

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

08-068-0

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS 2-154 AND 2-157 OF THE DULUTH CITY CODE, 1959, AS AMENDED, PROVIDING FOR THE NATURAL AREA PROGRAM GUIDELINE DEVELOPMENT PROCESS AND IDENTIFYING THE PROGRAM ADMINISTRATOR.

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That Section 2-154 of the Duluth City Code, 1959, as amended, be amended to read as follows:

Sec. 2-154. Guidelines.

(a) Program guidelines to be adopted. The city council shall, by resolution, adopt program guidelines setting forth standards and criteria for consideration of inclusion of various tracts of property in the program, and for selection and implementation of appropriate program protections and management plans for tracts so designated. The minimum standards and criteria for inclusion of a parcel in the program are:

(1) The parcel is of special or unique ecological or environmental significance to the community as set out in Section 2-152, or its successor;

(2) The parcel is eligible land as set out in this ordinance;

(3) The parcel is one of the best remaining viable examples of a significant native plant communities area, or a special species area, or a natural water features area, or an important bird congregation area, or a geologic landform area. These terms may be more specifically defined in the program guidelines;

(4) Inclusion of the parcel in the program is in compliance with any applicable state or federal laws or regulations;

(b) Initial guidelines. The initial program guidelines

shall be developed by ~~the environmental advisory council~~ an appropriate administrative division of the city. Such initial program guidelines shall thereafter be reviewed by the planning commission and either recommended to the council for approval as presented ~~by the environmental advisory council~~, recommended for approval as modified by the commission or recommended for disapproval by the council. The council shall either approve the program guidelines as approved by the commission, adopt amended program guidelines or disapprove the program guidelines and return said program guidelines to the ~~environmental advisory council~~ administration for further review and recommendation. This process shall continue until the council approves program guidelines for the program;

(c) Amendments. After the adoption of the initial program guidelines, the program guidelines may be amended at any time in accordance with the following process. Amendments to the program guidelines may be initiated by the ~~environmental advisory council~~ city administration, by the planning commission or by the council. All proposed amendments initiated by the city council or city administration ~~shall be referred to the environmental advisory council for their review and recommendation. After review by the environmental advisory council, any such amendment, together with its affirmative or negative recommendation,~~ shall be referred to the planning commission for its review and recommendation to the city council. ~~If recommended for approval by the planning commission, any such amendment shall be referred to the council for its review and approval or disapproval. Except that, upon the affirmative vote of a majority of the council, any proposed amendment which has been reviewed but not recommended for approval by either the~~

~~environmental advisory council or by the planning commission may be reviewed and considered for approval by the council.~~

Section 2. That Section 2-157 of the Duluth City Code, 1959, as amended, be amended to read as follows:

Sec. 2-157. Program administrator.

The ~~director of the department of~~ administrative division of the city responsible for planning and development is hereby designated as the program administrator for the program. The program administrator shall be responsible to provide all services necessary to the ~~environmental advisory council,~~ the planning commission and the council necessary to the performance of their functions under this Article and under the program guidelines, to implement all aspects of the program including overseeing the implementation of the protections for properties designated under the program and implementation of the management program, to the extent that such implementation is the responsibility of the city, for maintaining all program records and for performing such other responsibilities as are set forth, from time to time, in the program guidelines.

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

Approved as to form:

Attorney

ATTY AL:cm 9/2/2008

STATEMENT OF PURPOSE: This ordinance amends the manner by which program guidelines for the natural areas project are developed, modifies the identity of the program administrator, and removes references to the environmental advisory council.