

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

08-071-0

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, ADDING A NEW SECTION 50-1.50.1 DEFINING THE RESIDENTIAL PARKING AREA, AMENDING SECTION 50-30 TO ESTABLISH THE AUTHORIZED PARKING AREAS ON A RESIDENTIAL LOT AND CREATING A VARIANCE FROM SUCH REGULATION.

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That Section 50 of the Duluth City Code, 1959, as amended, be amended to add a new Section 50-1.50.1 to read as follows:

Sec. 50-1.50.1. Parking area, R-District.

The area on a lot, where vehicles may be parked, unless the parking area has been permitted pursuant to Article III, Section 30 of this Chapter. The parking area shall be limited to an area that may include one side yard, the rear yard, and the following additional areas of the lot:

(a) On a lot, other than a corner lot upon which there exists a dwelling unit without garage, the parking area also includes 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;

(b) On a lot, other than a corner lot, upon which there exists a dwelling unit with a detached garage, the parking area also includes 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;

(c) On a lot, other than a corner lot, upon which there exists a dwelling unit with attached garage, the parking area also includes the area between the closest side lot line to the common

wall separating the dwelling unit and the garage, and its extension to the improved street abutting the front yard;

(d) On any corner lot, any parking area in addition to the rear yard and one side yard, may be granted by variance as provided in Section 50-30.

Section 2. That Section 50-30 of the Duluth City Code, 1959, as amended, be amended to read as follows:

Sec. 50-30. Location of required parking spaces in front yards; parking area variance.

(a) Off street parking space may be located within the required front yard of any C or M district, but no parking lot shall be located nearer than 50 feet to any S or R district; ~~and no off street parking shall be permitted in the required front yard of any R district, unless a front yard parking permit is applied for and approved by the planning commission. This Section does not prohibit parking in a driveway designed primarily for access to the dwelling or the garage. The following minimum standards shall be met prior to issuance of a front yard parking permit:~~

~~(a) Where parking available to the existing use of the property is inadequate, no feasible alternatives to front yard parking exists on the site to mitigate the parking inadequacy, and the proposal will not have detrimental impacts on other properties;~~

~~(b) The proposed individual parking spaces shall exceed the minimum requirements of this ordinance, but in no case be greater in size than ten feet by 20 feet;~~

~~(c) The proposed parking spaces shall be located in their entirety upon the property and shall not encroach into any public right-of-way or across any property line;~~

~~(d) No more than two front yard parking spaces per dwelling unit shall be permitted upon a lot with the additional restriction that no more than 50 percent of the required front yard may be used for front yard parking irrespective of the number of spaces allowed by the preceding provision;~~

~~(e) A parking space shall be located no closer than four feet to a side lot line, unless the adjoining property owner has signed an affidavit agreeing to a lesser spacing;~~

~~(f) No parking space shall be located nearer than 25 feet to the side street right-of-way line of a corner lot;~~

~~(g) All parking shall be designed such that it is perpendicular to the street paralleling the front yard. No right angle, diagonal or similar parking configurations shall be allowed;~~

~~(h) The entire parking space and all drive areas leading to it shall be surfaced in a dust free, hard surface type material such as concrete or bituminous, or pervious surface materials. Aggregate materials, compressed aggregates or other similar type surfaces shall not be permitted.~~

(b) In any R district, parking in the front yard shall be limited to the parking area-R district;

(c) In any R district the parking area shall be surfaced in a dust free, hard surface type material such as concrete or bituminous, or pervious paving materials. Aggregate materials, compressed aggregates or other similar type surfaces shall not be permitted. All parking areas shall comply with this clause after August 15, 2009. The requirements of this clause shall not apply to any parking area lawfully in existence on June 1, 2009;

(d) Parking areas located in rear yards may be surfaced with aggregate materials, compressed aggregates or other similar type

surfaces. All parking areas shall comply with this clause after August 15, 2009. The requirement of this clause shall not apply to any parking area lawfully in existence on June 1, 2009;

(e) On any lot in any R district where the parking area-R district is of insufficient size or configuration to allow for compliance with the off street parking requirements of this chapter, or other laws or regulations, or on a corner lot, a variance may be granted pursuant to Article VI of this chapter; provided that no variance shall be granted unless the board finds that the reason for the variance is due to the existence of a hardship. The hardship requirement shall not apply to corner lots. For purposes of this Section a hardship exists when it can be demonstrated that circumstances exist which are unique to the property and which were not created by either the current or prior owner. Economic considerations, in whole or part, shall not constitute a hardship. The application for variance shall include a site plan that provides an accurate depiction of the lot size, configuration, and requested variance area. The variance shall be granted only upon compliance with the following additional conditions, and any other conditions determined by the board to be reasonable and necessary to protect the interests of the abutting property owners and the residential character of the surrounding neighborhood:

(1) Except on a corner lot, on a lot with frontage of less than 50 feet, only one parking area may be located outside the parking area-R district. On a lot with frontage of 50 feet or greater, such parking area, including any driveway areas leading to it, shall not exceed an additional 30 percent of the front yard;

(2) On a corner lot the variance may allow for compliance with the off street parking requirements of this chapter,

or other laws or regulations. On a lot with frontage of 50 feet or greater, no variance may allow a parking area, including any driveway area leading to it, to exceed an additional 30 percent of the front yard;

(3) The proposed parking area shall be located in its entirety upon the lot and shall not encroach into the street line or across any abutting lot line unless such abutting lot and the subject lot are under the same ownership and the abutting lot is not occupied by a dwelling unit. Where the proposed parking area will encroach into any unimproved area of a street, the variance shall expire upon improvement of the street.

Section 3. That this ordinance shall take effect June 1, 2009.

Approved as to form:

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Attorney

ATTY MAL:blj 9/3/2008

STATEMENT OF PURPOSE: This ordinance defines where parking is allowed on the front yard area of a residential lot, regulates parking on a residential lot, and creates standards for the surfacing of those parking areas. It also replaces the current special use permit system for front yard parking with a variance process. It differs from Ordinance 08-048-0 in that this ordinance does not require a survey to be submitted with an application for variance.