

**HOPKINS CITY COUNCIL
AGENDA
Tuesday, August 20, 2024
6:30 pm**

**THIS AGENDA IS SUBJECT TO CHANGE
UNTIL THE START OF THE CITY COUNCIL MEETING**

- I. **CALL TO ORDER**
- II. **CITY COUNCIL MEMBER APPOINTMENT AND OATH OF OFFICE**
- III. **ADOPT AGENDA**
- IV. **PRESENTATIONS**
 1. Update from Team Tucker Association; Hanlon/Anderson-Helstrom
 2. Park Systems Master Plan Implementation Update; Imihy Bean
- V. **CONSENT AGENDA**
 1. Minutes of the August 5, 2024, Regular Meeting Proceedings
- VI. **PUBLIC HEARINGS**
- VII. **OLD BUSINESS**
- VIII. **NEW BUSINESS**
 1. Cannabis Business Regulation Discussion; Krzos
 2. First Reading: Development Code Amendment; Krzos
- IX. **PUBLIC COMMENT**
- X. **ANNOUNCEMENTS**
 - Next City Council Regular Meeting: Tuesday, September 3 at 6:30 p.m.
- XI. **ADJOURN**



Administration

CITY OF HOPKINS

City Council Report 2024-101

To: Honorable Mayor and Council Members
Mike Mornson, City Manager

From: Amy Domeier, City Clerk

Date: August 20, 2024

Subject: Resolution Appointing City Council Member to the Hopkins City Council

RECOMMENDED ACTION

MOTION TO Approve Resolution 2024-053 Appointing a City Council Member to the Hopkins City Council.

OVERVIEW

Council Member Gerard Balan resigned from the City Council on August 4, 2024, creating a vacancy on the City Council. The Hopkins City Charter requires the City Council shall by resolution declare a vacancy to exist and shall appoint an eligible person to fill the vacancy. Because there are less than two years remaining in the Council Member seat's term, a special election is not required. The City Council declared a vacancy on August 5, 2024.

The City Council has reached a consensus to appoint Aaron Kuznia to fill the vacant seat. Mr. Kuznia is eligible to be given the oath of office immediately upon the appointment and begin their term that will end on January 6, 2026.

SUPPORTING INFORMATION

- Draft Resolution 2024-053

**CITY OF HOPKINS
HENNEPIN COUNTY, MINNESOTA**

RESOLUTION 2024-053

**RESOLUTION APPOINTING CITY COUNCIL MEMBER TO
THE HOPKINS CITY COUNCIL**

WHEREAS, Council Member Balan resigned from the City Council effective August 4, 2024; and

WHEREAS, the City Council declared a vacancy on the City Council on August 5, 2024; and

WHEREAS, the Hopkins City Charter requires the City Council to appoint an eligible person to fill the vacancy.

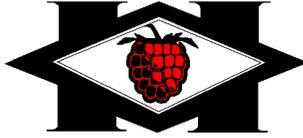
NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Hopkins hereby appoints Aaron Kuznia to fill the vacant City Council seat.

Adopted by the City Council of the City of Hopkins on this 20th day of August 2024.

By: _____
Patrick Hanlon, Mayor

ATTEST:

Amy Domeier, City Clerk



CITY OF HOPKINS

Administration

Memorandum

To: Honorable Mayor and Council Members
From: Mike Mornson, City Manager
Date: August 20, 2024
Subject: Update from Team Tucker Association

PURPOSE

The Team Tucker All Star Party will take place September 14, 2024. Tucker's mom, Dana Anderson-Helstrom, will provide an update on the event.

INFORMATION

To find out more information the Team Tucker All Start Party, please visit <https://playlaughlove.org/> .

FUTURE ACTION

N/A



CITY OF HOPKINS

Administration

Memorandum

To: Honorable Mayor and Council Members
Mike Mornson, City Manager

From: PeggySue Imihy, AICP – Special Projects and Initiatives Manager

Date: 08/20/2024

Subject: Park System Master Plan Implementation Update

PURPOSE

To provide the City Council with an update on the implementation of the Park System Master Plan and upcoming projects including the planning phase of Central Park, the Pavilion and Recreation and Resilience Hubs.

INFORMATION

Park System Master Plan

[In February 2024](#), the City Council following the recommendation of the Park Board, approved the City's first Park System Master Plan (PSMP) which provides a 20-year vision for the City's park system. This plan, which is statutorily required of cities, is an important planning document which guides park development by accounting for national best practices, population size, demographics and changing recreation trends. Completing a plan at this time was also incredibly important ahead of a projected 5-10% growth rate anticipated in conjunction with the future competition of METRO Green Line Extension.

[The plan](#) includes a vision for the parks and is built around community driven themes which highlight resident values which were heard throughout the engagement process. Some of the highlights of this were:

- *Parks are Essential:* Parks should be viewed as a city service similar to roads and other city provided infrastructure. Investing in them as an essential service provides a better experience and promotes community pride.
- *Access and Equity:* While 90% of residents can enjoy a park within a 10-minute walk from home, all parks are not equal in design, with some having much higher quality and variety of amenities than others and many do not have equipment or amenities for those with disabilities or limited mobility.
- *Investment in the Future:* Hopkins is a fully developed community with limited to no opportunities for new parkland. This means that existing parks need to be flexible and planned with an eye for future demographic change. Parks should be able to accommodate more than one user group and infrastructure should be allow for multiple uses.

Additionally, the plan includes concept drawings for several of the City's parks and provides policy and financial recommendations that staff have begun diving into as a part of the implementation process.

Over the last legislative session Staff pursued two items from the PSMP – legislation to change the rules of park dedication funding so that the City might receive funds regardless of if a developer needs to split a lot, and a bonding request to help share in the cost to construct two new park buildings which would also serve as places for voting, community engagement and as resilience hubs in times of extreme weather. While neither of these projects passed last session – most notably there was not a bonding bill in 2024, great progress was made on moving these ahead. Many thanks to Senator Ron Latz and Representative Cheryl Youakim for their support on these projects. Earlier this year the City was awarded just under \$100,000 from the MPCA to work with consulting firm LHB on a schematic design for these buildings which will help provide a firmer cost estimate and provide an opportunity for more community feedback on the buildings.

Central Park and the Pavilion

From an infrastructure perspective, the other most pressing park system need is investment and updates to Central Park. Located between Excelsior Blvd and Mainstreet, this 18-acre park is home to the Hopkins Pavilion, several softball fields, pickleball courts, and hosts many events such as Raspberry Fest. Through an agreement with the Hopkins Public Schools District, tennis courts, and outdoor hockey arena and play equipment are also available to the public. The park has not seen a comprehensive update and many of the existing amenities are falling apart including both of the park pavilions and the playground along 13th Avenue. For several years replacement of these items has been shown in the CIP, but have been delayed in lieu of a full renovation to the park.

Central Park's location provides a unique opportunity to invest in both the park system but also as a driver of economic development for Mainstreet. Currently, many adult leagues prefer to play at Central Park because of its proximity to Mainstreet, with many teams visiting bars and restaurants following their evening games. The park is also located adjacent to the future Shady Oak LRT station, and many riders will likely cut through the park to reach Mainstreet Businesses. The PSMP plan for Central Park aims to capitalize on this by continuing to invest in adult amenities such as pickleball, softball, and volleyball – all of which have seen huge growth in recent years, as well as creating a destination playground with a variety of inclusive equipment which will attract both residents and visitors.

Since 2021, a planning process for Central Park has been shown in the Capital Improvement Plan with an allocation of \$150,000 to be paid from the Park Dedication Fund. In July, the City issued an RFP for a consultant team to assist with bringing the vision in the PSMP to life, including a feasibility study for a future expansion of the Pavilion which may be able to accommodate HYHA, girls high school hockey, and provide more community center style amenities for residents.

Parallel to the PSMP process, the Nine Mile Creek Watershed District (NMCWD) begun working with their consultant engineer to evaluate more equity driven opportunities to invest in the watershed. Historically, while NMCWD has been an excellent resource to the City, they have not invested many capital dollars in the community. Using the PSMP, NMCWD began considering where in the Hopkins park system there may be opportunities for collaboration. It was determined that the major opportunity for partnership would be

on Central Park, which has historically had challenging soils and field quality during rain events and is located adjacent to the headwaters of the Nine Mile Creek. The watershed district approached the City to see if there was interest in revising the PSMP plan for the park to accommodate better flood storage and create a trailhead within the park. NMCWD has also offered to contribute \$50,000 to the master planning process to accommodate their requests as well staff time to pursue grants and other funding as the project heads to construction. Staff from NMCWD have also indicated that there may be a future willingness to contribute capital dollars to the project. Given the known challenges with soils and flooding in this park, this partnership and plans to help correct issues will likely make the project a great candidate for outside funding opportunities.

The City received 10 responses to the RFP issued in July, and the majority of responses were between \$300,000 and \$400,000. While this is over the budgeted \$200,000 there is sufficient funding in the park dedication fund to accommodate this. Staff also believes there will be some room to negotiate down the fee on certain items like community engagement where staff will be able to handle some of that work internally. Staff plans to bring forward the selected consultant team and a request to amend the CIP at the September 3rd meeting.

Following the planning process, construction of the park could occur as soon as 2026, or could be paused to wait for grant funds or other funding sources. Currently, staff has requested the construction of the park be paid with bonds which could then be paid off by park dedication funds contributed from future phases of the Alatus 325 Blake Road Project and/or the Trilogy Hallon Project.

FUTURE ACTION

On September 3, 2024, Staff plans to bring forward a request to enter into a contract with a consultant team for the Central Park Master Plan and Pavilion Feasibility Study.

**HOPKINS CITY COUNCIL
REGULAR MEETING PROCEEDINGS
AUGUST 5, 2024**

CALL TO ORDER

Pursuant to due call and notice thereof a regular meeting of the Hopkins City Council was held on Tuesday, August 5, 2024, at 6:31 p.m. in the Council Chambers at City Hall, 1010 1st Street South.

Mayor Hanlon called the meeting to order with Council Members Garrido, Goodlund, and Hunke attending. Others attending included City Manager Mornson, Assistant City Manager Casella, City Clerk Domeier, Finance Director Bishop, Special Projects and Initiatives Manager Imihy Bean, Director of Planning and Economic Development Director Elverum and City Attorney Riggs.

ADOPT AGENDA

City Manager Mornson announced the addition of Consent Agenda Item 11. Approval of Letter of Support for Metropolitan Council Charging and Fueling Infrastructure Grant Program.

Motion by Hunke. **Second** by Garrido.

Motion to Adopt the Agenda with the Addition to the Consent Agenda.

Ayes: Garrido, Goodlund, Hanlon, Hunke

Nays: None. Motion carried.

PRESENTATIONS

III.1. 2024 ACE Program Review; Arangure

Youth Adult Programs Specialist Arangure provided an overview of the 2024 Ace Program. Several participants were in attendance and shared their experiences.

CONSENT AGENDA

Motion by Hunke. **Second** by Garrido.

Motion to Approve the Consent Agenda.

1. Minutes of the July 16, 2024, Regular Meeting Proceedings
2. Approval of Temporary Liquor License for BPOE Lodge 2221 DBA Hopkins Elks Lodge; Domeier
3. Approval of Temporary Liquor License for Team Tucker; Domeier
4. Approval of Temporary Liquor License for St. Gabriel the Archangel Church; Domeier
5. Approval of Temporary Liquor License for Hopkins Education Foundation; Domeier
6. Extension of On-Sale Liquor License for LTD Brewing LLC DBA LTD Brewing Co.; Domeier
7. Ratify Checks Issued in July 2024; Bishop
8. Resolution Approving Adoption of the Hennepin County All Hazard Mitigation Plan; Specken
9. Resolution Accepting Bids and Awarding Contract for Trunk Sanitary Sewer Cleaning and Televising; Klingbeil
10. Resolution Amending the Legislative Policy Manual; Bishop

**HOPKINS CITY COUNCIL
REGULAR MEETING PROCEEDINGS
AUGUST 5, 2024**

11. Approval of Letter of Support for Metropolitan Council Charging and Fueling Infrastructure Grant Program; Larson

Ayes: Garrido, Goodlund, Hanlon, Hunke
Nays: None. Motion carried.

NEW BUSINESS

**VII.1. Resolution Declaring Vacancy on the City Council and Appointment Process
Discussion; Domeier**

City Clerk Domeier summarized City Council Report 2024-096. Council Member Gerard Balan resigned from the City Council effective August 4, 2024, creating a vacancy on the City Council. The Hopkins City Charter requires the City Council shall by resolution declare a vacancy to exist and shall appoint an eligible person to fill the vacancy. Because there are less than two years remaining in the Council Member seat's term, a special election is not required.

Motion by Hunke. **Second** by Goodlund.

Motion to Adopt Resolution 2024-049 Declaring a Vacancy on the Hopkins City Council.

Ayes: Garrido, Goodlund, Hanlon, Hunke
Nays: None. Motion carried.

The City Council considered its options for filling the vacancy. Mayor Hanlon and Council Members Garrido and Hunke supported the appointment of Aaron Kuznia based on the following factors: Mr. Kuznia's third-place finish in last municipal election; his previous service on the City Council; and his current experience as a municipal employee. They did however agree that if Mr. Kuznia was not interested that staff should facilitate an open recruitment process for all residents. Council Member Goodlund did not support appointing Mr. Kuznia to the City Council based on his views of Mr. Kuznia's perspectives and past voting record on City projects. Mr. Goodlund wanted an open recruitment process for all residents.

