

**CITY OF PLYMOUTH
AGENDA
Regular Planning Commission
Council Chambers
3400 Plymouth Boulevard, Plymouth, MN
February 19, 2025, 7:00 PM**

- 1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**
- 2. PUBLIC FORUM** — *Individuals may address the Commission about any item not contained on the regular agenda. A maximum of 15 minutes is allotted for the Forum. If the full 15 minutes are not needed for the Forum, the Commission will continue with the agenda. The Commission will take no official action on items discussed at the Forum, with the exception of referral to staff for future reports.*
- 3. APPROVE AGENDA** — *Planning Commission members may add items to the agenda for discussion purposes or staff direction only. The Commission will not normally take official action on items added to the agenda.*
- 4. CONSENT AGENDA** — *These items are considered to be routine and enacted by one motion. There will be no separate discussion of these items unless a Commission member or citizen so requests, in which event the item will be removed from the Consent Agenda and placed elsewhere on the agenda.*
 - 4.1** [Approve the February 5, 2025 minutes.](#)
[Planning Commission Minutes 02-05-2025](#)
- 5. PUBLIC HEARINGS**
 - 5.1** [Zoning ordinance text amendment request to allow tobacco or e-cigarette shops as a permitted use in the C-3 \(highway commercial\) zoning district \(Hietham Zemam - 2025001\).](#)
[Planning Commission Staff Report](#)
[Section 21465 - C-3 Highway Commercial](#)
[Zoning Map - C-2 C-3 and C-4 Properties](#)
[Zoning Map - C-3 Properties](#)
[Application](#)
[ZOTA Responses](#)
[Draft Ordinance](#)
[Resolution - Findings of Fact](#)
[Resolution - Summary Publication](#)
- 6. NEW BUSINESS**
- 7. ADJOURNMENT**

To: Planning Commission

Prepared by: Lori Sommers, Senior Planner

Reviewed by: Grant Fernelius, Community and Economic Development Director

Item: **Approve the February 5, 2025 minutes.**

- 1. Action Requested:**
Motion to adopt the minutes.
- 2. Background:**
The Planning Commission met on February 5, 2025.
- 3. Budget Impact:**
NA
- 4. Attachments:**
[Planning Commission Minutes 02-05-2025](#)

Proposed Minutes Planning Commission Meeting February 5, 2025

Chair Boo called a Meeting of the Plymouth Planning Commission to order at 7:00 p.m. in the Council Chambers of City Hall, 3400 Plymouth Boulevard, on February 5, 2025.

COMMISSIONERS PRESENT: Chair Michael Boo, Marc Anderson, Julie Olson, Bill Wixon, Josh Fowler, and Neha Markanda

COMMISSIONERS ABSENT: Kevion Ellis

STAFF PRESENT: Senior Planner Lori Sommers, Senior Planner Shawn Drill, Community and Economic Development Director Grant Fernelius, and Associate Planner Sophia Kucera

Chair Boo led the Pledge of Allegiance.

Call to Order

Public Forum

Approval of Agenda

Motion was made by Commissioner Anderson and seconded by Commissioner Olson to approve the agenda. With all Commissioners voting in favor, the motion carried.

Consent Agenda

(4.1) Planning Commission minutes from meeting held on January 15, 2025.

Motion was made by Commissioner Fowler and seconded by Commissioner Wixon to approve the consent agenda. With all Commissioners voting in favor, the motion carried.

Public Hearing

New Business

(6.1) Recommend approval of variance at 2730 Holly Lane for a home addition in the side yard setback (2024038 – Merchant)

Associate Planner Kucera presented the staff report.

Chair Boo noted that the applicant is in attendance should there be any questions. There were no questions for the applicant.

Commissioner Anderson commented that staff did an excellent job in the presentation.

Motion was made by Anderson, and seconded by Commissioner Markanda, to recommend approval of the resolution approving a variance for Spencer and Erin Merchant for property located at 2730 Holly Lane, subject to the conditions within the draft resolution. With all Commissioners voting in favor, the motion carried.

It was noted that this item is scheduled to move forward to the City Council at its February 11, 2025 meeting.

Other

Community and Economic Development Director Fernelius provided updates on recent actions of the City Council related to planning cases and also provided an update on staffing.

Commissioner Markanda commented that she would like to make a change to the minutes from the last meeting. She noted on page four, towards the bottom, the comments that she provided as a member of the public. She stated that it should state, "...support of the redevelopment ~~given that~~ if the proposal has been diligently thought..."

Motion was made by Anderson, and seconded by Commissioner Olson, to amend the January 15, 2025 minutes, as requested by Commissioner Markanda. With all Commissioners voting in favor, the motion carried.

Adjournment

Chair Boo adjourned the meeting at 7:13 p.m.

To: Planning Commission

Prepared by: Kip Berglund, Senior Planner

Reviewed by: Grant Fernelius, Community and Economic Development Director

Item: **Zoning ordinance text amendment request to allow tobacco or e-cigarette shops as a permitted use in the C-3 (highway commercial) zoning district (Hietham Zemam - 2025001).**

1. Action Requested:

Conduct a public hearing and make a recommendation to the City Council related to the request to allow tobacco or e-cigarette shops as a permitted use in the C-3 (highway commercial) zoning district.

2. Background:

See attached planning commission report and details.

3. Budget Impact:

Not applicable.

4. Attachments:

[Planning Commission Staff Report](#)
[Section 21465 - C-3 Highway Commercial](#)
[Zoning Map - C-2 C-3 and C-4 Properties](#)
[Zoning Map - C-3 Properties](#)
[Application](#)
[ZOTA Responses](#)
[Draft Ordinance](#)
[Resolution - Findings of Fact](#)
[Resolution - Summary Publication](#)

Analysis of Request

The applicant is requesting approval of zoning text amendments to allow tobacco or e-cigarette shops as a permitted use in the C-3 (highway commercial) zoning district, where tobacco products are currently only allowed to be sold as an accessory use within the C-3 zoning district.

This change would allow tobacco or e-cigarette shops to be standalone uses. Currently, other permitted uses within the C-3 zoning district, are allowed to sell tobacco products as an accessory use. For example, there are several convenience stores/gas stations, located in the C-3 zoning district that sell tobacco products.

The applicant states that properties located in the C-3 zoning district are appropriate for tobacco or e-cigarette shops because they are typically located along highways or major intersections which are generally further away from schools and residential areas unlike properties within the C-2 or C-4 districts that currently allow tobacco and e-cigarette shops. In addition, the C-3 zoning district allows off-sale liquor stores as a permitted use, which is also an age restricted use (21 years old and over), like tobacco is. Both liquor and tobacco require City Council approved licenses.

