

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

10-035-O

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE 10-030-O RELATING TO THE UNIFIED DEVELOPMENT CHAPTER AND AMENDING SECTION 50-14.6, SECTION 50-15.2, SECTION 50-24.3A, TABLE 50-24-2, SECTION 50-24.4.

BY PRESIDENT ANDERSON & COUNCILOR STAUBER:

The city of Duluth does ordain:

Section 1. That Section 50-14.6 of Ordinance No. 10-030-O, Section 6, be amended to read as follows:

50-14.6 Residential-Urban (R-2) (Formerly R-3 Apartment Residential)

A. Purpose

TABLE 50-14.6-1 R-2 DISTRICT DIMENSIONAL STANDARDS		
LOT STANDARDS		
Minimum lot area per family	One-family	4,000 sq. ft.
Minimum lot area per family	Two-family	2,500 sq. ft.
Minimum lot area per family	Multi-family	1,500 sq. ft.
Minimum lot area per family	Townhouse	2,200 sq. ft.
No lot of record containing 5,000 sq. ft. or less shall be used except for a one-family dwelling or a permitted non-dwelling use.		
Minimum lot frontage	One-family, two-family, and townhouse	30 ft.
	Multi-family and non-residential	50 ft.
SETBACKS, MINIMUM		
Minimum depth front yard		The smaller of 25 ft. or average of adjacent developed lots facing the same street
Minimum width of side yard for buildings less than 3 stories		7 ft.
Minimum width of side yard for building 3 stories or more		10 ft.
Corner Lot: width of front side yard	Dwelling	15 ft.
	Detached accessory building	20 ft.
	Permitted non-residential building	25 ft.
Minimum depth of rear yard		25 ft.
BUILDING STANDARDS		
Maximum height of building		45 ft.
Section 50.21 <i>Dimensional Standards</i> contains additional regulations		

The R-2 district is established to accommodate multi-family

applicable to this district.

apartments and townhouses, in an urban setting. This district also allows for single-family detached dwellings, duplexes and group living accommodations as shown in Table 50-19.8. The district is intended primarily for locations closer to commercial and mixed use activity centers, and may serve as a transition between lower-density residential areas and more intense commercial and mixed use neighborhoods.

