



Legislation Details (With Text)

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Title: AN ORDINANCE AMENDING SECTION 50-15.4 AND 50-24.6 RELATED TO MIXED-USE INSTITUTIONAL (MU-I) DEVELOPMENTS.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Attachment 1, 2. Attachment 2, 3. Attachment 3

Date	Ver.	Action By	Action	Result
9/27/2021	1	City Council	adopted	
9/13/2021	1	City Council	read for the first time	

AN ORDINANCE AMENDING SECTION 50-15.4 AND 50-24.6 RELATED TO MIXED-USE INSTITUTIONAL (MU-I) DEVELOPMENTS.

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That Section 50-15.4, Mixed Use Institutional (MU-I) of the Duluth City Code, 1959, as amended, be amended as follows, as shown in Attachment 1.

Section 2. That Section 50-24.6, Location of Parking Spaces, of the Duluth City Code, 1959, as amended, be amended as follows, as shown in Attachment 2.

Section 3. That this ordinance shall take effect 30 days after its passage and publication.

STATEMENT OF PURPOSE: This ordinance implements several minor text amendments related to developments in the mixed-use institutional district (MU-I) within chapter 50 of the City Code, known as the Unified Development Chapter (UDC).

For Mixed Use-Institutional (MU-I) developments, such as a higher education or medical campus, the proposed change would require that a property rezoned to MU-I must complete a district plan for the institutional campus. At present, such a plan is considered "optional" and is infrequently pursued. This change will allow discretion by the City in circumstances where such a plan is a necessity to a functionally operating MU-I area. The district plan may allow for modified height restrictions, if lower than overall permitted height. At present, there is a height limit of 300 feet in the MU-I district. In some circumstances, it may be appropriate for a district plan to establish alternative height limitations based on information obtained during the district plan development process. This amendment would allow for this change. Finally, the proposed language would also provide for flexibility in design of parking areas and building location to maximize the use of the site and

protect views from other properties.

The planning commission held a public hearing and considered the changes at a special August 24, 2021, planning commission meeting. Following discussion, the commission voted with 7 yeas, 0 nays, and 0 abstentions, to recommend that the city council approve the proposed text changes to the Unified Development Chapter of the City Code.

50-15.4 Mixed Use-Institutional (MU-I).

A. Purpose.

The MU-I district is established to provide for the unique development needs and impacts of major medical, educational and research institutional development. The intent is to give institutional land-owners the flexibility to plan and develop their facilities while ensuring that surrounding neighborhoods are protected from adverse impacts, such as traffic, overshadowing buildings, noise and unexpected expansion of institutional uses into residential areas;

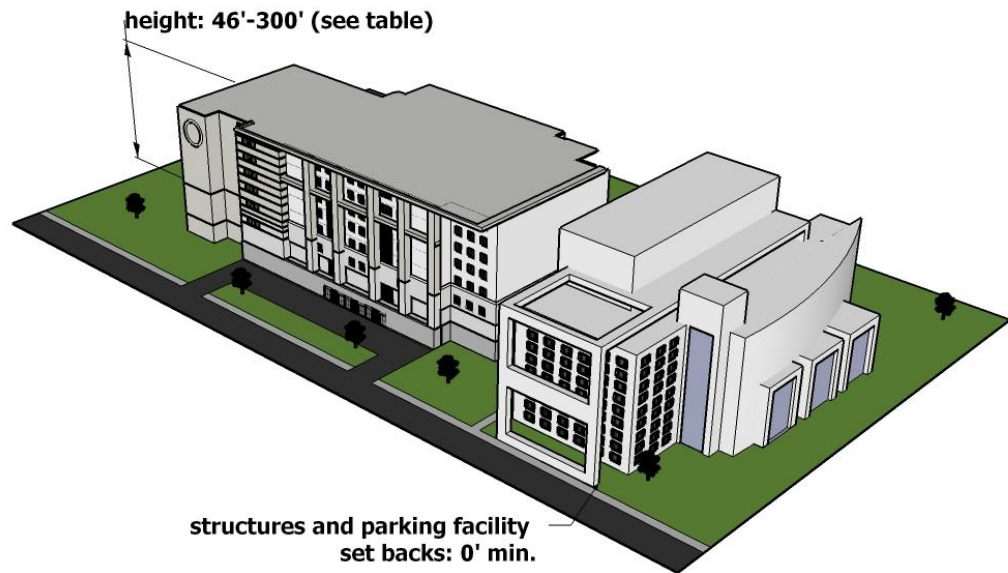
TABLE 50-15.4-1 MU-I DISTRICT DIMENSIONAL STANDARDS		
		LOT STANDARDS
Minimum lot area per family	Multi-family	500 sq. ft.
	Efficiency unit	380 sq. ft.
		STRUCTURE SETBACKS
Structures and parking facility setbacks		0 ft.
		STRUCTURE HEIGHT
Maximum height of building	Generally	120 ft.
	On development sites totaling not more than 15% of developable area of the zone district, but not within those areas where a lower maximum is noted below.	300 ft.
	Within 200 ft. of R-1	46 ft.
	Within 200 ft. of R-2	66 ft.
	Within 200 ft. of MU-N	91 ft.

