

Considering an Existing Building for your Business

Before committing to the purchase or lease of an existing building for your business, you need to know whether you can use the building for the purpose you intend. If the use is allowed, sometimes the building code will require some repair or alterations to make the building safer, accessible, and energy efficient.

This is intended to be a concise guide through the very early planning phase of moving a business into an existing building in Duluth. It focuses on the zoning, land use, and building code related questions you need to ask before making a financial commitment to a specific location. Understanding the costs and implications of complying with state and local regulations will better equip you to decide whether the building or space is the right fit for your business.

An architect may be very helpful in this early phase. In most cases, you will eventually need an architect to prepare plans and compile code information to obtain permits for changes, repairs, or to change the occupancy classification of the space for your type of business.

These questions will help you determine whether your business is allowed in the building or space, whether the move would be a 'change of occupancy classification', and whether some of the required elements with potential for high costs or reduction in floor area will need to be added in the building or space.

Should I hire an Architect?

An architect can help you select the best site for your business and your budget. If your project includes any changes to the building or its systems or if you are changing the occupancy classification of the building or space, Minnesota statutes likely require that an architect design the work. Consider involving an architect early in your planning.

When your architect works with you on your project, and when the plans and other information are submitted for plan review, many details factor in to the design of the project and review of the project for code compliance. These are just a sample of the details your architect and Construction Services will need:

- What is the building's construction type (rated or unrated wood, rated or unrated non-combustible, heavy timber)?
- How many stories are in the building?
- What is the distance from the lowest exterior grade to the level of the first floor above grade?
- What is the size and area of each level of the building, including the basement?
- What is the total area of the building?
- What is each level of the building to be used for?
- What is the size of each room in the building?
- What is the use of the building overall?
- What is the use of each space in the building?
- Does the building have the required number of exits?
- How many accesses to the building's exit to the exterior are there from each space and each level of the building?
- Are stairways enclosed with walls and doors, or are the levels open to each other?

- What is the distance from the most remote point on each floor to an exterior exit or an enclosed stair?
- Where are the property lines in relationship to the building?
- Do the exits from the building open onto the same parcel of land that the building is on?
- Are any new windows or doors proposed?
- Does the building have a fire alarm system?
- Are any changes planned for the mechanical system?
- Are new mechanical exhaust openings needed?
- Are openings needed between the levels of the building for the mechanical system?
- Is cooking of any kind part of the planned use of the building? If so, what type of cooking?
- Is there an existing kitchen hood, what type of hood?
- Is there an existing grease trap?

Do zoning and land use regulations allow me to use this lot or building for my purposes?

Duluth's Unified Development Chapter (UDC) is a local ordinance that stipulates what kinds of businesses and residences can be located in each area of the city by establishing zoning districts. **Zoning regulations** are local rules about what uses are allowed at a property and other things like parking requirements, landscaping requirements, trash and mechanical equipment screening, lighting, and sometimes exterior building design aesthetics.

Allowed uses sometimes change from block to block or even lot to lot within a block. To answer this question, you will need to know the following:

- What is the zoning district for this location?
- Is my business allowed in this zoning district?
- Are special zoning approvals required? Can these be handled administratively or is this a Planning Commission or City Council decision?

If you have questions about land use or your zone district, contact the Planning division:

planning@duluthmn.gov or 218-730-5580

What is the current occupancy classification for the space/building?

One of the variables that trigger building and zoning code requirements is whether the use of the space is changing from what was approved previously to something else.

You may hear CSI, the Fire Marshal, Zoning team, or your architect use the terms '**change of use**' or '**change of occupancy**'. Code requirements are based on the occupancy classification of the use of a space or building. Requirements for a retail store are different from requirements for a restaurant, hospital, school, or manufacturing facility. Sometimes, classification of a use depends on small details like the size of the space or type of products made. What seems like a similar use at first look might be different for purposes of applying the building and zoning codes. Changes in occupancy classification in existing buildings sometimes trigger code requirements that require significant work.

If you have questions about the current occupancy classification of a building or space, contact Construction Services:

permittingservices@duluthmn.gov or 218-730-5240.

Are there Fire Marshal's office, property maintenance, or building code correction orders for the building?

Even if you aren't changing the occupancy classification or planning to do any construction work, if there are outstanding orders on the building, they will have to be resolved before the space can be used again.

