

HOPKINS PLANNING & ZONING COMMISSION

AGENDA

Tuesday, October 24, 2023

6:30 pm

**THIS AGENDA IS SUBJECT TO CHANGE
UNTIL THE START OF THE PLANNING & ZONING COMMISSION MEETING**

I. CALL TO ORDER

II. ADOPT AGENDA

III. COMMUNITY COMMENT

IV. CONSENT AGENDA

1. Minutes of the September 26, 2023 Planning & Zoning Commission Meeting

V. PUBLIC HEARINGS

VI. OLD BUSINESS

VII. NEW BUSINESS

1. 2024 P&Z Work Plan
2. Educational Topic: Zoning Ordinance

VIII. ANNOUNCEMENTS

IX. ADJOURN

**HOPKINS PLANNING & ZONING COMMISSION
REGULAR MEETING PROCEEDINGS
SEPTEMBER 26, 2023**

CALL TO ORDER

Pursuant to due call and notice thereof a regular meeting of the Hopkins Planning & Zoning Commission was held on Tuesday, September 26, 2023 at 6:30 p.m. in the Council Chambers at City Hall, 1010 1st Street South.

Chairperson Wright called the meeting to order with Commission Members Terrill, Green, Fauchald, Ilstrup and Goodlund attending. Commissioner Nur joined the meeting late. Also present was City Planner Krzos.

ADOPT AGENDA

Motion by Terrill. **Second** by Ilstrup.

Motion Adopt Agenda as presented.

Ayes: Terrill, Green, Fauchald, Ilstrup, Goodlund.

Nays: None. Absent: Nur. Motion carried.

COMMUNITY COMMENT

None.

CONSENT AGENDA

Motion by Ilstrup. **Second** by Green.

Motion Approve the Consent Agenda

1. Minutes of the July 25, 2023 Planning & Zoning Commission Meeting

Ayes: Terrill, Green, Fauchald, Ilstrup, Goodlund.

Nays: None. Absent: Nur. Motion carried.

PUBLIC HEARING

1. **2023-13 Cassia Chapel View Care Center – Planned Unit Development and Conditional Use Permit**

City Planner Krzos provided a summary of Planning Application 2023-13. Augustana Land Development, LLC, requests land use approvals to allow redevelopment of the former Mizpah Church at 412 – 5th Avenue North into a two-story, 88-bed skilled nursing facility adjacent to their existing Chapel View campus. Andrew Centanni, Vice President of Building Design and Development for Cassia, addressed the Commission to share more information on the proposed development.

Chairperson Wright opened the public hearing. Lynn Bialick, resident at 320 5th Avenue North, expressed concern regarding the neighboring rental properties. Sarah Flake, resident at 355 Sweet Briar Lane, shared concern about the former Chapel View facility potentially remaining vacant for many years once the new care center is constructed.

Motion by Green. **Second** by Nur.

Motion Close the Public Hearing.

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SEPTEMBER 26, 2023**

Ayes: All.

Nays: None. Motion carried.

The Commission discussed concerns regarding the rental properties and requested corporate responsibility. Mr. Centanni stated that they are aware of the issues and that it is in the process of being addressed.

Motion by Ilstrup. **Second** by Nur.

Motion Adopt Planning & Zoning Resolution 2023-13, recommending the Hopkins City Council approve the PUD Overlay Rezoning Ordinance and granting PUD Site Plan approval for 412 – 5th Avenue North, adding a condition to the PUD recommendation that the applicant provide additional information in the narrative discussing how they comply with the Community Connections section of the Comprehensive Plan, their position on corporate accountability, resolution of complaints and corporate social responsibility.

Ayes: All.

Nays: None. Motion carried.

Motion by Goodlund. **Second** by Ilstrup.

Motion Adopt Planning & Zoning Resolution 2023-14, recommending the Hopkins City Council approve the Conditional Use Permit allowing an 88-bed Skilled Nursing Facility at 412 – 5th Avenue North.

