

# *City of Falcon Heights Planning Commission*

City Hall  
2077 Larpenteur Avenue West

Tuesday, September 22, 2020  
7:00 p.m.

## **A G E N D A**

A. CALL TO ORDER: 7:00 p.m.

B. ROLL CALL:        John Larkin \_\_\_\_\_                      Tom Williams \_\_\_\_\_  
                             Matthew Kotelnicki \_\_\_\_\_                      Scott Wilson \_\_\_\_\_  
                             Joel Gerich \_\_\_\_\_    Scott Phillips \_\_\_\_\_  
                             VACANT  
                             Council Liaison Gustafson \_\_\_\_\_      Staff Liaison Markon \_\_\_\_\_

C. APPROVAL OF MINUTES

1. August 25, 2020

D. PUBLIC HEARING

1. Amendment to Section 113-209 Urban Farm planned unit development district
2. Amendment to Chapters 54 & 113 regarding residential beekeeping

E. INFORMATION AND ANNOUNCEMENTS

1. Vacant properties update
2. Garden ordinance update

F. ADJOURN

Next meeting: October 27, 2020

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

**Minutes  
Planning Commission Meeting  
Tuesday, August 25, 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, Gerich, Phillips

Absent: Kotelnicki, Wilson

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

**C. APPROVAL OF MINUTES:**

July 28, 2020

**The minutes were approved by roll call, 4-0.**

**D. INFORMATION AND ANNOUNCEMENTS**

**1. Beekeeping Ordinance**

Liaison Justin Makon introduced Jim Wassenberg, Chair of the Environment Commission, who joined the meeting for a discussion on the bee ordinance. The beekeeping ordinance started in the Environment Commission.

Chair Larkin said, just as a comment, that there is no public hearing tonight. But we are going to discuss the beekeeping ordinance as it has been presented to us. Larkin invited Liaison Markon to introduce the ordinance.

Liaison Markon said the beekeeping ordinance started with the Environment Commission earlier this year. It has been on their 2020 work plan as something to look at. The draft ordinance that we have is 95% content from 2012, which is the last time that the Commission and the Council took a look at this topic. Back in 2012 the Council decided not to move forward with the ordinance. It started in the Environment Commission and made its way to a City Council Workshop, but not sure if it had a stop at the Planning Commission, but it did move forward after the City Council Workshop and it hasn't been picked up until now. So far this year, the Environment Commission has held a couple discussions on it, mostly taking a look at the 2012 ordinance to see if there was anything that the Commissioners felt needed tweaking. A couple changes were made and then last month, for the July Environment Commission meeting, Mr. Gary Reuter, from the University of Minnesota bee lab,

joined the Environment Commission meeting. Gary has been with the University of Minnesota for a very long time, and he may have helped craft the ordinance back in 2012. At the July meeting, there was a really good back and forth with Gary. He took a look at our ordinance ahead of time and offered a few updates for 2020. The Environmental Commission had a plenty of questions about beekeeping in general, what residential beekeeping looks like, and what urban beekeeping looks like. Falcon Heights is by no means the first community to do this. Liaison Markon says he doesn't have a list of cities with beekeeping ordinances at the moment, but he certainly can get one if people are curious about that. Both Minneapolis and St. Paul have beekeeping ordinances. The provisions that are in this draft ordinance are mostly unchanged from 2012. There were a few things that were updated, based on what Commissioners thought was important, what Gary offered as comments, and then the Planning Commission has the draft tonight. This draft is the same that the Environment Commission looked at a couple weeks ago. They didn't have any extra comments at the time. The hope is that the Planning Commission can take a look at the draft in this meeting and offer any questions or comments. Liaison Markon says he will take the draft back to the Environment Commission at their September meeting. They may also stop at the City Council Workshop next week and do the same debriefing that is being done at this meeting. The draft will then go to the Environment Commission for their final vote of approval in mid September. Then the hope is that the Planning Commission will hold a public hearing on September 22<sup>nd</sup>. From there it will go to the City Council for perhaps a workshop or regular meeting for their consideration and approval. That is the timeline that they are currently looking at. The City Attorney reviewed the draft and didn't have much to say on it at the time. Liaison Markon said he will now turn the meeting over to Jim Wassenberg, and would be happy to take any questions or comments from Planning Commission members.

Jim Wassenberg, Chair of the Environment Commission, said that the draft they reviewed was from the original 2012 version. The Environment Commission did have a good back and forth with Gary Reuter, beekeeper from the University of Minnesota. A lot of the questions revolved around people with allergies to bees and distancing of the hives from properties requiring flyways. A lot of the internal discussion was around how should the people in the area be informed, should they be required to give consent, how would the City permit, how do we enforce violations or deny permits if people are not practicing the proper rules. All of that is in the proposal as it is sitting right now. The initial ordinance as it was written was actually in quite good shape.

Chair Larkin asked Wassenberg, as an example of notification of the neighbors, if the house next to the beekeeper is sold and the new resident of the property had a bee allergy. What happens in that particular case? Do they file a complaint and then it goes through the complaint hearing process? Or does the permit have to be reapplied for? It was decided that the permit needs to be reapplied for every year. Wassenberg says that at that time if someone in the area has a medically documented bee allergy then the permit could be denied. Wassenberg says maybe to clarify, it should be stated that the reapplication in that situation be denied as well. Larkin commented that he could see that the new property owner, if they have a bee allergy, and look in their back yard to see their neighbor has a bee hive in it, that all

of a sudden that property becomes much less desirable to them. Wassenberg agreed. Larkin mentioned to Liaison Gustafson that when the draft comes before the City Council that might want to debate how to deal with new homeowners.

Liaison Gustafson asked that if under this ordinance, everybody has to reapply every year and go through the full process? Larkin answered under permit (e) section (5), it says "all beekeeping permits shall expire on December 31<sup>st</sup> of the year following issuance". Liaison Markon said that they tried to mirror it on the chicken permitting process which are the first year, at whatever time you are issued, it expires at December 31<sup>st</sup> of the year after that, so if a chicken permit was issued right now, it will expire December 31, 2021. Then they renew sometime next year so it will start January 1, 2022, and then that is good for a full two-year cycle. So then it will renew again on January 1, 2024. Larkin said that it is not clear. Liaison Markon answered that the intention was that these would be on an every couple year basis, just like is done with chickens. Wassenberg said a two-year cycle is correct. Liaison Markon said that we only have about eight active chicken permits and are expecting a similar number, and maybe a couple less, of beekeeping permits. The thought is that because of how simple it is to renew a chicken permit, beekeeping is kind of a different thing to deal with. Because it is so different, there is a possibility to extend the permitting after the first year to probationary, perhaps making it a five-year or a non-renewable permit, unless something comes up such as a compliant or a medical issue in the case of bees. These are other things that can be discussed.

Liaison Gustafson asked how many people have expressed an interest in keeping bees in the City? Has anyone come to City Hall and said I would like to keep bees or are people actively wanting to keep bees in the City? Liaison Markon answered that that the City gets one or two requests a year. They mostly ask what are the limits. The current limits are that people can't actively keep bees, but they can encourage bees with Mason bee houses, which are not the same as honey bees. They can do limited attraction for bees if they feel inclined, but nothing on the scale of the honey beekeeping that this ordinance would permit. Liaison Markon said that he would think that there is some limited interest out there. The City has had chickens for going on seven years now and only have eight residents that have them. It is still considered a success. Liaison Markon says we have the provisions out there that people can keep chickens if they want to, but it is not anticipated having too many more requests for bees than chickens at this point.

