



## Legislation Details (With Text)

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<b>Enactment date:</b>	7/11/2016	<b>Enactment #:</b>	10459
<b>Title:</b>	AN ORDINANCE AMENDING SECTIONS 50-25.2 GENERAL LANDSCAPING STANDARDS, 50-29 SUSTAINABILITY, AND 50-32 INTERNATIONAL PROPERTY MAINTENANCE.		

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Attachment 1

Date	Ver.	Action By	Action	Result
7/11/2016	1	City Council	adopted	
7/11/2016	1	City Clerk	attested	
7/11/2016	1	Mayor	approved	
6/27/2016	1	City Council	read for the first time	

AN ORDINANCE AMENDING SECTIONS 50-25.2 GENERAL LANDSCAPING STANDARDS, 50-29 SUSTAINABILITY, AND 50-32 INTERNATIONAL PROPERTY MAINTENANCE.

### CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That Section 50-25.2 of the Duluth City Code, 1959, as amended, be amended as follows:

50-25.2 General landscaping standards.

A. Landscape plan required.

A landscape plan shall be submitted as a part of all development applications for those activities listed in Section 50-25.1.A, unless the land use supervisor determines that compliance with the provisions of Section 50-25 can be demonstrated without the use of a landscape plan. A landscape plan may be combined with other required application materials if compliance with Section 50-25 can be demonstrated in the combined materials;

B. Plant materials.

Plant materials shall be from the city's approved landscaping plant list as shown in the UDC application manual. All plant material shall be hardy to Northeast Minnesota, suitable for the site, free of disease and insects and conform to the American Standard for Nursery

Stock of the American Nursery and Landscape Association;

C. Minimum living materials.

In all areas where landscaping is required, a minimum of 50 percent of the surface area shall be covered by living materials, rather than bark, gravel or other non-living materials;

D. Existing vegetation.

Existing vegetation shall be protected during construction through use of a fence around an area sufficient to protect the health of the vegetation, and shall be incorporated into the landscape plan wherever possible;

E. Vegetation grouping.

Landscaping shall generally incorporate large irregular groupings of the same species of shrub, avoiding rigid or repeated specimen planting except for boulevard trees, and shall introduce multiple varieties within one general area. Except for plantings used for screening, no one species of tree or shrub may make up more than 50 percent of the total amount of landscape plantings;

F. Soil condition.

All required landscaping shall be planted in uncompacted soil with a minimum depth of two feet;

G. Grading and drainage.

All open areas shall be graded, properly drained and maintained according to stormwater standards in Section 50-18.1.E;

H. Raingardens and stormwater management features.

Areas included in raingardens or vegetated site features created to meet stormwater management requirements in Section 50-18.1.E shall be counted towards any required interior site or parking lot landscaping, and if vegetated to meet the requirements for any landscaped buffers shall count towards those buffer requirements;

I. Minimum plant sizes.

Where included as part of the required landscaping, deciduous trees shall have a minimum caliper of 2.5 inches, coniferous trees shall be a minimum of six feet in height, large shrubs shall be of a minimum five gallon container size and have a height of at least six feet at maturity, small shrubs shall be of a minimum five gallon container size and have a height of less than six feet at maturity, and ground cover shall be of a minimum one gallon container size. The above dimensions apply to sizes at time of planting. Deciduous trees planted using air pot containers instead of balled and burlap stock may have a minimum caliper of

2.0 inches;

J. Plant material spacing.

Except for buffer zone provisions of Section 50-25.5, *Landscaping between differing land uses*, plant materials shall not be placed closer than four feet from any fence line or property line. Where tree planting requirements are based on linear street frontage, areas occupied by driveways shall be included when calculating the number of trees required to be planted, and any trees that would otherwise be required in driveways shall be planted in other landscaped front yard areas unless prohibited by minimum spacing requirements for that species as recommended by the American Standard for Nursery Stock of the American Nursery and Landscape Association. The land use supervisor may authorize adjustments to these spacing requirements when required due to topography, drainage, utilities or obstructions, provided that the total amount of required landscaping is not reduced;

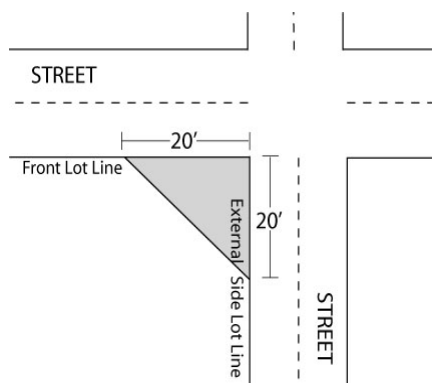
K. Snow storage areas.

