

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

09-062-0

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 50-30 OF THE DULUTH CITY CODE, 1959, AS AMENDED, PERTAINING TO FRONT YARD PARKING FOR USES AUTHORIZED BY SPECIAL USE PERMIT.

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. 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;
front yard 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;

(b) In any R district, parking in the front yard shall be limited to the parking area-R district except where the use is authorized by special use permit pursuant to Article IV of this Chapter, in which case the parking area shall be approved in conjunction with the approval of the special use;

(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 2. That this ordinance shall take effect 30 days after its passage and publication.

Approved as to form:

Attorney

PLANNING/PC KD:jab 12/11/2009

STATEMENT OF PURPOSE: This ordinance amends the front yard parking ordinance by providing an alternative approval process for parking where the use of the site is approved by special use permit.

The rationale for this amendment is that special use permits are by nature uses that are appropriate in certain zones of the city under certain circumstances. The public process of evaluating and approving special use permits involves individual consideration of many factors including building size and placement, landscaping, screening, lighting and the location of parking and driveways. It is appropriate that the city planning commission and city council be given the ability to permit parking where appropriate on the site and to not be restricted by the general restrictions for parking in an R-district provided in Section 50-30. The proposed amendment exempts sites developed under a special use permit from needing to comply with Section 50-30.

On December 8, 2009, the Duluth city planning commission held a public hearing on the proposal and voted 8-0 to recommend that the city council approve the proposed amendment.