

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: _____

Amending Title 20, Chapter 525 of the Minneapolis Code of Ordinances relating to Zoning Code: Administration and Enforcement.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 525.95 of the above-entitled ordinance be amended to read as follows:

525.95. ~~Director of regulatory services~~ Enforcement officials. The director of regulatory services, planning director, building official, and zoning administrator shall have the following powers and duties in connection with the administration of this zoning ordinance:

- (1) To enforce this zoning ordinance by commencement of appropriate administrative and legal remedies, including but not limited to issuance of citation or written orders, or reference to the city attorney for issuance of a formal complaint.
- (2) To take such other actions as reasonable and necessary for the enforcement of this zoning ordinance.

Section 2. That Section 525.120 of the above-entitled ordinance be amended to read as follows:

525.120. ~~Planning department~~ Department of community planning and economic development. (a) *Establishment.* The ~~city planning department~~ department of community planning and economic development is established by ~~in Chapter 13 415 of the Minneapolis City Charter~~ of this Code and shall ~~be serve~~ as the planning agency department for the city, as described in Chapter 13 of the City Charter. The ~~planning department~~ department of community planning and economic development shall perform its duties and exercise its powers as provided by law in such a way as the objectives of this zoning ordinance shall be observed.

(b) *Jurisdiction and authority.* The planning director or his or her authorized

representative shall have the following powers and duties in connection with the administration of this zoning ordinance:

- (1) To review and make recommendations regarding land use applications, as authorized by this zoning ordinance.
- (2) To conduct surveys and studies for the purpose of recommending amendments to this zoning ordinance.
- (3) To make comprehensive surveys and studies of conditions and trends for the purpose of recommending a comprehensive plan and amendments thereto.
- (4) To perform the administrative review of applications for travel demand management plans, transfer of development rights, and floor area ratio premiums.
- (5) To perform such duties and functions as directed by the city council and mayor.

Section 3. That Section 525.240 of the above-entitled ordinance be amended to read as follows:

525.240. Compliance with performance standards. Whenever an application is made for issuance or change of a zoning certificate, which may include the production, processing, cleaning, servicing, testing or repair of materials, goods or products, the zoning administrator shall review the application to determine compliance with the applicable regulations of the zoning district and the applicable general performance standards of Chapter 535, Regulations of General Applicability. The zoning administrator may initiate an investigation or study to ensure compliance with the standards when it is believed that proposed processes may violate applicable general performance standards. When a determination of compliance may be reasonably made by the ~~department of inspections~~ Minneapolis health department using health department equipment and personnel, the health department may accomplish the study or investigation necessary. When unusual technical complexity or expense would be incurred in securing the sufficient information to conclude the study or investigation, the zoning administrator may require the applicant to provide the evidentiary submission at the applicant's expense, including but not limited to the following:

- (1) Plans of the existing or proposed construction and development.
- (2) Detailed descriptions of existing or proposed machinery, processes, activities and materials used and the products made.

- (3) Plans and specifications for the mechanisms and techniques used or proposed to be used in demonstrating compliance with the applicable regulations of the zoning district and the applicable performance standards.
- (4) Measurements or estimates of the amount and rate of emission of any substance or force demonstrating compliance with the performance standards.

Section 4. That Section 525.540 of the above-entitled ordinance be amended to read as follows:

525.540. Complaints regarding violations. ~~The zoning administrator and the director of regulatory services~~ enforcement officials described in section 525.95 of this Code shall have the authority to investigate any complaint alleging a violation of the zoning ordinance or the conditions of any zoning approval and to take such action as is warranted in accordance with the procedures set forth in this chapter.

Section 5. That Section 525.550 of the above-entitled ordinance be amended to read as follows:

525.550. Procedures upon discovery of violations. (a) Notice of violation. ~~The zoning administrator or the director of regulatory services~~ city shall provide a written notice to the property owner or to any person responsible for such violation, identifying the property in question, indicating the nature of the violation, and ordering the action necessary to correct it, including a reasonable time period to remedy the violation. The written notice shall advise that the decision or order may be appealed to the board of adjustment in accordance with the provisions of section 525.170. Additional written notices may be provided at the discretion of the enforcement official. Where the violation involves work being done contrary to the provisions of this zoning ordinance, ~~the zoning administrator or director of regulatory services~~ city may order the work stopped. No further work shall be undertaken while a stop-work order is in effect.

- (b) Enforcement without notice. Whenever ~~the zoning administrator or director of regulatory services~~ city finds that an emergency exists in relation to the enforcement of the provision of the zoning ordinance which requires immediate action to protect the health, safety or welfare of occupants of any structure, or the public, they may seek immediate enforcement without prior written notice, notwithstanding any other provision of this ordinance.

Section 6. That Section 525.580 of the above-entitled ordinance be amended to read as follows:

525.580. Penalties and remedies for violations. Violations of the

provisions of this zoning ordinance or the conditions of any zoning approval granted thereunder may be enforced by any one (1), all, or any combination of the following penalties and remedies:

- (a) Violations shall be punishable as criminal offenses as stated in section 1.30 of the Minneapolis Code of Ordinances.
- (b) Violations may be enforced as administrative offenses pursuant to chapter 2 of the Minneapolis Code of Ordinances.
- (c) This zoning ordinance may also be enforced by injunction, abatement, mandamus, or any other appropriate remedy in any court of competent jurisdiction.
- (d) Each day that any violation continues after notification by the ~~zoning administrator or director of regulatory services~~ city that such violation exists shall be considered a separate offense for purpose of the penalties and remedies specified in this section.