Ayes: All.

Nays: None. Motion carried.

2. 2023-14 Zoning Text Amendment for Office Uses in Mixed Use Zones

City Planner Krzos summarized Planning Application 2023-14. The City's updated zoning code established new provisions related to office uses in certain areas of Hopkins. Specifically, office uses are permitted only in upper stories in the MX-D and MX-TOD zones. New offices uses are prohibited from being located on the first floor within buildings within these zones. In the time since the code was adopted, staff has fielded inquiries from prospective office tenants about occupying spaces within the first floor of Mainstreet buildings. Staff revisited the policy and is proposing an ordinance amendment to expand eligibility for first floor offices uses in the MX-D and MX-TOD zones while still excluding first floor uses in certain buildings.

There were no community members in attendance for the public hearing.

The Commission discussed whether the amendment would be in keeping with the Comprehensive Plan's guidance around a vibrant, active downtown, how the new provisions would be implemented, and whether additional areas of the first floor should be eligible.

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REGULAR MEETING PROCEEDINGS
SEPTEMBER 26, 2023**

Motion by Green. **Second** by Ilstrup.

Motion Adopt Planning & Zoning Resolution 2023-15, recommending the Hopkins City Council approve an ordinance amending Article 5, Chapter 102 of the City Code Regarding Office Uses in Mixed Use Zones.

Ayes: Terrill, Fauchald, Ilstrup, Nur, Green, Wright.

Nays: Goodlund. Motion carried.

OLD BUSINESS

None.

NEW BUSINESS

None.

ANNOUNCEMENTS

City Planner Krzos updated the Commission on past projects and upcoming agenda items.

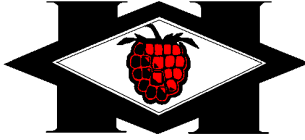
ADJOURNMENT

There being no further business to come before the Planning & Zoning Commission and upon a motion by Terrill, second by Green, the meeting was unanimously adjourned at 8:05 p.m.

Respectfully Submitted,

Courtney Pearsall

Courtney Pearsall, Administrative Assistant



CITY OF HOPKINS

Planning & Development

P&Z Report 2023-14

To: Chair and Planning & Zoning Commission members
From: Ryan Krzos, City Planner
Date: October 24, 2023
Subject: 2024 Planning & Zoning Commission Work Plan

RECOMMENDED ACTION

MOTION TO approve the 2024 Planning & Zoning Work Plan

OVERVIEW

The work plan is intended to allow for the City Council to better communicate with and follow the work of the Planning & Zoning Commission.

In 2023, the work plan included community education and engagement; and training opportunities. Thus far staff proposes continuation of those items in the 2024 work plan. The Commission may explore additional activities and/or issues to include in the work plan.

Staff will present the draft work plan to the Council for additional direction and feedback. The Council will take action on the 2024 Work Plan at a regular meeting in November.

SUPPORTING INFORMATION

- 2023 P&Z Commission Work Plan
- Draft 2024 P&Z Commission Work Plan
- 2024 P&Z Schedule

Planning & Zoning Commission

2023 Annual Work Plan Proposal - DRAFT

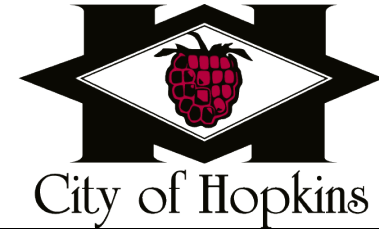


Initiative	<input checked="" type="checkbox"/> New Initiative <input type="checkbox"/> Continued Initiative <input type="checkbox"/> On-Going Initiative	Target Completion Date	Budget Required	Staff Support Required	Council Approval
Community education and implementation of new zoning code. Staff will work with the Commission to develop an engagement plan that may include planning outreach events or putting together tabling materials.		On-going	\$500	Staff liaison to support	
Progress Report:					

