

# Urban Agriculture Zoning Study: Draft Text Amendments – 7/1/13

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.  
[\$30 was selected because it was the lowest fee for design review and it is estimated that reviewing these uses would be a similar level of effort as single family/duplex additions.]
  - (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.)

[“Florist” is included in the definition of “general retail” and therefore can be deleted here. The definition of “Greenhouse” in § 65.519 covers businesses that sell plants grown on the site.]

#### *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.

[This provides a record and primary contact for DSI.]

#### *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.

[Saint Paul City Market does not limit the percentage, but requires market director approval.]

#### *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.

[100 PPM is State of MN allowed limit for residential yards. This facilitates dissemination of appropriate information and enforcement of the standards.]

~~(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 and fish 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.

[The 1000 sq. ft. limit is based on the city's accessory building regulations for one- and two-family uses. Other cities limit accessory structures to 10% or 15% of total lot area. All structures have to be maintained to the standards in City Code Chapter 34, *Minimum Property Maintenance Standards for All Structures and Premises*.]



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
...					
<b>Commercial Uses</b>					
...					
<b><i>Retail Sales and Services</i></b>					
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	✓
...					
<b><i>Limited Production and Processing</i></b>					
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	✓
<b>Accessory Uses</b>					
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 ~~IRIT~~-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)
...					
<b>Commercial Uses</b>					
...					
<b><i>Retail Sales and Services</i></b>					
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/C</u>	<u>P/C</u>	<u>P/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)
...					
<b><i>Limited Production, Processing and Storage</i></b>					
<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)
...					



**CITY OF SAINT PAUL**  
*Christopher B. Coleman, Mayor*

*25 West Fourth Street  
Saint Paul, MN 55102*

*Telephone: 651-266-6700  
Facsimile: 651-228-3220*

TO: Cecile Bedor, Donna Drummond  
FROM: Anton Jerve  
DATE: February 13, 2013  
RE: Potential Property Tax Implications of Urban Agriculture Land Uses

### **Context of Zoning Study**

The primary purpose for the Urban Agriculture Zoning Study is to allow for existing urban amenities such as farmers markets and community gardens to continue as they are currently operating and to be established as desired in the future. In 2009, the City Council passed a resolution requesting “necessary changes to City policy [...] including possible zoning” in order to “facilitate a network of resources to support the production, distribution and consumption of healthy and locally grown food.” Review of existing zoning regulations found that the Zoning Code did not adequately provide for common urban amenities, such as farmers markets and urban agricultural uses, including community gardens. Existing markets and community gardens operated in a “grey” area which made zoning review of these uses complicated and inconsistent. Another issue is that DSI has no mechanism for tracking agricultural uses. Existing regulations may not provide the regulatory structure necessary to implement larger-scaled urban agricultural uses such as those recommended in the Lowertown Master Plan and the District 3 Area Plan. Furthermore, existing zoning could pose barriers to larger emerging agriculture-related businesses similar to Urban Organics at the former Hamm’s Brewery site and Bright Farms at the J & J Distribution Center that are leading to revitalization of under-utilized land in the city.