City Clerk Domeier will reach out to Mr. Kuznia. If Mr. Kuznia is interested in serving, staff will bring forward a resolution to appoint him at the August 20 City Council meeting. If Mr. Kuznia is not interested in serving, staff will provide a recruitment timeline and criteria options at the August 20 City Council meeting.

**VII.2. Review 2025-2029 Capital Improvement and Equipment Replacement Plans;
Bishop**

Finance Director Bishop provided an overview of the 2025 – 2029 Capital Improvement & Equipment Replacement Plans focusing on 2025 and 2026.

Council Member Hunke questioned if the Central Business District (CBD) lighting could be updated in 2025 and phase in other streets over time. Mr. Bishop anticipated that Public Works would be interested in updated the CBD lighting. Mayor Hanlon asked for estimated cost savings by moving to LED lights. Council Member Hunke questioned the current tax levy. Mr. Bishop anticipated a 5-6% levy increase. He thanked staff for

**HOPKINS CITY COUNCIL
REGULAR MEETING PROCEEDINGS
AUGUST 5, 2024**

evaluating critical and future projects and favored the current CIP and ERP requests. Council Member Goodlund wanted staff to find more efficiency and decide what projects could be reduced or removed. Council Member Garrido stated staff has already reviewed the budgets and requests and supported the proposed plans. Mayor Hanlon recognized that staff has reduced spending and reviewed options for future budgets noting how lean the city runs. He spoke to the constant pressure the City Council receives to fund projects, provide services, equipment and building maintenance costs and retain employees.

ANNOUNCEMENTS

Mayor Hanlon shared the City Council meeting schedule.

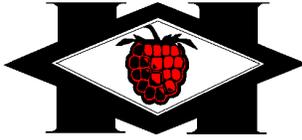
ADJOURNMENT

There being no further business to come before the City Council, and upon a motion by Hunke, second by Garrido, the meeting was unanimously adjourned at 7:16 p.m.

Respectfully Submitted,



Amy Domeier City Clerk



CITY OF HOPKINS

Memorandum

To: Honorable Mayor and Council Members
Mike Mornson, City Manager

From: Ryan Krzos, City Planner

Date: August 20, 2024

Subject: Cannabis Business Regulation Discussion

PURPOSE

Staff will provide an overview of cannabis business regulations. The City Council is asked to provide input and direction on policy objectives and regulatory elements that will be used to draft the ordinance needed, specifically related to:

- Direction on how cannabis businesses will be incorporated into the City's Zoning Policies.
- Whether to impose buffers on cannabis and hemp Businesses.
- Whether to further limit hours of retail cannabis sales
- Any additional standards for cannabis events
- The number of retail registrations the City desires.
- The amount of the registration fees
- Whether to delegate retail registration and compliance to Hennepin County.
- Direction on whether to study municipal cannabis sales

INFORMATION

The Minnesota Legislature enacted new State Law at the end of the 2023 legislative session, amended in 2024, that legalizes the possession, use, manufacturing, and sale of certain cannabis products within the State. The Law also establishes the Office of Cannabis Management (OCM) to oversee the implementation and regulation of the adult-use cannabis market, the medical cannabis market, and the consumer hemp industry. OCM has recently released a draft of its administrative rules. These draft rules are subject to change over the next few months. Once the administrative rules are in effect, anticipated mid-2025, licensing of cannabis businesses will commence.

Licensing of cannabis businesses will be conducted by the OCM. Under the State Law, local governments may register cannabis businesses and enforce certain zoning regulations within their jurisdiction, but they may not require additional licensing of cannabis businesses. Using input from Council, staff will prepare an ordinance adopting policies and procedures over the next few months prior to the expiration of the City's Moratorium ending on January 1, 2025.

Zoning

The State Law creates 13 cannabis and hemp license types through the OCM, which represent land uses that the City needs to accommodate within the Development Code. The City may not prohibit the establishment or operation of a licensed cannabis business. A description of each license type is included as an attachment; however the 13 types of the businesses can be generalized by into the following activity categories:

- Retail Sales – Sales of cannabis and cannabis products directly to consumers.
- Cultivation – The planting, growing, harvesting, drying, curing, grading, or trimming of cannabis plants, cannabis flower, hemp plants, or hemp plant parts.
- Wholesale – Purchases from a business growing or manufacturing cannabis or cannabis products and sells to a cannabis business engaged in retail.
- Manufacturing – Turns raw, dried cannabis and cannabis parts into other types of cannabis products, e.g. edibles or topicals.
- Testing - Obtains and tests immature cannabis plants and seedlings, cannabis, cannabis products, and hemp products.
- Transportation – Transports products from one license type to another.
- Delivery – Transports products to the end consumer.
- Events – A business that organizes temporary events (lasting no longer than four days).

Note: Certain license types enable multiple activity types, for example, Micro and Mezzo businesses may include cultivation, manufacturing, and/or retail sales.

The City must decide which zones cannabis and hemp businesses will be allowed to operate in. The Hopkins Development Code's organization structure classifies land uses into five major groupings (Residential, Commercial, Manufacturing & Industry, Civic & Institutional, and Other) with each group further divided into more specific use categories (e.g. Retail, Office, Consumer Services, Limited Manufacturing, etc.). Each category, and several subcategories, are allowed in one of more of the City's 20 mapped zones. In adding cannabis businesses within this structure, the City could do one of the following:

- Individually assign eligible zones for each of the business or activity types. For example, cannabis retail would be permitted in MX-D, MX-TOD, etc. This alternative allows for a more granular approach, should there be areas of the city where an activity or use is not desired. For example, if there was concern about a retail cannabis business in a certain area of the city where retail is otherwise allowed, cannabis retail sales could be prohibited.
- Amend the zoning provisions to allow each business type as a subcategory within the existing categories having the most similarity. For example, cannabis retail uses would be allowed where retail uses are allowed.

Staff recommends the later approach whereby each business type is identified as a subcategory of one of the existing use categories. Cannabis businesses will be required to comply with all other aspects of the zoning ordinance including for signage, parking, setbacks, building design standards, etc. The City may impose reasonable operational requirements specific to cannabis uses, for example, around security, screening, odor, and location. The State Law and OCM's administrative rules will cover a number of

these aspects. In preparing the necessary Ordinance, staff may recommend policies addressing issues not addressed in State Law or the Administrative Rules.

Zoning Buffers

The State Law allows Hopkins to prohibit a cannabis business within 1,000 feet of a school or 500 feet of a day care, residential treatment facility, or an attraction within a public park that is regularly used by minors, including playgrounds and athletic fields. The City may also impose a prohibition on a cannabis business within 500 feet of another cannabis business. These are the maximum specified buffers, a lessor or no buffer is also allowed. **The City will need to decide whether to impose such buffer requirements on cannabis businesses.**

Retail Buffers

To date, most peer communities that staff corresponded with and researched have discussed applying buffers primarily to retail businesses. Because cannabis is illegal federally, many federally insured banks are reluctant to provide banking services to cannabis businesses, which may lead to cannabis retail businesses having more cash on hand than other businesses. Businesses with a lot of cash on hand may be targets for crime, which is one reason the City may want to consider buffers. Applying a buffer to retail sales is consistent with similar buffering practices for the following similar retail product types:

- Tobacco Sales and Vaping Establishments - prohibited within 500 feet of a public park, public or private school, church, daycare or the Hopkins Center for the Arts
- Off-sale Liquor sales - prohibited within 350 feet of any elementary or secondary school, daycare center or religious institution, existing exclusive off-sale liquor store, pawnshop, currency exchange, or any business licensed by the city as an adult oriented business

Three different buffer distance scenarios are presented below to demonstrate how distance requirements would restrict the potential locations of new cannabis retail businesses. Maps depicting each scenario, as well as a no buffer scenario, are included as an attachment. The middle column represents a buffer analogous to off-sale liquor sales.

	Maximum Buffer permitted by Law	350 feet Buffer	No Buffer
<i>Eligible Number of parcels</i>	136 (25%)	270 (50%)	539 (100%)
<i>Number of parcels not eligible</i>	403 (75%)	269 (50%)	0 (0%)

Other Licensed-Business Buffers

As noted, the City may impose buffers on businesses engaged in the other allowable activities such as manufacturing, cultivation, and transportation. Staff believes that any externalities associated with such business can be addressed by way of operational requirements locally or by State Law.

Hemp Buffers

The City can also impose buffers for hemp businesses; although the City does not currently impose them. State law does not impose the same limits on buffers for hemp

businesses. **The City may decide to adopt buffers for hemp businesses.** It should be noted that any new buffer would apply to new business, as existing business would have legal non-conforming status.

Retail Sales Hours

The State Law establishes that retail sales are prohibited between 2:00 a.m. and 8:00 a.m. Monday through Saturday and between 2:00 a.m. and 10:00 a.m. on Sunday. The City may prohibit retail sales of cannabis between 9:00 p.m. and 2:00 a.m. the following day and/or between 8:00 a.m. and 10:00 a.m. Monday through Saturday. In other words, the most restrictive hours of sales could be 10:00 a.m. to 9:00 p.m. Monday through Sunday. For comparison, Off-sale Liquor sales are allowed on Sundays, between 11:00 a.m. and 6:00 p.m.; 8:00 a.m. to 10:00 p.m. on Monday through Saturday; and not on Thanksgiving; Christmas Day; and Christmas Eve. **The City should decide the allowable hours of cannabis retail sales.**

Events

A temporary cannabis event is a gathering organized by a licensed cannabis event organizer that may last for no more than four days. The process for these event should generally follow the normal process for handling similar events, but **the City could choose to require additional standards for temporary cannabis events, such as prohibiting on-site consumption, limiting the hours or the events, etc.**

Enforcement

The City must conduct compliance checks for cannabis and hemp businesses holding retail registration at least once per calendar year. These compliance checks must verify compliance with age verification procedures and compliance with the applicable City ordinance on zoning and registration. OCM maintains inspection authorities for all cannabis licenses to verify compliance with operation requirements, product limits, and other applicable requirements of State Law. If the City determines that a cannabis business or hemp business with a retail registration is not operating in compliance with State Law or that the operation of the business poses an immediate threat to the health or safety of the public, the City may suspend the retail registration.

Registration

A cannabis retailer or a cannabis business with a retail endorsement must obtain a local retail registration. Applicants will be directed to first apply for licensure with the Office of Cannabis Management (OCM), who will vet the applicant then forward applications to the City to certify whether the proposed cannabis business complies with the zoning ordinance, and, if applicable, building and fire codes. The City will have 30 days to respond to a request for certification of compliance. The City may comment on the proposed location or share public information about the applicant.

The City can limit the number of licensed cannabis retailers and/or businesses with a retail operations endorsement to no fewer than one registration for every 12,500 residents. There is no upper limit or cap on the number of cannabis retail businesses imposed by the State. Hopkins' most recent estimated population was 18,608 per the State Demographer's Office. **The City will need to decide if the number of licensed retailers should be capped, but at a minimum two registrations must be available.**

As a point of comparison, similar licensed sales products are limited in Hopkins: Off-sale Liquor is limited to nine, and Vaping Establishment is limited to one. There is no limit of Tobacco licenses and there are currently 19 licenses issued. Additionally, there is no limit on Hemp-derived consumer products registrations, and there are currently 21 businesses selling such products. The City will also need to determine how to select if there are more applicants than registrations available. A few options for this process include the use of a lottery, a first-come/first-serve model, and others.

The City will need to decide what registration fee, if any, it will charge. Staff recommends imposing the maximum fee amount given the uncertainty of staff work associated with the registration. Fees can be adjusted in the future once there is more familiarity with the process. The table below shows the maximum amount for an initial registration fee and renewal registration fee for retail businesses and includes the amount the state charges for a license, for reference.

<u>Business</u>	<u>Initial</u>	<u>Renewal</u>
<i>Cannabis Retailer</i>	City (Optional) - \$500; State - \$2,500	City (Optional) - \$1,000; State - \$5,000
<i>Lower Potency Hemp Retailer</i>	City (Optional) - \$125; State - \$250	City (Optional) - \$125; State - \$250
<i>Medical Cannabis Combination Business</i>	City (Optional) - \$500; State - \$20,000	City (Optional) - \$1,000; State - \$70,000
<i>Cannabis Mezzobusiness</i>	City (Optional) - \$500; State - \$5,000	City (Optional) - \$1,000; State - \$10,000
<i>Cannabis Microbusiness</i>	City (Optional) - \$0; State - \$0	City (Optional) - \$1,000; State - \$2,000

County Registration and Enforcement

Hennepin County has offered to take over registration and enforcement on behalf of Hopkins. **The City should decide whether to delegate registration and enforcement to Hennepin County.** The City is not recommending this at this time, staff feels comfortable taking on management of registration and compliance checks, which would afford better local control.

Municipal Sales

The new Law authorizes municipalities to operate a municipal cannabis retail store. A municipal cannabis store would not be included in the minimum number of registrations required. Staff generally understood there was little interest from the Council in a municipal dispensary. However, staff would pursue a feasibility study by a third party if this understanding was inaccurate. The feasibility study would consider factors such as potential market, location, staffing, security, inventory, supply, etc. to determine the profitability of a cannabis retail operation and serve as the basis for a business plan. Additional research on insurance and banking would also be required given the complexity of this type of endeavor, although it is being pursued by some cities and Hopkins could learn from their research and experience.