Initiative	<input type="checkbox"/> New Initiative <input checked="" type="checkbox"/> Continued Initiative <input type="checkbox"/> On-Going Initiative	Target Completion Date	Budget Required	Staff Support Required	Council Approval
Planning & Zoning Commission Training. Includes general Commission member training as well as training specific to Hopkins' long-range planning initiatives and development related policies.		On-going	\$349 paid in 2021	Staff liaison	
Progress Report:					

Ongoing Responsibilities
Review and conduct public hearings for development applications and make recommendations to the City Council

Planning & Zoning Commission
2023 Annual Work Plan Proposal - DRAFT



Other Work Plan Ideas Considered for Current Year or Future Years	
Zoning Ordinance Update check-in.	

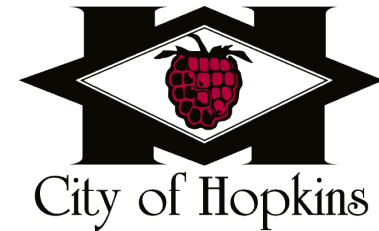
Proposed Month for Work Session:	October 2023
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Staff Comments:	Staff will present the draft 2023 Annual Work Plan to the Commission during their regular September meeting. Based on feedback from the Commission, staff will update the draft work plan and present it to the City Council at their regular meeting on November 14 th for further discussion and comment.
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Council Comments:	
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Planning & Zoning Commission

2024 Annual Work Plan Proposal - DRAFT



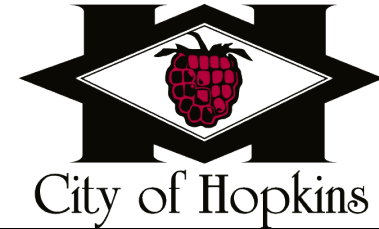
Initiative	<input type="checkbox"/> New Initiative <input checked="" type="checkbox"/> Continued Initiative <input type="checkbox"/> On-Going Initiative	Target Completion Date	Budget Required	Staff Support Required	Council Approval
Community education and engagement. P&Z members staffed tables at two events in 2023. Commissioners discussed their role with community members and provided information on the updated Zoning Ordinance and the new policy around accessory dwelling units. In 2024, the Commission would like to _____		On-going	\$500	Staff liaison to support	
Progress Report:					

Initiative	<input type="checkbox"/> New Initiative <input checked="" type="checkbox"/> Continued Initiative <input type="checkbox"/> On-Going Initiative	Target Completion Date	Budget Required	Staff Support Required	Council Approval
Planning & Zoning Commission Training. Staff provided commission specific training during two meetings: One related to the Land Use Section of the 2040 Comprehensive Plan, and a second on the Zoning District and zoning approvals. In 2024, the Commission would like to _____		On-going	\$349 paid in 2021	Staff liaison to support	
Progress Report:					

Ongoing Responsibilities

Planning & Zoning Commission

2024 Annual Work Plan Proposal - DRAFT



Review and conduct public hearings for land use applications; and make recommendations to the City Council.
Develop the 2025 Work Plan

Other Work Plan Ideas Considered for Current Year or Future Years

Proposed Month for Work Session:	November 2023
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Staff Comments:	Staff will present the draft 2024 Annual Work Plan to the Commission during their regular October meeting. Based on feedback from the Commission, staff will update the draft work plan and present it to the City Council in November for further discussion and comment.
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Council Comments:	
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2024 PLANNING & ZONING COMMISSION ANNUAL CALENDAR - DRAFT

