

CITIZEN INITIATIVE PETITION — LESTER PARKLAND PROTECTION (PARCEL 2 OF 2)

City of Duluth, Minnesota • Proposed Ordinance Under Section 51 of the Duluth City Charter

TO THE CITY COUNCIL OF THE CITY OF DULUTH: We, the undersigned registered voters of the City of Duluth, Minnesota, respectfully petition for the submission of the following proposed ordinance to a vote of the people, as provided by Section 51 of the Duluth City Charter.

SUMMARY: This ordinance would direct the City of Duluth to rezone the approximately **37.5 acres** parcel commonly known as the Lake 9 parcel of the former Lester Park Golf Course — currently held by the Duluth Economic Development Authority — to a park, open space, or conservation zoning classification, and would require any future rezoning of the parcel to allow private development to first be approved by a majority of Duluth voters. The full text of the proposed ordinance is printed on the reverse side.

Sign in ink. You must be a registered voter in the City of Duluth. Provide your full legal name, residence address (no P.O. boxes), and date of signature.

#	Printed Full Name	Signature (sign in ink)	Residence Address (street, Duluth, MN — no P.O. boxes)	Date Signed
1				
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CIRCULATOR'S AFFIDAVIT

NOTE: A COMPLETED SHEET REQUIRES ONLY ONE SIGNATURE ABOVE AND ONE CIRCULATOR'S AFFIDAVIT BELOW. THE CIRCULATOR MAY ALSO BE A SIGNER.

I, _____, being duly sworn, depose and say that I, and I only, personally circulated the foregoing petition paper, that all the signatures appended thereto were made in my presence, and that I believe them to be the genuine signatures of the persons whose names they purport to be.

Signature: _____ **Date:** _____ **Address:** _____

PROPOSED ORDINANCE — FULL TEXT (PARCEL 2 OF 2)

The city of Duluth does ordain:

SECTION 1. PURPOSE AND FINDINGS.

The People of Duluth find that the approximately 37.5-acre parcel commonly known as the Lake 9 parcel of the former Lester Park Golf Course was part of a public park system held in trust for the benefit of current and future residents of Duluth. The People further find that the conveyance of the Lake 9 parcel to the Duluth Economic Development Authority does not extinguish the public interest in its protection from private development. The City of Duluth retains full regulatory authority over the use of all land within its boundaries, including land held by its subordinate bodies, through the exercise of its zoning and land use powers. The People further find that rezoning the Lake 9 parcel to the Park and Open Space District (P-1) under Section 50-17.4 of the Duluth Unified Development Chapter is a lawful and appropriate exercise of the City's police power, is consistent with the public trust character of former parkland, and ensures that the parcel's natural and recreational values are preserved under the City's land use regulations regardless of title. Nothing in this ordinance shall be construed to affect the title to the Lake 9 parcel, to require the expenditure of public funds, or to exempt the City from compliance with any applicable state law. This ordinance is an exercise of the City's regulatory authority over land use within its boundaries.

SECTION 2. DEFINITIONS.

As used in this ordinance: (a) "Lake 9 Parcel" means the approximately 37.5-acre parcel of the former Lester Park Golf Course commonly known as the Lake 9 parcel, previously conveyed to the Duluth Economic Development Authority, located within the City of Duluth, St. Louis County, Minnesota. (b) "Protective Zoning Classification" means the Park and Open Space District (P-1) under Section 50-17.4 of the Duluth Unified Development Chapter, or any successor district that protects land for recreational, scenic, and natural resource uses and prohibits private residential, commercial, industrial, hospitality, or mixed-use development.

SECTION 3. REZONING DIRECTED.

(a) The City of Duluth shall, within 180 days of the effective date of this ordinance, initiate and complete all actions necessary to rezone the Lake 9 Parcel to the Park

and Open Space District (P-1) under Section 50-17.4 of the Duluth Unified Development Chapter. (b) The rezoning shall be accomplished through the City's standard zoning amendment process. Nothing in this section shall be construed to waive any required public hearing, planning commission review, or other procedural requirement otherwise applicable to a zoning amendment. (c) If the Park and Open Space District (P-1) is amended, repealed, or replaced prior to the City's compliance with Section 3(a), the City shall rezone the Lake 9 Parcel to the closest equivalent successor district that protects land for recreational, scenic, and natural resource uses and prohibits private development.

SECTION 4. PROHIBITION ON DEVELOPMENT ZONING.

(a) Following the effective date of this ordinance, the City shall not rezone the Lake 9 Parcel, or any portion thereof, to any classification that authorizes or facilitates private residential, commercial, industrial, hospitality, or mixed-use development, unless such rezoning is first approved by a majority of the voters voting on the question at a regular or special City election. (b) The prohibition in subsection (a) applies to all rezonings occurring on or after the effective date of this ordinance, regardless of whether the Lake 9 Parcel has been rezoned to the Park and Open Space District (P-1) pursuant to Section 3.

SECTION 5. ENFORCEMENT.

Any resident or taxpayer of the City of Duluth shall have standing to bring an action in the District Court of St. Louis County to compel performance of the City's obligations under Section 3 or to enjoin any rezoning in violation of Section 4. The court shall award reasonable attorney's fees and costs to a prevailing plaintiff.

SECTION 6. SEVERABILITY.

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications that can be given effect without the invalid provision or application.

SECTION 7. EFFECTIVE DATE.

This ordinance shall take effect upon its adoption by the voters at a regular or special election, as provided by Section 16 of the Duluth City Charter.