Commissioner Gerich said that back to the allergy issue, he thinks it would be reasonable to have a clause that if there is a medically documented issue with any of the neighboring houses surrounding a beekeeping residence that there could be a review of a license. There may be a neighboring residence that is unaware of a medical allergy in their household that could become an issue after the fact. Other Commissioners agreed to add a clause. Liaison Gustafson asked if there would be a need for the City to notify the people surrounding a bee license that there is a beekeeper at this address, in the case of when the beekeeper applies for renewal. Liaison Gustafson said we are asking for 100% approval of neighboring properties in the ordinance, so would those same neighboring properties need to be notified each year that is going to be renewed? Jim Wassenberg said it would be the responsibility of the beekeeper to inform his neighbors. Liaison Markon said that it is inform at the

moment and not inform and sign here that you approve. The Environment Commission did debate that issue quite a bit in the last few meetings. The Environment Commission felt that informing was enough. It couldn't be denied if someone said "Well I just don't like bees". The way the ordinance is written at the moment is that the only way it can really be denied if someone has a medical condition or allergy for bees. Liaison Markon said the way the he was considering it was that they would not have to re-inform when they go to renew their permit, but we could make that a stipulation and that could certainly catch issues as they come up. But Liaison Markon would also think as Commissioner Gerich mentioned that if you all of a sudden find out that their child has a bee allergy, you probably know your neighbor has the bees you might do something a little quicker. The City would then be able to take care of the issue, perhaps in a non-renewal period. Jim Wassenberg thinks that the Environment Committee probably added to the area on Applications in section 4 regarding this issue. Chair Larkin responded to Jim Wassenberg saying that if something is revoked there probably should be some understanding that the beekeeper would have 60 days or some time period by which to divest themselves of the hives. Larkin says because this is not a cheap activity when people get into it. He isn't certain that it should be written into the code, there probably should be some consideration allowing them some time to make the change. Jim Wassenberg said finding a home for the bees is probably the biggest thing, and selling their equipment.

Chair Larkin said that he saw a comment about how some bees have been purposely breed to be docile or non-aggressive. Larkin asked if there was some talk about requiring a beekeepers to have those kind of bees as part of their hive. Liaison Markon answered that "no" there wasn't that discussion, although Gary Reuter from the University of Minnesota did say that, on the whole, honey bees naturally are calm little creatures. And Gary Reuter went through great pains to differentiate honey bees from wasps, from hornets, and to really go to bat for the honey bees. They are good for the environment, they are good for plant pollination, there's honey. Gary Reuter seemed to make the case that the bees themselves are pretty OK.

Chair Larkin said that he is certain that there would be some further editing of the document. Larkin discovered that there is a word missing in Section (d) under Colony Density, (5), third line. The word "of" is missing.

Commissioner Williams asked about clarification of the Colony Density in (2) section, dealing with a flyway barrier. There proceeded to be a back and fort conversation between Commissioner Williams, Chair Larkin, Liaison Markon, Liaison Gustafson and Commissioner Wassenberg regarding flyway barriers and placement of the hives on a beekeeper's property. Liason Markon offered to wordsmith that section and get a better explanation. Chair Larkin says that he agrees that (2) of the Colony Density section could use some clarity. Larkin asked if anyone else had comments.

Chair Larkin says he likes the idea. Larkin says that giving people the encouragement to keep bees, if they so choose, is a great thing. Liaison Markon says that it was another thing that Gary Reuter did say, while there is the encouragement certainly to protect our pollinators, including honey bees, he did stress that if that is your only reason for keeping honey bees, then you are in the

wrong business. Honey bees are meant for honey production. That should be your primary goal when you go into this. So to save the pollinators, plant some plants that will help them naturally, or help your neighbors that want the honey. That was the big take-away from the conversation with Gary Reuter. Chair Larkin asked if it might be worth while to add Gary Reuter's comments to Section #1 if it fits. From the standpoint of saying that "whereas the keeping of bees is a commercial enterprise designed in order to generate and produce honey." Larkin said he could see people reading this and thinking to put a hive in their backyard to promote the bee population. Liaison Gustafson said that where it is clear that our purpose is for honey production, is the reason for this bee ordinance so that people can have their own honey production in their yard, rather than just good feelings for pollinators? Liaison Markon said "yes". Just like for chickens. You can't slaughter chickens in the City, so the only other thing is for the eggs. So just as people have been self-sustainable with their egg collecting if they have chickens at home, you can have your own honey if you have honey bees. That's the goal. Chair Larkin asked for any other comments. There were none on this subject.

## E. INFORMATION AND ANNOUNCEMENTS

### 1. Hendrickson update

Liaison Markon said that there is a Hendrickson project update. There will be more information probably at our next meeting. The Hendrickson apartment building at 1750 Larpenteur, is open, accepting new residents. While they were finishing up construction and getting everything ready to go this Spring, the City determined that they did not install the paver grass on the east side of the property. If you are standing on Larpenteur and you are looking at the front of the building this is on the left side between the building's east face and the Larpenteur Manor garages. The Hendrickson building, in the plans, called for paver grass on that east side. It is a special material that you can put underneath the turf grass that supports it and allows heavy vehicles to drive across, with the intention that they don't sink into the ground. It is useable year round to support vehicles. There is also a surmountable curb on the east side of their front parking lot so that vehicles can get over it without actually having to jump the curb. There is a nice divot that they can drive across and get to the east side of the building. The City determined that the paver grass was not installed as they were doing the construction. After some back and forth between the City, the general contractor, along with the building owners, they have determined that they would like to remove the paver grass from the project scope. Because the paver grass is in the site plan and was part of the approvals for the Planned Unit Development, in order to remove it from the scope, and in order for them not to put it in at this point, we would have to do a Planned Unit Development amendment, amendment to the code for their PUD. In the back and forth the City learned that they forgot to install the pavers. Liaison Markon spoke to the developer, and his understanding was that it was actually was removed from the project scope some months before the final approvals back in November 2018. Liaison Markon has looked at all the plans, and it shows up in every one of them; that paver grass is supposed to be there. Liaison Markon was not with the City at the time in the early phases when it was going through the Planning Commission, but only when it got the final Council approval. Liaison Markon does not remember it being talked about much. City Administrator Thongvanh does remember it a little bit. There were other fire department considerations that were talked about, and those we satisfied at the

time when everything got approved. But the paver grass piece, the real intention is that heavy duty vehicles could get through there any time of the year if they needed to access the east side of the building because they can't very well with the garages on the east side. The City's Fire Marshal and Liaison Markon visited the property a few months ago to take a look at this. The Fire Chief of Roseville also took a drive down and he took a look at things. In their professional estimation, they were satisfied with it not being in. Their thought was that for various reasons they probably wouldn't take a vehicle down there even if the pavers were there. The building has sprinklers in it so if there was a fire they would activate right away and douse the fire. As far as extrication, if someone was on that east side and they needed to come down they also felt that might not be the best tactical way to do it. They might be able to get them through the interior of the building a little easier. Liaison Markon felt that the fire professionals were satisfied if the pavers didn't go in. Liaison Markon says he anticipates in his discussions with the developer that they will have an application that will trigger the public hearing process that is due by next Tuesday, September 1 in order to be on the schedule for our next full Planning Commission meeting toward the end of September. This body will hold the public hearing, make a recommendation whether or not it is important to keep the pavers as part of the scope or not, and then final vote will be by the City Council a couple weeks after the Planning Commission recommendation. In the end, if the City Council approves the removal, then nothing else has to be done, the plans will be included with the planning development records for the project. If the Council votes that they deny the amendment request, then they would have to install the pavers sometime at a later date. Liaison Markon says that is the information he has at the moment, certainly happy to take any questions, but he wanted to provide that background before this comes up again.

