

Town of Duluth

Town Board Meeting Ordinance 6 April 12, 2022

Attendance: The meeting was called to order at 6:32 p.m. with Supervisors Penelope Morton, Jim Ward, Rolf Carlson, Stacia Grayson, and Tim Strom. Planning Commission members Angela Wilson, Pam West, and Dave Edblom. Planning Director Sue Lawson, Assistant Director Liz Strohmayer, and Planning Secretary Beth Mullan. Deputy Clerk Hannah Jurek and Clerk Nicole Chatterson were in attendance. There was one audience member.

Penelope Morton motion to approve the recommended Zoning Ordinance 6, Jim Ward seconded.

1. Article I Establishment and Purpose
 - a. Section 3 paragraph A and B
 - i. Discussion: In Section 3 Tim discussed adding the following: **A Purpose:** The purpose of the Ordinance is to change twofold **to threefold**, and in the same section under A, #3 To preserve, protect, and help define landowners' property rights. **B Goals:** add a bullet point e: To preserve, protect, and help define landowners' property rights.
 - ii. A suggestive change is to: To strive for a balance between the community needs and individual freedoms.
 - iii. Motion: Tim moved to change: **A Purpose:** The purpose of the Ordinance is to **strikeout twofold** and replace with **threefold**. **Add #3** To strive for a balance between the community needs and individual freedoms. Penelope seconded the motion, the motion passed unanimously.
2. Article II Definitions
 - a. No changes to Article II
3. Article III General Provisions
 - a. Section 5 Paragraph B Stormwater Management Plan
 - i. Discussion: Section B Paragraph 1: Be able to attenuate/retain/detain runoff from a one (1) twenty-four (24) hour storm event for twenty-four (24) for new construction, the plan should include design practices to retain, on the site, soil particles greater than five (5) microns, assuming no sediment re-suspension.
 - ii. Motion: Penelope made a motion to strike 1 year from C. Post-Construction Stormwater Management Plan Paragraph 1. Be able to attenuate/retain/detain runoff from a one (1) inch (1) year twenty-four (24) hour storm event for twenty-four (24) hours. For new construction, the plan should include design practices to retain, on the site, soil particles greater than five (5) microns, assuming no sediment re-suspension. This was tabled upon further research by the Planning Commission.
 - b. Section 9 Placement and Design of Roads and Driveways
 - i. Section G Driveway locations.
 - ii. Motion: Tim moved to strike Section G, paragraph 6 and 7 and change #8 and #9 to #6 and #7. There was not second, the motion dies.
4. Article IV: Nonconformities
 - a. No Changes
5. Article V: Land Use Zone Districts
 - a. Table 5.2-Lake Superior Shoreland Overlay (LSSLO) and Streams Shoreland Overlay (SSLO) Dimensional Requirements.
 - i. Motion: Tim moved change the SSLO for Trout Stream, Tributaries of Trout Streams, Other Public Waters from 300 feet to 75 feet and make the appropriate changes in Figure 5.1. Jim seconded. 2 Ayes Tim, and Jim and 3 Nays Rolf, Stacia, and Penelope. The motion did not carry.

6. Article VI: Shoreland Overlays
 - a. No changes
7. Article VII: Sensitive Area Overlay (SENSO)
 - a. No Changes
8. Article VIII: Performance Standards
 - a. Section 6 Table 8.1 Animal Units Equivalent
 - i. Discussion: Tim raises concerns regarding cat and dog in the table.
 - ii. Motion: Tim moved to amend Article VIII section 6 paragraph D: Animal Units Allowed. The following table, 8.2 shows the animal units allowed by zone district and parcel size. **No restriction in this section 6 shall be applied to dogs and cats kept as pets for noncommercial purposes.** Penelope seconded. The motion passed unanimously.
 - iii. Discussion: Section 21 Farm Stands. There was a small discussion
 - iv. Discussion: Section 11 paragraph B- Hours of operation. There was a small discussion
9. Article IX: Conditional Uses
 - a. Section 19 Accessory Structures Greater than 2000 SF in SSUR-1
 - i. Discussion: Section B Requirements: 1: The Mathematical formula does not make sense. The Commission will investigate this and report back to the Board.
 - b. Section 20: Dwellings, High- Frequency Short-Term Rental: Thank you to the Commission on their work in this section.
10. Article X: Administration, Enforcement, Variance, and Review
 - a. No Changes
11. Article XI: Amendments
 - a. No Changes
12. Article XII: Subdivision of Property and Planned Unit Developments
 - a. No Changes
13. Article XIII: Planning Commission
 - a. Section 3 Appointments
 - i. Motion: Tim moved to amend Article XII section three A paragraph delete 2 and 3 and replace with: **the Planning Commission shall advertise, interview, and make recommendations to the Town Board about the hiring of the Planning and Zoning Secretary and other staff.** Penelope seconded the motion. The motion passed unanimously.
14. Article XIV: Appeals
 - i. Discussion on Section 3, Decisions, paragraph 2 sub-D
 - ii. Motion: Tim moves to strike everything after the word upon and replace with **An evaluation of the relevant facts and laws.** Penelope seconded. The motion passed unanimously.
15. Article XV: Validity and Exemptions
 - a. No changes
16. Article XVI: Fees
 - a. No changes
17. Article XVII: Effectuation
 - a. Motion: **Amendment to the original motion.** Penelope moved Upon approval of Ordinance #6 draft Jan 27, 2022 will automatically repeal Ordinance #5 and will be revoked. Stacia seconded the motion passed unanimously.
 - b. Penelope moves that we repeal zoning Ordinance 5 and replace with Zoning Ordinance 6 Jim seconded. The motion passed unanimously.
 - c. Tim moved to change Article XVII: Effectuation: This Ordinance 6 shall take effect immediately or as soon as any required statutory formalities are satisfied. Strike everything after the blank. Penelope seconded. The motion passed unanimously.
 - d. Tim moves to adopt the recommend zoning map Jan 22, 2022. Stacia seconded. The motion passed unanimously.

- e. Tim moves to repeal the previous zoning maps, Penelope seconded. The motion passed unanimously.
 - f. Tim moves that the adoption of zoning map 6 and the repeal of the previous take effect immediately, or as soon as any statutory formalities are satisfied. Penelope seconded. The motion passed unanimously.
 - g. Tim moves that the Town staff and the Town Board Chair be empowered to attend to any statutory formalities. Penelope seconded. The motion passed unanimously.
18. Comments: Sue would like to thank the Planning Commission and Beth on the amazing work they put in on the Ordinance 6.
- a. The Board also acknowledges the work that the Planning Director has done, thank you.
19. Adjournment: Tim motion to adjourn Jim seconded. The meeting adjourned at 9:36 p.m.

Roll Cook

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