Council File #
Green Sheet #3068358

ORDINANCE
CITY OF SAINT PAUL, MINNESOTA

Presented by Kathy Lantry

Asphalt and Concrete Industrial Uses, Planning Commission Draft Ordinance, 3/10/2009

An ordinance amending certain portions of the Saint Paul Legislative Code Chapter 65: adding § 65.822 regarding cement, asphalt cement and asphalt manufacturing; revising § 65.811(b) to delete "asphalt" and "cement" from the list of building materials; renumbering § 65.822 to § 65.823 and deleting the reference to "manufacturing" and amending the reference to distance from residential property and use; renumbering § 65.823 to § 65.824; revising § 65.812 (c) to correct a drafting error; adding "cement, asphalt cement, and asphalt manufacturing" to Table 66.521, Principal Uses in Industrial Districts, all for the purpose of providing regulation of these industrial uses.

WHEREAS, the Planning Commission initiated a Zoning Study on September 19, 2008, for the purpose of considering amendments to the Saint Paul Legislative Code pertaining to the manufacturing and processing of asphalt and concrete; and

WHEREAS, the study determined that there are differences that distinguish the manufacturing of asphalt cement, asphalt, and cement (most commonly known as Portland cement) from the processing of concrete, particularly pollutants that have the potential to be harmful to human beings that are produced when asphalt cement, asphalt, and cement are manufactured at high temperatures; and

WHEREAS, the Planning Commission held a public hearing on the Zoning Study on February 13, 2009, notice of which was published in the Saint Paul Legal Ledger on February 5, 2009; and

WHEREAS, based on consideration of public testimony and the recommendations of City staff, the Planning Commission on March 13, 2009, recommended adoption of the amendments to the Zoning Code; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN:

Section 1

That Legislative Code § 65.822 be added to read as follows:

Sec. 65.822 Cement, asphalt cement, and asphalt manufacturing.

Standards and conditions:

(a) All cement (including Portland cement), asphalt cement and asphalt processing and storage shall be located at least three hundred (300) feet from residentially zoned property or property occupied by a residential use.

(b) See Section 65.812 (b) and (c).

Section 2

That Legislative Code § 65.811 (b) be revised as follows:

(b) Storage and processing facilities for building materials including, but not limited to, ~~asphalt~~, brick, ~~cement~~, concrete, gravel, sand, stone, tile and wood; . . .

Section 3

That Legislative Code § 65.812 (c) be revised to correct scribal error, as follows:

(c) The applicant shall provide a site plan . . . ~~affects~~ effects.

Section 4

That Legislative Code § 65.822 be renumbered as § 65.823 and sub-sections (a) and (b) be revised as follows:

(a) All concrete, asphalt and rock processing and storage shall be located at least three hundred (300) feet from ~~any residential property~~ residentially zoned property or property occupied by a residential use.

(b) All outdoor servicing and processing ~~or manufacturing~~ shall be conducted, operated and maintained in accordance with any necessary permits of MPCA, the county and the city.

Section 5

That Legislative Code § 65.823 be renumbered as § 65.824.

Section 6

That Legislative Code Table § 65.521 be 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 IR-I3 Industrial Districts, and notes applicable development standards and conditions.

Table 66.521. Principal Uses in Industrial Districts

Industrial Uses					
	IR	**I1**	**I2**	**I3**	**Development Standards**
General industrial			P	P	
General outdoor processing			C	C	√
Brewery, micro and regional	P	P	P		
Brewery, national			p		
Cement, asphalt cement, and asphalt manufacturing			C	C	√
Concrete, asphalt and rock crushing facility				C	√
Greenhouse, industrial	P	P	P		

Section 7

These ordinance amendments shall become effective thirty (30) days after its passage, approval and publication.

	Yeas	Nays	Absent
Bostrom			
Carter			
Harris			
Helgen			
Lantry			
Stark			
Thune			

Adopted by Council: Date _____

Adoption Certified by Council Secretary

By: _____

Approved by Mayor: Date _____

By: _____

Requested by Department of:

By:

Approved by the Office of Financial Services

By: _____

Approved by City Attorney

By: 3-18-09

Approved by Mayor for Submission to Council

By: