

UDC Interpretation	#14-10	
	Clarification of primary use parking lots	
	UDC Section: 50-20.3.O and 50-24.4	Date of Interpretation: 6/11/2014
Approved by:	Charles Froseth, Land Use Supervisor 	

BACKGROUND: The Unified Development Chapter of the City of Duluth Legislative Code (UDC) is the official body of rules and regulations to guide land use and development in the City of Duluth, Minnesota. UDC Sec. 50-10 *Interpretation* authorizes the Land Use Supervisor to interpret the provisions of this Chapter.

The question was asked: "can a primary use parking lot be used to allow a land use to exceed the maximum parking limit?"

CODE INFORMATION:

Section 50-24.4 limits the number of parking spaces that a use is allowed, typically based on square footage of the structure. The parking spaces that a use provides for its customers and employees is considered accessory parking, as the parking is accessory (or secondary) to the actual use of the property. An accessory use or structure is defined in the UDC, in part, as "a use or structure subordinate in use, area or purpose to the principal use or structure on the same lot and serving a purpose naturally and normally incidental to the principal use or structure..."

Primary Use Parking lots are stand-alone parking lots that are typically available to the general public (often for a fee).

UDC INTERPRETATION:

"Primary Use Parking Lots" are not to be used to provide for additional parking over the maximum allowed parking space limits. In addition, primary use parking lots are uses that need to meet the other standards required of other uses in the UDC (have frontage on a public right of way, meet minimum drive aisle width and parking space dimensions, have legal access, etc.) independent of adjacent properties (such as needing an access easement in order to meet drive aisle widths or provide ingress and egress or interior circulation).

The City anticipates a technical correction will be part of the annual UDC amendment package in late 2014 or early 2015.

DISCLAIMER: While it is the intent of the administration to submit a technical correction to the City Council consistent with this interpretation, the code can only be amended by City Council action. This interpretation is not intended to be a promise or guarantee that the proposed amendment will be enacted.