

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

13-029-O(b)

AS AMENDED

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, REGARDING DIMENSIONAL STANDARDS IN THE MU-N, MU-C, MU-B AND MU-W DISTRICTS.

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That Section 50-15.2 of Chapter 50 be amended as follows:

50-15.2 Mixed Use-Neighborhood (MU-N).

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;

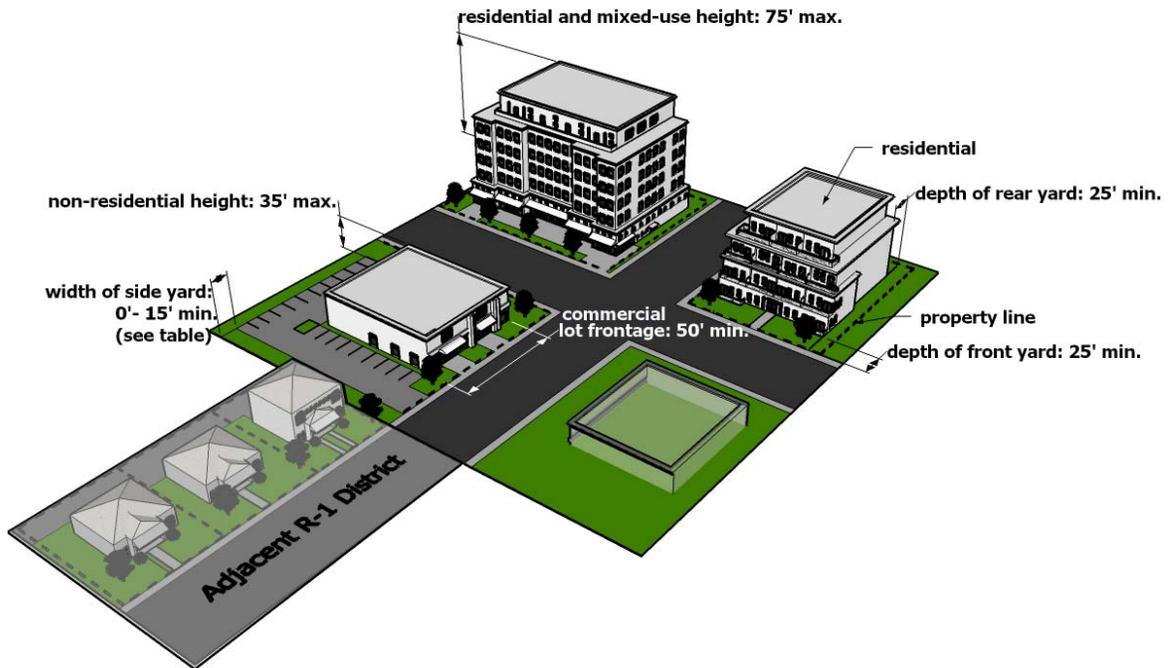
TABLE 50-15.2-1 MU-N DISTRICT DIMENSIONAL STANDARDS		
		LOT STANDARDS
Minimum lot area per family	One-family	4,000 sq. ft.
	Two-family	2,500 sq. ft.
	Multi-family	500 sq. ft.
	Efficiency unit	380 sq. ft.
	Townhouse or live-work dwelling	2,200 sq. ft.
No lot of record containing 5,000 sq. ft. or less 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.
		STRUCTURE SETBACKS
Minimum depth of front yard	One-family, nonresidential and mixed use	The smaller of 25 ft. or average of adjacent developed lots facing the same street
Minimum width of side yard	<u>General, unless listed below</u>	<u>5 ft.</u>
	Non-residential use adjacent to residential district or use	15 ft.
	Nonresidential use adjacent to nonresidential district or use	0 ft.
	Multi-family adjacent to single-family district or use	10 ft.
Minimum depth of rear yard	Multi-family adjacent to multi-family district or use	0 ft.
		25 ft.
		STRUCTURE HEIGHT
Maximum height of building	Non-residential use	35 ft.
	Residential or mixed use (general)	75 ft.
	Residential or mixed use (within 200 400 500 ft. of R-1)	35 ft.
	Residential or mixed use (within 200 300 500 ft. of R-2)	50 ft.

Section 50.21 *Dimensional standards* contains additional regulations applicable to this district.

