

GENERAL INFORMATION

Applicant: City of Bloomington

Request: Consider City Code amendments to allow beekeeping in non-residential zoning districts and modify farm animal structure standards, thereby amending Chapters 12, 19, and 21 of the City Code.

CHRONOLOGY

Planning Commission Action: 03/12/15 – Study meeting discussion.

Planning Commission Action: 04/23/15 – Recommended approval of miscellaneous issues ordinance.

City Council Agenda: 05/18/15 – Approved the miscellaneous issues ordinance, except amendments related to beekeeping and farm animal structure standards, which were continued.

City Council Agenda: 06/22/15 – Public hearing scheduled to consider amendments related to beekeeping and farm animal structure standards.

CONTINUANCE

At the May 18th meeting, City Council approved the miscellaneous issues ordinance; however, continued amendments related to beekeeping and farm animal structure standards. Councilmembers directed staff to draft language to prohibit farm animal structures and bee hives in the front yard. The newly revised language related to location standards for structures, enclosures, and beehives reads as follows:

“... must not be located in the front yard and must not be located closer to a property line along a street than the principal structure is from the same street unless set back at least 50 feet from the property line adjacent to the street.”

PROPOSAL

On an annual basis, staff prepares an ordinance to collectively consider multiple minor City Code amendments that relate to land development and zoning. Items included typically do not, on their own, merit the overhead of drafting, reviewing, publishing, and hearing an individual ordinance. The proposed amendments are primarily intended to clarify the existing provisions in more detail, to assist in public understanding and aid in enforcement. The majority of the annual amendments for 2015 were adopted on May 18th. The amendments remaining in the attached ordinance were continued from the May 18th public hearing.

ANALYSIS

This staff report is intended to be read in conjunction with the attached ordinance as it provides commentary on the proposed amendments specific to individual sections of the City Code.

Highlights of amendments contained in the proposed ordinance include the following.

Amendments to Chapter 12 and 21

- **SECTION 12.91 – Animal Code Definitions**

The amendments to this section remove bees from the definition of “farm animal” and create a new separate definition for bees.

- **SECTIONS 12.115, 12.116, 21.302.05 – Chickens, Farm Poultry, Farm Animals and Bees**

Farm Animal Shelter Standard Clarification

The Legal Department determined that the code sections prohibiting shelters, enclosures and beehives between a dwelling and an adjacent street were not clear as to how one interprets the word "between". City Council recommended also prohibiting animal shelters, enclosures and beehives in the front yard.

The existing standard reads, “... must not be located between the owner’s dwelling and an adjacent street unless setback at least 50 feet from the property line adjacent to the street.”

To clarify these sections, the text is proposed to read, “... must not be located in the front yard and must not be located closer to a property line along a street than the principal structure is from the same street unless set back at least 50 feet from the property line adjacent to the street.”

Bees in Non-residential Districts

A standards section is proposed to allow bees in non-residential areas. The City has received requests from commercial and industrial property owners interested in beekeeping; however, the City Code does not currently permit beehives within non-residential zoning districts.

Proposed non-residential beehive standards:

- Hives must be set back at least 100 feet from any lot used residentially or platted for future residential use and 150 feet from any dwelling on a neighboring lot,
- Hives must be set back at least 50 feet from all other neighboring property lines,
- Hives must not be located in the front yard and must not be located closer to the property line along the street than the principal structure is from the same street unless setback at least 50 feet from the property line adjacent to the street;
- The location of hives does not create nuisance conditions for neighboring properties; and
- The hives located on rooftops must be screened in accordance with Section 19.52.01.

Existing standards in City Code, which will also apply to beehives in non-residential areas:

- Lots eligible to house bees must have at least one acre per beehive.
- Beehives must not exceed twenty-four (24) cubic feet in size.
- Bees are not allowed on properties with three or more dwelling units.
- Screening from abutting residentially used properties and streets in the form of a solid privacy fence of at least four (4) feet in height constructed according to the fence standards of Section 21.301.08 must be provided for the shelter, beehives, and enclosure.