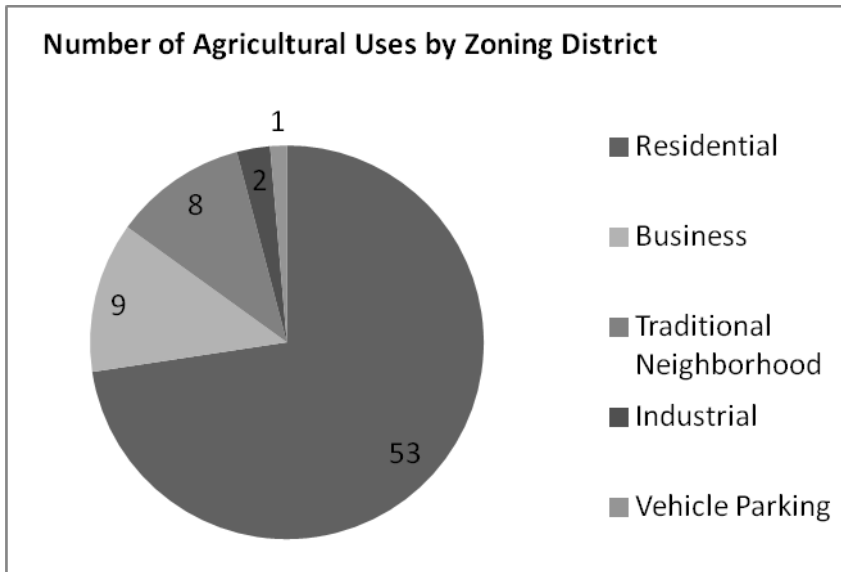
### **Reason for Technical Memo**

The Comprehensive Planning Committee recommended revising the existing agricultural use requirements and creating a new zoning category for farmers markets. A public hearing was held on June 1, 2012 and staff met with the Mayor on June 14, 2012, at which time his office requested additional information on the potential property tax implications of urban agriculture in light of the fact that there was no policy guidance regarding urban agriculture from the latest Land Use Chapter of the Comprehensive Plan.



### Scope of Current Agricultural Uses

There are currently 13.4 acres of land at over 73 locations in the city that would be considered agricultural uses under the proposed ordinance. This is approximately 0.0004% of citywide land area. There are 13 sites over 10,000 square feet and four of these are over one acre (average size is 8,000 square feet). The vast majority (80%) of agricultural uses are located on tax-exempt property and are located on residentially zoned property (73%).



### Potential for Future Growth of Urban Agricultural Uses

It is difficult to predict the potential for growth of urban agriculture. Several small area plans have recommended expanding these uses. With increased interest in locally-grown food and the increased cost of transportation it is likely that there will be some growth in agricultural uses in the city due to the proximity to metropolitan centers.

Using availability of existing community gardens as a proxy, it is unlikely the number of agricultural uses will increase dramatically or quickly. According to a 2010 study by Trust for Public Land, Saint Paul ranks highest nationwide in terms of number of garden plots available per capita, with 3.6 plots per 1,000 residents. Given the comparative availability of plots it is unlikely that there is a pent up market demand.

Often times these uses, especially community gardens, locate on parcels that are remnants of right-of-way which makes them vulnerable to road expansion or redesign. So, in the future the zoning amendments may be as important for relocation of agricultural uses as much as establishment.

### Property Taxes

Urban agriculture could have two effects on property taxes; a net decline for properties moving from commercial to agricultural use, or a net increase for properties moving from residential to agricultural use.

- Commercial uses have a higher tax rate and lower cost of city services.
- Residential uses have a lower tax rate and higher cost of city services.
- Agricultural uses have a lower tax rate and lower cost of city services.

### Tax Rates versus Cost of City Services

Land Use Category	Generalized Tax Rate (Ramsey County)	Cost of City Services (Per \$1.00 collected)*
Commercial	3.5%	\$0.29
Residential	1.5%	\$1.15
Agricultural (Farm/Forest/Open Space)	1.0%	\$0.37

*\*THE IMPACT OF PARKS AND OPEN SPACE ON PROPERTY VALUES AND THE PROPERTY TAX BASE; John Crompton; 2000*

Most agricultural uses in Saint Paul are currently on residentially-zoned and tax-exempt land, being located on city-owned property (HRA, Parks, and Public Works) or land owned by a private non-profit institution. So, there is currently little tax revenue being generated from these properties. However, if a portion of the land under an agricultural use is generating income it may be taxed by the County even if it is on a tax-exempt property. This could represent a small increase in taxes collected.

Alternatively, if agricultural use is located on a commercially taxed parcel the portion of a property used for agriculture could be taxed at the agricultural rate, representing a small decrease in taxes collected. **Overall, agricultural uses are expected to have a negligible effect on tax receipts for the City and County.** This opinion has been confirmed with the Ramsey County Assessor.

### Distribution of Parcels by Taxable Use

	Tax-Exempt		Non Tax-Exempt			Total
	St. Paul Owned	Other	Residential	Multi-family	Commercial	
Count	37*	21**	10	3	2	73
Percent	51%	29%	13%	4%	3%	100.0%
	80%					

\* HRA, Parks, Public Works, Schools, and Public Housing.

\*\* Owned or accessory to a tax-exempt property, such as State, County, religious institution, private college, district council, etc.