January	<ul style="list-style-type: none"> • Regular Meeting January 23 • Planning & Zoning Commissioner Training?
February	<ul style="list-style-type: none"> • Regular Meeting February 27 • Planning & Zoning Commissioner Training?
March	<ul style="list-style-type: none"> • Regular Meeting March 26 • Planning & Zoning Commissioner Training?
April	<ul style="list-style-type: none"> • No Meeting – May 1 is Alternative Date • Planning & Zoning Commissioner Training?
May	<ul style="list-style-type: none"> • Mainstreet Day May 18 • Regular Meeting May 1 (April) • Regular Meeting April 28 • Planning & Zoning Commissioner Training?
June	<ul style="list-style-type: none"> • Regular Meeting June 25 • Annual Meeting & Election of Chair and Vice Chair for 2024-2025 • Planning & Zoning Commissioner Training?
July	<ul style="list-style-type: none"> • Regular Meeting July 23 • New Commissioners for 2024-2025 Sworn-in and Begin Term • Planning & Zoning Commissioner Training?
August	<ul style="list-style-type: none"> • Regular Meeting August 27 • Planning & Zoning Commissioner Training?
September	<ul style="list-style-type: none"> • Regular Meeting September 26 • Discussion of 2025 Annual Work Plan • Planning & Zoning Commissioner Training?
October	<ul style="list-style-type: none"> • Fire Department Open House • Regular Meeting October 22 • Final Draft of 2025 Annual Work Plan • Planning & Zoning Commissioner Training?
November	<ul style="list-style-type: none"> • Regular Meeting November 26 • City Council Takes Action on 2025 Annual Work Plan • Planning & Zoning Commissioner Training?
December	<ul style="list-style-type: none"> • Regular Planning & Zoning Commission Scheduled for December 26th Subject to Change.



CITY OF HOPKINS

Planning & Development

Memorandum

To: Chair and Planning & Zoning Commission Members
 From: Ryan Krzos, City Planner
 Date: October 24, 2023
 Subject: P&ZC Training: Zoning Decisions and the Hopkins Zoning Districts

PURPOSE

Staff will present an overview of Zoning Decisions and the Hopkins Zoning Districts for educational purposes.

INFORMATION

The [Hopkins Zoning Code](#) establishes policies and procedures guiding land use and development within the City. The procedures are designed specifically in accordance with the State Statute provisions that enable the City to enact zoning policies. The attached handout from the League of Minnesota Cities describes the context and basis of zoning, and zoning decisions, as well as comprehensive planning.

Article 13 contains the provision related to the procedures of the Zoning Code. Table 13-1 provides a summary of these procedures and the party responsible for review and recommendation or final decision. The more common procedures are for applications for Zoning Map Amendments (Rezoning), Conditional Use Permits, Planned Unit Developments, Site Plans, and Variances. These application types will be further discussed during the presentation.

Articles 2 through 4 of the Zoning Code contain the provisions related to all of the 21 various [‘zones’](#) of the city. Article 2 describes the Neighborhood Zones, Article 3 describes the Mixed-Use Zones, and Article 4 describes the Special Purpose Zones.

The Neighborhood Zones Article regulates the City’s residential neighborhoods. Three groups of zones comprise this category ranging from more urban to suburban. The N1, Estate Neighborhood is primarily intended to accommodate rural, large lots

Table 13-1. Review and Decision-Making Summary

PROCEDURE	ZA	BOAA	PZC	CC
Dev't Code Text Amendments	○	–	○	●
Zoning Map Amendments	○	–	○	●
Major Subdivisions				
Preliminary Plat	○	–	○	●
Final Plat	○	–	○	●
Administrative Subdivisions	●	–	–	–
Conditional Use Permit	○	–	○	●
Interim Uses	○	–	○	●
Planned Unit Developments				
Development Plan + Rezoning	○	–	○	●
Site Plan	○	–	○	●
Site Plans				
Administrative Site Plan	●	–	–	–
Major Site Plan	○	–	○	●
Variances	○	○	–	●
Certificates of Occupancy	○	–	–	–
Building Permits	○	–	–	–
Appeals of Staff Decisions	○	●	–	⓪

