CITY OF JORDAN
ORDINANCE 2023-01

AN ORDINANCE AMENDING CITY CODE CHAPTER 154 TO REGULATE TOBACCO SALES AND TO MODIFY AND REORGANIZE EXISTING TEXT.

NOW BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF JORDAN AS FOLLOWS:

Subdivision 1. Purpose. To supplement existing tobacco licensing regulations with zoning controls that establish where tobacco sales are a permitted use and to rearrange and clarify related code sections.

Subdivision 2. Amendment. Section 154.020, Definitions, is hereby amended as follows (new language is underlined and deleted language is ~~struck out~~):

> ELECTRONIC DELIVERY DEVICE. Any product containing or delivering nicotine, lobelia, or any other substance, whether natural or synthetic, intended for human consumption through inhalation of aerosol or vapor from the product. ELECTRONIC DELIVERY DEVICE includes, but is not limited to, devices manufactured, marketed, or sold as electronic cigarettes, electronic cigars, electronic pipe, vape pens, modes, tank systems, or under any other name or descriptor. ELECTRONIC DELIVERY DEVICE includes any component part of a product, whether or not marketed or sold separately. ELECTRONIC DELIVERY DEVICE excludes drugs, devices, or combination products, as those terms are defined in the Federal Food, Drug, and Cosmetic Act, that are authorized for sale by the United States Food and Drug Administration
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> NICOTINE OR LOBELIA DELIVERY PRODUCT. Any product containing or delivering nicotine or lobelia intended for human consumption, or any part of such a product, that is not tobacco or an electronic delivery device as defined herein. It does not include any nicotine cessation product that has been authorized by the U.S. Food and Drug Administration to be marketed and for sale as "drugs," "devices," or "combination products," as defined in the Federal Food, Drug, and Cosmetic Act.
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> TOBACCO SALES. Any premises dedicated to the display, sale, distribution, delivery, offering, furnishing, or marketing of tobacco, tobacco products, or tobacco related devices.
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> TOBACCO or TOBACCO PRODUCT. Any substance, item, or product containing, made or derived from tobacco that is intended for human consumption whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed or ingested by any other means or any component, part, or accessory of a tobacco product, including but not limited to: cigarettes,

cigars, cheroots, stogies, perique, granulated, plug cut, crimp cut, ready, rubbed and other smoking tobacco; snuff; snuff flower, cavendish, plug and twist tobacco; fine cut and other chewing tobaccos; shorts, refuse scripts, clippings, cuttings, and sweepings of tobacco; and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing, sniffing, or smoking in a pipe, rolling paper or other tobacco-related devices. TOBACCO and TOBACCO PRODUCT excludes drugs, devices, or combination products, as those terms are defined in the Federal Food, Drug, and Cosmetic Act, that are authorized for sale by the United States Food and Drug Administration.

TOBACCO RELATED DEVICES. Cigarette papers or pipes for smoking or other devices intentionally designed or intended to be used in a manner which enables the chewing, sniffing, smoking, or inhalation of aerosol or vapor of tobacco or tobacco products. The term TOBACCO- RELATED DEVICE(S) includes electronic delivery devices and components of tobacco-related devices, which may be marketed and sold separately.

Subdivision 3. Amendment. Section 154.134, Neighborhood Business District (C-1) Accessory Uses, is hereby amended as follows (new language is underlined and deleted language is ~~struck out~~):

The following uses are permitted accessory uses as such uses are defined and in accordance with the required lot provisions and design standards.

(A) Accessory structures, provided:

(1) A detached accessory structure shall not exceed 840 square feet or exceed the ground floor area of the principal structure located on the same lot, whichever is less.
(2) Garage door openings shall not exceed 9 feet in height.
(3) No accessory structure shall be constructed on any lot prior to the time of construction of the principal building to which it is an accessory.
(4) The sidewall of the accessory structure shall not exceed 10 feet, measured from the finished grade. The highest point of the entire accessory structure cannot exceed the height of the primary structure.
(5) The roof pitch, measured as steepness of roof, of an accessory structure may meet, but not exceed, the roof pitch of the primary structure.
(6) Exterior building materials, roof style, and colors are similar to the principal structure.
(7) The accessory structure shall be constructed on a concrete slab or footing.

