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

Northland Innovative Stormwater Management Conference
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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- Current 1950’s zoning code is outdated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

<table>
<thead>
<tr>
<th>Current Duluth Ordinances</th>
<th>New UDC Sections</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chapter 50. Zoning</td>
<td>Table of Contents</td>
</tr>
<tr>
<td>Chapter 18. Erosion and Sediment Control</td>
<td>Chapter 2: Zone Districts</td>
</tr>
<tr>
<td>Chapter 28A. Heritage Preservation</td>
<td>Chapter 3: Use Regulations</td>
</tr>
<tr>
<td>Chapter 37. Plats</td>
<td>Chapter 4: Development Standards</td>
</tr>
<tr>
<td>Chapter 44. Signs</td>
<td>Chapter 5: Administration and Procedures</td>
</tr>
<tr>
<td>Chapter 45. Art. IV. Concurrent Use</td>
<td>Chapter 6: Definitions</td>
</tr>
<tr>
<td>Chapter 45. Art. X. Vacation of Highways</td>
<td></td>
</tr>
</tbody>
</table>
Major Themes

1. Plan Implementation
   – New Development Standards
   – Form-Based Districts
   – Sustainability
   – Reinvestment

2. Efficiency

3. User-Friendliness

PUD and Subdivision Process

1. CONCEPTUAL
   2. DETAILED
      P & Z Review

3. FINAL BCCC Decision

Pre-Application Conference (if required)

Staff Review & Recommendation

BOCC Hearing/Decision

PUD and Subdivision Process
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
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)

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.

B. Example

R-C Example

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)
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 (12th to 21st Ave)
  - East Superior St in Lakeside/Lester Park
Types of Zone Districts
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>
<thead>
<tr>
<th>TABLE 50-19.8: USE TABLE</th>
<th>Residential</th>
<th>Mixed Use</th>
<th>Form</th>
<th>Special</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Zone District Name</td>
<td>R-C</td>
<td>RR-1</td>
<td>RR-2</td>
<td>R-1</td>
</tr>
<tr>
<td>Current Zone District Name</td>
<td>S</td>
<td>S2</td>
<td>R1ab &amp; R2</td>
<td>R3</td>
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<tr>
<td>LAND USE CATEGORY</td>
<td></td>
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<tr>
<td>HOUSEHOLD LIVING</td>
<td></td>
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<tr>
<td>Dwelling, one-family</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Dwelling, two-family</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Dwelling, townhouse</td>
<td>S</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Dwelling, multi-family</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Dwelling, live-work</td>
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<td>P</td>
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<tr>
<td>ASSISTED LIVING</td>
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</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.
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.
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

Special Use Permit

Preapplication Conf.

Staff Review

Planning Commission Public Hearing and Decision

Appeal to City Council

Indicates Public Hearing Required
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)
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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