



Planning & Development Division
Planning & Economic Development Department

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Date: November 30, 2020
To: Planning Commission
From: Steven Robertson, Senior Planner
RE: Proposed UDC Text Amendments for Consideration, PL 20-179

Planning Staff are proposing a number of changes to the Unified Development Chapter. The proposed changes reflect efforts at correcting identified errors or omissions, updating the code to reflect suggestions through Imagine Duluth 2035, and suggestions from city staff for improving the code.

This item is following discussion from the November 10, 2020, Planning Commission Meeting. One of the items, related to circulation, was tabled to allow more time for city staff to comment. Listed below is the planning staff recommendation for UDC text changes related to circulation. One part relates to circulation within commercial developments specifically related to drive-through (to allow longer business hours Friday and Saturday), and the other relates to pedestrian connection and street naming within a development/plat (to improve consistency and coordination).

Note that the use specific standards for Restaurants is similar to Bank and Retail Sales (50-20.3.E. and .R), so presumably those standards would also reflect these changes as well, if recommended by the Planning Commission.

50-20.3.Q Restaurant.

1. In the R-2 and MU-N district, no use shall exceed 5,000 sq. ft. in gross floor area;
2. Drive-ins and drive-throughs for restaurants are only allowed in the MU-N, MU-C, MU-B, MU-P, F-2, F-3, F-4, and F-5 zone districts zone districts;
3. Drive-through lanes shall allow for stacking space for 5 cars;
4. When in the MU-N district, the following additional standards apply:
 - (a) The speaker box and drive-through window must be at least 50 feet from any property line containing a residential structure;
 - (b) Drive-through may not open before 7:00 a.m. or after 10:00 p.m. during the weekday, or before 8:00 a.m. or after 10:00 p.m. on the weekend. Drive-through may be open at 6:00 a.m. during the weekday or at 7:00 a.m. on the weekend only if all speaker boxes and drive-through windows are at least 125 feet from any residential structure, or open until 11:00 pm on Friday and Saturday if all speaker boxes and drive-through windows are at least 250 feet from any residential structure, excluding any residential use or structure on the same property or within the same development.
 - (c) Glare and noise from cars in the drive-through lane and stacking space shall be shielded from adjacent residential properties through the use of screening, fencing, and/or a dense urban screen;
 - (d) The land use supervisor may require that the drive-through be located on the opposite side of the building from a residential use or that a masonry sound wall be constructed;
 - (e) Restaurants are limited to one drive through lane and one speaker box;
5. When in the F-3 and F-5 districts, the following additional standards apply:
 - (a) Access to and from the drive-through must be through the alley, if alley exists;
 - (b) Restaurants are limited to one drive through lane;

50-23 CONNECTIVITY AND CIRCULATION.

50-23.1 Applicability and exemptions.

This Section 50-23 shall apply to all new subdivision, replatting, registered land surveys (RLSs), development and redevelopment applications after November 19, 2010. General circulation requirements are listed in Section 50-23.2, but additional circulation requirements apply in some circumstances. Sites that are (a) located in any zone district other than the RC, RR-1, RR-2, MU-B, I-G, or I-W districts, and (b) larger than three acres, and (c) will contain more than one development parcel shall meet the connectivity index requirements of Section 50-23.3. All new subdivision, replatting, development, and redevelopment applications shall meet the requirements of Section 50-23.4, and those containing more than one principal building shall meet the requirements of Section 50-23.5.

50-23.2 General circulation requirements.

