

MOTION TO AMEND ORDINANCE 25-020-O

BY COUNCILOR NEPHEW AND COUNCILOR SWENSON:

We move to amend Ordinance 25-020-O as follows (amendments are strike outs and underlines in red)

The city of Duluth does ordain:

Section 1: That Chapter 50, Article III, Section 20 of the Duluth City Code is hereby amended as shown in the attached document named Permitted Use Table (Amended).

Section 2: That Chapter 50, Article III, Section 20.3I of the Duluth City Code is amended as follows:

1. For daycare facilities, small and large, ~~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 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~~ for daycare facilities, small and large, all structures and related parking facilities, ~~and structures other than driveways~~, are limited to no more than 20 percent of the lot ~~or parcel~~ area;

3. ~~In the MU-B district, uses shall provide a fenced outdoor exercise area. Outdoor exercise areas must be separated from improved public streets, drive lanes, and loading areas by at least 20 feet;~~

~~4. In the MU-B district, the application may be denied by the Land Use Supervisor if he or she determines that the size, nature, character or intensity of the use of property in the immediate vicinity of the applicant's property would pose an unreasonable risk to the health, safety or welfare of users of the applicant's facility; the decision of the Land Use Supervisor may be appealed to the Commission~~

~~3. For daycare facilities, small and large, proposed to abut a lot with a residential use, exterior play areas must be setback and screened for privacy as determined by the Land Use Supervisor considering the size of the daycare facility and distance to the abutting residential structures;~~

~~4. For daycare facilities, large, an application is exempt from the requirement for a special use permit, and is therefore considered a permitted use, if the Land Use Supervisor determines the following conditions have been met:~~

~~a. The total lot area divided by the number of individuals receiving custodial care, as determined by the maximum licensed capacity of the daycare facility, exceeds 525 square feet.~~

~~b. All exterior play areas directly abutting residential uses are setback a minimum of 25 feet from any lot lines shared with residential uses.~~

~~c. For every 14 individuals receiving custodial care at the facility, as determined by the maximum licensed capacity of the facility, at least one paved parking space for drop-off/pick-up is provided. This requirement may be met with on-street parking if the Land Use Supervisor determines the street has sufficient capacity to accommodate drop-off/pick-up activities at the facility.~~

~~d. Either on site or within 400 feet of the site, a sufficient number of paved off-street parking spaces are provided to accommodate the facility's largest shift of employees.~~

Section 3: That no changes are made to the existing definitions in Chapter 50, Article VI, Section 41.4.~~removing the definition daycare facility and adding daycare facility, small and daycare facility, large (15 or more) as follows:~~

Section ~~43~~: That Chapter 50, Article VI, Section 41.16 amends the definition of
Preschool as follows:

Preschool. An establishment licensed by the state to provide a systematic organization or arrangement of activities, personnel, materials, and equipment in a facility to promote the physical, intellectual, social, and emotional development of a child, who is at least 33 months old but who has not yet attended the first day of kindergarten, in the absence of the parent for a period of less than 24 hours a day. This use shall be considered ~~either~~ a daycare facility, ~~small~~ ~~or daycare facility, large, based on the overall care capacity of the facility.~~

Section ~~54~~: That this ordinance shall take effect and be in force 30 days from and after its passage and publication.

TABLE 50-19.8: USE TABLE, REVISED MAR 2023

P: Permitted Use I: Interim Use U: Permitted Only in Upper Stories (Form Dist.) 1, 2, 3, as per table 50-19.1	Residential						Mixed Use						Form									Special				Use Specific Standards
	R-C	RR-1	RR-2	R-1	R-2	R-P	MU-N	MU-C	MU-I	MU-B	MU-W	MU-P	F-1	F-2	F-3	F-4	F-5	F-6	F-7	F-8	F-9	I-G	I-W	P-1	AP	
COMMERCIAL USES																										
Offices																										
Bank							S ²	P ¹	P ¹	P	S	P ³	P	P	P	P	P	P	P	P	P					50-20.3.E
Office					S ²		P ²	P ¹	P ¹	P	P ¹	P ³	P	P	P	P	P	P	P	P	P					50-20.3.M
Data center							S ²	P ¹	P ¹	P	S	P ³	U	U	U	U	U	U	U	U	U	P				
Outdoor Recreation & Entertainment																										
Golf course		S	S			P ³																		P		
Marina or yacht club											P ¹												S	S		
Recreational vehicle park	S	S	S			P ³					S													S		50.20.3.P
Other outdoor entertainment or recreation use not listed		S						S		S	S															50.20.3.N
Personal Services																										
Business park support services										P		P ³														
Commercial support services							S ²	P ¹		P																
Preschool		S	S	S	P ²	P ³	P ²	P ⁴	P ⁴	S	P ⁴	P ³	P	P	P	P	P	P	S	P	S					50-20.3.I
Daycare facility, small (14 or fewer)	P	P	P	P	P ²	P ³	P ²	P ¹	P ¹	SP	P ¹	P ³	P	P	P	P	P	P	P	P	P					50-20.3.I
Daycare facility, large (15 or more)		S	S	S	S ²	P ³	P ²	P ⁴	P ⁴	S	P ⁴	P ³	P	P	P	P	P	S	P	S						50-20.3.I
Funeral home or crematorium					S ²		S ²	P ¹	P ¹	P		P ³		P		P		P				P				
Mini-storage facility or self-service storage facility		S						S ¹		P							P		P	P		P	P			50-20.3.L
Personal service and repair, small (less than 10,000 sq. ft.)					S ²	P ³	P ²	P ¹	P ¹	P	P ¹	P ³	P	P	P	P	P	P	P	P	P					
Personal service and repair, large (10,000 sq. ft. or more)							S ²	P ¹	P ¹	P	P ¹	P ³		P		P		P		P		P				



