



PLANNING COMMISSION MEETING

AGENDA SECTION	OTHER BUSINESS
MEETING DATE	FEBRUARY 4, 2026

ITEM:	Zoning Code Text Updates Discussion		
<i>Presenting Item: Ursula Brandt, City Planner</i>			
DEPARTMENT: Community Development		BY/DATE: January 28, 2026	
CORE CITY STRATEGIES: <i>(please indicate areas that apply by adding an "X" in front of the selected text below)</i>			
X Community that Grows with Purpose and Equity		X Engaged, Effective and Forward-Thinking	
_ High Quality Public Spaces		_ Resilient and Prosperous Economy	
_ Safe, Accessible and Built for Everyone		_ Inclusive and Connected Community	

BACKGROUND

Staff are tracking potential updates to City Zoning Code Chapter 9 (Land Use) based on observations, feedback, and recommendations from staff and community members, with the goal of adjusting the Zoning Code to better reflect community needs while promoting consistency in future development and being in compliance with State and Federal laws.

Items for discussion:

Places of Worship

The Religious Land Use and Institutionalized Persons Act (RLUIPA) passed in 2000 and mandates that religious assemblies and institutions be treated at least as well as non-religious assemblies and institutions. The City’s zoning code restricts “religious facilities/places of worship” to residential zones with a conditional use permit, while allowing “auditorium/places of assembly”, “banquet hall”, “club or lodge”, “theater-live performance” and “theater – movie” in commercial zones. This creates a conflict with RLUIPA.

Staff is recommending the code be updated to add “religious facilities/places of worship” as permitted with a conditional use permit in General Business (GB) and Central Business District (CBD) with the same specific development standards as required in the residential zones. This would make the use consistent with a “banquet hall” in City zoning code.

Non – Conformities

State Statute 462.357 Subdivision 1e states: “Except as otherwise provided by law, any nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an additional control under this chapter, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion”. The City’s zoning code does not allow for “replacement” and is therefore in conflict with the State Statute.

Staff is recommending amending *9.105 Nonconformities (C) Nonconforming Structures (4) Repair and maintenance* to include replacement that does not increase the nonconformity in any way.

Multiple-family dwelling, when above a first-floor commercial use

The City’s zoning code permits “multiple-family dwelling, when above a first-floor commercial use” in the Central Business District (CBD), but restricts “Single family dwelling, when accessory to a commercial use” to the Limited Business (LB) district with a conditional use permit.

Staff is recommending changing the allowed use to “single and multiple family dwelling, when above a first-floor commercial use” in the Central Business District (CBD) to allow single apartments above commercial uses.

Smoke Shops

On November 24, 2025, the City Council adopted Ordinance 1720 regarding Chapter 5.3 Tobacco Regulations. 9.103, 9.106 and 9.107 in the Zoning Code need to be updated to reflect the changes.

Staff Recommends the following changes.

9.103 Definitions

SMOKE TOBACCO PRODUCT SHOP. A retail establishment that has obtained an appropriate license, in which greater than 90% of the business’s gross revenue must be from the sale of tobacco, tobacco products or smoking related accessories, and prohibits persons under 21 from being present or enter at all times.

ACCESSORY TOBACCO RETAILER. A retail establishment that has obtained an appropriate license from the City and that derives no more than 45% of its gross revenues from the sale of licensed products.

9.106 General Development Standards

Table of Uses

Smoke Shops (43) <u>Tobacco Product Shop</u>	P	P	P	P	P
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Add the Accessory Tobacco Retailer use to the table as permitted in all commercial districts.

9.107 Specific Development Standards

(43) *Smoke Tobacco Product shops.*

- (a) The smoke shop Must have an entrance door opening directly to the outdoors.
- (b) Share no wall with, and has no part of its structure adjoined to any other business or retailer, unless the wall is permanent, completely opaque and without doors, windows and pass-throughs to the other business or retailer
- (c) Shall share no walls with, and has no part of its structure directly adjoined to, another tobacco retailer
- ~~(b) Greater than 90% of the business’s gross revenue must be from the sale of tobacco, tobacco products or smoking related accessories.~~
- ~~(c) A tobacco department or section of any individual business establishment with any type of liquor, food or restaurant license shall not be considered a smoke shop.~~
- ~~(d) The total number of city issued smoke shop licenses shall at no time exceed five.~~
- (d) Any existing smoke tobacco product shops at the time of the passage of Ord. ~~1570~~ 1720 shall comply fully with the ordinance by ~~December 31, 2010~~ January 1, 2026.

RECOMMENDATIONS

Staff is recommending the following amendments to the Zoning Code:

1. 9.103 Definitions update Smoke Shop to Tobacco Product Shop and add the definition of Accessory Tobacco Retailer.
2. 9.105 Nonconformities to include replace in Repair and Maintenance of a Nonconforming structure but does not allow for an increase in nonconformity with the replacement.
3. 9.106 General Development Standards (S) Table of Uses
 - a. Add Single Family Dwelling Unit when accessory to commercial as permitted in the Central Business District
 - b. Change Smoke Shops to Tobacco Product Shops
 - c. Add Accessory Tobacco Retailer as permitted in all Commercial Districts
 - d. Add Religious facility/place of worship as a Conditional Use in General Business and Central Business District
4. 9.107 Specific Development Standards
 - a. Amend (43) Smoke Shops to be in alignment with Ordinance 1720 as presented above.

ATTACHMENTS

1. Ordinance 1720