

ORDINANCE NO. 2015-

**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 [~~between the owner's dwelling and an adjacent street unless setback at least 50 feet from the property line adjacent to the street~~] closer to the property line along a street than the principal structure 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 [~~between the owner's dwelling and an adjacent street unless setback at least 50 feet from the property line adjacent to the street~~] closer to the property line along a street than the principal structure unless setback at least 50 feet from the property line adjacent to a street.

- (j) **Shelter and Enclosure Requirements for Farm Animals and Bees.** Farm animals 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 and/or enclosure shall meet all of the following requirements:

- (4) Shelter 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, enclosure and fenced area 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~~] closer to the property line along a street than the principal structure unless setback at least 50 feet from the property line adjacent to the street.

- (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 closer to the property line along a street than the principal structure unless setback 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	A	A	A	A	A	A	A	A	A	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	A	A	A	A	A	A	A	A	A	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	A	A								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 ~~[between the owner’s dwelling and an adjacent street unless set back at least 50 feet from the property line adjacent to the street]~~ closer to the property line along a street than the principal structure unless setback 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 ~~[between the owner’s dwelling and an adjacent street unless set back at least 50 feet from the property line adjacent to the street]~~ closer to the property line along a street than the principal structure unless setback 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 closer to the property line along a street than the principal structure unless setback 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 _____ day of _____, 2015.

Mayor

ATTEST:

Secretary to the Council

APPROVED:

City Attorney