Chair Larkin asked if there is a deadline for by which they need to do this, because right now they are in violation, correct? Liaison Markon says they are, but the City had to take some time to determine where they were at and if it was in the plans or not. If it doesn't make the September deadline then they will have more discussions, but the City is satisfied that as long as they make the September deadline for now, then we will be able to keep moving without any penalty to them. Chair Larkin asked if there are any questions. Liaison Gustafson mentioned that he recalled that the Falcon Heights Fire Chief at the time when it was presented to Council thought that it was a great idea to have those pavers. Tom Williams said that he remembers someone mentioning that extended hoses would serve the same purpose getting back to that section of the building, that a vehicle would not necessarily need to be driven down a small road. Liaison Gustafson said yes, it was not critical to fire fighting, it was just an add-on.

Chair Larkin asked if they did any landscaping there, or is that clear. Liaison Markon answered that when you look at the site plan where the wall of the building is located, it is about 14 feet from the property line, but then there are balconies on that east side which don't show up on the site plan. The building is 14 feet, but you're not going to get around a 4-foot balcony that hangs over the edge. And then on the east side of those balconies there is a French drain system and then turf all around that. When on site looking at it, technically the truck could fit, if it did and there were pavers there is also a chance that it would crush the French drain system. There is

also an electrical line along that east side right behind those garages, and that is what our Fire Marshal and the Roseville Fire Chief noted that it may not be the most adequate from a tactical side if you are trying to throw up a ladder or something else and you have an electrical pole right on the other side of you. So there is landscape grass just under the French drain system. If it is approved that they don't need to put pavers in then I assume that they will just continue to have the turf grass there. Chair Larkin said that where he was headed was is there a reason to make sure that the modified PUD prevents from installing planting trees or other shrubbery in that area that they would have to keep it as turf grass, Liaison Markon responded he would guess that we will see what they come up with in their amended landscape plan. From the City perspective there is not a concern if they put trees or shrubbery there, only that they have to be maintained. Chair Larkin said that was his only thought if there was some reason why that a some point that the Fire Marshal felt that they needed to get back there that if they were to put in landscaping that would prevent that then that would not be reasonable. Liaison Markon says that there is still 10 to 12 feet between the edge of the balcony and the back side of the property line. There is certainly enough room to walk and take a small vehicle such as a lawn mower.

F. ADJOURN

Adjourned by roll call at 7:48 PM.





**The City That Soars!**

## REQUEST FOR PLANNING COMMISSION ACTION

<b>Meeting Date</b>	September 22, 2020
<b>Agenda Item</b>	Agenda D1
<b>Submitted By</b>	Justin Markon, Community Development Coordinator

<b>Item</b>	Amendment to Section 113-209 Urban Farm planned unit development district
<b>Description</b>	<p>The Urban Farm planned unit development (PUD) district provides the regulations for The Good Acre and The Hendrickson on Larpenteur Avenue. While construction at the Hendrickson was wrapping up in spring 2020, it was discovered that paver grass was not installed on the east side of the property, between the building and the garages on the Larpenteur Manor property. Paver grass was discussed during the project application process in 2018 and was included in the final site plan and landscaping plan. The property owner would like to remove the paver grass from the scope of the project. In order to do so, a PUD amendment is required, as well as updated plans for the City's files.</p> <p>Paver grass is a method of placing reinforcements (pavers) under sod so that the ground does not collapse when driven on but is still aesthetically pleasing. In the context of The Hendrickson, paver grass was considered as a possibly helpful addition on the east side of the building for light-duty truck access in the case of emergency. There is a surmountable curb on the north side of the east wall, but no corresponding drive-over curb on the south end.</p> <p>The Fire Marshall as well as Fire Chief from Roseville Fire Department visited the site. In their perspective, the paver grass is not a necessary component of the project. The building is fully sprinkled and could be accessed by hand ladders as well as hoses. The recommendation from the Fire Department is that the addition of a paver system would not be a great improvement on the current situation.</p> <p>Staff concur with this assessment and recommend approval of the ordinance amendment, which would remove the paver grass from the project scope for The Hendrickson. If approved by the City Council, no paver grass would have to be installed. If the amendment is not approved, the property owner would have to remove the current landscaping and install the pavers.</p>
<b>Action(s) Requested</b>	Staff request a Public Hearing on the draft ordinance and a recommendation of approval to the City Council.



# City of Falcon Heights Planning Application

FOR INTERNAL USE:  
Date received: 9-1-2020  
Receipt: 35862

**PAID**

### Action Requested By:

Name of Property Owner 1750 Larpenteur, LLC  
Phone (h) 612-812-5915 (w) \_\_\_\_\_  
Address of Property Owner 55 East 5th St., Suite 200, St. Paul, MN 55101  
Name of Applicant (if different) \_\_\_\_\_  
Address \_\_\_\_\_ Phone \_\_\_\_\_

### Property Involved:

Address 1750 Larpenteur Ave. West, Falcon Heights, MN 55113  
Legal Description lot 2, block 1

Property Identification Number (PIN) 212923120017

### Present Use of Property (check one):

- |  |   |
|--|---|
| <input type="checkbox"/> Single Family Dwelling          | <input type="checkbox"/> Business/Commercial      |
| <input type="checkbox"/> Duplex/Two Family Dwelling      | <input type="checkbox"/> Government/Institutional |
| <input checked="" type="checkbox"/> Multi Family Complex | <input type="checkbox"/> Vacant Land              |

### Action Requested (NON-REFUNDABLE):

- |   |   |
|---|---|
| <input type="checkbox"/> Variance (\$500.00)                              | <input type="checkbox"/> Lot Split (\$250.00)         |
| <input type="checkbox"/> Conditional Use Permit (\$500.00)                | <input type="checkbox"/> Site Plan Review (\$100.00)  |
| <input checked="" type="checkbox"/> Rezoning, Zoning Amendment (\$500.00) | <input type="checkbox"/> Subdivision (Fee on request) |
| <input type="checkbox"/> Comprehensive Plan Amendment (\$550.00)          | <input type="checkbox"/> Other (Please Specify) _____ |

*The above Application Fees do not include any additional fees that might be required, including legal, engineering, consulting and additional City services. Applicants should meet with City Staff prior to submitting application to discuss applicable ordinances, required attachments, timelines and fees. Credit card charges will incur a 3.1% + \$0.30 convenience fee.*

### Brief Summary of Request (applicant may submit letter to Planning Commission with details of request):

see attached

**I certify that all statements on this application are true and correct:**

  
**Signature of Property Owner (required)**

\_\_\_\_\_  
**Signature of Applicant (if applicable)**

Planning Commission meeting: \_\_\_\_\_ City Council meeting: \_\_\_\_\_ Approved \_\_\_ Denied \_\_\_

August 31, 2020

TO: Falcon Heights Planning Commission/Falcon Heights City Council

RE: Request to Amend the Approved Site Plan

The planning commission approved the PUD amendment on 2/27/2018. The submission included a site plan and a landscaping plan. The site plan noted "Grass Pavers" on the east side of the building. The landscaping plan did not reference the "Grass Pavers" it just noted turf seed.

