

**AGENDA
PLANNING COMMISSION MEETING
CITY OF SHOREVIEW**

**DATE: APRIL 25, 2017
TIME: 7:00 PM
PLACE: SHOREVIEW CITY HALL
LOCATION: 4600 NORTH VICTORIA**

**1. CALL TO ORDER
ROLL CALL
APPROVAL OF AGENDA**

2. APPROVAL OF MINUTES
March 28, 2017

3. REPORT ON CITY COUNCIL ACTIONS
*Meeting Date: April 3, 2017 and April 17, 2017
Brief Description of Meeting process- Chair John Doan*

4. NEW BUSINESS

A. PUBLIC HEARING/ CONDITIONAL USE PERMIT*
*FILE NO: 2655-17-08
APPLICANT: Anthony Maras
LOCATION: 4324 Snail Lake Boulevard*

B. SITE AND BUILDING PLAN REVIEW*
*FILE NO: 2657-17-10
APPLICANT: Ramsey County Parks and Recreation Department
LOCATION: 300/370 North Owasso Boulevard*

C. STANDARD VARIANCE/RESIDENTIAL DESIGN REVIEW
*FILE NO: 2658-17-11
APPLICANT: Jim Klem Construction
LOCATION: 444 West Horseshoe Drive*

D. COMPREHENSIVE SIGN PLAN*
*FILE NO: 2656-17-09
APPLICANT: Green Mill
LOCATION: 1000 Gramsie Road*

E. PUBLIC HEARING/ TEXT AMENDMENT BEEKEEPING*
*FILE NO: 2659-17-12
APPLICANT: City of Shoreview
LOCATION: City Wide*

**F. PUBLIC HEARING/TEXT AMENDMENT-PERMITTED USES IN
NON-RESIDENTIAL ZONING DISTRICTS***

FILE NO: 2653-17-06

APPLICANT: City of Shoreview

LOCATION: City Wide

5. MISCELLANEOUS

- A.** WATER TREATMENT PLANT TOUR – APRIL 25TH @ 6:00 PM- *Meet at the treatment plant.*
- B.** City Council Meeting Assignments for *May 1, 2017* and *May 15, 2017*
Commissioners *Thompson* and *McCool*.
- C.** Comprehensive Plan Kick-off Meeting – May 11th @ 6:30 PM

6. ADJOURNMENT

**These agenda items require City Council review or action. The Planning Commission will hold a hearing, obtain public comment, discuss the application and forward the application to City Council. The City Council will consider these items at their regular meetings which are held on the 1st or 3rd Monday of each month. For confirmation when an item is scheduled at City Council, please check the City's website at www.shoreviewmn.gov or contact the Planning Department at 651-490-4682 or 651-490-4680*

TO: Planning Commission
FROM: Niki Hill, AICP, Economic Development and Planning Associate
DATE: April 21, 2017
SUBJECT: **Text Amendment – Beekeeping**

Introduction

City Staff has been asked to develop regulations permitting beekeeping in residential zoning districts. The City has received a number of inquiries from residents who are interested in producing honey and/or addressing the decline in the bee population by establishing back-yard bee hives. In recent years, several other suburban communities have revised local ordinances to permit beekeeping in residential areas.

Existing Development Code

In the R1, Detached Residential District, the keeping of non-domestic animals is permitted on property containing two or more acres. Bees are defined as a non-domestic animal. The City Council may require the owner of non-domestic animals to apply for a Conditional Use Permit if the Council determines that it is in the best interest of the public's health, safety and general welfare. The ordinance does provide an exemption for chickens provided a license is obtained.

Ordinance Considerations

Staff has taken into account the numerous discussions that have occurred in the past year, reviewed information from the Minnesota Hobby Beekeeper's Association Model Beekeeping Ordinance and requirements from other communities. Majority of the changes that are being proposed are in Section 601 of the Development Code - Animal Licensing and Control. The City Council has the authority on these text amendments to this section but there will still be minor modifications to Section 205 of the zoning code. Staff is still seeking recommendations on all the proposed changes from the Planning Commission. The following topics were addressed in the creation of the draft ordinance allowing the keeping of bees within the City.

License Requirement. The City requires a license for dogs, cats, chickens and wild animals. The Staff is proposing that a bi-annual license be required for beekeeping in order to track the location of beekeeping activity in the community and monitor for compliance. This is consistent with the licensing required for the keeping of chickens. The Conditional Use Permit requirement for properties would be exempted much the same as for a chicken license. A neighborhood notification requirement of 150 feet would be included after the issuance of a license.

Definitions. Definitions are needed to define terms used within the proposed ordinance, including but not limited to colony, hive, apiary and beekeeper have been included.

Location of Apiary/Setback Requirements. The apiary (hive and honey comb) should be kept from public view and located in the rear or side yards. Apiaries should also maintain a minimum setback from a property line and adjoining residential dwelling unit. Staff is recommending that the location be in the rear or side yards, with a 10 minimum setback from the lot line, 25 feet from any right of way/trail and 25 feet from any adjoining residential structure. Staff explored options of a greater setback from the lot line as requested by the Planning Commission but did not find any existing ordinance or information to warrant a greater setback from the property line.

Colony Density. Colony density refers to the number of hives permitted. Staff has chosen to write the regulation with a 4 tier system of lot sizes establishing the number of hives allowed.

Neighbor Notification. A number of communities require notification of nearby neighbors as part of the registration, permitting or licensing process. In some cases, notification is a courtesy while other communities require consent. For some permits, the City is required to notify nearby property owners after the permit is issued. This intent is to inform nearby property owners that the proposed activity or use has been reviewed by the City and complies with the Code requirements. When consent of nearby property owners is required, in Staffs opinion, the review becomes less objective because it is no longer based on the performance standards cited in the Code. Staff is recommending that we are consistent with permits that require a neighborhood notification- which includes a notification radius of 150' informing property owners of the permit that has been issued.

Insurance. As requested, Staff explored including proof of insurance coverage as a requirement of the license. It was found that there are no existing ordinances that include an insurance coverage component. In addition, the City does not require insurance for other types of animal licenses. Staff is recommending that we are consistent with existing license and permit requirements. We will strongly urge the prospective beekeepers to contact their insurance company about coverage(s) available but do not feel it is in the City's best interest to determine the type and extent of coverage necessary.

Other. Other standards found in ordinances relate to education/training requirements, sale of honey/home occupation, need for a water source, inspections and compliance/enforcement. Staff has incorporated all of these in the draft ordinance.