B. Example. MU-N Example Building Form



C. Illustration.



Section 2. That Section 50-15.3 of Chapter 50 be amended as follows:

50-15.3 Mixed Use-Commercial (MU-C).

A. Purpose.

The MU-C district is established to provide for community and regional commercial development along commercial corridors and nodal centers. Intended non-residential uses include retail, lodging, service, and recreational facilities needed to support the community and region, as shown in Table 50-19.8. Development should facilitate pedestrian connections between residential and nonresidential uses;

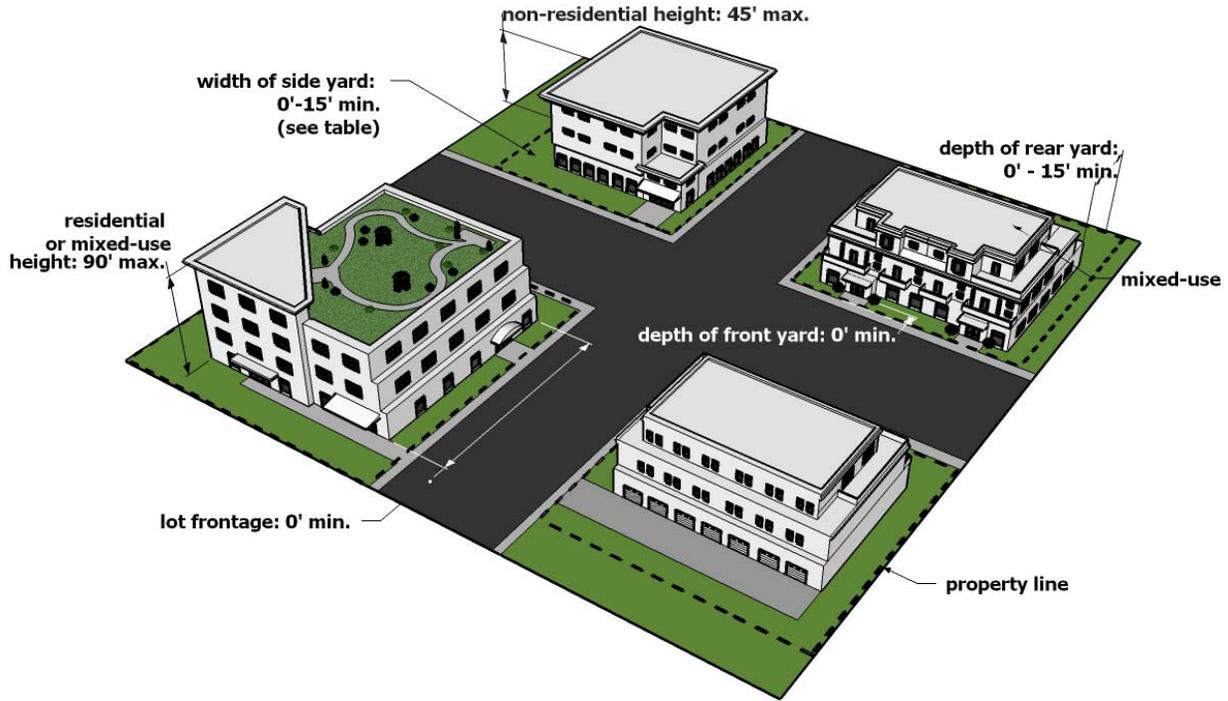
TABLE 50-15.3-1 MU-C DISTRICT DIMENSIONAL STANDARDS		
		LOT STANDARDS
Minimum lot area per family	Live-work dwelling	2,200 sq. ft.
	Multi-family	500 sq. ft.
	Efficiency unit	380 sq. ft.
Minimum lot frontage	Nonresidential or mixed use	0 ft.
	Multi-family	50 ft.
		STRUCTURE SETBACKS
Minimum depth of front yard		0 ft.
Minimum width of side yard and rear yard	Nonresidential district or use adjacent to residential or mixed use district or use	15 ft.
	Multi-family residential district or use adjacent to one-family residential district or use	10 ft.
	Nonresidential use adjacent to commercial use or multi-family use adjacent to multi-family use	0 ft.
		STRUCTURE HEIGHT
Maximum height of building	Nonresidential use	45 ft.
	Residential or mixed use	90 ft.
	Residential or mixed use within 200 <u>400</u> 500 ft. of R-1	35 ft.
	Residential or mixed use within 200 <u>300</u> 500 ft. of R-2	50 ft.
Section 50.21 <i>Dimensional standards</i> contains additional regulations applicable to this district.		