Legislation Details (With Text)

File #:	25-020-O	Name:	
Type:	Ordinance	Status:	Passed
File created:	7/14/2025	In control:	Planning and Economic Development
On agenda:	7/21/2025	Final action:	8/11/2025
Enactment date:	8/11/2025	Enactment #:	10944

Title: AN ORDINANCE AMENDING CHAPTER 50, ARTICLE III, SECTIONS 19 AND 20.3.I, AND ARTICLE VI, SECTIONS 41.4 AND 41.16 OF THE DULUTH CITY CODE REGARDING DAYCARE FACILITIES AND DEFINITIONS.

Sponsors:

Indexes:

Code sections:

Attachments: 1. PLUTA-2505-0002 Staff Memo, 2. Use Table - Daycare, 3. Motion to Amend (Nephew/Swenson): Passed unanimously.

Date	Ver.	Action By	Action	Result
8/11/2025	1	City Council	adopted	
7/28/2025	1	City Council	read for the first time	
7/21/2025	1	City Council	tabled	

AN ORDINANCE AMENDING CHAPTER 50, ARTICLE III, SECTIONS 19 AND 20.3.I, AND ARTICLE VI, SECTIONS 41.4 AND 41.16 OF THE DULUTH CITY CODE REGARDING DAYCARE FACILITIES AND DEFINITIONS.

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1: That Chapter 50, Article III, Section 20 of the Duluth City Code is hereby amended as shown in the attached document named Permitted Use Table.

Section 2: That Chapter 50, Article III, Section 20.3I of the Duluth City Code is amended as follows:

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2. In the RR-1 and RR-2 districts, ~~this use for daycare facilities~~, all structures and related parking facilities, ~~and structures~~ other than driveways, are limited to no more than 20 percent of the lot or parcel area;

3. ~~In the MU-B district, uses shall provide a fenced outdoor exercise area. Outdoor exercise areas must be separated from improved public streets, drive lanes, and loading areas by at least 20 feet;~~

4. ~~In the MU-B district, the application may be denied by the Land Use Supervisor if he or she determines that the size, nature, character or intensity of the use of property in the immediate vicinity of the applicant's property would pose an unreasonable risk to the health, safety or welfare of users of the applicant's facility; the decision of the Land Use Supervisor may be appealed to the Commission~~

Section 3: That no changes are made to the existing definitions in Chapter 50, Article VI, Section

41.4 removing the definition daycare facility and adding daycare facility, small and daycare facility, large (15 or more) as follows:

~~Daycare facility. A facility that provides accommodations for persons of any age who receive custodial care for less than 24 hours by individual other than parents or guardians, relatives by blood, marriage, or adoption, and in a place other than the home of the person cared for.~~

Daycare facility, small (14 or fewer). A facility that provides accommodations for up to 14 people of any age who receive custodial care for less than 24 hours by individuals other than parents or guardians, relatives by blood, marriage, or adoption, and in a place other than the home of the person cared for. This use is customarily regulated by the State as a “family child care home” or “group family child care home.”

Daycare facility, large (15 or more). A facility that provides accommodations for 15 or more people of any age who receive custodial care for less than 24 hours by individuals other than parents or guardians, relatives by blood, marriage, or adoption, and in a place other than the home of the person cared for. This use is customarily regulated by the State as a “child care center,” “adult day care center,” or “adult day services center.”

Section 4: That Chapter 50, Article VI, Section 41.16 amends the definition of Preschool as follows:

Preschool. An establishment licensed by the state to provide a systematic organization or arrangement of activities, personnel, materials, and equipment in a facility to promote the physical, intellectual, social, and emotional development of a child, who is at least 33 months old but who has not yet attended the first day of kindergarten, in the absence of the parent for a period of less than 24 hours a day. This use shall be considered a daycare facility

Section 5: That this ordinance shall take effect and be in force 30 days from and after its passage and publication.

STATEMENT OF PURPOSE: This ordinance implements a UDC text amendment related to Duluth City Code Chapter 50, Article III, Section 19 and Section 20.3.I and Article VI, Section 41.4 and 41.16 for daycare facilities.

The planning commission held a public hearing and considered the changes at a Tuesday, June 10, 2025 planning commission meeting, as documented in Attachment 2. The commission voted 6 yeas, 0 nays, and 0 abstentions, to recommend that the city council approve the proposed text change. Following the planning commission’s meeting and recommendation, several changes were made to this ordinance for the purpose of adding clarity and specificity and easing staff application and administration.

PLUTA-2505-0002