



## Legislation Text

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**File #:** 20-068-O, **Version:** 1

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AN ORDINANCE AMENDING SECTIONS 50-20.3.E, Q, AND R, 50-23, AND 50.33.6, TO AMEND STANDARDS RELATED TO CONNECTIVITY AND CIRCULATION WITHIN COMMERCIAL DEVELOPMENTS AND PLATS AND SUBDIVISIONS.

### CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That Section 50-20.3.E of the Duluth City Code, 1959, as amended, be amended as follows:

#### 50-20.3.E Bank.

1. When in the MU-N district, the following 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) Banks are limited to no more than two drive-through windows and one drive-through lane for ATM services on the premises;
2. Any drive-through lane that is located between a bank and a residential district or structure shall be buffered from the residential district or structure by a dense urban screen and shall not be open past 10:00 p.m.;
3. Banks in the R-P, F-1, F-3, F-5, F-6, F-7, F-8 or F-9 districts may not have drive-through facilities;
4. Drive-through lanes shall allow for stacking space for three cars;

Section 2. That Section 50-20.3.Q of the Duluth City Code, 1959, as amended, be amended as follows:

#### 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;
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;

Section 3. That Section 50-20.3.R of the Duluth City Code, 1959, as amended, be amended as follows:

50-20.3.R      Retail sales, small and large.

1. Merchandise shall not be located within or obstruct required parking and pedestrian and vehicular circulation areas;
2. Outdoor display is for the temporary display of merchandise and not for the permanent storage of stock;
3. Retail stores are limited to one drive-through window;
4. Any drive-through lane that is located between a retail store and a residential district or structure shall be buffered from the residential district or structure by a dense urban screen and shall not be open part 10:00 p.m.;
5. Drive-through lanes shall allow for stacking space for three cars;
6. When in the MU-N district, the following 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;

Section 4. That Section 50-23 of the Duluth City Code, 1959, as amended, be amended as follows:

## **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.**

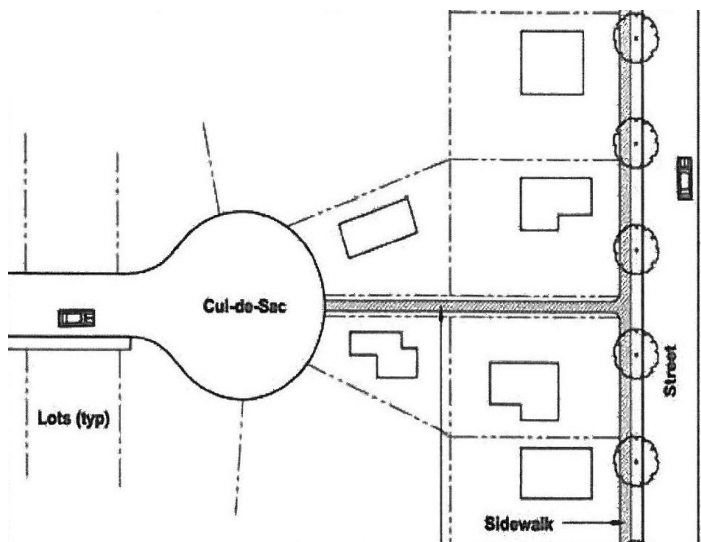
Applications for subdivision, replatting, RLS, development, or redevelopment shall meet the following standards:

- 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:

Each proposed street within a new subdivision, regardless of zoning designation, shall be public and designed and constructed to city engineer construction standards.

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;

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;



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;
- 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.

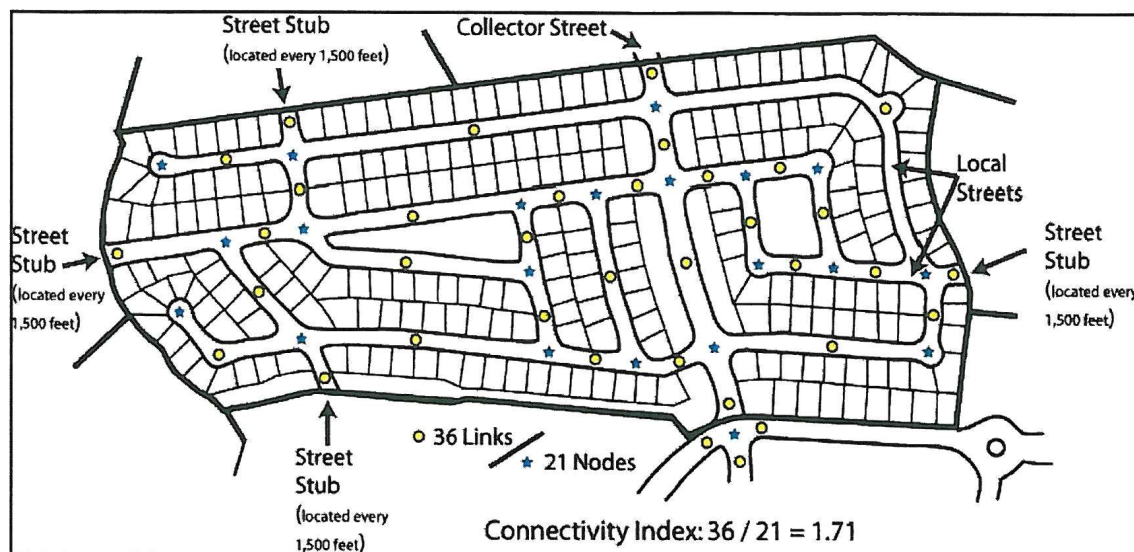


Figure 50-23-B: Example: There are 36 links (circles) and 21 nodes (stars).

#### 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.

Section 5. That Section 50-33.6 of the Duluth City Code, 1959, as amended, be amended as follows:

#### **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.

Section 6. That this ordinance shall take effect 30 days after its passage and publication. (Effective date: \_\_\_\_\_, 2020)

STATEMENT OF PURPOSE: This ordinance implements text amendment related to development standards regulated by chapter 50 of the City Code, known as the Unified Development Chapter (UDC).

This text change has three objections: authorize drive-throughs in the MU-N zone district to operate an additional hour on Friday and Saturday evening if screened and a suitable distance for nearby residential uses, establish more consistency with the zoning code regarding new sidewalks and trails in new subdivisions, and clearly establish the city engineer as having the authority to approve street names in new subdivision. These few changes are anticipated to provide a little more flexibility to some businesses while also reducing confusion regarding future pedestrian and vehicle circulation issues within new subdivisions.

The planning commission held a public hearing at their December 8, 2020, regular meeting. Following discussion and additional amendments to the proposed text change by members of the planning commission, the commission voted with 8 yeas, 0 nays, and 0 abstentions, to recommend that the city council approve the text change to the Unified Development Chapter of the City Code.