

# Article XI: Amendments

## Section 1 General

This Ordinance, and the Zoning Map, may be amended, supplemented, or appealed whenever the public health, safety, and general welfare would best be served by such action, in accord with the Town's Comprehensive or Land Use Plan by the procedures set forth in this article.

## Section 2 Initiation

- A. **Zoning Ordinance Text.** Amendments may be initiated by the Planning Commission or the Town Board. An amendment not initiated by the Planning Commission shall be referred to it for study, public hearing, and report back to the Town Board in writing.
- B. **Zoning Ordinance Map.** Amendments may be initiated by the Town Board, the Planning Commission, or by the property owner of record or authorized representative.

## Section 3 Public Hearings

- A. **General.** Public hearings will be held before any Zoning Ordinance text amendment and before any Zoning Ordinance Map amendment. These public hearings may be continued from time to time and additional hearings may be held.
- B. **Notice for Zoning Ordinance Text.** Notice of the time, place, and purpose of the Public Hearing will be published at least ten (10) days prior to the hearing, in the official newspaper of the Town of Duluth. Written notice providing the same information will be sent to property owners of record within 500 feet of the affected property.
- C. **Notice For Zoning Ordinance Map.** The Planning Commission will conduct at least one public hearing on all proposed zoning map amendments and report to the Town Board in writing within twenty (20) days of the close of the hearing(s).
  - 1. **For map amendments initiated by the petition of the property owner,** notice of the time, place, and purpose of the Public Hearing will be published at least ten (10) days prior to the hearing, in the official newspaper of the Town of Duluth. Written notice providing the same information will be sent to property owners of record within three-hundred-fifty (350) feet of the affected property in all waterfront or residential zones, and within one half mile of the affected property in all other zones, and to the applicant.
  - 2. **For map amendment initiated by the Town Board or the Planning Commission,** notice will be given in the manner prescribed in **C-1** above, except that, in instances of a completion of a Township or County-Wide amendment resulting from the recent completion of a comprehensive plan or plan amendment, written notice need not be sent to property owners of record.

### D. Finding from Public Hearings

#### 1. Zoning Text Amendment:

- a. After conducting a public hearing on an ordinance text amendment, the Planning Commission will report in writing to the Town Board within 30 days of the close of the hearing.
- b. Upon filing a report by the Planning Commission, the Town Board, in the manner prescribed by Minnesota Statutes may by ordinance adopt the amendment or any portion thereof as it deems advisable.

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#### 2. Zoning Map Amendment:

- a. The Planning Commission's report to the Town Board will contain a statement of evidence relied upon, the factual determinations made from the evidence, and the criteria used in reaching its recommendation.
- b. Failure of the Planning Commission to report to the Town Board within twenty (20) days will be deemed to be recommendation for approval by the Planning Commission of the proposed amendment.
- c. Upon the filing of the report by the Planning Commission or upon expiration of the 20 day period, the Town Board may by resolution adopt the amendment or any portion thereof as it deems advisable.
- d. Once an amendment has been acted upon by the Town Board, the matter will not be reconsidered, nor will any additional amendments involving the same parcel of property be heard or considered by the Planning Commission or the Town for at least twelve (12) months.

## **Section 4      Criteria for Zoning Map Amendments**

- A. Required conditions for approval.** Rezoning or amendment to the official land use district map shall be recommended for approval only upon the finding by the Planning Commission that all of the following conditions exist.
  1. The proposed zoning shall be consistent with the Comprehensive Plan.
  2. A clear public need or benefit to be met by the requested zoning change shall exist, which is beyond any benefit or convenience to the landowner.
  3. In the case of changing a zone district from a higher density or more intensive use to a less dense or less intense use, the proposed zoning shall allow the property owner(s) a reasonable use of their property under the terms of this Ordinance, as well as serve the public interest.
  4. No application for change in the boundary line of zones or districts may be granted unless at least fifty percent (50%) of the owners of the lands proposed to be changed file a petition for the change.
  
- B. Required conditions for requesting a change.** Rezoning or amendment to the official land use district map may be recommended for approval by the Planning Commission under any of the following situations, providing that all of the conditions in **A**, above, are satisfied.
  1. A mistake has been made in the original zoning that was inconsistent with the Comprehensive Plan, which should now be corrected along with the zoning.
  2. A substantial change has occurred in the community since the adoption of the Comprehensive Plan, which should result in the Plan and the zoning being amended.
  3. A public need being evident, there shall be a showing that the public interest would be best served by rezoning the property in question rather than other property in the community.
  4. One or more property owners who own one-hundred-sixty (160) or more contiguous acres may change their property from a high or more intensive use to a lower or less intensive use by petition to the Town.
  
- C. Interim zoning regulations.** Nothing above is intended to abridge the Town Board's authority to proceed in adopting interim zoning regulations.