

**PUBLISHED DECEMBER 4, 2014**

**OFFICIAL PROCEEDINGS**

Excerpt from the minutes of the Duluth City Council meeting held Monday, November 24, 2014, at 7:00 p.m. in the Council Chamber, City Hall, Duluth, Minnesota.

**ORDINANCE NO. 10339**

AN ORDINANCE AMENDING SECTION 50-37.7 OF THE DULUTH CITY CODE, 1959, AS AMENDED, REGARDING CHANGES RELATED TO CONCURRENT USE PERMITS.

The city of Duluth does ordain:

Section 1. That Section 50-37.7 of the Duluth City Code, 1959, as amended, be amended as follows:  
50-37.7 Concurrent use of streets permit.

This Section applies to all applications for construction of a skywalk and to any other application requesting that the city approve the concurrent use of the street surface, right-of-way, or the air rights above the street or the land beneath the street, but shall not apply to the following:

1. Use of a portion of a public sidewalk for a café, eating area, transit shelter or bench, bicycle parking area, or

2. An awning, canopy, marquee or wall sign extending not more than 18 inches into the public street right of way, or an awning or canopy of canvas, canvas-like material, nylon or vinyl-coated fabric extending into the public street right of way, up to the limits established by Sec. 50-27;

**A. Application.**

An application for concurrent use of streets shall be filed pursuant to Section 50-37.1.B;

**B. Procedure.**

1. Review and recommendation.

The planning commission shall review the petition, conduct a public hearing on the application pursuant to Section 50-37.1.I, with public notice as required by Section 50-37.1.H and make a recommendation to council based on whether the application meets the criteria in subsection C below;

2. Council decision.

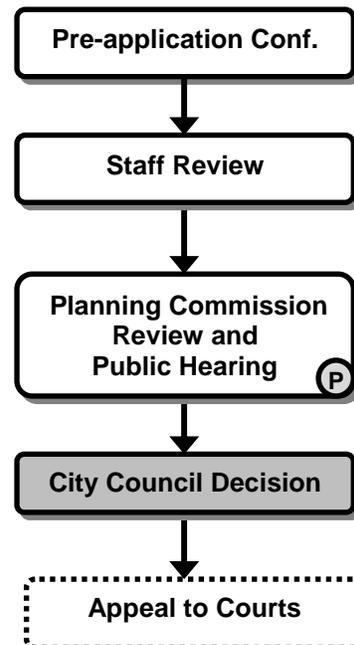
Upon receipt of the planning commission recommendation, the council shall make a decision to approve, approve with modifications or deny the application, in whole or part, based on the criteria in subsection C below. The council action shall be by ordinance;

**C. Criteria.**

The planning commission shall review the application, and council shall approve the application or approve it with modifications, if it determines that:

1. The proposed concurrent use will not harm or inconvenience the health, safety and general welfare of the city;
2. Any proposed skywalk will significantly improve the circulation of pedestrians in the city without exposure to weather conditions;

**Concurrent Use of Street Permit**



**(P)** Indicates Public Hearing Required

3. No portion of a public easement proposed for use is being physically used or occupied by the public.

Section 2. That this ordinance shall take effect 30 days after its passage and publication.  
(Effective date: January 3, 2015)

Councilor Russ moved passage of the ordinance and the same was adopted upon the following vote:

Yeas: Councilors Filipovich, Fosle, Gardner, Hanson, Julsrud, Russ, Sipress and President Larson -- 8

Nays: None -- 0

Absent: Councilor Krug -- 1

ATTEST:  
JEFFREY J. COX, City Clerk

Passed November 24, 2014  
Approved November 24, 2014  
DON NESS, Mayor