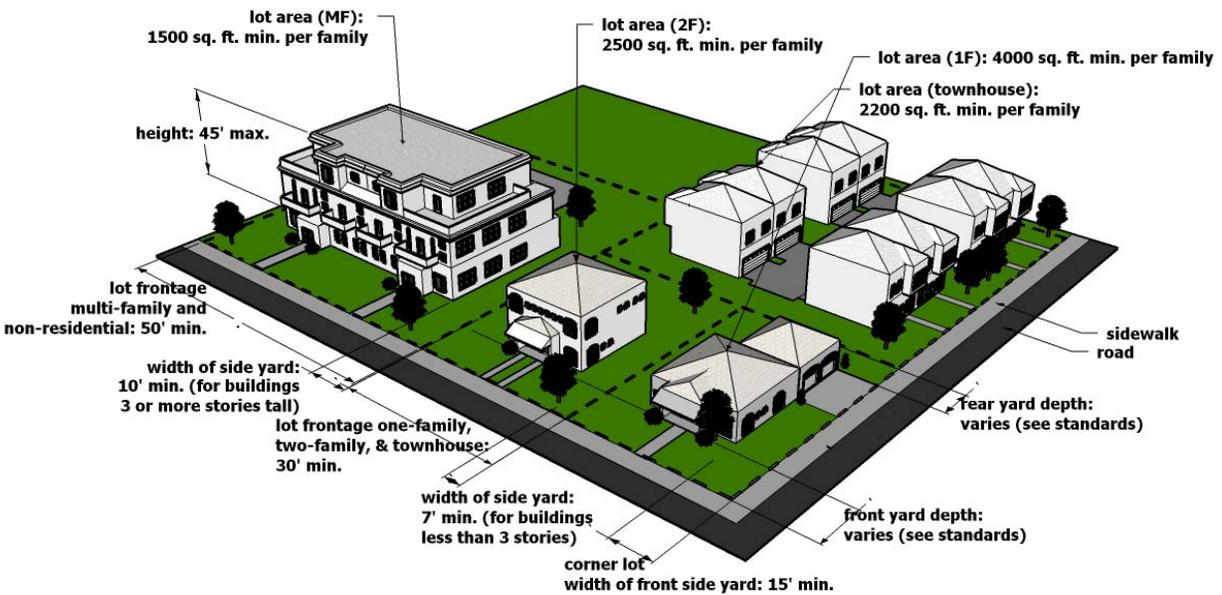
B. Example

R-2 Example Building Form



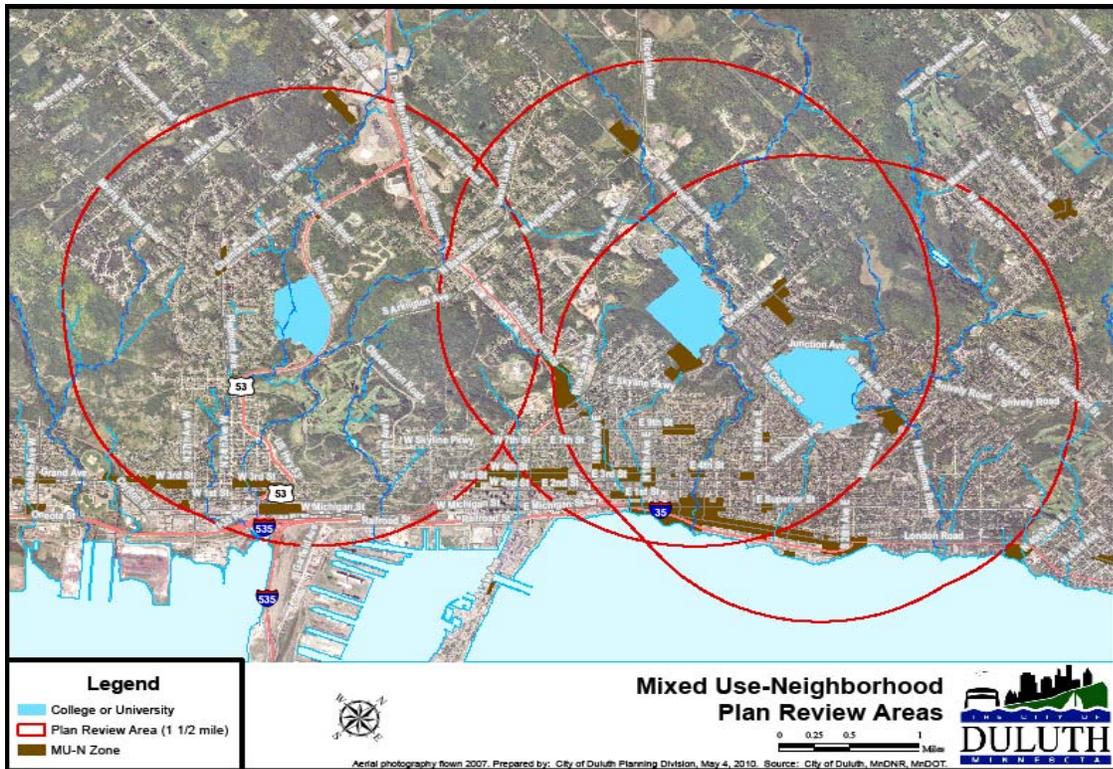
C. Illustration

R-2 Example Lot Layout



D. Planning Commission Approval Required

A planning review by the planning commission, pursuant to the procedures in Article 5, shall be required for all residential development or redevelopment on land zoned R2 and located within one and one-half (1.5) mile of land occupied, owned or related to a college or university and zoned MU-I, as shown on the following map, except for (1) one-family and two-family dwellings, and (2) any residential development where all of the dwelling units are restricted by development agreement or covenant for occupancy by those aged 50 and over or for occupancy by those individuals and households protected by the federal Fair Housing Act amendments of 1988. The planning review is intended to mitigate the impacts of potential student use on the adjacent residential neighborhood. Development may not proceed until the planning commission has approved the project through planning review.



E. Development Standards

The plan for the development shall be approved only if the planning commission finds that it meets the following criteria:

1. Resident parking spaces shall be provided at the ratio of one space per bedroom;
2. Visitor parking spaces shall be provided at the rate of 15% of required resident parking spaces;
3. If the residential development or redevelopment is determined to have mitigated the impacts of potential student use in the adjacent residential neighborhood as provided in Section 50-14.6 (D) above, the development or redevelopment may adjust the above parking requirements as provided in 50-24.3 (A), if so eligible;
4. No residential balcony, patio or deck shall be located on any side of the property facing and within 200 ft. of an R-1 district;
5. Vehicle ingress and egress shall be located in a manner that avoids or minimizes impacts to residents in adjacent R-1 district and that reduces the potential for pedestrian-vehicular conflicts.