In 2025, 38 tobacco licenses have been issued for the following categories:

- Gas Stations/Convenience Stores – 17
- Liquor Stores – 9
- Grocery – 7
- Tobacco/Smoke or E-Cigarettes - 5

Zoning Ordinance Text Amendments

The C-2 (neighborhood commercial) and C-4 (community commercial) currently allow tobacco or e-cigarette shops as a permitted use. The sale of tobacco products is allowed as an accessory use in the other commercial zoning districts.

The City's commercial land uses occupy a relatively small amount of the City's land area, just over five percent. Staff notes that the proposed permitted use is allowed in similar zoning districts, and that tobacco products are currently permitted to be sold in the C-3 zoning district. The C-3 zoned properties are located along the major roadways and the proposed use would fit in with other permitted uses within the district.

When considering a text amendment to the zoning ordinance, the Planning Commission must determine whether or not the proposed use would: 1) be compatible with other permitted and conditional uses of the district; 2) be consistent with the purpose and intent of the district; 3) have adequate infrastructure; 4) have adequate buffer or transition provided between potentially incompatible districts.

The purpose of the C-3 districts is to provide for the establishment of service and limited retail businesses primarily oriented toward motorists and requiring high volumes of traffic and visibility from major roadways.

The proposed text amendment for the C-3 zoning district is as follows:

Section 21465 – C-3, Highway Commercial District:

21465.03 – Permitted Uses

The following are permitted uses in the C-3 District

Subd. 37. Tobacco or E-Cigarette Shops.

Findings:

Staff has reviewed the text amendment request according to the standards listed in Section 21010.01, Subd. 6 of the zoning ordinance and has made the following findings:

1. The proposed use is consistent with the Plymouth Comprehensive Plan. The commercial zoning districts currently allow tobacco products to be sold as an accessory use and two districts allow standalone tobacco or e-cigarette shops.
2. The proposed use meets the purpose and intent of the ordinance as the comprehensive plan does envision this type of use.
3. There is adequate infrastructure available to serve the proposed use.
4. There is an adequate buffer or transition provided between potentially incompatible districts.

Level of Discretion in Decision-Making

The City has a high level of discretion in approving amendments to the zoning ordinance. Amendments to the zoning ordinance must be consistent with the City's comprehensive plan and compatible with other policies, uses and provisions of the zoning ordinance.

Public Notice

Notice of the public hearing was published in the city's official newspaper (Sun Sailor).

SECTION 21465. - C-3, HIGHWAY COMMERCIAL DISTRICT

21465.01. - Purpose.

The purpose of the C-3, Highway Commercial District is to provide for the establishment of service and limited retail businesses primarily oriented toward motorists and requiring high volumes of traffic and visibility from major roads.

(Amended by Ord. No. 2000-09, 03/21/00)

21465.03. - Permitted Uses.

The following are permitted uses in the C-3 District:

- Subd. 1. Amusement centers.
- Subd. 2. Auto accessory stores (not including service).
- Subd. 3. Automobile detailing shops.
- Subd. 4. Banks, credit unions, and other financial institutions (excluding currency exchanges) with or without drive up tellers. (Drive up teller service is regulated by Section 21120.04, Subd. 3 of this Chapter.)
- Subd. 5. Beauty salons and day spas.
- Subd. 6. Bicycle sales and repair.
- Subd. 7. Breweries with a taproom.
- Subd. 8. Brewpub restaurants (no drive-in or drive-through service).
- Subd. 9. Bus/transit stations or terminals without vehicle storage.
- Subd. 10. Candy, ice cream, popcorn, nuts, frozen desserts, and soft drink sales.
- Subd. 11. Commercial recreation, indoor (e.g., bowling alleys, roller rinks).
- Subd. 12. Convenience grocery markets (without motor fuel facilities or delicatessen food service).
- Subd. 13. Copy/printing services (excludes printing presses and publishing facilities).
- Subd. 14. Delicatessens/coffee houses without drive-through service.
- Subd. 15. Dining restaurants (no drive-in or drive-through service).
- Subd. 16. Dry cleaning pick up and laundry pick up stations including incidental repair but not including processing.
- Subd. 17. Essential services not including structures, except those requiring administrative permits or conditional use permits pursuant to Section 21160 of this Chapter.
- Subd. 18. Furniture stores containing less than 5,000 square feet of gross floor area.

- Subd. 19. Governmental and public utility (essential service) buildings and structures, including public works type facilities, excluding outdoor storage.
- Subd. 20. Hotels.
- Subd. 21. Liquor, off sale, pursuant to the required liquor license.
- Subd. 22. Locksmiths.
- Subd. 23. Offices, administrative/commercial.
- Subd. 24. Offices/clinics for medical, dental, or chiropractic services.
- Subd. 25. Pet sales, supplies and grooming.
- Subd. 26. Prepared food restaurants: delivery and/or take out only, with no interior seating.
- Subd. 27. Private clubs (may serve food and beverages).
- Subd. 28. Reception halls/event centers, with or without catering services.
- Subd. 29. Religious institutions such as churches, chapels, temples, synagogues, mosques limited to worship and directly related social events.
- Subd. 30. Sexually oriented businesses - accessory or principal (as regulated by Section 21195 of this Chapter).
- Subd. 31. Shoe repair.
- Subd. 32. Sporting goods and recreational equipment sales, not including motorized vehicles or boats.
- Subd. 33. Sports and fitness clubs.
- Subd. 34. Tailoring services.
- Subd. 35. Tanning salons.
- Subd. 36. Therapeutic massage.
- Subd. 37. Tutoring/learning centers
- Subd. 38. Veterinary clinics and related indoor kennel.

(Amended by Ord. No. 2000-09, 03/21/00; Ord. No. 2001-06, 02/13/01; Ord. No. 2001-28, 08/14/01; Ord. No. 2002-27, 08/13/02; Ord. No. 2002-32, 11/26/02; Ord. No. 2004-11, 07/27/04; Ord. No. 2005-01, 01/11/05; Ord. No. 2006-04, 02/07/06; Ord. No. 2007-05, 01/23/07; Ord. No. 2008-09, 03/25/08; Ord. No. 2009-07, 05/12/09; Ord. No. 2010-01, 02/23/10; Ord. No. 2011-05, 02/22/11; Ord. No. 2011-22, 07/26/11; Ord. No. 2012-05, 02/28/12; Ord. No. 2013-11, 04/23/13; Ord. No. 2013-19, 06/25/13; Ord. No. 2014-12, 02/25/14; Ord. No. 2016-11, 04/26/16; Ord. No. 2019-01, 02/12/19; Ord. No. 2020-11, § 35, 10/13/2020; Ord. No. 2022-10, § 36, 8/16/2022)

21465.05. - Accessory Uses.