PUBLIC HEARING

Notice of the hearing has been published in the City's Legal Newspaper. No comments from the public have been received.

RECOMMENDATION

The Staff believes the proposed changes related to beekeeping in residential zoning allows greater flexibility to residents wishing to maintain bee hives while addressing concerns. Staff is recommending the Commission recommend approval to the City Council.

Attachments

- 1) Draft Ordinance
- 2) Attachment A - Ordinance Comparison
- 3) MHBA Model Ordinance
- 4) Motion

Draft Ordinance

Section 205.082(B)(4) Detached Residential, Permitted Uses

Rev.Date 5/3/10 Ord. #868

- (4) The keeping of non-domestic animals is permitted on property containing two (2) or more acres. The City Council may require the owner of non-domestic animals to apply for a Conditional Use Permit if the Council determines that it is in the best interest of the public's health, safety or general welfare; ~~provided, however, that the raising and keeping of not more than four (4) hen chickens or pullets is permitted on property less than two (2) acres provided a license is obtained in accordance with Section 601.020(D) except the~~ following:
- a) ~~the raising and keeping of not more than four (4) hen chickens or pullets is permitted on property less than two (2) acres provided a license is obtained in accordance with Section 601.020(D)~~
 - b) ~~the raising and keeping of honeybee colonies is permitted on properties less than two (2) acres provided a license is obtained in accordance with Section 601.020(E).~~

601 Animal Licensing and Control

601.010 Definitions. As used in this Chapter, except as otherwise provided, the following terms shall have the respective meanings ascribed to them:

- (1) Animal. Any non-human mammal, reptile, amphibian, or bird.
- (2) Animal Control Officer. An individual or employee of a business retained by the City for purposes of enforcing the provisions of Sections 601; or a member of the City's law enforcement agency.
- (3) Animal, Domestic. Animals kept within the home as pets, such as fish, dogs, cats, household bird, and similar animals.
- (4) Animal, Non-Domestic. Animals which are kept outside the home for purposes of food or pleasure such as cattle, hogs, horses, bees, sheep, llamas, goats, chickens (*Gallus gallus domesticus*), birds, such as emus and pigeons, and similar animals.
- (5) Animal, Wild. Any animal, reptile or amphibian which is of a species not usually domesticated; or of a species which, due to size, wild nature or other characteristics, may be dangerous to humans; or would ordinarily be confined in a zoo or found in the wild. The term includes but is not limited to:

Affected Sections with the Beekeeping Ordinance with proposed Draft Changes in Red

- (a) Animals and birds, the keeping of which is licensed by the state or federal government, such as wolves, pheasants, and raptors such as eagles, falcons, hawks, and owls.
 - (b) Weasels, wild ferrets, badgers, deer and bison.
 - (c) Crossbreeds of wild animals and domesticated animals such as the cross between dogs and coyotes and dogs and wolves.
 - (d) All members of the Felidae family including, but not limited to, lions, tigers, cougars, leopards, ocelots, cheetahs, and servals, but not including domestic cats or cats recognized as a domestic breed, registered as a domestic breed, and shown as a domestic breed by a national or international multibreed cat registry association.
 - (e) Any member of the Canidae family, such as wolves, foxes, coyotes, dingoes, and jackals, except domesticated dogs.
 - (f) Any poisonous animal such as a rattlesnake, coral snake, water moccasin, puff adder, cobra, Gila monster or golden frog.
 - (g) Any snake or reptile which by its size, vicious nature or other characteristic may be dangerous to human beings.
 - (h) Any skunk, raccoon or fox whether captured in the wild, domestically raised, descended or not descended, vaccinated against rabies or not vaccinated against rabies.
 - (i) Bears.
 - (j) All nonhuman primates, including but not limited to, lemurs, monkeys, chimpanzees, gorillas, orangutans, marmosets, lorises, and tamarins.
 - (k) Any other animal, bird, or reptile which is commonly considered wild.
- (6) At Large. An unattended animal on public property; or an unattended animal on private property without the consent of the property owner.
- (7) Beekeeper. A person who owns bees.
- (8) Cat. Any domesticated feline animal, male or female, whole or neutered.
- (9) Colony: An aggregate of bees consisting principally of works, but having, when perfect, one queen, drones, brood, combs and honey.

Affected Sections with the Beekeeping Ordinance with proposed Draft Changes in Red

- (10) Dangerous Animal. Any animal that has committed any of the acts set forth below:

Without provocation, inflicted substantial bodily harm on a human being on public or private property;

Killed a domestic animal without provocation; or

A potentially dangerous animal which aggressively bites, attacks or endangers the safety of humans or domestic animals.

- (11) Dog. Any canine animal, male or female, whole or neutered.

- (12) Honeybee. All life stages of the common domestic honey bee, *apis mellifera* (African subspecies and Africanized hybrids are not allowed).

- (13) Hive. The receptacle inhabited by a colony that is manufactured for that purpose.

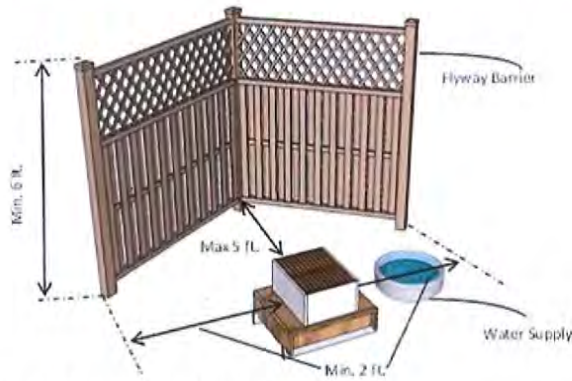
601.020 Licenses Required. The following animal licenses shall be required within the City of Shoreview.

(E) Beekeeping

- (1) Bee hives may be kept in the City limits on residential properties located in the RE, Residential Estate Zoning District and the R1, Detached Residential District, subject to the following conditions:
- (a) Colony Density (number of hives) based on property size:
 - 1 acre or larger: 8
 - 1 acre – ¾ Acre: 6
 - ¾ Acre to ½ Acre: 4
 - ½ acre or less: 2
 - (b) Honeybee colonies shall be kept in hives with removable frames, which shall be kept in sound and usable condition. The hive structure shall not exceed one standard 9-5/8 inch depth 10-frame hive body with no supers.
 - (c) The hives must be removed within 30 days if no longer occupied by a colony. It shall be a violation of this section for unused equipment to attract a swarm, even if the beekeeper is not intentionally keeping honey bees.
 - (d) Each beekeeper shall ensure that a convenient source of water is available within 10 feet of the hives at all times that the colonies remain active outside of the hive.