Section 2. That Section 50-15.2 of Ordinance No. 10-030-O, Section 6, be amended to read as follows:

50-15.2 Mixed Use-Neighborhood (MU-N) (Formerly R-4 and C-1)

A. Purpose

The MU-N district is established to accommodate a mix of neighborhood-scale, neighborhood serving non-residential uses and a range of residential uses located in close proximity. This district accommodates both horizontal (uses located in separate structures) and vertical (uses located in the same building) types of mixed use. Non-residential uses may include small-scale retail, service and professional offices that provide goods and services to the residents of the surrounding neighborhood, as shown in Table 50-19.8.

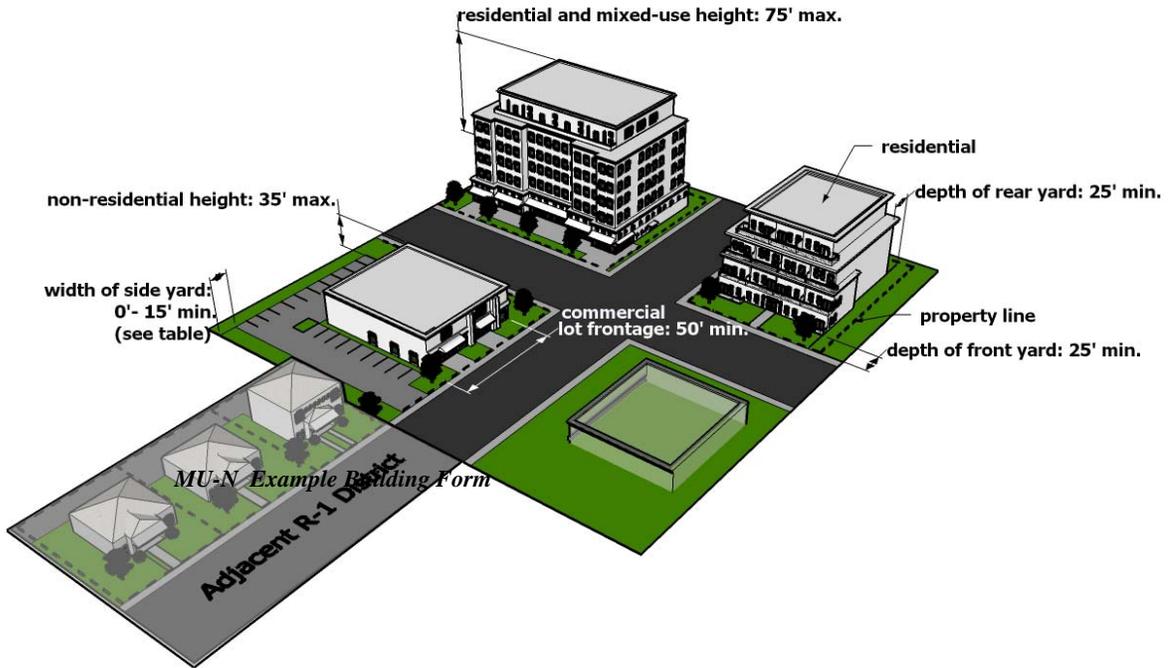
TABLE 50-15.2-1 MU-N DISTRICT DIMENSIONAL STANDARDS		
LOT STANDARDS		
Minimum lot area per family	One-family	4,000 sq. ft.
	Two-family	2,500 sq. ft.
	Multi-family	500 sq. ft.
	Efficiency unit	380 sq. ft.
	Townhouse or live-work dwelling	2,200 sq. ft.
No lot of record containing 5,000 sq. ft. or less shall be used except for a one-family dwelling or a permitted non-dwelling use		
Minimum lot frontage	One-family, two-family, or townhouse dwelling	30 ft.
	Multi-family or non-residential	50 ft.
SETBACKS, MINIMUM		
Minimum depth of front yard	One-family, non-residential, and mixed use	The smaller of 25 ft. or average of adjacent developed lots facing the same street
Minimum width of side yard	Non-residential use adjacent to residential district or use	15 ft.
	Non-residential use adjacent to non-residential district or use	0 ft.
	Multi-family adjacent to single-family district or use	10 ft.
	Multi-family adjacent to multi-family district or use	0 ft.
Minimum depth of rear yard		25 ft.
BUILDING STANDARDS		
Maximum height of building	Non-residential use	35 ft.
	Residential or mixed use (general)	75 ft.
	Residential or mixed use (within 200 ft. of R-1)	35 ft.
	Residential or mixed use (within 200 ft. of R-2)	50 ft.
Section 50.21 <i>Dimensional Standards</i> contains additional regulations applicable to this district.		