(8) The accessory structure shall be located to the side or rear of the principal structure, and is not permitted within the front yard or within a corner side yard.
(9) One accessory structure is permitted on a lot with an existing attached garage. One accessory structure is permitted on a lot in addition to a detached garage with the combination of the 2 structures not exceeding 1,000 square feet. A detached garage shall be considered a detached accessory structure.

(B) Boarders. The keeping of not more than 2 boarders or roomers by a resident family.

(C) Car wash, subject to the following:

(1) The car wash must be accessory to an automotive service station (gas station) on the same parcel.
(2) Stacking space shall be provided to accommodate 4 vehicles.
(3) Stacking space does not interfere with on-site circulation patterns or required on-site parking or loading areas.
(4) Parking and stacking spaces shall be screened from view of abutting residential districts.
(5) Provisions are made to control and reduce noise and special precautions shall be taken to limit the effects of noise associated with the car wash operation, dryer and vacuum machines. The car/truck wash doors must remain closed during the entire operation cycle of the car/truck wash and dryer and larger setbacks may be required.

(D) Decorative landscape features, including but not limited to statues, rocks, reflecting ponds, benches, arbors, terraces, and patios.

(E) Fences and walls, in accordance with § 154.096(B) and (C).

(F) Gardening or other horticultural use where no sale of products is conducted on the site.

(~~B~~G) Off-street parking and loading, subject to §§ 154.221 through 154.230.

(H) Permitted home occupations, subject to §§ 154.371 through 154.378.

(I) Private swimming pool or tennis court.

(J) Satellite dishes and antennae.

(K) Signs, subject to §§ 154.241 through 154.260.

(L) Solar collection device.

(M) Storage buildings, screen houses, and recreational buildings.

(N) Temporary outdoor storage or display of goods used in conjunction with and on the same site as the permitted use, provided that the goods are not outdoors overnight; the storage or display area does not exceed 100 square feet; and the storage or display is not within the required front yard, or when a side yard abuts a street in the side yard setback area.

(O) Tobacco Sales where the principal use is grocery store or convenience store. Tobacco sales shall not occupy more than 10% of the floor area.

~~(E) Gardening or other horticultural use where no sale of products is conducted on the site.~~

~~(F) Fences and walls, in accordance with § 154.096(B) and (C).~~

~~(G) Decorative landscape features, including but not limited to statues, rocks, reflecting ponds, benches, arbors, terraces, and patios.~~

~~(H) Permitted home occupations, subject to §§ 154.371 through 154.378.~~

~~(I) Boarders. The keeping of not more than 2 boarders or roomers by a resident family.~~

~~(J) Storage buildings, screen houses, and recreational buildings.~~

~~(K) Satellite dishes and antennae.~~

~~(L) Private swimming pool or tennis court.~~

~~(M) Solar collection device.~~

~~(N) Car wash, subject to the following:~~

~~(1) The car wash must be accessory to an automotive service station (gas station) on the same parcel.~~
~~(2) Stacking space shall be provided to accommodate 4 vehicles.~~
~~(3) Stacking space does not interfere with on-site circulation patterns or required on-site parking or loading areas.~~
~~(4) Parking and stacking spaces shall be screened from view of abutting residential districts.~~
~~(5) Provisions are made to control and reduce noise and special precautions shall be taken to limit the effects of noise associated~~

~~with the car wash operation, dryer and vacuum machines. The car/truck wash doors must remain closed during the entire operation cycle of the car/truck wash and dryer and larger setbacks may be required.~~

Subdivision 4. Amendment. Section 154.145, Central Business District (C-2) Accessory Uses, is hereby amended as follows (new language is underlined and deleted language is ~~struck out~~):

The following uses are permitted accessory uses as such uses are defined and in accordance with the required lot provisions and design standards. However, any incidental repair or processing necessary to conduct a permitted principal use shall not occupy more than 30% of the floor area.