The following are permitted accessory uses within the C-3 District.

- Subd. 1.

Accessory buildings and structures for a use accessory to the principal use provided such structure shall not exceed 30 percent of the gross floor space of the principal use.

Subd. 2. Accessory uses incidental and customary to the uses listed as permitted, conditional, interim, and uses by administrative permit in this Section.

Subd. 3. Electric Vehicle Supply Equipment, as regulated by Section 21120.02. Subd. 10 of this Chapter.

Subd. 4. Fences, as regulated by Section 21130 of this Chapter.

Subd. 5. Off-street parking and off-street loading as regulated by Section 21135 of this Chapter, but not including parking of semi-trailers or semi-trailer trucks.

Subd. 6. Radio and television receiving antennas including single satellite dish TVROs two meters or less in diameter, short-wave radio dispatching antennas, or those necessary for the operation of electronic equipment including federally licensed amateur radio stations, as regulated by Section 21175 of this Chapter.

Subd. 7. Roof-Mounted Solar Energy Systems, as regulated by Section 21173 of this Chapter.

Subd. 8. Signs, as regulated by Section 21155 of this Chapter.

(Amended by Ord. No. 2008-09, 03/25/08; Ord. No. 2009-07, 05/12/09; Ord. No. 2011-22, 07/26/11; Ord. No. 2024-22, § 39, 9/24/2024)

21465.07. - Conditional Uses.

The following are conditional uses in the C-3 District and require a conditional use permit based upon procedures set forth in and regulated by Section 21015 of this Chapter. Additionally, besides the specific standards and criteria which may be cited below for respective conditional uses, each request for a conditional use permit shall be evaluated based upon the standards and criteria set forth in Sections 21015.02, Subd. 5 and 21015.04 of this Chapter.

Subd. 1. Accessory retail, accessory rental, or accessory service activity other than that allowed as a permitted use or conditional use within this Section, provided that:

- (a) Such accessory use is allowed as a permitted use in a commercial district.
- (b) Such accessory use does not occupy more than 50 percent of the gross floor area of its associated principal use, or more than 2,500 square feet, whichever is less.

Subd. 2. Antennas not located upon an existing structure or existing tower, as regulated by Section 21175 of this Chapter.

Subd. 3. Buildings in excess of height limitations as specified in Section 21465.13 of this Chapter, provided that:

- (a) For each additional five feet in height above the maximum building height specified in this district, the front and side yard setback requirements shall be increased by one foot.
- (b) The construction does not limit solar access to abutting and/or neighboring properties.

Subd. 4. Commercial car washes (drive-through, mechanical and self-service as a principal or accessory use) with one or more bays provided that:

- (a) Stacking space is provided to accommodate an appropriate number of vehicles and shall be subject to the approval of the City Council.
- (b) The entire area shall have a drainage system which is subject to the approval of the City and gives special consideration to the prevention of ice buildup during winter months.

Subd. 5. Convenience grocery markets with prepared food and/or motor fuel sales with accessory car wash (no vehicle service or repair), provided that:

- (a) Convenience/deli food is of the take-out type only and that no provision for seating or consumption on the premises is provided. Furthermore, that the enclosed area devoted to such activity, use and merchandise shall not exceed 15 percent of the gross floor area.
- (b) The storage, preparation and serving of food items are subject to the approval of the Zoning Administrator who shall provide specific written sanitary requirements based upon the applicable State and County regulations.
- (c) That the proximate area and location of space devoted to non-automotive merchandise sales shall be specified in the application and in the conditional use permit. Outdoor display of merchandise shall be allowed by administrative permit, pursuant to Section 21465.11, Subd. 5 of this Chapter.
- (d) The off-street loading space(s) and building access for delivery of goods shall be separate from customer parking and entrances and shall not cause conflicts with customer vehicles and pedestrian movements.
- (e) Hours of operation: The hours of operation for a convenience grocery market shall be limited to 6:00 a.m. to 11:00 p.m., unless extended by the Council as part of the conditional use permit. Unless otherwise limited or prohibited by the Council as part of the conditional use permit, the hours of operation for pay-at-the-pump motor fuel sales may be 24 hours per day.
- (f) Motor fuel facilities shall be installed in accordance with State and City standards. Additionally, adequate space shall be provided to access gas pumps and to allow maneuverability around the pumps. Underground fuel storage tanks are to be positioned to allow adequate access by motor fuel transports and unloading operations which do not conflict with circulation, access and other activities on the site. Fuel pumps shall be installed on pump islands.
- (g) A protective canopy located over pump islands may be an accessory structure on the property and may be located 20 feet or more from the front lot line, provided adequate visibility both on and off site is maintained.

(h)

All canopy lighting for motor fuel station pump islands shall be recessed or fully shielded. Luminaires for pump islands shall comply with Section 21105.06 of this Chapter.

- (i) Litter Control. The operation shall be responsible for litter control within 300 feet of the premises and litter control is to occur on a daily basis. Trash receptacles must be provided at a convenient location on site to facilitate litter control.
- (j) All pumps and any related canopy shall be set back at least 300 feet from residentially zoned or guided property, unless screened by an intervening building or located across an arterial or major collector roadway from residentially zoned or guided property.
- (k) Accessory Car Wash/Vacuums.
 - (1) No more than one car wash bay shall be allowed.
 - (2) The car wash shall be designed to be an integral part of the principal building, and may not be a separate freestanding structure.
 - (3) The site shall provide stacking space for the car wash. The amount of stacking space shall take into account the type of car wash and the amount of time it takes to wash a vehicle. Stacking spaces shall not interfere with parking spaces or traffic circulation.
 - (4) The exit from the car wash shall have a drainage system which is subject to the approval of the City and gives special consideration to the prevention of ice build-up during winter months.
 - (5) Neither the car wash nor an accessory vacuum shall be located within 300 feet of any residentially zoned or guided property, unless completely screened by an intervening building or located across an arterial or major collector roadway from residentially zoned or guided property.
 - (6) Both the car wash and accessory vacuum shall conform to noise regulations as defined in Section 21105.10 of this Chapter.