B. Example

MU-N Example Building Form

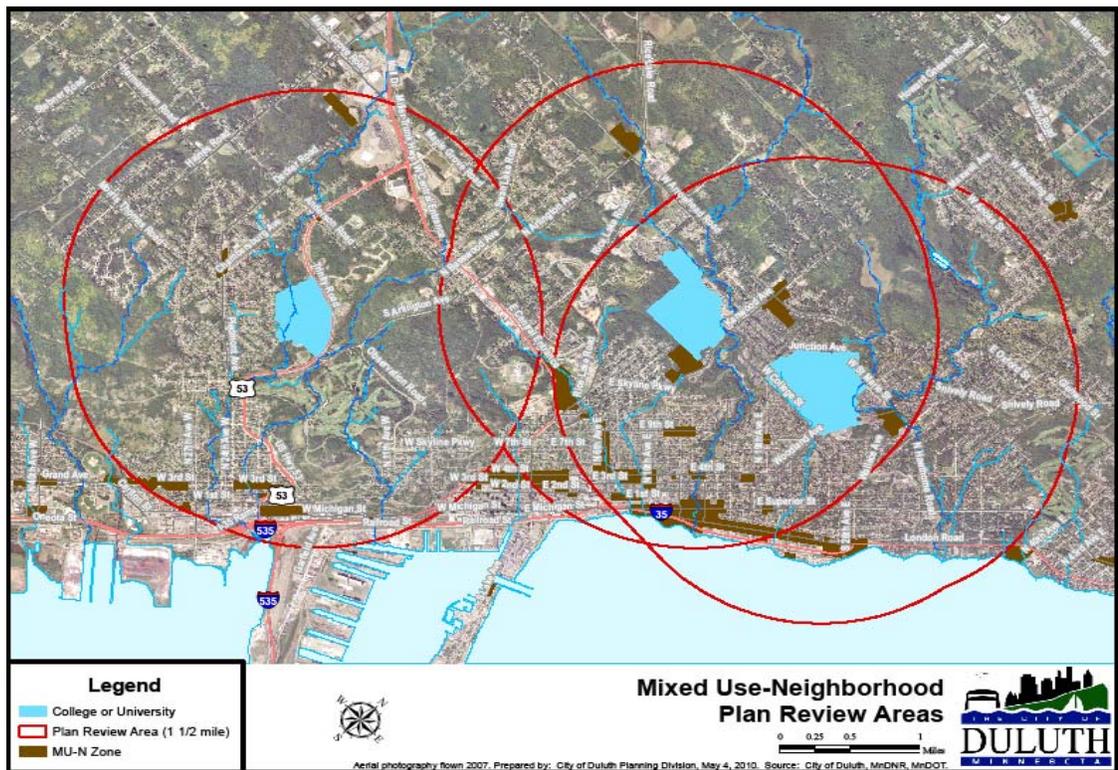


C. Illustration



D. Planning Commission Approval Required

A planning review by the planning commission, pursuant to the procedures in Article 5, shall be required for all residential development or redevelopment on land zoned MU-N and located within one and one-half (1.5) mile of land occupied, owned or related to a college or university and zoned MU-I, as shown on the following map, except for (1) one-family and two-family dwellings, and (2) any residential development where all of the dwelling units are restricted by development agreement or covenant for occupancy by those aged 50 and over or for occupancy by those individuals and households protected by the federal Fair Housing Act amendments of 1988. The planning review is intended to mitigate the impacts of potential student use on the adjacent residential neighborhood. Development may not proceed until the planning commission has approved the project through planning review.



