

**City of Falcon Heights
City Hall
2077 Larpenteur Avenue West**

**Minutes
Planning Commission Meeting
Tuesday, July 28, 2020
7:00 PM**

NOTE: THIS MEETING WAS HELD BY WEB CONFERENCE

A. CALL TO ORDER:

The meeting was called to order by Chair John Larkin at 7:00 PM.

B. ROLL CALL:

Present: Larkin, Williams, Kotelnicki, Gerich, Wilson, Phillips (new)

Absent: N/A

Present Staff and Council Liaisons: Staff Liaison Markon, Council Liaison Gustafson

There was an introduction by a new member, Scott Phillips.

C. APPROVAL OF MINUTES:

June 23, 2020

The minutes were approved by roll call, 6-0.

D. INFORMATION AND ANNOUNCEMENTS

There were several announcements and discussions that took place including:

Chair Larkin asked Liaison Markon if there was any news from Dino's regarding the drive-through request. Liaison Markon said that he has not heard from Dino's.

Wilson asked Liaison Markon if he had an update on the TIES Building (the Amber Union project), if they were starting to work on the project. Markon responded that he was not sure when work will begin. He said we are anticipating January 2021 for when they will get their needed State Bonding money for affordable housing. That money is different from the State Bonding money that, for example, the University of Minnesota and the Cities get for projects. That is different Bonding money than the affordable housing bonding money. The affordable housing money is given out administratively twice a year without much special guidance from the Legislature. Markon continued by saying that we are anticipating the Amber Union getting their Bonding money in January 2021 and then beginning demolition and some of the contamination cleanup (remediation) in Spring of 2021. Some grants have already been received for the cleanup and more grant money will be anticipated. Markon said that after the Spring demolition

and cleanup, construction will be expected to start in Summer of 2021 and continue for about a full year. If everything stays on schedule as anticipated, we could expect an opening sometime in Summer/Fall of 2022.

Larkin said that most on the commission would have noticed that the Hendrickson housing development is open. His wife met one of the new tenants. The development may have a couple new tenants now, but not many more. Markon commented that one of the new tenants asked about absentee voting. Also he offered that he hoped that the building will fill up soon.

Larkin asked for any other announcements, information or questions that anyone on the commission might have. Markon answered that the CTV broadcast will end following the adjournment of the formal meeting, but the meeting will continue in a workshop setting that will discuss variances, zoning code review and the vacant building ordinance. All those discussions will be for purely informational purposes. He said that no formal decisions will be made during the workshop.

Gerich asked Markon if he was going to mention the garden subcommittee work. Markon said he could give a brief update. Since the garden subcommittee met over a month ago towards the end of June. The full group got together after the 4th of July and had another meeting on the 15th of July. The subcommittee discussed where they wanted to take the process. For tomorrow's sub-committee discussion on Zoom (July 29th) they will be talking about an initial public feedback process for what residents may want to see in an ordinance. They want to put some feelers out to the committee and ask them what they think about residential gardens, community gardens and all aspects of those. Markon deferred to Gerich and Liaison Gustafson (sub-committee members) for any thing that they would like to add to the subject. Gerich said that the only thing he would add is that the sub-committee will be taking the draft to the Planning Commission for review, so that would be coming probably for the next month's meeting. Markon responded that it depends upon how the timeline shakes out. He thinks that the Planning Commission could have a look at a draft ordinance soon. Hopefully the sub-committee will be able to write something up by the next meeting of the Planning Commission and they can take a look at it. Larkin asked if there is a discussion on how the engagement is going to work? Is it going to be a blast e-mail to everybody asking for feedback, or a public meeting announcement where people will attend in person to give feedback? Markon said for this initial process he is anticipating that it will be online only. Even though like the later part of what we did for native landscaping where we had the brief survey, this feedback process will be a little bit more involved than that. Markon says that he is anticipating a long series of potential options for folks to mull over. It will likely be purely online, a passive way for folks to go on their own and put their thoughts down. When we get to the public hearing part of the process we will be taking live feedback and some back and forth. Markon said that he would anticipate that a public hearing would not take place for another couple months. There might be other opportunities for feedback along the way.