Additional Information

A tax equal to 10% of gross receipts from retail sales of taxable cannabis products will be imposed on any taxable cannabis product retailer that sells cannabis products to customers. Revenues from the retail sales of cannabis products will be divided, with 80% going to the State's general fund and 20% to the local government cannabis aid

account. Cities will receive 50% of the amount certified to the local government cannabis aid account. Half of the amount certified in the cannabis local government aid fund will go to cities. Cities will receive a distribution proportional to the number of cannabis businesses located in the city as compared to the number of cannabis businesses in all cities. The State has not shared estimates of tax proceeds that cities would receive per business based on projected sales.

FUTURE ACTION

Based on input and direction from the City Council, staff will prepare an Ordinance that will regulate the time, place, manner, and registration of Cannabis businesses in Hopkins. The Ordinance will be reviewed by the Planning and Zoning Commission for their recommendation on the zoning aspects and would need City Council approval. The timing is anticipated to occur prior to the expiration of the City's moratorium on Cannabis Businesses which was effective until January 1, 2025 or until removed by the Council.

<u>Direction Requested</u>	<u>Options/Context</u>	<u>Staff's Recommendation</u>
The number of retail registrations the City desires.	Minimum: Two Maximum: unlimited number. Context: Off-sale Liquor: 9 Vaping Establishment: 1 Tobacco: No limit (19 current) Hemp-derived products: No limit (21 current)	At least Two.
Registration fee amount.	Minimum: \$0 Maximum: Set by state (generally \$500 for initial, \$1,000 for renewal)	Maximum given uncertainty with work associated with registration.
Direction on how Cannabis businesses will be incorporated into the City's Zoning Policies.	1) Assign zones individually for each business type. 2) Group business types with analogous existing uses.	Group business types of analogous existing uses.
Whether to impose buffers on Cannabis Retailers.	Minimum Buffer: No buffer Maximum buffer: <ul style="list-style-type: none"> • 1,000 feet of a school or • 500 feet of a day care, residential treatment facility, or an attraction within a public park that is regularly used by minors, including playgrounds and athletic fields. • 500 ft from another cannabis business is also allowed. Context: Tobacco Sales and Vaping Establishments buffer - 500 feet of a public park, public or private school, church, daycare or the Hopkins Center for the Arts Off-sale Liquor sales Buffer - 350 feet of any elementary or secondary school, daycare center or religious institution, existing exclusive off-sale liquor store, pawnshop, currency exchange, or any business licensed by the city as an adult oriented business	Staff recommends anywhere from 0 to 350 feet from Schools, Residential Treatment Facilities, and Parks with attractions used by minors; and anywhere from 0 to 500 feet from another Cannabis Retailer. Staff recommends considering buffers to address concentrations of retail establishments, and potential externalities from retail cannabis businesses. Consideration should also be given to the fact that Hopkins would see greater revenues from taxation with higher relative proportions of cannabis businesses in the city.

Whether to impose buffers on other Cannabis Businesses, i.e. manufactures, cultivators, wholesalers, etc.	Same as retail buffer options.	No buffer for these business types. Staff believes that any externalities associated with such business can be addressed by way of operational requirements locally or by State Law.
Whether to impose buffers on Lower Potency Hemp Retailers	State law does not impose the same limits on buffers for hemp businesses. The City does not currently impose buffers. This would apply to new business, as existing business would have legal non-conforming status. 21 business currently are licensed with OCM.	Continue current no buffer policy.
Whether to further limit hours of retail sales	Default Hours: Mon-Sat: 8am to 2am Sun: 10am to 2am Most restrictive option: Mon-Sun: 10am to 9pm Context: Off-sale liquor sales: Mon-Sat: 8am to 10pm Sun: 11am to 6pm	Correspond as closely to off-sale liquor sales hours as allowable: Mon-Sat: 8am to 10pm Sun: 10am to 9pm
Whether to delegate registration and compliance to the County.	Hennepin County Health Department would register businesses and conduct compliance checks.	Not at this time.
Whether to study municipal sales.	The City may operate a municipal retail operation. This would not count against the minimum required number of retail registrations.	Additional study and information would be needed. The City would not be precluded from operating municipal sales in the future.

Cannabis License Types

Microbusiness

Microbusinesses may cultivate cannabis and manufacture cannabis products and hemp products, and package such products for sale to customers or another licensed cannabis business. Microbusiness may also operate a single retail location. On-site consumption of edible cannabis products and lower-potency hemp edibles are permitted.

Mezzobusiness

Mezzobusinesses may cultivate cannabis and manufacture cannabis products and hemp products, and package such products for sale to customers or another licensed cannabis business. Mezzobusiness may also operate up to three retail locations.

Cultivator

Cultivators may cultivate cannabis and package such cannabis for sale to another licensed cannabis business.

Manufacturer

Manufacturers may manufacture cannabis products and hemp products, and package such products for sale to a licensed cannabis retailer.

Retailer

Retailers may sell immature cannabis plants and seedlings, cannabis, cannabis products, hemp products, and other products authorized by law to customers and patients.

Wholesaler

Wholesalers may purchase and/or sell immature cannabis plants and seedlings, cannabis, cannabis products, and hemp products from another licensed cannabis business. Wholesalers may also import hemp-derived consumer products and lower-potency hemp edibles.

Transporter

Transporters may transport immature cannabis plants and seedlings, cannabis, cannabis products, and hemp products to licensed cannabis businesses.

Testing Facility

Testing facilities may obtain and test immature cannabis plants and seedlings, cannabis, cannabis products, and hemp products from licensed cannabis businesses.

Event Organizer

Event organizers may organize a temporary cannabis event lasting no more than four days.

Delivery Service

Delivery services may purchase cannabis, cannabis products, and hemp products from retailers or cannabis business with retail endorsements for transport and delivery to customers.

Medical Cannabis Combination Business

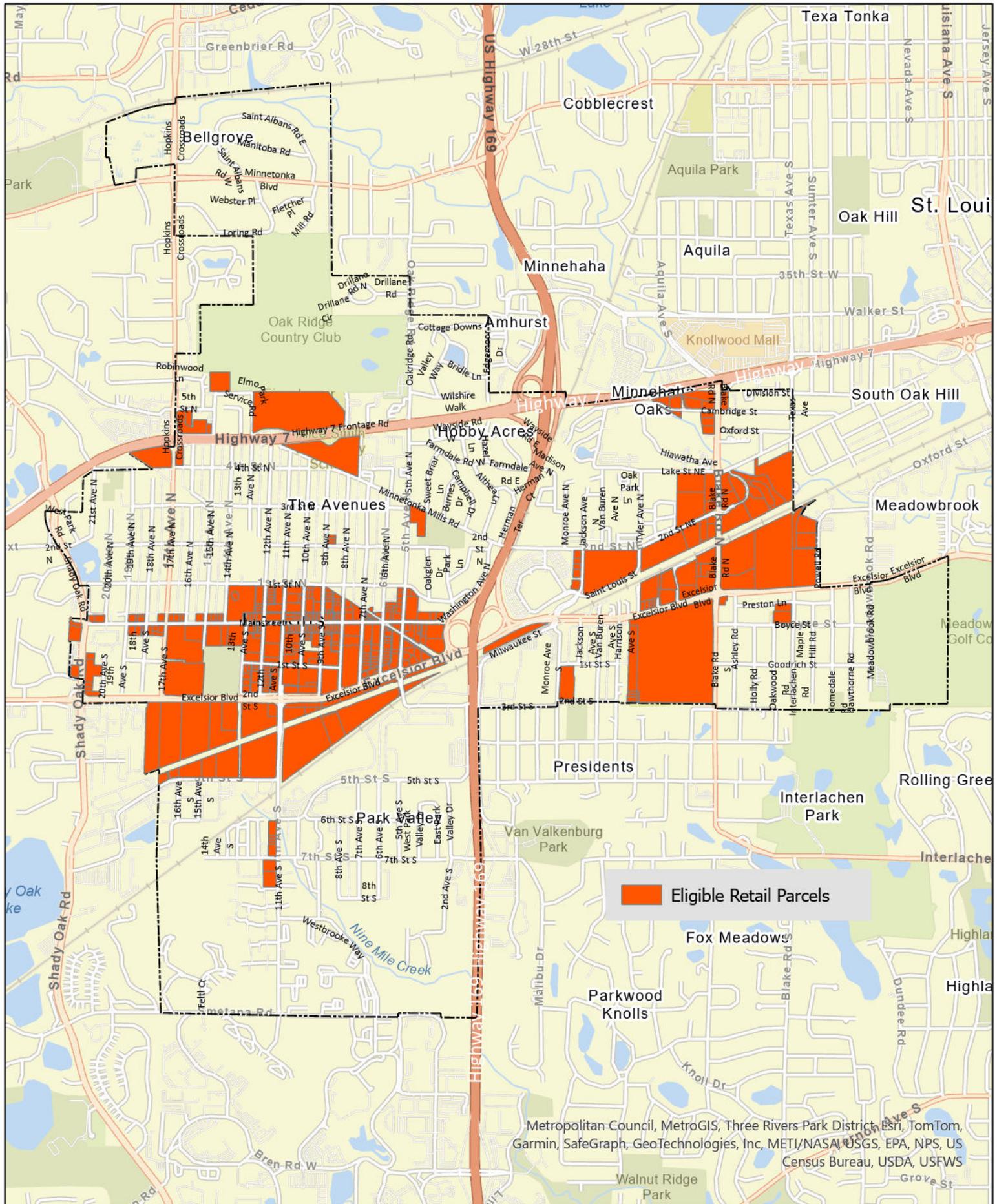
Medical cannabis combination businesses may cultivate cannabis and manufacture cannabis and hemp products, and package such products for sale to customers, patients, or another licensed cannabis business. Medical cannabis combination businesses may operate up to one retail location in each congressional district.

Lower-Potency Hemp Edible Manufacturer

Lower-potency hemp edible manufacturers may manufacture and package lower-potency hemp edibles for consumer sale, and sell hemp concentrate and lower-potency hemp edibles to other cannabis and hemp businesses.

Lower-Potency Hemp Edible Retailer

Lower-potency hemp edible retailers may sell lower-potency hemp edibles to customers.

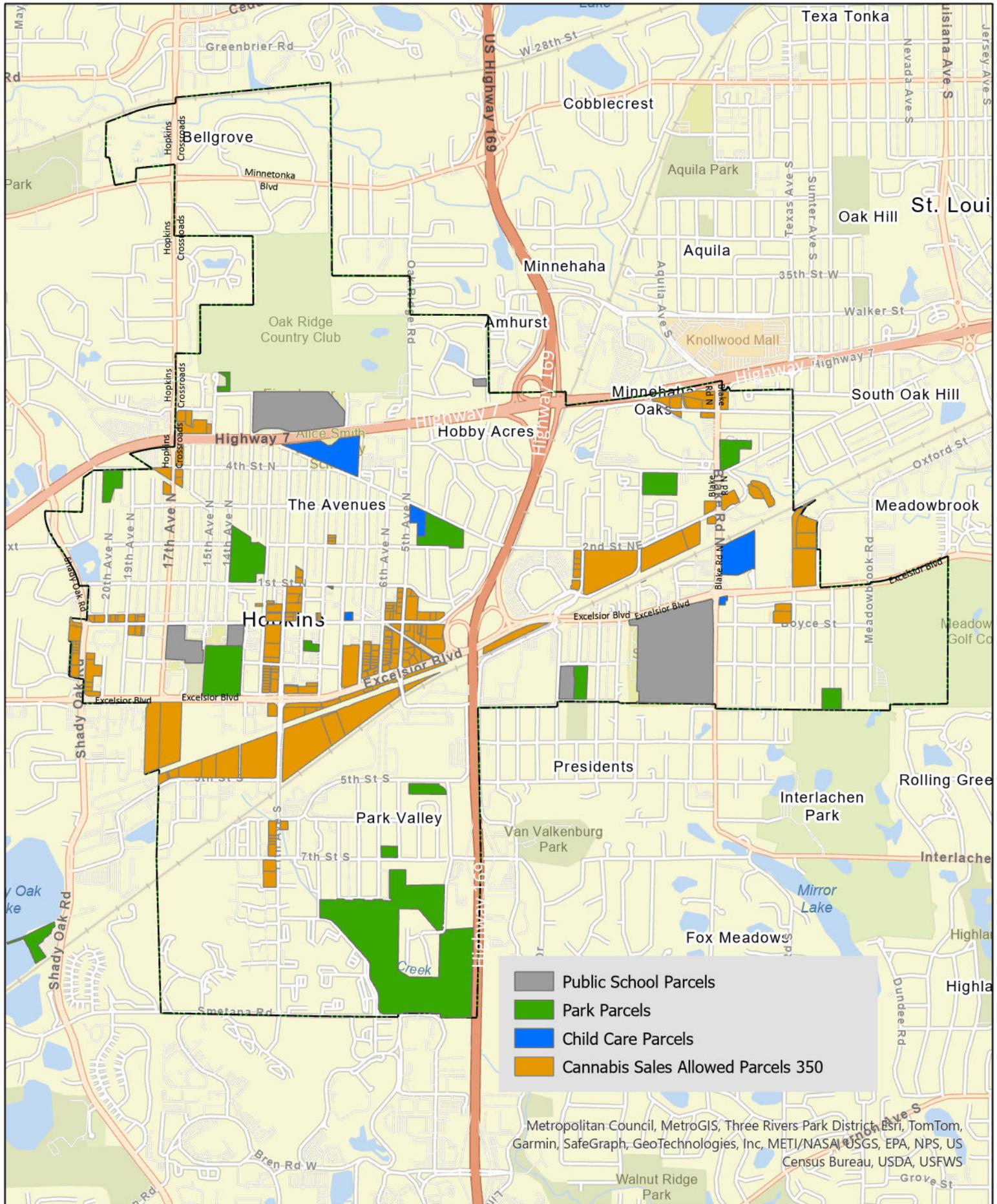


Metropolitan Council, MetroGIS, Three Rivers Park District, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS

