligible activity described in Minnesota Statutes, Section 174.40, as amended.

Safe Routes to School Administration. The Minnesota Department of Transportation program requirements and competitive process for financial assistance following Minnesota Statutes, Section 174.40, establishing criteria to evaluate capital improvements of transportation infrastructure that improves safety and encourages non-motorized transportation to and from a school.

Safe Routes to School Infrastructure. A safe and appealing non-motorized means of transportation to and from a school consistent with the Safe Routes to School Program and the Safe Routes to School Administration criteria and guidelines.

School, elementary. A public or private establishment providing educational services from kindergarten or Grade 1 through Grade 5, or from kindergarten or first grade through Grade 8, or some combination of those included years, together with incidental sports and outdoor activity areas.

School, middle or high. A public or private establishment providing educational services from Grade 6 through Grade 12, or from Grade 6 through 8, or from Grade 9 through Grade 12, or some combination of those included years, together with incidental sports and outdoor activity areas.

~~**Seasonal camp or cabin.** A facility containing one or more tent sites or cabins that is offered for use on short-term during defined seasons of the year, for compensation, and that may include accessory facilities such as showers, laundries or cooking and dining facilities.~~

Sediment. Solid mineral or organic material that, in suspension, is being transported, or has been moved from its original site by air, water, gravity or ice and has been deposited at another location.

Sedimentation. The process or action of depositing sediment that is determined to have been caused by erosion.

Setback. The minimum horizontal distance between a lot line and a building or structure required by this Chapter.

Shore impact zone. Land located between the ordinary high water level of public waters and a line parallel to it at a setback of 50 percent of the required structure setback, but not less than 50 feet.

Shoreland. Lands within 1,000 feet of a lake or within 300 feet of a river and its floodplain, as shown on the NR-O map. The limits of shorelands may be less than the above limits whenever the waters involved are bounded by topographic divides that extend landward from the waters for lesser distances and when approved by the commissioner.

Sidewalk. A paved surface located in the public right of way and used as a pedestrian walkway.

Sidewalk café. An outdoor dining area located within the public right of way in front or adjoining a restaurant or other eating and drinking establishment.

Sign. Any letter, word, symbol, model, printed, projected or affixed device, poster, picture, reading matter or representation in the nature of an advertisement, announcement, direction or informative device including its structure or component parts, which is more than one square foot in area and is located outdoors or is affixed to the interior or exterior of a window or door, or is displayed within 12 inches of a window intended for viewing from the exterior of the building. A sign shall not include (a) temporary parks and recreation signs permitted pursuant to Chapter 35 of the City Code, or (b) overhead banners and devices regulated under Article III of Chapter 45 of the City Code, or (c) any street name sign, public directional, utility or transportation sign, or motor vehicle traffic signs of any kind when officially placed, or to advertising or other information affixed to any motor vehicle, provided that such vehicle's primary use is not as a stationary advertising device, or (d) any inscription on any publicly owned building when the inscription is incorporated into the architectural design as a permanent feature.

Sign, A-frame. A sign ordinarily in the shape of the letter "A," or some variation thereof, that is displayed on the ground, not permanently attached, and usually two-sided.

Sign, agricultural identification. A sign describing an agricultural use that includes the name of the farm and/or the products grown on-site.

Sign, animated. A sign that uses movement or change of lighting to depict action or to create a special effect or scene. Animated signs do not include electronic message signs.

Sign, attention getting. Flags, pennants, streamers and similar devices or ornamentations designated for the purpose of attracting attention. Flags of nations, states, and cities, or fraternal, religious and civic organizations, permanent commercial flags, or temporary holiday decorations are not considered attention getting devices.

Sign, awning. A sign that is printed or displayed upon an awning. An awning is a roof-like cover designed for protection from the weather or as a decorative embellishment, which projects from a wall or roof of a structure over a window, walkway or door, with no supports that extend to the ground.