Areas required for snow storage and areas required for landscaping shall not overlap, except that snow may be stored on ground cover landscape areas (e.g., turf) that do not contain required landscape trees or other plantings;

L. City right-of-way.

Tree removal or planting in city rights-of-way shall be done only with the approval of the city forester;

A.



Protection of site distances.

On any corner lot on which a front and side yard are required, no wall, fence, structure, sign, or any plant growth that obstructs sight lines at elevations between 2.5 feet and six feet above the driving surface of the adjacent roadway shall be maintained in a triangle formed by measuring from the point of intersection of the front and exterior side lot lines a distance of 20 feet along the front and side lot lines and connecting the points so established to form a right triangle on the area of the lot adjacent to the street intersection;

B. Delay of installation due to season.

Whenever the installation of required landscaping is not possible by the time construction on the primary structure or primary use parking lot has been completed, the city may authorize a delay in installation until no later than the following August 31. As a condition of authorizing a delay in installation, the city may require that a surety or other guarantee, in a form acceptable to the city, in the estimated amount of such installation be provided, or the city may issue a temporary certificate of occupancy, with the permanent certificate of occupancy to be issued following installation of all required landscaping;

C. Flexibility for redevelopment.

Where the requirements of this Section 50-25 apply to a redevelopment or reconstruction project, rather than a new development, the land use supervisor may authorize a reduction of minimum off-street parking requirements established in Section 50-24 by up to ten percent if required to accommodate street frontage landscaping required by Section 50-25.3 or parking area landscaping required by Section 50-25.4.

D. Protection of required landscaping trees

Trees required by this section that are placed within 5 feet of a driving or parking surface shall be placed behind a raised curb, or planter, or similar physical barrier or obstacle to protect the tree trunks from interference by vehicles or snow removal operations. Curb openings for sidewalks or for drainage to the landscape areas are allowed.

Tree soil shall have a minimum depth of 2 feet, and shall not contain different soil layers. The soil may not have any herbicides, heavy metals, biological toxins, or hydrocarbons that will impact plant growth or are at levels exceeding the EPA's standards for soil contaminants. No stones or particles greater than 1 inch in the longest dimension are permitted. This includes fragments of brick, concrete, wood, glass, metal, stone and plastic.

Section 2. That Section 50-29 of the Duluth City Code, 1959, as amended, be amended as follows:

50-29 Sustainability standards.

50-29.1 Applicability.

In order to promote sustainable development, all new residential development proposals containing three or more units, and all non-residential development with a gross floor area of 10,000 square feet or more, shall be required to comply with the provisions of this Section 50-29. (Ord. No. 10044, 8-16-2010, § 6.)

50-29.2 Points required.

Each new development shall be required to achieve at least a minimum number of points from the

menu of options shown in Table 50-29-1:

- A. Residential development minimum requirements.
  - 1. Residential development with 3-29 units: 3 points.
  - 2. Residential development with 30 or more units: 4 points;
- B. Non-residential development minimum requirements.
  - 1. Non-residential development with 10,000 to 25,000 square feet: 3 points.
  - 2. Non-residential development with a total square footage of more than 25,000 square feet: 4 points;

Table 50-29-1: Sustainability Point System	
	Points Earned
<b>LOCATION</b>	
Development on previously used or developed land that is contaminated with waste or pollution (brownfield site <u>with Environmental Site Assessment documented contamination that will be removed by property owner as part of the project</u> )	1.50
Development on previously used or developed land that is not contaminated (site re-use)	0.75
Development on a previously undeveloped site that is located immediately adjacent to existing city roadway and utility infrastructure and that does not require additional public roadway and utility infrastructure to be constructed to service development	0.25
<b>ENERGY EFFICIENCY</b>	
Meet ASHRAE standard 189.1 (Section 7.4.2) for building envelope design <sup>[1]</sup>	1.50
Meet ASHRAE standard 189.1 (Section 7.4.6) for lighting <sup>[1]</sup>	0.75
Meet ASHRAE standard 189.1 (Section 7.4.3) for HVAC equipment <sup>[1]</sup>	0.75
Meet Energy Star standards for low rise residential or exceed ASHRAE 90.1-2004 energy efficiency standards by 15%. <sup>[2]</sup>	1.00
<b>ALTERNATIVE ENERGY</b>	
Generate or acquire a minimum of 15% of the electricity needed by the development from alternative energy sources (solar, wind, etc)	1.00
Install solar panels on a minimum of 15% of homes dwelling units contained in one-family, two-family, or townhouse dwellings	0.75
Pre-wire a minimum of 10% of residential dwelling units for solar panels	0.25
Install solar panels on primary structure, or at least 50% of buildings in a multi-building complex	0.75
<b>PASSIVE SOLAR</b>	
A minimum of 20% of residential dwelling units or lots are oriented within 20% of east-west for maximum passive solar exposure	1.00
At least 20% of non-residential buildings have one longer axis oriented east-west for maximum solar exposure	1.00
<b>WATER</b>	

