



# CITY OF DULUTH

DEPARTMENT OF PLANNING & CONSTRUCTION SERVICES  
Community Planning Division

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Date: February 28, 2018  
To: Planning Commission  
From: Steven Robertson, Senior Planner  
RE: Proposed UDC Text Amendments

Planning Staff are recommending the Planning Commission review and, if considered appropriate, recommend to the City Council several changes to the Unified Development Chapter (UDC). This discussion is a result for the action to close the public hearing and table this item at the February 13, 2018 meeting (which itself was a continuation from the public hearing on January 9, 2018, regular meeting and December 5, 2017 brown bag meeting).

### Increase to the Number of Permitted Vacation Dwelling Units; Accessory Home Share and Dwellings in the Form District

As was discussed in January, staff are recommending a change that would increase the maximum number of vacation dwelling units or accessory vacation dwelling units that may be permitted: 60 in 2017, 66 in 2018, 73 in 2019, 80 in 2020, 88 in 2021, and 97 in 2022, and subsequent years. In the past two months, staff have received approximately ten to twelve requests for “pre-application meetings” related to potential additional new vacation dwelling units. Note: per the discussion of the February 13<sup>th</sup> meeting, a few minor changes (grammar) were made to the text of this section

Staff are also recommending an additional minor change to the Permitted Use Table (50-19). Ordinance 10513 allowed vacation rentals and accessory vacation rentals in more zone district (F1- to F-9, excluding F-5 which was already allowed). However, a similar change allowing accessory home shares in the same zone districts was omitted. Staff are proposing allowing these uses in the same zones (F1-F9) as vacation rentals and accessory vacation rentals.

Staff are also recommending an amendment to residential use (household living) in the form districts. Dwelling one family, two-family, multi-family, and live-work are allowed in most form districts. Staff are recommending these uses be allowed as permitted (not just upper story only) in the F-1 (low-rise neighborhood shopping), F-2 (low-rise neighborhood mix), F-3 (mid-rise community shopping), F-4 (mid-rise community mix), F-5 (mid-rise community shopping and office), and F-6 (mid-rise neighborhood shopping). The other three districts which are focused towards more intensive commercial areas (F-7 downtown shopping, F-8 downtown mix, and F-9 canal park lakefront) would remain unchanged.

### Fencing/Screening

As was discussed in January, staff are recommending a change to the fence rules to clarify the applicability standard for fencing and screening, and several fencing standards. Note: per the discussion of the February 13<sup>th</sup> meeting, a few minor changes (grammar and allowing four-foot chain fences in the front yard) were made to the text of this section

### Use Specific Standards for Filling Stations; Definitions for Filing Stations and Hotels; Car Repair and Service

As was discussed in January, staff are recommending changes to the use specific standards for filling stations. Currently filling stations are allowed as special uses in the R-2 and MU-N zone districts; that is not being changed. What is proposed to be changed, however, is that filling stations be split into two categories, small and large. Small filling stations would only be allowed in R-2 and MU-N.

The previous proposed defining of small/large filling stations was based on square footage (2,500 sq. ft.) and fueling pumps (five). The revised proposal increased the square footage break between small and large to 5,000 square feet, which is similar to size limitation for “restaurants”, which are also special uses in the R-2 and MU-N zone districts. The limit on fuel pumps and fueling points would be increased to 6 pumps/12 fueling points. As restaurants, particularly fast-food franchises, can have similar traffic, noise, and other related land-use impacts, staff recommend similar use specific standards for both land uses. One of the citizen comments included “2006 urban design standards for gas stations” from the City of Ottawa. The UDC has some similar design standards for new filling stations in form districts, and some similar landscape standards (street frontage and land use buffer) that apply in all other zone districts.

Note: per the discussion of the February 13<sup>th</sup> meeting, several changes were made to the text of this section. Staff are still recommending a distinction between small and large filling stations (with large not allowed in R-2 and MU-N), but basing it purely on the number of pumps/fueling points, and disregarding any relationship to structure size; staff anticipate that land use conflicts (traffic, noise, odor, etc) would more directly relate to the fuel pumps than the convenience store. In addition, staff have incorporated additional use-specific standards for filling stations, based on recommendations from members of the Planning Commission and public comment.

Staff are also recommending a minor change to the definition of hotel; the change is to specify a minimum number of rooms required to be considered a hotel in the zoning code.

Finally, staff are recommending that the zoning land use “Automobile and light vehicle repair and service” be separated into two land use categories, one focusing on primarily on auto “service” (such as oil change and regular vehicle maintenance) and one primarily on auto “repair” (which can include major or substantial repairs to the shell or body of an automobile, including frame-straightening, dent repair). Auto service facilities typically have quick vehicle turnover and do not have overnight/outside storage of vehicles, whereas auto repair can have overnight or extended storage of vehicles awaiting parts for repair.

### Land Use Supervisor Administrative Adjustments

Staff are proposing to minor changes to the administrative adjustment authority of the Land Use Supervisor. The code allows the Land Use Supervisor to adjust the number of off-street parking spaces by one; staff are recommending that be increased slightly to provide more administrative flexibility (three and five parking spaces respectively). Regardless of this change, project proposers are still able to seek a variance from off-street parking requirements.