~~(A) Off-street parking and loading.~~

~~(B) Signs.~~

(~~C~~A) Electronic amusement devices (machines) where the principal use is a Class I or Class II restaurant or a dry goods, drug, variety, hobby, or toy store. Up to 4 such devices are permitted. However, if the area of the principal use is at least 15,000 square feet, up to 30 such devices are permitted.

(B) Off-street parking and loading.

(C) Signs.

(D) Solar collectors.

(~~D~~E) Temporary outdoor storage or display of goods used in conjunction with and on the same site as the permitted use provided that the goods are not outdoors overnight; the storage or display area does not exceed 100 square feet; and the storage or display is not within the required front yard, or when a side yard abuts a street in the side yard, setback area.

(F) Tobacco Sales where the principal use is bar, grocery store, and off-sale liquor. Tobacco sales shall not occupy more than 10% of the floor area.

~~(E) Solar collectors.~~

Subdivision 5. Amendment. Section 154.152, Highway Commercial District (C-3) Permitted Uses, is hereby amended as follows (new language is underlined and deleted language is ~~struck out~~):

No structure or land shall be used except for the following uses as such are defined and in accordance with the required lot provisions and design and performance standards.

(A) Retail or service businesses supplying commodities or performing a service, as follows:

(1) Apparel or clothing store.
(2) Barber or beauty shop, personal care salons and spas.
(3) Brewery, micro-distillery, micro-brewery, micro-winery, or tap room.
(4) Business and trade schools.
(5) Churches.
(6) Day care facilities.
(7) Financial institutions.
(8) Funeral home.
(9) Furniture dealer.
(10) Grocery Store
(1~~0~~1) Massage therapist, licensed.
(1~~1~~2) Medical or dental clinics and hospitals.
(1~~2~~3) Motel and hotels.
(1~~3~~4) Office or professional building.
(1~~4~~5) On-sale liquor establishment.
(1~~5~~6) Off-sale liquor establishment.
(1~~6~~7) Personal services.
(1~~7~~8) Public uses related to recreation (e.g. parks) or utilities.
(1~~8~~9) Private club.
(1~~9~~20) Restaurants—Class I, II and III.
(2~~0~~1) Retail stores and shopping centers.
(2~~1~~2) Theaters.
(23) Tobacco Sales
(2~~2~~4) Video store.

(B) Licensed tattoo establishment.

(C) Library.

(D) Housing- provided that it is part of a Planned Mixed-Use District (PMD) PUD on the condition that the housing does not utilize more than 60% of the ground floor of the structure.

(E) Physical recreation and educational facilities, including:

(1) Bowling alleys provided they are not within 20 feet of a residential district.
(2) Dance studios.
(3) Fitness centers and gyms.
(4) Martial arts.

Subdivision 6. Amendment. Section 154.153, Highway Commercial District (C-3) Conditional Uses, is hereby amended as follows (new language is underlined and deleted language is ~~struck out~~):

(C) Automobile service station ~~Automotive gas~~ and/or automotive service center ~~or station~~. Subject to the following:

Subdivision 7. Amendment. Section 154.155, Highway Commercial District (C-3) Accessory Uses, is hereby amended as follows (new language is underlined and deleted language is ~~struck out~~):

The following uses are permitted accessory uses as such uses are defined and in accordance with the required lot provisions and design standards. However, any incidental repair or processing necessary to conduct a permitted principal use shall not occupy more than 30% of the floor area.

(A) Electronic amusement devices (machines) where the principal use is a Class I, Class II, or Class III restaurant, dry goods, drug, variety, hobby, or toy store, grocery store, gas station, bar, or laundromat. Up to 4 such devices are permitted. However, if the area of the principal use is at least 15,000 square feet, up to 30 such devices are permitted.

~~(A) Off street parking and loading.~~

~~(B) Signs.~~

~~(C) Electronic amusement devices (machines) where the principal use is a Class I, Class II, or Class III restaurant, dry goods, drug, variety, hobby, or toy store, grocery store, gas station, bar, or laundromat. Up to 4 such devices are permitted. However, if the area of the principal use is at least 15,000 square feet, up to 30 such devices are permitted.~~

~~(D) Temporary outdoor storage or display of goods used in conjunction with and on the same site as the permitted use provided that the goods are not outdoors overnight; the storage or display area does not exceed 200 square feet; and the storage or display is not within the required front yard, or when a side yard abuts a street in the side yard, setback area.~~

(~~E~~B) Lots of record.

