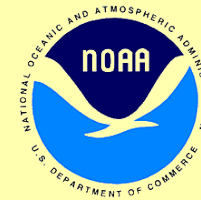


# How Zoning Can Improve the Environment – An Overview of Duluth's New Zoning Regulations



**Northland Innovative Stormwater  
Management Conference**  
**Cindy Petkac, AICP**  
**Land Use Supervisor, City of Duluth**  
**November 17, 2010**



# Why adopt new zoning regulations?

- Implement Comprehensive Land Use Plan (2006)
- Current 1950's zoning code is outdated
- Incorporate best practices in zoning & land use regulation from around the country
- Carry forward what we know works here in Duluth



# What is the Unified Development Chapter (UDC)?

- Brings together all of the City's development and zoning related sections into one simplified document
  - Incorporates contemporary approaches to neighborhood revitalization, mixed uses and natural resource protection regulations
  - Includes a streamlined development review and approval process which will allow the City to be more efficient and responsive to its citizens and the needs of the development community
-

# UDC Structure

## Consolidation of Land Related Ordinances

<b>Current Duluth Ordinances</b>	<b>New UDC Sections</b>
Chapter 50. Zoning	Table of Contents
Chapter 51. Water Resource Management	Chapter 1: General Provisions
Chapter 18. Erosion and Sediment Control	Chapter 2: Zone Districts
Chapter 28A. Heritage Preservation	Chapter 3: Use Regulations
Chapter 37. Plats	Chapter 4: Development Standards
Chapter 44. Signs	Chapter 5: Administration and Procedures
Chapter 45. Art. IV. Concurrent Use	Chapter 6: Definitions
Chapter 45. Art. X. Vacation of Highways	

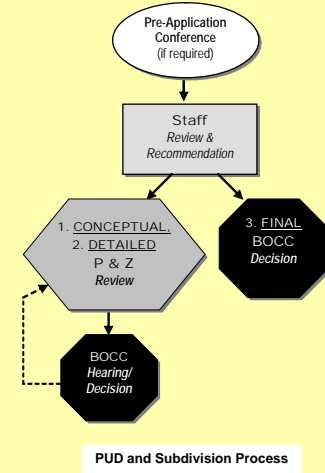
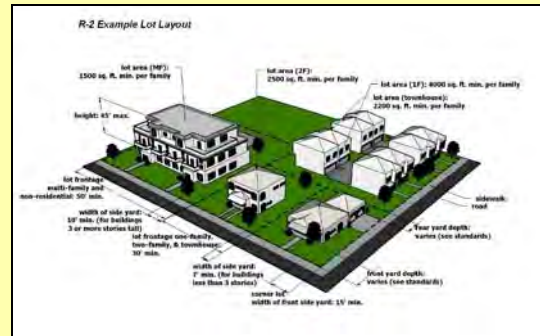
# Major Themes

## 1. Plan Implementation

- New Development Standards
- Form-Based Districts
- Sustainability
- Reinvestment

## 2. Efficiency

## 3. User-Friendliness



# Public Participation Process

- 17 Public Meetings
- 32 Stakeholder Meetings
- 9 Council Updates/COWs
- 17 ZAC Meetings
- 9 TAC Meetings
- 3 University Housing  
Working Group Meetings
- Monthly Updates to Planning Commission
- Received close to 350 public comments



# **How the UDC is Good for the Environment and Stormwater Management**



# Types of Zone Districts

## RESIDENTIAL DISTRICTS

- ❑ Rural-Conservation (R-C) District
  - ❑ Accommodates single-family residential uses by maintaining rural character (minimum 10 acre lot size)
  - ❑ Created to implement Preservation land use designation in Comprehensive Land Use Plan
  - ❑ Encourages development designs that conserve open space and avoid unnecessary fragmentation of rural landscape
    - ❑ Limits homesite (primary building and all major accessory buildings) to no more than 1 acre
    - ❑ Homesite located adjacent to side or rear property line or where hidden from view from public rights of way
    - ❑ Driveway location to minimize fragmentation of field, pasture or naturally vegetated areas



# Types of Zone Districts

## 50-14: Residential Districts 50-14.2: Rural-Conservation (R-C) (New District)

### 50-14.2 Rural-Conservation (R-C) (New District)

#### A. Purpose

The R-C district is established to accommodate low-density, single-family detached residential uses on parcels of at least 10 acres each in areas where the Comprehensive Land Use Plan calls for protection of rural character. The district encourages development designs that conserve open space and natural resources and preserve rural character. Complimentary uses such as limited agriculture, parks, minor utilities and certain temporary uses are allowed as shown in Table 50-19.8.

