

50-32 Housing and property maintenance code.

The city has adopted by reference the year 2012 edition of the International Property Maintenance Code, as the Housing and Property Maintenance Code of the city, as amended by Chapter 29A of the code. (Ord. No. 10044, 8-16-2010, § 6. Ord. No. 10459, 7-11-2016, §3)

50-33 Plats.

50-33.1 General.

All subdivision plats and replats, and all registered land surveys, shall create lots, streets and walkways and open spaces consistent with the requirements of the zone district within which the land is located. Without limiting the generality of the previous sentence, all plats and land surveys approved after November 19, 2010, shall be consistent with the lot dimension requirements contained in sections 50-13 through 18 of this Chapter, as well as the requirements of Section 50-21, *Dimensional requirements*, 50-22, *Building form standards*, 50-23, *Connectivity and circulation*, 50-24, *Parking and loading*, and 50-18.1.E, *Stormwater and erosion control*. In addition, all subdivision plats and replats, and all registered land surveys approved after November 19, 2010, shall comply with the standards of this Section 50-33. (Ord. No. 10044, 8-16-2010, § 6.)

50-33.2 Site design.

- A. The site design process shall begin with an analysis of site constraints and natural resources, and shall avoid both to the degree practicable;
- B. In addition, the site design process shall include a pre-submittal evaluation of storm drainage to ensure that the proposed design will comply with the storm drainage and erosion control standards in Section 50-18.1.E. This study shall be submitted prior to submission of a preliminary plat of the property;
- C. The site design process shall include an evaluation of minimal impact development and low impact development methods;
- D. At a minimum, the lands included in the plat or survey shall be designed so that all developable parcels can be developed in compliance with the requirements of:
 1. Section 50-18.1, *Natural resources overlay district*, which identifies areas subject to flood plain, shorelands and wetland constraints, and stormwater and erosion control;
 2. Section 50-18.4, *Skyline Parkway overlay district*, which identifies constraints on the location of structures and fences on lands located within 200 feet downhill of Skyline Parkway;
- E. Shore and bluff impact zones shall be included in common open space. Wetlands, floodplains, wildlife areas, steep slopes, rock outcrops, tree stands and areas in their natural state that are unsuitable for development shall be included in common open space if possible;
- F. Whenever a portion of a tract is proposed for platting and it is intended to enlarge such platted portion in the future, a tentative plan for the entire tract shall be submitted;
- G. To ensure a harmonious development in areas not subject to any zoning ordinance (areas now outside the corporate limits of Duluth), the subdivider may be required to place upon such plats restrictions comparable to those of this Chapter for similar areas. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 44.)

50-33.3 Block size.

- A. In the MU-B, I-G and I-W zone districts, block lengths and widths shall be platted to accommodate the anticipated occupancy of the platted lots;

- B. In other zone districts, blocks shall be not less than 300 feet nor more than 600 feet in length;
- C. Through lots or double-frontage lots shall be avoided as far as practicable, but may be permitted when necessary to allow efficient use of the land in light of site topography. (Ord. No. 10044, 8-16-2010, § 6.)

50-33.4 General lot design and layout.

- A. All lots shall have frontage on a public street unless that is impracticable due to topography and the land use supervisor approves an alternative layout based on considerations of public safety and land use efficiency;
- B. Where practicable, side lot lines shall be at approximately right angles to the street on which the lot fronts;
- C. Where practicable, adjacent lots shall not be platted so that their long axes are at right angles to each other;
- D. No strips of land shall be platted for private ownership that control access to public streets or that are untaxable for special improvements;
- E. Where practicable, lots shall be oriented so that the long axis of the lot is within 15 degrees of east-west in order to increase solar orientation;
- F. Flag lots are prohibited in R-1, R-2 and MU-N zone districts. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 45; Ord. No. 10286, 3-10-2014, § 16.)

50-33.5 Specific layout standards for R-C, RR-1 and RR-2 districts.

- A. When (i) a tract or parcel of land in the R-C or RR-1 districts, or (ii) a parcel of land in the RR-2 districts with sewer service, is proposed for platting to create five or more residential building lots, those lots shall be clustered as described in this Section in order to retain the open character of the land and reduce the amount of the tract occupied by building sites;
- B. When these clustering requirements apply:
 - 1. The applicant may create only as many residential building lots as would be permitted under the minimum lot size provisions of sections 50-14.2, 50-14.3 or 50-14.4;
 - 2. If the parcel does not have sewer service, the minimum lot size for residential use shall be two acres and the maximum lot size shall be two- and-one-half acres. All new residential lots shall be clustered in close proximity to each other on a portion of the property that complies with the siting requirements of Section 50-21.2 so that the shortest line around the outer perimeter of all new residential lots encloses an area of land that:
 - a. In the R-C district, totals less than 20 percent of the total parcel being subdivided;
 - b. In the RR-1 district, totals less than 50 percent of the total parcel being subdivided;
 - 3. If the parcel has sewer service, the minimum lot size for residential use shall be one-half acre and the maximum lot size shall be one acre. All new residential lots shall be clustered in close proximity to each other on a portion of the property that complies with the siting requirements of Section 50-21.2 so that the shortest line around the outer perimeter of all new residential lots encloses an area of land that:
 - a. In the R-C district, totals less than 15 percent of the total parcel being subdivided;
 - b. In the RR-1 district, totals less than 25 percent of the total parcel being subdivided;
 - c. In the RR-2 district, totals less than 50 percent of the total parcel being subdivided;