"Grass Pavers" were proposed because paving the area between the building and the neighboring garage buildings would be aesthetically unappealing. The "Grass Pavers" are designed to accommodate the weight of a fire truck.

The initial review of the site plan by the Fire Chief, included a recommendation to add a hydrant at the rear of the property. In further review of the fire code, since the building was 100% sprinkled, the additional hydrant was not required.

Our Architect was representing us in conversations with the city and the Fire Chief. We thought that probability of driving a fire truck along the east side of the building was discussed at that time. Our position was that by the time a fire truck arrived on site, the sprinkler system would have flooded the building. We were told the Fire Chief thought it would be have a drive lane wide enough to drive a pick-up truck between the building if necessary.

A pickup truck could drive on that side of the building without the need to Install the "Grass Pavers" at a cost of \$30K.

City PUD Amendment  
Received 9/3/2020

**CADD QUALIFICATION**

CADD files prepared by the Consultant for this project are instruments of the Consultant's professional services for use solely with respect to this project. These CADD files shall not be used on other projects, for additions to this project, or for completion of this project by others without written approval by the Consultant. With the Consultant's approval, others may be permitted to obtain copies of the CADD drawing files for information and reference only. All intentional or unintentional revisions, additions, or deletions to these CADD files shall be made at the full risk of that party making such revisions, additions or deletions and that party shall hold harmless and indemnify the Consultant from any & all responsibilities, claims, and liabilities.

**SUBMITTAL/REVISIONS**

CITY SUBMITTAL	03/07/18
WATERSHED RESUBMITTAL	04/18/18
CITY SUBMITTAL	10/31/18
FOUNDATION PERMIT	11/09/18
WATERSHED RESUBMITTAL	11/12/18
CONSTRUCTION DOCUMENTS	11/30/18
WATERSHED RESUBMITTAL	12/04/18
ASI-01	01/16/19
ASI-11	04/01/19
ASI-17	06/25/19
ASI-20	09/06/19
ASI-23	10/14/19
ASI-24	10/21/19
ASI-25	12/17/19

**PROFESSIONAL SIGNATURE**

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

Trevor D. Grays PE  
License No. 53706  
Date 11/30/18

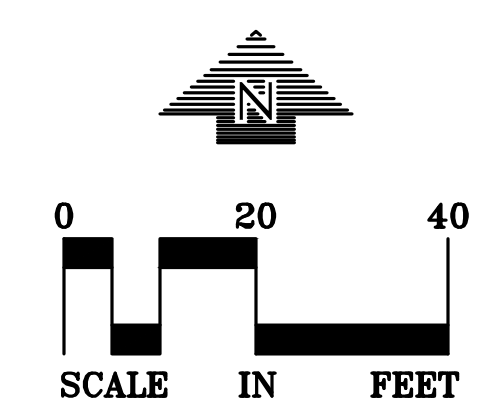
**QUALITY CONTROL**

Loucks Project No. 17106  
Project Lead TDG  
Drawn By ZBM  
Checked By TDG  
Review Date 11/30/18

**SHEET INDEX**

C1-1	EXISTING CONDITIONS
C1-2	DEMOLITION PLAN
C2-1	SITE PLAN
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C3-2	SWPPP
C3-3	SWPPP NOTES
C4-1	UTILITY PLAN
C8-1	CIVIL DETAILS
C8-2	CIVIL DETAILS
C8-3	CIVIL DETAILS
C8-4	CIVIL DETAILS
L1-1	LANDSCAPE PLAN
L2-1	LANDSCAPE DETAILS

**NOTE:**  
BACKGROUND INFORMATION IS FROM A SURVEY BY JACOBSON ENGINEERS & SURVEYORS. LOUCKS MAKES NO GUARANTEE TO THE ACCURACY OR COMPLETENESS OF THE EXISTING CONDITIONS INFORMATION SHOWN ON THESE PLANS. REFER TO AS-BUILT SURVEY DATED DECEMBER 7, 2015.



EXISTING	CIVIL LEGEND	PROPOSED
	SANITARY MANHOLE	
	STORM MANHOLE	
	CATCH BASIN	
	CULVERT	
	HYDRANT	
	GATEVALVE	
	POST INDICATOR VALVE	
	LIGHT POLE	
	POWER POLE	
	SIGN	
	BENCHMARK	
	SOL BORINGS	
	WATER MANHOLE	
	TELEPHONE MANHOLE	
	UTILITY MANHOLE	
	ELECTRIC MANHOLE	
	WATER SERVICE	
	SANITARY SERVICE	
	HANDICAP PARKING	
	DIRECTION OF FLOW	
	SPOT ELEVATION	
	CONTOURS	
	SANITARY SEWER	
	STORM SEWER	
	WATERMAN	
	FOREMAN	
	DRANTILE	
	SILT FENCE	
	RETAINING WALL	
	CURB & GUTTER	
	EASEMENT LINE	
	SETBACK LINE	
	FENCE LINE	
	UNDERGROUND TELE	
	UNDERGROUND GAS	
	OVERHEAD UTILITY	
	UNDERGROUND FIBER OPTIC	
	UNDERGROUND ELECTRIC	
	UNDERGROUND CABLE TV	
	PROPERTY LINE	
	CONIFEROUS TREE	
	DECIDUOUS TREE	
	PARKING COUNTS	

**PAVEMENT TYPES**

	CONCRETE SIDEWALK
	CONCRETE PAVEMENT
	SPECIALTY CONCRETE PAVEMENT (COLOR SELECTIONS TO BE DETERMINED BY OWNER)
	LIGHT DUTY BITUMINOUS PAVEMENT
	HEAVY DUTY BITUMINOUS PAVEMENT
	XGRASS

**NOTE:**  
SEE PAVEMENT SECTIONS ON SHEET C8-1, C8-2 & L2-1 FOR TYPE AND DEPTH INFORMATION.

**SITE DATA**

TOTAL SITE AREA:	1.25 AC
DISTURBED AREA:	1.18 AC
EXISTING IMPERVIOUS AREA:	0.35 AC (28.2%)
PROPOSED IMPERVIOUS AREA:	1.03 AC (82.1%)

**DEVELOPMENT AND DESIGN STANDARDS**

**MINIMUM PARKING LAYOUT DIMENSIONS (90 DEGREE PATTERN):**

PARKING SPACE WIDTH	= 9 FT
PARKING SPACE LENGTH	= 18 FT
DRIVE AISLE WIDTH	= 24 FT

**OFF-STREET PARKING CALCULATIONS**

EXISTING PARKING	= 0 STALLS
EXISTING PARKING REMOVED	= 0 STALLS
PROPOSED PARKING	= 11 STALLS
TOTAL PARKING PROVIDED	= 11 STALLS

**ACCESSIBLE PARKING**

EXISTING ACCESSIBLE PARKING:	= 0 STALLS
REMOVED ACCESSIBLE PARKING:	= 0 STALLS
PROPOSED ACCESSIBLE PARKING:	= 1 STALLS
TOTAL ACCESSIBLE STALLS:	= 1 STALLS