TABLE 50-14.3-1 R-C DISTRICT DIMENSIONAL STANDARDS	
LOT STANDARDS	
Minimum lot area per family (not allowed to include any highway easements or parts of highway easements within the original parcel of land)	10 acres
Minimum lot frontage (ft)	250 ft.
SETBACKS, MINIMUM	
Minimum depth of front yard (ft)	60 ft.
Minimum width of side yard (ft)	25 ft.
Minimum depth of rear yard (ft)	50 ft.
BUILDING STANDARDS	
Maximum height of building (ft)	30 ft.

Section 50.21 Dimensional Standards contains additional regulations applicable to this district.

#### B. Example

R-C Example



## 50-14: Residential Districts 50-14.2: Rural-Conservation (R-C) (New District)

#### C. Illustration

R-C Example Lot Layout



#### D. Development Standards

All homesites in the R-C zone district shall be located so as to preserve the rural character of the district and to avoid unnecessary fragmentation of the rural landscape by:

1. Designating a portion of the site containing no more than 1 acre of land in compact configuration as the homesite in which the primary dwelling and all major accessory buildings will be located;
2. Locating the homesite either (1) adjacent to a side or rear property line of the parcel, or (2) where the primary structure is hidden from view from public rights-of-way by an intervening natural feature such as a hillside, berm, or tree grove;
3. Locating the driveway leading from the public right-of-way to the homesite (1) as close to a side property line of the parcel as is reasonably possible without significant grading, vegetation, or stream crossings, or (2) in another location that will minimize the fragmentation of field, pasture, or naturally vegetated areas.

# Types of Zone Districts

## RESIDENTIAL DISTRICTS

- ❑ Residential-Planned (R-P) District
  - ❑ Provides flexible development option for residential projects that integrate creative site design, provide a variety of housing types, provide unique on-site amenities, conserve natural features, increase pedestrian connectivity
  - ❑ Must contain at least 2 acres of land for high density R-P and 4 acres for low density R-P
  - ❑ Low density R-P requires:
    - ❑ Natural resources inventory
    - ❑ 30% of common open space; 50% of which must be contiguous
    - ❑ Ownership of common open space by homeowners association (easement, restrictive covenant, etc)

# Types of Zone Districts

## MIXED USE DISTRICTS

- ❑ Mixed Use-Neighborhood, Mixed Use-Commercial, Mixed Use-Institutional, Mixed Use-Business Park, Mixed Use-Waterfront
  - ❑ Allow for greater mix of uses which reduces the need for rezonings to accommodate new uses
  - ❑ Mixed use districts promote walkability and reduce auto dependence
-

# Types of Zone Districts

## FORM DISTRICTS

- ❑ Focus on the form of development
- ❑ Allow a variety of land uses to coexist
- ❑ Recognize & reflect unique or traditional neighborhood patterns
- ❑ Provide adequate transitions to lower-density areas
- ❑ Keep sufficient separation between clearly incompatible uses
- ❑ Preserve and enhance existing, walkable commercial areas in the city
  - ❑ Grand and Central Ave in West Duluth
  - ❑ West Superior St in Lincoln Park
  - ❑ Downtown, Canal Park, Central Hillside
  - ❑ London Rd (12<sup>th</sup> to 21<sup>st</sup> Ave)
  - ❑ East Superior St in Lakeside/Lester Park



# Types of Zone Districts

## 50-22: Building Form Standards 50-22.9: Main Street Building II

### 50-22.9 Main Street Building II



Figure 50-22.9(A): Building Siting.

A. Building Siting		B. Height	
1. Street Frontage		Minimum Overall Height	1 story
Multiple Principal Buildings	No, permitted	Maximum Overall Height	4 stories/135'
Front Building Zone Coverage	95%	Ground Story: Minimum Height	11'
Occupational Corner	Required	Maximum Height	12'
Front RTZ	0' to 5'	Upper Stories: Minimum Height	9'
Corner RTZ	0' to 5'	Maximum Height	11'
Notes:			
1. (120' or more in height, ground story shall limit to 3 stories - to match maximum building height)			
C. Uses			
Ground Story	Refer to Article 3, Permitted Uses		
Upper Story	Refer to Article 3, Permitted Uses		
Parking Lot Location	Rear yard	Parking within Building	Permitted in the rear of the ground floor and side in any other floor
Loading Facility Location	Rear building track	Occupied Space	5' depth space required on ground floor facing Primary Street
Access:			
No driveway permitted if alley access is available. If no alley exists, 1 driveway permitted per frontage. 2 driveways may be permitted through special exception if frontage exceeds 200'			

## 50-22: Building Form Standards 50-22.9: Main Street Building II

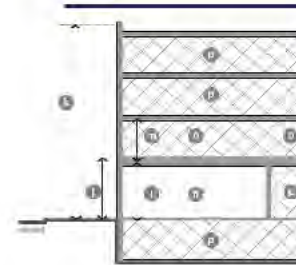


Figure 50-22.9(B): Height & Use Requirements.

