



PUBLIC HEARING – ORDINANCE AMENDMENT

Application: Ordinance Amendment regarding Bee Keeping

Applicant: City of Pequot Lakes

Agenda Item: 3.1

Background Information: The Mayor was contacted regarding Bee Keeping and he directed the Planning Commission to consider an Ordinance Amendment. At the July Planning Commission meeting, discussion included the following:

- Which zoning classifications the City of Brainerd allows bee keeping;
- Requirements and length of permits (5 years or expansion of hives);
- Allow via Interim Use Permit.

The City of Brainerd allows bee colonies in the following zoning districts:

1. R-R (Rural Residential)
 2. R-E (Single Family Estate) Residential District
 3. R-1A (Single Family) Residential
 4. R-1 (Single Family) Residential
 5. R-2 (Medium Density) Residential
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Applicable Regulations:

Section 17-11.13 INTERIM USE PERMITS

1. Procedure. Uses defined as interim uses in Section 17-5.15 are allowed by the City pursuant to governing law contained in Minnesota Statutes, Section 462.3597 after appropriate review and approval in accordance with the criteria, standards and procedures for a Conditional Use Permit contained in Section 17-11.6 and the below requirements contained in this Section. An interim use will be reviewed in the same manner as a Conditional Use Permit except as otherwise provided in this Section. All submittal requirements in Section 17-11.6 shall be required for interim use permits.
 - A. Additional Standards. In addition to the forgoing, interim uses shall comply with all of the following standards:
 - (1) The use is allowed in and conforms to the applicable zoning regulations for the respective zoning district, including applicable performance standards;
 - (2) The date or event that will terminate the use is identified with certainty and is included in writing within the approved interim use permit;

- (3) The use will not impose additional costs on the public if it is necessary for the public to fully or partially take the property in the future;
- (4) There is adequate assurance that the property will be left in suitable condition after the interim use is terminated. The City Council may require a condition that the owner will provide an appropriate financial surety to cover the cost of removing the interim use and interim structures upon the expiration of the interim use permit; and
- (5) The user agrees to any conditions deemed appropriate by the City Council for the permission of the interim use. Such conditions shall be included in writing in the issued interim use permit or alternatively in a written agreement with the user attached to the approved interim use permit.

B. Termination. An interim use permit shall terminate on the happening of any of the following events, whichever occurs first:

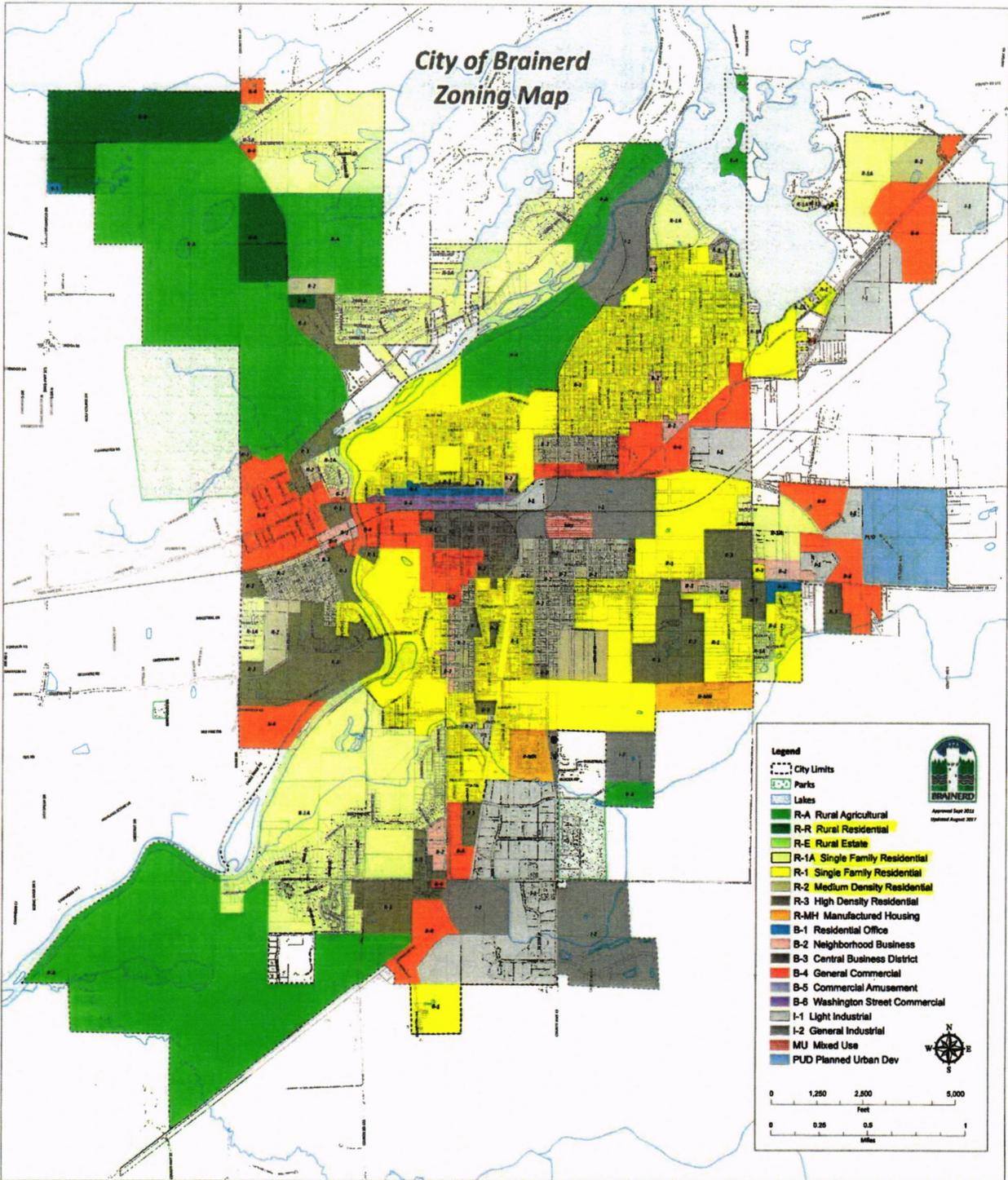
- (1) The occurrence of the date stated in the interim use permit, which shall not be for a period greater than five (5) years;
- (2) The occurrence of the event stated in the interim use permit;
- (3) Upon violation of conditions under which the permit was issued; or
- (4) Upon change in the City's zoning regulations which renders the use nonconforming.