Subd. 6. Day care facilities as a principal or accessory use, provided that the use complies with Section 21150 of this Chapter.

Subd. 7. Delicatessens/coffee houses with drive-through service, provided that:

- (a) The operation shall be responsible for litter control within 300 feet of the premises and litter control is to occur on a daily basis. Trash receptacles must be provided at a convenient location on site to facilitate litter control.
- (b) The drive-through operation shall comply with the performance standards listed in Section 21120.04, Subd. 3 of this Chapter.

Subd. 8. Drive-in and/or drive-through restaurants, provided that:

- (a)

The storage, preparation and service of food items are subject to the approval of the Zoning Administrator who shall provide specific written sanitary requirements based upon applicable State and County requirements.

- (b) Litter Control. The operation shall be responsible for litter control within 300 feet of the premises and litter control is to occur on a daily basis. Trash receptacles must be provided at a convenient location on site to facilitate litter control.
- (c) These facilities shall be located only on sites having direct access to a minor arterial street, collector or service road.
- (d) The applicant shall demonstrate that such use will not significantly lower the existing level of service on streets and intersections.
- (e) Alcoholic beverages shall not be sold or served.
- (f) Drive-through service windows may be allowed subject to the performance standards stipulated in Section 21120.04, Subd. 3 and Section 21135 of this Chapter.

Subd. 9. Dry cleaners with accessory processing facilities provided that:

- (a) The business does not exceed 3,000 square feet.
- (b) The retail portion of the tenant space (including the counter area and clothing storage) occupies a minimum of 25 percent of the total gross floor area of the building or lease area.
- (c) The use generates no or minimal hazardous waste, as determined by Hennepin County.

Subd. 10. Entertainment, live; in association with a restaurant.

Subd. 11. Essential services requiring a conditional use permit pursuant to Section 21160 of this Chapter.

Subd. 12. Essential service structures (as defined by Section 21005 of this Chapter) that exceed five feet in height or 20 square feet in area, necessary for the health, safety and general welfare of the City, excluding public works type facilities, provided that equipment is completely enclosed in a permanent structure with no outside storage.

Subd. 13. Laundromats, self-service washing and drying, provided that the hours of operation are limited to 7:00 a.m. to 10:00 p.m.

Subd. 14. Motor vehicle fuel sales (excluding those accessory to a convenience grocery market); and automobile repair—minor provided that:

- (a) Regardless of whether the dispensing, sale or offering for sale of motor fuels and/or oil is incidental to the conduct of the use or business, the standards and requirements imposed by this Section for motor fuel stations shall apply. These standards and requirements are, however, in addition to other requirements which are imposed for other uses of the property.

- (b) Motor fuel facilities shall be installed in accordance with State and County standards. Additionally, adequate space shall be provided to access gas pumps and to allow maneuverability around the pumps. Underground fuel storage tanks are to be positioned to allow adequate access by motor fuel transports and unloading operations which do not conflict with circulation, access and other activities on the site.
- (c) Whenever fuel pumps are to be installed, pump islands shall be installed. Pump islands and their related parking and maneuvering aisle shall be located no closer to the street or adjacent property lines than this Chapter allows for parking spaces, provided that such location does not encroach upon street right-of-way, pedestrian areas, or adjacent property.
- (d) A protective canopy located over pump islands may be an accessory structure on the property and may be located 20 feet or more from the front lot line, provided adequate visibility both on and off site is maintained. All canopy lighting for motor fuel station pump islands shall be recessed or fully shielded. Luminaires for pump islands shall comply with Section 21105.06 of this Chapter.
- (e) There shall be no outdoor service operation of lubrication equipment, hydraulic lifts of service pits, tire changing, drive systems repair and tuning, or similar operations.
- (f) No outside storage shall be allowed except as specifically allowed by separate administrative use permit, pursuant to item (h) below and Section 21465.11, Subd. 7 of this Chapter.
- (g) Sale of products other than those specifically mentioned in this sub-section shall be limited to those allowed in this district and shall be subject to approval as part of the conditional use permit.
- (h) No outside storage of parts, equipment, or inoperable vehicles shall be allowed.
- (i) Unless otherwise limited or prohibited by the Council as part of the conditional use permit, the hours of operation for pay-at-the-pump motor fuel sales may be 24 hours per day.

(Amended by Ord. No. 2000-09, 03/21/00; Ord. No. 2002-32, 11/26/02; Ord. No. 2006-04, 02/07/06; Ord. No. 2006-27, 10/10/06; Ord. No. 2008-09, 03/25/08; Ord. No. 2009-07, 05/12/09; Ord. No. 2012-05, 02/28/12; Ord. No. 2013-11, 04/23/13; Ord. No. 2013-13, 04/23/13; Ord. No. 2013-27, 10/22/13; Ord. No. 2016-11, 04/26/16; Ord. No. 2019-01, 02/12/19)

21465.09. - Interim Uses.

Subject to applicable provisions of this Chapter, the following are interim uses in the C-3 District and are governed by Section 21020 of this Chapter.

Subd. 1. Reserved.

(Amended by Ord. No. 2019-01, 02/12/19)

21465.11. - Uses by Administrative Permit.

Subject to applicable provisions of this Section, performance standards established by this Chapter, and processing requirements of Section 21025, the following are uses allowed in the C-3 District by administrative permit as may be issued by the Zoning Administrator:

- Subd. 1. Antennas located upon an existing structure or existing tower, as regulated by Section 21175 of this Chapter.
- Subd. 2. Essential services requiring a permit as provided by Section 21160 of this Chapter.
- Subd. 3. Essential Service structures (as defined by Section 21005 of this Chapter) that do not exceed five feet in height or 20 square feet in area, necessary for the health, safety and general welfare of the City, excluding public works type facilities and uses, provided that:
 - (a) Equipment is completely enclosed in a permanent structure with no outside storage.
 - (b) Landscaping is provided to screen any such structure.
- Subd. 4. Ground-Mounted Solar Energy Systems, as regulated by Section 21173 of this Chapter.
- Subd. 5. Other uses of the same general character as those listed as a permitted use in this District.
- Subd. 6. Outdoor display (permanent) of seasonal or convenience items (e.g., windshield washer fluid, softener salt) as an accessory use in association with an allowed principal use provided that:
 - (a) The area so occupied shall not exceed ten percent of the gross floor area of the principal building or 100 square feet, whichever is less.
 - (b) No display of merchandise shall occur within the required front, rear, or side yards.
 - (c) Such outdoor display of merchandise shall be limited to the area of customer entrances or within pump islands.
 - (d) Such outdoor display of merchandise shall not exceed five feet in height.
 - (e) Such outdoor display area shall be included in the calculations for parking spaces required for the use and shall not occupy space required for parking as regulated by Section 21135 of this Chapter, except as may be exempted for cause by the Zoning Administrator.
- Subd. 7. Outside, above ground storage facilities for fuels used for heating purposes; outdoor generators located 200 feet or more away from residentially guided or zoned property; and outdoor equipment used for dispensing fuels to vehicles or containers used in conjunction with the approved principal use, but not for sale. Such features for new developments shall be included with the site plan submitted for review and approval as required by this Chapter, and such features for existing developments shall be subject to the approval of the Zoning Administrator and the following criteria:

- (a) The design, construction, and location of any such features must comply with State and City codes including appropriate National Fire Protection Association standards, Minnesota State Fire Code requirements, and manufacturer's specifications.
- (b) An accurate site plan for the development based upon a certified survey, shall be submitted showing to scale the location of such features, including any fencing and landscaping related to safety or screening.
- (c) To assure that fire hose streams can be directed onto such features with minimal obstruction, solid wall enclosures shall not be used.
- (d) Such features must be located so as not to obstruct approved parking spaces, driving aisles, fire lanes, utility easements, or required building ingress or egress points.
- (e) No signage shall be permitted, other than required safety information, product identification, product hazards, and operation instructions. For the purpose of this Section, "signage" includes words, graphics, logos, and symbols.
- (f) Outdoor generators located less than 200 feet from residentially guided or zoned property shall require the approval of a site plan (or site plan amendment) for a major project, pursuant to Section 21045.05 of this Chapter.

Subd. 8. Outside storage as an accessory use provided that:

- (a) The storage area does not take up parking space or loading space as required for conformity to this Chapter.
- (b) All requirements of Section 21105.11 of this Chapter are met.

Subd. 9. Satellite schools for post-secondary education or trade schools, provided it is demonstrated that adequate on-site parking would be available for the use.

Subd. 10. Temporary mobile towers for personal wireless service antennas, as regulated by Section 21175 of this Chapter.

Subd. 11. Temporary events and outdoor sales subject to the following criteria:

- (a) Special Promotional Events (except Carnivals).
 - (1) Such activity is directed towards the general public and includes grand openings, business events, craft shows, flea markets, mechanical and animal rides, and outdoor display of materials.
 - (2) The event shall not exceed the period specified in the administrative permit and in no case shall exceed three consecutive calendar days per event.
 - (3) There shall be no more than two special events per calendar year per property. However, each tenant in a multi-tenant building shall be permitted one special event per year. Multi-tenant buildings with less than five lease spaces shall be considered as a single property for purposes of this provision.

(b) Carnivals.

- (1) The applicant must submit an amusement license application as required by Section 1100 of the City Code.
- (2) The event shall not exceed the period specified in the administrative permit and in no case shall exceed seven consecutive calendar days per event.
- (3) There shall be no more than one carnival per calendar year per property.

(c) Outdoor Sales, including but not limited to transient merchants and transient produce merchants (excluding Christmas Tree Sales):

- (1) Such activity is directed towards the general public and includes warehouse sales, sidewalk sales, inventory reduction or liquidation sales, distressed merchandise sales, sales of fireworks, seasonal merchandise sales (except Christmas trees), and transient merchant and transient produce merchant sales.
- (2) The following specific standards shall apply to all proposed temporary outdoor sales activities allowed by this paragraph and by City Code business licensing provisions in addition to other applicable building and safety code requirements as determined by the Zoning Administrator.
 - a. The maximum total time for temporary outdoor sales activities shall be the period specified in the administrative permit and, in no case, shall exceed 90 days per calendar year per property.
 - b. There shall be no more sales activities than those specified in the administrative permit and, in no case, shall there be more than ten sales activities per year per property.
 - c. Sales activities may be conducted within a required yard provided the area is paved and the activity does not interfere with parking, traffic circulation or emergency vehicle access. Temporary sales on unpaved landscaped areas is prohibited.
 - d. Sales of fireworks shall also be regulated by Section 1110 of the City Code.

(d) Outdoor Christmas Tree Sales.

- (1) Such activity is directed towards the general public and consists of the outdoor sales of cut evergreen trees, boughs, wreaths and other natural holiday decorations and related products.
- (2) The following specific standards shall apply to all proposed outdoor Christmas tree sales allowed by this paragraph and by City Code business licensing provisions in addition to other applicable building and safety code requirements as determined by the Zoning Administrator.

- a. The maximum total time for sales activities shall be the period specified in the administrative permit and, in no case, shall exceed 45 days per calendar year per property.
 - b. There shall be no more than one sales activity per year per property, which shall be in addition to any special events or other outdoor sales permitted on the property.
 - c. Sales activities may be conducted within a required yard provided the area is paved and the activity does not interfere with parking, traffic circulation or emergency vehicle access. Sales on unpaved landscaped areas is prohibited.
- (e) General Standards applying to all temporary events and outdoor sales.
- (1) The event or sale shall be accessory to or promoting the permitted or conditional use approved for the site.
 - (2) Tents, stands, and other similar temporary structures may be used, provided they are clearly identified on the submitted plan and provided that it is determined by the Zoning Administrator that they will not impair the parking capacity, emergency access, or the safe and efficient movement of pedestrian and vehicular traffic on or off the site.
 - (3) The submitted plan shall clearly demonstrate that adequate off-street parking for the proposed event can and will be provided for the duration of the event. Determination of compliance with this requirement shall be made by the Zoning Administrator who shall consider the nature of the event and the applicable parking requirements of Section 21135. Consideration shall be given to the parking needs and requirements of other occupants in the case of multi-tenant buildings. Parking on public right-of-way and streets is prohibited; except that parking on local streets may be allowed on Saturday and Sunday only, provided that the petitioner arranges for traffic control by authorized enforcement officers, as approved in writing by the Police Chief, at the petitioner's expense.
 - (4) Signage related to the event or sale shall be in compliance with the temporary sign standards of Section 21155 and shall be allowed for the duration of the event. The Zoning Administrator may authorize special signage for purposes of traffic direction and control; the erection and removal of such signage shall be the responsibility of the applicant.
 - (5) The approved permit shall be displayed on the premises for the duration of the event.
 - (6) All activity related to the event or sale must take place within the time permitted in the administrative permit. No buildings, equipment or materials may be erected or displayed prior to the start date identified in the permit application and all structures,

equipment and displays must be removed by the end date identified in the administrative permit.