Install a "cool roof" or green vegetated roof on the primary structure, or at least 50% of all primary buildings in a multi-building complex. Cool roofs shall have a Solar Reflectance Index of 78 for flat roofs or 29 for roofs with a slope greater than 2:12. Green or vegetated roofs shall include vegetation on at least 50% of the roof area (25% for renovated buildings) and shall use only plant materials permitted by the landscaping standards in Section 50-25.	2.00 1.00
Install a green vegetated roof on the primary structure, or at least 50% of all primary buildings in a multi-building complex. Green or vegetated roofs shall include vegetation on at least 50% of the roof area (25% for renovated buildings) and shall use only plant materials permitted by the landscaping standards in Section 50-25.	2.00
Meet ASHRAE standard 189.1 (Section 6.3.1) for site water use reduction <sup>[1]</sup>	0.75
Meet ASHRAE standard 189.1 (Section 6.3.2) for building water use reduction <sup>[1]</sup>	0.50
<b>STORMWATER, ADDITIONAL RETENTION</b>	
Post construction development will retain at least 0.5 inches of runoff on the site from impervious surfaces (retrain through infiltration, need proper native soils verified through geotechnical field testing and approved by City Engineer)	.75
Post construction development will retain 1.1 inches of runoff on the site from impervious surfaces (retain through infiltration, need proper native soils verified through geotechnical field testing and approved by City Engineer)	.50
<b>VEGETATION</b>	
Retain at least 20% of existing pre-development, native natural vegetation (minimum 5,000 square feet)	0.75-50
Turf grass is limited to 40% of the landscaped area (minimum 5,000 square feet)	0.25
Maintain a minimum 50 foot naturally vegetative buffer from delineated wetlands (minimum 25,000 square feet of delineated wetlands on the property)	.50
<b>URBAN AGRICULTURE</b>	
A fenced, centrally located community garden space is provided for residents and for urban gardening purposes at a ratio of 50 sq. ft. per dwelling unit as part of the overall landscape plan	1.00
A minimum of one on-site composting station is provided for every 25 units	0.25
<b>TRANSPORTATION</b>	
Source a minimum of 20% by cost of structure construction materials from recycled products or products manufactured, extracted, harvested, or recovered within 250 500 miles of the site (excluding gravel, fill, concrete, asphalt, and similar site construction material)	1.50
A minimum of 12% of required automobile parking spaces are signed and reserved for hybrid/electric/low energy vehicles in preferred locations near the primary building entrance	0.25
[1] Standard for the Design of High-Performance Green Buildings, American Society of Heating, Refrigerating, and Air-Conditioning Engineers, 2004.	

c. LEED-certified building alternative.

Buildings that have achieved LEED requirements necessary to receive certification from the U.S. green building council at the silver level or above shall not be required to meet the above requirements;

D. Documentation required.

Applicants shall provide documentation of techniques that will be used to satisfy the above requirement, as necessary, at the time of application submittal. Documentation for items that may not be visually verified as part of an inspection may be provided in the form of invoices, receipts, or delivery confirmation for the items in question.

Section 3. That Section 50-32 of the Duluth City Code, 1959, as amended, be amended as follows:

50-32 ~~International~~ Housing and property maintenance code

The city has adopted by reference the year 2000~~12~~ 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.

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 clarifies the requirements for new landscaping trees, adds additional options for meeting sustainability goals, and updates the reference to the International Property Maintenance Code.

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.

Action Deadline: Not Applicable

PL: 16-031