



## Legislation Text

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**File #:** 18-011-O, **Version:** 1

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### AN ORDINANCE AMENDING SECTIONS 50-37.1.L, ADMINISTRATIVE ADJUSTMENTS, TO ALLOW FOR MORE FLEXIBILITY RELATED TO OFF-STREET PARKING REQUIREMENTS.

#### CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That Section 50-37.1.L of the Duluth City Code, 1959, as amended, be amended as follows:

#### 50-37.1.L Administrative adjustments.

Where an application concerns development or redevelopment of a lot and the applicant demonstrates practical difficulty in designing the redevelopment to comply with all requirements of this Chapter, the land use supervisor is authorized to approve applications that diverge from the requirements of this Chapter in up to two of the following ways:

1. The front, side or rear setbacks of a new or modified structure is one foot smaller than the minimum setbacks required by this Chapter;
2. For properties zoned Residential-Traditional (R-1) or Residential-Urban (R-2), and have a lot frontage of 40 feet or less, the corner side yard setback is no less than five feet smaller than the minimum setback required by this Chapter;
3. The front, side or rear setback for a new or modified city operated utility structure on existing utility lines is no less than five feet;
4. The height of a new or modified structure is no more than two feet taller than the maximum allowed by this Chapter;
5. For properties where Section 50-24 requires more than three off street parking spaces, and the property does not contain a single-family residential structure (regardless of the use of that structure) the site may contain ~~one~~ three less parking space than the minimum that is required, or may contain ~~one~~ five more parking space than the maximum allowed in Section 50 24.4;
6. Handicap accessibility structures can encroach into the yard setbacks when such structures comply with the Minnesota State Building Code.
7. For properties where Section 50-21.2 requires improved street frontage, exceptions limiting the street improvement to no more than 50 feet in length may be granted if the land use supervisor determines that further extension of the street is not anticipated due to topography, comprehensive land use plan, utility availability
8. For properties where Section 50-21.2 requires that not more than 30 percent of the rear yard be occupied by any one accessory structure exceptions may be granted for an accessory structure to occupy up to 40 percent of the rear yard;
9. The area of a new or modified sign is no more than ten percent larger than the maximum

allowed by Section 50-27;

10. Where the Land Use Supervisor determines that a residentially-zoned property meets the eligibility requirements for a variance in Section 50-37.9.G.1.A, an administrative adjustment may be granted to allow parking to encroach into the front yard where parking is prohibited by Table 50-24-3 with the following conditions:

- (a) The adjustment shall allow parking to encroach up to 4 feet into the front yard where parking is prohibited by Table 50-24-3;
- (b) A wall, fence or dense vegetative screen at least 3 feet tall and at least 75% opaque must be provided to screen parked vehicles from view of abutting properties and the street, where screening the street view is possible;
- (c) Barriers must be installed to prevent vehicles from overrunning the parking and driveway areas; such barrier may be a fence, wall or raised curbing (or concrete parking bumpers when secured to the underlying pavement);
- (d) A placard with a diagram no less than 5 inches by 7 inches showing the location and arrangement of parking spaces shall be visible at all times from the exterior of the dwelling; such placard shall be on all-weather media and installed on the front exterior door at an elevation of between 2 feet and 6 feet above the threshold;

Section 2. That this ordinance shall take effect 30 days after its passage and publication.  
(Effective date: \_\_\_\_\_, 2018)

STATEMENT OF PURPOSE: This ordinance implements one minor text amendment to chapter 50 of the City Code, known as the Unified Development Chapter (UDC).

This minor amendment is intended to give the Land Use Supervisor additional administrative authority to approve requests to vary from the off-street parking space requirements normally required by the UDC. The off-street parking space standard is typically based upon the square footage of the principle structure/use, which can be a challenge to redevelopment of small commercial structures. This change is intended to prove property owners and project proposers a minor alternative to seeking a parking variance from the planning commission.

The planning commission held a public hearing and considered the changes at their January 9 and February 13, 2018, regular planning commission meetings. At their special annual meeting on March 6, 2018, they voted 7-2 to recommend that the city council approve this ordinance change.