C. Lapse, Extension. Unless the City Council approves a different time in an approved permit, an interim use permit shall expire without further action by the Planning Commission or City Council, unless the user/applicant commences the authorized interim use within one year of the date the interim use permit issued; or, unless before the expiration of the one year period, the applicant shall apply for an extension to initiate such use. The request for an extension by a user/applicant shall be made to the zoning administrator and the user/applicant shall provide evidence as required by the zoning administrator sufficient to demonstrate the user/applicant's good faith effort to complete or utilize the use permitted in the interim use permit within the one year period. A request for an extension may be granted by the zoning administrator for an additional period up to one year. A denial of an extension by the zoning administrator may be appealed in writing by the user/applicant to the City Council within 10 days of the date of the zoning administrator's decision. The user/applicant's written appeal shall state the grounds for the appeal and be submitted to the City Administrator within the 10 day period. Failure to timely appeal shall constitute a waiver of the right to appeal and shall not be considered. A timely filed appeal will be heard by the City Council within 60 days of the date the appeal is received by the City Administrator.

Planning Commission Direction: The Planning Commission can approve the Ordinance Amendment, deny the application, or table the request if additional information is needed. If the motion is for approval or denial, Findings of Fact should be cited.

Staff Recommendation: If the planning commission wishes to allow the keeping of the bees in the city, consideration to should be given to require an interim use permit instead of an administrative permit- especially on small parcels (e.g. Urban Residential, Shoreline Residential, ect.). This would allow neighboring property owners to be notified and potential concerns to be addressed prior to the granting of a permit for bee keeping.

City of Brainerd Zoning Map



Legend

- City Limits
- Parks
- Lakes
- R-A Rural Agricultural
- R-R Rural Residential
- R-E Rural Estate
- R-1A Single Family Residential
- R-1 Single Family Residential
- R-2 Medium Density Residential
- R-3 High Density Residential
- R-MH Manufactured Housing
- B-1 Residential Office
- B-2 Neighborhood Business
- B-3 Central Business District
- B-4 General Commercial
- B-5 Commercial Amusement
- B-6 Washington Street Commercial
- I-1 Light Industrial
- I-2 General Industrial
- MU Mixed Use
- PUD Planned Urban Dev

Approved June 2012
Revised August 2017

0 1,250 2,500 5,000
Feet

0 0.25 0.5 1
Miles

**ORDINANCE NUMBER 20-___, SECOND SERIES
AN ORDINANCE AMENDING CHAPTER 17 OFO THE CITY CODE
REGARDING BEE KEEPING
CITY OF PEQUOT LAKES
COUNTY OF CROW WING
STATE OF MINNESOTA**

The City Council of the City of Pequot Lakes does ordain as follows:

Purpose and Intent: The purpose and intent of this ordinance is to amend Chapter 17 of the Pequot Lakes City Code regarding Bee Keeping.

Amendment: Chapter 17, Article 7.8 shall be amended as follows:

Section 17-7.8 ANIMAL HUSBANDRY

1. Pets. Pets shall be properly cared for, shall not be allowed to create problems for neighbors or the City, or become a nuisance, and shall have sanitary standards maintained consistent with Section 17-7.7(3).

2. Livestock.
 - A. Livestock may be raised as provided in Zoning Districts with proper permits provided that the standards of each District are not compromised.

 - B. Livestock shall be properly cared for, shall not create problems for neighbors or the City and shall have sanitary standards maintained consistent with Section 17-7.7(3).

3. Wild Animals.
 - A. The keeping of wild animals as pets - including but not limited to primates and large carnivores - is not allowed.

 - B. Wildlife rehabilitation uses shall require a Conditional Use Permit and must meet the minimum standards established by the State of Minnesota Department of Natural Resources pursuant to Minnesota Rules Chapter 6244.

