
ALEXANDRIA TOWNSHIP

PLANNING COMMISSION

MEETING PACKET FOR THE
February 27, 2012
REGULAR MEETING



Our promise to you is that we will:

1. Without prejudice, reflect the vision of the community as represented in the community's planning documents.
2. Respect the will of the community as enacted in land use policies and regulations.
3. Serve the elected and appointed officials of the community, understanding they are the decision-makers elected by the people they represent.
4. Always seek the truth through an exchange of ideas that is open, honest and without bias.
5. Continually improve community access to planning information and processes.
6. Provide service that is friendly, responsive and professional.



PRELIMINARY AGENDA
Alexandria Township Planning Commission
February 27, 2012
6:00 p.m. – Township Conference Room

Call to Order

Adopt Agenda

Approve Minutes – January 23, 2012

Public Hearing

- 1.
- 2.
- 3.

Zoning Administrator's Report

New Business:

- 1.
- 2.
- 3.

Old Business:

1. Discussion – end-of-year ordinance updates (small animal, beekeeping, fish house definition)
2. Training Session – Septic Systems
- 3.

Adjournment

****NOTE: This is a preliminary agenda, subject to change at any time.**



STAFF REPORT

Application: Definition of “fish house and/or dark house” and Small Animal/Beekeeping ordinances

Applicant: Alexandria Township

Agenda Item: Old Business

Background: Based on discussions at the January 2012 and earlier Commission meetings, Staff is providing the following for continued discussion:

1. **Definition of “fish house”:** Currently, the zoning definition for “fish house” is as follows:

FISH HOUSE AND/OR DARK HOUSE¹ - A shelter/structure used for angling or spearing on the ice on any water that is no larger than 240 square feet or 10 feet in height. Such structures, if not licensed as may be required by the State of Minnesota or other local government, if in excess of the size and height limitations, or if affixed to any kind of foundation in a permanent or semi-permanent manner shall be considered an accessory structure for the purposes of this ordinance.

At the November 2011 meeting, the Commission amended the definition as follows:

FISH HOUSE AND/OR DARK HOUSE - A shelter/structure ~~used that is designed~~ for angling or spearing on the ice on any water that is no larger than 240 square feet or 10 feet in height. Such structures, if not licensed ~~as may be required~~ by the State of Minnesota or other local government, if in excess of the size and height limitations, or if affixed to any kind of foundation in a permanent or semi-permanent manner ~~(not easily moved for use)~~ shall be considered an accessory structure for the purposes of this ordinance.

At the January 2012 meeting, the Commission discussed a further clarification/correction that was needed to the above definition, as follows:

FISH HOUSE AND/OR DARK HOUSE - A shelter/structure ~~used that is designed~~ for angling or spearing on the ice ~~on any water and~~ that is no larger than 240 square feet or 10 feet in height. Such structures, if not licensed ~~as may be required~~ by the State of Minnesota or other local government, if in excess of the size and height limitations, or if affixed to any kind of foundation in a permanent or semi-permanent manner ~~(not easily moved for use)~~ shall be considered an accessory structure for the purposes of this ordinance.

2. **Regulation of bees, chickens, peacocks and other small animals raised as pets or for personal consumption:** On several occasions, the question has been raised as to whether the Township should more actively regulate the keeping of animals not typically associated as pets (dogs, cats) but that do not rise to the level of being regulated as a feedlot.

¹ Amended 12/15/08 (Resolution #08-16)

A draft small animal ordinance was discussed at the January 2012 Planning Commission meeting. The Commission directed staff to make several amendments to that draft, and also to draft a separate bee keeping ordinance based on some examples ordinances provided by a Township resident.

The drafts of both the small animal and beekeeping ordinances are attached for further review. Both would eventually need to be scheduled for a public hearing before they can be adopted.

V. KEEPING OF ANIMALS

The purpose of these regulations is to permit and regulate the keeping of small animals not otherwise regulated by this ordinance as livestock or under Alexandria Township Ordinance #117 (dogs and cats) as may be amended from time to time.

1. General

To provide a higher development standard and to control the keeping of small animals so as to preserve the residential nature of certain areas. This section shall be applicable to all parcels of land within the Urban Residential, Rural Residential or shoreland districts that contain five acres or less.

2. Definitions

Animal, Small: Animals or fowl not otherwise defined as livestock by this ordinance, as a dog or cat under Alexandria Township Ordinance #117 as may be amended from time to time, or as a “regulated animal” under Minnesota Statutes 346.155. Small animals shall, except for dogs and cats, include any animal kept as a pet or for the purpose of food production (either for personal consumption or sale) such as, but not limited to, chickens, guinea hens, geese, ducks, turkeys, pigeons, peacocks, rabbits, miniature pigs, mink, ferrets, snakes, ~~bees~~, parrots and other birds, and other animals or fowl of similar size and type. Small animals or fowl under 3 months in age shall not be included when computing ~~intensity~~ the number of allowed small animals or fowl. Beekeeping shall not be considered a small animal for the purpose of these regulations (see Section V.W for regulations specific to beekeeping).