Chair Larkin said that hearing no additional announcements, he will entertain a motion to adjourn. Wilson motioned to adjourn the public meeting. Kotelnicki provided a second. Williams, Kotelnicki, Wilson, Gerich, Phillips and Larkin approved of adjourning the meeting in a row call, bringing the regular meeting to a close.

E. ADJOURN

Adjourned at 7:14 PM.

F. WORKSHOP AGENDA

1. Discuss Variances

Liaison Markon described the variance process in Falcon Heights providing information, references and examples. A brief discussion of variances then took place between commission members.

2. Discuss Zoning Code Review

Liaison Markon described the zoning code review process in Falcon Heights, citing examples. A brief discussion of zoning code review then took place between commission members.

3. Discuss Vacant Building Ordinance

The Vacant Building Ordinance will be looked at in more depth. A subcommittee was formed to study the matter, made up of three members: Chair Larkin, Commission Member Williams and Commission Member Phillips. The subcommittee will meet separately and provide recommendations to Liaison Markon and the Planning Commission regarding possible changes to the current Vacant Building Code.

Liaison Markon described the vacant building ordinance and the review process in Falcon Heights including priorities and who would be involved in the review. A brief discussion of the vacant building ordinance and the review procedure required for changes to both zoning and variances then took place between commission members.



The City That Soars!

REQUEST FOR PLANNING COMMISSION ACTION

Meeting Date	August 25, 2020
Agenda Item	Agenda D1
Submitted By	Justin Markon, Community Development Coordinator

Item	Beekeeping Ordinance
Description	Consideration of a beekeeping ordinance is on the Environment Commission's work plan for 2020. After a brief discussion in March, the Commission asked for feedback from a subject matter expert. Gary Reuter from the University of Minnesota Bee Lab joined the July Commission meeting to share his thoughts on residential beekeeping and our ordinance. This topic was last discussed in 2012, and a draft ordinance from that time was discussed. Following discussion with Mr. Reuter, staff have made some changes to the draft ordinance that would allow beekeeping in the City. The draft ordinance has also been reviewed by the City Attorney. No changes were offered at the August Environment Commission meeting.
Action(s) Requested	Staff request a discussion on the draft ordinance and any further changes. Staff anticipate that the topic could be discussed at the September City Council workshop, followed by a vote to recommend the ordinance at the September Environment Commission meeting. This would be followed by a Public Hearing at the September Planning Commission meeting.

ORDINANCE NO. 20-XX

**CITY OF FALCON HEIGHTS
RAMSEY COUNTY, MINNESOTA**

**AN ORDINANCE AMENDING CHAPTERS 10 AND 113
OF THE FALCON HEIGHTS CITY CODE**

THE CITY COUNCIL OF FALCON HEIGHTS ORDAINS:

SECTION 1 That the findings contained in the preamble to this Ordinance are as follows:

WHEREAS, honey bees (*apis mellifera*) are of benefit to humankind, and to Minnesota in particular, by providing agriculture, fruit and garden pollination services and by furnishing honey, and other useful products; and

WHEREAS, Minnesota is among the leading states in honey production and agricultural by products associated with beekeeping throughout the United States; and

WHEREAS, domestic strains of honey bees have been selectively bred for desirable traits, including gentleness, honey production, tendency not to swarm and non-aggressive behavior, characteristics which are desirable to foster and maintain; and

WHEREAS, gentle strains of honey bees can be maintained within populated areas in reasonable densities without causing a nuisance if the bees are properly located and carefully managed; and

WHEREAS, honeybees are bioindicators of environmental pollution and polinators for food crops and other ative and non-native plant communities; and

WHEREAS, home beekeeping enhances food security, provides a source of pure honey with known origin and composition and contributes to the environmental and food production knowledge of our citizenry

NOW THEREFORE, be it ordained and enacted by the City of Falcon Heights:

SECTION 2 In Chapter 10 – Animals of the City Code of Falcon Heights, Article V – Beekeeping and Section 10-37 – Beekeeping are added as follows:

ARTICLE V – BEEKEEPING

Section 10-37 – Beekeeping

(a) *Definitions.* As used in this article, the following words and terms shall have the meanings ascribed in this section unless the context of their usage indicates another usage.

Apiary means the assembly of one or more colonies of bees at a single location.

Beekeeper means a person who owns or has charge of one or more colonies of bees.

Beekeeping equipment means anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.