Sign, balloons. Balloons or inflated devices used as a means of directing attention to a business or service offered.

Sign, banner. A sign that is printed or displayed upon flexible material with or without frames.

Sign, banner-exhibition. A sign that is printed or displayed upon flexible material with or without frames in conjunction with a special exhibit for an educational facility, government building, museum, library or art gallery, or religious assembly.

Sign, billboard. A sign that directs attention to a business, commodity, service, event or other activity that is sold, offered or conducted other than on the premises where the sign is located.

Sign, building directory. A sign that serves as common or collective classification for a group of persons or businesses operating in the same building or on the same lot. A building directory sign may name the persons or businesses included but carry no other advertising matter.

Sign, canopy. A sign that is printed or displayed upon a canopy. A canopy is a roofed structure constructed of fabric or other material placed to extend outward from the building and supported both by the structure and by supports that extend to the ground directly under the canopy.

Sign, construction. A temporary sign that identifies an architect, contractor, subcontractor and/or material supplier participating in construction on the property on which the sign is located and which may identify the proposed use for the property.

Sign, community event. Temporary signs that announce community events and activities, including the activities of religious assemblies, social clubs or similar groups, or special events such as fairs, rummage sales and garage sales.

Sign, directional-parking lot. A sign that identifies parking lot entrances and exits, driveway intersections, drive-through lanes, and features of a similar nature.

Sign, electronic display screen. A sign, or portion of a sign, that displays electronic video via television screens, plasma screens, digital screens, flat screens, LED screens, video boards, and holographic displays.

Sign, electronic message. Any sign, or portion of a sign, that uses changing lights to form a sign message or messages in text or image form where the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. Time/temperature signs are not considered electronic message signs.

Sign, flashing. A sign which contains an intermittent or sequential flashing light source used primarily to attract attention. Flashing signs do not include electronic message signs.

Sign, freestanding. A sign that is placed on or supported by the ground, independent of the principal structure on the lot. Freestanding signs may be either pole or monument signs.

Sign, freestanding monument. A freestanding sign where the base of the sign structure is on the ground or up to a maximum of 24 inches above ground. The monument base must be designed as an integral part of the sign structure. The width of the top of the sign structure can be no more than 120 percent of the width of the base.

Sign, freestanding pole. A freestanding sign that is affixed, attached or erected on one or two poles that is not itself an integral part of the sign.

Sign, ghost. A painted wall sign that remains from an earlier time or advertises the use of a building that provides evidence of the history of the use of the building or activities of the community. A ghost sign is not considered an off-premises sign.

Sign, government information sign. Traffic signs, legal notices, railroad crossing signs, signs regulating vehicular or pedestrian traffic, or designating or giving direction to streets, schools, historic sites or public buildings, and temporary emergency signs.

Sign, home occupation. A sign identifying a home occupation or permitted accessory use on the premises.

Sign, illumination types.

- Gooseneck reflector. Lighting designed for mounting above or to the side of signs with a long, shepherd hook-shaped arm to hold fixtures at a distance from the area of illumination;
- Illumination, external. Lighting of a sign where lighting components are outside the sign structure and light is directed at the sign face;
- Illumination, internal. Lighting of a sign constructed so that all lighting components are internal and illumination occurs as lighting is diffused through the sign face surfaces.

Sign, marquee. A permanent roof-like sign structure constructed over a building entry, with no supports extending to the ground, where a changeable message area is part of the vertical sign fascia.

Sign, memorial plaque. A sign, tablet or plaque memorializing a historic person, event, structure or site.

Sign, menu board. A device that lists items for sale at an establishment with drive-through facilities.

Sign, moving. A sign that, in whole or in part, rotates, elevates or in any way alters position or geometry. Moving signs do not include clocks.

Sign, nameplate. A sign that is affixed flat against a wall of a building or imprinted into the wall of a building that designates the name of the building or the name and profession of one who resides or occupies space in the building.