Affected Sections with the Beekeeping Ordinance with proposed Draft Changes in Red

- (e) Each beekeeper shall ensure that no wax comb or other material that might encourage robbing by other bees are left exposed outdoors. Such materials must be stored in sealed insect-proof containers, or place within a building.
- (f) No selling of honey permitted within an approved home occupation permit.
- (g) Hives must be set back at least 10 feet from all property lines and at least 25 feet from a principal dwelling unit on an abutting lot. Hives may not be located in a front yard or a side yard abutting a street.
- (h) A 6 foot tall flyway barrier is required in each instance where a hive is kept less than 25 feet from a property line, as measured from the nearest point on the hive to the property line. The flyway barrier may consist of a wall, fence, dense vegetation or a combination there of, such that bees will fly over rather than through the material to reach the colony.



Example hive and flyaway barrier.

- (2) License. No person shall keep or maintain beehives on property located within the City of Shoreview unless a license is obtained pursuant to the provisions stated herein. Application shall be made on a form provided by the City Manager. The City Council shall from time to time set a fee by ordinance for the initial license and the bi-annual renewals.
- (3) License requirements. Prior to issuance of a license the applicant shall complete a honeybee keeper training course. Proof of completion shall be provided as follows:
 - i) Providing a certification of completion from a honeybee keeping course from the University of Minnesota, Century College or the Three Rivers Park District.
 - ii) Requesting consideration and submit documentation for having completed a comparable course from another institution or instructor.

Affected Sections with the Beekeeping Ordinance with proposed Draft Changes in Red

- (4) Inspection. The City Animal Control Officer will conduct an inspection of the property to determine compliance with the license and ordinance standards.
- (5) License Fee. The license fee must be submitted with the application. The fee will be established by City Council ordinance.
- (6) Duration of License. A license shall be issued for a period of two years.
- (7) Issuance of License. Upon completion of the application form, certification of training and receipt of the license fee, the City Manager shall cause a license to be issued to the applicant.
- (8) Notice. The City Manager shall provide written notification to property owners within 150 feet of the subject property upon issuance of the license. Failure to give a mailed notice or defects in the notice shall not invalidate the review process provided that a bona fide attempt has been made to contact the property owners.
- (9) Change of Address. An applicant who has obtained a license shall notify the City Manager of the applicant's address changes within the corporate limits of the City within ten (10) days of an address change.

MODEL BEEKEEPING ORDINANCE

prepared by the
Minnesota Hobby Beekeepers Association

This model ordinance is not intended to be adopted without legal review by counsel representing the jurisdiction considering it. Like any proposed ordinance, it must be reconciled with existing ordinances and may be revised to fit community standards and needs. Our purpose in advancing the model ordinance is to offer a document with the apicultural framework we believe will enable hobbyist and sideliners beekeepers to safely and successfully pursue this pleasurable and economically, culturally and agriculturally critical activity in urban and suburban areas.

WHEREAS, honey bees (*apis mellifera*) are of benefit to mankind, 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;

NOW THEREFORE, be it ordained and enacted by _____:

Section 1. Preamble Adopted.

That the findings contained in the preamble of this ordinance are hereby adopted as a part of this ordinance.

Section 2. 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.

- 2.1 "Apiary" means the assembly of one or more colonies of bees at a single location.
- 2.2 "Beekeeper" means a person who owns or has charge of one or more colonies of bees.
- 2.3 "Beekeeping equipment" means anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.

- 2.4 “Colony” means an aggregate of bees consisting principally of workers, but having, when perfect, one queen and at times drones, brood, combs, and honey.
- 2.5 “Hive” means the receptacle inhabited by a colony that is manufactured for that purpose.
- 2.6 “Honey bee” means all life stages of the common domestic honey bee, *apis mellifera* species.
- 2.7 “Lot” means a contiguous parcel of land under common ownership.
- 2.8 “Nucleus colony” means a small quantity of bees with a queen housed in a smaller than usual hive box designed for a particular purpose.
- 2.9 “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.

Section 3. Purpose of Ordinance.

- 3.1 The purpose of this ordinance is to establish certain requirements for beekeeping within the City, to avoid issues which might otherwise be associated with beekeeping in populated areas.
- 3.2 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.
- 3.3 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.

Section 4. Standards of Practice.

- 4.1 Honey bee colonies shall be kept in hives with removable frames, which shall be kept in sound and usable condition.
- 4.2 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.
- 4.3 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.
- 4.4 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.

- 4.5 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.

Section 5 Colony Density.

- 5.1 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 there of, such that bees will fly over rather than through the material to reach the colony. If a flyway barrier of dense vegetation is used, the initial planting may be 4 feet in height, so long as the vegetation normally reaches 6 feet in height or higher. The flyway barrier must continue parallel to the apiary lot line for 10 feet in either direction from the hive, or contain the hive or hives in an enclosure at least 6 feet in height. A flyway barrier is not required if the property adjoining the apiary lot line (1) is undeveloped, or (2) is zoned agricultural, industrial or is outside of the City limits, or (3) is a wildlife management area or naturalistic park land with no horse or foot trails located within 25 feet of the apiary lot line.
- 5.2 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. One acre but smaller than 5 acres	8 colonies
e. Larger than 5 acres	no restriction
- 5.3 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.
- 5.4 If the beekeeper serves the community by removing a swarm or swarms of honey bees from locations where they are not desired, the beekeeper shall not be considered in violation the portion of this ordinance limiting the number of colonies if 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 30 days from the date acquired.

Section 6. Inspection.

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

Section 7. 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.

Section 8. Compliance.

8.1 Upon receipt of credible information that any colony located within the City is not being kept in compliance with this ordinance, [the designated City official] shall cause an investigation to be conducted. If the investigation shows that a violation may exist and will continue, [the designated City official] 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
- d. That if [the designated City official] finds that they have been kept in violation of this ordinance, and if the violation is not remediated within the time allowed, the bees may be ordered removed and/or destroyed.

Notices shall be given by certified US Mail return receipt requested or personal delivery. 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.

8.2 The hearing shall be conducted by [the designated City official]. 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 designated City official] finds a violation, then he/she 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 2 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. Upon destruction of bees by the City, all equipment shall be returned by the City to the beekeeper, with expenses of

transportation to be paid by the beekeeper. The City's destruction of the bees shall be by a method that will not damage or contaminate the equipment, include wax foundation.