Existing residential beehive standards in City Code:

- Setback for shelters, or barns, for farm animals, including beehives, is a minimum of 100 feet from any lot used residentially or platted for future residential use and 150 feet from any dwelling on a neighboring lot.
- Shelter must be situated closer to the owner's dwelling than to any of the neighboring dwellings. Exception for bees in non-residential areas, see Section 12.116(l).
- Shelter, enclosure, beehives and fenced area must not be located in the front yard and must not be located closer to the property line along the street than the principal structure is from the same street unless setback at least 50 feet from the property line adjacent to the street.
- Prevention of nuisance conditions.

Amendments to Chapter 19 and 21

- **SECTION 19.03 – Definitions**

The amendments to this section remove “bees” from the definition of limited agriculture and create a new definition for beekeeping. “Beekeeping” is a new term proposed to be added to the use matrix.

- **SECTIONS 19.29, 19.31.01, 19.33, 19.33.01, 19.34, 19.40.07, 19.40.08, 19.40.08.01, 19.40.10 – HX-R, CR-1, I-1, I-2, I-3, IP, FD-1, FD-2, CS-0.5, CS-1, CO-0.5, CO-1, CO-2, and SC Districts and SECTION 21.209 – R-1, R-1A, RS-1, R-3, R-4, RM-12, RM-24, RM-50, RM-100, B-1, B-2, B-4, C-1, C-2, C-3, C-4, C-5, CX-2 and LX Districts**

Amendments add beekeeping as a permitted accessory or provisional use within the districts. Bees are currently permitted under the limited agriculture use in the residential districts.

PUBLIC OUTREACH

Notice of the public hearing on the proposed amendments to the City Code was published in the official newspaper (Sun Current). Notice was sent via e-mail to 765 people who have registered for the “Zoning Ordinance Updates” e-subscribe group and 1,108 people who have registered for the “Planning Commission” e-subscribe group. In addition, the proposed amendments and supporting information contained in the staff report was posted on the City website.

RECOMMENDATION

Staff recommends the City Council make the following motion:

In Case 10000D-15, I move to adopt an Ordinance amending Chapters 12, 19, and 21 of the City Code as attached to the staff report.

ORDINANCE NO. 2015 - 18

**AN ORDINANCE THAT INCLUDES CITY CODE AMENDMENTS
MODIFYING AND ADDING DEFINITIONS TO THE ANIMAL CODE (12.91);
MODIFYING STANDARDS FOR CHICKENS, FARM POULTRY, FARM ANIMALS AND BEES
(12.115, 12.116, 21.302.05);
MODIFYING AND ADDING DEFINITIONS TO THE ZONING CODE (19.03); AND
ADDING BEEKEEPING AS ACCESSORY USE TO ALL ZONING DISTRICTS EXCEPT RO-24
AND RO-50;
THEREBY AMENDING CHAPTERS 12, 19, AND 21 OF THE CITY CODE**

The City Council of the City of Bloomington, Minnesota ordains:

Section 1. That Chapter 12 of the City Code is hereby amended by deleting those words that are contained in brackets [] and adding those words that are underlined, to read as follows:

CHAPTER 12 PUBLIC PEACE AND SAFETY

**ARTICLE IV. ANIMAL CODE
Division A. General Provisions**

SEC. 12.91. DEFINITIONS.

Bees – flying insects domestically raised by beekeepers for their production of honey and beeswax or their beneficial pollination activities.

Farm Animal – any of the various species of animals domesticated as to live and breed in a tame condition and kept for agricultural purposes such as, but not limited to, horses, cattle, goats, sheep, llamas, potbellied pigs, and pigs~~[-and bees]~~. Farm animals do not include any animal considered to be farm poultry, domestic or wild animals as defined in this article.

