



MEMO

Date: May 5, 2012

To: Alexandria Town Board

From: Ben Oleson, Hometown Planning
Zoning Administrator, Alexandria Township

Re: Zoning Administrator's Report

The Planning Commission held its regular meeting on April 23, 2012. There were no public hearings. However, the Planning Commission finalized its discussion on proposed ordinance amendments related to the regulation of small animals, beekeeping and few other items.

The ordinance changes, as recommended by the Planning Commission, are attached.

A summary of the changes are as follows:

- 1) A new section that regulates the keeping of small animals within the Township (chickens, ducks, rabbits, miniature pigs, etc...).
- 2) A new section that regulates the keeping of bees within the Township.
- 3) Amendment to the definitions of "livestock" and "fish house/dark house".
- 4) A change in the Subdivision Ordinance that requires the developer to cover the cost of new street signs within planned unit developments (as well as any other type of subdivision)

Staff will have draft resolutions prepared for your meeting to adopt these changes, should the Board approve the changes.



Application: Ordinance Amendments – Zoning and Subdivision Ordinance

Applicant: Alexandria Township

**PROPOSED AMENDMENTS TO ORDINANCE #123 (ZONING ORDINANCE)
APRIL 2012**

SECTION V. PERFORMANCE STANDARDS

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, 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 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 shall be allowed as an interim use, provided that such animals 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.

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.

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. Each beekeeper shall provide written evidence that they have notified all adjacent (including those across a road) landowners.
- b. Honey bee colonies shall be kept in hives with removable frames, which shall be kept in sound and useable condition.
- c. 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.
- d. 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.
- e. 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.
- f. 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.

- g. Where a hive is located on a lot of one (1) acre or less, each beekeeper shall maintain a fence sufficient to prevent access to the hives by pets and children. Such fence shall be no less than four (4) feet and no more than six (6) feet in height and shall be located three to four (3-4) feet away from the hives.

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.

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.

SECTION VII. DEFINITIONS

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.

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.

**PROPOSED AMENDMENTS TO ORDINANCE #120 (SUBDIVISION ORDINANCE)
MARCH 2012**

Section 5. Subdivision Design Standards

5.9 Street Signs. Street name signs shall be placed at all street intersections within or abutting ~~the a~~ subdivision ~~or planned unit development~~ and shall conform to the standard of design accepted for all street name signs. Stop and/or Yield signs shall be placed at all streets intersecting with highways, arterial streets and collector streets, and as determined by the Township Engineer. ~~The costs associated with purchasing and installing street signs shall be borne by the subdivider.~~

ACCESSORY USES	Accessory uses, buildings and structures customarily incidental and directly related to the uses allowed as permitted, interim or conditional uses are permitted in all districts.
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AGRICULTURAL USES	RCR	RR	UR	RS	CS	C-U	C-R	I
Agricultural; limited, however, to plant husbandry and sale of plants and produce.	A	A	A	A	A	A	A	A
Limited livestock raising of 0.5 animal units <u>per acre</u> up to 49 a.u. (pasture)	A	A	IU	IU	IU	IU	IU	IU
Limited livestock raising of more than 0.5 animal units <u>per acre</u> (pasture)	IU	IU	IU	IU	IU	IU	IU	IU
Animal Feedlot	X	X	X	X	X	X	X	X
Other uses of the same general character as those listed above, provided they are deemed fitting or compatible to the district by the Planning Commission	IU	IU	IU	IU	IU	IU	IU	IU

Key: A = Allowed, no permit required; P = A use allowed, but which may require a land use permit; CU = A use requiring a Conditional Use Permit; IU = A use requiring an Interim Use Permit; X = not permitted.

RESIDENTIAL USES	RCR	RR	UR	RS	CS	C-U	C-R	I
Dwelling								
Single Family	P	P	P	P	CU	CU	CU	CU
Second single family on a parcel	X	X	X	X	X	X	X	X
Multi-Family (2 units)	X	X	CU	X	X	CU	CU	CU
Multi-Family (3-4 units)	X	X	CU	X	X	CU	CU	CU
Multi-Family (5+ units)	X	X	CU	X	X	CU	CU	CU
For security persons and their families located on the premises where they are employed	X	X	X	X	X	IU	IU	IU
Guest Cottage (riparian lots only)	X	X	X	CU	CU	X	X	X
Travel Trailers/ Campers/ Recreational Vehicles (1 per lot)	A	A	A	A	A	X	X	X
<u>Keeping of Animals (as per Section V.V of this ordinance)</u>	<u>A</u>	<u>IU</u>	<u>IU</u>	<u>IU</u>	<u>IU</u>	<u>A</u>	<u>A</u>	<u>A</u>
Home Occupations, Low Activity ⁶	P	P	P	P	P	X	X	X
Home Occupations, Moderate Activity ⁶⁶	IU	IU	IU	IU	IU	X	X	X

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⁶ Amended 3/21/2011 (Resolution #11-02)
Section 3 – Zoning District Regulations