(7) Not more than one such event or sale shall be allowed per property at any given time.

Subd. 12. Temporary structures, as regulated by [Section 21167](#) of this Chapter.

(Amended by Ord. No. 2008-09, 03/25/08; Ord. No. 2009-07, 05/12/09; Ord. No. 2019-01, 02/12/19; Ord. No. [2024-22](#), § 40, 9/24/2024)

21465.13. - Area Requirements and Construction Limitations.

The following requirements shall be observed in the C-3 District subject to additional requirements, exceptions and modifications set forth in this Chapter.

District Area Minimum	Lot Area Minimum	Minimum Lot Width (feet)	Minimum Lot Depth (feet)	Maximum Structural Coverage (a)	Minimum Setbacks (feet) (a)		Maximum Building Height	
1 acre	1 acre	100	100	50%	Abutting Residential District		Princ. Bldg.	45 feet
					Front yard (b) (c)	75	Acc. Bldg.	20 feet
					Side yard (b)	75		
					Rear yard (b)	75		
					Abutting Non- Residential District			
					Front yard (c)	50		

					Side yard-	15	
					Rear yard	15	
(a) Special requirements apply for environmental overlay districts — See appropriate text (b) Where a C-3 District abuts a residential district or is separated from a residential district by a local or minor collector street (c) Applies to each street frontage							

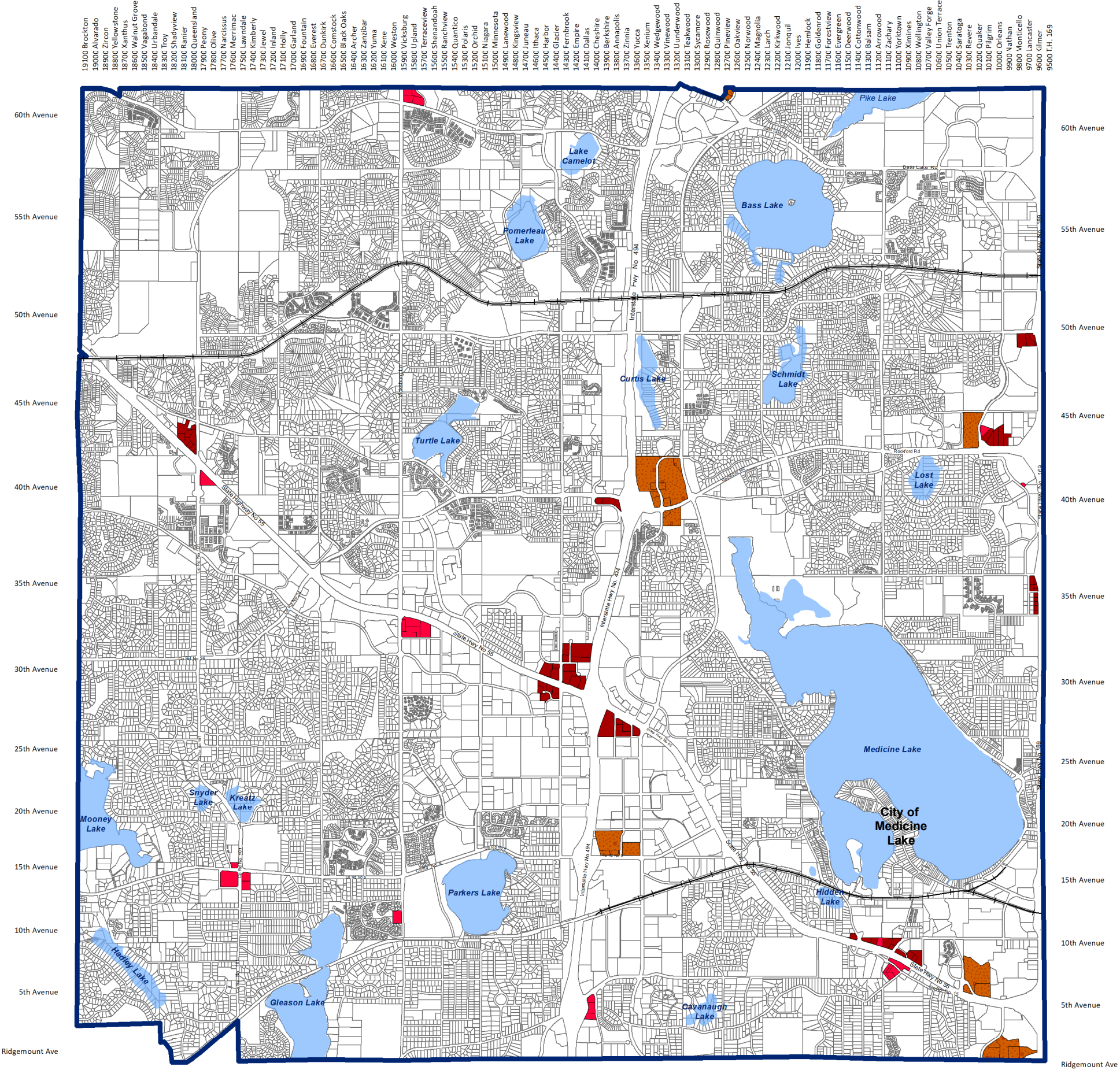
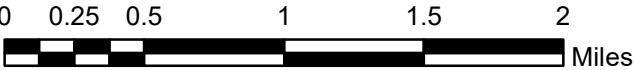
(Amended by Ord. No. 2002-32, 11/26/02; Ord. No. 2009-07, 05/12/09)

Zoning Map

Adopted December 18, 1996
Dated January 9th, 2024
Per Ordinance NO. 2024-01

Legend

- City Limits
- Lakes
- C-2, Neighborhood Commercial
- C-3, Highway Commercial
- C-4, Community Commercial



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19000 Alvarado
18900 Zircon
18800 Yellowstone
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18500 Vagabond
18400 Urbandale
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18000 Queensland
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10000 Orleans
9900 Nathan
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9700 Lancaster
9600 Kilmer
9500 T.H. 169