### Property Value Benefits

There are few studies that have quantified the potential economic impact of urban agriculture. The most robust study looked at community gardens in New York City.<sup>1</sup> The study compared the impact on property sales values within a 1,000 feet distance from 636 gardens from 1974 to 2003. The study used a hedonic regression model, analyzing many property characteristics, to determine the specific correlation proximity to community gardens had on property value.

The study found that community gardens had a positive influence on residential property values and no effect on commercial property values. The positive effect lessens with further distance from the garden. The impact also increases over time, in distressed neighborhoods, and based on the quality of the garden use. The only possible negative aspect of the garden as it related to the city's fiscal health was the potential opportunity cost of another development on the site, but typically these were existing vacant lots with no immediate market for another use.

Though New York City is a much larger city than Saint Paul, this study was used for comparison purposes due the similarities between Saint Paul and the areas of New York City where the gardens were located (see table, below).

### Comparison of New York City Study Area and Saint Paul Characteristics

	New York City	Saint Paul
Median Garden Size	6,000 sq. ft.	8,000 sq. ft.
Percent Single-Family/Duplex Housing Stock	69%	74%
Percent Pre-WWII Housing Stock	77%	66%

For the purpose of quantifying the potential impact in Saint Paul the findings of the New York report were generalized conservatively and applied to urban agriculture sites in Saint Paul. Based on the New York City study, we assumed that there could be a 1.5% increase in property values after one year and a 5.0% total increase after five years for properties within 500 feet. For properties between 500 and 1,000 feet from an agriculture use, we assumed 0.7% increase after one year and a 2.3% total increase after five years.

The findings are shown in the following table. In total citywide, there is \$14,457,193 in increased property value after one year and \$47,817,978 after five years for residential properties within 1,000 feet of the 68 agricultural uses currently in the city.

<sup>1</sup> Been , Vicki and Voicu, Ioan, "The Effect of Community Gardens on Neighboring Property Values" (2006).New York University Lawand Economics Working Papers.Paper 46.[http://lsr.nellco.org/nyu\\_lewp/46](http://lsr.nellco.org/nyu_lewp/46)

**Residential Property Value Benefit Citywide**

Distance	500		1000		Total
	Percent	Value	Percent	Value	
1-Year	1.5%	\$6,631,195	0.7%	\$7,825,998	\$14,457,193
5-Year	5.0%	\$22,103,985	2.3%	\$25,713,993	\$47,817,978

Using the proposed Frogtown Farm site to illustrate the impact of a single agricultural use, it could increase residential property values by \$201,562 after one year of establishment and \$662,273 after five years (table below).

**Residential Property Value Benefit: Frogtown Farm**

Distance	1000*	
	Percent	Value
1-Year	0.7%	\$201,562
5-Year	2.3%	\$662,273

\*No residential properties within 500 feet of the Frogtown Farm site.

**Summary of Potential Fiscal Implications**

- Agricultural uses allow for emerging agriculturally-related businesses.
- Agricultural uses represent a very small portion of land in the City (less than one percent) and are unlikely to grow to a magnitude that would represent much more of a proportion of citywide land.
- Agricultural uses are expected to have a negligible effect on property taxes.
- Agricultural uses could increase residential property values in residential areas, particularly in distressed neighborhoods.

city of saint paul  
planning commission resolution  
file number \_\_\_\_\_  
date \_\_\_\_\_

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 industrial 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 – 7 of this resolution; and

BE IT ALSO RESOLVED, that the Planning Commission directs the Planning Administrator to forward the following draft industrial 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 \_\_\_\_\_  
seconded by \_\_\_\_\_  
in favor \_\_\_\_\_  
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 and fish is prohibited except by residents of the property, 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 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
...					
<b>Commercial Uses</b>					
...					
<b>Retail Sales and Services</b>					
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	✓
...					
<b>Limited Production and Processing</b>					
<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	✓
<b>Accessory Uses</b>					
Accessory use	P	P	P	<u>P</u>	



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 IRT-13 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)
...					
<b>Commercial Uses</b>					
...					
<b>Retail Sales and Services</b>					
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	<u>P/</u>	<u>P/</u>	<u>P/</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)
...					
<b>Limited Production, Processing and Storage</b>					
<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)
...					



