



CPED & CITY ATTORNEY'S OFFICE STAFF REPORT

Prepared for the City Planning Commission

CPC Agenda Item #11
September 29, 2014

ZONING CODE TEXT AMENDMENT SUMMARY

<i>Initiator:</i>	TBD
<i>Introduction Date:</i>	TBD
<i>Prepared By:</i>	Erik Nilsson, Assistant City Attorney, (612) 673-2192
<i>Specific Site:</i>	N/A
<i>Ward:</i>	N/A
<i>Neighborhood:</i>	N/A
<i>Intent:</i>	Zoning Code amendments resulting from adoption of "Plain-Language" City Charter

APPLICABLE SECTION(S) OF THE ZONING CODE

- Chapter 525, Administration and Enforcement

BACKGROUND

In November 2013, Minneapolis voters approved a ballot initiative to adopt a plain-language revision of the Minneapolis City Charter. The revision's stated purpose was not to restructure City government or to effectuate any substantive change to the contents of the Charter. Rather, the aim of the revision was to seek clarity, brevity, and consistency through simplifying the language and reorganizing the document. The new Charter takes effect on January 1, 2015.

The plain-language revision of the Charter also recommends reclassification of certain provisions that were in the "old" Charter to ordinance, without changing the underlying rule. In general, the revision retained a provision if affects (1) a citizen's rights, or (2) the relationship among governmental officers or bodies, particularly including (but not limited to) the independence of municipal boards and commissions. The City Attorney's Office is tasked with analyzing each of these reclassification recommendations to determine if the provision requires codification in the Code of Ordinances. If it does, the draft ordinance language will be prepared for consideration and adoption by the City Council. In many other cases, the provision recommended for reclassification is already addressed in ordinance and/or state law or the provision is simply outdated and obsolete. In addition, based on reorganization of the Charter, citation references to the old Charter must be changed to reflect the proper new Charter citations.

This report contains only the proposed amendments to the Zoning Code resulting from the plain-language revision to Chapter 13 ("City Planning Department") of the current Charter. State law and local ordinance require the Planning Commission to review proposed amendments to the zoning ordinance and to forward its recommendation to the City Council. After consideration of these amendments by the Planning Commission, they will be grouped together with all of the other

amendments to other chapters of the Code of Ordinances for final action by the City Council in a single vote prior to the end of the year.

RECOMMENDATIONS

Recommendation of the City Attorney's Office and Department of Community Planning and Economic Development:

The City Attorney's Office and Department of Community Planning and Economic Development recommend that the City Planning Commission and City Council **approve** the amendments to Chapter 525 of the Minneapolis Code of Ordinances related to the reclassification of certain provisions from Charter to ordinance as a result of voter approval of the "Plain-Language" City Charter.

ATTACHMENTS

- I. Ordinance amending Chapter 525, Administration and Enforcement

2014-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 525.100 of the above-entitled ordinance be amended to read as follows:

525.100. City planning commission.

(a) *Establishment.* The city planning commission is established by ~~Chapter 13~~ Article VII of the Minneapolis City Charter, ~~City Planning Department~~, and shall perform its duties and exercise its powers as provided therein.

(b) *Jurisdiction and authority.* The city planning commission shall have the following powers and duties in connection with the administration of this zoning ordinance:

- (1) To initiate amendments to the text of this zoning ordinance and to the zoning map.
- (2) To hear and make recommendations to the city council on proposed amendments to this zoning ordinance, including rezonings.
- (3) To initiate amendments to the comprehensive plan.
- (4) To hear and make recommendations to the city council on proposed amendments to the comprehensive plan.
- (5) To hear and decide applications for conditional use permit.
- (6) To hear and decide applications for major site plan review, pursuant to the procedures and standards set forth in Chapter 530, Site Plan Review.
- (7) To hear and decide applications for expansion of a nonconforming use and change of nonconforming use, pursuant to the procedures and standards set forth in Chapter 531, Nonconforming Uses and Structures.

- (8) To hear and decide applications for land use reviews, including but not limited to variances and certificates of nonconforming use, as part of concurrent review, pursuant to section 525.20
- (9) To hear and decide appeals from any order, requirement, decision, determination or interpretation made by the zoning administrator, planning director or other official in the administration or the enforcement of this zoning ordinance with respect to administrative review of permitted communication towers, antennas and base units, travel demand management plans, transfer of development rights, floor area ratio premiums, and site plan review except those involving single and two-family dwellings and multiple-family dwellings having three (3) or four (4) dwelling units.
- (10) To recommend to the city council appointments to the board of adjustment.

(c) *Public hearings.* The city planning commission shall schedule public hearings not less than twice per month, except in those months where the chair determines that because of holiday schedules or the number of agenda items, one (1) meeting is sufficient to carry out the commission's duties. Such public hearings shall be noticed and conducted pursuant to the provisions of section 525.150

(d) *Rules and procedures.* The city planning commission shall adopt policies and procedures for the conduct of its meetings, the processing of applications, and for any other purposes considered necessary for its proper functioning, and select or appoint officers as it deems necessary. Such policies and procedures shall be consistent with the city charter and this zoning ordinance.

(e) *Compensation of city planning commission members.* The members or the representative of a member of the city planning commission, except those who are paid by the city or any other public body or agency for attending or serving on the commission, shall be paid at the rate of thirty-five dollars (\$35.00) for each official meeting attended with a limitation of one (1) meeting per day and four (4) meetings per month.

(f) *Membership.* The city planning commission shall consist of ten (10) members. Members shall serve for a term of two (2) years. Four (4) members shall be appointed by the mayor. Each year the mayor shall appoint two (2) members, who are city residents and not members of any body or board otherwise represented on the commission, to serve for terms of two (2) years each commencing on the first day of February of the year of their appointment. The city council shall appoint one (1) member, who is a city resident, in January of each even-numbered year. The city council, park and recreation board, and school board shall each elect one of their own members to serve on the city planning commission in January of each even-numbered year. One (1) member shall be the mayor or their representative. One (1) member shall be a representative selected by the board of county commissioners every two (2) years. Vacancies shall be filled for any unexpired term in the same manner as the appointment or selection is made.

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

- (a) *Establishment.* The department of community planning and economic development is established in Article VII of the Minneapolis City Charter and Chapter 415 of this Code and ~~shall serve as the planning department for the city, as described in Chapter 13 of the City Charter.~~ The 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.