4. Bees.
 - A. Definitions:

- i. "Apiary" means the assembly of one or more colonies of bees at any one location.
- ii. "Beekeeper" means a person who owns or has charge of one or more colonies of bees.
- iii. "Beekeeping equipment" means anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards, and extractors.
- iv. "Colony" means an aggregate of bees consisting principally of workers, but having, when perfect, one queen and at times drones, brood, combs, and honey.
- v. "Hive" means the receptacle inhabited by a colony that is manufactured for that purpose.
- vi. "Honey bee" means all life stages of the common domestic honey bee, *apis mellifera* (African subspecies and Africanized hybrids are not allowed).
- vii. "Lot" means a contiguous parcel of land under common ownership.

B. Standards of Practice.

- i. Honey Bee Colonies
 - a. Shall be kept in hives with removable frames, which must be kept in sound and usable conditions.
 - b. In any instance in which a colony exhibits unusually aggressive behavior, it shall be the duty of the permit holder to promptly take appropriate action to address the behavior.
- ii. Beekeepers
 - a. Must ensure that a convenient source of water is available within 10 feet of each colony at all times that the colonies remain active outside the hive.
 - b. Must ensure that no wax comb or other material that might encourage robbing by other bees are left upon the grounds of the apiary lot. Such materials once removed from the site shall be handled and stored in sealed containers, or placed within a building or other vermin-proof container.
 - c. Shall maintain beekeeping equipment in good condition, including keeping the hives painted if they have been painted but are peeling or flaking and securing unused equipment from weather, potential theft, vandalism, and occupancy by swarms.
 - d. Must live on the apiary lot.

C. Hives.

- i. Are not permitted in a front yard or in a street side yard.
- ii. Shall be located at least 10 feet from all property lines.

- iii. Shall be at least 25 feet from a principal building on an abutting lot.
- iv. In each instance where a colony is kept less than 25 feet from a property line of the lot upon which the apiary is located, the beekeeper shall establish and maintain a flyway barrier 6 feet in height as follows:
 - a. The flyway barrier must extend 10 feet in either direction from the hive along the property line.
 - b. Barriers may be made of a wall, fence, or dense vegetation. A combination of these things is permissible.
- v. A fence permit is required.
- vi. Sale of honey and hive products from the beekeeper's residence is considered a Type III Home Occupation, and is allowed in certain zones according to Section 17-5.17, "Land Use Matrix." Honey and hive products sold onsite shall be from hives located on the subject property and owned by the property owner.

D. Colony Density.

The following numbers of colonies are permitted:

- i. Lots less than 21,780 sq. ft. (1/2 acre): two colonies;
- ii. Lots larger than 1/2 acre: four colonies.

E. Beekeeper Training.

Prior to obtaining an initial permit a beekeeper must provide:

- i. A beekeeping course completion certificate or letter from an educational institution that offers a beekeeping course.
- ii. Verification of equivalent experience for the honey bee keeping course.

F. Permit Required.

- i. Permits will be issued annually and shall expire on December 31 of each year.
- ii. A Land Use Permit Application shall be completed by the applicant, along with detailed site plan indicating location of hives.
- iii. Notices will be mailed to all adjacent property owners within 150 feet of applicant's property.
- iv. If there are no objections received within 10 days of mailing the notices, the application will be processed by staff.
- v. If objections are received within 10 days of mailing notices, the Planning Commission will consider the application.
- vi. Permits are non-transferable and do not run with the land.

- vii. By signing the application, the bee keeper acknowledges that he or she shall defend and indemnify the city against any and all claims arising out of keeping the bees on the premises.
- viii. The City Council shall establish the permit fee. For each subsequent permit, there shall be no fee for the permit, unless there are substantial changes to the apiary or there is a new bee keeper.
- ix. If the standards of practice are not maintained subsequent to issuance of a bee keeping permit, the permit may be revoked by the city.
- x. Sales of honey or hive products from the home must be stated on the permit.

Amendment: Chapter 17, Article 5.17 shall be amended as follows:

Section 17-5.17 LAND USE MATRIX

Amendment: The following changes shall be made to the Land Use Matrix:

A – allowed w/o a permit; P – permitted, C – conditional use; I – interim use; AC - accessory use, E – excluded.

<u>USE</u>	<u>OS</u>	<u>FM</u>	<u>AG</u>	<u>WR</u>	<u>SR</u>	<u>TR</u>	<u>RR</u>	<u>DMU</u>	<u>C</u>	<u>SC</u>	<u>R</u>	<u>UR</u>	<u>LI</u>	<u>P</u>	<u>PD</u>
<u>Bee Keeping</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>E</u>	<u>E</u>	<u>P</u>	<u>P</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>P</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>

Effective Date: This ordinance amendment shall be in full force and effect from and after passage and publication according to state law.

Repeal: This ordinance shall repeal all ordinances inconsistent herewith.

Passed by the Pequot Lakes City Council this ___ day of August, 2020.

James Tayloe
Mayor

ATTEST:

Angie Duus
City Clerk/Treasurer