**CITY OF SAINT PAUL**  
*Christopher B. Coleman, Mayor*

25 West Fourth Street  
Saint Paul, MN 55102

Telephone: 651-266-6565  
Facsimile: 651-228-3261

To: Planning Commission  
From: Comprehensive Planning Committee  
Date: April 6, 2012  
Subject: Saint Paul Urban Agriculture Zoning Text Amendments

### Background

On October 14, 2011, the Planning Commission initiated the Urban Agriculture Zoning Study.

The study is a part of an ongoing response to a 2009 City Council resolution requesting “necessary changes to City policy (including possible zoning, licensing/permitting, HRA/easement policies” in order to “facilitate a network of resources to support the production, distribution, and consumption of healthy and locally grown food.”

The goal of the study is to identify how locally grown food-related uses are dealt with in the zoning ordinance and if there is a need to revise the code to remove any undue barriers. Staff reviewed national best practices to develop draft amendments for those topics that are appropriately addressed by zoning.

### Review of Existing Regulations

The following table summarizes the topics and issues identified in the study and proposes recommended solutions:

Topic	Issue	Proposed Action
Agricultural use permits (Zoning)	Allowed but too restrictive	Broaden definition with a distinction between larger and smaller uses.
Community gardens (Zoning)	No zoning definition	Allow with Agriculture amendments
Home occupations (Zoning)	Use of yards not allowed for home occupation	Allow with Agriculture amendments

<b>Topic</b>	<b>Issue</b>	<b>Proposed Action</b>
Farmers markets (Zoning)	The determination of similar use to “outdoor gardening center” made by the Planning Commission in 2005 is not yet reflected in the zoning code text.	Add definition of Farmer’s Market and a distinction between larger and smaller markets. City Market and Minneapolis regulations used as models
Aquaponics/ Aquaculture (fish farming, etc.) (Zoning)	Currently allowed in industrial zones	Agriculture amendments would allow in other districts as a secondary use
Accessory uses (Zoning)	Review regulations	None needed
Hoop houses (Zoning)	Hoop houses are regulated under accessory building regulations	None needed. DSI is developing a policy on temporary tent structures
Greenhouses (Zoning)	Review regulations	None needed
Yards/landscaping (Zoning)	Planting in yards is considered landscaping	None needed
Bee keeping (Animal control/Zoning)	Bee keeping requires permit from DSI	Allow as accessory to agricultural uses
Chicken keeping	Chicken keeping requires a permit from DSI. The permit requirements were recently updated by DSI.	Allowed as accessory to residential use, but not on independent agricultural plots
Animal keeping/ processing (Licensing/Animal control)	Animals are allowed with a permit at an occupied residential property	Allowed as accessory to residential use, but not on independent agricultural plots
Composting (Licensing)	Language is outdated. Composting is regulated under the licensing section of the City Code.	DSI is recommending changes allowing a proportional size limit, outside compost
Rainwater harvesting (Building code)	There are no standard regulations for harvesting rain water. DSI is reviewing these projects on a case-by-case basis.	Continue to monitor best practices and development of standards

## Analysis

Zoning text amendments are recommended for agricultural uses and farmers markets, with fees for design review.

### Agricultural Uses

Agriculture is currently allowed as a conditional use, but the conditions limit the use to such an extent that few, if any, parcels in the city would be eligible. Community gardens, which exist in the city, are not clearly addressed in the zoning code.<sup>1</sup> Although these uses have existed throughout the city, land use planning for agriculture has not been a common activity. When adopted, the Lowertown Master Plan is the first small area plan to include urban agriculture as an official component of the plan.

There are three primary ways in which agricultural uses are regulated in other US cities.

- Under a separate zoning district, typically in cities that are not fully developed where agriculture has existed historically (Austin, Portland);
- As a permitted or conditional use across many zoning districts and broken down by sub categories, such as community gardens, market gardens, urban farms, industrial agriculture, etc. (Minneapolis, Seattle, Chicago, Kansas City); and
- As a use permitted across many districts up to a certain size, and as a conditional use across many districts above that size (San Francisco).