City of Hopkins - Cannabis Eligible Retail Parcels

8/7/2024

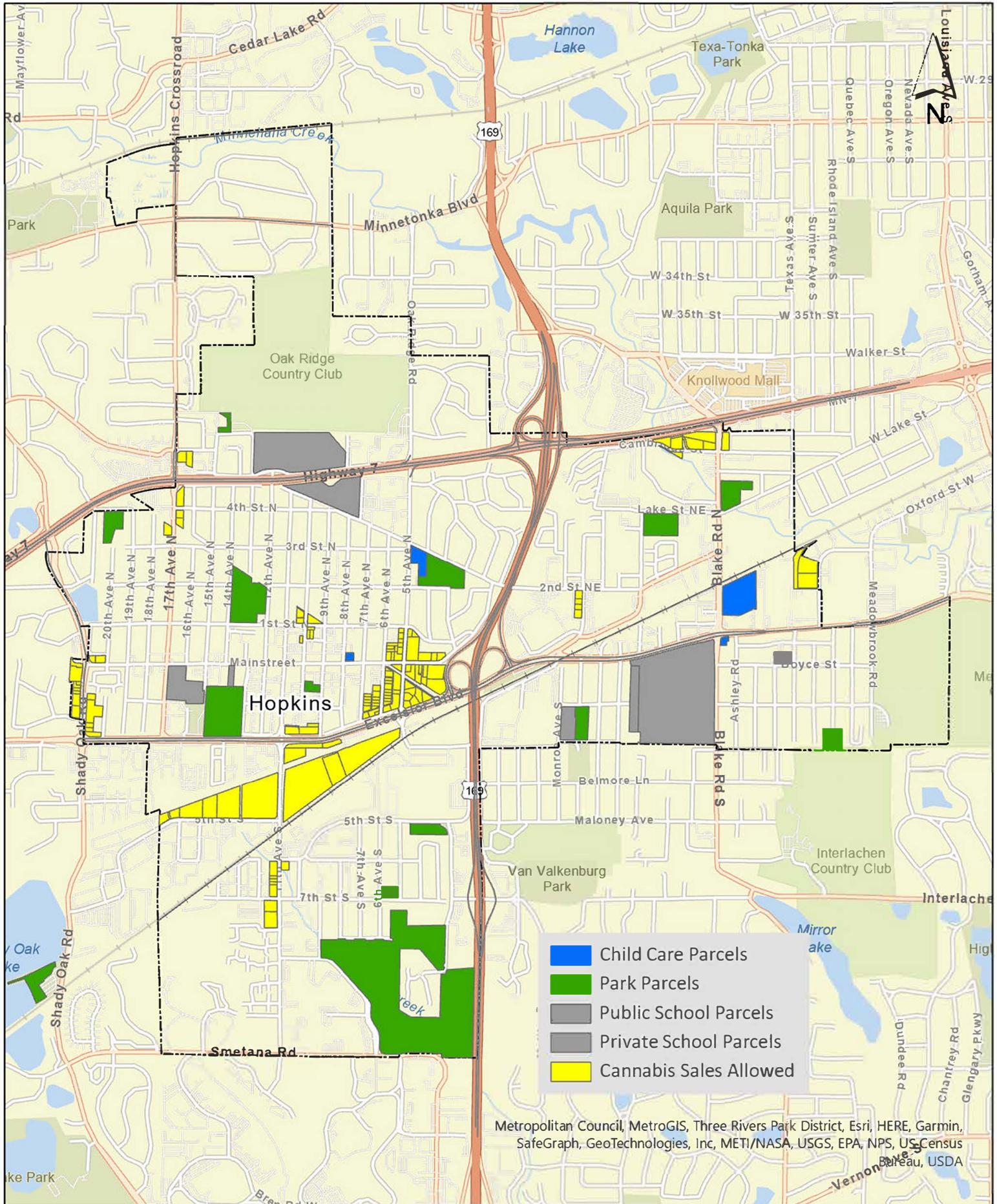




Cannabis Sales Allowed Parcels 350

8/9/2024



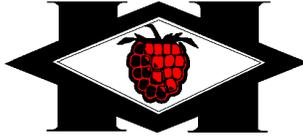


Cannabis Sales Allowed Parcels

Zoned parcels not within 1000' of a School, or 500' of a Park or Child Care

8/7/2024





CITY OF HOPKINS

City Council Report 2024-100

To: Honorable Mayor and Council Members
Mike Mornson, City Manager

From: Ryan Krzos, City Planner
Firdows Mohammed, Planning Intern

Date: August 20, 2024

Subject: Development Code Amendment – Miscellaneous Housekeeping Matters

RECOMMENDED ACTION

MOTION TO: Adopt Resolution 2024-052 Approving a First Reading of Ordinance 2024-1211 Amending the Hopkins Development Code.

OVERVIEW

Since the Updated Development Code was approved in June 2022, Staff has monitored the code to identify areas for improvement so it can remain current and to prevent the need for such substantial revisions in the future. Accordingly, Staff is requesting a Development Code Text Amendment to improve clarity, address situations not covered, and adjust requirements to address issues brought up by the City Council, the Planning & Zoning Commission, and the community. The proposed Amendment addresses adult day care uses, entertainment uses, final plat procedures, front porch encroachment, half-story and backyard cottage roofs, home businesses, signage, tree replacement, twin homes, urban agriculture, and use percentages. The Planning & Zoning Commission held a public hearing on the request at their July 23rd meeting. Based on the findings in this report, the Planning and Zoning Commission and staff recommend approval of the request.

BACKGROUND

In July 2022 the Hopkins City Council approved Ordinance 2022-1180 adopting the new Development Code for the City. The updated code replaced the City's prior Zoning Ordinance which was adopted in the late 1970s. In attempts to keep up with community changes, the former zoning code was amended numerous times which sometimes resulted in inconsistency with the rest of the City Code. The previous zoning ordinance also lacked more modern user-friendly language, graphics and review processes. Because of this, the City completed a comprehensive rewriting of the Zoning and Subdivision Code.

The Development Code update, led by the team of James Duncan and Associates and Codametrics, was informed by substantial community engagement throughout the process. The updated code reflects the vision for Hopkins, as set forth in the

Comprehensive Plan and through community conversations. It reflects a shift from the existing conventional zoning regulations to a modernized hybrid zoning code that introduces form-based planning principals that focus on the way new development fits into the existing context while providing more flexibility in the use of property.

In the time since the Development Code update was adopted staff has identified areas in need of clarification, refinement, and/or correction. Those provisions are identified below:

Proposed Changes

Adult Day Care Uses - Sections 4 & 6 of Ordinance 2024-1211

Creates a distinct classification for adult day care centers, which are state-licensed facilities designed to meet the health and social needs of older adults outside their residence during the day. Currently, adult day cares are grouped in the broader day care classification. By separating adult day care into a subcategory, their location may be allowed in additional zones, reflective of the differing characteristics versus childcare uses. Generally, adult day cares do not have the need for outdoor play area like child day care centers, and transportation is more coordinated typically through buses or shuttles. The zones that adult day care uses would be allowed are shown in the table below, and the zoning map is included as an attachment.

Table 5-1. Principal Use Table

	ZONES																Reference	
	MX-TOD	MX-D	MX-N	MX-S	RX-TOD	RX-D	RX-N	IX-TOD	ITOD	IX-S	I1	N1,N2	N3-A	N3-B	NX1	NX2		P1
<u>Day Care, Adult</u>	●	●	●	●	●	●	●	●	●	●					○	○		●
Day Care, Small	●	○	●	●	○	○	○	○	-	-	-	●	●	●	●	●	-	-
Day Care, Large	●	○	●	●	○	○	○	○	-	-	-	-	-	-	○	○	-	-

The sole difference between the proposed amendment and the current requirement is that adult day cares would be allowed in the P2, Public Institutional, the I-TOD, Industrial Transit-Oriented District (TOD) Center and the IX-S, IX-S, Employment Mix Suburban Center zones. The I-TOD and IX-S zone are generally more light-industrial in nature; however, office uses are also allowed in these zones, which staff finds to be a comparable land use to adult day cares.

Entertainment Uses - Section 7 of Ordinance 2024-1211

Clarifies the threshold of general entertainment uses versus large entertainment venues. Currently in one section the code states entertainment uses over 25,000 square feet are considered Large Entertainment Venues, in a separate section the code states that entertainment uses over 10,000 square feet are classified as large entertainment venues. The proposed change would clarify that 25,000 square feet is the threshold for large entertainment venues.

Final Plat Procedures - Section 21 of Ordinance 2024-1211

Eliminates Planning and Zoning Commission review from the Final Plat procedure. The Planning and Zoning Commission would still review and hold a public hearing on

preliminary plats. Final Plats are approval of the formal documentation of the subdivision and are not a reconsideration of the approval. In fact, a criterion of review of final plat is that said plat is consistent with the preliminary plat. Staff recommends this modification as it is consistent with the vast majority of peer communities, and that it avoids an undue impression that the final plat review process is discretionary.

Front Porch Encroachment - Sections 2 & 3 of Ordinance 2024-1211

Allows a porch to encroach into the front setback in the N zones up to five feet as was previously allowed under the former Zoning Code. The intent of the change is to address any non-conforming situations that arose with the change from the former code to the new code. Additionally, the revision allows for new porches on the front of homes which activates the front and allows for more eyes on the street.

Half-Story and Backyard Cottage roofs - Sections 12 & 22 of Ordinance 2024-1211

Establishes a limit for how much a dormer is allowed within a half story. Specifically, Dormers on roofs on half stories are limited to no more than 50% of the facade length of the story below. The limitation is based on that which is allowed for the traditional building type in the mixed-use zones.

The amendment would also stipulate that roofs for backyard cottages are to be similar in roof pitch to the principal structure, rather than an exact match as is currently required. Staff anticipates that both policies would make it easier to build an accessory dwelling unit in Hopkins.

Home Businesses - Section 13 of Ordinance 2024-1211

Eliminates the need to obtain a specific permit for a home business. The requirements for operation of such home businesses would not be changed. The City does not have particularly significant experience with problematic home businesses. As such, eliminating the permitting requirement facilitates the start-up of new businesses.

Signage - Sections 16 through 18 of Ordinance 2024-1211

Adds a ten-foot sign height limit for freestanding signs in the MX-S zones, which was previously not addressed. Also, language is added to define how total signage allowances can be allocated in multi-tenant buildings. In such cases, the property owner may allocate the allowable sign area among the tenants of a multi-tenant building. If the property owner does not allocate the sign area, the City may do so based on the proportion of floor area or tenant frontage occupied by each tenant. Lastly, the window signage placement requirements are modified to keep the middle third of storefront windows to remain open to facilitate visibility onto the street and activation of the insides of buildings from the street.

Tree Replacement - Section 15 of Ordinance 2024-1211

Simplifies the tree replacement methodology and creates heightened requirements for areas that were identified as areas of concern in the Hopkins Heat Vulnerability study.

Under the current code, removal of significant trees (diameter more than 13 inch) must be replaced at a 3 to 1 ratio; and contributing trees (diameter between 6 and 13 inches) must be replaced at a 1 to 1 ratio. The replacement trees may be planted on site and may count towards satisfy the landscaping requirements. Alternatively, the City may

approve plantings off-site or accept a fee-in-lieu of replacement, which goes into a tree planting fund.

In comparing Hopkins' policy with that of our peers the City is significantly in excess than those others studied. Additionally, a significant number of peers communities exempt noxious and invasive species from replacement requirements. Accordingly, the proposed amendment would clarify that Boxelder, Siberian Elm, Black Locust, Mulberry, a fruit tree species, or a tree that is defined as an invasive species by the Minnesota Department of Natural Resources are not considered significant or contributing trees to incentivize their removal (or non-replacement in the case of ornamental fruit trees).

Contributing and Significant trees would require replacement on a 1 to 1 ratio; which aligns requirements with peer communities. In areas within 500 feet of Blake Road and Excelsior Boulevard, which are identified as having the highest relative surface temperature in the Hopkins Heat Vulnerability Study, significant trees would need to be replaced at the current 3 to 1 ratio. Increasing tree plantings is an action step identified in the study to reduce urban heat island in Hopkins and reduce impact on human health. As such, the proposed heightened requirement would facilitate this recommendation of the study and enhance tree planting in the areas in need.