D. Street Façade Requirements	
1. Transparency	20% per floor
Blank Wall Limitations	Required
E. Building Entrance	
Principal Entrance Location	Front or Corner Side Façade or Upright
Street Façade: Number of Entrances	1 per 75' of Front Façade
F. Balconies (if provided)	
Size	Minimum 4' deep and 3' wide
Façade Coverage	Minimum 50% of front & corner side façades established separately
Access or Balcony	Maximum 10' (1) dwelling unit
Structure	To be evenly spaced and supported to either balcony or integral to the façade

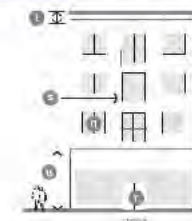


Figure 50-22.9(C): Façade Requirements.

E. Cap & Base Type Requirements	
Cap Type	Painted Flat Roof, Pitched Roof
Base	Permitted
Street Façade Base Type	Arched, Windowed
F. Façade Materials Requirements *	
Permitted Façade Materials	Durable, natural materials, such as stone, brick, terra cotta, and concrete
Permitted Upper Story Façade Materials	Painted or Stained Wood
Permitted Materials	Minimum 60% masonry on street façade, and brick preferred
Materials to Avoid	Exterior materials imitating natural materials, Resin/brick/grade windows, 1/4" or less glass, painted brick or stone
Prohibited Materials or Details	Concrete masonry units, utility or economy bricks more than 2" in height, painted wood, and exterior insulation A flashing systems (EIES)
Paint Colors	Historic Paint Palettes for any material, also on all at City Hall
Notes:	
* Façade materials requirements apply only to the Canal Park area	

# Types of Zone Districts

## NATURAL RESOURCES OVERLAY

- ❑ Wetlands - WCA Standards
- ❑ Floodplains - Model ordinance FEMA/DNR
- ❑ Shoreland - Incorporate new DNR regulations
  - ❑ New setbacks for 3 shoreland classifications (General Development, Natural Environment and Coldwater)
  - ❑ Performance standards instead of impervious surface cap
  - ❑ Regulating all public and non-public waters in the city
    - ❑ Results in more than 50 miles of shoreline (increased from 100 miles to 150 miles) and 2,800 acres of shoreland (increased from 9,889 to 12,737) than what is required
- ❑ Stormwater - MPCA/DNR regulations
  - ❑ New discharge rate limits for above and below the bluff line



# Permitted Uses

- ❑ New Land-Efficient Housing Types
  - ❑ Co-housing, Live-work and Accessory home occupation
- ❑ Recycling collection point added as primary use
- ❑ Accessory wind, solar & geothermal power permitted

**TABLE 50-19.8: USE TABLE**

NOTE: Uses in the Natural Resources Overlay (NR-O) are limited by Section 50-18.1

NOTE: Uses in the Airport Overlay (A-O) district are limited by Section 50-18.2

NOTE: P and S uses only allowed in R-P district if included in an approved District Plan for the area

P = Permitted Use  
U = Upper Story Only  
S = Special use  
A = Accessory Use

New Zone District Name	Residential						Mixed Use					Form									Special			Use-Specific Standards		
	R-C	RR-1	RR-2	R-1	R-2	R-P	MU-N	MU-C	MU-I	MU-B	MU-W	F-1	F-2	F-3	F-4	F-5	F-6	F-7	F-8	F-9	I-G	I-W	P-1			
Current Zone District Name		S	S2	R1a,b,c & R2	R3		R4 & C1	C5	MC	M1, IT & IP	W1											M2	W1			
<b>RESIDENTIAL USES</b>																										
<b>Household Living</b>																										
Dwelling, one-family	P	P	P	P	P	P	P					U	U	U	U	U	U	U	U	U						
Dwelling, two-family				P <sup>125</sup>	P	P	P					U	U	U	U	U	U	U	U	U					50-20.1A	
Dwelling, townhouse <sup>126</sup>				S	P	P	P				P														50-20.1B	
Dwelling, multi-family <sup>127</sup>					P	P	P	P	P		P	U	P	U	P	P	U	U	P	P					50-20.1.C	
Dwelling, live-work <sup>128</sup>					P	P	P	P	P		P	P	P	P	P	P			P	P						
<b>Group Living</b>																										
Assisted living facility (elderly) <sup>129</sup>				S	P	P	P	P	P		P	U	P	U	P	P	U	U	P	P						50-20.1.D

