

## **CPED Planning Division Report Zoning Code Text Amendment**

**Date:** November 22, 2004

**Initiator Of Amendment:** Council Member Schiff

**Date of Introduction at City Council:** April 30, 2004; October 22, 2004

**Ward:** All

**Planning Staff And Phone:** Jason Wittenberg, (612) 673-2297

**Intent Of The Ordinance:** The amendment would do the following:

- Transfer enforcement of the zoning code to CPED-Planning;
- Specify penalties for zoning violations;
- Increase from 10 to 15 business days the time allowed to determine whether a land use application is incomplete;
- Reduce the time to appeal a decision of the zoning administrator from 20 to 10 days;
- Clarify the scope of the city council's authority on matters appealed to the city council.

**Appropriate Section(s) of the Zoning Code:** Chapter 525

**Background:** The proposed amendments would alter the Administration and Enforcement chapter of the zoning code as noted above.

**Purpose For The Amendment:**

**What is the reason for the amendment?**

**What problem is the Amendment designed to solve?**

**What public purpose will be served by the amendment?**

**What problems might the amendment create?**

The general purpose of the amendment is to allow for more effective administration and enforcement of the zoning code. The director of inspections is currently given the authority to enforce the zoning code. Such authority would now be granted to the zoning administrator (in the Community Planning and Economic Development Department). This change is intended to allow for better coordination in zoning enforcement by placing such enforcement under the authority of the department that is also charged with interpreting and administering the zoning code. Note that the amendment still provides the department of regulatory services the authority to issue citations for zoning violations.

The amendment would insert more direct references in the zoning code to an additional relevant section of the City's code of ordinances related to enforcement (i.e., Chapter 2).

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Consistent with recent changes to state law, the amendment proposes to provide City staff 15 business days to review a land use application to determine whether the application is incomplete (rather than the current 10 business days).

The amendment would reduce the time to appeal a decision of the zoning administrator from 20 days to 10 days, which would be consistent with the number of days currently allowed for appeals of city planning commission or board of adjustment decisions.

Finally, the amendment clarifies that the city council has the authority to accept new evidence when considering an appeal of a board of adjustment or city planning commission decision and that the city council may impose conditions or otherwise modify projects that have been appealed.

The public purpose(s) that would be served by the amendment include more consistent and effective zoning administration and enforcement and increased clarity in the Administration and Enforcement chapter of the code.

Staff has not identified problems that are likely to result from adoption of the amendment.

### **Timeliness:**

**Is the amendment timely?**

**Is the amendment consistent with practices in surrounding areas?**

**Are there consequences in denying this amendment?**

The amendment is timely in that budgetary and staffing decisions related to zoning enforcement personnel are likely to be made at the beginning of 2005.

Practices vary in the administration and enforcement of zoning codes in other communities. In terms of the section specifying that the City Council has the authority to consider new information on appeal and that additional conditions may be adopted, Portland, Oregon, has similar language as follows:

*Chapter 33.730 Title 33, Planning and Zoning  
Quasi-Judicial Procedures 9/3/04*

33.730.030 H.6.a.

6. Appeal decision and findings.

a. The City Council may adopt the review body's decision report, modify it, or reject it based on information presented at the hearing and in the record.

If City Council modifies or rejects the decision report, an amended report with findings supporting the decision must be prepared as provided in 730-10

Subparagraph b. below. The report must comply with 33.730.090, Reports

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and Record Keeping.

The consequences related to denying the amendment would be that enforcement of the zoning code would remain solely with the Inspections Department and that sections of Chapter 525 would remain vague or, in one case, would not reflect recent changes to state law.

### **Comprehensive Plan:**

#### **How will this amendment implement the Comprehensive Plan?**

The zoning code implements the Minneapolis Plan. More efficient and effective enforcement of the zoning code should therefore result in improved implementation of the policies of the comprehensive plan.

### **Recommendation Of The CPED Planning Division:**

The CPED Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the text amendment.