Division D. Chickens, Farm Poultry, ~~[and]~~ Farm Animals, and Bees

SEC. 12.115. CHICKENS.

- (i) **Shelter and Enclosure Requirements.** Chickens shall be properly protected from the weather and predators in a shelter or coop, and have access to the outdoors in an enclosure or fenced area. The shelter and/or enclosure shall meet all of the following requirements:

- (4) Shelter and enclosure must not be located in the front yard and must not be located closer to a property line along a street than the principal structure is from the same [between the owner's dwelling and an adjacent] street unless setback at least 50 feet from the property line adjacent to the street.

SEC. 12.116. FARM POULTRY, FARM ANIMALS AND BEES.

- (f) **Ownership Occupancy.** The owner of the farm poultry, farm animals and bees shall live in the dwelling on the property. Exception for bees in non-residential areas, see Section 12.116(l).

- (i) **Shelter and Enclosure Requirements for Farm Poultry.** Farm poultry shall be properly protected from the weather and predators in a shelter or coop, and have access to the outdoors in an enclosure or fenced area. The shelter and/or enclosure shall meet all of the following requirements:

- (4) Shelter and enclosure must not be located in the front yard and must not be located closer to a property line along a street than the principal structure is from the same [between the owner's dwelling and an adjacent] street unless setback at least 50 feet from the property line adjacent to the street.

- (j) **Shelter and Enclosure Requirements for Farm Animals and Bees.** Farm animals and bees shall be properly protected from the weather and predators in a shelter, barn or stable, and have access to the outdoors in an enclosure or fenced area. The shelter, beehives, and/or enclosure shall meet all of the following requirements:

- (4) Shelter or beehives shall be situated closer to the farm animal owner's dwelling than to any of the neighboring dwellings. Exception for bees in non-residential areas, see Section 12.116(l).
- (5) Shelter, beehives, enclosure and fenced area must not be located in the front yard and must not be located closer to a property line along a street than the principal structure is from the same [between the owner's dwelling and an adjacent] street unless setback at least 50 feet from the property line adjacent to the street.
- (6) Screening from abutting residentially used properties and streets in the form of a solid privacy fence of at least four (4) feet in height constructed according to the fence standards of Section 21.301.08 shall be provided for the shelter, beehives, and enclosure.

- (k) **Prevention of Nuisance Conditions.** Owners shall care for farm poultry, [and] farm animals, and bees in a humane manner and shall prevent nuisance conditions by ensuring the follow conditions are met:

- (l) **Exceptions for Bees in Non-Residential Areas.** Bees may be kept on non-residentially zoned and used properties if:
 - (1) the hives are set back at least 100 feet from any lot used residentially or platted for future residential use and 150 feet from any dwelling on a neighboring lot,
 - (2) the hives are set back at least 50 feet from all other neighboring property lines,
 - (3) the hives must not be located in the front yard and must not be located closer to the property line along the street than the principal structure is from the same street unless set back at least 50 feet from the property line adjacent to the street;
 - (4) the location of hives does not create nuisance conditions for neighboring properties; and
 - (5) the hives located on rooftops must be screened in accordance with Section 19.52.01.

Section 2. That Chapter 19 of the City Code is hereby amended by deleting those words that are contained in brackets [] and adding those words that are underlined, to read as follows:

**CHAPTER 19 ZONING
ARTICLE I. GENERAL PROVISIONS**

Division B. Definitions

SEC. 19.03. DEFINITIONS.

The following words and terms when used in this Chapter shall have the following meanings unless the context clearly indicates otherwise:

Agriculture, limited - Raising chickens, [~~bees,~~] farm poultry or farm animals subject to the limits of City Code Chapter 12, Article IV. Limited Agriculture does not include more intensive agricultural activities such as commercial farming, feedlots, fur farms, slaughtering, or manure storage. Growing and harvesting plants for food or enjoyment within individual or community gardens is considered to be customarily incidental to other land uses and is permitted in all zoning districts.