8.3 The decision of the hearing officer may be appealed by the beekeeper as provided in the City's rules and procedures. If no provision for appeal exists, then the beekeeper may file a notice of appeal with the City secretary within 15 days of the date the order is placed in US Mail to the beekeeper, or 10 days if the decision is announced at the hearing by [the designated City official]. An appeal shall not stay [the designated City official]'s decision, and the beekeeper shall be required to comply with such order pending the outcome of the appeal.

8.4 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.

Section 9. 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 10. Effective Date.

This ordinance shall become effective on _____, 20_____.

PROPOSED MOTION

MOVED BY COMMISSION MEMBER _____

SECONDED BY COMMISSION MEMBER _____

To recommend the City Council approve the attached ordinance permitting the keeping of bees on residential properties.

VOTE:

AYES:

NAYS:

Regular Planning Commission Meeting – April 25, 2017

ATTACHMENT A
(March 18, 2016)

Community	License/Permit required	Fee	Zoning	Location	Setback Requirements	Colony Density	Neighborhood Notification
Model Ordinance					Flyway barrier required if within 25' of lot line	½ acre or less: 2 ½ acre to ¾ acre: 4 ¾ acre to 1 acre: 6 1 acre to 5 acres: 8 Over 5 acres: no restriction No limit if undeveloped land within 200-foot radius of hive	
Minneapolis	Annual Permit	\$100 Initial \$50 Renewal	Residential and non-residential		Flyway barrier required if within 25' of lot line Exception for rooftop hives	½ acre or less: 2 ½ acre to ¾ acre: 4 ¾ acre to 1 acre: 6 1 acre to 5 acres: 8 Over 5 acres: no restriction No limit if undeveloped land within 200-foot radius of hive	Yes – Written consent 80% of property owners within 100 feet of property and signatures of 100% of occupants adjoining the property Exception for rooftop hives
Bloomington			Residential Non-residential*	Not permitted in front yard	100' – residential lot line 150' – adjoining dwelling unit on neighboring lot		
Stillwater	Permit		Single-family residential properties with one exception for two-family properties		Flyway barrier required if within 25' of lot line	½ acre or less: 2 ½ acre to ¾ acre: 4 ¾ acre to 1 acre: 6 1 acre to 5 acres: 8 Over 5 acres: no restriction	Yes – within 150-foot property lines – 10 day comment period
Edina	Annual Registration	\$20	Residential	Not permitted in front yard	10' – lot line 20' – adjacent dwelling unit 20' – public sidewalk	½ acre or less: 2 ½ acre to ¾ acre: 4 ¾ acre to 1 acre: 6 1 acre to 5 acres: 8 Over 5 acres: no restriction If undeveloped land within 200-foot radius of hive: 12	Yes – within 200 feet
Eden Prairie	Annual Registration	None		Not permitted in front yard – less than 10 acres	10' - lot line 10' - dwelling unit Flyway barrier required if within 25' of lot line	½ acre or less: 2 ½ acre to ¾ acre: 4 ¾ acre to 1 acre: 6 1 acre to 5 acres: 8 Over 5 acres: no restriction No limit if undeveloped land within 200-foot radius of hive	Yes – within 200 feet – 30 day comment period
Mounds View	License – Public Hearing – City Council		Single-Family	Rear yard only – hives must face towards lot interior	10' – lot line and dwelling on subject property 25' – trail or walkway	4	
White Bear Lake	License – 5 years	\$30	Single-Family Two-Family	Not permitted in the front yard	10' – lot line 25' – dwelling unit on adjoining lot Flyway barrier required if within 20' of lot line	4	Written consent from property owners within 100 feet

*Bloomington's ordinance has different standard for non-residential properties

TO: Planning Commission
FROM: Kathleen Castle, City Planner
DATE: April 20, 2017
SUBJECT: File No. 2653-17-06, Text Amendment, City of Shoreview – Public/Quasi Public uses in Business Zoning Districts

INTRODUCTION

Recently, the City Staff has had some discussions with developers and property owners regarding educational and other public uses in areas zoned for business park and industrial uses. There has been some interest expressed by educational institutions to lease or purchase property in these areas. Staff believes a potential tax-exempt use for educational programs and related activities may be a significant departure from the City's desire to maintain these areas as employment centers and business related activities. This concern may extend to other areas zoned for commercial, business and industrial use.

To address concerns about non-tax generating institutional and educational type uses being allowed in key business parks, Staff is recommending the Planning Commission and City Council consider amendments to the Development Code that better defines and restricts such uses within our business zoning districts. A public hearing is scheduled to be held by the Planning Commission at the April 25th meeting to discuss potential changes to these regulations.

COMPREHENSIVE PLAN

The uses that are of a concern are those that are non-tax generating institutional or education type uses. The Comprehensive Plan classifies these as institutional uses. Institutional uses are described as public and quasi-public uses such as public and private schools and school grounds, fire and police stations, city hall, water towers, utilities, public maintenance garages and yards, ice arenas, public community centers, libraries, churches and other places of worship, YMCA/YWCAs and similar non-commercial facilities and uses.

While public and quasi-public uses are allowed in all zoning district, the Comprehensive Plan identifies a few criteria that should be considered when permitting these uses in the community. First, the intensity of the use must be compatible with the use(s) planned for adjoining properties. Second, new institutional uses should generally be served by a collector or arterial roadway. In the past, the City anticipated creating a new institutional zoning district to accommodate these uses and better define performance standards; however, this district has not been created.

DEVELOPMENT CODE

The Development Code specifies the permitted and conditional uses in the commercial, office, business park and industrial zoning districts. The two uses that are of concern include adult and continuing education; and secondary level learning centers, and public and quasi-public uses. While there is no definition of adult and continuing education, public and quasi-public uses are

defined as: uses such as schools, churches and government building and facilities, including parks, playgrounds, trails and other recreational areas. These uses are permitted as follows:

	ZONING DISTRICT			
	Commercial (C1A) (C1) (C2)	Office (OFC)	Business Park (BP)	Industrial (I)
Adult/Continuing Education and Secondary level Learning Centers	Permitted Use*	Permitted Use*	Permitted Use*	Permitted Use*
Public/Quasi – Public Uses	Permitted Use*	Permitted Use*	Conditional Use**	Permitted Use*

*Permitted subject to Site and Building Plan review upon the finding that the use will not impede or otherwise conflict with the planned use of the adjoining property

**Conditional Use Permit may be granted upon finding that the use is in harmony with the purpose and intent of the Development Code and policies of the Comprehensive Plan, complies with the required Code conditions and is compatible with the neighborhood

EXISTING LAND USES

Institutional and/or public-quasi-public uses are found throughout the community in a variety of zoning districts. Most of these uses, such as City Hall, the Community Center, churches and public schools are guided as Institutional uses in the Comprehensive Plan and are located in the R-1, Detached Residential Zoning District. There are, however, similar uses such as Northeast Youth and Family Services (including a school), Oak Hill Montessori School, and LifeSpan that are not guided as Institutional and are located in business districts including Office and Industrial.