If you have any questions about property maintenance or building code correction orders, contact the Fire Marshal's office and Construction Services:

Construction Services: permittingservices@duluthmn.gov or 218-730-5240

Fire Marshal's office: 218-730-4380

Is the building sprinklered?

Not all buildings are required to be sprinklered, but sprinklers are required in some cases. The requirement depends on many factors including size, use, configuration, and construction details. Sprinklers do provide more flexibility for the use and design of buildings and spaces. In some situations, the requirement for sprinklers can be avoided by modifying other components of the building, but the requirements are often difficult, expensive, and can limit functionality and use of the building. Sometimes sprinklers can decrease insurance costs. If you have a choice, before deciding whether to add sprinklers, get detailed cost information from a sprinkler installer and work with an architect to understand how the choice may affect your project.

Ask the building owner or manager whether the building is fully sprinklered.

Is accessibility provided in the building or space?

This is important to know before you commit to the location. Rules for accessibility are part of the Minnesota State Building Code. Accessible requirements apply to almost all buildings and spaces. The code is very specific about which accessible features are required when a project involves additions, alterations, or changes of occupancy classification. Adding accessibility might affect costs and configuration of spaces, so it is good to ask these questions early in the planning process to determine if a building or space will work for your business.

You will need to know the following:

- Is there an accessible route to the entrance from the parking lot or (if there is no parking lot) from the sidewalk?
 - *An accessible route is an even, hard surface without steps and with a slope of not more than 1 ft in 20 ft.*
- Is the entrance accessible? Is the route from the entrance to the spaces in the building accessible?
 - *The doorway of an accessible entrance must be 32 inches clear in width, have space on the latch side of the door for a person on a wheelchair to maneuver when opening, and have a threshold of ½ inch or less with no steps. An accessible route from the entrance to the spaces in the building will have no steps or stairs. Interior ramps can have a maximum slope of one foot in twelve feet. A lift or elevator is usually required for spaces with multiple stories or levels.*
- Is an accessible toilet room located on an accessible level?
 - There are many specific dimensional requirements for accessible toilet rooms. One is a minimum 60-inch wheelchair turning space. If the building or space lacks accessible toilet rooms, reconfiguration or construction of a new one may be required, adding cost and possibly taking up floor space.

The best way to find out whether an existing building ticks all the boxes for accessibility is to visit the site with an architect. Accessibility requirements take many business owners moving into existing buildings by surprise. Consult with an architect early in your planning process. We encourage you and your architect to come in for an early consult meeting to make sure we are all on the same page about what is required and how you plan to meet the requirements. For existing buildings, Minnesota State Building Code accessibility requirements may be less restrictive than federal ADA requirements. You should be aware of ADA requirements and factor those requirements into your decision-making when planning your project. Your architect can assist with understanding ADA requirements.

Are there any other items to consider?

A few more things you may need to know as you plan for your business:

- If food preparation is part of your business, you will likely need a commercial kitchen hood and a fire suppression system in the hood. You may also need an exterior grease trap. Learn the requirements and costs before committing to the project. An architect, mechanical engineer and mechanical contractor can help with this.
- After your permits are issued and the work is inspected and approved, you will need a new or revised Certificate of Occupancy. Your inspector will initiate this for you.
- You will need a fire operational permit from the Duluth Fire Marshal's office before you can operate your business in the building or space. Call the Fire Prevention Office at (218) 730-4380.
- You may need a business license from the Duluth City Clerk's office. Call the City Clerk's office at 218-730-5500.
- If you have a kitchen or serve food, you might need inspections and approval from the Minnesota Department of Health.
MDH website: www.health.state.mn.us/communities/environment/food/license/planreview
- WLSSD will determine whether the new use of the building or space will trigger payment of a capacity availability fee.
WLSSD CAF info: <https://wlssd.com/doing-business/new-sewer-connections> or contact WLSSD at caf@wlssd.com or (218) 722-3336
- Consider your estimated off-street parking needs for your future employees and customers. If the proposed location does not have dedicated/private off-street parking, inventory the availability and volume of existing on-street parking in the surrounding neighborhood.
- If exterior signage is important to your business plan, contact the Planning Division to learn more about what type of signage is allowed. 218-730-5580 or planning@duluthmn.gov

If you have any questions about your project:

Call us at (218) 730-5240, email permittingservices@duluthmn.gov, or stop into the office in Room 100 of City Hall.