Table notes:
 ○ = review and recommendation | ● = final decision
 ⓪ = appeals of BoAA decisions
 ZA = Zoning Administrator
 BOAA = Board of Appeals and Adjustments
 PZC = Planning & Zoning Commission
 CC = City Council

transitioning to suburban or traditional residential. The N2, Suburban Neighborhood N2 zones are primarily intended to accommodate detached and semi-detached houses in a more suburban context. The N2-A and N2-B zones are for smaller and larger lot neighborhoods, respectively. The N3, Traditional Neighborhood zones are primarily intended to accommodate detached houses, semi-detached houses, two-unit houses, and attached houses in a more traditional neighborhood context. The N3-A and N3-B zones are for larger and smaller lot neighborhoods, respectively.

The Mixed-Use Zones are a collection of zones that allow for a range of activities often with a mix of use types such as residential, retail, office, and industrial. The mixed-use zones also vary in locational characteristics ranging from urban downtown to suburban. Descriptions of the zones are as follows:

MX-TOD, Mixed-Use Transit-Oriented District (TOD) Center. The MX-TOD zone is intended for use in close proximity to transit stations, where walkable storefronts provide shopping and services for residents in the center and upper story uses include residences and offices.

MX-D, Mixed-Use Downtown Center. The MX-D zone is intended for use specifically in the downtown center, specifically along Mainstreet, where walkable storefronts provide shopping and services for residents and upper story uses include residences and offices.

MX-N, Mixed-Use Neighborhood Center. The MX-N zone is intended for mixed-use, walkable neighborhood centers and nodes, lower in scale and intensity than the downtown center.

MX-S, Mixed-Use Suburban Center. The MX-S zone is intended for mixed-use, regional-scale nodes, where residents and visitors may access a mix of predominantly commercial uses, including motor vehicle-related uses, in a walkable environment.

RX-TOD, Residential-Office Mix Transit-Oriented District (TOD) Center. The RX-TOD zone is intended for use proximate to transit stations, where residential, office, and other limited uses can mix comfortably in a walkable environment.

RX-D, Residential-Office Mix Downtown Center. The RX-D zone is intended for use in the downtown center in support of Mainstreet, where residential, office, and limited commercial uses can mix comfortably in a walkable environment.

RX-N, Neighborhood Residential-Office Mix Neighborhood Center. The RX-N zone is intended for locations along corridors and neighborhood edges, where residential, office, and limited commercial uses can mix comfortably in a walkable environment.

NX1, Neighborhood Residential Mix. The NX1 zone is intended to preserve the physical form of existing neighborhoods and support new neighborhoods with a mix of smaller scaled housing types, including single-unit houses, multi-unit houses, and townhouses.

NX2, General Residential Mix. The NX2 zone is intended for neighborhoods with a wider mix of housing types, including multi-unit houses, townhouses, rowhouses, and apartment buildings.

IX-TOD, Employment Mix Transit-Oriented District (TOD) Center. The IX-TOD zone is intended for use proximate to transit stations in innovation districts, where office, research and development, and low-impact production and manufacturing uses with limited external impacts can mix comfortably in a walkable environment.

I-TOD, Industrial Transit-Oriented District (TOD) Center. The I-TOD zone is intended for use proximate to transit stations, with low-impact and medium-impact production and manufacturing, research and development, and warehouse and distribution uses are organized in a more walkable environment while allowing for significant truck traffic.

IX-S, Employment Mix Suburban Center. The IX-S zone is intended for regional-scale nodes, where office, research and development, and low-impact production and manufacturing with limited external impacts in an environment accessible via motor vehicle and walking.

The Special Purpose Zones includes the Public & Institutional Zones, the Industrial Zone, the Closed Landfill Restricted Zone, and the Planned Unit Development provisions. P1, Parks & Open Space. The P1 zone is intended for parks and other types of open space or natural areas. The P2 Public & Institutional zone is intended to accommodate public, civic, and institutional uses in buildings on public or privately owned lands, while minimizing the potential for adverse impacts on surrounding areas. The I1, Industrial zone is intended for light industrial uses.