- SITE NOTES**
- ALL PAVING, CONCRETE CURB, GUTTER AND SIDEWALK SHALL BE FURNISHED AND INSTALLED IN ACCORDANCE WITH THE DETAILS SHOWN PER THE DETAIL SHEET(S) AND STATE/LOCAL JURISDICTION REQUIREMENTS.
  - ACCESSIBLE PARKING AND ACCESSIBLE ROUTES SHALL BE PROVIDED PER CURRENT ADA STANDARDS AND LOCAL/STATE REQUIREMENTS.
  - ALL CURB DIMENSIONS SHOWN ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
  - ALL BUILDING DIMENSIONS ARE TO THE OUTSIDE FACE OF WALL UNLESS OTHERWISE NOTED.
  - TYPICAL FULL SIZED PARKING STALL IS 9' X 18' UNLESS OTHERWISE NOTED.
  - ALL CURB RADII SHALL BE 3.0' UNLESS OTHERWISE NOTED.
  - BITUMINOUS IMPREGNATED FIBER BOARD TO BE PLACED AT FULL DEPTH OF CONCRETE ADJACENT TO EXISTING STRUCTURES AND BEHIND CURB ADJACENT TO DRIVEWAYS AND SIDEWALKS.
  - SNOW STORAGE AREAS ARE NOT PROVIDED ON SITE; ALL SNOW TO BE TRUCKED OFF SITE.

- SIGNAGE AND STRIPING NOTES**
- CONTRACTOR SHALL BE RESPONSIBLE FOR ALL SITE SIGNAGE AND STRIPING AS SHOWN ON THIS PLAN.
  - CONTRACTOR SHALL PAINT ALL ACCESSIBLE STALLS, LOGOS AND CROSS HATCH LOADING AISLES WITH WHITE PAVEMENT MARKING PAINT, 4" IN WIDTH.
  - CONTRACTOR SHALL PAINT ANY/ALL DIRECTIONAL TRAFFIC ARROWS, AS SHOWN, IN WHITE PAINT.
  - ALL SIGNAGE SHALL INCLUDE POST, CONCRETE FOOTING AND STEEL CASING WHERE REQUIRED.
  - ALL SIGNAGE NOT PROTECTED BY CURB, LOCATED IN PARKING LOT OR OTHER PAVED AREAS TO BE PLACED IN STEEL CASING, FILLED WITH CONCRETE AND PAINTED YELLOW. REFER TO DETAIL.
  - ANY/ALL STOP SIGNS TO INCLUDE A 24" WIDE PAINTED STOP BAR IN WHITE PAINT, PLACED AT THE STOP SIGN LOCATION, A MINIMUM OF 4' FROM CROSSWALK IF APPLICABLE. ALL STOP BARS SHALL EXTEND FROM DIRECTIONAL TRANSITION BETWEEN LANES TO CURB.
  - ALL SIGNS TO BE PLACED 18" BEHIND BACK OF CURB UNLESS OTHERWISE NOTED.

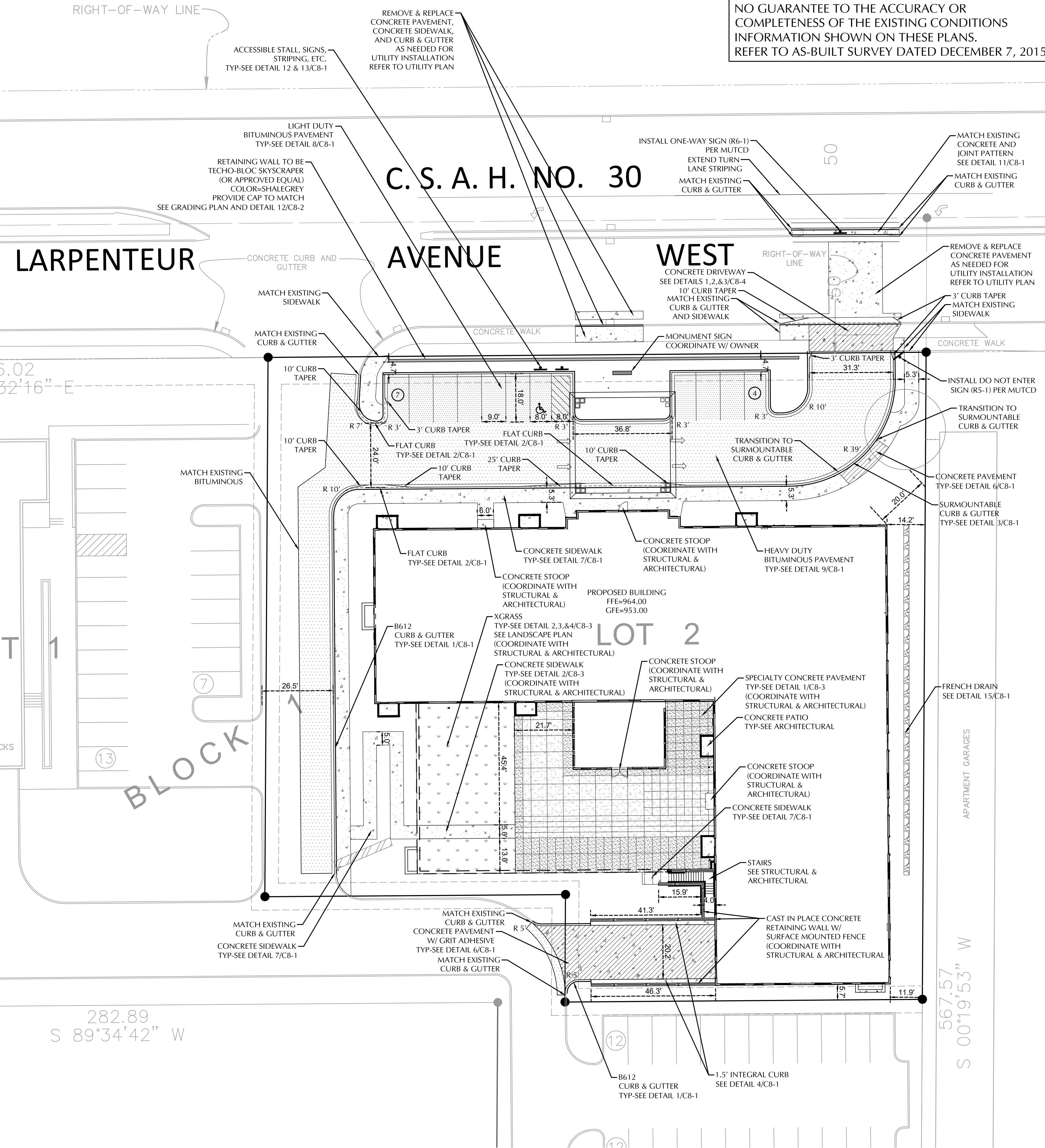


**Gopher State One Call**  
TWIN CITY AREA: 651-454-0002  
TOLL FREE: 1-800-252-1166

**WARNING:**

THE CONTRACTOR SHALL BE RESPONSIBLE FOR CALLING FOR LOCATIONS OF ALL EXISTING UTILITIES. THEY SHALL COOPERATE WITH ALL UTILITY COMPANIES IN MAINTAINING THEIR SERVICE AND / OR RELOCATION OF LINES.