4. To the maximum extent practicable, existing historic rural features shall be preserved as part of the cluster development. These features include but are not limited to rock walls, fences, functional and structurally safe farm buildings, monuments and landscape features;
5. To the maximum extent practicable, in the R-C district, the clustered residential lots shall be located so as to reduce visibility of residential development on the parcel when viewed from public streets adjacent to the parcel;
6. To the maximum extent practicable, the portion of the parcel not occupied by clustered residential lots shall be contiguous, shall not be fragmented by public or private road easements unless no other reasonable alternative exists, shall include any natural features listed in Section 50-33.2, and shall connect with open space on neighboring parcels in order to connect habitats and reduce fragmentation;
7. The portion of the parcel not occupied by clustered residential lots shall remain available for the use and benefit of the owners of the clustered residential lots, and need not be made available for the use or benefit of the public;
8. The portion of the parcel not occupied by clustered residential lots shall be shown on the preliminary and final plat, shall be owned and managed by a homeowners association and shall be encumbered through an easement, restrictive covenant, or other instrument suitable to the city to ensure that that it will provide continuing visual or use benefits to the owners of clustered residential lots and will not be developed until such time as the city may rezone all or a portion of the development for more intensive development;
9. The city may require the creation of a homeowner's association or other organization for ownership and maintenance of those portions of the property not included in clustered residential lots. (Ord. No. 10044, 8-16-2010, § 6.)

50-33.6 Streets.

A. Alignment.

1. New streets shall align with the existing street network on the same general alignment if practicable, unless the city engineer advises that an offset or alternate alignment is needed for public safety or topography;
2. Streets shall intersect at approximately right angles wherever practicable, and intersection angles less than 30 degrees shall be avoided;
3. On major and secondary streets the centerline radius of curvature shall be 350 feet. On minor and local streets the centerline radius of curvature shall be 100 feet;
4. Cul-de-sacs are discouraged in new and replatted developments except where through streets are not practicable due to site or topography constraints;

B. Grade.

1. Streets shall conform to existing contours as far as practicable so as to avoid grades in excess of five percent on major and secondary streets and ten percent on minor and local streets. Changes in grade shall be made by vertical curves of such length to meet the design speed of the road;
2. Where practicable, grades within 30 feet of street intersections, especially intersections on major streets, should not exceed three percent;
3. Where practicable, horizontal and vertical curves shall not occur together;

C. Width.

1. Major streets shall be platted at those widths shown in the major street plan and collector and local streets shall be platted not less than 66 feet, or 50 feet if there are no utilities, in right-of-way width, except as noted in subsection 2 below;
2. Where the plat includes parkways, streets along railway rights-of-way, immediate or future grade separations, bridges or viaducts, the city engineer shall specify the street width at the time of platting based on considerations of public safety and land use efficiency;
3. Dead-end streets shall be provided with ample turning spaces at or near the closed ends.

D. Names.

Proposed streets that are direct extensions or continuations of existing streets shall be given the same names as those existing streets. Other streets shall not be given names that duplicate existing street names or that may be confused with existing street names. (Ord. No. 10044, 8-16-2010, § 6.)

50-33.7 Alleys and easements.

- A. Alleys are encouraged in form districts and where the existing lot and block pattern in the surrounding area contains alleys. Where allowed they shall be not less than 20 feet in width in residential areas and 24 feet in width in commercial and mixed use areas;
- B. Where no alleys are located, the city engineer may require easements, not less than ten feet on each side of any lot line, for sewer, water, gas, telecommunications and other public or semi-public utilities;
- C. Regardless of whether alleys are provided, the city engineer may require that utility easements be provided across platted lots if necessary for the proper provision of continuous routes for those utilities. (Ord. No. 10044, 8-16-2010, § 6.)

50-33.8 Land for public purposes.

- A. The subdivider may be required to set aside lands to accommodate open spaces and sites for police stations, fire stations, schools or public utility facilities;
- B. The amount of land required to be set aside or dedicated to the city or the school district shall not exceed the proportionate share of the need for those facilities generated by the new development indicated on the proposed plat. The proportionate share shall be established either (1) through one or more formulas established by the city and generally applicable to development applications creating the need for the facility, or (2) an individualized review of the additional demands for city services or facilities represented by the proposed plat, in relation to the proposed capacity of the facility to be constructed on the lands set aside;
- C. Lands to be set aside for parks, trails or open space shall generally be located adjacent to, or connect with, or allow access from, any similar open lands located on adjacent lands, unless the city requests an alternate location for reasons of public health, safety or convenience;
- D. The size and location of lands to be set aside for police stations, fire stations, schools or utility facilities shall be negotiated with the city or the agency providing those services. (Ord. No. 10044, 8-16-2010, § 6.)

50-33.9 Improvements required.

Each subdivider shall be required to design and install the following improvements within five years following the approval of the plat, replat or registered land survey by the city. The city may enforce these requirements through a development agreement or the requirement of financial security for the required improvements as described in Article V, *Review and approval procedures*.

- A. All streets located within the boundaries of the tract being subdivided or replatted shall be graded to established grade and surfaced with an approved material, in accordance with standards of the city engineering department;
- B. Storm sewers shall be constructed of sufficient capacity to drain the area in accordance with standards of the city engineering department;
- C. Culverts or bridges shall be built at points on watercourses crossed by streets;
- D. Sidewalks shall be constructed in accordance with Section 50-23;
- E. All improvements to streets or public utilities shall be made in accordance with city construction design standards and specifications, and shall be subject to the inspection by and approval of the city engineer. (Ord. No. 10044, 8-16-2010, § 6.)