B. Example.

MU-C Example Building Forms



C. Illustration.



D. Planning commission approval required.

A planning review by the planning commission, pursuant to the procedures in Article V, shall be required for all new development, redevelopment and expansions in the MU-C district, including but not limited to construction of driveways or other access from public streets, and construction of off-premises signs, but excluding the following:

1. Building construction or expansion of less than 500 square feet in area;
2. Building renovations that affect the exterior of structures that do not result in an increase in building square footage;
3. Grading and construction of parking areas less than 3,000 square feet.

Development may not proceed until the planning commission has approved the project through planning review;

E. Development standards.

1. The location, size and number of curb cuts shall be designed to minimize traffic congestion or hazard in the area. Any traffic control improvements required as a result of the proposal such as traffic signals, turning lanes, medians, signage and other types of improvements necessary to accommodate traffic flow to and from the proposed project shall be paid for by the property owner. Any additional right-of-way or easements needed shall be provided by the property owner at no cost to the city;
2. Any necessary public easements over the subject property shall be dedicated, and any necessary improvements within such easements or other easements adjacent to the subject property shall be made.

Section 3. That Section 50-15.5 of Chapter 50 be amended as follows:

50-15.5 Mixed Use-Business Park (MU-B).

**TABLE 50-15.5-1
MU-B DISTRICT DIMENSIONAL STANDARDS**

A. Purpose.

The MU-B district is intended to accommodate modern light industrial and technology-based developments of attractive integrated design and function. The development standards for this district are intended to ensure that projects minimize adverse impacts on surrounding uses and neighborhoods, reduce impacts on the natural environment, enhance the visual quality of development and ensure the provision of adequate and cost-efficient public facilities. Intended uses include wholesaling, industrial services, research laboratories, and light manufacturing needed to support the community and region at large, as shown in Table 50-19.8;

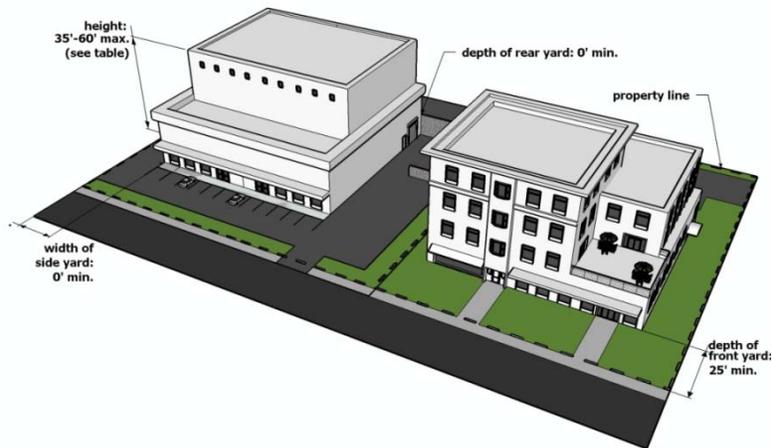
STRUCTURE SETBACKS		
Minimum depth of front yard	General	25 ft.
	Lots with less than 250 ft. average depth	Larger of 10 ft. or 10% of lot depth
Minimum width of side yard	Adjacent to residential use or district	6 ft.
	General	0 ft.
Minimum depth of rear yard	Adjacent to residential use or district	10 ft.
	General	0 ft.
STRUCTURE HEIGHT		
Maximum height of building	General	60 ft.
	Within 200 <u>400</u> <u>500</u> ft. of R-1 district	35 ft.
	Within 200 <u>300</u> <u>500</u> ft. of R-2 district	50 ft.
Section 50.21 <i>Dimensional standards</i> contains additional regulations applicable to this district.		

B. Example.

MU-B Example Building Forms



C. Illustration.



D. Development standard.

In portions of the MU-B zone district developed after May 7, 1979, (a) all truck loading, unloading, and maneuvering areas shall be constructed in side or rear yard areas with a durable dust free material having a smooth hard surface, and shall be defined on all sides by raised cast-in-place concrete curbs, and (b) all truck loading, unloading, and maneuvering operations shall be conducted so that no truck movement interferes with ingress or egress of traffic on a street and no truck shall be required to back into loading areas from a street.