E. Development Standards

The plan for the development shall be approved only if the planning commission finds that it meets the following criteria:

1. Resident parking spaces shall be provided at the ratio of one space per bedroom;

2. Visitor parking spaces shall be provided at the rate of 15% of required resident parking spaces;
3. No residential balcony, patio or deck shall be located on any side of the property facing and within 200 ft. of an R-1 or R-2 district;
4. Vehicle ingress and egress shall be located in a manner that avoids or minimizes impacts to residents in adjacent R-1 and R-2 districts and that reduces the potential for pedestrian-vehicular conflicts;
5. Commercial development shall be concentrated on major roads, not on streets intended primarily for neighborhood traffic;
6. If the residential development or redevelopment is determined to have mitigated the impacts of potential student use in the adjacent residential neighborhood as provided in 50-15.2D, the development or redevelopment may adjust the parking requirements as provided in either 50-24.3A or 50-24.3B if eligible, but may not utilize both adjustments.

Section 3. That Section 50-24.3 of Ordinance No. 10-030-O, Section 6, be amended to read as follows:

50-24.3 Adjustment to Required Off-Street Parking

The minimum parking requirements listed in Section 50-24.2 above shall be adjusted as follows:

A. Proximity to Transit

1. The minimum number of off-street parking spaces required for any development or redevelopment lands located within 1/4 mile of the following existing Duluth Transit Authority routes, ~~1, 2, 3, 4, 7, 9, 10, 11, 12 and 13, as shown on Exhibit 50-24.3-1~~ in operation for one year or more, may be reduced by 30%.
2. The minimum number of off-street parking spaces required for any development or redevelopment lands located within 1/2 mile of (a) any Duluth Transit Authority transit center, as indicated by a "T" on Exhibit 50-24.3-1, or (b) the intersection of Grand and Central Avenues in west Duluth, may be reduced by 20%.
3. If an existing transit route or center is eliminated or changed in location, any development approved in conformance with this Section 50-24.3 shall not be deemed nonconforming in terms of required parking.

B. Sharing of Parking Spaces

1. General

Where two land uses listed in separate use categories in Table 50-19.8 share a parking lot or structure, the total off-site parking required for those uses may be reduced by the factors shown in Table 50-24-2. Total off-street parking required shall be the sum of the two parking requirements for the two uses divided by the factors in Table 50-24-2. If uses in three or more categories of Table 50-19.8 share a parking lot or structure, the land use supervisor shall determine the parking reduction based on the relative sizes of the various uses and the reduction factors listed in Table 50-24-2.

Table 50-24.2: Shared Parking Reduction Factors					
Add the two parking requirements and divide by these factors					
Property Use	Multi-family Residential	Public, Institutional, or Civic	Food, Beverage, Indoor, Entertainment, or Lodging	Retail	Other Commercial
Multi-family Residential	1.0				
Public, Institutional, or Civic	1.1	1.0			
Food, Beverage, Indoor, Entertainment, or Lodging	1.1	1.2	1.0		
Retail	1.2	1.3	1.3	1.0	
Other Commercial	1.3	1.5	1.7	1.2	1.0

2. Additional Sharing Permitted for Certain Uses

As an alternative to those reduction factors listed in Table 50-24-2, (a) up to 50% of the parking spaces required for food, beverage and indoor entertainment uses, and up to 100% of parking spaces required for religious assembly uses and elementary, middle, high school, university or college auditoriums may be used jointly by (b) any non-residential use not normally open, used or operated during the same hours as those listed in (a), or any non-residential use that has excess parking capacity based on the minimum off-street parking for that use. A written agreement assuring the continued availability of the parking spaces for the uses they serve shall be required on a form approved by the city and shall be filed with the application for a building permit.

Section 4. That Section 50-24.4 of Ordinance No. 10-030-O, Section 6, be amended to read as follows:

50-24.4 Maximum Parking Limit

No more than 150% of the minimum required number off-street parking spaces, excluding the adjustments allowed in 50-24.3, shall be provided.

Section 5. That this ordinance shall be operative only if Ordinance 10-030-O is passed, shall be consolidated into Ordinance 10-030-O for publication, and take effect and be in force on the same date as Ordinance 10-030-O.

Approved as to form:

Attorney

CCREQ/ATTY MAL:dma 07/14/2010

STATEMENT OF PURPOSE: This ordinance incorporates some of the motions to amend Ordinance 10-030-O offered by council members.