Applications for subdivision, replatting, RLS, development, or redevelopment shall meet the following standards:

A. Where adopted city plans show a bicycle or pedestrian path or trail or sidewalk, the site design shall provide connections to those paths or trails or sidewalks;

B. Any requests by the city for designation or dedication of land for bicycle or pedestrian trails within a proposed development shall comply with the provisions of Section 50-33.8, *Land for public purposes*;

C. Unless the city engineer waives the requirement in writing based on concerns of public safety, or due to site/topography constraints:

1. Each proposed street within a new subdivision, regardless of zoning designation, shall be public and designed and constructed to city engineer construction standards.
2. Each proposed public or private street within the R-1, R-2, R-P, MU-P, MU-N, MU-C, MU-I or MU-W districts shall include a sidewalk at least five feet wide **or a multi-use trail at least eight feet wide on both at least one side of the street, as determined by the City Engineer. The sidewalk or multi-use trail shall be set back from the edge of curb by at least five feet to allow room for snow storage and/or landscape features;**
3. Each proposed public or private street within the MU-B, I-G or I-W districts shall include a sidewalk at least five feet wide **or a multi-use trail at least eight feet wide** on one side of the street;
4. **Proposed public or private sidewalk and multi-use trails shall use the most direct path practical.**

D. Whenever cul-de-sac streets are created, one ten foot wide pedestrian access/public utility easement shall be provided, between the cul-de-sac head or street turnaround and the sidewalk system of the closest adjacent street or pedestrian sidewalk or pathway, unless the city engineer determines that public access in that location is not practicable due to site or topography constraints (refer to Figure 50-23-A);

E. A pedestrian way at least ten feet in width shall be provided near the middle of any block face longer than 800 feet in order to provide connections with streets on either side of the block;

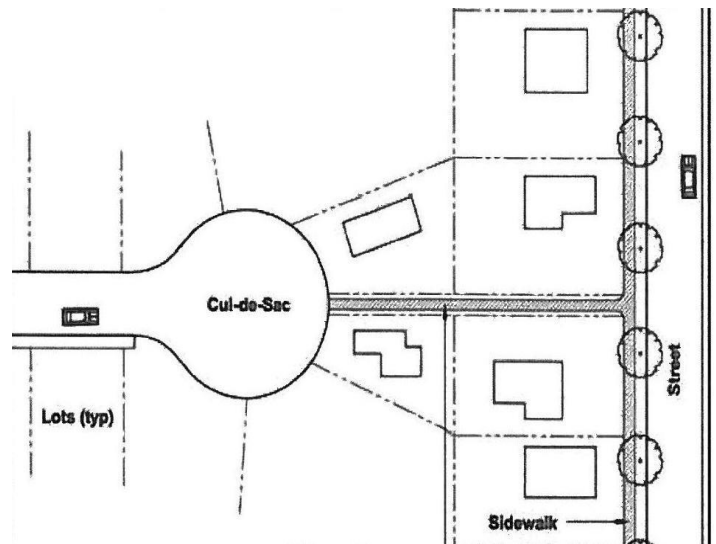


Figure 50-23-A: 10 ft. access easement from head of cul-de-sac to nearest street or path

F. Any use requiring vehicle access from a public street or alley shall be referred to the city engineer for review before any permits are issued. The city engineer shall consider, but not be limited to, the following factors when determining whether to approve the proposal:

1. The consolidation of curb cuts shall be encouraged, and new curb cuts shall be discouraged whenever appropriate, considering safe traffic flow, the objectives of this chapter, and access points needed for the proper function of the use;
2. Functional classification of the road where the curb cut is proposed;
3. The location of driveways shall be at least 100 feet from an intersection. The city engineer may permit driveways closer to an intersection due to limited lot frontage or site/topography constraints;
4. The location of driveways relative to other existing uses is such that street traffic shall not be seriously disrupted and no unnecessary hazards shall be established for pedestrians.

50-23.3 Connectivity index for larger non-exempt developments.