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

B. Example.



C. Illustration.



D. Planning commission approval required.

1. A planning review by the planning commission, pursuant to the procedures in Article V, shall be required for all development and redevelopment, unless the applicant chooses to use the district plan option described below. Development may not proceed until the planning commission has approved the project through planning review or the district plan option;
2. Any proposed rezoning of land from an R district into the MU-I district shall require the preparation of a plan addressing how traffic, parking, and view impacts from the proposed redevelopment will be minimized for those lands on nearby R district properties or mitigated within existing MU-I lands, and planning review shall be based on that plan. The plan shall include any land and facilities within the current MU-I district that will be used to support the use or development of the property to be rezoned, and shall demonstrate how the rezoned and existing institutional properties will functionally relate in terms of parking, circulation, noise, visual impacts, and other applicable development standards;
3. Applicants that do not opt for approval of a district plan shall obtain separate approval for each future expansion or development project through the planning review procedures pursuant to Section 50-37.11, which may include requirements for special use permits or variances. Such approval will require review of vehicle circulation and building scale;

E. District plan ~~option.~~

1. In an MU-I zone district that contains ~~ten acres or more of~~ land and multiple buildings owned or operated by a single institution, the institution may choose to obtain approval of a district plan from the city as set forth in Section 50-37.4 or the ordinance amending the zoning applicable to the subject property to MU-I may provide that the ordinance shall not be effective until 30 days after the ordinance's passage and publication or until the Land Use Supervisor files with the city clerk a copy of an approved district plan for the subject property, whichever is later Article V, or such a plan may be required as part of a rezoning ordinance approved by City Council;
2. After a district plan that complies with this Section 50-15.4 is approved, all subsequent development proposed by the institution that substantially complies with the density, location and uses of the approved district plan shall be administratively approved by the land use supervisor through the planning review process in Section 50-37.11 without the need for additional planning commission review or public hearings;

F. ~~Optional~~ district plan requirements.

Planning area.

1. The planning area for the ~~optional~~ district plan shall include all the contiguous areas and properties under the ownership and control of the institution. All maps submitted under this Section also shall depict properties within 500 feet of the planning area boundaries;

Plan requirements.

2. An ~~optional~~ district plan shall, at a minimum, include the following information unless the land use supervisor determines that some elements are not necessary to evaluate the institution's future impacts on surrounding neighborhoods:
 - (a) A statement as to whether the institution intends to acquire any additional properties in the surrounding area for conversion to institution uses over the ten year period, and, if so, the general direction of that proposed expansion;
 - (b) A plan and description of the maximum amount of development of land and buildings expected to occur within the planning area boundaries within over the next ten years, including:
 - (i) Location of each potential new building or significant expansion of or addition to existing buildings;
 - (ii) Maximum floor area and height of potential new buildings and additions to and expansions of existing buildings;
 - (iii) Any setbacks and buffering from the external planning area boundaries;
 - (iv) Total number and location of parking spaces that will be developed to serve any new development;
 - (v) A statement of any sensitive natural areas or site features that will be protected from development, and the measures to be taken to protect them;
 - (vi) A statement as to any public improvements anticipated to be required from the city or any public or quasi-public entity to serve the proposed development;
 - (c) A transportation and parking management element that identifies traffic circulation patterns, entry and exit points for traffic at the planning area boundaries, any anticipated increases or decreases in traffic entering or exiting the planning area, how parking needs and transit service will be accommodated within the planning area and any measures to be used to mitigate traffic and parking impacts on surrounding areas. If the district plan reflects an increase of ten percent or more in building gross square footage or an increase of ten percent or more of employment or enrolled students within the planning areas, the city may require that the institution base this element on a traffic and parking study prepared by a qualified consultant;
 - (d) An open space, trail and pedestrian/bicycle circulation element that describes how those features will be integrated into the proposed development and connected to similar features in the surrounding area;
 - (e) A massing plan showing the locations of all existing and planned buildings more than 20 feet taller than the maximum height allowed in any adjacent residential zone district, together with any design standards to be applied on those buildings to reduce the degree to which those buildings obstruct views of Lake Superior from adjacent residential neighborhoods;
 - (f) A description of any requested variation from the development standards in Article IV that would otherwise apply to the planning area. Unless varied by the district plan, the provisions otherwise applicable to the MU-I zone district will apply;

- (g) The district plan may establish height limitations below the maximum heights established as permissible in the MU-I zone to better fit with the character of the surrounding neighborhood (including the height of existing structures), or to limit potential impacts to access to light and air by nearby properties.

