

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

14-068-O

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 50-37.7 OF THE DULUTH CITY CODE, 1959, AS AMENDED, REGARDING CHANGES RELATED TO CONCURRENT USE PERMITS.

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That Section 50-37.7 of the Duluth City Code, 1959, as amended, be amended as follows:

50-37.7 Concurrent use of streets permit.

This Section applies to all applications for construction of a skywalk and to any other application requesting that the city approve the concurrent use of the street surface, right-of-way, or the air rights above the street or the land beneath the street, but shall not apply to applications for concurrent the following:

- 1. Use of a portion of a public sidewalk for a café, eating area, transit shelter or bench, or bicycle parking area, or
- 2. An awning, canopy, marquee or wall sign extending not more than 18 inches into the public street right of way, or an awning or canopy of canvas, canvas-like material, nylon or vinyl-coated fabric extending into the public street right of way, up to the limits established by Sec. 50-27;

A. Application.

An application for concurrent use of streets shall be filed pursuant to Section 50-37.1.B;

B. Procedure.

- 1. Review and recommendation. The planning commission shall review the petition, conduct a public hearing on the application pursuant to Section 50-37.1.I, with public notice as required by Section 50-37.1.H and make a recommendation to council based on whether the application meets the criteria in subsection C below;
- 2. Council decision. Upon receipt of the planning commission recommendation, the council shall make a decision to approve, approve with modifications or deny the application, in whole or part, based on the criteria in subsection C below. The council action shall be by ordinance;

C. Criteria.

The planning commission shall review the application, and council shall approve the application or approve it with modifications, if it determines that:

- 1. The proposed concurrent use will not harm or inconvenience the health, safety and general welfare of the city;

Concurrent Use of Street Permit

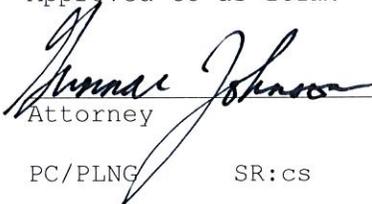


(P) Indicates Public Hearing Required

2. Any proposed skywalk will significantly improve the circulation of pedestrians in the city without exposure to weather conditions;
3. No portion of a public easement proposed for use is being physically used or occupied by the public.

Section 2. That this ordinance shall take effect 30 days after its passage and publication.

Approved to as form:



Attorney

PC/PLNG SR:cs 10/31/2014

STATEMENT OF PURPOSE: This ordinance implements text amendments to Section 50-37.8 of the City Code.

This ordinance change is to clarify when a concurrent use (of public right of way) permit is required. Certain types of traditional signage (awning, canopy, marquee, and wall signs) are allowed to project up to 18 inches over the public right of way without needing a concurrent use permits, as long as they comply with the sign code section of the UDC (50-27).

The proposed changes were discussed at a published public hearing on October 14, 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 members being absent from the meeting.

Action Deadline: Not Applicable
PL: 14-117



MEMORANDUM

DATE: October 7, 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.

Several text amendments were addressed at the public meetings held on September 9 and September 23 (off-street parking, signage, variance, and definitions). Three items remain, changes to stormwater management and a clarification to concurrent use permits, and a clarification to off-street parking requirements.

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. We have also included the current UDC language, for reference.

A significant change will be to the storm water runoff volume control. Section E.3.G. clarifies the new standard (storm water volume control, not just rate control). New development must provide controls so that the volume of stormwater runoff from a proposed project will not exceed pre-development site conditions. This should not provide a significant burden to redevelopment projects (such as reusing demolishing an existing commercial structure and rebuilding a new commercial structure), but will likely be more challenging to development on sites that have had no development in the past.

Changes to 50-37.7

Clarify current language to specific that some signs may hang over the public right of way without needing a concurrent use permit.

Clarification and Changes to 50-37.7

The Planning Commission recommend changes to the minimum parking requirements (multi-family, restaurants, and banks) at the September 23, 2014, Planning Commission meeting. The Planning Division are asking for a further clarification on a parking requirement, clarifying that tandem or in-line parking is not allowed for required off-street parking spaces (unless within a garage or parking structure).

Example Images of Tandem Parking (Internet Search)

