

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

14-066-O

ORDINANCE NO. _____

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.

CITY PROPOSAL:

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.

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.		

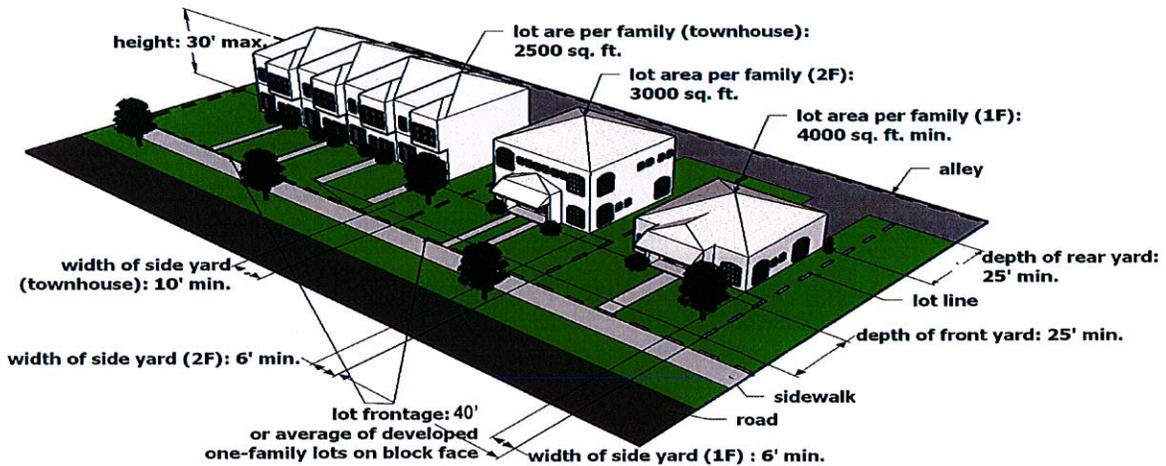
B. Example.

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 to lot frontage.

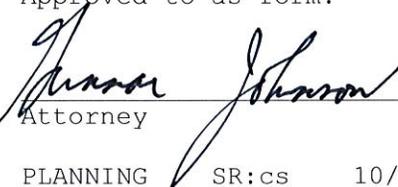
~~Except as provided in Section 50-37.1.L, for lots without a principle structure: developed with a legally constructed principle structure, the street frontage requirements contained in Article 2 need not be met when the landowner proposes an expansion of the existing legally constructed structure or a new 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:~~

1. The street frontage 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.

Approved to as form:


Attorney

PLANNING SR:cs 10/16/2014

STATEMENT OF PURPOSE: This ordinance implements text amendments to Chapter 50 of the City Code, known as the Unified Development Chapter (UDC).

This ordinance change is to clarify standards to the R-1 zone district as it relates to lots without municipal sewer and when homes have a change of use from a one family to a two family dwelling. The ordinance also clarifies the requirement for street improvement (building a new road in the public right of way) when previously undeveloped lots are developed.

The proposed changes were discussed at a published public hearing on September 9, 2014. At a special meeting on September 23, 2014, the Duluth planning commission made a motion to approve the recommended amendments to the permitted use table passed with a vote of 7 yeas, 0 nays and 0 abstentions, with two planning commission member being absent from the meeting.

Action deadline: Not applicable
PL: 14-117



MEMORANDUM

DATE: September 3, 2014
TO: Planning Commissioners
FROM: Steven Robertson, Senior Planner
SUBJECT: Proposed Text Amendments to the UDC

The Planning Division is recommending several additional amendments to the UDC. After these proposed text amendments are reviewed by the Planning Commission and City Council, the City will reprint a new hard copy version of the UDC, and distribute to the Planning Commission, City staff, and individuals that purchased the UDC.

Planning Staff would prefer action at the September 9th Planning Commission meeting, but if additional discussion is warranted, all the items can be tabled until the next meeting with the exception of changes to the use table and use specific standards (50-19 and 50-20).

The Planning Commission is requested to review the following proposed changes.

Changes to 50-18.1.E, Storm Water Management and Erosion Control

Replace the current regulations as they relate to stormwater control. See attached memo by Tom Johnson, Project Engineer.

Changes to 50-24.2, Required Parking Spaces, and 50-37.9 Variances

Increase the required parking for restaurants (5 to 6.5 per 1,000 sq ft), and banks (2.5 to 3.5 per 1,000 sq ft). This is based off parking counts that staff observed over the course of several weeks. See attached memo by Jenn Moses, Planner II.

Also proposed is an increase the maximum limit for a parking variance (from 175% of required parking to 200% of required parking). Also clarify “use” variances, as they relate to signs.

I am recommending an additional change to required parking multi-family dwellings (1 to 1.25 per dwelling); this was not part of the parking study.

Changes to 50-19, Permitted Use Table, and 50-20 Use Specific Standards

Allow mini-storage facilities as a special use, but only in areas that both zoned RR-1 and in the airport overlay zone B.

Also clarify use specific standards for primary use parking lots.

Changes to 50-27, Signs, and 50-41 Definitions

Clarify regulations as they relate to signs (construction material, definitions, and LED lighting).

Changes to 50-14.5, R-1, and 50-21.2.E Definitions

Clarify standards for lots in R-1, and standards for required street improvement.