



# City of Duluth

411 West First Street  
Duluth, Minnesota 55802

## Master

**File Number: 16-030-O**

**File ID:** 16-030-O

**Type:** Ordinance

**Status:** Passed

**Version:** 1

**Agenda  
Section:**

**Committee:** Planning and  
Economic  
Development

**File Created:** 06/16/2016

**Subject:**

**Final Action:** 08/29/2016

**Title:** AN ORDINANCE AMENDING SECTIONS 50-15.2 MIXED USE NEIGHBORHOOD (MU-N), 50-15.3 MIXED USE COMMERCIAL (MU-C), AND 50-15.5 MIXED USE BUSINESS PARK (MU-B).

**Internal Notes:** Ordinance by Steven Robertson

**Sponsors:**

**Enactment Date:** 08/29/2016

**Attachments:** Attachment 1, Sipress.Russ mta 16-030-O, Filipovich mta 16-030-O, Sipress.Russ mta (2) 16-030-O

**Enactment Number:** 10468

**Recommendation:**

**Hearing Date:**

**Drafter:** cstafford@duluthmn.gov

**Effective Date:**

### History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Council	06/27/2016	read for the first time				
1	City Council	07/11/2016	tabled				
1	City Council	07/18/2016	tabled				
1	City Council	08/15/2016	read for the first time				
1	City Council	08/29/2016	adopted				Pass

### Text of Legislative File 16-030-O

AN ORDINANCE AMENDING SECTIONS 50-15.2 MIXED USE NEIGHBORHOOD (MU-N), 50-15.3 MIXED USE COMMERCIAL (MU-C), AND 50-15.5 MIXED USE BUSINESS PARK (MU-B).

#### CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That Section 50-15.2 of the Duluth City Code, 1959, as amended, be amended as follows:

50-15.2 Mixed Use-Neighborhood (MU-N).

A. Purpose.

Table 50-15.2-1 MU-N District Dimensional Standards

Lot Standards

Minimum lot area per family One-family 4,000 sq. ft.

Two-family 2,500 sq. ft.

Multi-family 500 sq. ft.

Efficiency unit 380 sq. ft.

Townhouse or live-work dwelling 2,200 sq. ft.

No lot of record containing 5,000 sq. ft. or less shall be used except for a one-family dwelling or a permitted non-dwelling use

Minimum lot frontage One-family, two-family, or townhouse dwelling 30 ft.

Multi-family or non-residential 50 ft.

Structure Setbacks

Minimum depth of front yard One-family, non-residential, and mixed use For all structures 35 feet in height or less The smaller of 20 ft. or average of adjacent developed lots facing the same street

For portions of all structures higher than 35 feet An additional 12 feet beyond the required front yard setback

Minimum width of side yard General, unless listed below 5 ft.

Non-residential use adjacent to residential district or use 15 ft.

Non-residential use adjacent to non-residential district or use 0 ft.

Multi-family adjacent to single-family district or use 10 ft.

Multi-family adjacent to multi-family district or use 0 ft.

Minimum depth of rear yard 25 ft.

Structure Height

Maximum height of building Non-residential use 35 45 ft.

Residential or mixed use (general) 75 ft.

Residential or mixed use (within 500 ft. of R-1 or R-2 district) 35 45 ft.

Residential or mixed use (within 500 ft. of R-2) 50 ft.

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

The MU-N district is established to accommodate a mix of neighborhood-scale, neighborhood serving non-residential uses and a range of residential uses located in close proximity. This district accommodates both horizontal (uses located in separate structures) and vertical (uses located in the same building) types of mixed use. Non-residential uses may include small-scale retail, service and professional offices that provide goods and services to the residents of the surrounding neighborhood, as shown in Table 50-19.8;

B. Example.

C. Illustration.

□ Section 2. That Section 50-15.3 of the Duluth City Code, 1959, as amended, be amended as follows:

50-15.3 Mixed Use-Commercial (MU-C).

Table 50-15.3-1 MU-C District Dimensional Standards

Lot Standards

Minimum lot area per family Live-work dwelling 2,200 sq. ft.

Multi-family 500 sq. ft.

Efficiency unit 380 sq. ft.

Minimum lot frontage Non-residential or mixed use 0 ft.

Multi-family 50 ft.

