



## Legislation Text

**File #:** Ord 11-26, **Version:** 2

Amending the Legislative Code, Chapter 65, land use definitions and development standards, and Chapter 66, zoning district uses, pertaining to tobacco shops.

Amended March 16, 2011

### Tobacco Product Shop Zoning Amendments

An ordinance amending the Legislative Code, Chapter 65, land use definitions and development standards, and Chapter 66, zoning district uses, pertaining to tobacco products shops.

WHEREAS, On May 12, 2010, the City Council adopted Resolution 10-496, enacting a moratorium on the issuance of zoning permits or approvals, building permits, and occupancy certificates for any tobacco shop, and directed the Planning Commission to study the present zoning regulation of tobacco shops and, if needed, recommend amendments to the present zoning regulations and official controls; and

WHEREAS, Minnesota Statutes prohibit smoking in most indoor places, with an exception for sampling of tobacco products in a tobacco products shop, which is defined; and

WHEREAS, the zoning code permits tobacco shop as a retail sales and service use in all mixed use, commercial and industrial districts except the OS office-service and TN1 traditional neighborhood districts, but does not define tobacco shop or provide any special standards and criteria for the use; and

WHEREAS, amending the zoning code to define tobacco products shop consistent with state statutes would differentiate between businesses whose primary purpose is to sell tobacco products that may offer product sampling and the majority of businesses that sell tobacco and tobacco-related products as only a portion of their more general commercial/retail business; and

WHEREAS, the City Council conducted a public hearing on the proposed tobacco product shop amendments, at which all interested parties were given an opportunity to be heard, notice of which was published in the Legal Leger and was mailed to the City's Early Notification System;

THE COUNCIL OF THE CITY OF SAINT PAUL DOES HEREBY ORDAIN:

### Section 1

That Legislative Code Chapter 65, Land Use Definitions and Development Standards, is hereby amended as follows:

#### Sec. 65.535. Tobacco products shop.

A retail establishment with a principal entrance door opening directly to the outside ~~onto a public right-of-way~~ that derives more than ninety (90) percent of its gross revenue from the sale of loose tobacco, plants, or herbs and cigars, cigarettes, pipes, and other smoking devices for burning tobacco and related smoking accessories and in which the sale of other products is merely incidental. "Tobacco

products shop" does not include a tobacco department or section of any individual business establishment with any type of liquor, food, or restaurant license.

Standards and conditions:

- (a) No tobacco products shop shall be located within one-half (1/2) mile (2,640 feet) of another tobacco products shop.
- (b) In the BC community business (converted) and T2 traditional neighborhood districts, a conditional use permit is required for tobacco products shops with a floor area greater than two thousand five hundred (2,500) square feet.

Section 2

That Legislative Code Chapter 66, Zoning District uses, Density and Dimensional Standards, is hereby amended as follows:

Table 66.321. Principal Uses in Traditional Neighborhood Districts

| Use                          | TN1 | TN2 | TN3 | Development Standards |
|------------------------------|-----|-----|-----|-----------------------|
| Tobacco <u>products</u> shop |     | P/C | P   | <u>a</u>              |

Table 66.421. Principal Uses in Business Districts

| Use                          | OS | B1 | BC  | B2 | B3 | B4 | B5 | Development standards |
|------------------------------|----|----|-----|----|----|----|----|-----------------------|
| Tobacco <u>products</u> shop |    | P  | P/C | P  | P  | P  | P  | <u>a</u>              |

Table 66.521. Principal Uses in Industrial Districts

| Use                          | IR | I1 | I2 | I3 | Development Standards |
|------------------------------|----|----|----|----|-----------------------|
| Tobacco <u>products</u> shop | P  | P  | P  |    | <u>a</u>              |

Section 3

This ordinance shall become effective thirty (30) days after its passage, approval and publication.