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| UDC Interpretation | | |
|  | Applicability of Landscaping Standards | |
| | UDC Section: 50-25.1.A.5-6 | Date of Interpretation: 10/31/11 |
| Approved by: | Cindy Petkac, 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.

UDC INTERPRETATION: UDC Sec. 50-25.1 *Applicability, Landscaping and Tree Preservation* lists the conditions that must occur for the landscaping provisions to apply. UDC Sec. 50-25.1.A.5 states that the landscaping provisions shall apply when “A new primary use parking lot containing 25 or more spaces is constructed,” and UDC Sec. 50-25.1.A.6 states that the landscaping provisions shall apply when “An existing primary use parking lot containing 25 or more spaces is redesigned or reconstructed with significant changes to the layout of parking spaces, driving aisles and access drives.”

The question was raised as to the applicability of the landscaping provisions for accessory parking lots, considering that UDC Sec. 50-25.4 *Parking Lot Landscaping* states that “Accessory and primary use parking lots shall provide the following amounts and types of landscaping ...” This specific requirement for landscaping of parking lots implies that the general applicability for landscaping was intended to apply to both accessory and primary use parking lots on parcels with more than 10,000 sq. ft. of lot area and for all uses, other than one- and two-family residential uses (UDC Sec. 50-25.1.A).

Therefore, per this Interpretation, the applicability of the landscaping provisions apply to both primary and accessory parking lots per UDC Sec. 50-25.1.A.5 and UDC Sec. 50-25.1.A.6. The City anticipates a technical correction to this provision will be part of the annual UDC amendment package in 2012.

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.