# Development Standards

- ❑ Connectivity requirements promote walkability and strengthen neighborhoods
  - ❑ Adjustments to parking requirements promote transit oriented development
  - ❑ Maximum parking limit reduces amount of impervious surface
  - ❑ Landscaping & tree preservation standards provide many environmental benefits:
    - ❑ Reduced storm water runoff and soil erosion
    - ❑ Reduced energy costs from shade in summer and windbreaks in winter
    - ❑ Removal of greenhouse gases and other pollutants from the air
  - ❑ Sustainability standards for all new multi-family and non-residential developments
    - ❑ Point system and menu of options provide flexibility
    - ❑ Location, energy efficiency, alternative energy, passive solar, water, vegetation, urban agriculture and transportation
  - ❑ Platting standards protect open space and viewsheds and prevent habitat fragmentation
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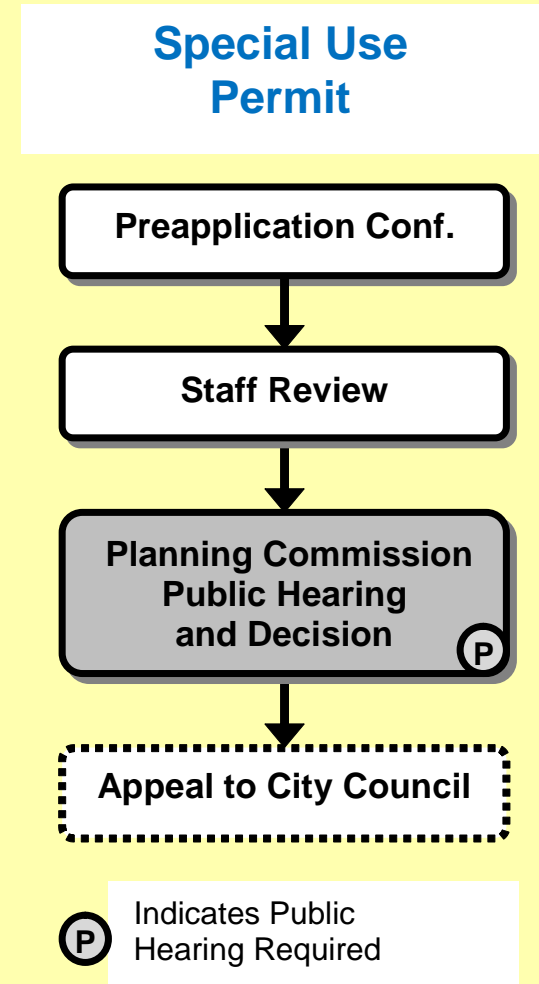


# Administration and Approvals

- ❑ **Promote reinvestment and neighborhood stability through greater certainty and consistency in the development review process**
    - ❑ **Tables and charts outline the path to approval**
  
  - ❑ **Adopt new processes to implement standards called for in the Comprehensive Land Use Plan**
    - ❑ **- District plans and planning review**
  
  - ❑ **Build confidence and trust in local governance through a review process that is more transparent and perceived as more fair and balanced**
-

# Administration and Approvals

- ❑ All procedures located in one section
- ❑ Summary table provides quick reference
- ❑ Flow charts for every procedure
- ❑ Review criteria added or clarified to guide decision-makers



# When do the new zoning regulations become effective?

- UDC unanimously adopted by City Council on August 16, 2010 following an extensive public participation process
- Goes into effect on November 19, 2010
- UDC Celebration on November 17 at Clyde Park from 4:30 – 7:00 p.m.
- UDC, Fact Sheets, New Zoning Maps, and Applications Manual are available online

[www.duluthmn.gov/planning](http://www.duluthmn.gov/planning)

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# What's Next?

- UDC Rezoning Process
- Public Education
  - Monthly Brown Bags 2011
  - First Fridays with Planning
- Code Maintenance
- Sign Standards



# Questions?



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