

ORDINANCE NO. O2019-002

**AN ORDINANCE OF THE CITY OF SHAKOPEE, MINNESOTA,
AMENDING CITY CODE SECTION 130.04 TO ADD BEEKEEPING**

WHEREAS, the City of Shakopee has proposed an amendment to the City Code Section 130.04, Subdivision I to add a section on Beekeeping; and

WHEREAS, notices were duly sent and posted, and a public hearing was held before the Planning Commission on January 3, 2019, at which time all persons present were given an opportunity to be heard; and

WHEREAS, the Planning Commission has recommended to the City Council that the proposed text amendment be adopted; and

WHEREAS, the City Council heard the matter at its meeting on January 22, 2019; and

WHEREAS, all of the below language is added to the City Code.

City Code Section 130.04, Subdivision I (Beekeeping)

Purpose: Honeybees are an asset to the community and important in the pollination of plants and production of honey and other products. The purpose and intent of this section is to permit and establish requirements for keeping of honeybee colonies and equipment within the city.

Definitions:

1. Apiary: The assembly of one or more colonies of bees on a single lot.
2. Beekeeper: A person who owns or has charge of one or more colonies of honeybees.
3. Colony: An aggregate of honey bees consisting principally of workers, but having, when perfect, one queen and at times drones, brood, combs, and honey.
4. Flyway Barrier: A solid fence, wall, or dense vegetation at least 6' in height that continues parallel to the apiary site lot line at least 10' in each direction from the colony, that requires bees to fly over, rather than through the barrier. Depending on the barrier type and construction, or location, additional permitting may be required prior to installation.
5. Hive: The receptacle inhabited by a colony.
6. Undeveloped property: A lot adjacent to an apiary where residential dwellings, commercial buildings, trails, sidewalks, or streets do not currently exist, or are greater than 25' from an existing hive.

Location Requirements:

1. Beekeeping is permitted in all zoning districts in accordance with this code section. In the B-3, Central Business District Zone, hives must be kept on the roof of a building at least 12' in height.
2. Hives must not be located in the front yard, unless on a lot greater than 5 acres. For the purpose of this section, a corner lot has two front yards.
3. Hive setback must be in accordance with the following requirements:

Hive Setback	Distance	Hive Setback	Distance
Lot Line	25'	Adjacent Dwelling	25'
Lot Line With A Flyway Barrier	15'	Trail / Sidewalk / Patio	25'

Colony Design:

1. Colonies must be kept in removable frame hive bodies no more than 9 5/8” deep with no more than 10 frames and no supers.
2. An adequate and convenient water source must be within 10' of active hives. Every effort should be made to ensure that the water source is free of chemicals typically found in tap water.
3. Hives must not exceed 6' in total height.
4. Each beekeeper shall ensure that no wax comb or other material that might encourage robbing by other bees is left exposed outdoors. Such materials must be stored in sealed insect-proof containers or placed within a building.

Maximum number of colonies permitted based on lot size:

Lot Size	# of Colonies	Lot Size	# of Colonies
Less than 0.50 acres	2 colonies	2.51 to 4.99 acres	16 colonies
0.51 to 1.0 acres	4 colonies	5.00 to 9.99 acres	24 colonies
1.01 to 2.50 acres	8 colonies	Greater than 10 acres	32 colonies

General Regulations:

1. All Beekeepers must register active hive sites with the Zoning Administrator. Existing hives must register within 60 days of the publishing of this ordinance.
2. Sale of honey or related bee products: Retail sales in residential zones must only be from hives on that property and comply with City Code on Home Occupations, which may require a Home Occupation Permit. All on-site signage must meet City Code requirements.
3. If an undeveloped property adjacent to a colony is developed, the colony locations must comply with all sections of this code within 90 days of the development.
4. Hive bodies must be maintained in good condition, including maintenance of paint, and when not in use must be removed within 14 days if they are no longer occupied. Hives on a building roof top must comply with the same screening requirements for rooftop mechanical equipment in the Zoning Code.
5. A Beekeeper that removes a hive or swarm from an unwanted area may exceed the maximum colony quantity requirements for up to 30 days, but must meet all other requirements of this section.
6. Hives shall be continuously managed to provide adequate living space for their resident honeybees in order to control swarming.
7. In any instance in which a colony exhibits unusual aggressive behavior, it shall be the duty of the beekeeper to promptly implement appropriate actions to address the behavior. Queens shall be selected from European stock bred for gentleness and non-swarmling characteristics.
8. Upon prior notice of the owner of the apiary site, the Zoning Administrator or designee shall have the right to inspect any apiary for the purpose of ensuring compliance with this Section. It shall be deemed a violation of this Section for any person to resist, impede, or hinder the Zoning Administrator or designee in the performance of their duties in inspecting any apiary and apiary site.