Structure Setbacks

Minimum depth of front yard For all structures 35 feet in height or less 0 ft.  
For portions of all structures higher than 35 feet 12 Ft  
Minimum width of side yard and rear yard Non-residential district or use adjacent to residential or mixed use district or use 15 ft.  
Multi-family residential district or use adjacent to one-family residential district or use 10 ft.  
Non-residential use adjacent to commercial use or multi-family use adjacent to multi-family use 0 ft.

Structure Height

Maximum height of building Non-residential use 45 ft.  
Residential or mixed use 90 ft.  
Residential or mixed use (within 500 ft. of R-1 or R-2 district) 35 45 ft.  
Residential or mixed use within 500 ft. of R-2 50 ft.

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

A. Purpose.

The MU-C district is established to provide for community and regional commercial development along commercial corridors and nodal centers. Intended non-residential uses include retail, lodging, service, and recrea-tional facilities needed to support the community and region, as shown in Table 50-19.8. Development should facilitate pedestrian connections between residential and non-residential uses;

B. Example.

C. Illustration.

D. Planning commission approval required.

A planning review by the planning commission, pursuant to the procedures in Article V, shall be required for all new development, redevelopment and expansions in the MU-C district, including but not limited to construction of driveways or other access from public streets, and construction of off-premises signs, but excluding the following:

1. Building construction or expansion of less than 500 square feet in area;
2. Building renovations that affect the exterior of structures that do not result in an increase in building square footage;
3. Grading and construction of parking areas less than 3,000 square feet.

Development may not proceed until the planning commission has approved the project through planning review;

E. Development standards.

- 1 The location, size and number of curb cuts shall be designed to minimize traffic congestion or hazard in the area. Any traffic control improvements required as a result of the proposal such as traffic signals, turning lanes, medians, signage and other types of improvements necessary to accommodate traffic flow to and from the proposed project shall be paid for by the property owner. Any additional right-of-way or easements needed shall be provided by the property owner at no cost to the city;
- 2 Any necessary public easements over the subject property shall be dedicated, and any necessary improvements within such easements or other easements adjacent to the subject property shall be made.

Section 3. That Section 50-15.5 of the Duluth City Code, 1959, as amended, be amended as follows:  
50-15.5 Mixed Use-Business Park (MU-B).

Table 50-15.5-1 MU-B District Dimensional Standards

Structure Setbacks

Minimum depth of front yard	General	25 ft.
	Lots with less than 250 ft. average depth	Larger of 10 ft. or 10% of lot depth
Minimum width of side yard	Adjacent to residential use or district	6 ft.
	General	0 ft.
Minimum depth of rear yard	Adjacent to residential use or district	10 ft.
	General	0 ft.
Structure Height		
Maximum height of building	General	60 ft.
	Within 500 ft. of R-1 or R-2 district	35 45 ft.
	Within 500 ft. of R-2 district	50 ft.

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

A. Purpose.

The MU-B district is intended to accommodate modern light industrial and technology-based developments of attractive inte-grated design and function. The development standards for this district are intended to ensure that projects minimize adverse impacts on surrounding uses and neighbor-hoods, reduce impacts on the natural environment, enhance the visual quality of development and ensure the provision of adequate and cost-efficient public facilities. Intended uses include wholesaling, industrial services, research labor-atories, and light manufacturing needed to support the community and region at large, as shown in Table 50-19.8;

B. Example.

C. Illustration.

D. Development standard.

In portions of the MU-B zone district developed after May 7, 1979, (a) all truck loading, unloading, and maneuvering areas shall be constructed in side or rear yard areas with a durable dust free material having a smooth hard surface, and shall be defined on all sides by raised cast-in-place concrete curbs, and (b) all truck loading, unloading, and maneuvering operations shall be conducted so that no truck movement interferes with ingress or egress of traffic on a street and no truck shall be required to back into loading areas from a street.

Section 4. That this ordinance shall take effect 30 days after its passage and publication. (Effective date: \_\_\_\_\_, 2016)

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

The text amendment allows an increase in height for structures in the Mixed Use Neighborhood, Commercial, and Business Park (MU-C, MN-U, and MU-B) zone districts.

The proposed changes were discussed at a published public hearing on April 12 and May 24, 2016. At the June 14, 2016, regular meeting, the Duluth planning commission made a motion to recommend that the city council approve the recommended amendments to UDC. The vote passed with a vote of 6 yeas, 0 nays and 0 abstentions.