Sign, non-commercial. A sign advocating action on a public issue or recommending a candidate for public office.

Sign, off-premises. A sign that directs attention to a business, product, service or entertainment not conducted, sold or offered upon the premises where the sign is located.

Sign, on-premises. A sign that directs attention to the name of the building or the name of the building management firm or to a business, principal product, service or entertainment conducted, sold or offered upon the premises where such sign is located.

Sign, parking lot information. Signs that provide information on the operation of a parking lot, such as “No Parking” or “Unauthorized users shall be towed.”

Sign, political. Any sign that directs attention to an issue in an election or to either the name of a candidate running for election to a public office or the name of the office for which he is a candidate, or both.

Sign, portable. A sign whose principal supporting structure is intended, by design and construction, to rest upon the ground for support and may be easily moved or relocated for reuse. Portable signs

include, but are not limited to, signs mounted upon a trailer, wheeled carrier or other non-motorized mobile structure, with wheels or with wheels removed. Portable signs do not include A-frame signs.

Sign, projecting. A sign that is attached to a structure that extends beyond the surface of the structure to which it is attached.

Sign, property identification/management. An accessory sign containing only messages related to the identification or management of the property where the sign is located, including but not limited to signs identifying entrances, exits, parking areas or hazardous areas, prohibiting trespassing, or information about limits on property use.

Sign, property identification. A sign identifying the property management company or apartment complex name of a multi-family dwelling.

Sign, public information. Signs within an educational facility, cemetery or mausoleum, museum, library or art gallery, and park, playground or forest reserve property that provide information on the use of the facility, such as directional signs, trailhead locations and information kiosks.

Sign, public assembly bulletin board. A bulletin board accessory to and located on the same property as a religious assembly or educational use listed in Table 50-19.8 that identifies the name of the institution and the dates and times of events related to that institution to which some or all of the public are invited. These signs are allowed where electronic message signs are allowed and are subject to the same regulations and standards.

Sign, readerboard. A sign or portion of a sign face that allows for the creation of messages by physical manipulation of simple block letters but not including an electronic message sign or electronic billboard. These signs are allowed where electronic message signs are allowed and are subject to the same regulations and standards.

Sign, real estate. A sign advertising the real estate upon which the sign is located as being for rent, lease or sale. A real estate sign can also advertise an open house.

Sign, roof. A sign that is wholly erected, constructed or maintained above the roof structure or parapet of any building with the principal support attached to the roof structure.

Sign, scoreboard. A sign that records and displays the score of a game and may include such information as the name of the field or home team and advertising.

Sign, snipe. An off-premises sign painted, pasted or otherwise affixed to any tree, rock, retaining wall, fence, utility pole, hydrant, bridge, sidewalk, curb or street, bench or trash receptacle. Logos and labels located on mechanical equipment, recycling bins, trash containers or dumpsters, which are part of the equipment as manufactured and/or installed, are not snipe signs.

Sign, temporary off-premises. A temporary sign that advertises a business, commodity, service, event or other activity that is sold, offered or conducted other than on the premises where the sign is located, or is sold, offered or conducted on the premises only incidentally, if at all.

Sign, under-awning. A sign that is attached to and mounted under an awning.

Sign, under-canopy. A sign that is attached to and mounted under a canopy.

Sign, wall. A sign that is mounted flat against or painted on a wall, and projects no more than 12 inches from the wall of a structure with the exposed face of the sign in a plane parallel to the face of the wall. Wall sign does not include window sign. For the purposes of this definition, a fence is not considered a wall and wall signs are prohibited mounted on fences.

Sign, window. A sign that is attached to, placed upon, printed on the interior or exterior of a window or door of a building, or displayed within 12 inches of a window intended for viewing from the exterior of such a building. A window sign may be either permanent or temporary. Window clings are considered a window sign and subject to all window sign regulations.