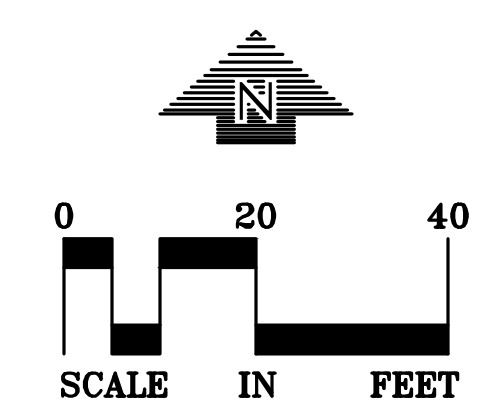
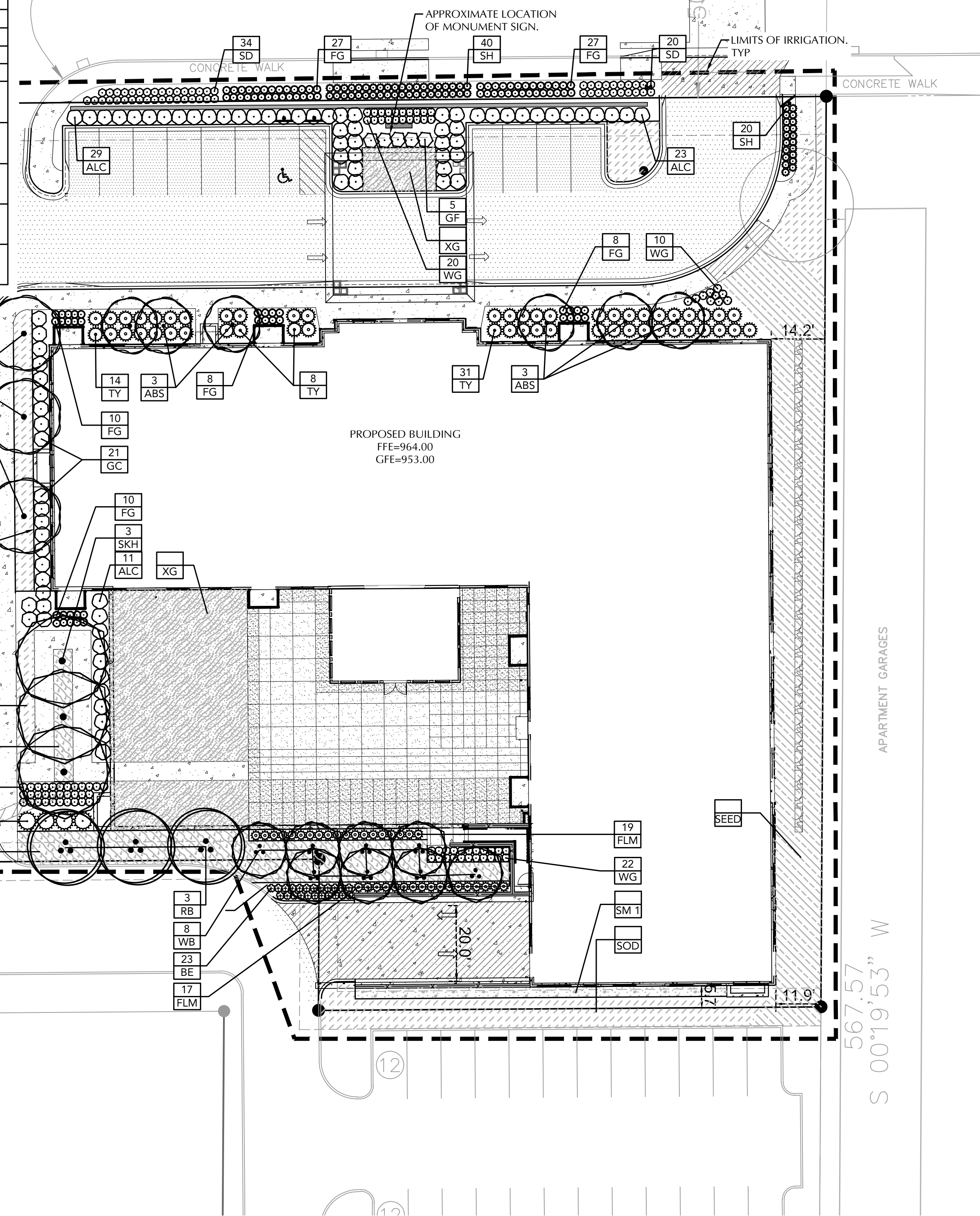
THE CONTRACTOR SHALL CONTACT GOPHER STATE ONE CALL AT 651-454-0002 AT LEAST 48 HOURS IN ADVANCE FOR THE LOCATIONS OF ALL UNDERGROUND WIRES, CABLES, CONDUITS, PIPES, MANHOLES, VALVES OR OTHER BURIED STRUCTURES BEFORE DIGGING. THE CONTRACTOR SHALL REPAIR OR REPLACE THE ABOVE WHEN DAMAGED DURING CONSTRUCTION AT NO COST TO THE OWNER.



PLANT SCHEDULE						
<b>DECIDUOUS TREES</b>						
RB	3	RIVER BIRCH CLUMP	Betula nigra	B & B		8' HGT
SKH	3	SKYLINE HONEYLOCUST	Gleditsia triacanthos 'Skycole'	B & B	2.5" Cal	
WB	8	WHITESPIRE BIRCH CLUMP	Betula populifolia 'Whitespire Sr.'	B & B		8' HGT
<b>ORNAMENTAL TREES</b>						
ABS	6	AUTUMN BRILLIANCE SERVICEBERRY	Amelanchier x grandiflora 'Autumn Brilliance'	B & B	1.5" Cal	
JT	3	JAPANESE TREE LILAC	Syringa reticulata	B & B	1.5" Cal	
<b>SHRUBS</b>						
ALC	63	ALPINE CURRANT	Ribes alpinum	5 gal	24" HGT	48" o.c.
GC	21	GLOSSY BLACK CHOKEBERRY	Aronia melanocarpa elata	5 gal	24" HGT	48" o.c.
GF	5	GRO-LOW FRAGRANT SUMAC	Rhus aromatica 'Gro-Low'	5 gal	24" SPRD	48" o.c.
<b>GRASSES</b>						
FG	90	FEATHER REED GRASS	Calamagrostis x acutiflora 'Karl Foerster'	1 gal		24" o.c.
FLM	36	FLAME MISCANTHUS	Miscanthus sinensis 'Purpurascens'	1 gal		30" o.c.
SH	60	PRAIRIE DROPSEED	Sporobolus heterolepis	1 gal		24" o.c.
<b>CONIFEROUS SHRUBS</b>						
SG	4	SEA GREEN JUNIPER	Juniperus chinensis 'Sea Green'	5 gal	18" SPRD	60" o.c.
TY	53	TAUNTON YEW	Taxus x media 'Taunton'	5 gal	18" SPRD	48" o.c.
<b>PERENNIALS</b>						
BE	23	BLACK EYED SUSAN	Rudbeckia fulgida 'Goldstrum'	1 gal		24" o.c.
WG	84	ROZANNE GERANIUM	Geranium 'Rozanne'	1 gal		24" o.c.
SD	54	STELLA D' ORO DAYLILY	Hemerocallis x 'Stella de Oro'	1 gal		24" o.c.
<b>GROUND COVERS</b>						
SM 1		STONE MULCH GRAY TRAP ROCK 1 1/2" 3" DEPTH OVER FABRIC				
SM 2		STONE RIP RAP GRAY TRAP ROCK RIP RAP SIZE - 5"-12" OVER FABRIC				
SEED		TURF SEED				
SOD		TURF SOD				
XG		XGRASS				

C. S. A. H. NO. 30

AVENUE WEST



**GENERAL NOTES**

CONTRACTOR SHALL VISIT SITE PRIOR TO SUBMITTING BID. HE SHALL INSPECT SITE AND BECOME FAMILIAR WITH EXISTING CONDITIONS RELATING TO THE NATURE AND SCOPE OF WORK.

