

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

09-0423R

RESOLUTION SUBMITTING A PROPOSITION AT THE NEXT MUNICIPAL ELECTION TO THE VOTERS OF DULUTH TO APPROVE ORDINANCE 09-027.

BY COUNCILOR STAUBER:

WHEREAS, ISD 709 has developed a long range facility plan (red plan) for the school district that requires amendments to the zoning code, as proposed in Ordinance 09-027; and

WHEREAS, such requested amendment will generate public discussion both in favor and in opposition to such requests, creating a conflict-ridden atmosphere for the council and the potential for litigation; and

WHEREAS, the city has recently developed a comprehensive plan and more recently contracted with a professional code writing organization to re-write the Zoning Code and whose work is not yet complete; and

WHEREAS, the council is desirous of knowing how the voting public feels about the proposed amendment of the city code to accommodate the red plan.

NOW, THEREFORE, BE IT RESOLVED, that the Duluth City Council pursuant to the Duluth City Charter, Chapter VII, Section 51, does submit the following proposition to the voters of Duluth and directs the city clerk to place the following upon the ballot at the next general municipal election scheduled on November 3, 2009:

To vote for the proposition, completely fill in the oval next to the word "YES" for that question.

To vote against the proposition, completely fill in the oval next to the word "NO" for that question.

PROPOSITION

Should Ordinance 09-027 amending sections 44-23, 50-21 and 50-35 of the Duluth City Code be approved to accommodate the long range facility plan of ISD 709?

Yes _____ No _____

A "YES" vote approves Ordinance 09-027. This ordinance amends sections 44-23, 50-21 and 50-35 of the City Code by adding a new Section 44-23(j) providing for school signage, by amending Section 50-21 by creating the ability to grant variances to the height limitation for public, semi-public or public service buildings, churches, hospitals, institutions or schools, and by amending Section 50-35 by creating the ability to grant as a special use off-site parking for schools, grades K-12, located within residentially zoned areas of the city.

A "NO" vote is a vote against the approval of Ordinance 09-027.

Approved as to form:

Attorney

CCREQ/ATTY REA:cjk 6/12/2009

STATEMENT OF PURPOSE: This resolution submits Ordinance 09-027 to the voters for referendum.