Site. A parcel or several adjoining parcels of land under common ownership. For purposes of the natural resources overlay district, this definition is limited to apply to any parcel of land upon which work requiring a permit under this Chapter is to be performed, and includes any adjacent lands owned by the owner of the subject parcel on the date of application for any permit and any lands adjacent to the subject parcel that were owned by the same person owning the subject parcel as of January 1, 1980.

Site plan. An accurate scale drawing that indicates the major features of a proposed development in sufficient detail to allow the evaluation of the land planning, building design and other aspects of the development, and meeting all requirements of the UDC application manual.

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 foot vertical).

Sober house. A dwelling unit occupied by persons that are in recovery from chemical dependency and considered handicapped under the Federal Fair Housing Act Amendments of 1988. It provides a non-institutional residential environment in which the residents willingly subject themselves to written rules and conditions, including prohibition of alcohol and drug use (except for prescription medications obtained and used under medical supervision), intended to encourage and sustain their recovery. The residents of a sober house share kitchen and bathroom facilities and other common areas of the unit. Sober houses do not provide on-site supportive services to residents, such as mental health services; clinical rehabilitation services; social services; medical, dental, nutritional and other health care services; financial management services; legal services; vocational services; and other similar supportive services.

Solar, geothermal or biomass power facility (primary use). Uses and structures that are used to reduce energy consumption or to generate energy from non-fossil fuel and non-carbon dioxide emitting sources on the property. These structures and uses may include but are not limited to the following: solar panels (photovoltaic and hot water), heat exchanges, biomass firing equipment, piping, and other transfer mechanisms, controls and related structural support for transporting and storing collected energy from solar, geothermal, or biomass energy systems. These structures and uses may be located at ground level or above or below ground unless specifically limited in this Chapter, provided that they meet all other applicable requirements of this Chapter.

Solid land. Any land that is neither a wetland nor located in a floodway.

Solid waste. As defined in MSA 116.06, Subd. 22, and also including medical wastes and petroleum contaminated soils.

Solid waste disposal or processing facility. Any tract or parcel of land, including any constructed facility that is designed or operated for the purpose of disposing of solid waste on or in the land, at which solid waste is disposed of in or on the land or processed for disposal or reuse, together with any appurtenant facilities needed to process solid waste for disposal or for transfer to another solid waste facility, and that is not listed as a separate use in this Chapter.

Special flood hazard area (SFHA). An area having special flood, mudslide (i.e., mudflow), or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, A99, AH, VO, V1-30, VE, V, M, or E.

Special tree species. White pines (pinus strobus), red (Norway) pines (pinus resinosa), white cedars (thuja occidentalis), white spruces (Picea glauca), eastern hemlocks (Tsuga canadensis), sugar maples (Acer saccharum), American basswoods (Tilia americana), American elms (Ulmus americana), yellow birches (Betula alleghaniensis) and all oak species.

Special use. A specific type of structure or land use listed in Table 50-19.8 that may be allowed only after review and evaluation of potential impacts on surrounding properties and the attachment of any conditions necessary to mitigate those impacts.

Stage Increase. Any increase in the water surface elevation during the one-percent annual chance flood caused by encroachments on the floodplain.

Start of Construction. Includes substantial improvement, and means the date the permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Stealth or stealth technology. When used in the context of wireless telecommunications, to minimize adverse aesthetic and visual impacts on the land, property, buildings and other facilities adjacent to, surrounding and in generally the same area as the requested location of such wireless telecommunications facilities, which shall mean using the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances.

Steep slope. Land having average slopes over 12 percent, as measured over horizontal distances 50 feet or more, and that are not bluffs.

Storage or Shipping Container. A container used for the storage or transport of goods, cargo, materials or merchandise, typically by container ships, by rail, or other types of transport, that are used in connection with a lawful principle or accessory use of the lot. This use includes, but is not limited to,

containers such as semi-trailers, roll-off containers, slide-off containers, piggyback containers, shipping containers, and portable moving and storage containers.

