



## Legislation Text

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**File #:** 20-015-O, **Version:** 1

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AN ORDINANCE AMENDING THE OFFICIAL NATURAL RESOURCES OVERLAY ZONING MAP OF THE CITY OF DULUTH TO EXTEND SHORELAND PROTECTIONS TO CERTAIN DESIGNATED RIVERS, CREEKS, TRIBUTARIES, AND STREAMS WITHIN TWO ANNEXATION AREAS.

### CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That the below designated waterway within the Riley Road and Jean Duluth Road Annexation Area, also known as the Rice Lake Township Annexation Area, now being referred to as the Orchard Park neighborhood, as shown in Attachment 1, and described as the East Branch of Amity Creek, be designated as a Coldwater River, with the same standards and regulations that are applicable to other shoreland protections within the City of Duluth.

Section 2. That the below designated waterways within the Becks Road Annexation Area, also known as the Midway Township Annexation Area, now being referred to as the Ely's Peak neighborhood, as shown in Attachment 2, and described as Mission Creek, Sargent Creek, and Stewart Creek be designated as Coldwater River, and US Steel Creek be designated as a Natural Environment Waters, with the same standards and regulations that are applicable to other shoreland protections within the City of Duluth.

Section 3. That the official natural resources overlay zoning map, as established in 50-18.1.D of the City of Duluth as referenced in Chapter 50 of the Duluth City Code, 1959, is amended to read as shown in Attachments 1 and 2.

Section 4. That this ordinance shall take effect and be in force 30 days from and after its passage and publication.

**STATEMENT OF PURPOSE:** This ordinance provides a zoning change in the Natural Resources Overlay into areas annexed by the City of Duluth (Riley Road and Jean Duluth Road in former Rice Lake Township, and Becks Road in former Midway Township). The two annexation areas contain five major waterways. The same shoreland protections that apply to waterways in the rest of Duluth also protect waterways in the two annexed areas. However, in order to update the Natural Resource's Overlay map (the map that identifies the shoreland protections), a rezoning process and public hearing is required.

The purpose of the Natural Resource Overlay is to promote, preserve and enhance the water resources and environment within the city and protect them from adverse effects caused by poorly sited or incompatible development. It is intended to implement the Minnesota Wetland Conservation Act (WCA), federal emergency management agency (FEMA) rules, and the Minnesota department of natural resources (DNR) shoreland and flood plain regulations. Waters in the city have been classified as general development waters (GD), natural environment waters (NE) or coldwater rivers (CW). The shoreland overlay applies to lands within 1,000 feet of Lake Superior or within 300 feet of rivers, creeks, streams and tributaries and floodplains, as designated on the NR-O map (Natural Resources Overlay). US Steel Creek is designated as a Natural Environment Waters, while East Branch Amity Creek, Mission Creek, Sargent Creek, and Stewart Creek are Coldwater Rivers. Natural Environment shorelands have a structure setback of 75 feet and an impervious surface setback of 50

feet, while Coldwater River shorelands have a structure setback of 150 feet and an impervious surface setback of 75 feet.

On December 10, 2019, the Duluth city planning commission held a public hearing on the proposal as shown in Attachments 1 and 2, and voted 9 yeas, 0 nays, 0 abstentions, to recommend that the city council approve the rezoning requested for the following reasons:

- 1) The proposed shorelands are the most reasonably able to implement the objectives of the Comprehensive Plan related to the land use for these areas.
  
- 2) Material adverse impacts on nearby properties are not anticipated.

Petitioner:

City of Duluth  
Planning and Economic Development  
Room 160, City Hall  
Duluth, MN 55802  
PL 19-168