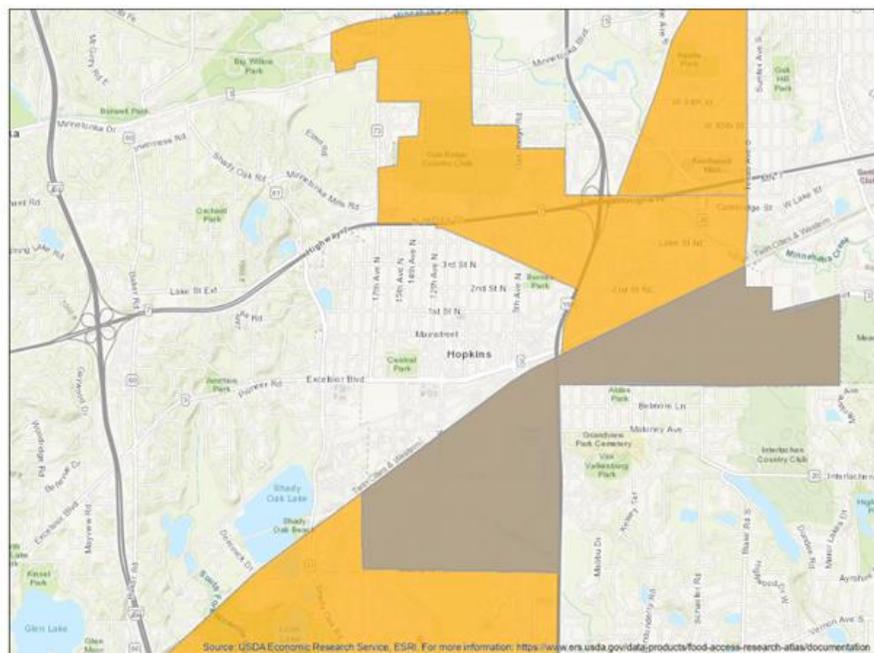
Twin Homes - Sections 1,2,19, & 24 of Ordinance 2024-1211

Allows for a two-unit attached dwelling, known as a twin home, and was formerly allowed as a zero-lot line home in the prior Zoning Code. Twin homes would be allowed in the N3 zones where duplexes are also allowed, but no other N zones. Staff anticipates that the primary function of this provision would be to create separate ownership parcels for existing duplexes. However, it would also allow construction of new two-unit dwellings on separate ownership parcels. Provisions are included that address lot splits creating twin homes to ensure the Building Code is met and shared elements are maintained.

Urban Agriculture - Sections 4,8,9,10, & 11 of Ordinance 2024-1211

Staff recognizes that the Comprehensive Plan establishes goals related to providing community members of all income levels with physical and economic access to fresh and healthful food. The

most recent USDA Food Access Research atlas shows that two census tracts in Hopkins qualify as proportionally low income and as having more than ½ mile from a supermarket. One of the two census tracts, shown in the dark beige in the map to the right relatively high number of households [312 of 2843 total



for smaller buildings (under 6,000 square feet) such percentages do not apply as interior divisions with buildings that size are not generally practical or usable.

Other Minor Changes - Sections 14,20, & 25 of Ordinance 2024-1211

The revisions also include minor corrections that do not substantively change any policies - one to insert the references to the applicable screening measures around outdoor storage areas, another to correct a reference to the variance process for site plan review requests associated with a variance request, and lastly one to delete a duplicative definition of a lot.

Community Engagement and Comment

The Development Code Amendment procedure requires a public hearing. The City published notice of this public hearing in the official paper. As of the writing of this report, the City has not received any comments on this item. No community members spoke during the Planning & Zoning Commission’s public hearing.

ANALYSIS

In making recommendations and decisions regarding approval of a Development Code text amendment, the City must consider at least the following factors:

- (1) Whether the proposed Development Code text amendment is in conformity with the comprehensive plan; and
- (2) Whether the proposed Development Code text amendment corrects an error or inconsistency or will help meet the challenge of a changed or changing condition.

Staff evaluated the Development Code text amendment request against the two stated criteria and offers findings summarized in an attachment to this report. Staff finds that the applicable criteria for Development Code Text amendments have been met.

Legal Authority

Decisions on Development Code Text Amendments are considered a legislative action. When considering a legislative action, the City is creating development standards to regulate the types of uses and/or structures. Under the law, the City has wide flexibility to create standards that will ensure the type of development it desires; however, these regulations must be reasonable and supported by a rational basis relating to promoting the public health, safety, and welfare.

ALTERNATIVES

- 1. Vote to adopt Resolution 2024-052 approving a first reading of the proposed Development Code text amendment. A second reading of the Ordinance is required for adoption.
- 2. Vote to deny or modify the Development Code Text Amendment request. Should the City Council consider this option, it must also identify specific findings that support this alternative.
- 3. Continue for further information. If the City finds that further information is needed, the item may be continued.

SUPPORTING INFORMATION

- Ordinance 2024-1211
- Resolution 2024-052
- Proposed Development Code Text Amendment Ordinance
- Text Amendment Summary and Evaluation Matrix
- Zoning Map

**CITY OF HOPKINS
HENNEPIN COUNTY, MINNESOTA**

RESOLUTION NO. 2024-052

**A RESOLUTION APPROVING A FIRST READING OF AN ORDINANCE AMENDING
CHAPTER 102 OF THE HOPKINS CITY CODE RELATED TO MISCELLANEOUS
PROVISIONS**

WHEREAS, the Hopkins Development Code is intended to establish the development standards to implement the community vision and enact the vision, goals and policies of the 2040 Comprehensive Plan – Cultivate Hopkins; and

WHEREAS, in the two years since approval of Ordinance 2022-1180, which repealed and replaced the former Zoning and Subdivision Ordinances with an updated Development Code, staff has identified certain areas within said Development Code in need of refinement, modification, and clarification; and

WHEREAS, staff is requesting a Development Code Text Amendment to address adult day care uses, entertainment uses, final plat procedures, front porch encroachment, half-story and backyard cottage roofs, home businesses, signage, tree replacement, twin homes, urban agriculture, and use percentages; and

WHEREAS, the procedural history of the Development Code Text Amendment is as follows:

1. That the above stated Development Code Text Amendment was initiated by the City; and,
2. That the Hopkins Planning & Zoning Commission, pursuant to published notice, held a public hearing on the application and reviewed such application on July 23, 2024 and all persons present were given an opportunity to be heard; and,
3. That written comments and analysis of City staff were considered; and,
4. That the Hopkins Planning & Zoning Commission reviewed this application during their July 23, 2024 meeting and recommended approval by the City Council; and,

WHEREAS, staff recommended approval of the above stated application based on the findings outlined in the City Council Report 2024-100 dated August 20, 2024.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hopkins hereby approves a first reading of an ordinance amending the Hopkins Development Code related to miscellaneous provisions.

Adopted this 20th day of August 2024.

ATTEST:

Patrick Hanlon, Mayor

Amy Domeier, City Clerk

**CITY OF HOPKINS
HENNEPIN COUNTY, MINNESOTA**

ORIDNANCE 2024-1211

**AN ORDINANCE AMENDING CHAPTER 102 OF THE HOPKINS CITY CODE
RELATED TO MISCELLANEOUS PROVISIONS**

THE CITY COUNCIL OF THE CITY OF HOPKINS HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Hopkins City Code, Part III, Chapter 102, Article 2, Subsubsection 102-260(a), is hereby amended by adding the double-underlined language as follows:

102-260 (a) DESCRIPTION

A traditional house is a residential building, other than a manufactured housing unit or mobile home, that is located on a single lot, or on two lots in the case of a twin home dwelling, not occupied by other principal buildings and includes characteristics of traditional house design.

SECTION 2. Hopkins City Code, Part III, Chapter 102, Article 2, Subsection 102-260(c), is hereby amended by adding the double-underlined language as follows:

		Zones		Additional/References
		N3-A	N3-B	
120-260 (c) BUILDING SITING. See Figure 260-A				
❶	Lot Area	6,400 s.f. min.	5,000 s.f. min.	<u>Lots containing a dwelling unit as part of a twin home dwelling shall have a minimum of one-half of the minimum lot area and lot width.</u>
❷	Lot Width	50 ft.	40 ft.	
❸	Building Width	20 ft. min. 65 ft. max.	20 ft. min. 55 ft. max.	Contextual front and side setback regulations apply. See 102-1620 (f) for allowed encroachments into setbacks. <u>Porches may extend into the required front street setback no more by a distance no more than five feet.</u>
❹	Front Street Setback	25 ft. min.	25 ft. min.	
❺	Side Street Setback	8 ft. min.	8 ft. min.	
❻	Side Setback	5 ft. min.	5 ft. min.	
❼	Rear Setback	25 ft. min.	25 ft. min.	
❽	Building Coverage	35% max.	45% max.	
	Overall Impervious Coverage	55% max.	55% max.	
	Additional Semi-Pervious Area	+10% additional	+10% additional	

SECTION 3. Hopkins City Code, Part III, Chapter 102, Article 2, Subsection 102-250(c), is hereby amended by adding the double-underlined language as follows:

<u>Day Care, Adult</u>	●	⊖	●	●	⊖	⊖	⊖	⊖	●	●	=	=	=	=	○	○	=	●	
Day Care, Small	●	⊖	●	●	⊖	⊖	⊖	⊖	-	-	-	-	-	-	○	○	-	-	
Day Care, Large	●	⊖	●	●	⊖	⊖	⊖	⊖	-	-	-	-	-	-	○	○	-	-	
Entertainment Venue, Large	-	-	-	●	-	●	-	●	-	●	-	-	-	-	-	-	○	●	
Funeral & Mortuary Service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Lodging (except as below)	●	⊖	⊖	●	●	●	●	-	-	●	-	-	-	-	-	-	-	-	
Short-Term Rental	⊖	⊖	⊖	⊖	●	●	●	-	-	-	-	○	○	○	○	○	-	-	102-580 (h)(f)
Office	⊖	⊖	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	-	102-580 (d)(e)
Personal Credit Establishment	○	-	-	○	-	-	-	-	-	-	-	-	-	-	-	-	-	-	102-580 (g)(f)
Retail & Entertainment (except as below)	●	●	●	●	⊖	⊖	⊖	⊖	-	-	-	-	-	-	-	-	-	⊖	
Brewpub	-	●	●	●	-	⊖	⊖	-	-	-	-	-	-	-	-	-	-	-	102-580 (a)
Firearms Sales Establishment	-	-	-	○	-	-	-	-	-	-	-	-	-	-	-	-	-	-	102-580 (b)
Liquor Sales, Off-Sale	●	●	●	●	⊖	⊖	⊖	⊖	-	-	-	-	-	-	-	-	-	-	102-580 (e)(f)
Tobacco Sales Establishment	●	●	●	●	⊖	⊖	⊖	⊖	-	-	-	-	-	-	-	-	-	-	102-580 (j)(k)
Self-Service Storage	-	-	-	-	-	-	-	○	-	-	○	-	-	-	-	-	-	-	102-580 (l)(f)
Vehicle Sales & Service (except as below)	-	-	-	○	-	-	-	-	○	○	○	-	-	-	-	-	-	-	102-580 (n)(f)
Major Vehicle Repair & Maintenance	-	-	-	-	-	-	-	-	○		○	-	-	-	-	-	-	-	102-580 (n)(f)
MANUFACTURING & INDUSTRY																			102-550
Manufacturing, Artisan	●	●	●	●	⊖	⊖	⊖	●	●	●	●	-	-	-	-	-	-	-	
Manufacturing, Limited	-	-	-	-	-	-	-	●	●	●	●	-	-	-	-	-	-	-	
High-Impact Industry	-	-	-	-	-	-	-	-	-	-	●	-	-	-	-	-	-	-	
<u>Urban Farm</u>	=	=	=	=	=	=	=	●	●	●	●	=	=	=	=	=	=	●	102-580 (i)
Warehousing & Distribution	-	-	-	-	-	-	-	-	●	●	●	-	-	-	-	-	-	-	
CIVIC & INSTITUTIONAL																			102-560
College	⊖	⊖	⊖	⊖	●	●	●	●	-	-	-	-	-	-	-	-	-	●	
Community Assembly	⊖	⊖	⊖	⊖	●	●	●	-	-	-	-	-	-	-	-	-	-	○	
Cultural Facility	●	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	●	●	
<u>Community Garden</u>	●	=	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	102-580 (c)
Detention or Correctional Facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	○	
Hospital	-	-	-	-	○	○	-	-	-	-	-	-	-	-	-	-	-	●	
Parks and Open Space	-	-	●	●	●	●	●	●	●	●	●	○	-	-	-	-	●	●	102-580 (f)(e)
School	⊖	⊖	⊖	⊖	●	●	●	-	-	-	-	-	-	-	-	-	-	○	
Utilities & Services, Minor	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	102-580 (m)(k)
Utilities & Services, Major	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	102-580 (m)(k)
OTHER																			102-570
Wireless Communication Facility																		102-580 (o)(m)	
Tower	-	-	-	-	-	-	-	-	-	-	○	-	-	-	-	-	-	-	102-580 (o)(m)

KEY: ●= Permitted ⊖= Permitted in Upper Stories Only ⊖= Limited to No More than 25% of Footprint Building Area
 ○= Limited on first floor to buildings on the interior of a block see [102-580 \(d\)\(e\)](#) ○= Requires Conditional Use Approval - = Prohibited

SECTION 5. Hopkins City Code, Part III, Chapter 102, Article 5, Subsection 102-510(b)(4) relating to interpretation of the use table, is hereby amended by deleting the ~~struck-through language~~ and adding the double-underlined language as follows:

(4) Permitted in Limited Portion of Building AreaFootprint. Uses identified with a “O” are permitted as-of-right in the subject zone but such use may not occupy more than 25% of the building areafootprint. Uses identified with a “O” are permitted as-of-right in the subject zone but such uses is limited on first floor to buildings on the interior of a block per 102-580 (c).