A. Requirements.

1. A connectivity index is calculated by dividing the number of “links” in the proposed development by the number of “nodes” in the same development;
2. In order to promote walkability and reduce the number and length of vehicular trips both within developments and between new developments and surrounding areas, each development or redevelopment covered by this Section 50-23 shall provide internal junctions and external connections to achieve a connectivity index calculation of at least 1.65;
3. In addition, each street frontage of the development shall include at least one street stub or connection to the external street system every 1,500 feet;
4. The land use supervisor may reduce the required connectivity index, the requirement for external street connections, or the requirement for cul-de-sac access easements if compliance with the provisions of this subsection is impracticable due to site or topography constraints;

B. Example.

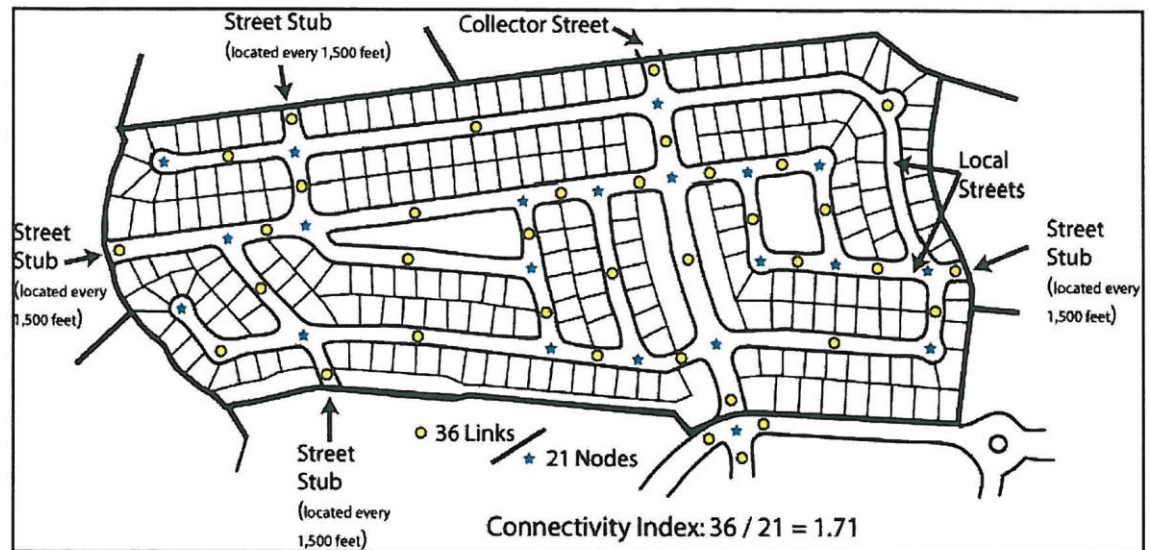


Figure 50-23-B: Example: There are 36 links (circles) and 21 nodes (stars).

50-23.4 Americans with Disabilities Act.

All “places of public accommodation,” as defined in the federal Americans with Disabilities Act (42 U.S.C. 12101 et. seq.) shall comply with the requirements of that act concerning on-site circulation and access.

50-23.5 Multi-building developments.

Commercial developments containing more than one principal building on a single lot or parcel shall include an unobstructed walkway or pathway providing access between the principal buildings. The walkway or pathway shall be at least five feet wide.

50-23.6 Skywalks.

- A. The location and design of skywalks should not compromise the historic or architectural integrity of existing buildings;
- B. Design of skywalks shall be approved based on their architectural sensitivity, harmony and cohesiveness with the historic/industrial waterfront character of the surrounding area;
- C. New skywalks installed and existing sidewalks remodeled at a cost of more than 50 percent of their assessed value after November 19, 2010, shall be designed so that 66 percent of each vertical side elevation is made of glass or transparent materials. A lower level of transparency can be reduced, but not to less than 50 percent, if a higher level of transparency is technically infeasible due to span length and engineering limitations. (Ord. No. 10044, 8-16-2010, § 6.)

50-23.7 Safe routes to school

Any subdivision approved by the City of Duluth on or after January 1, 2019, shall incorporate Safe Routes to School Infrastructure where applicable.

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. The City Engineer shall review and approve all proposed street names in all subdivisions that are submitted for Planning Commission review and approval.