Section 4. That Section 50-15.6 of Chapter 50 be amended as follows:

50-15.6 Mixed Use-Waterfront (MU-W).

A. Purpose.

The MU-W district is intended to provide for waterfront-dependent commercial uses and medium to high density residential development. Intended non-residential uses include visitor-related retail and services, lodging, recreational facilities and maritime uses, as well retail and service uses that take advantage of the waterfront setting, as shown in Table 50-19.8. Development may include horizontal or vertical mixed use, and should facilitate transit and pedestrian connections between developments and the surrounding areas and community;

TABLE 50-15.6-1 MU-W DISTRICT DIMENSIONAL STANDARDS		
		LOT STANDARDS
Minimum lot area per family	Townhouse or live-work dwelling	2,200 sq. ft.
	Multi-family	500 sq. ft.
	Efficiency unit	380 sq. ft.
Minimum lot frontage		50 ft.
		STRUCTURE SETBACKS
Minimum depth of front yard		0 ft.
Minimum width of side yard	Nonresidential use adjacent to residential district or use	15 ft.
	Nonresidential use adjacent to nonresidential 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.
		STRUCTURE HEIGHT
Maximum height of building	Residential or mixed use	120 ft.
	Nonresidential	45 ft.
	Within 200 400 500 ft. of R-1 district	35 ft.
	Within 200 300 500 ft. of R-2 district	50 ft.

Section 50.21 *Dimensional standards* contains additional regulations applicable to this district.

B. Example.

MU-W Example Building Forms



C. Illustration.



D. Planning commission approval required.

A planning review by the planning commission, pursuant to the procedures in Article V, shall be required for all development, redevelopment and expansions in the MU-W district, including but not limited to construction of driveways or other access from public streets and construction of off-premises signs, but excluding the following:

1. Building construction or expansion of less than 500 square feet in area;
2. Building renovations that affect the exterior of structures that do not result in an increase in building square footage;
3. Grading and construction of parking areas less than 3,000 square feet.

Development may not proceed until the planning commission has approved the project through planning review;

E. Development standards.

All permitted development in the MU-W shall comply with the following development standards:

1. Proposed development shall be visually and functionally oriented toward the waterfront of Lake Superior, the harbor and the St. Louis River to the maximum extent possible so that users of buildings and associated outdoor areas have direct views and physical access to the waterfront;
2. To protect public views to the waterfront from the closest landward public street running approximately parallel to the water, all primary structures shall have a maximum width of 200 feet measured along the shoreline and shall be separated from other primary structures by a minimum of 50 feet. These requirements shall not apply to portions of buildings that do not block public views of Lake Superior, the harbor and the St. Louis River from the closest landward public street running approximately parallel to the water due to topography or the location;
3. Buildings shall have a primary façade, with a functioning entrance for residents, employees or patrons facing the waterfront, and a second primary façade with a similar functioning entrance facing at least one of the adjacent streets, to the maximum extent feasible;
4. The quality of façade design and materials and the level of detail on the building façade facing the water shall be comparable to that on any other building façade containing a functioning entrance. The building façade facing the water shall have at least ~~70~~ 40 percent transparency, measured as set forth in Section 50-

22.5D.1; no rectangular area greater than 30 percent of each story of the façade facing the water may be windowless, as measured from floor to floor, and no horizontal distance greater than 15 feet of each story of a facade facing the water may be windowless;

5. The parking requirements in Section 50-24 shall be met, except that where a property is not adjacent to an R zone district, the required parking may be reduced by 30 percent if the applicant can demonstrate that nearby properties provide supplemental on-street or off-street parking.

Section 5. That this ordinance shall take effect 30 days after its passage and publication.

PLANNING SR:cs 4/11/2013

STATEMENT OF PURPOSE: This ordinance implements changes to the dimensional standards of the MU-N, M-C, MU-B and MU-W zone districts by restricting the maximum height of new structures within 500 feet of R-1 and R-2 zone districts.

The planning division held a public information meeting on Thursday, March 14, 2013, and there were two public hearings held by the planning commission on Tuesday, March 26 and Tuesday, April 9, 2013.