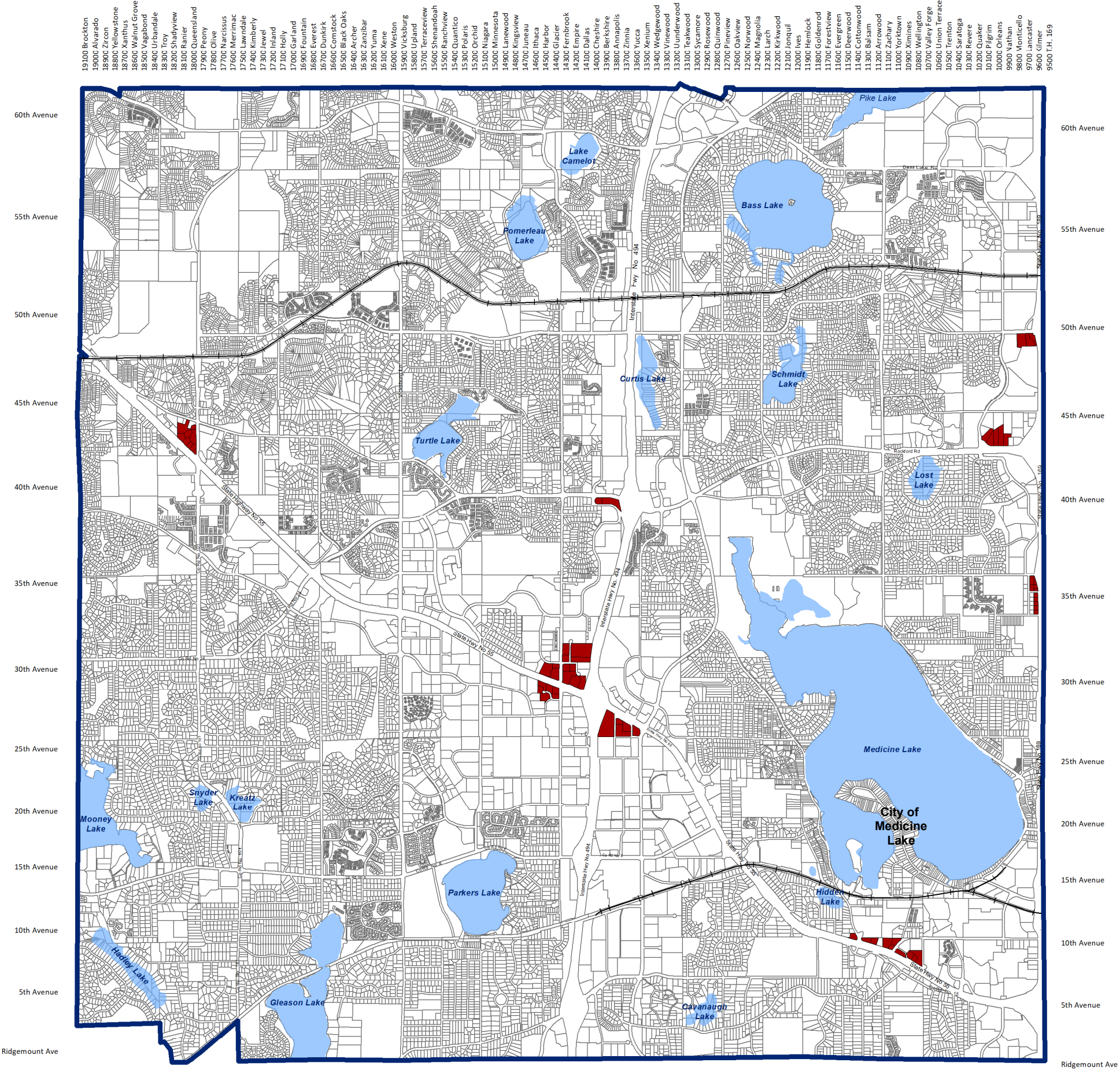
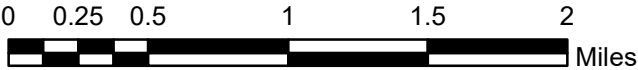
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Zoning Map

Adopted December 18, 1996
Dated January 9th, 2024
Per Ordinance NO. 2024-01

Legend

-  City Limits
-  Lakes
-  C-3, Highway Commercial



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THIS REPRESENTS A COMPILATION OF INFORMATION AND DATA FROM CITY, COUNTY, STATE AND OTHER SOURCES THAT HAS NOT BEEN FIELD VERIFIED. INFORMATION SHOULD BE FIELD VERIFIED AND COMPARED WITH ORIGINAL SOURCE DOCUMENTS.



Community and Economic
Development Department
3400 Plymouth Blvd
Plymouth, MN 55447
(763) 509-5450

Planning and Zoning Application Form

Please submit via email to planning@plymouthmn.gov to submit your application.

Applications will be processed once all items are submitted.

Helpful links: [City Fee Schedule](#), [Application Checklists](#), [Zoning Ordinance](#)

Property Location: _____

Legal Description: _____

Property Owner Name: _____

Company Name: _____ Email: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone Number: _____ Secondary Phone Number: _____

Applicant/Contact Person: Hiethan Zenan

Company Name: _____ Email: zhiethan@gmail.com

Address: 929 portland Ave Apt 1807

City: Minneapolis State: MIN Zip Code: 55404

Phone Number: 571-477-7725 Secondary Phone Number: _____

Requested Application(s):

_____ Administrative Permit
_____ Comprehensive Plan Amendment
_____ Conditional Use Permit/Interim Use Permit
_____ Final Plat
_____ Home Occupation License
_____ Plan Modification
_____ Preliminary Plat
_____ PUD Amendment

_____ PUD Final Plan
_____ PUD General Plan
_____ Site Plan or Site Plan Amendment
_____ Rezoning
_____ Variance
_____ Wetland-Related
* ☒ Zoning Ordinance Text Amendment
_____ Other: _____





Received
DEC 30 2024
City of Plymouth
Community Development Department

Community and Economic
Development Department
3400 Plymouth Blvd
Plymouth, MN 55447
(763) 509-5450

Brief Description of Request: _____

The request is to add Tobacco to the list of businesses allowed in C3 commercial building. As

liquor is allowed in C3, adding tobacco will help this type of business to be in a C3 highway

commercial which means that they will be further away from schools and residential areas.

C3 should be the prioritized if not the only type of building where tobacco is allowed.

I hereby apply for the above consideration and declare that the information and materials submitted with this application are complete and accurate per city code and ordinance requirements. I understand that the city will process the application once the planning division finds that it is complete. I understand and agree that the city may place a sign on my property for purposes of notification that an application is under consideration and enter the property to inspect as it relates to this application.

I agree that the City of Plymouth may transfer my application fee(s) and/or escrow(s) payments provided in this application to a new application if the terms and conditions of this application have been satisfied.