LAND USE CONSIDERATIONS

The concerns regarding these uses in the City’s business areas relate to the community’s economic development goals. Business and industry contribute to and support Shoreview’s high quality of life. In order to continue economic growth and diversify the tax base, redevelopment and reinvestment in the City’s business areas is needed. This is a challenge because of the limited land area available for economic development. The following summarizes concerns regarding the establishment of public and quasi-public uses in the business zoning districts.

- 1) *Preservation of land area for business activities.* Commercial, office, business park and industrial land uses account for 5.5% percent of the City’s land area and were primarily constructed in the 1970’s and 1980’s, with the exception of the Rice Creek Corporate Park. These commercial and industrial areas provide opportunities for businesses to

locate and operate, however, the age of the structures, small lot sizes and development pattern are creating a challenge for the City to retain key businesses and grow the business community. Redevelopment of these areas may be needed to retain the viability of the City's business areas.

Educational organizations have expressed interest in the re-use of these structures and may be a viable land use, along with other public/quasi-public uses since these users do reinvest in the structure, provide some employment and serve the community. Despite these benefits Staff, is concerned about loss of land area designated for business use.

- 2) ***Consistency with intended purpose of the business land use designation and zoning districts.*** The purpose and intent of the business land use categories and zoning districts is to provide areas in the community that serve the retail needs of the community, provide areas of employment and diversify the tax base. While institutional or public/quasi-public uses may not diversify the tax base, they do serve the community and can provide employment opportunities.
- 3) ***General land use compatibility.*** One of the key concerns relates to the compatibility of public and quasi-public uses with businesses generally found in the City's commercial and employment areas. In some instances, these uses are compatible. For example, a public service center in or near other commercial uses or a government office building in an office park are similar to adjoining uses and therefore compatible. In other instances, however, the introduction of an elementary school in an industrial area could raise concern because of heavy industrial traffic, noise, odor and other operational factors. Most land use controls consider compatibility when establishing land use districts and identifying permitted uses.
- 4) ***Loss of tax-revenue.*** The way land is used does have a fiscal impact on City's ability to provide local services. In general, business uses, including office and business park, generate a net gain in local property taxes while lower density residential development provides a net loss. Loss of tax-revenue is a concern due to the limited land area designated for business development. The majority of the City's land use is low density residential followed by recreation open space.

DEVELOPMENT CODE REVISIONS

The immediate concern regarding the text amendment relates to adult and continuing education and public/quasi-public uses in the Business Park Zoning District. The City was informed that a major post-secondary institution is seeking additional building space in the north metro area and had strong interest in pursuing a lease or purchase of a building(s) in the Shoreview Corporate Center. To address the City's concern for this type of use, as part of the Greco Ridge Redevelopment project, the Shoreview Corporate Center ownership group agreed in writing to

not pursue or enter into any lease or purchase agreement with a user that is a secondary or post-secondary education institution (or similar uses) during the time the City is amending Business Park zoning regulations prohibiting these types of uses. The owners agreed to this self-imposed moratorium until September 1, 2017.

Staff is presenting a text amendment to the Planning Commission that eliminates adult and continuing educational uses and public and quasi-public uses in the Business Park Zoning District, Section 205.045.

While this text amendment addresses the more immediate concern by prohibiting these uses in our business park areas, Staff believes that it would be beneficial to research this matter further and develop regulations that focus on the concerns cited. The regulation of public/quasi-public uses is complex due to the varied nature and forms of these types of uses, potential tax implications, land use compatibility with business uses and the overall need for these types of uses in the City. While no formal proposals from the City have been submitted at this time, there is some interest from educational organizations to establish facilities in area zoned for business park and industrial uses. As such, Staff considers this to be a work priority to address with the Planning Commission and City Council.

RECOMMENDATION

The proposed text amendment addresses the City's immediate concerns regarding education and public and quasi-public uses in the Business Park zoning district by eliminating these uses. Since there are other concerns related to public/quasi-public uses, the Staff is seeking feedback from the Commission on additional revisions to the Development Code to address these uses in the City's business zoning districts. A text amendment would then be brought back to the Commission within the next few months.

The proposed text amendment related to education and public/quasi-public uses is being brought to the Planning Commission for action. Staff is seeking the Planning Commission's support of the text amendment and asking the Commission to forward a recommendation of approval to the City Council.

Attachments

1. Excerpts from the Development Code, Sections 202, Definitions, 205.045, Business Park District
2. Proposed Text Amendment
3. Map Zoning Map (Business Districts Only)
4. Map Zoning Map with Institutional
5. Map Zoning Map with Institutional V2

**EXCERPT OF EXISTING DEVELOPMENT CODE REGULATIONS
SECTIONS 202, 205.045**

202 Definitions

Public/Quasi-Public Facilities. Uses such as schools, churches, and government buildings and facilities, including parks, playgrounds, trails and other recreational areas

205.045 Business Park District

(A) Purpose. The Business Park District is established to:

- (1) Reserve appropriately located areas for low intensity office, light industrial and supporting commercial services.
- (2) Protect areas appropriate for low intensity office, light industrial and supporting commercial services from intrusion by inharmonious uses.
- (3) Provide opportunities for low intensity office, light industrial and supporting commercial services to congregate in a mutually benefiting relationship to each other.
- (4) Establish and maintain high standards of site planning, building architecture, and landscape design that will create an environment attractive to business park uses and be compatible with adjoining residential properties.

