Amending Chapters 61, 65 and 66 of the Saint Paul Legislative Code pertaining to agricultural and farmers market uses.

STATEMENT OF FINDINGS BY THE COUNCIL

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, based upon the Commission’s zoning study, draft text amendments relating to urban agriculture were prepared by zoning staff and, on June 1, 2012, the Commission duly conducted a public hearing on the draft text amendments where all interested parties were afforded an opportunity to be heard and, based upon the testimony received during the public hearing and upon the recommendations of the Commission’s Comprehensive Planning Committee, staff subsequently prepared revised draft amendments; and

WHEREAS, on July 9, 2013, the Comprehensive Planning Committee submitted to the Planning Commission revised text amendments, together with an accompanying memorandum in which the rationale for the proposed text amendments is set forth and, on August 9, 2013, the Planning Commission, reviewed the text amendments and forwarded them, along with the accompanying memorandum in which the rationale for the proposed text amendments is set forth, to the City Council for its review and determination; and

WHEREAS, a public hearing before the City Council, having been duly noticed and conducted, at which all interested parties were given an opportunity to be heard, and the Council, having considered all the testimony and recommendations concerning the proposed agricultural zoning text amendments, including the Planning Commission’s memorandum in which an extensive rationale for the recommended zoning code amendments is set forth, which the Council finds persuasive and thus hereby incorporates the memorandum by reference into this ordinance for the specific purpose of articulating the Council’s reasons and rationale for enacting the recommended amendments as set forth below under Sections 1 through 7 of this ordinance, in addition to any other reasons the Council might articulate on the record in adopting this ordinance.

THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN:

SECTION 1

Section 61.302 of the Saint Paul Legislative Code is hereby amended to read as follows:

Sec. 61.302. - Application forms and fees.

...

(b) Fee schedule. Fees for the following zoning control applications shall be as follows:

(1) Site plan review:

...

d. Thirty dollars ($30.00) for agricultural uses required by Section 65.771.a. and farmer's markets required by Section 65.515.b.

...

SECTION 2

Section 65.515 of the Saint Paul Legislative Code is hereby amended to read as follows:

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.

SECTION 3

Section 65.771 of the Saint Paul Legislative Code is hereby amended to read as follows:

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) acre~~s~~ requires a conditional use permit.

(c)~~(b)~~The ~~All~~ use~~s~~ 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 any animals other than bees is prohibited, except residents of the property may keep animals, subject to city permit requirements.

(e)~~(c)~~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 within 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. All 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 hoophouses, 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.

SECTION 4

Section 66.221 of the Saint Paul Legislative Code is hereby amended to read as follows:

Sec. 66.221. Principal uses.

Table 66.221. Principal Uses in Residential Districts lists all permitted and conditional uses in the RL-RM3 Residential Districts, and notes applicable development standards and conditions.

Table 66.221. Principal Uses in Residential Districts

Use	RL	R1-R4	RT1	RT2	RM1	RM2	RM3	Development Standards
. . .								
Commercial Uses								
Retail Sales and Services								
Farmers Market	P/C	P/C	P/C	P/C	P/C	P/C	P/C	✓
Commercial Lodging								
Bed and breakfast residence	P	P	P/C	P/C	P/C	P/C		✓
Parking Facilities								
Shared commercial parking in institutional lots	C	C	C	C	C	C	C	✓
Transportation								
Limited Production								
Agriculture	P/C	P/C	P/C	P/C	P/C	P/C	P/C	✓
. . .								

SECTION 5

Section 66.321 of the Saint Paul Legislative Code is hereby amended to read as follows:

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	✓
Farmers market	P/C	P/C	P/C	P/C	✓
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					
Agriculture	P/C	P/C	P/C	P/C	✓
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	

SECTION 6

Section 66.421 of the Saint Paul Legislative Code is hereby amended to read as follows:
Sec. 66.421. Principal uses.

Table 66.421, principal uses in business districts, lists all permitted and conditional uses in the OS-B5 business districts, and notes applicable development standards and conditions.

Table 66.421. Principal Uses in Business Districts

Use	OS	B1	BC	B2	B3	B4	B5	Development standards
. . .								
Commercial Uses								
. . .								
Retail Sales and Services								
General retail		P	P	P	P	P	P	
Alternative financial establishment					C	P	P	✓
Bank, credit union	P	P	P	P	P	P	P	
Business sales and services					P	P	P	
Drive-through sales and services, primary and accessory	C	C		C	P	P	P	✓
Dry cleaning, commercial laundry		P	P	P	P	P	P	✓
Farmers market	P/C	P/C	P/C	P/C	P/C	P/C	P/C	✓
Food and related goods sales		P	P	P	P	P	P	
Food shelf	P	P	P	P	P	P	P	
Garden center, outdoor			C	C	P			✓
. . .								
. . .								
Limited Production, Processing and Storage								
Agriculture	P/C	P/C	P/C	P/C	P/C	P/C	P/C	✓
Finishing shop					P		P	✓
Limited production and processing					P		P	✓
. . .								

SECTION 7

Section 66.521 of the Saint Paul Legislative Code is hereby amended to read as follows:

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					
. . .					
Retail Sales and Services					
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		
Farmers market	P/C	P/C	P/C		(d), (s)
Food and related goods sales	P	P	P		(d)
Food shelf	P	P	P		(d)
Garden center, outdoor	P	P	P		(d), (s)
. . .					
Limited Production, Processing and Storage					
Agriculture	P	P	P		(d), (s)
Finishing shop	P	P	P		(d), (s)
Limited production and processing	P	P	P		(d), (s)
. . .					

SECTION 8

This Ordinance shall take effect and be in force thirty (30) days following its passage, approval and publication.