

city of saint paul
planning commission resolution
file number 13-34
date August 9, 2013

RECOMMENDATIONS ON URBAN AGRICULTURE
ZONING STUDY TEXT AMENDMENTS

WHEREAS, the Saint Paul City Council called for a study of “necessary changes to City policy (including possible zoning)” to “facilitate a network of resources to support the production, distribution and consumption of healthy and locally grown food” (Resolution 09-879); and

WHEREAS, recent zoning cases identified a need for a farmers market definition (Files #05-052-831 and 09-519-870) and the zoning code has no provisions for community gardens; and

WHEREAS, § 61.801 of the zoning code calls for periodic review of the zoning code to reflect current city policies, to address current technology and market conditions, and to bring the zoning code up-to-date; and

WHEREAS, the Planning Commission initiated a study of zoning code amendments pertaining to urban agriculture on October 14, 2011 (Resolution 11-84); and

WHEREAS, the Planning Commission conducted a public hearing on a draft of the urban agriculture zoning study text amendments on June 1, 2012, notice of which was published in the *Legal Ledger* and was sent to the City’s Early Notification System; and

WHEREAS, the Planning Commission referred the draft urban agriculture zoning study text amendments to the Comprehensive Planning Committee for consideration, review of the public hearing testimony, and recommendation; and

WHEREAS, the Comprehensive Planning Committee, on July 9, 2013, forwarded its recommendations to the Planning Commission;

NOW, THEREFORE, BE IT RESOLVED, under the provisions of Minnesota Statutes §462.357 and § 61.801 of the Legislative Code, that the Planning Commission hereby recommends to the Mayor and City Council the following amendments to chapters 61, 65, and 66 of the zoning code pertaining to urban agriculture, as set forth in pages 2 – 8 of this resolution; and

BE IT ALSO RESOLVED, that the Planning Commission directs the Planning Administrator to forward the following draft urban agriculture zoning study text amendments, along with the July 9, 2013, memorandum from the Comprehensive Planning Committee containing their recommendations and rationale for the recommended text amendments, to the Mayor and City Council for their review and adoption.

moved by Wenci
seconded by _____
in favor Unanimous
against _____

NOTE: Existing language to be deleted shown by ~~strikeout~~. New language to be added shown by underlining.

Chapter 61. Zoning Code – Administration and Enforcement

ARTICLE III. 61.300. GENERAL APPLICATION AND REVIEW PROCEDURES

Sec. 61.302. - Application forms and fees.

- (a) Application forms and fee. All applications shall be filed on appropriate forms. Pursuant to Minn. Stat. § 462.353, subd. 4, a fee to defray the costs incurred in administering official zoning controls established pursuant to Minn. Stat. § 462.351-364, as set forth in the schedule below, shall be paid by the applicant when a zoning application is filed. The fee for applications filed with the planning administrator shall be paid to the department of planning and economic development. The fee for applications filed with the zoning administrator shall be paid to the department of safety and inspections. Zoning control application fees shall be amended by ordinance.
- (b) Fee schedule. Fees for the following zoning control applications shall be as follows:
 - (1) Site plan review:
 - a. Two hundred dollars (\$200.00) residential, one (1) to two (2) dwelling units.
 - b. Five hundred dollars (\$500.00) up to ten thousand (10,000) square feet of land and two hundred dollars (\$200.00) for each additional ten thousand (10,000) square feet of land for all other uses, and an additional fee of two hundred sixty dollars (\$260.00) for sites on steep slopes or in the river corridor or tree preservation overlay districts. For any site plan for which a travel demand management plan is required, there is an additional fee of four hundred fifty dollars (\$450.00).
 - c. In addition to the site plan review fee, three hundred dollars (\$300.00) for site plans that are reviewed before the planning commission.
 - d. Thirty dollars (\$30.00) for agricultural uses required by Section 65.771.c. and farmer's markets required by Section 65.515.d.
 - (2) Design review:
 - a. Forty five dollars (\$45.00) for new single family dwellings and duplexes.
 - b. Thirty dollars (\$30.00) for additions to single family dwellings and duplexes.
 - (3) Conditional use permit: Eight hundred dollars (\$800.00) up to one (1) acre of land, two hundred dollars (\$200.00) for each additional acre of land, and an additional fee of one hundred eighty (\$180.00) for a river corridor conditional use permit.

Chapter 65. Zoning Code – Land Use Definitions and Development Standards

Sec. 65.515. Farmers market Florist.

An outdoor market at a fixed location consisting principally of farmers and gardeners for the purpose of selling the products of their farm, garden, greenhouse, apiary, or forest directly to the public. Retail business whose principal activity is the selling of plants which are not grown on the site and conducting business within an enclosed building. (See section 65.510, general retail.)

Standards and conditions:

- (a) In residential districts, a farmers market shall be located on a zoning lot at least one (1) acre in area.
- (b) Approval of a site plan showing the number and location of vendors at the site, with contact information for a designated market director responsible for coordinating the market vendors and activities, and for providing the zoning administrator with updated contact information if it changes.

Standards and conditions for farmers markets with more than five (5) vendors:

- (c) A conditional use permit is required.
- (d) The use shall be limited to no more than three (3) days per week.
- (e) Foods, manufactured goods, wares and merchandise may be sold if approved by the Planning Commission.