The proposed amendments are modeled after the third approach and modify the standards and conditions for agriculture to regulate agriculture under one category at two thresholds: a smaller scale (under one acre) that would be a permitted use in all zoning districts subject to certain standards and conditions; and a larger scale (one acre or more) that would require a conditional use permit in most zoning districts. More conditions are specified for smaller agricultural sites because they would not require a conditional use permit. It would be up to the discretion of the Zoning Committee and Planning Commission to add any conditions that may be necessary to address such topics for the larger sites based upon the applicant's proposal, adopted plans of the area, and characteristics of the site. This approach was selected for ease of administration, general permissiveness, compatibility with state regulations<sup>2</sup>, and appropriateness for a completely built-out city. This approach would regulate all independent uses (not accessory to another use on the parcel) where food and plants are grown to be eaten or sold under the agricultural use category, including community gardens, market gardens, urban agriculture, etc.

The recommended text changes eliminate barriers to locally-grown food by expanding the

---

<sup>1</sup> Note that many potential impacts of urban agriculture are currently regulated in other sections of the City Code, including noise provisions (Chapter 293), accessory building provisions (Sec. 63.501), pesticide usage provisions (Chapter 377), and compost provisions (Sec. 357.08).

<sup>2</sup> State regulations allow people to sell the unprocessed produce they grow without a permit so it would be difficult to impossible to regulate agriculture under sub-categories related to sales, such as "community gardens" versus "market gardens."

definition of agricultural uses, which would include community gardens, give the Department of Safety and Inspections (DSI) a standardized mechanism for design review and to track legal agricultural uses, and reduce the situations that would require a conditional use permit by creating standards for smaller agriculture uses in residential and traditional neighborhood districts to ensure compatibility with the neighborhood. The most common development standards used to ensure agricultural uses are good neighbors in residential areas include size limits for accessory structures, restrictions to on-site sales, landscaping requirements, equipment storage, signage, animals allowed on-site, and nuisance parameters.

Private and community gardens that exist as accessory uses would continue to be regulated as accessory uses and not be restricted by these amendments. The amendments, however, would allow people to sell from accessory gardens for up to two days per week.

### Farmers Markets

The recommended changes establish:

- A definition for farmers markets;
- Standards for farmers markets;
- The level at which a conditional use permit is required (six vendors) and below which a permit would not be required; and
- Gives DSI a standardized mechanism for design review and to track farmer's market uses.

There is no definition of farmers market the zoning code. Farmers markets were determined to be a similar use to "outdoor garden centers" as part of a zoning case in 2005. This was recognized as an insufficient definition by the Planning Commission when it was completed, as well as during a subsequent zoning case in 2010. Several conditions for outdoor garden centers are an ill fit for a farmers market, such as the location criterion requiring the use to be to the side or rear of a principal use. Additionally, there are regulations in the City Charter specifically for the City Market, which was used as a model for farmers markets. The amendments build upon the City's determination of similar use, City Market regulations, and Minneapolis Farmers Market and Minimarket regulations to develop conditions for use for farmers markets with more than five vendors, which would be allowed with a conditional use permit and farmers markets with fewer than five vendors, which would be allowed by right if the use meets certain standards.

The benefit of allowing markets with fewer than five vendors to operate without a conditional use permit is that it would increase access of consumers to local food, and would increase flexibility of local producers to market their product. The standards and conditions for markets with fewer than five vendors ensure low impact on the surrounding community.

Standards include limiting what products may be sold, and the times sales can take place.



### Fees for Design Review

The recommended thirty-dollar (\$30) fee for design review on agricultural use sites would enable DSI to ensure that the use meets the standards, provide an opportunity to answer questions, document approved site plans for inspectors, create a database for public service announcements, and help them respond if there are complaints.

### **Staff Recommendation**

Staff recommends that the Planning Commission release the attached draft zoning code amendments and set a Planning Commission public hearing for June 1, 2012.

## Recommended Text Amendments

Sec. 65.771. – Agriculture.

Agricultural uses are those Uses that produce food or horticultural crops to be harvested, sold, or donated.

