



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Master

File Number: 17-045-O

File ID: 17-045-O

Type: Ordinance

Status: Passed

Version: 1

**Agenda
Section:**

Committee: Planning and
Economic
Development

File Created: 09/05/2017

Subject:

Final Action: 09/25/2017

Title: AN ORDINANCE AMENDING CHAPTER 50, SECTION 50-37.1 G, OF THE CITY CODE TO CLARIFY THAT THE 12 MONTH APPLICATION LIMITATION DOES NOT APPLY TO CITY INITIATED PLANNING OR ZONING PROPOSALS.

Internal Notes: NNL:sl

Sponsors:

Enactment Date: 09/25/2017

Attachments:

Enactment Number: 10526

Recommendation:

Hearing Date:

Drafter: slapaugh@duluthmn.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Council	09/11/2017	read for the first time				
1	City Council	09/25/2017	adopted				Pass

Text of Legislative File 17-045-O

AN ORDINANCE AMENDING CHAPTER 50, SECTION 50-37.1 G, OF THE CITY CODE TO CLARIFY THAT THE 12 MONTH APPLICATION LIMITATION DOES NOT APPLY TO CITY INITIATED PLANNING OR ZONING PROPOSALS.

CITY PROPOSAL:

The city of Duluth does ordain:

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

50-37.1 Common procedures and requirements.

G. Successive applications.

If an application pursuant to this Chapter has been denied by the city, an application requesting the same or essentially the same approval shall not be accepted during the next 12 months. This prohibition does not apply to proposals initiated by the city;

STATEMENT OF PURPOSE: This amendment clarifies a potential ambiguity in the City Code. This section in the Code was never intended to prohibit the city from initiating a planning or zoning proposal. Such interpretation would be in conflict with the Minnesota Municipal Planning Act. Pursuant to Section 50-37.3 of the Duluth City Code, the planning commission held a duly noted public hearing on September 12, 2017, and voted unanimously to recommend city council approval of the above-described text amendment.