SECTION 6. Hopkins City Code, Part III, Chapter 102, Article 5, Subsection 102-540(d) is hereby amended by deleting the ~~struck-through language~~ and adding the double-underlined language as follows:

102-540 (d) DAY CARE

(1) Description. The day care use category includes establishments licensed by the state that provide nonmedical care to children or aged, infirm, or disabled adults for only part of a day, typically during normal working hours. Examples include adult day care centers, group family day care facilities, child care centers, and similar use types.

a. Adult Day Care. A state-licensed center-based facility that provides adult day services to adults who have functional impairments on a regular basis for periods of fewer than 24 hours during the day in a setting that is not a residence

b. a. Day Care, Small. A state-licensed day care facility serving 12 or fewer persons or a group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445 to serve 14 or fewer children.

c. b. Day Care, Large. All day care uses that do not meet the definition of a small day care or adult day care.

SECTION 7. Hopkins City Code, Part III, Chapter 102, Article 5, Subsection 102-540(j)(c) relating to Entertainment Uses, is hereby amended by deleting the ~~struck-through language~~ and adding the double-underlined language as follows:

c. Entertainment, General. Establishments that provide gathering places for participant or spectator entertainment and that have no more than 25,000 square feet of total gross floor area. Typical general entertainment uses include cinemas, theaters, bowling centers, and experience-based entertainment establishments.

1. Experience-based Entertainment Establishment. An establishment offering group or team-based entertainment activities such as axe throwing, escape

rooms, cooking or painting classes, and arts and crafts workshops. Does not include bingo or other forms of charitable gambling, live music venues, karaoke, arcade or video game centers, hookah lounges, art galleries, spas, oxygen bars, event centers, or adult-oriented businesses.

2. Exceptions. Entertainment-related uses with more than 40,000 25,000 square feet of total gross floor area are classified as "large entertainment venues" (see 102-540 (e)). Senior centers, community centers, religious institutions and similar facilities are classified as "community assembly" uses (see 102-560 (b)).

SECTION 8. Hopkins City Code, Part III, Chapter 102, Article 5, Section 102-550 is hereby amended by renumbering subsection (d) to subsection (e) and adding a new subsection (d) with the double-underlined language as follows:

102-550 (d) URBAN FARM

(1) Description. Privately owned land used for the cultivation of fruits, vegetables, plants, flowers, or herbs, by an individual, organization, or business with the primary purpose of growing flora and/or food for sale or donation. Urban Farms include, outdoor growing operations, indoor growing operations, greenhouses, vertical farms, aquaponics, aquaculture, hydroponics, and rooftop farms, but does not include cannabis cultivation. Retail sales of products cultivated on site is permitted as an accessory use.

SECTION 9. Hopkins City Code, Part III, Chapter 102, Article 5, Section 102-550 is hereby amended by renumbering subsections (c) through (h) to subsections (d) to (i) and adding a new subsection (c) with the double-underlined language as follows:

102-560 (c) COMMUNITY GARDEN

(1) Description. An area of land managed and maintained by a public or non-profit organization or a group of individuals to grow and harvest food crops and/or ornamental crops, such as flowers, for personal or group use, consumption, or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members. Community gardens may be principal uses or accessory to other residential, public or semi-public uses, such as parks, schools, community centers, or community assembly uses. This classification does not include gardens that are accessory to residential uses when access is limited to those who reside on the subject property. Sales of products produced in association with a community garden is permitted as an accessory use in zones in which retail sales & entertainment uses are allowed.

SECTION 10. Hopkins City Code, Part III, Chapter 102, Article 5, Subsection 102-560(f) is hereby amended by deleting the ~~struck-through language~~ and adding the double-underlined language as follows:

102-560 (f) PARKS & OPEN SPACE

(1) Description. The parks and open space use category includes recreational, social, or multi-purpose uses associated with public parks, public open spaces, public play fields, public or private golf courses, or other outdoor open space or recreation areas. ~~It also includes urban agriculture uses, such as community gardens, outdoor urban farms and beekeeping.~~ The parks and open space use category includes the following subcategories:

a. Cemetery. Land or structures used for burial or permanent storage of the dead or their cremated remains. Typical uses include cemeteries and mausoleums. Also includes pet cemeteries.

~~b. Community Garden. An area of land managed and maintained by a public or non-profit organization or a group of individuals to grow and harvest food crops and/or ornamental crops, such as flowers, for personal or group use, consumption, or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members. Community gardens may be principal uses or accessory to other public or semi-public uses, such as parks, schools, community centers, or community assembly uses. This classification does not include gardens that are accessory to residential uses when access is limited to those who reside on the subject property. Sales of products produced in association with a community garden is permitted as an accessory use in zones in which retail sales & entertainment uses are allowed.~~

b.e. Natural Resource Preservation. Undeveloped land left in a natural state for specific use as visual open space or environmental purposes. Typical uses include wildlife or nature preserves, arboretums, flood management projects and reservoirs.

c.d. Parks and Recreation. Parks, playgrounds, recreation facilities, and related open spaces that are open to the general public. This subcategory also includes playing fields, courts, gymnasiums, swimming pools, picnic facilities, tennis courts, boat docks, and golf courses, as well as related food concessions or clubhouses within a principal structure or in an accessory structure on the same site.

SECTION 11. Hopkins City Code, Part III, Chapter 102, Article 5, Subsection 102-580 hereby amended by adding new subsections (c) and (l) with the double-underlined language as follows, and renumbering the remaining subsections alphanumerically:

102-580 (c) COMMUNITY GARDENS

Community gardens are subject to the following supplemental regulations:

(1) Keeping of animals is prohibited except as allowed in Section 6-30 of the City Code.

- (2) The use shall not be located in a required side or a required rear yard not abutting an improved alley when such side or rear is abutting a property in the N zones.
- (3) Prior to establishment, the property owner and/or garden manager shall ensure that community members have adequate access to water for the purpose of maintaining their plot(s)
- (4) Compost and waste material must be properly stored away to prevent the spread of odor and/or pollution
- (5) The site must comply with ADA design standards for accessible entrance routes and accessible routes between different components of the garden
- (6) Tools, equipment and supplies shall be stored in an enclosed storage building/container.
- (7) The site must be designed and maintained so that water and fertilizer will not drain onto adjacent property.

102-580 (I) URBAN FARMS

Urban farms are subject to the following supplemental regulations:

- (1) Keeping of animals is prohibited.
- (2) The use shall not be located in a required side or a required rear yard not abutting an improved alley when such side or rear is abutting a property in the N zones.
- (3) Tools, equipment and supplies shall be stored in an enclosed storage building/container.
- (4) Compost and waste material must be properly stored away to prevent the spread of odor and/or pollution
- (5) The site must be designed and maintained so that water and fertilizer will not drain onto adjacent property

SECTION 12. Hopkins City Code, Part III, Chapter 102, Article 6, Subsection 102-620(I) relating to Backyard Cottages, is hereby amended by deleting the ~~struck-through language~~ and adding the double-underlined language as follows:

102-620 (I) DESIGN

The design regulations of this subsection apply to all newly constructed backyard cottages.

- (1) Exterior Finish Materials. The exterior finish material must be the same or visually match in type, size and placement, the exterior finish material of the principal building on the lot.

(2) Roof Pitch. The roof pitch must ~~be the same~~ substantially similar as the predominant roof pitch of the principal building on the lot.

(3) Trim. Type, size and location of trim elements must be the same or visually match those of the principal building on the lot.

(4) Entrances. Entrances to backyard cottages may not face the nearest side or rear lot line of the subject lot unless there is an alley abutting that lot line.

SECTION 13. Hopkins City Code, Part III, Chapter 102, Article 6, Subsection 102-650(h) relating to home-based businesses, is hereby amended by deleting the ~~struck through language~~ as follows:

102-650 (h) HOME-BASED BUSINESSES

Home-based businesses are allowed as an accessory use to a principal use in the household living use category ~~only upon approval of a home occupation permit~~. Home-based businesses are subject to the following regulations.

(1) Home-based businesses require approval of a home occupation permit. Home occupation permits may be revoked for uncorrected violations of applicable regulations.

(2) Home-based businesses must be accessory and subordinate to the principal residential use of the property and may not occupy more than 49% of the gross floor area of the principal building, whether the home-based business is located in the principal residential building, an accessory building, or both.

(3) At least one individual engaged in the home-based business must reside in the dwelling unit in which the home-based business is located as their primary place of residence.

(4) Customers or clients may visit the site only from 8:00 a.m. to 8:00 p.m. No more than 2 clients or customers may be present at any one time, except that up to 3 students may be present at one time in a teaching-related home occupation (e.g., tutor or music/dance instructor).

(5) A maximum of 2 nonresident employees are allowed with a home-based business if the business does not serve customers or clients on site. Home-based businesses that serve customers or clients on site may not have nonresident employees. For the purpose of this provision, the term “nonresident employee” includes an employee, contractor, business partner, co-owner or any other person affiliated with the home-based business, who does not live at the site, but who visits the site as part of the home-based business.

(6) Face-to-face or walk-in retail sales activities are prohibited as a principal home-based business activity. Any face-to-face or walk-in retail sales of goods must be entirely accessory to any services provided on the site. This retail sales restriction is not intended to prohibit on-line retail sales.

(7) Home-based businesses that change the physical form of the residential building they occupy or that adversely affect the surrounding neighborhood are prohibited. Home-based businesses may not, for example, produce light, noise, vibration, odor, parking demand, or traffic impacts that are not typical of a residential neighborhood. Home-based businesses must be operated so as not to create or cause a nuisance.

(8) External structural alterations or site improvements that change the physical residential form of the lot upon which a home-based business is located are prohibited. Examples of such prohibited alterations include construction of parking lots, the addition of commercial-like exterior lighting, the addition of a separate building entrance that is visible from abutting streets or the exterior display of signs.

(9) Any tools or equipment used as part of a home-based business must be operated in a manner or soundproofed so as not to be audible beyond the lot lines of the subject property.

(10) Home-based businesses and all related activities, including storage (other than the lawful parking of passenger vehicles), must be conducted entirely within the principal residential building or an allowed accessory structure.

(11) Deliveries or pickups of supplies or products associated with a home office are allowed only between 8:00 a.m. and 8:00 p.m. Vehicles used for delivery and pickup are limited to those normally serving residential neighborhoods.

(12) No more than one home-based business is allowed on a single property, and a home-based business may not be conducted on a lot occupied by an accessory dwelling unit.

SECTION 14. Hopkins City Code, Part III, Chapter 102, Article 6, Subsection 102-6180, is hereby amended by adding the double-underlined language as follows:

102-6180 Outdoor Storage Areas

102-6180 (a) DESCRIPTION

The regulations of this section govern the outdoor storage of goods that are not typically stored or sold indoors.

102-6180 (b) GENERAL REGULATIONS

The following regulations apply to all outdoor storage areas:

(1) Outdoor storage areas are subject to all applicable setback regulations that apply to the principal building unless otherwise expressly stated in this code.

(2) Outdoor storage areas count toward maximum building coverage limitations.

(3) All materials or wastes stored outdoors that cause fumes or dust or that constitute a fire hazard or that may be

(4) All outdoor storage areas must be enclosed by a durable, permanent fence that is at least 6 feet in height and maintained to prevent any unauthorized access. Such storage area must be screened from view of streets and neighborhood zones in accordance with the buffer and screening regulations of Sections 102-8110 & 102-8120.

SECTION 15. Hopkins City Code, Part III, Chapter 102, Article 8, Subsections 102-840 (c) through (f) are hereby amended by deleting the ~~struck-through language~~ and adding the double-underlined language as follows:

102-840 (c) SIGNIFICANT AND CONTRIBUTING TREES

Trees of significant size, type, or meaning must be retained on the site, unless otherwise ~~determined by the municipal arborist~~ replaced in accordance with this section.

(1) Definitions.

a. Significant tree. A significant tree is one of the following:

1. a. Any A tree with a diameter at breast height of 13 inches or more.

2. b. A grove of trees totaling 13 inches and as determined by the municipal arborist.

3. e. Any specific tree type designated significant by the municipal arborist, based upon the tree's age, species, health, meaning within the community, and/ or historical importance.

4. Aspen, Cottonwood, or Silver Maple are considered significant if they are at least 20 inches in diameter.

b. Contributing trees are existing trees that are not significant trees, measuring greater than 6 inches, contributing to the City's overall tree canopy cover.

c. Boxelder, Siberian Elm, Black Locust, Mulberry, a fruit tree species, or a tree that is defined as an invasive species by the Minnesota Department of Natural Resources are not considered significant or contributing trees.

