

UDC Interpretation	PL20-025	
	Application Review and Approval Procedures 50-37.1	
	UDC Sections: 50-37.1	Date of Interpretation: 3/9/2020
Approved by:	Adam Fulton, 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 posed was as follows: Can the Duluth Economic Development Authority (DEDA) submit a shoreland variance application for parcel 010-3140-00750 without a property survey?

CODE INFORMATION:

Section 50-37.1 defines procedural requirements for any type of permit or approval request to the City of Duluth. Variance from the terms and provisions of the UDC require a survey of the property and exhibit of the Ordinary High Watermark of the waterway for shoreland variances.

UDC INTERPRETATION:

While 50-37.1 states application requirements, including submission of a survey of the property, it too states the requirement can be “waived in advance by the Land Use Supervisor”. City of Duluth Staff prepared application materials for a shoreland variance on behalf of DEDA for this Rebuild Duluth program lot.

The Rebuild Duluth program will provide property to chosen applicants at no cost. Prior to land conveyance, the City of Duluth and DEDA wish to complete the application and determination process shore shoreland variance. By waiving the survey requirement, administrative fees and actions will not be required for the chosen program applicant.

In this specific location, characteristics related to the location of the lot in comparison to the nearby stream, the stream’s character in man-made culverts, and the existence of other housing between the stream and the lot all contribute to the unique character of the situation and the determination to waive the survey requirement.

Development of infill housing on this vacant lot promotes urban construction and innovative solutions to affordable housing. It brings desired curb appeal to a currently vacant lot within an established residential neighborhood. City of Duluth Administration announced the Rebuild Duluth program in November 2019 in response to the increasing costs of newly developed housing, specifically infill. Success of this program expands collective knowledge of creative and innovative home design options that are not only affordable, but fit within existing neighborhoods of Duluth. Success of this project will also be measured by how repeatable designs are utilized throughout the community.