Beekeeping – The occupation of owning and breeding bees for their honey or beeswax subject to the limits of City Code Chapter 12, Article IV.

ARTICLE III. ZONING DISTRICT MAP, ZONING DISTRICTS AND DISTRICT USES

SEC. 19.29. HIGH INTENSITY MIXED USE WITH RESIDENTIAL (HX-R) DISTRICT.

(c) **Permitted Accessory Uses.** The following uses are permitted when accessory to, clearly subordinate to and physically integrated with a permitted principal or conditional principal use. These accessory uses must not exceed 25 percent of the total floor area for a development or phase thereof.

(10) Beekeeping.

SEC. 19.31.01. REGIONAL COMMERCIAL (CR-1) DISTRICTS.

(c) **Provisional Uses** - The uses described below are permitted uses, provided that:

(7) Beekeeping.

SEC. 19.33. INDUSTRIAL (I-1, I-2, AND I-3) DISTRICTS.

(c) **Permitted accessory uses -**

(11) Beekeeping.

SEC. 19.33.01. INDUSTRIAL PARK (IP) DISTRICT.

(c) **Provisional Uses.** The following uses shall be permitted in the IP Zoning District when they meet the following stated criteria.

(1) The following accessory uses when customarily incidental to and clearly subordinate to the permitted principal use:

(v) Beekeeping.

SEC. 19.34. FREEWAY DEVELOPMENT (FD-1 AND FD-2) DISTRICTS.

(c) **Permitted accessory uses -**

(15) Beekeeping.

SEC. 19.40.07. COMMERCIAL SERVICE DISTRICTS CS-0.5 AND CS-1.

(b) **Permitted Principal Uses -**

(6) The following accessory uses:~~[Accessory uses customarily incidental and clearly subordinate to permitted principal uses.]~~

(i) Uses customarily incidental and clearly subordinate to permitted principal uses.

(ii) Beekeeping.

SEC. 19.40.08. COMMERCIAL OFFICE DISTRICTS CO-0.5 AND CO-1

(b) **Permitted Principal Uses -**

(4) The following accessory uses:~~[Accessory uses customarily incidental and clearly subordinate to permitted principal uses.]~~

(i) Uses customarily incidental and clearly subordinate to permitted principal uses.

(ii) Beekeeping.

SEC. 19.40.08.01 COMMERCIAL-OFFICE/MIXED-USE DISTRICT CO-2.

(b) Permitted Principal Uses.

(4) The following accessory uses:~~[Accessory uses customarily incidental and clearly subordinate to permitted principal uses.]~~

- (i) Uses customarily incidental and clearly subordinate to permitted principal uses.
- (ii) Beekeeping.

SEC. 19.40.10 CONSERVATOIN DISTRICT SC.

(b) Permitted Principal Uses.

(3) The following accessory uses:~~[Accessory uses customarily incidental and clearly subordinate to permitted principal uses.]~~

- (i) Uses customarily incidental and clearly subordinate to permitted principal uses.
- (ii) Beekeeping.

Section 3. That Chapter 21 of the City Code is hereby amended by deleting those words that are contained in brackets [] and adding those words that are underlined, to read as follows:

CHAPTER 21

ZONING AND LAND DEVELOPMENT

ARTICLE II. DISTRICTS AND USES

Division H. Uses

SEC. 21.209. USE TABLES.

c) Residential Zoning Districts.