*Standards and conditions:*

- (a) In residential, traditional neighborhood and business districts, Agriculture uses 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 require a conditional use permit.
- (b) All uses shall be subject to the health and sanitation provisions of the City of Saint Paul.
- (c) Approval of a site plan illustrating the location of any growing plots, sheds, structures, and fencing, with contact information for a site manager.  
[Requiring a site plan ensures applicant will meet with DSI and can get any questions answered. This also will create a record of the use so that enforcement will be aware of its location.]
- (d) Keeping of all animals other than bees and fish is prohibited except by residents of the property, subject to City permit requirements.
- (e) The use shall be conducted in a manner that controls odor, dust, erosion, lighting and noise and is in compliance with existing City standards so as to not create a nuisance.
- ~~(e) 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, any structures shall be removed and the property shall be restored with grass or planted ground cover to control erosion, dust and mud. Any utilities available shall be appropriately disconnected. For properties not in compliance with this provision the City may pursue abatement through Chapter 45.

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

- (h) On-site sales are limited to products grown on site and may occur two (2) days a week between the hours of 7am to 7pm. Sales shall not take place on the public sidewalk or boulevard.
- (i) Landscaping equipment shall be limited to that which is designed for household use.
- (j) Structures shall not exceed an area greater than thirty-five (35) percent of the rear twenty-five (25) feet of the parcel.

[An "enclosed structure" could include a fence. Structure differs from "building" as defined in the zoning code in that it does not require a roof. The size limit is based on the City's accessory building regulations. For example, a standard 40' x 120' lot would limit structures to 450 square feet. This criterion was selected because 25' is the minimum size of a rear yard and the size of accessory buildings is limited to 35% of the area of the rear yard. Other cities limit structures to ~10% - 15% of total lot area. 10 % of a standards city lot would be 480 square feet. A building permit is required for structures with a floor area over 120 square feet. An alternative approach would to adopt regulations similar to other cities and limit structures to 10% of the total lot area, with a maximum structure size of 1000 square feet.]

(k) One identification sign is permitted, not to exceed six (6) square feet. The name and contact information for a site manager shall be included on the sign.

[This is the same size as a “for sale” sign and was selected because it was a similar impact as could be found in any neighborhood in the city.]

(l) Planting beds shall be located four (4) feet from any public right of way.

[The setback reduces the risk of erosion and produce encroaching onto the sidewalk and inhibiting pedestrian traffic.]

#### Sec. 65.515. Farmers Market

An outdoor, regularly recurring event, created for public benefit, where a group of market vendors consisting principally of agricultural producers, and that may include food market manufacturers, food market distributors, craft producers, and home processors are organized for the purpose of selling their product directly to the public.

#### Standards and conditions:

(a) In residential districts, the use shall be located on a civic or institutional use site, or on a zoning lot which is at least one (1) acre in area.

(b) A farmer’s market shall have a designated market director who is responsible for coordinating the market vendors and activities.

(c) Approval of a site plan showing the number and location of vendors at the site, with contact information for the market director.

[This provides a record and primary contact for DSI inspectors.]

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

(d) A conditional use permit is required.

(e) The use shall be limited to no more than three (3) days per week.

(f) Prepared foods, manufactured goods, wares and merchandise may be sold by up to 25 percent of the vendors if approved by the market director.

[Limit of 25% is based on Minneapolis zoning requirements. Saint Paul City Market does not limit percentage, simply requires market director approval.]

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

(g) Sales shall be limited to no more than two (2) days per week.

(h) Sales shall take place between 7am and 7pm.

(i) Sales shall be limited to meat, fish, fruit, vegetables, and other products of the farm, garden, greenhouse, apiary or forest. Home-processed food sales require a sales license.

Sec. 65.515~~6~~. Florist.

Sec. 65.516~~7~~. Food and related goods sales.

Sec. 65.517~~8~~. Food shelf.

Sec. 65.518~~9~~. Garden center, outdoor.

Sec. 65.51~~9~~20. Greenhouse.

Sec. 65.52~~0~~1. Gun shop, shooting gallery.

Sec. 65.52~~1~~2. Liquor store.

Sec. 65.52~~2~~3. Massage center.

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 site plan review agricultural uses required by Section 65.771.c. and farmer's markets required by Section 65.515.d. [\$30 was selected because it was the lowest fee for design review and it is estimated that reviewing these uses would be a similar level of effort as single family/duplex additions.]

(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.

Sec. 66. Use Tables.

Agriculture and Farmers Market will be added as a permitted or conditional use in all zoning districts.