(2) Removal of Significant and Contributing Trees. A significant or contributing tree may be removed with approval of the municipal arborist under the following conditions:

- a. The tree is in poor health or diseased with an expected life span less than 2 years.
- b. The tree poses a danger to human safety, health and welfare.
- c. If approved by the municipal arborist, the removal is mitigated by one of the following:

1. Planting of replacement trees per the following:

i. Trees with a total of caliper inches equal to 3 times the diameter of the removed significant and contributing tree(s), or planted on the site or a site approved by the municipal arborist and the zoning administrator.

ii. Trees with a total of caliper inches equal to three times the diameter of the removed significant trees and equal to the diameter of removed contributing trees if the site is located within 500 feet of Blake Road and Excelsior Boulevard, identified as having the highest relative surface temperature in the Hopkins Heat Vulnerability Study.

2. When planting of replacement trees is determined impracticable by the municipal arborist and the zoning administrator, a fee in-lieu of replacement trees will be assessed and paid into the City's Tree Planting Fund in accordance with the City's fee schedule. The fee must include a cost per diameter inch of tree not replaced.

3. A combination of replacement trees and fee-in-lieu per this subsection.

4. Replacement trees may be planted on the site or a site approved by the municipal arborist and the zoning administrator.

102-840 (d) CONTRIBUTING TREES

~~Contributing trees are existing trees that are not significant trees, measuring greater than 6 inches, contributing to the City's overall tree canopy cover.~~

~~(1) Removal of Contributing Trees. A contributing tree may be removed under the following conditions:~~

- ~~a. The tree is in poor health or diseased with an expected life span less than 2 years.~~
- ~~b. The tree poses a danger to human safety, health and welfare.~~
- ~~c. The removal is mitigated by one of the following:~~

~~1. Trees with a total of caliper inches equal to the diameter of the removed trees planted on the site or a site approved by the municipal arborist and the zoning administrator.~~

~~2. A fee in-lieu of replacement trees is assessed and paid into the City's Tree Planting Fund in accordance with the City's fee schedule. The fee must include a cost per diameter inch of tree not replaced.~~

3. ~~A combination of replacement trees and fee in lieu per this subsection.~~

102-840 ~~(d)~~(e) TREE PROTECTION DURING CONSTRUCTION

During construction, all available precautions must be undertaken to prevent damage to existing trees, 6" in diameter or larger, to be retained on the site.

(1) Protection Fencing. Tree protection fencing and trunk protection must be performed on existing trees per ANSI guidelines.

(2) Prevention of Injury. Protection must include prevention of injury to the trunk, branches, and root systems of existing trees to be retained on the site and any trees on adjacent sites with root systems extending onto the site.

(3) Regrading within Dripline. No soil removal, trenching, or regrading must occur within the root system or beneath the dripline of any tree to be retained on the site without mitigation of the impact of the activity on the tree per a certified arborist's recommendation.

(4) Compaction of Soil. No parking of vehicles or machinery, or storage of materials must occur within the dripline of any existing tree to be retained to avoid the compaction of soil around roots.

(5) Inspection. Before, during, and after the start of construction activity, the municipal arborist may inspect the site and impose additional procedures to ensure the health of existing trees to be retained.

(6) Mitigation of Damage. The municipal arborist may assess mitigation of trees damaged during or as a result of construction activities. Mitigation may include replacement trees or fees paid into the tree fund.

102-840 ~~(e)~~(f) PENALTIES

Any person who removes a significant tree without prior permission from the municipal arborist or causes the death of a significant tree through other means as determined by the municipal arborist must be subject to a fine equivalent to the value of the tree. The tree value must be established using the Trunk Formula Method set forth in the latest edition of Guide for Plant Appraisal authored by the Council of Tree and Landscape Appraisers.

SECTION 16. Hopkins City Code, Part III, Chapter 102, Article 10, Section 102-10100 is hereby amended by deleting the ~~struck-through language~~ and adding the double-underlined language as follows:

102-10100 Window Signs

Temporary or permanent window signs must be on the inside of the window. Temporary or permanent window signs are limited to 33% of the surface area of the

window to which they are affixed. Window signs place on storefront windows must not cover the middle vertical one-third of any one window. Such signs are not counted against the maximum limits established in Table 10-4.

SECTION 17. Hopkins City Code, Part III, Chapter 102, Article 10, Subsection 102-10170, is hereby amended by adding the double-underlined language as follows:

102-10170 (b) FREESTANDING SIGNS

Freestanding signs may not exceed the maximum height limits stated in Table 10-2.

Table 10-2. Maximum Sign Heights

ZONE	MAXIMUM HEIGHT (FEET)
N, NX, RX-N, & MX-N	6
<u>MX-S, MX-TOD & RX-TOD</u>	10
IX-TOD, I-TOD, & IX-S	10
I-1 & CLR	10
P	6

SECTION 18. Hopkins City Code, Part III, Chapter 102, Article 10, Subsection 102-10190, is hereby amended by adding the double-underlined language as follows:

102-10190 Signs in Mixed-Use Zones

102-10190 (a) MAXIMUM SIGN AREA

The area of permitted signs in mixed-use zones may not exceed the maximum limits established in Table 10-4.

Table 10-4. Signs in Mixed-Use Zones

ZONE	SINGLE SIGN MAXIMUM AREA	MAXIMUM CUMULATIVE SIGN AREA
MX-TOD, MX-D, MX-N, RX-TOD, RX-D, RX-N	60 sq ft	2 sq ft per foot of building frontage [1]
MX-S	80 sq ft	3 sq ft per foot of building frontage [1]
IX-TOD, I-TOD, IX-S	80 sq ft	3 sq ft per foot of building frontage [1]

[1] On corner lots building frontage is measured along narrowest frontage

102-10190 (b) ILLUMINATION

Signs in the MX-D zone may employ only "Halo" lighting or lighting sources that are external to the sign (e.g. Goose neck lighting). Any other form of internal sign illumination is prohibited.

102-10190 (c) MULTIPLE TENANT BUILDINGS

The property owner may allocate the allowable sign area among the tenants of a multi-tenant building. If the property owner does not allocate the sign area, the City

may do so based on the proportion of floor area or tenant frontage occupied by each tenant.

SECTION 19. Hopkins City Code, Part III, Chapter 102, Article 13, Subsection 102-1380(a), is hereby amended by deleting the ~~struck-through language~~ and adding the double-underlined language as follows:

102-1380 (a) APPLICABILITY

The administrative subdivision approval procedures of this section apply to:

- (1) Lot line adjustments that combine multiple, existing abutting lots into a fewer number of lots than existed before the lot line adjustment occurred;
- (2) Lot line adjustments that alter the boundary between or reconfigure the shapes of existing abutting lots without creating additional lots;
- (3) Resubdivision of previously platted land that result in no more than one additional lot being created; and
- (4) Subdivision of a lot for the purposes of establishing a twin home provided:
 - (a) Verification is submitted to the City that the building would meet building code requirements with the new lot line;
 - (b) The lot line(s) is located along a common wall;
 - (c) Upon approval, documents shall be recorded that establish how common elements of the building, utilities, and site elements will be maintained;
- ~~(5)~~(4) Other minor land division activities authorized by the Planning & Zoning Commission

SECTION 20. Hopkins City Code, Part III, Chapter 102, Article 13, Subsection 102-13120(e), is hereby amended by deleting the ~~struck-through language~~ and adding the double-underlined language as follows:

102-13120 (e) PROCESS; DECISION-MAKING

Two types of site plan review are established under this development code—major site plan review and administrative site plan review.

(1) Major Site Plans. Major site plans require review and recommendation by the planning & zoning commission and final review and decision-making by the city council.

a. Applicability. The following are subject to the major site plan review process:

1. Site plans that accompany a conditional use permit application, which must be reviewed in accordance with the conditional use permit procedures of 102-1390;
2. Site plans that accompany a zoning variance application, which must be reviewed in accordance with the ~~conditional use permit~~ variance procedures of 102-13130;

3. Construction of a new building with more than 25,000 square feet of gross floor area and building enlargements resulting in the addition of more than 25,000 square feet of gross floor area.

4. Site plans that qualify as administrative site plans but which are referred by the zoning administrator for processing as a major site plan;

and

5. Any other activities for which major site plan approval is expressly identified in this development code.

SECTION 21. Hopkins City Code, Part III, Chapter 102, Article 13, Subsection 102-1370(c) relating to final plat review procedures, is hereby amended by deleting the ~~struck-through language~~ and adding the double-underlined language as follows:

102-1370 (c) FINAL PLATS

(1) Application Filing. Following approval of a required preliminary plat, applicants may file an application for final plat approval for all or a portion of the proposed subdivision. The City may review and consider applications for preliminary and final plat approval concurrently. Applications for final plat approval must be submitted to the zoning administrator.

~~(2) Commission Review and Recommendation. Following receipt of a complete application, the Planning & Zoning Commission must consider the proposed final plat conformance with the approved preliminary plat and compliance with all applicable development code regulations and act to recommend that the proposed final plat be approved as proposed, approved with modifications, or denied and transmit its report and recommendations to the City Council. The Planning & Zoning Commission may also act to continue the matter for further consideration and deliberation. Motions to approve, approve with modifications or deny final subdivision plats may be approved by a simple majority vote. If the Planning & Zoning Commission arrives at a tie vote, the application must be forwarded to the City Council with a notation of the tie vote.~~

(2) ~~(3)~~ City Council Action. Following receipt of a complete application ~~the Planning & Zoning Commission's recommendation~~, the City Council must act to approve the final plat or disapprove the final plat. The City Council is also authorized to continue the matter or remand the proposed final plat application ~~back~~ to the Planning & Zoning Commission for further consideration. Final plats may be approved by a simple majority vote of the City Council.

(3) ~~(4)~~ Time-Frame for Final Action. In accordance with section 462.358 of the Minnesota Statutes, if the City Council does not take action on a final plat application

within 60 days of receipt of a complete application, the application is deemed approved, unless the applicant agrees in writing to waive the 120-day rule.

~~(4)~~ (5) Recording of Final Plat. If the final plat is approved by the City Council, the subdivider must record it with the county recorder within 100 days of the date of approval; otherwise, the approval of the final plat is void. Immediately upon recording, the subdivider must furnish the clerk with ~~four~~ a prints of the recorded plat and proof of recording. ~~Three copies~~ One copy of the certified plan showing the improvements as built or as they are to be built within the subdivisions must also be submitted with the final plat.

Figure 13-D. Major Subdivision Final Plats



SECTION 22. Hopkins City Code, Part III, Chapter 102, Article 16, Subsection 102-620(k)(5) relating to Measurement of Building Height in Stories, is hereby amended by adding the double-underlined language as follows:

102-1620 (k) BUILDING HEIGHT IN STORIES

(5) Half Stories. Half stories are stories either located fully within the roof type or in a visible basement.

a. Roof. Where occupied building space is allowed within the roof type (see 102-720), any space within the roof and within the floor to floor height of the building type counts as a half story towards the overall allowable height. Dormers on roofs on half stories are limited to no more than 50% of the facade length of the story below.

SECTION 23. Hopkins City Code, Part III, Chapter 102, Article 16, Section 102-1620 relating to measurements and interpretations, is hereby amended by adding subsection (o) with the double-underlined language as follows:

102-1620 (o) USE PERCENTAGES

Uses that are limited in the percentage of floor area are not subject to said limit when the building in which said use is located is less than 6,000 square feet in total building area.

SECTION 24. Hopkins City Code, Part III, Chapter 102, Article 16, Section 102-1660, is hereby amended by adding the double-underlined language as follows:

102-1660 Terms Beginning with "D"

DWELLING UNIT, TWIN HOME. a 1 unit-household dwelling unit attached by party walls with another 1 unit-household dwelling unit, within the traditional house building type, in such a manner that the common party wall(s) is located on the common lot lines. Twin Home dwellings are considered 2-unit uses and are subject to the applicable regulations of Articles 3, 4, and 5.

SECTION 25. Hopkins City Code, Part III, Chapter 102, Article 16, Section 102-16140, is hereby amended by deleting the ~~struck-through language~~ as follows:

102-16140 Terms Beginning with "L"

~~LOT. A contiguous area of land as recorded in a deed, or on a recorded plan, as in a duly filed A-2 survey.~~

SECTION 26. The effective date of this ordinance shall be September 12, 2024.