G. Community meeting.

The applicant shall hold at least one community meeting to discuss the district plan before submitting the plan for review and approval by the city. Notice of the public meeting shall be mailed to all property owners within 350 feet outside the planning area boundaries, and the city shall provide the applicant with the names and address of those property owners upon request. The applicant shall submit with the application documentation that the community meeting has taken place, the date and time of the meeting, the number of attendees, any issues raised regarding the district plan and any responses to those concerns incorporated in the district plan;

H. Approval criteria.

The city shall approve an optional district plan if it finds that the application meets all of those district plan approval criteria in Section 50-37.4C and in addition meets the following criteria:

1. The district plan complies with all applicable standards of this Chapter, or offers sound reasons for variations from those standards;
2. The district plan mitigates any potential significant adverse impacts to surrounding areas – including but not limited to traffic, parking, and visual obstruction of views of Lake Superior and the St. Louis River to the extent reasonable;
3. Sufficient public safety, transportation and utility facilities and services are available to serve the planning area at the proposed level of development, while maintaining sufficient levels of service to existing and anticipated development in surrounding areas.

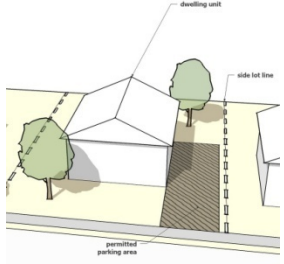
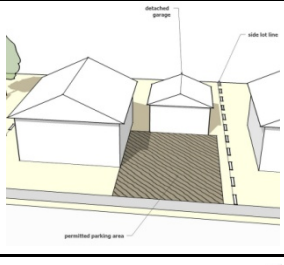
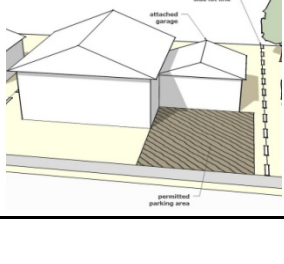
50-24.6 Location of parking spaces.

A. On site location and exceptions.

1. All required parking spaces shall be located on the same lot with the principal building or the primary use served; except as provided in subsection 2 below;
2. If an increase in the number of parking spaces is required by a change or enlargement of any use the increased parking requirement may be satisfied by utilizing:
 - (a) Primary use parking lots or parking structures located and maintained up to 500 feet from the lot containing the change or enlargement, or
 - (b) Accessory parking lots that existed on November 18, 2010, were composed of hard-surfaced, dust-free material such as concrete, bituminous, or pervious paving materials, and that are located and maintained up to 500 feet from the lot containing the change or enlargement;
3. Where required parking spaces are not provided on site, a written agreement assuring the continued availability of the parking spaces for the uses they serve shall be required on a form approved by the city and shall be filed with the application for a building permit;
4. Parking located in a public street right of way pursuant to a concurrent use permit or other public grant shall not be used to satisfy off-street parking required by Chapter 50.

B. Parking location within the site.

Parking spaces for all motorized vehicles and trailers shall only be provided on those portions of the lot indicated in Table 50-24-3.

Table 50-24-3: Permitted Parking Areas	
Type of Lot	Permitted Parking Area
Residential Districts	
Non-corner lot with non-residential use	The rear yard and one side yard
Non-corner lot with residential use and no garage	The rear yard, and the area between one side lot line and the nearest side wall of the dwelling unit and its extension to the improved street abutting the front yard (see diagram to the right). 
Non-corner lot with residential use and detached garage	The rear yard, and the area between the closest side lot line to the side wall of the dwelling unit nearest to the garage, and its extension to the improved street abutting the front yard (see diagram to the right). 
Non-corner lot with residential use and attached garage	The rear yard, and the area between the closest side lot line to the common wall separating the dwelling unit and garage, and its extension to the improved street abutting the front yard (see diagram to the right). 
Corner lot with residential use or non-residential use	The rear yard and one side yard
Mixed Use and Special Purpose Districts	
All mixed use and special purpose districts	Buildings or projects constructed after November 19, 2010, shall locate no more than 50 percent of off-street accessory parking within the front yard, except as provided in Section 50-24.6.C, or unless modified as part of an approved MU-I District Plan.
Form districts	Parking only permitted on those portions of the lot permitted for the building type being constructed pursuant to secs. 50-16 and 50-22.

C. Optional pedestrian walkways within parking areas.

For parking areas within mixed use and special purpose districts identified in Table 50-24.3, buildings or projects may locate up to 60 percent of off-street accessory parking within the front yard if a pedestrian walkway is provided. The pedestrian walkway shall:

- Include pedestrian-scaled lighting;
- Be raised or otherwise designed to encourage run-off and limit ponding during wet weather;
- Be visually recognizable to both pedestrians and motorists;
- Include trees and other landscaping along the length of the walkway, this landscaping can also be used to meet parking lot landscaping requirements in Section 50-25.4;
- Be at least eight feet wide; and
- Include well-marked crossings where the walkway intersects with private vehicle drives.