(1) For purposes of this section only, the term SMALL LOTS shall mean those lots of record platted before August 2010 which are expected to be zoned highway commercial under the city's 2008 Comprehensive Guide Plan and are less than 20,000 square feet in area and less than 150 feet wide.

(2) Small lots shall be considered conforming lots under this section and may not be subdivided.

(3) Existing principal and accessory buildings located on a small lot shall be considered conforming buildings or structures. Any maintenance or expansion of principal buildings located on small lots must be reviewed through the site plan process in order to obtain a building permit. No expansion to a principal building on a small lot will be permitted if the expansion (1) reduces the current front yard setback, or (2) is proposed to be located within 15 feet of a structure located upon an adjacent lot. New accessory buildings on small lots must comply with the setbacks of this section. Accessory buildings existing at the time of adoption of this revised section may not be expanded.

(4) The City Council may provide for other exemptions from this section which are necessary to accommodate the commercial use of small lots and existing buildings thereon. The Council shall make written findings supporting its determination.

(C) Off-street parking and loading.

(D) Signs.

(~~F~~E) Solar collectors.

(F) Temporary outdoor storage or display of goods used in conjunction with and on the same site as the permitted use provided that the goods are not outdoors overnight; the storage or display area does not exceed 200 square feet; and the storage or display is not within the required front yard, or when a side yard abuts a street in the side yard, setback area.

(G) Tobacco Sales where the principal use is automobile service station, grocery store, on-sale liquor establishment, and off-sale liquor establishment. Tobacco sales shall not occupy more than 10% of the floor area.

Subdivision 8. Amendment. Section 154.225, Number of Required Off-Street Parking Spaces, is hereby amended as follows (new language is underlined and deleted language is ~~struck out~~):

(C) Commercial uses.

(1) Animal hospitals and kennels. One parking space for each 200 square feet of floor area but not less than 5 spaces.

(~~11~~2) Automobile service station or automotive service center ~~Motor vehicle service station~~. Eight parking spaces plus 4 additional parking spaces for each service stall. A maximum of 25% of the required parking may be at the pump islands. Convenience store, grocery store or any other use require

additional parking determined by the parking requirements for those other uses specified in this section.

(~~9~~3) Bakery, Café, Delicatessen, and Food service~~/bakeries~~. One parking space for each 25 square feet of customer floor area.

~~(2) Bank, financial service. One parking space for every 250 square feet of floor area.~~

(~~3~~4) Bed and breakfasts and residential short term rental units. Two spaces plus 1 space for each room for rent. No required parking may be located in the front yard, nor shall the parking area exceed 50% of the rear yard.

(~~16~~5) Bowling alley. Five parking spaces for each alley. Other uses which are commonly associated with bowling alleys such as restaurants and game room space will require additional parking and loading spaces, the number of which shall be determined by the parking requirements for those other uses specified in this section.

(~~4~~6) Business/trade schools. One parking space per student calculated by reference to the design of the school structure plus 1 space for each classroom.

(~~5~~7) Clubs and lodges. One parking space for each 3 seats calculated by reference to the design capacity of the meeting hall plus 1 parking space for every 25 square feet of customer space in the dining area and bar areas.

(~~6~~8) Convention/exhibition hall and dance hall. One parking space for each 3 seats calculated by reference to the design capacity of the meeting hall.

(~~7~~9) Country club. Twenty parking spaces plus 1 space for each 200 square feet of floor area for locker rooms and club rooms; plus 1 parking space for each 25 square feet of customer area for the dining area; and 1 parking space for each 20 square feet of bar area.

(~~25~~10) Educational facility; school for the arts. One space per classroom and other rooms used by students and faculty for educational purposes; plus 1 space per 5 students based on the maximum number of students attending classes at any 1

time, or 1 space per 300 square feet of gross floor area, whichever is less.

(~~8~~11) Funeral home. One parking space for each 5 seats plus 1 parking space for each 250 square feet of floor area not used for seating. If fixed seats are not provided, the requirement shall be 1 space for every 35 square feet of seating area.