VERIFY LAYOUT AND ANY DIMENSIONS SHOWN AND BRING TO THE ATTENTION OF THE LANDSCAPE ARCHITECT ANY DISCREPANCIES WHICH MAY COMPROMISE THE DESIGN AND/OR INTENT OF THE PROJECT'S LAYOUT.

ASSURE COMPLIANCE WITH ALL APPLICABLE CODES AND REGULATIONS GOVERNING THE WORK OR MATERIALS SUPPLIED.

CONTRACTOR SHALL PROTECT ALL EXISTING ROADS, CURBS/GUTTERS, TRAILS, TREES, LAWN AND SITE ELEMENTS DURING PLANTING OPERATIONS. ANY DAMAGE TO SAME SHALL BE REPAIRED AT NO COST TO THE OWNER.

CONTRACTOR SHALL VERIFY ALIGNMENT AND LOCATION OF ALL UNDERGROUND AND ABOVE GRADE UTILITIES AND PROVIDE THE NECESSARY PROTECTION FOR SAME BEFORE CONSTRUCTION / MATERIAL INSTALLATION BEGINS (MINIMUM 10' - 0" CLEARANCE).

ALL UNDERGROUND UTILITIES SHALL BE LAID SO THAT TRENCHES DO NOT CUT THROUGH ROOT SYSTEMS OF ANY EXISTING TREES TO REMAIN.

EXISTING CONTOURS, TRAILS, VEGETATION, CURB/GUTTER AND OTHER EXISTING ELEMENTS BASED UPON INFORMATION SUPPLIED TO LANDSCAPE ARCHITECT BY OTHERS. CONTRACTOR SHALL VERIFY ANY AND ALL DISCREPANCIES PRIOR TO CONSTRUCTION AND NOTIFY LANDSCAPE ARCHITECT OF SAME.

THE ALIGNMENT AND GRADES OF THE PROPOSED WALKS, TRAILS AND/OR ROADWAYS ARE SUBJECT TO FIELD ADJUSTMENT REQUIRED TO CONFORM TO LOCALIZED TOPOGRAPHIC CONDITIONS AND TO MINIMIZE TREE REMOVAL AND GRADING. ANY CHANGE IN ALIGNMENT MUST BE APPROVED BY LANDSCAPE ARCHITECT.

City PUD Amendment  
Received 9/3/2020

**THE HENDRICKSON**  
1750 LARPEUR AVENUE WEST  
FALCON HEIGHTS, MN 55113

1750 LARPEUR, LLC  
55 EAST 5TH STREET, SUITE 200  
ST. PAUL, MN 55101

**LOUCKS**  
PLANNING  
CIVIL ENGINEERING  
LAND SURVEYING  
LANDSCAPE ARCHITECTURE  
ENVIRONMENTAL  
7200 Hemlock Lane, Suite 300  
Maple Grove, MN 55369  
763.424.5505  
www.loucksinc.com

**CADD QUALIFICATION**  
CADD files prepared by the Consultant for this project are instruments of the Consultant's professional services for use solely with respect to this project. These CADD files shall not be used on other projects, for additions to this project, or for completion of this project by others without written approval by the Consultant. With the Consultant's approval, others may be permitted to obtain copies of these CADD files for informational purposes only. All intentional or unintentional revisions, additions, or deletions to these CADD files shall be made at the full risk of that party making such revisions, additions or deletions and that party shall hold harmless and indemnify the Consultant from any & all responsibilities, claims, and liabilities.

**SUBMITTAL/REVISIONS**

CITY SUBMITTAL	03/07/18
WATERSHED RESUBMITTAL	04/18/18
CITY SUBMITTAL	10/31/18
FOUNDATION PERMIT	11/09/18
WATERSHED RESUBMITTAL	11/12/18
CONSTRUCTION DOCUMENTS	11/30/18
WATERSHED RESUBMITTAL	12/04/18
ASI-01	01/16/19
ASI-11	04/01/19
ASI-17	06/25/19
ASI-20	09/06/19
ASI-23	10/14/19
ASI-24	10/21/19
ASI-25	12/17/19

**PROFESSIONAL SIGNATURE**  
I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Landscape Architect under the laws of the State of Minnesota.  
Nathan W. Elshoff - LA

License No. 52050  
Date 11/30/18

**QUALITY CONTROL**

Loucks Project No. 17106  
Project Lead TDG  
Drawn By NWE  
Checked By NWE  
Review Date 11/30/18

**SHEET INDEX**

C1-1	EXISTING CONDITIONS
C1-2	DEMOLITION PLAN
C2-1	SITE PLAN
C3-1	GRADING PLAN
C3-2	SWPPP
C3-3	SWPPP NOTES
C4-1	UTILITY PLAN
C8-1	CIVIL DETAILS
C8-2	CIVIL DETAILS
C8-3	CIVIL DETAILS
C8-4	CIVIL DETAILS
L1-1	LANDSCAPE PLAN
L2-1	LANDSCAPE DETAILS

**LANDSCAPE PLAN**  
**L1-1**

Plotted: 09/03/2020 4:21 PM W:\2017\17106\CADD\DATA\LANDSCAPE.dwg Sheet: Files\L1-1 LANDSCAPE PLAN

**CALL BEFORE YOU DIG!**  
Gopher State One Call  
TWIN CITY AREA: 651-454-0002  
TOLL FREE: 1-800-252-1166

**WARNING:**  
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**CITY OF FALCON HEIGHTS, MINNESOTA**

**PUBLIC HEARING NOTICE**

Notice is hereby given that the Falcon Heights Planning Commission will hold a public hearing on September 22, 2020 at 7:00 p.m. at the City Hall Council Chambers, 2077 Larpenteur Avenue West. COVID-19 precautions will be taken, including mandatory face coverings and social distancing. The purpose of the public hearing is to consider an Ordinance and changes to Chapters 113 of the Falcon Heights City Code concerning a proposed amendment to the Urban Farm planned unit development district. Information about the proposed changes is available on the City's website, [www.falconheights.org](http://www.falconheights.org).