(B) Permitted Uses. The following activities are permitted in the Business Park District:

adult and continuing education; and secondary-level learning centers
financial institutions
health services, including medical, dental and veterinary
light manufacturing, including fabrication, compounding, processing, packaging, treatment and assembly of goods, products and materials
high-tech research, development and testing laboratories; and data-processing businesses, including storage of materials processed on site and distribution provided these uses are related and supporting activities that are secondary to the primary use.
office uses
indoor limited retail sales accessory to office/manufacturing uses provided that:
all sales are conducted in a clearly defined area of the principal building reserved exclusively for retail sales. Said sales area must be physically segregated from other principal activities in the building.
the retail sales must be located on the ground floor of the principal building.

the retail sales activity shall not occupy more than fifteen (15%) of the gross floor area of the building.

retail hardware stores that sell small quantities of hardware goods directly to the consumer and does not sell in bulk to contractors or serve as a supplier for other businesses provided that:

- the retail hardware store is not the primary use of the principal building.
- the gross floor area of the retail hardware store shall not exceed 4,000 square feet.
- the hardware store is located on the ground floor of the principal building.
- outdoor display of seasonal merchandise may only occur on a seasonal basis. Outdoor display areas shall not exceed 750 feet and must be screened from view from adjacent properties and arterial roadways. Screening must include attractive opaque fencing and either planters or landscaping. Outdoor storage of materials and merchandise is not permitted.

licensed day care facilities that occupy less than 49% of the leasable space area in a multiple tenant building.

office space

- office/showrooms
- office/warehouse
- research laboratories, when wholly contained within a building

restaurants that satisfy the following requirements and are contained in an office building:

- qualify for the issuance of an intoxicating on-sale liquor license within the City of Shoreview.
- do not have drive-up order facilities.
- food sales constitute at least 60% of the establishment's gross sales.
- are able to accommodate, by reservation, gathering of 20 or more people.
- except for special occasions, do not accept food orders after 11:00 p.m.

utilities.

(C) Conditional Uses. Approval of a Conditional Use Permit shall require compliance with the requirements set forth in Section 203.032(D) (Conditional Use Permits).

- (1) Public and quasi-public uses except adult and continuing education and secondary-level learning centers, which are permitted uses.
- (2) Satellite earth stations with a diameter greater than two meters
- (3) Towers and antennas subject to compliance with the standards in Section 207.

PROPOSED TEXT AMENDMENT

Text underlined is proposed for addition

~~Text stricken is proposed for deletion~~

205.045 Business Park District

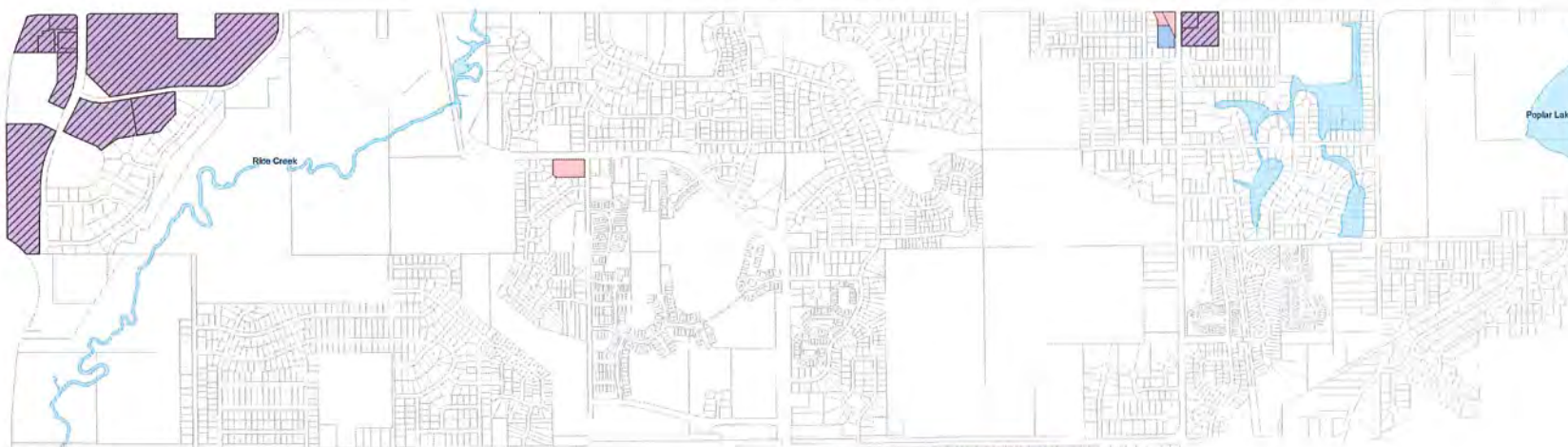
(B) Permitted Uses. The following activities are permitted in the Business Park District:

~~adult and continuing education; and secondary level learning centers~~

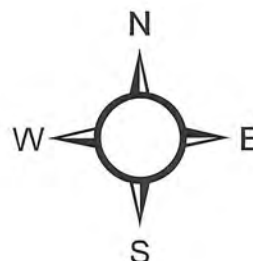
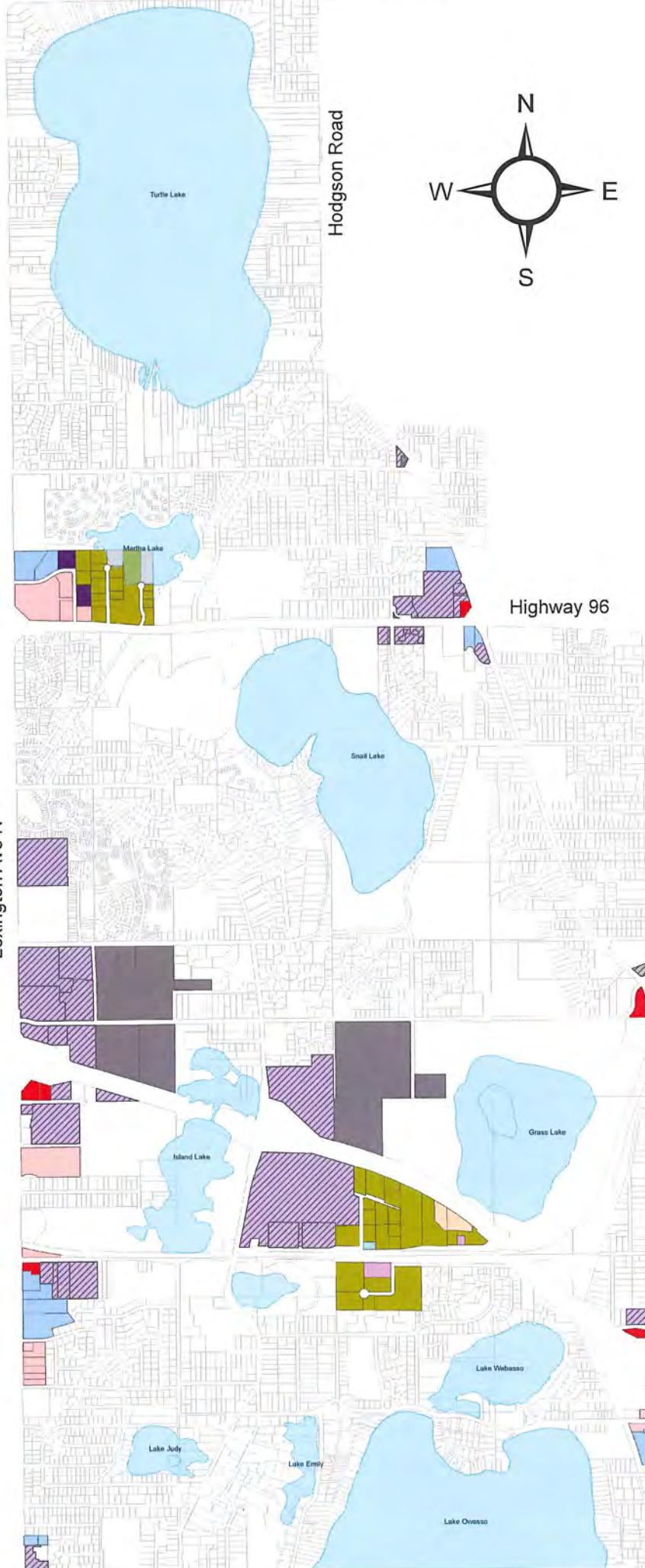
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