FUTURE ACTION

No future action is required.

Planning and Zoning 101

INFORMATION MEMO

Published: June 24, 2021

Land use regulation

City governments provide many important services, but one function stands apart in its impact on future generations – the authority to engage in planning and zoning of the community.

Comprehensive plans and zoning ordinances adopted and enforced by current officials affect the layout and landscape of a city for many years to come. Whether it is the development or preservation of open space, or the redevelopment and revival of existing properties, what a community will look like dozens of years from now depends on decisions made today.

City planning and zoning took root in the early 20th century as a way to minimize conflicts between incompatible land uses and to plan more coherent development. People increasingly were living in built-up urbanized areas and were suffering health impacts, including reduced life span, related to density and industrialization.

To promote better health, safety, and welfare, cities began regulating the use, size, and location of structures on the land through zoning ordinances, and developing future plans for harmonious and healthy land use patterns.

Conflicts and lawsuits

People have strong feelings about land use in most communities, and it often goes both ways.

Private property owners may feel they should be able to use their land as they see fit, without government telling them what they can and cannot do. On the other hand, residents may have equally strong feelings about what others are doing nearby – to the extent that it may injure or disturb the peace and quiet of their neighborhood. For example, most people do not want to live next door to a major industrial operation.

Conflicts about land use regulation can lead to litigation. It was through litigation that the U.S. Supreme Court first upheld the constitutionality of zoning in a seminal 1926 decision (*Euclid v. Ambler*, 272 U.S. 365, 47 S. Ct. 114, 71, (1926)), and lawsuits continue to this day.

The League of Minnesota Cities Insurance Trust (LMCIT) provides a unique land use insurance coverage that defends cities in land use lawsuits, even when there is not a claim for damages. LMCIT members spend almost \$3 million a year defending these lawsuits.

Making versus applying law

Land use litigation is costly, and often puts city officials in the difficult position of dealing with controversies that may displease people, no matter the outcome. City officials can help

themselves through these controversies by educating themselves about land use regulation authority, and the process and procedures necessary to exercise it.

Cities need to understand how much authority they have over any given land use decision. A city has much broader authority when creating its land use plans and ordinances than it does when administering the same. Thus, a city official should be aware of what authority the city is acting under whenever making a particular decision.

Legislative authority

When creating, adopting, and amending land use plans and zoning ordinances, a city is making law by exercising so-called “legislative” authority. The council sits as a body of elected representatives to make plans and laws (ordinances) for the entire community to advance health, safety, and welfare.

When acting legislatively, a city council can engage in far-ranging policy discussion, and sort through competing views about what plans and laws would be in the best interest of the city. Although not everyone may be on board with the outcome, the more public participation in the law-making stage, the better the understanding among the public of why the city has a particular plan or law in place.

The council has broad discretion when acting legislatively, and any reviewing court will give the city considerable deference.

Quasi-judicial authority

In contrast, when applying existing plans and laws, a city council exercises so-called “quasi-judicial” authority. The limited task is to determine the facts associated with a particular request, and then apply those facts to the relevant law. A city council has less discretion when acting quasi-judicially, and a reviewing court will examine whether the city council applied rules already in place to the facts before it.

It can be helpful to visualize this as a “pyramid of discretion,” showing cities have greater discretion when making land use decisions at the base of the triangle, and less as decision-making moves up the pyramid. Discretion is greatest when officials are creating local laws and the least when officials are administering those laws.

Land use disputes arise most often when a city is applying laws, rather than when making law. But a city usually has less ability to address the root of the dispute when applying the law, than it would when making the law in the first instance.

Comprehensive plans

A comprehensive plan is a document that sets forth a vision and goals for the city’s future.

State law defines a comprehensive plan as a compilation of policies, goals, standards, and maps for guiding the physical, social, and economic development — both public and private — of the municipality and its environment (Minn. Stat. § 462.351). Its purpose is to guide future development of land to ensure a safe, pleasant, and economical environment for residential, commercial, industrial, and public activities (Minn. Stat. § 462.352, subd.5).