Signed: 

**Sack Thongvanh, City Administrator**

Date: 9.10.20



CITY OF  
**FALCON HEIGHTS**

2077 W. Larpenteur Avenue  
Falcon Heights, MN 55113-5594

email: [mail@falconheights.org](mailto:mail@falconheights.org)  
website: [www.falconheights.org](http://www.falconheights.org)

*The City That Soars!*

Phone - (651) 792-7600  
Fax - (651) 792-7610

September 10, 2020

Re: The Hendrickson City Code Amendment Request

Dear Property Owner,

I hope you are well during these turbulent times. I wanted to make you aware of an upcoming Public Hearing before the Falcon Heights Planning Commission. 1750 Larpenteur LLC (property owner for the new Hendrickson apartments at 1750 Larpenteur Avenue) has submitted a formal application with request to amend the City Code as it relates to their Planned Unit Development. The property owner is requesting that the City Code be amended to remove paver grass from the east side of the property from the site plan and landscaping plan.

**The Planning Commission will meet and hold a Public Hearing on this matter on Tuesday, September 22, 2020 at 7:00 p.m. at City Hall, 2077 Larpenteur Avenue West, Falcon Heights, MN 55113.** The meeting agenda packet will be available no later than 4:30 p.m. on Friday, September 18, 2020. It will be available on the City's website. The meeting will be held at City Hall with COVID-19 precautions, including mandatory face coverings and social distancing. If you would like to send comments regarding this topic to the City prior to the Public Hearing, please send an email with your comments to [mail@falconheights.org](mailto:mail@falconheights.org).

Following a recommendation from the Planning Commission, the City Council will meet and vote on a final decision at one of their regular meetings in September. If the changes to the City Code are adopted, paver grass would not have to be installed along the east side of the building. If the amendment is not adopted, paver grass would have to be installed by the owner.

If you have any questions about this matter, please contact City Hall at 651-792-7600 or myself personally at [justin.markon@falconheights.org](mailto:justin.markon@falconheights.org).

Sincerely,

Justin Markon  
Community Development Coordinator

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FAMILIES, FIELDS AND FAIR

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PRINTED ON RECYCLED PAPER

**ORDINANCE NO. 20-XX**

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

**AN ORDINANCE AMENDING CHAPTER 113  
OF THE FALCON HEIGHTS CITY CODE**

THE CITY COUNCIL OF FALCON HEIGHTS ORDAINS:

**SECTION 1** Chapter 113 – Zoning is amended as follows. Additions are shown with an underline, and deletions are shown with a ~~strikethrough~~.

***Sec. 113-209 - Urban farm planned unit development district***

(f) *Development plan.* The PUD must be maintained in accordance with the following development plan which is on file with the city and which is incorporated herein by reference:

(4) The following plans prepared by Kelly Brothers, Ltd and their contractors/partners for lot 2, block 1 with up to a five percent variance as approved by the city administrator:

a. Development plans, dated October 31, 2018 including;

- ~~• Site plan~~
- Grading plan
- Drainage plan
- Utility plan
- ~~• Landscaping plan~~
- Floor plans
- Elevations
- Operations and maintenance plan

b. Development plans, dated September 3, 2020 including:

- Site plan
- Landscape plan



**SECTION 2** 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

DRAFT

**SUMMARY ORDINANCE NO. 20-XX**

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

**AN ORDINANCE AMENDING CHAPTER 113  
OF THE FALCON HEIGHTS CITY CODE  
CONCERNING THE URBAN FARM  
PLANNED UNIT DEVELOPMENT DISTRICT**

This ordinance amends Chapter 113 of the Falcon Heights City Code concerning the Urban Farm planned unit development district. The amendments include changes to the development plans on file with the City.

A printed copy of the entire ordinance is available for inspection by any person during the City Administrator/Clerk's regular office hours.

APPROVED for publication by the City Council of the City of Falcon Heights, Minnesota this XX<sup>th</sup> day of MONTH, 2020.

CITY OF FALCON HEIGHTS

BY: \_\_\_\_\_  
Randall C. Gustafson, Mayor

ATTEST:

\_\_\_\_\_  
Sack Thongvanh, City Administrator



**The City That Soars!**

## REQUEST FOR PLANNING COMMISSION ACTION

<b>Meeting Date</b>	September 22, 2020
<b>Agenda Item</b>	Agenda D2
<b>Submitted By</b>	Justin Markon, Community Development Coordinator

<b>Item</b>	Amendment to Chapters 10 & 113 Regarding Residential Beekeeping
<b>Description</b>	<p>The draft ordinance allowing residential beekeeping was discussed at the August meetings of the Environment Commission and Planning Commissions as well as the September City Council workshop. The Environment Commission met on September 15, and recommended approval of the ordinance.</p> <p>A few changes have been made since the Planning Commission last discussed this topic. Namely, the flyway barrier provisions have been simplified as well as stating that the City will be responsible for notifying nearby property owners of a permit application regarding possible allergies. Further, after a permit is issued, it could be revoked if a medically documented allergy is sent to the City.</p> <p>If recommended by the Planning Commission, the City Council could vote on the ordinance at their meeting on October 14.</p>
<b>Action(s) Requested</b>	Staff request a Public Hearing on the draft ordinance and a recommendation of approval to the City Council.

**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 is primarily a hobby or small-scale commercial enterprise for the production of honey

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.

Flyway barrier means a barrier that raises the flight path of bees as they come and go from a hive.

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, such as a bird bath or pet dish, 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. If such a flyway barrier exists prior to establishing a colony, the beekeeper does not need to establish a new barrier.
- (3) If a flyway barrier is required, it must enclose the rear and side yards of the apiary lot, or contain the hive or hives in an enclosure at least 6 feet in height. All fences must meet the regulations of section 113-242 of the code.
- (4) 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.
- (5) 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
- (6) 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 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 beekeeping permit pursuant to this section only after the applicant has met approved educational requirement as established by the City Administrator.
- (4) Upon receipt of a permit application, mailed notice should be given by the City to the property owners or occupants within 100 feet of the property for which a beekeeping permit is sought. If any notified owner or occupant has a medically documented allergy to bees, the permit may be denied by the City Administrator. The medical documentation must be submitted to the City Administrator within 14 days for consideration of denial of the permit.
- (5) The initial permit is valid for up to two years beginning on the date the honey bees arrive on the site and ending on December 31 of the following year. Subsequent permits are valid from January 1 of one year to December 31 of the second year. 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) If an owner or occupant of property within 100 feet of the permitted location is found to have a medically documented allergy to bees after a permit has been issued, the City Administrator will consider revocation of the permit. The medical documentation must be submitted to the City Administrator for consideration of revocation of the permit.
- (7) Beekeeping permits are non-transferable and do not run with the land.

(8) 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 \_\_\_\_\_ In Favor  
LEEHY \_\_\_\_\_  
MIAZGA \_\_\_\_\_ Against  
WEHYEE \_\_\_\_\_  
ANDREWS \_\_\_\_\_

Attested by: \_\_\_\_\_  
Sack Thongvanh  
City Administrator

**SUMMARY ORDINANCE NO. 20-XX**

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

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

This ordinance amends Chapters 10 and 113 of the Falcon Heights City Code concerning beekeeping in residential zones. The amendments include definitions, standards of practice, and permit and compliance procedures.

A printed copy of the entire ordinance is available for inspection by any person during the City Administrator/Clerk’s regular office hours.

APPROVED for publication by the City Council of the City of Falcon Heights, Minnesota this XX<sup>th</sup> day of MONTH, 2020.

CITY OF FALCON HEIGHTS

BY: \_\_\_\_\_  
Randall C. Gustafson, Mayor

ATTEST:

\_\_\_\_\_  
Sack Thongvanh, City Administrator