County Road J W



County Road I W



Legend

-  BPK
-  C1
-  C2
-  I
-  OFC
-  PUD
-  T
-  Open Water

Disclaimer: Every effort has been made to ensure the completeness and accuracy of this map. However, the data used to create this map was compiled from a number of sources and may contain errors. This map should be used for reference only. Data should be verified independently if used for any other purpose. This document is not a legally recorded map or survey and should not be used as such.

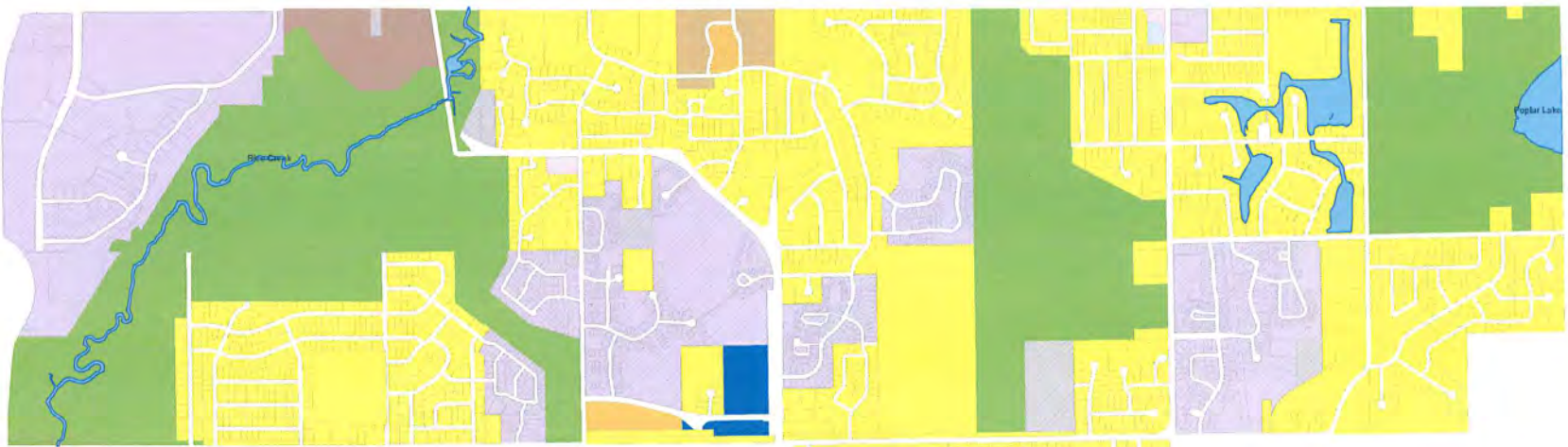


Zoning Map

Adopted by the City Council March 2, 2009
Update with Rezoning through December 2016