First Reading:	August 20, 2024
Second Reading:	September 3, 2024
Date of Publication:	September 12, 2024
Date Ordinance Takes Effect:	September 12, 2024

By: _____

Patrick Hanlon, Mayor

ATTEST:

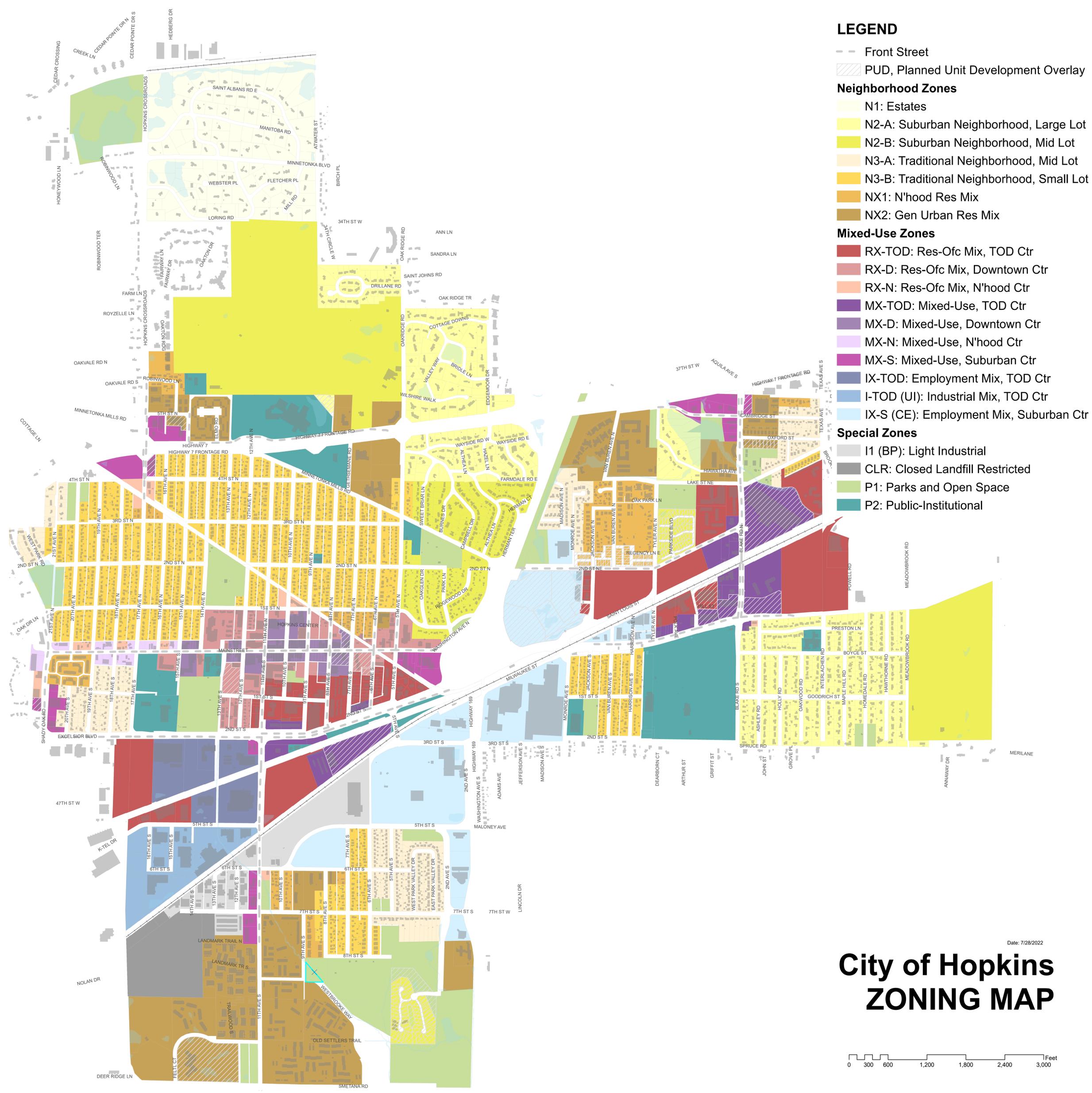
Amy Domeier, City Clerk

Proposed Amendment	Criteria 1: Conformity with the Comprehensive Plan		Criteria 2: Corrects an error or inconsistency or will help meet the challenge of a changed or changing condition
	Comp Plan Goal(s)	Comp Plan Policy(s)	
<p>Adult Day Care Uses Creates a distinct classification for adult day care centers. Allows their location in additional zones, reflective of the differing characteristics versus childcare uses.</p>	<p><i>Land Use #3:</i> Maintain and diversify the city's strong employment base.</p> <p><i>Quality of Life #1:</i> Support the vision of a community where everyone has access to the resources and opportunities to live healthy, active lives.</p> <p><i>Economic Competitiveness #4:</i> Promote economic equity in Hopkins, to benefit residents regardless of identity or background.</p>	<p><i>Land Use #3:</i> Encourage development of living wage jobs, especially in the Center and District future land use categories that parallel the railroad corridor or other areas in close proximity to transit.</p> <p><i>Quality of Life #1:</i> Assist adults and kids in maintaining healthy, active lifestyles by providing a range of recreational facilities and programming that are accessible and convenient.</p> <p><i>Economic Competitiveness #4:</i> Encourage the availability of a full range of services for children, youth, and seniors in the community.</p>	<p>Corrects an inconsistency that adult day care and child day cares are treated in the same manner despite have some distinction in terms of space and transportation needs. Meets the challenge of providing support and services for the aging population.</p>
<p>Entertainment Uses Clarifies the threshold of general entertainment uses versus large entertainment venues.</p>	<p><i>Land Use #3:</i> Maintain and diversify the city's strong employment base through investments in designated mixed use centers and employment districts.</p> <p><i>Land Use #6:</i> Create appropriate transitions between areas of the city where there are potential incompatibilities in land use or scale.</p>	<p><i>Land Use #3:</i> Support small local businesses, particularly in the Centers future land use categories as defined and designated in the comprehensive plan.</p> <p><i>Land Use #3:</i> Encourage larger employers that draw employees from across the region to be in the most regionally accessible locations.</p> <p><i>Land Use #6:</i> Carefully manage vehicular access and parking to minimize its impact on individual developments,</p>	<p>Corrects an inconsistency in the definitions of general entertainment uses.</p>

		the public realm, and the overall fabric of the community.	
<p>Final Plat Procedures Eliminates the requirement that the Planning and Zoning Commission review final plats. P&Z would still review preliminary plats. Final Plats are generally merely approval of formal documentation of the subdivision.</p>	<p><i>Sense of Community #1:</i> Support a strong, connected, inclusive vision of community that provides opportunities for everyone to participate in public events and processes.</p>	<p><i>Sense of Community #1:</i> Establish and implement strong standards for community engagement on all City projects</p>	<p>Corrects an inconsistency of having the Commission review a matter that has limited discretion.</p>
<p>Front Porch Encroachment Allows a porch to encroach in the front setback in the N zones up to 5 five (20 ft from the property line) as was previously allowed.</p>	<p><i>Land Use #4:</i> Support and strengthen the city's residential areas with reinvestment and appropriate infill.</p> <p><i>Land Use #5:</i> Reinforce Hopkins' unique identity and sense of community through high quality urban design.</p> <p><i>Housing #4:</i> Maintain the quality, safety, and character of existing housing stock.</p>	<p><i>Land Use #4:</i> Promote maintenance and reinvestment of existing residential land uses that have experienced deferred maintenance, deteriorating property values, high vacancy rates, or have reuse opportunities.</p> <p><i>Land Use #5:</i> Reinforce the distinctive characteristics of Downtown and existing neighborhoods by encouraging developments that are compatible in design and supportive within their context.</p>	<p>Corrects an inconsistency between the updated Development Code and the former Zoning Code, with the current being more restrictive than the former, resulting in nonconforming structures. Also allows for more street level activation and eyes on the street.</p>
<p>Half-Story and Backyard Cottage Roofs Establishes a limit for how much a dormer is allowed within a half story. Also allows roofs for backyard cottages to be similar in roof pitch to the principal structure, rather than an exact match.</p>	<p><i>Land Use #4:</i> Support and strengthen the city's residential areas with reinvestment and appropriate infill.</p> <p><i>Land Use #5:</i> Reinforce Hopkins' unique identity and sense of community through high quality urban design.</p> <p><i>Housing #4:</i> Maintain the quality, safety, and character of existing housing stock.</p>	<p><i>Land Use #4:</i> Promote maintenance and reinvestment of existing residential land uses that have experienced deferred maintenance, deteriorating property values, high vacancy rates, or have reuse opportunities.</p> <p><i>Land Use #5:</i> Reinforce the distinctive characteristics of Downtown and existing neighborhoods by encouraging developments that are compatible in design and supportive within their context.</p>	<p>The modifications are meant to facilitate the creation of accessory dwelling units specifically and to allow for residential additions generally.</p>

<p>Home Businesses Eliminates the need to obtain a specific permit for a home business. Maintains the requirements to operate said businesses.</p>	<p>Economic Competitiveness #2: Support a healthy, diverse mix of businesses in Hopkins.</p>	<p>Economic Competitiveness #3: Encourage businesses in Hopkins to hire locally, particularly in populations that are underemployed, to support the ability for people to live near where they work.</p>	<p>Facilitates the creation of businesses by Hopkins residents.</p>
<p>Signage Adds a sign height limit for freestanding signs in the MX-S zones, previously missing. Allows defines signage allocations in multi-tenant buildings. Lastly, it requires eye level transparency by not allowing window signs to cover parts of storefront windows.</p>	<p>Land Use #5: Reinforce Hopkins' unique identity and sense of community through high quality urban design.</p>	<p>Land Use #5: Reinforce the distinctive characteristics of Downtown and existing neighborhoods by encouraging developments that are compatible in design and supportive within their context.</p>	<p>A sign height for maximum for freestanding standing signs in the MX-S zones was erroneously omitted. Addresses a challenge in allocating signage in multitenant buildings, and seeks the balance the tension between allowing for businesses to advertise while also allowing for street level activity.</p>
<p>Tree Replacement Simplifies the tree replacement methodology and creates heightens requirements for areas that were identified as areas of concern in the heat vulnerability study.</p>	<p>Sustainability and Natural Resources #7: Maintain and increase the urban tree canopy to provide benefits to the community</p>	<p>Sustainability and Natural Resources #7: Determine high priority planting areas and foster tree planting initiatives through local partnerships.</p> <p>Sustainability and Natural Resources #7: Support greater species diversity in Hopkins, based on recommended tree species suitable for Hopkins' urban microclimate.</p> <p>Sustainability and Natural Resources #7: Pursue heightened landscape requirements for new parking and streetscape projects or updates, as appropriate.</p>	<p>Addresses an inconsistency between Hopkins' requirements and that of our peers. Also meets the challenge of increase urban heat effect by heighten requirements in areas of concern.</p>
<p>Twin Homes Allows for twin homes, as was previously allowed, which is defined as two 1-unit attached buildings. Also creates the requirement in creating twin home lots to ensure building code is met</p>	<p>Land Use #4: Support and strengthen the city's residential areas with reinvestment and appropriate infill.</p>	<p>Land Use #4: Consider methods to alleviate development pressure and affordability challenges in low density residential neighborhoods, particularly in</p>	<p>Intended to address the challenge to provide ownership opportunities in lower density neighborhoods.</p>

<p>and shared elements are maintained.</p>		<p>the Traditional Neighborhood future land use category.</p>	
<p>Urban Agriculture Creates use separate categories for urban farms and community gardens, which are currently grouped with parks.</p>	<p>Quality of Life Goal #1: Support the vision of a community where everyone has access to the resources and opportunities needed to live healthy, active lives.</p> <p>Sense of Community Goal #1: Support a strong, connected, inclusive vision of community that provides opportunities for everyone to participate in public events and processes.</p>	<p>Quality of Life Goal 1: Support the goal that adults and children of all income levels have physical and economic access to fresh and healthful food and have opportunities to learn about nutritious eating and food safety.</p> <p>Quality of Life Goal 1: Assist adults and kids in maintaining healthy, active lifestyles by providing a range of recreational facilities and programming that are accessible and convenient.</p> <p>Sense of Community Goal 1: Maintain a system of public places and facilities which strengthen community livability and support social interaction and recreation.</p>	<p>Meets the challenge of providing the community access to local, healthy food, by allowing residents to grow and produce their own foods, while creating a place for social interactions and community gatherings. Additionally creates business opportunities in locally produced food.</p>
<p>Use Percentages Clarifies how percentage-based use regulations are enforced for multiple buildings on a parcel, and for smaller buildings where interior divisions are not practical.</p>	<p>Lands Use #3: Maintain and diversify the city's strong employment base.</p>	<p>Land Use #3: Support small local businesses, particularly in the Centers future land use categories as defined and designated in the comprehensive plan.</p>	<p>Address the challenge of sites with multiple buildings and in making use of smaller buildings in zones with uses that are limited in area percentages.</p>



LEGEND

- Front Street
- [Hatched Box] PUD, Planned Unit Development Overlay
- Neighborhood Zones**
- [Light Yellow Box] N1: Estates
- [Yellow Box] N2-A: Suburban Neighborhood, Large Lot
- [Light Green Box] N2-B: Suburban Neighborhood, Mid Lot
- [Light Orange Box] N3-A: Traditional Neighborhood, Mid Lot
- [Orange Box] N3-B: Traditional Neighborhood, Small Lot
- [Dark Orange Box] NX1: N'hood Res Mix
- [Brown Box] NX2: Gen Urban Res Mix
- Mixed-Use Zones**
- [Dark Red Box] RX-TOD: Res-Ofc Mix, TOD Ctr
- [Red Box] RX-D: Res-Ofc Mix, Downtown Ctr
- [Light Red Box] RX-N: Res-Ofc Mix, N'hood Ctr
- [Purple Box] MX-TOD: Mixed-Use, TOD Ctr
- [Dark Purple Box] MX-D: Mixed-Use, Downtown Ctr
- [Light Purple Box] MX-N: Mixed-Use, N'hood Ctr
- [Pink Box] MX-S: Mixed-Use, Suburban Ctr
- [Dark Blue Box] IX-TOD: Employment Mix, TOD Ctr
- [Blue Box] I-TOD (UI): Industrial Mix, TOD Ctr
- [Light Blue Box] IX-S (CE): Employment Mix, Suburban Ctr
- Special Zones**
- [Grey Box] I1 (BP): Light Industrial
- [Dark Grey Box] CLR: Closed Landfill Restricted
- [Green Box] P1: Parks and Open Space
- [Teal Box] P2: Public-Institutional

Date: 7/28/2022

City of Hopkins ZONING MAP