Please note: If the property fee owner is not the applicant, the applicant must provide written authorization from the property fee owner in order to make application.

Property Owner(s) Signature(s): _____

Applicant(s) Signature(s): _____

Date: 12/30/2024

For City Use Only

Application Fee: \$ 300
Sign Fee: \$ _____
Wetland-Related Fees: \$ _____
Escrow (400-2800): \$ 2,000
Total Fees Due: \$ 2,300

Fees Approved for Deposit By: KaTB

pd - \$2,300
check No. 1151
KaTB



Zoning Ordinance Text Amendment Application Checklist

Please submit digital (emailed, USB) copies of the following items via email to planning@plymouthmn.gov to submit your application.

Applications will be processed once all items on this checklist are submitted.

Requirements

- **Completed Application Form**, signed by the property owner.
- **Accurate Certified Survey** showing the proposal, drawn to scale, including all dimensions and square footages, and the complete legal description of all parcels affected.
- **Answers** to the questions on page 2.
- **Application Fee** payable to the City of Plymouth:
 - \$300 plus \$2000 cash escrow
 - \$165 fee for a development sign on one street frontage and \$50 per sign for each additional street frontage.

The fee for staff-prepared mailing labels is included in the application fee. Please contact planning@plymouthmn.gov to set up online payment. Or submit a check or cash with the request.

Additional information may be requested concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant as necessary to establish performance conditions in relation to all pertinent sections of the zoning ordinance. For a complete list of required materials, refer to Section 21010 of the Plymouth Zoning Ordinance.



Please describe your request.

Amend the zoning ordinance to allow Tobacco in C3 commercial properties

Please describe how the proposal is consistent with the specific policies and provisions of the Plymouth Comprehensive Plan, including the public facilities and capital improvement plans.

The current zoning ordinance permits Tobacco sales in C2 and C4 properties, which are located closer to schools and residential areas.

However, C3 zoning, designated for highway commercial use, should be prioritized for Tobacco sales.

Since Liquor sales are already permitted in C3, including Tobacco in this zone would position such businesses along highways, further away from residents under 21 years old, aligning with the city's policies

Describe how the zoning ordinance text amendment meets the purpose and intent of the zoning ordinance.

Future tobacco stores will be able to stay away from schools and residential building. This will also allow for future change in C2 and C4 tobacco allowance if the city decided to do so.

Is there adequate infrastructure available to serve the proposed action?

Yes, there is adequate infrastructure to serve the proposed action of allowing tobacco establishments in C3 highway commercial properties.

These zones are specifically designed to handle commercial activities and are located away from schools and residential neighborhoods, ensuring minimal disruption to sensitive areas.

An example is the property located 10730 Highway 55, Plymouth MN 55441. Which is one block away from the liquor store.

Is there an adequate buffer or transition between potentially incompatible districts?

The request to allow tobacco in C3 properties, designated as highway commercial zones, aligns well with established planning practices. These zones are typically located away from schools and residential neighborhoods, minimizing exposure to sensitive populations such as children and families.

This approach facilitates a practical and socially responsible transition, as it mirrors the existing norm in most cities where tobacco establishments are preferred in highway commercial areas rather than residential neighborhoods.

Additionally, in the city of Plymouth, liquor stores are already permitted in highway commercial zones. This precedent further supports the inclusion of tobacco establishments in such areas, as both industries require customers to be 21 years of age. This alignment ensures consistency in zoning policies for adult-only establishments, making the transition both logical and straightforward.



CITY OF PLYMOUTH

ORDINANCE NO. 2025-XX

ORDINANCE AMENDING CHAPTER 21 ENTITLED THE ZONING ORDINANCE OF THE PLYMOUTH CITY CODE (2025001)

THE CITY OF PLYMOUTH ORDAINS:

Section 1. Amendment of City Code. Section 21465.03 of the Plymouth City Code (Permitted uses within the C-3, Highway Commercial District) is hereby amended to add the permitted use of “Tobacco or e-cigarette shops” with existing text and new text as follows:

21465.03 – Permitted Uses.

Subd. 37 Tobacco or e-cigarette shops.

Section 2. Effective Date. This amendment shall take effect immediately upon its passage.

ADOPTED by the City Council this xxx day of xxxxx, xxxx.

Jeffry Wosje, Mayor

ATTEST:

Jodi M. Gallup, City Clerk

CITY OF PLYMOUTH

RESOLUTION 2025-_____

APPROVING FINDINGS OF FACT FOR A ZONING ORDINANCE TEXT AMENDMENT TO A SECTION OF CHAPTER 21 ENTITLED THE ZONING ORDINANCE TO ADD TOBACCO OR E-CIGARETTE SHOPS AS A PERMITTED USE WITHIN THE C-3, HIGHWAY COMMERCIAL ZONING DISTRICT (2025001)

WHEREAS, the Hietham Zemam initiated an amendment to Section 21465 - C-3, Highway Commercial zoning district of the zoning ordinance; and,

WHEREAS, the Planning Commission has reviewed the proposed text amendment at a duly called public hearing and recommends approval of the text amendment.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF PLYMOUTH, MINNESOTA, that it should and hereby approves the zoning ordinance text amendment to add tobacco or e-cigarette shops as a permitted use in Section 21465 - C-3, highway commercial zoning district, and modify the city code, based upon the finding that the proposed amendment would be consistent with the city's comprehensive plan and with the purpose and intent of the city's ordinances and policies.

ADOPTED by the City Council the _____ day of _____, 2025.

STATE OF MINNESOTA)
COUNTY OF HENNEPIN) SS.

The undersigned, being the duly qualified and appointed City Clerk of the City of Plymouth, Minnesota, certifies that I compared the foregoing resolution adopted at a meeting of the Plymouth City Council on _____, 2025 with the original thereof on file in my office, and the same is a correct transcription thereof.

WITNESS my hand officially as such City Clerk and the Corporate seal of the City this _____ day of _____.

City Clerk

CITY OF PLYMOUTH

RESOLUTION No. 2025-____

RESOLUTION APPROVING SUMMARY PUBLICATION OF ORDINANCE No. 2025-__

Ordinance No. 2025-____ amending Chapter 21 (Zoning Ordinance) to allow tobacco or e-cigarette shops as a permitted use within Section 21465 – C-3, highway commercial zoning district.

A printed copy of the entire ordinances are available for inspection at the City Clerk's Office during regular office hours.

APPROVED for summary publication by the City Council this ____ day of _____, 2025.