The comprehensive plan provides the foundation for all land use regulation in the city. State law encourages all cities to prepare and implement a comprehensive municipal plan. In addition, cities within the seven-county metro area are required to adopt comprehensive plans.

State law assigns the creation of the city's comprehensive plan to its planning commission or department

Planning is a professional field that encompasses a broad array of skills and techniques. In developing comprehensive plans, many cities use educated, certified land use professionals. But at its core, planning is a relatively straightforward three-step process:

1. The community takes stock of where it is today.
2. The community generates a shared vision and goals for what the city will be like in the future.
3. The city develops a set of specific strategies to achieve that vision over time.

[Learn more about planning commissions in the *Planning Commission Guide*](#)

There are many reasons cities create and adopt comprehensive plans. The planning process helps communities:

- Identify issues before they arise.
- Stay ahead of trends in land use development and redevelopment.
- Anticipate and navigate change in populations and land use patterns.
- Protect and make the most out of public investment by ensuring that development coincides with investments in infrastructure.
- Protect and promote the value of private property.
- Provides legal justification for a community's land-use decisions and ordinances.

The comprehensive plan itself can contain many different elements, and importantly, is not limited in scope to land use.

The land use plan lays out desired timing, location, design, and density for future development, redevelopment, or preservation. They also typically include plans for:

- Public or community facilities.
- Parks and open space.
- Housing.
- Natural resources.
- Transportation.
- Infrastructure.

Most comprehensive plans include a variety of maps, including a land use plan map showing how the plan guides the future land use in different areas of the community.

Adopting and amending a comprehensive plan

State law provides processes cities must follow to adopt and amend a comprehensive plan.

Prior to adopting a comprehensive plan, the planning commission must hold at least one public hearing. It must publish a notice of the time, place, and purpose of the hearing once in the official newspaper of the municipality at least 10 days before the day of the hearing.

Unless otherwise provided in a city charter, the city council may — by resolution by a two-thirds vote of all of its members — adopt and amend the comprehensive plan or a portion of the plan. This means that on a five-member council, the comprehensive plan must receive at least four affirmative votes. ([Minn. Stat. § 462.355, subd. 2.](#))

After a city has adopted a comprehensive plan, the council must refer all future plan amendments to the planning commission for review and comment. The city council may not act on any plan amendment until it receives the planning commission’s recommendation, or until 60 days after the date an amendment proposed by the city council has been submitted to the planning commission for its recommendation.

The planning commission serves in a strictly advisory role when it submits review and comment to the council. The city council ultimately decides on the acceptance, rejection, or the revision of the plan, and is not bound by planning commission recommendations ([Minn. Stat. § 462.355, subd. 3.](#)).

Adopting and amending a comprehensive plan should be a dynamic public process with an eye towards implementation. Public participation ensures broad and ongoing support, brings a variety of information and perspectives, and instills a sense of community ownership in the plan.

Once adopted, the city should actively consult the plan, periodically review it for consistency with current policies and practices, and recommend amendments whenever necessary. State law provides that comprehensive plans should be implemented through zoning and subdivision regulations, as well as coordination of public improvements and city services, and a capital improvements program. ([Minn. Stat. § 462.356, subd. 1.](#))

Role of the Metropolitan Council

Cities in the seven-county metropolitan area must submit their comprehensive plan to the Metropolitan Council for review of its compatibility and conformity with the Metropolitan Council’s regional system plans.

When the Metropolitan Council finds a city’s comprehensive land use plan may have a substantial impact on, or contains a substantial departure from the Metropolitan Council’s regional system plans, the Council can require the city to conform to the Council’s system plans ([Minn. Stat. § 473.175](#)). Metro area cities must review and update their plans, fiscal devices, and official controls at least every 10 years, and submit their revised plans to the Metropolitan Council for review ([Minn. Stat. § 462.355, subd. 1a](#)).