~~(9) Food service/bakeries. One parking space for each 25 square feet of customer floor area.~~

(~~22~~12) General Retail Sales and Service ~~Retail store and service establishment.~~ One parking space for each 200 square feet of gross floor area.

(~~26~~13) Group day care, nursery school. Five parking spaces plus 1 for each 5 program participants based on the facility's licensed capacity.

(~~13~~14) Health and Medical, including medical clinic, chiropractic, dental office, medical office, optometrist office, pharmacy, and therapeutic massage facility.~~Medical and dental offices and clinics.~~ One parking space for each 200 square feet of floor area but not less than 5 spaces.

(~~10~~15) Hotel/motel. 1.5 spaces for each dwelling unit, guest room, or hotel room. Any other use such as restaurant and conference space requires additional parking and loading spaces determined by the parking requirements for those other uses specified in this section.

~~(12) Offices. One parking space for every 250 square feet of floor area.~~

~~(13~~15) ~~Medical and dental offices and clinics. One parking space for each 200 square feet of floor area but not less than 5 spaces.~~

(~~12~~16) Offices. One parking space for every 250 square feet of floor area.

(~~14~~17) Open sales or rental lots. One parking space for each 2,500 square feet of land which is to be used for sales and display area.

~~(15) Printing process. One parking space for each 100 square feet of customer floor area.~~

~~(16) Bowling alley. Five parking spaces for each alley. Other uses which are commonly associated with bowling alleys such as restaurants and game room space will require additional parking and loading spaces, the number of which shall be determined by the parking requirements for those other uses specified in this section.~~

(~~17~~18) Pool halls, video arcades. One parking space for each 25 square feet of customer area.

(~~15~~19) Printing process. One parking space for each 100 square feet of customer floor area.

(~~2~~20) Professional Services ~~Bank, financial service~~. One parking space for every 250 square feet of floor area.

(~~21~~21) Restaurants.

(a) Class I and II (sit down with or without liquor): One off-street parking space for each 50 square feet of gross floor area.

(b) Class III (fast food or drive-in restaurants): One off-street parking space for each 75 square feet of gross floor area.

(~~23~~22) Shopping centers. One parking space for each 200 square feet of floor area.

(~~18~~23) Skating rink or public auction house. Fifty parking spaces, plus 1 additional space for each 100 square feet of floor space in excess of 2,000 square feet.

(~~19~~24) Sports/health clubs, culture studio, swimming pool. One parking space for every 200 square feet of non-court area plus 2 parking spaces per tennis or racquet ball court and 1 parking space for each 50 square feet of deck area for a swimming pool.

(~~24~~25) Studios. One parking space for each 400 square feet of floor area.

(~~20~~26) Theater, auditorium, assembly hall, meeting hall. One parking space for each 3 seats of design capacity.

~~(21) Restaurants.~~

~~(a) Class I and II (sit down with or without liquor): One off-street parking space for each 50 square feet of gross floor area.~~

~~(b) Class III (fast food or drive-in restaurants): One off-street parking space for each 75 square feet of gross floor area.~~

~~(22) Retail store and service establishment. One parking space for each 200 square feet of gross floor area.~~

~~(23) Shopping centers. One parking space for each 200 square feet of floor area.~~

~~(24) Studios. One parking space for each 400 square feet of floor area.~~

(27) Tobacco Sales. One parking space for each 200 square feet of gross floor area.

~~(25) Educational facility; school for the arts. One space per classroom and other rooms used by students and faculty for educational purposes; plus 1 space per 5 students based on the maximum number of students attending classes at any 1 time, or 1 space per 300 square feet of gross floor area, whichever is less.~~

~~(26) Group day care, nursery school. Five parking spaces plus 1 for each 5 program participants based on the facility's licensed capacity.~~

Subdivision 9: Effective Date. This ordinance is effective immediately following its publication in the official newspaper of the City.

ORDAINED by the City Council of the City of Jordan, Scott County, Minnesota this _____ day of _____, 2023.

_____
Mike Franklin, Mayor

ATTEST:

_____
Tom Nikunen, City Administrator

Moved by:
Second by:

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