

PUBLISHED DECEMBER 4, 2014

OFFICIAL PROCEEDINGS

Excerpt from the minutes of the Duluth City Council meeting held Monday, November 24, 2014, at 7:00 p.m. in the Council Chamber, City Hall, Duluth, Minnesota.

ORDINANCE NO. 10337

AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, REGARDING CHANGES RELATED TO R-1 ZONE DISTRICT AND IMPROVEMENT OF STREET FRONTAGE.

The city of Duluth does ordain:

Section 1. That Section 50-14.5 of Chapter 50 be amended as follows:

50-14.5 Residential-Traditional (R-1).

A. Purpose.

The R-1 district is established to accommodate traditional neighborhoods of single-family detached residences, duplexes and townhouses on moderately sized lots. This district is intended to be used primarily in established neighborhoods. Many of the dimensional standards in this district require development and redevelopment to be consistent with development patterns, building scale, and building location of nearby areas. Uses are allowed as shown in Table 50-19.8.

B. Example.

**TABLE 50-14.5-1
R-1 DISTRICT DIMENSIONAL STANDARDS**

LOT STANDARDS		
Minimum lot area per family (One-family) ^[1] ^[2]	The smaller of 4,000 sq. ft. or average of developed 1-family lots on the block face	
Minimum lot area per family (Two-family) ^[1] ^[2] ^[3]	The smaller of 3,000 sq. ft. or average of developed 2-family lots on the block face	
Minimum lot area per family (Townhouse) ^[1]	2,500 sq. ft.	
Minimum lot frontage (one-family, two-family, and townhouses) ^[1]	The smaller of 40 ft. or average of developed lots with similar uses on the block face	
STRUCTURE SETBACKS		
Minimum depth of front yard	The smaller of 25 ft. or average of adjacent developed lots facing the same street	
Minimum width of side yard (one- and two-family)	General	6 ft.
	Lots with less than 50 ft. frontage and garage	Combined width of side yards must be at least 12 ft.
Minimum width of side yard (Townhouse)	10 ft. if adjacent to another lot 25 ft. if adjacent to platted street	
Corner Lot: width of front side yard	Dwelling	15 ft.
	Detached accessory structure	20 ft.
	Permitted non-residential structure	25 ft.
Minimum depth of rear yard	25 ft.	
STRUCTURE HEIGHT		
Maximum height of structure	30 ft.	

^[1] Determined using "Lots on the Block Face" definition. When doing this calculation, exclude the subject lot from the calculation.

^[2] Lots without municipal sewer must also meet requirements of 50-21.2

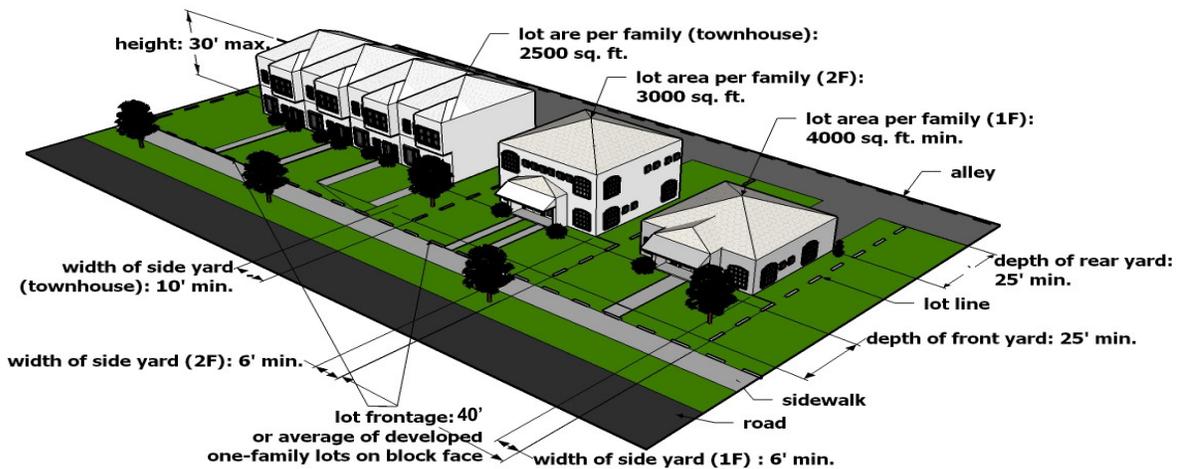
^[3] Existing structures that have a change of use from one-family to two-family must meet minimum lot area and frontage, but not setbacks.

R-1 Example Building Forms



C. Illustration.

R-1 Example Lot Layout



Section 2. That Section 50-21.2 of Chapter 50 be amended as follows:

50-21.2 Special dimensional standards.

A. Lot without municipal sewer.

Lot areas for properties not provided with municipal sewer shall be at least two acres in size or the minimum lot area for the zone district, whichever is larger, and shall be subject to county ordinances and standards regulating individual sewage treatment systems. Lots with large wetlands or shallow bedrock may be required to be larger than two acres, and shall be

determined on a case-by-case basis based on the area needed to fit a sewage treatment system on the site. Lots smaller than two acres may be allowed in areas zoned R-P based on soil and site conditions;

B. Front yards on double frontage lots.

On lots having double frontage and where the first and second frontages are on opposite lot lines, the required front yard shall be provided on the frontage that is the generally established frontage on the block, as determined by the building official;

C. Side yards.

1. Dwelling units above commercial uses.

In all residential and mixed use districts, where dwelling units are erected above commercial establishments, no residential side yard is required, except for any side yard required for the commercial building on the side of a lot adjoining a residential district. In form districts, no side yard is required even if the lot adjoins a residential district;

2. Attached and multi-family dwellings.

For the purpose of side yard regulations, a two-family dwelling, townhouse, or multi-family dwelling shall be considered as one building occupying one lot;

3. Driveways.

Where no garage facilities are provided and the alley is not developed for access at the time the dwelling is constructed in an R-1 or R-2 district, there shall be provided one side yard of a minimum of nine feet for a driveway and the other side yard shall have a minimum width of five feet;

D. Rear yards.

An accessory structure cannot exceed 20 feet in height, and may not occupy more than 30 percent of the rear yard area. All accessory structures on a lot may not occupy more than 60 percent of the rear yard area;

E. Street improvements.

Except as provided in Section 50-37.1.L, for lots without a principle structure:

1. The street shall be improved to the most current standards on file in the office of the city engineer and shall be designed for the road classification within the zone in which the property is located;
2. The street shall be improved across the entire frontage of the lot proposed to be developed and all other contiguous property owned by the owner of the subject lot;
3. Any street improvements that results in a dead end street that is greater than 150 feet in length shall require construction of a turn-around for emergency and maintenance vehicles approved by the city fire marshal.

For lots developed with an existing legal principle structure, the street improvement requirements need not be met when the landowner proposes an expansion of the existing legally constructed structure or a replacement principle structure, if the landowner provides evidence of a perpetual easement to access the property from an improved street of a distance not greater than 150 feet, and such access shall be improved to meet Fire Code standards.

Section 3. That this ordinance shall take effect 30 days after its passage and publication.
(Effective date: January 3, 2015)

Councilor Russ moved passage of the ordinance and the same was adopted upon the following vote:

Yeas: Councilors Filipovich, Fosle, Gardner, Hanson, Julsrud, Russ, Sipress and President Larson -- 8

Nays: None -- 0

Absent: Councilor Krug -- 1

Passed November 24, 2014

ATTEST:
JEFFREY J. COX, City Clerk

Approved November 24, 2014
DON NESS, Mayor