Zoning ordinances

State law authorizes a city zoning ordinance as a tool to implement a comprehensive plan.

Zoning is a method of establishing a land use pattern by regulating the way land is used by landowners. A zoning ordinance has area standards that regulate the size and location of buildings and structures in the city. Comprised of text and a map, most zoning ordinances also typically divide a city into various zoning districts, and set standards regulating uses in each district. ([Minn. Stat. § 462.357](#)).

[Learn more about zoning in the *Zoning Guide for Cities*](#)

“Area standards” are rules that constrain the size and location of buildings and other structures. These typically include rules about building location and size, including height,

width, and bulk; the percentage of lot space that may be occupied; and required yards or open spaces. Other standards might be performance standards such as related to density, parking, or lighting.

Most zoning ordinances use a map to divide the community into zoning districts that establish similar compatible land uses. By creating zoning districts that separate uses, the city can provide adequate space for each and ensure that transition areas or buffers exist between distinct and incompatible uses. Example zoning districts include residential, commercial, industrial, and agricultural districts. Larger cities will often have districts of varying density or intensity, such as single-family residential and multi-family residential, or light industrial and heavy industrial.

For each district, a zoning ordinance typically sets forth allowable uses and required performance standards. The allowed uses often are set forth in lists or use tables. They typically include:

- **Permitted uses.** These are generally the principal use of the land or building, and are allowed without a public hearing.
- **Accessory uses.** These are allowed uses located on the same lot, subordinate or accessory to a permitted use.
- **Conditional uses.** A conditional use is one allowed after a public hearing, only if the landowner meets the general and specific standards set forth in the zoning ordinance. The more specific and clear the standards set forth in the ordinance, the easier it will be to administer.

State law mandates a procedure for the adoption or amendment of zoning ordinances (Minn. Stat. §§ 462.357, subd. 2 – 5). The process includes:

- The city council (or the planning commission if one exists) must hold a public hearing before the city adopts or amends a zoning ordinance.
- The city must publish a notice of the time, place, and purpose of the hearing in the official newspaper of the municipality at least 10 days prior to the day of the hearing. In addition, if an amendment to a zoning ordinance involves changes in district boundaries affecting an area of five acres or less, a similar notice must be mailed at least 10 days before the day of the hearing to each owner of affected property and property situated completely or partly within 350 feet of the property to which the amendment applies.
- Zoning ordinances must be adopted by a majority vote of all of the members of the council.

An important component of the zoning ordinance is the zoning ordinance map, which assigns zoning districts to given parcels in the community. The city may change the zoning district designation of a parcel from one zoning district to another (called “rezoning”), and it must be done after a public hearing. Rezoning is an amendment to the actual zoning ordinance, and the procedures for amendments to the zoning ordinance apply.

State law, however, has a two-tiered voting requirement for rezoning of residential property.

- When property is rezoned from residential to commercial or industrial, a two-thirds majority of all members of the city council is required.
- For other rezoning decisions, a simple majority vote of all members is all that is required.

Rezoning should be consistent with the comprehensive plan land use plan map (Minn. Stat. § 462.357, subd. 2).

Results of careful planning

Keeping city plans and ordinances current can save money and headaches. Land use conflicts eventually confront most city officials – whether it is disagreements about the vision for the future of the city, or disputes between neighboring property owners. In creating comprehensive plans and adopting zoning ordinances, cities can proactively engage the public to create ground rules for all.

Planning and zoning a community is a substantial undertaking that deserves thoughtful consideration. The more effort a city puts in at the front end by adopting and amending plans and ordinances, the easier it will be to administer. Plans and ordinances adopted years ago may not be consistent with current vision. A capital improvement program, in particular, should be regularly revisited for consistency with current conditions.

[View more League land use resources](#)

Your LMC Resource

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