



CITY OF SAINT PAUL
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To: Neighborhood Planning Committee
From: Hilary Holmes, Project Manager, 651-266-6612
Date: October 15, 2015
Re: Outdoor Commercial Uses Text Amendments

Background

On February 27, 2015 the Planning Commission initiated a zoning study pertaining to how and where outdoor commercial uses are permitted as a result of recent issues and requests.

In spring 2014 the Planning Commission approved a conditional use permit for the Little Mekong Night Market at 394 University, under the provisions of Zoning Code § 65.515, *Farmers market*, allowing outdoor sale of manufactured goods and prepared foods as well as products of farms and gardens. It raised questions as to whether the provisions for farmers markets are the best fit for the Night Market, and whether other desirable outdoor commercial uses are adequately addressed in the zoning code.

In fall 2014, Union Depot facility management made a request to allow outdoor commercial sales on the premises in a B5 zoning district, and there was also interest in providing for outdoor sales at the Schmidt Brewery site in a T3 district.

Zoning Code § 65.525, *Outdoor uses, commercial*, which does not specifically define the use, provides the following standards and conditions for outdoor commercial uses not otherwise allowed in the district:

The use shall not conflict with off-street parking, off-street loading and the system of pedestrian flow. The planning commission, in determining that the use is harmonious with adjacent uses, shall require the submission of a site plan including a floor plan and all uses within 300 feet of the boundary of said site superimposed on said site plan.

Outdoor commercial uses, often involving sale of goods in a temporary structure such as a tent or stand, are currently only allowed as a conditional use in B3 and I1 districts and as a permitted use in the I2 district. Sec. 61.501, *Conditional use permit, general standards*, apply in B3 and I1.

Zoning Code § 65.515 defines *farmers market* as “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.” Farmers markets are allowed as a permitted or conditional use in all residential districts, all traditional neighborhood districts, all business districts and IT-I2 industrial districts.

Outdoor restaurants are regulated separately in Zoning Code § 65.617, which states that they must be accessory to an indoor restaurant or farmers market. They are permitted in T2-4, B2-5, and IT-I2 districts.

Sidewalk sales and outdoor restaurants that use a public sidewalk must obtain a right-of-way obstruction permit through Public Works. Restaurants that use a public sidewalk also need a Sidewalk Café license from the Dept. of Safety and Inspection. Food trucks and food carts that operate while parked on a public street or sidewalk in Saint Paul are regulated by Public Works. Food trucks that are not part of a temporary event (e.g., Winter Carnival, Art Crawl) must adhere to all parking restrictions (e.g., meters, loading areas) as would any other vehicle. Food trucks and food carts are not allowed to set up tables, chairs, LP tanks or portable generators on the street or sidewalk that would cause any obstruction to pedestrian or traffic flow.

Analysis

Traditional neighborhood districts are intended for a mix of uses, particularly pedestrian- and transit-oriented uses. Outdoor uses are more limited in the T1 district by § 66.341(c), which states that “in the T1 district, all activities except for off-street parking and loading shall take place within completely enclosed buildings, with the exception of outdoor seating areas for coffee shops or similar uses.” There has been a general trend of rezoning B districts to appropriate T districts to encourage a mix of uses along Mixed Use Corridors that are identified in the Land Use Chapter of the Comprehensive Plan (Figure LU-F.) It seems reasonable that outdoor commercial uses may be appropriate in T2-T4 districts, which are intended for the type of pedestrian activity that outdoor commercial uses may encourage or support.

B2-B5 business districts are intended to provide diversified types of businesses and to serve consumer populations larger than the “local business district.” Outdoor uses are limited in the OS-B2 business districts by § 66.441(b), which states that in the OS-B2 districts “all business, storage, servicing or processing shall be conducted within completely enclosed buildings, except for off-street parking, off-street loading, and outdoor uses specifically allowed as permitted or conditional uses.” Outdoor commercial uses are currently a conditional use in the B3 district. B2 districts are characterized by a cluster of establishments generating large volumes of vehicular and pedestrian traffic. Outdoor sales would cater to the pedestrian traffic. Outdoor sales is also compatible with the pedestrian and commercial activity in the B4 and B5 central business and central business service districts.

In industrial districts, *outdoor storage* is a separate use and addressed as such in the required conditions for IT-I3 districts. The IT district is intended to provide sites for a mix of commercial activity that is compatible with nearby residential and traditional neighborhood districts. Outdoor uses are limited in the IT and I1 districts by § 66.541(b), which states that “all business, storage, servicing or processing shall be conducted within completely enclosed buildings, except for off-street parking, off-street loading, and outdoor uses specifically allowed as permitted or conditional uses.” As IT districts are to serve as transitional areas between adjacent residential and lighter industrial uses, the pedestrian and commercial activity in IT

districts is appropriate for outdoor sales. Outdoor commercial uses are allowed in I1 as conditional use and in I2 as a permitted use. It is appropriate to allow specified outdoor commercial uses as a permitted use. Staff recommendations detail these required conditions below under Proposed Zoning Text Amendments.

Requested Committee Action:

Forward these text amendments to the Planning Commission to set a public hearing date on amendments to Section 65.525, 66.321, 66.421, 66.521 of the Zoning Code for **DATE** 2015.

Proposed Zoning Text Amendments

Sec. 65.525. Outdoor uses, commercial.

Standards and conditions for outdoor commercial uses not otherwise allowed in the district:

~~The use shall not conflict with off street parking, off street loading and the system of pedestrian flow. The planning commission, in determining that the use is harmonious with adjacent uses, shall require the submission of a site plan including a floor plan and all uses within three hundred (300) feet of the boundary of said site superimposed on said site plan.~~

- (a) A conditional use permit is required for outdoor commercial uses that are not on public right-of-way, except in the I2 industrial district, and except for mobile food carts and food trucks in B4 and B5 business districts.
- (b) The following conditions apply to off-street outdoor commercial uses other than mobile food carts and food trucks:
 - (1) Approval of a site plan showing the location of outdoor uses on site, with contact information for the person responsible for coordinating outdoor sales and activities. The zoning administrator must be provided with updated contact information if it changes.
 - (2) The use shall not conflict with off-street parking, off-street loading, and the system of pedestrian flow, and shall not obstruct exiting systems from the building.
 - (3) There shall be no exterior storage for outdoor sales. All merchandise, tables, tents, and related fixtures shall be completely removed when not in use or outside the hours of operation.
 - (4) There shall be adequate trash collection facilities provided and there shall be no trash left on site outside of hours of operation.

Table [66.321](#). Principal Uses in Traditional Neighborhood Districts

Use	T1	T2	T3	T4	Definition (d) Standards (s)
Commercial Uses					
<i>Retail Sales and Services</i>					
Mortuary, funeral home		P	P	P	
<u>Outdoor uses, commercial</u>		<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	(s)
Post office	P	P	P	P	

Table [66.421](#). Principal Uses in Business Districts

Use	OS	B1	BC	B2	B3	B4	B5	Definition (d) Standards (s)
Commercial Uses								
<i>Retail Sales and Services</i>								
Mortuary, funeral home					P	P	P	
Outdoor uses, commercial				<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	(s)
Outdoor uses, commercial sales of consumer fireworks					C			(d), (s)

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>					
Mortuary, funeral home		P	C		
Outdoor uses, commercial	<u>P/C</u>	<u>P/C</u>	P		(s)
Outdoor uses, commercial sales of consumer fireworks		C	C		(d), (s)