After the public hearing on April 9, 2013, the Duluth planning commission made a motion to recommend approval of the proposed changes to the UDC, which passed with a vote of 6 yeas, 0 nays and 0 abstentions. The planning commission made one amendment to the proposed recommended changes as presented by staff; the planning commission's motion was to ensure that required landscaping for freestanding pole and monument signs was to remain in the sign code.

The changes to the UDC are being presented in two ordinances, one for the changes to the sign code, and another for changes related to dimensional standards, development standards, permitted uses, and other text changes.

Action deadline: Not applicable

PL: 13-036



City of Duluth
Planning Division

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MEMORANDUM

DATE: April 3, 2013
TO: Planning Commissioners
FROM: Steven Robertson, Senior Planner
SUBJECT: Additional Change to the UDC

The Planning Division is recommending a few changes to the UDC; some of these are changes requested by staff, and others are requested by the administration. There was a public information meeting on March 14, 2013, and a Public Hearing at the March 26, 2013, Planning Commission meeting. The Planning Commission discussed some changes to the proposal, and a few additional clarifying items were added:

- transparency standard in MU-W (current requirement of 70% is very restrictive and may not have been the original intent, was proposed to be revised last spring following a variance application),
- front yard setback in P-1 (currently listed as 0 sq ft),
- clubs and lodges proposed to be a special use in P-1,
- large churches are special use in some R districts (per last PC meeting discussion)
- accessory home occupation (clarify a few small standards)
- accessory solar equipment (clarify a few small standards to help City meet generally understood best solar practices, see attached correspondence)
- variances (remove the word "exceptional" from exceptional practical difficulties, and change "reproduction" to "reconstruction" for non-conforming buildings)

The ordinance changes are being prepared as two separate ordinances (sign code changes as one ordinance, the other code changes as a separate ordinance) to make discussion/review easier for the Planning Commission. While the two ordinances are long (around 80 pages), the actual strikeout and addition language is only about 5 pages in length, if it were all put together in one section.

Summary of Proposed Amendments Presented, April 9, 2013 Planning Commission

- 14.5, Dimensional Standards (Lot Frontage, Lot Area)
 - 15.2, .3, .5, and .6 Dimensional Standards (Max Height of Building)
 - 15.6 Transparency Requirement of Structures in MU-W (from 70% to 40%)
 - 17.4 Dimensional Standards (Front Yard from 0 to 25 feet)
 - 18.3 Historic Preservation to Heritage Preservation, Remove Table from UDC
 - 19.8 Use Table (change special uses: religious assembly, club or lodge, restaurant, theater, hotel/motel, grocery store, and filing station)
 - 20.2 Club/Lodge and Religious Assembly (change size to 50,000 sq ft)
 - 20.3 Restaurant (5,000 sq ft)
 - 20.3 Vacation Rental (3 night max during off season in R-2, MU-N, and F-5)
 - 20.4 Home Occupation (clarifying 50% of garage can be used)
 - 20.4 Solar (clarifying height of ground mounted systems,
 - 20.4 Accessory Vacation Rental (3 night max during off season in R-2, MU-N, and F-5)
 - 21.2 Street Improvement (clarify exceptions for some existing lots/structures)
 - 36.3 Historic Preservation to Heritage Preservation
 - 37.8 Historic Preservation to Heritage Preservation (clarify review process)
 - 37.9 Variance (exceptional/practical difficulties and reproduction/reconstruction)
 - 41.1 Accessory Home Occupation
 - 41.4 Dwelling, Twin Home
 - 41.7 Grocery Store
 - 41.13 Mixed Use Structure
-
- 27.3.F Landscaping (remove, at last PC meeting PC members wanted it to remain)
 - Table 27.1 (flags, memorial plaques, move parking lot directional sign)
 - Table 27.2 (temporary window sign)
 - Table 27.3 (temporary window sign)
 - Table 27.4 (remove menu board)
 - 27.7.B A-frame (reducing some requirements)
 - 27.7.D Exhibition Banners (clarify)
 - 27.7.E Off Premises Signs (clarify where allowed, add back the maps)
 - 27.7.H Free Standing Pole Signs (material standards)
 - 27.7.J Menu boards (remove)
 - 27.7.M Wall Sign (material standards)