

## Motion to Amend Ordinance 24-XXX

BY COUNCILOR FORSMAN:

I move to amend Ordinance 24-XXX as follows:

### **..Title**

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PARCELS 010-0090-00480, 010-0090-00490, 010-0090-00500, AND 010-2119-00530 FROM RESIDENTIAL-TRADITIONAL (R-1) TO RESIDENTIAL-PLANNED (R-P) LOCATED ADJACENT TO AND NORTH OF BALD EAGLE CIRCLE, HAWKS RIDGE ESTATES SUBDIVISION.

### **..Body**

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. After reviewing the planning commission File PL 24-011 and the record pertaining thereto and based on the recommendation ~~of the~~ contained in the staff report presented to the planning commission at its meeting of April 9, 2024, the city council hereby finds that the application:

- A. Is consistent with the Comprehensive Land Use Plan;
- B. Is reasonably related to the overall needs of the community, to existing land use, or to a plan for future land use;
- C. Is required by public necessity, convenience, or general welfare, or good zoning practice; and
- D. Will not create material adverse impacts on nearby properties.

Section 2. That the Official Zoning Map of the City of Duluth be amended for the area comprised of parcels 010-0090-00480, 010-0090-00490, 010-0090-00500, and 010-2119-00530 reclassified from Residential-Traditional (R-1) to Residential-Planned (RP) with the limitations on uses, building height, and density recommended in the staff report ~~by the planning commission~~: the maximum density is 68 units per acre; the maximum height for residential buildings shall not exceed 30 feet in height; ~~and residential uses shall include single family, two-family, cottage homes, and townhomes and shall not include multi-family and manufactured homes;~~ and, accessory uses shall include garages, parking area for temporary storage by homeowners for recreational vehicles such as campers and boats, a community club house, a maintenance building, recreational trails, solar or geothermal power equipment and urban agriculture.

Section 3. That this ordinance shall take effect and be in force 30 days from and after its passage and publication.

### **..Statement of Purpose**

STATEMENT OF PURPOSE: The ordinance is to change the zoning of the area comprised of parcels 010-0090-00480, 010-0090-00490, 010-0090-00500, and 010-2119-00530 from Residential-Traditional (R-1) to Residential-Planned (RP).

On March 12, 2024, staff presented PL 24-011 (Attachment 1), a proposed UDC Zoning Map Amendment to rezone property from R-1 to R-P, to the planning commission for review and discussion. Due to an administrative error in the notice of the public hearing, a public hearing could not be held on the matter at the planning commission's March meeting. The planning commission did allow for public comment (audio recording linked as Attachment 2). The city planning commission voted unanimously to table PL 24-011 (see March 12, 2024, planning commission meeting minutes in Attachment 3).

On April 9, 2024, the planning commission held a public hearing (audio recording linked as Attachment 4) on the proposed UDC Zoning Map Amendment, considered written comments received (Attachment 5), considered modified findings in the staff report with file number PL 24-011 (Attachment 6), and discussed the matter (see April 10, 2024, planning commission meeting minutes in Attachment 7). The planning commission considered a motion to recommend to city council the UDC Zoning Map Amendment with staff recommendations and voted 3 yeas, 6 nays and 0 abstentions with the motion failing. A second motion to recommend to city council the UDC Zoning Map Amendment with conditions (height limit 30 ft.; maximum density 6 units per acre; and uses limited to single family, two-family, cottages, and townhomes and specifically not allowing multi-family and manufactured homes) passed on a vote of 7 yeas, 2 nays, 0 abstentions.

Having reviewed and considered the Application and conducted a public hearing, the planning commission recommends that the city council approve the UDC Zoning Map Amendment with the conditions stated for the following reasons:

- 1) This proposal is consistent with the Comprehensive Land Use Plan.
- 2) The proposed amendment is consistent with the future land use category of Traditional Neighborhood and Open Space.
- 3) The maximum density is ~~68~~ units per acre for the R-P.
- 4) The modification to increase the maximum height for structures within the R-P will allow for residential buildings that may not exceed ~~30~~35 feet in height.
- 5) Residential Uses will include single family, ~~two-family~~, cottages, and townhomes ~~and did not allow multi-family and manufactured homes~~ and, accessory uses shall include garages, parking area for temporary storage by homeowners for recreational vehicles such as campers and boats, a community club house, a maintenance building, recreational trails, solar or geothermal power equipment and urban agriculture.
- 6) This proposal is reasonably related to the overall needs of the community, to existing land use, or to a plan for future land use;
- 7) This proposal is required by public necessity, convenience, or general welfare, or good zoning practice; and.
- 8) Material adverse impacts on nearby properties are not anticipated.

Date of application: March 6, 2024

Action deadline: July 4, 2024