Colony means an aggregate of bees consisting principally of workers, but having, when perfect, one queen and at times drones, brood, combs, and honey.

Hive means the receptacle inhabited by a colony that is manufactured for that purpose.

Honey bee means all life stages of the common domestic honey bee, *apis mellifera* species.

Lot means a contiguous parcel of land under common ownership.

Nucleus colony means a small quantity of bees with a queen housed in a smaller than usual hive box designed for a particular purpose.

Undeveloped property means any idle land that is not improved or actually in the process of being improved with residential, commercial, industrial, church, park, school or governmental facilities or other structures or improvements intended for human occupancy and the grounds maintained in associations therewith. The term shall be deemed to include property developed exclusively as a street or highway or property used for commercial agricultural purposes.

(b) *Purpose of Ordinance.* The purpose of this ordinance is to establish certain requirements for beekeeping within the City and to avoid issues which might otherwise be associated with beekeeping in populated areas. Compliance with this ordinance shall not be a defense to a proceeding alleging that a given colony constitutes a nuisance, but such compliance may be offered as evidence of the beekeeper's efforts to abate any proven nuisance. Compliance with this ordinance shall not be a defense to a proceeding alleging that a given colony violates applicable ordinances regarding public health, but such compliance may be offered as evidence of the beekeeper's compliance with acceptable standards of practice among hobby beekeepers in the State of Minnesota.

(c) *Standards of practice.*

- (1) Honey bee colonies shall be kept in hives with removable frames, which shall be kept in sound and usable condition.
- (2) Each beekeeper shall ensure that a convenient source of water is available on the lot so long as colonies remain active outside of the hive.
- (3) Each beekeeper shall 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 insect-proof container.

- (4) For each colony permitted to be maintained under this ordinance, there may also be maintained upon the same apiary lot, one nucleus colony in a hive structure not to exceed one standard 9-5/8 inch depth 10-frame hive body with no supers.
- (5) Each beekeeper shall maintain their 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 or vandalism and occupancy by swarms. It shall not be a defense to this ordinance that a beekeeper's unused equipment attracted a swarm and that the beekeeper is not intentionally keeping bees.

(d) *Colony density.*

- (1) Colonies must be located in a rear yard and must meet setback and building separations as established in city zoning and building codes, except that colonies must maintain a 20-foot separation from dwellings on adjacent properties.
- (2) Except as otherwise provided in this ordinance, 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, as measured from the nearest point on the hive to the property line, the beekeeper shall establish and maintain a flyway barrier at least 6 feet in height. The flyway barrier may consist of a wall, fence, dense vegetation or a combination thereof, such that bees will fly over rather than through the material to reach the colony. If a flyway barrier of dense vegetation is used, the initial planting may be 4 feet in height, so long as the vegetation normally reaches 6 feet in height or higher. The flyway barrier must continue parallel to the apiary lot line for 10 feet in either direction from the hive, or contain the hive or hives in an enclosure at least 6 feet in height.
- (3) A flyway barrier is not required if the property adjoining the apiary lot line is
 - a. undeveloped, or,
 - b. a wildlife management area or naturalistic park land with no horse or foot trails located within 25 feet of the apiary lot line.
- (4) No person is permitted to keep more than the following numbers of colonies on any lot within the City, based upon the size or configuration of the apiary lot:
 - a. One half acre or smaller lot, 2 colonies
 - b. Larger than 1/2 acre but smaller than 3/4 acre lot, 4 colonies
 - c. Larger than 3/4 acre lot but smaller than 1 acre lot, 6 colonies
 - d. Larger than one acre lot, 8 colonies
- (5) If the beekeeper serves the community by removing a swarm or swarms of honey bees from locations where they are not desired, the beekeeper shall not be considered in violation the portion of this ordinance limiting the number of colonies if they temporarily

house the swarm on the apiary lot in compliance with the standards of practice set out in this ordinance for no more than 30 days from the date acquired.