Storage warehouse. A structure containing an area available for storing raw materials, produce, goods or property, but not including mini-storage facilities.

Stormwater. Stormwater runoff, snowmelt runoff, surface runoff and drainage.

Stormwater management. The use of structural or non-structural practices that are designed to reduce stormwater runoff pollutant loads, discharge volumes, peak flow discharge rates and detrimental changes in stream temperature that affect water quality and habitat.

Stormwater pollution prevention plan. A plan, usually required by a permit, to manage stormwater associated with industrial, commercial, public, institutional, civic or other land use activities, including construction. The plan commonly describes and ensures the implementation of practices that are to be used to reduce pollutants in stormwater and non-stormwater discharges.

Stormwater pollution prevention program (MS4 program). A compilation of best management practices (BMPs) to address the six minimum control measures and other provisions of the MS4 permit, that is designed and managed to reduce the discharge of pollutants from your MS4 to the maximum extent practicable as appropriate to the community.

Stormwater best management practice (BMP). A measure, either structural or nonstructural, that is determined to be the most effective, practical means of preventing or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies. Non-structural BMPs are those practices that require modified or additional operational or behavioral practices, such as sweeping or having spill response equipment on site. Structural BMPs are those that require the construction of a structure or other physical modification on the site.

Stormwater retrofit. A stormwater BMP designed for an existing development site that previously had either no stormwater BMP in place or a practice inadequate to meet the stormwater management requirements of the site.

Stormwater runoff. Flow on the surface of the ground resulting from precipitation.

Story. That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

Story, half. A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story, except that any partial story used for residence purposes, other than for a janitor or caretaker or his family, or by a family occupying the floor immediately below it, shall be deemed a full story.

Stream buffer. An area of land at or near a stream bank, wetland or water body that has intrinsic water quality value due to the ecological and biological processes it performs or is otherwise sensitive to changes that may result in significant degradation to water quality.

Street. A public dedicated right-of-way, other than an alley, which affords the principal means of access to abutting property.

Street line. The established sideline of a street easement or right-of-way.

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. Examples include but are not limited to backstops for tennis courts, fences or pergolas. For flood plain management and flood hazard purposes only, a structure shall be defined as: A roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. Recreational vehicles not considered travel ready, as detailed in Section ~~50-20.3.R.7(b)~~ 50-20.3.G.7.(a)(ii), shall also be considered a structure for the purposes of this Chapter.

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.

Subdivision. The division of a lot, tract or parcel of land into three or more lots, plats, sites or other divisions of land of one acre or less in area, for the purpose, whether immediate or future, of sale, rent, lease, or of building development. This term also includes the division of a lot, tract or parcel of land into two or more lots, plat, sites or other divisions of land of more than one acre and less than ten acres in area, if the division provides or there is shown on a plat of the division a new street or highway. The term also includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The division of a lot, tract or parcel of land into two or more lots, tracts, plats, sites or other divisions of land. The term also includes resubdivision or replatting.

Substantial damage. 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 market value of the structure before the damage occurred.

Substantial improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

(a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

(b) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure." For the purpose of this chapter, "historic structure" is defined in 44 CFR § 59.1.

Sustainable development. Development that maintains or enhances economic opportunity and community well-being while protecting and restoring the natural environment upon which people and economies depend. Sustainable development meets the needs of the present without compromising the ability of future generations to meet their own needs.

50-41.22 Definitions: V.

~~**Vacation dwelling unit.** A dwelling unit, as defined by this Chapter, offered for trade or sale, whether for money or exchange of goods or services, for periods of 2 to 29 nights.~~

Veterinarian or animal hospital. A facility for the diagnosis, treatment or hospitalization of animals, and including the incidental boarding or breeding of animals.

Visual runway. A runway intended solely for the operation of aircraft using visual approach procedures, with no straight in instrument approach procedure and no instrument designation indicated on an approved planning document.