USE TYPE	ZONING DISTRICT									REFERENCES
	R-1	R-1A	RS-1	R-3	R-4	RM-12	RM-24	RM-50	RM-100	See Listed Section

GENERAL										
Other General Uses										
Agriculture, limited	P	P	P	P	P	P	P	P	P	12.115, 12.116, 21.302.05
Beekeeping	<u>A</u>	12.116, 21.302.05								

(d) **Neighborhood and Freeway Commercial Zoning Districts.**

USE TYPE	ZONING DISTRICT								REFERENCES
	B-1	B-2	B-4	C-1	C-2	C-3	C-4	C-5	See Listed Section

Accessory										
Accessory building	A	A	A	A	A	A	A	A	A	[49.50.02]21.301.19

Agriculture										
Agriculture, limited										12.115, 12.116, 21.302.05
Beekeeping	<u>A</u>	12.116, 21.302.05								

* * *

(f) **Specialized Zoning Districts.**

USE TYPE	ZONING DISTRICT								REFERENCES
	CX-2	LX							See Listed Section

Accessory										
Accessory building	A	A								[49.50.02]21.301.19

Agriculture										
Agriculture, limited										12.115, 12.116, 21.302.05
Beekeeping	<u>A</u>	<u>A</u>								12.116, 21.302.05

ARTICLE III. DEVELOPMENT STANDARDS

Division B. Use Standards

SEC. 21.302.05. LIMITED AGRICULTURE, BEES, AND GARDENING.

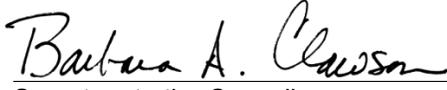
- (c) **Farm animal, ~~and~~ farm poultry, and bee shelters and enclosures.** Shelters, enclosures and fenced areas in which farm animals, ~~and~~ farm poultry, and bees are kept must meet the following standards.
- (1) Chicken shelters, enclosures and fenced areas for four or fewer hen chickens:
 - (A) must be at least 50 feet from any lot used residentially or platted for future residential use;
 - (B) must be located closer to the owner's dwelling than any dwelling on a neighboring lot;
 - (C) must not be located in the front yard and must not be located closer to the property line along the street than the principal structure is from the same ~~between the owner's dwelling and an adjacent~~ street unless set back at least 50 feet from the property line adjacent to the street; and
 - (D) count against the number and size of accessory buildings allowed on site if over 50 square feet in area.
 - (2) All other shelters, enclosures and fenced areas for farm poultry, farm animals and bees as defined in Section 12.91 of this Code:
 - (A) must be at least 150 feet from any dwelling on a neighboring lot;
 - (B) must be at least 100 feet from any lot used residentially or platted for future residential use;
 - (C) must be located closer to the owner's dwelling than any dwelling on a neighboring lot;
 - (D) must not be located in the front yard and must not be located closer to the property line along the street than the principal structure is from the same ~~between the owner's dwelling and an adjacent~~ street unless set back at least 50 feet from the property line adjacent to the street; and
 - (E) count against the number and size of accessory buildings allowed on site if over 50 square feet in area.
 - (3) Exception for bees in non-residential areas, see Section 21.302.05(e).
- (d) **Prohibited agriculture.** The following types of agricultural activities are prohibited in all zoning districts due to potential negative impacts on neighboring properties:
- (1) Commercial agriculture, except beekeeping;
 - (2) Feedlots;
 - (3) Fur farms;
 - (4) Slaughter houses; and
 - (5) Manure storage.
- (e) **Non-Residential Bee Standards.** Bees may be kept on non-residentially zoned and used properties if:
- (1) the hives are set back at least 100 feet from any lot used residentially or platted for future residential use and 150 feet from any dwelling on a neighboring lot,
 - (2) the hives are set back at least 50 feet from all other neighboring property lines,
 - (3) the hives must not be located in the front yard and must not be located closer to the property line along the street than the principal structure is from the same street unless set back at least 50 feet from the property line adjacent to the street;
 - (4) the location of hives does not create nuisance conditions for neighboring properties; and
 - (5) the hives located on roof-tops must be screened in accordance with Section 19.52.01.

Passed and adopted this 22nd day of June, 2015.



Mayor

ATTEST:



Secretary to the Council

APPROVED:



City Attorney