(e) *Permit*

- (1) No person shall keep, maintain or allow to be kept any hive or other facility for the housing of honeybees on or in any private property in the City without a permit.
- (2) Any person desiring a permit for the keeping of honeybees shall make written application to the City Administrator on a form provided, accompanied by a site plan of the real property upon which bees are to be kept, showing the number and location of hives and the provision for flyway barriers, water supply and any other conditions required by this section. The application shall include a statement that the applicant will at all times keep the bees in accordance with the provisions of this ordinance and any additional restrictions, limitation conditions or prohibitions specified in the permit as necessary to safeguard public health and general welfare.
- (3) The City Administrator may grant a permit pursuant to this section only after the applicant has met approved educational requirement as established by the City Administrator.
- (4) The applicant for a beekeeping permit must inform 100% of the owners or occupants of properties immediately adjacent to the real property described in the application and at least 80% of the owners or occupant of properties within 100 feet. If any notified owner or occupant has a medically documented allergy to bees, the permit may be denied. The medical documentation must be submitted to the City Administrator for consideration of denial of the permit.
- (5) All beekeeping permits shall expire on December 31 of the year following issuance unless sooner revoked. The application fee for such permit shall be an amount established by the City Council. Should the permit be refused, denied or revoked, the fee paid with the application shall be retained by the City.
- (6) Permits are non-transferable and do not run with the land.
- (7) A permit is a license granted to the beekeeper by the city and does not create a vested zoning right.

(f) *Inspection.* The City Administrator or designated official shall have the right to inspect any apiary for the purpose of ensuring compliance with this Ordinance once annually upon prior notice to the owner of the apiary property, and more often upon complaint without prior notice.

(g) *Presumed Colony/Hive Value.* For the purpose of enforcing City ordinances against destruction of property, each colony/hive shall be presumed to have a value of \$275.

(h) *Compliance.*

- (1) Upon receipt of credible information that any colony located within the City is not being kept in compliance with this ordinance, the City Administrator shall cause an investigation to be conducted. If the investigation shows that a violation may exist and will continue, the City Administrator shall cause a written notice of hearing to be issued to the beekeeper, which notice shall set forth:
 - a. The date, the time and the place that the hearing will be held, which date shall be not less than 30 days' from the date of the notice;
 - b. The violation alleged;
 - c. That the beekeeper may appear in person or through counsel, present evidence, cross examine witnesses and request a court reporter, and
- (2) Notices may be served personally, or by mailing to the last known address of the owner and if the premises are occupied, to the premises. However, if the beekeeper cannot be located, then notice may be given by publication in a legal newspaper for the county in which the apiary property is located, at least seven days before the hearing.
- (3) The hearing shall be conducted by the City Council. The burden shall be on the City to demonstrate by a preponderance of evidence that the colony or colonies have been kept in violation of this ordinance. If the City Council finds a violation, then they may order that the bees be removed from the City or such other action as may address the violation, and that the apiary lot be disqualified for permitting under this ordinance for a period of two years from the date of the order, the apiary lot ownership changes, in which case the prohibition shall terminate. If the order has not been complied with within 20 days of the order, the City may remove or destroy the bees and charge the beekeeper with the cost thereof.
- (4) No hearing and no order shall be required for the destruction of honey bees not residing in a hive structure that is intended for beekeeping.

(i) *Savings Clause.* In the event any part of this ordinance or its application to any person or property is held to be unenforceable for any reason, the unenforceability thereof will not affect the enforceability and application of the remainder of this ordinance, which will remain in full force and effect.

SECTION 2 Section 113-174(d) is amended as follows. Additions are shown with an underline.

Sec. 113-174 - One-family R-1 residential district

(d) Permitted accessory uses. No accessory structures or use of land shall be permitted except for one or more of the following uses:

(14) Beekeeping as regulated by the Code

SECTION 3 Section 113-181(d) is amended as follows. Additions are shown with an underline.

Sec. 113-181 - R-4 high density multiple-family residential district-apartment buildings

(d) Permitted accessory uses. The following uses shall be permitted accessory uses:

(3) All accessory uses as permitted in the R-1 and R-2 districts except that the keeping of chickens and bees, as regulated by the Code, is only allowed as accessory to a single-family or two-family home.

SECTION 4 This ordinance shall be effective upon its passage and a summary published in the official newspaper.

ADOPTED this X day of XX, 2020, by the City Council of the City of Falcon Heights, Minnesota.

Moved by:

Approved by: _____

Randall Gustafson
Mayor

GUSTAFSON
LEEHY
MIAZGA
WEHYEE
ANDREWS

____ In Favor
____ Against

Attested by: _____

Sack Thongvanh
City Administrator