Standards and conditions for farmers markets with five (5) or fewer vendors:

- (f) Sales shall be limited to no more than two (2) days per week between the hours of 7:00 AM and 7:00 PM.

Sec. 65.771. Agriculture.

Principal use of land for production of food or horticultural crops to be harvested, sold, or donated.

Standards and conditions:

- (a) Approval of a site plan showing the location of all growing plots, sheds, structures, and fencing, with contact information for a site manager. A soil lead test showing that lead levels are less than one hundred (100) parts per million shall be submitted to the Zoning Administrator with the site plan or raised planting beds with soil barriers and clean, imported soil will be required.
- (b)(a) In residential, traditional neighborhood, and business districts, an agriculture use shall be located on parcels of land separately owned outside the boundaries of a proprietary or auditor's subdivision, having an area of not less greater than five (5) one (1) acres requires a conditional use permit.

(c)(b) The All uses shall be subject to the health and sanitation provisions Minimum Property Maintenance Standards (Chapter 34) and Noise Regulations (Chapter 293) of the City of Saint Paul.

(d) Keeping of all animals other than bees is prohibited except by residents of the property, subject to city permit requirements.

(e)(e) The use shall be conducted in a manner that controls odor, dust, erosion, lighting, and noise and is in compliance with city standards so as not to create a nuisance. This requirement may be enforced through the provisions in Chapter 45 for nuisance abatement. No odor or dust producing substance or use shall be permitted within one hundred (100) feet of any residential property line.

(d) Principal access shall be provided to a major thoroughfare.

(f) Any tools, equipment, and material shall be stored and concealed in an enclosed, secured structure.

(g) When an agriculture use has been discontinued, the property shall be restored with grass or planted ground cover to control erosion, dust, and mud, and any structures accessory to the agriculture use shall be removed. This requirement may be enforced through the provisions in Chapter 45 for nuisance abatement.

Standards and conditions in residential and traditional neighborhood districts for an agriculture use with an area of less than one (1) acre:

(h) On-site sales shall be limited to products grown on the site, and limited to no more than two (2) days per week between the hours of 7:00 AM and 7:00 PM. Sales shall not take place on the public sidewalk or boulevard.

(i) Gardening equipment shall be limited to that which is commonly used for household gardening.

(j) Accessory buildings shall not exceed an area greater than ten (10) percent of the parcel or one thousand (1000) square feet, whichever is greater. Temporary structures, not exceeding one hundred eighty (180) days per year, such as hoopouses, cold frames, and similar structures located above gardening plots and being used to extend the growing season are permitted. A building permit is required for any temporary structure covering an area greater than one hundred twenty (120) square feet.

(k) One identification sign is permitted, not to exceed six (6) square feet.

ARTICLE III. 66.300. TRADITIONAL NEIGHBORHOOD DISTRICTS

Division 2. 66.320. Principal Uses in Traditional Neighborhood Districts

Sec. 66.321. Principal uses.

Table 66.321, principal uses in traditional neighborhood districts, lists all permitted and conditional uses in the T1-T4 traditional neighborhood districts, and notes applicable development standards and conditions.

Table 66.321. Principal Uses in Traditional Neighborhood Districts

Use	T1	T2	T3	T4	Development Standards
...					
Commercial Uses					
...					
Retail Sales and Services					
General retail		P/C	P/C	P/C	✓
Bank, credit union	P	P	P	P	
Business sales and services		P	P		
Drive-through sales and services, primary and accessory		C			✓
Dry cleaning, commercial laundry		P	P	P	✓
<u>Farmers market</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>✓</u>
Food and related goods sales		P/C	P/C	P/C	✓
Food shelf	P	P	P	P	
Garden center, outdoor		P	P	P	✓
...					
Limited Production and Processing					
<u>Agriculture</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>✓</u>
Limited production and processing		P/C	P/C	P/C	✓
Mail order house		P	P	P	
Malt liquor production		P/C	P/C	P/C	✓
Printing and publishing		P/C	P/C	P/C	✓
Accessory Uses					
Accessory use	P	P	P	P	

ARTICLE V. 66.500. INDUSTRIAL DISTRICTS

Division 2. 66.520. Principal Uses in Industrial Districts

Sec. 66.521. Principal uses.

Table 66.521, principal uses in industrial districts, lists all permitted and conditional uses in the IT-I3 industrial districts, and notes applicable development standards and conditions.

Table 66.521. Principal Uses in Industrial Districts

Use	IT	I1	I2	I3	Definition (d) Standards (s)
...					
Commercial Uses					
...					
<i>Retail Sales and Services</i>					
General retail	P	P	P		(d)
Alternative financial establishment		C	P		(d), (s)
Bank, credit union	P	P	P		
Business sales and services	P	P	P		(d)
Drive-through sales and services, primary and accessory	P	P	P		(s)
Dry cleaning, commercial laundry	P	P	P		
<u>Farmers market</u>	<u>P/</u> <u>C</u>	<u>P/</u> <u>C</u>	<u>P/</u> <u>C</u>		<u>(d), (s)</u>
Food and related goods sales	P	P	P		(d)
Food shelf	P	P	P		(d)
Garden center, outdoor	P	P	P		(d), (s)
...					
<i>Limited Production, Processing and Storage</i>					
<u>Agriculture</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>(d), (s)</u>
Finishing shop	P	P	P		(d), (s)
Limited production and processing	P	P	P		(d), (s)
...					