3. Regulations

This ordinance establishes three general categories of regulations affecting small animals. The three general categories are defined as follows:

- a. **Small animals kept within a dwelling.** Any small animals kept completely and entirely within a dwelling are not regulated by this ordinance. These are animals that are generally kept as pets and are contained within cages, aquariums, or other similar enclosures.
- b. **Small animals kept within an attached or detached accessory building (or in a fenced area of up to 36 sq ft that must be attached to an accessory building).** The keeping of up to three (3) small animals, ~~or up to one (1) bee hive~~, shall be allowed as an interim use, provided that such animals ~~(except for bees)~~ are sufficiently contained so as to prevent their running at large or entering the premise of any neighboring property.
- c. **Small animals running at large or in numbers greater than three.** Small animals in numbers greater than three (3), or small animals that are allowed to run at large or are otherwise uncontained within a building or shelter shall not be permitted.

4. Performance Standards

- a. **Disposal of Animal Feces.** A property owner shall clean and properly

dispose of animal feces on a daily or weekly basis, or as necessary to ensure that odors do not become a nuisance to any nearby property owner or the public.

- b. **Noise.** No owner shall permit any animal under his or her custody or control to create a nuisance by way of crying, howling, screeching, growling or other vocalization.
- c. **Maintenance of facilities/enclosures.** All facilities, buildings or other enclosures for the housing of small animals shall be constructed of material appropriate for the animal involved, contain and restrain the animal they are designed or built to contain without causing injury to, or depriving the animal of necessary environmental elements, and be maintained in good repair.

SECTION VII. DEFINITIONS

LIVESTOCK - Domestic animals typically kept for ~~the~~ use on a farm ~~and or~~ raised for sale and profit, to include cattle, sheep, swine, horses ~~intended for slaughter~~, mules, farmed cervidae (e.g. deer, elk, moose), llamas, ratitae (e.g. ostrich, emu), bison (buffalo), and goats.

W. BEEKEEPING

1. General

To provide requirements for beekeeping within the Township so as to avoid issues which might otherwise be associated with beekeeping in populated areas. Compliance with this ordinance shall not be considered an attempt by the Township to eliminate all potential nuisances or issues that may be associated with beekeeping and landowners keeping bees are solely responsible for the keeping of their bees in a safe and responsible manner and any liability that may arise from their activities.

Comment [B01]: The Township Attorney should review this language, in particular.

This section shall be applicable to all parcels of land within the Urban Residential, Rural Residential or shoreland districts that contain five acres or less.

2. Definitions

- a. *Apiary* means the assembly of one (1) or more colonies of honeybees at a single location.
- b. *Beekeeper* means a person who owns or has charge of one (1) or more colonies of honeybees.
- c. *Beekeeping equipment* means anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.
- d. *Colony* means an aggregate of honeybees consisting principally of workers, but having, when perfect, one (1) queen and at times drones, brood, combs, and honey.
- e. *Hive* means the receptacle inhabited by a colony that is manufactured for that purpose.
- f. *Honeybee* means all life stages of the common domestic honeybee, *Apis mellifera* species of European origin.
- g. *Lot* means a contiguous parcel of land under common ownership.
- h. *Nucleus colony* means a small quantity of honeybees with a queen housed in a smaller than usual hive box designed for a particular purpose.
- i. *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.

3. Standards of Practice

- a. Honey bee colonies shall be kept in hives with removable frames, which shall be kept in sound and useable condition.
- b. Each beekeeper shall ensure that a convenient source of water is available to the colony so long as colonies remain active outside of the hive.

- c. 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.
- d. 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.
- e. Each beekeeper shall maintain his 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.

4. Colony Density

- a. 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 of the hive to the property line, the beekeeper shall establish and maintain a flyway barrier at least six (6) feet in height. The flyway barrier may consist of a wall, fence, dense vegetation or 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 four (4) feet in height, so long as the vegetation normally reaches six (6) feet in height or higher. The flyway barrier must continue parallel to the apiary lot line for at least ten (10) feet in either direction from the hive, or contain the hive or hives in an enclosure at least six feet in height. A flyway barrier is not required if the property adjoining the apiary lot line is undeveloped or is recreational land with no horse or foot trails located within 25 feet of the apiary lot line.
- b. No person is permitted to keep more than the following numbers of colonies on any lot within the Township, based upon the size or configuration of the apiary lot.
 - a. 0 – 0.5 acres – 2 colonies
 - b. 0.51 acres – 0.75 acres – 4 colonies
 - c. 0.76 acres – 1 acre – 6 colonies
 - d. 1.1 acres – 5 acres – 8 colonies
 - e. Larger than 5 acres – no restriction
- c. Regardless of lot size, so long as all lots within a radius of at least 200 feet from any hive, measured from any point on the front of the hive, remain undeveloped, there shall be no limit to the number of colonies. No

grandfathering rights shall accrue under this subsection.

- d. 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 the portion of this ordinance limiting the number of colonies if he temporarily houses the swarm on the apiary lot in compliance with the standards of practice set out in this ordinance for no more than thirty (30) days from the date acquired.

Comment [B02]: Staff is not sure that this section should be included, as some undeveloped lots are still used for camping/RV purposes.

5. Inspection

A designated Township official shall have the right to inspect any apiary for the purpose of ensuring compliance with this ordinance between 8am and 5pm once annually upon prior notice to the owner of the apiary property, and more often upon complaint without prior notice.

6. Presumed Colony/Hive Value

For the purpose of enforcing Township ordinances against destruction of property, each colony/hive shall be presumed to have a value of \$275.

Comment [B03]: Staff is unsure as to whether this section is necessary.

DRAFT