County Road J W



















County Road I W

Legend

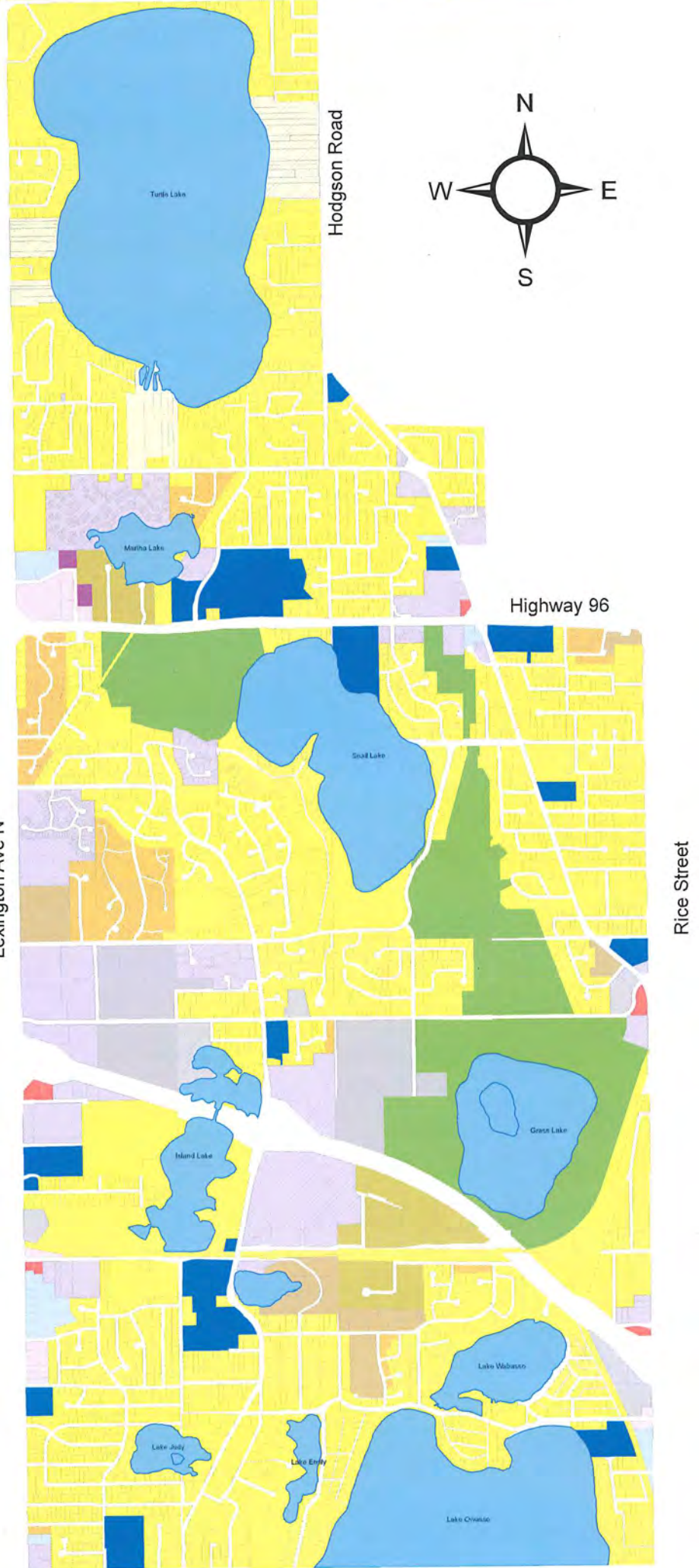
Existing Land Use

 INST

Zoning

-  RE(40) - Residential Estate - 40,000 sq. ft or more
-  RE(20) - Residential Estate - 20,000 sq. ft. or More
-  R1 - Detached Residential
-  R2 - Attached Residential
-  R3 - Multi-Dwelling Residential
-  R4 - Mobile Home Residential
-  C1 - Retail Service
-  C2 - General Commercial
-  OFC - Office
-  I - Industrial
-  T - Tower
-  OS - Open Space
-  PUD - Planned Unit Development
-  UND - Urban Underdeveloped
-  BPK - Business Park
-  Open Water

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Zoning Map with Institutional

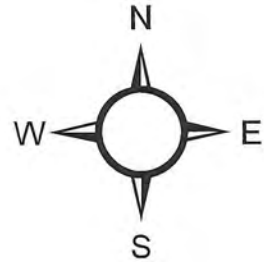
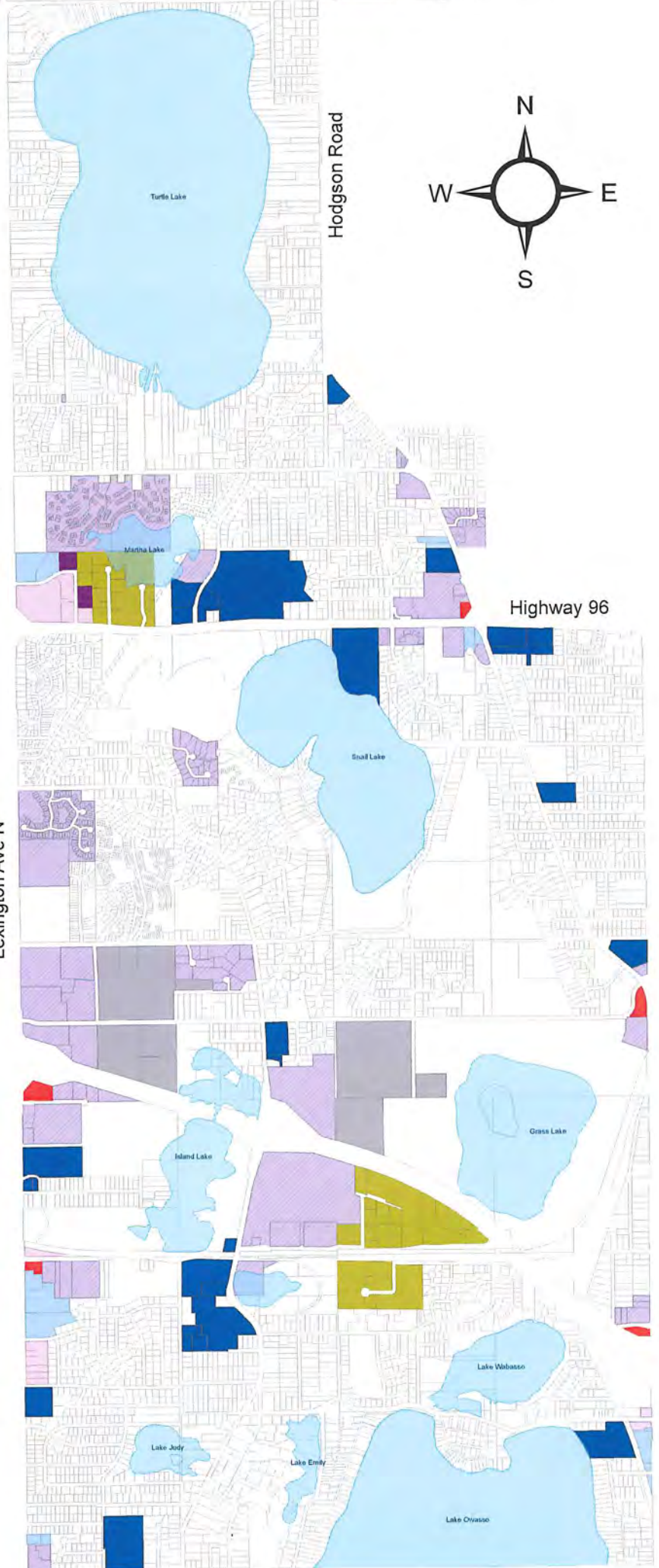
Adopted by the City Council March 2, 2009
Update with Rezoning through December 2016



County Road J W



County Road I W




Legend

Existing Land Use


 INST


Zoning


 C1 - Retail Service


 C2 - General Commercial

 OFC - Office

 I - Industrial

 T - Tower

 PUD - Planned Unit Development

 BPK - Business Park

 Open Water

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Zoning Map with Institutional V2

Adopted by the City Council March 2, 2009
Update with Rezoning through December 2016



PROPOSED MOTION

MOVED BY COMMISSION MEMBER _____

SECONDED BY COMMISSION MEMBER _____

To recommend the City Council adopt the proposed text amendment addressing educational uses in Section 205.045, Business Park District. The Commission also supports further review of public and quasi-public uses in the business zoning districts to address the concerns cited in the Staff Report.

VOTE:

AYES: _____

NAYS: _____

Regular Planning Commission Meeting – April 25, 2017