

CITY OF BATAVIA

DATE: September 19, 2019
TO: Committee of the Whole-CD
FROM: Scott Buening, Community Development Director
SUBJECT: Discussion: Zoning Text Amendments: Beekeeping

Summary: Further discussion regarding beekeeping regulations

- 1. Background:** At the direction of two Aldermen, staff brought forward the issue of beekeeping regulations to the COW on August 13, 2019. There was discussion about this topic and whether to expand beekeeping to properties other than those in the R0 District that are than 2 acres or greater in size. There was general consensus to amend these regulations to allow more broad acceptance and less regulation of beekeeping on residential properties. Staff was directed to develop revisions in conjunction with the Fox Valley Beekeepers Association (FVBA).

Beekeeping: Staff has met and conferred with the FVBA through its President George Ingersoll about changes to our current ordinances. The changes that have been found acceptable to staff and the FVBA are in the attached exhibit. These in general follow the provisions in the St. Charles Ordinance, with hive limits in line with the Naperville Ordinance.

In summary, the changes would allow beekeeping on any owner-occupied single family zoned property, with limits on the number of hives based on the property size. Signage advising the public of the hives would be required to be posted, a source of clean water would need to be present, and hives would need to be cleaned regularly to discourage “robbing” of hives by vermin and other animals. Hives would need to be setback from the property lines according the accessory structure setback in the respective district (between 3 and 10 feet) and would need to be located in a rear yard or within the building envelope outside the required yard setbacks.

The attached sheet is only a summary to get consensus from the Committee that the proposed regulations are acceptable. If they are, staff will have these drafted such that they can be adopted by Ordinance. These will need to be adopted in two parts, the Zoning Code and the Municipal Code. The Zoning Code will need to exempt beekeeping from the Animal Raising definition so that it would no longer be prohibited under the zoning definition. This would require a notice and Public Hearing in front of the Plan Commission. Once the Hearing has been conducted, staff will move forward amendments to the Zoning Code and the Municipal Code in line with the summary sheet provisions.

The Municipal Code amendments would regulate beekeeping similar to chickens in that registration will be required prior to establishing hives on a property. However, since hives would not be considered a “structure”, no permits would normally be required. While we do not require a fee for registration of chickens, we do require a one-time building permit fee of \$85.00 which covers the cost of inspecting the coop structure and all provisions of the chicken keeping ordinance. Staff would recommend a one-time fee of \$55.00 for Beekeeping Registration which would cover staff time to inspect the property for compliance and for paperwork to register the location.

Staff has no objections to the regulations being amended in line with the attached summary.

2. Alternatives, including no action if viable:

- Discussion and direction to staff to change the code(s) as noted.
- Do not direct staff to change the code(s) as noted.

- **Budget Impact:** A public hearing notice would be required for any changes to the Zoning Code, which would be around \$150.00.
- **Staffing Impact:** Staff time would be involved in drafting reports and ordinance and attending public meetings regarding the proposed changes.

3. Timeline for actions: There is no timeline for action.

4. Staff recommendation: Staff recommends discussing the proposed changes and providing direction to staff as to whether to proceed with the changes as outlined in the attached summary.

5. Attachment:

Beekeeping Regulations Amendments Summary.

Beekeeping Regulations Amendments

Zoning Code

- Amend Zoning Code to exempt Beekeeping/Apiaries from the definition of Animal Raising, Non Commercial.

Municipal Code

- Amend Municipal Code to add Beekeeping/Apiary section.
- Add definitions for Apiary, Bee, Colony and Hive.
- Require registration of hives by the State of Illinois,
- Require colonies to be in inspectable hives and to be kept in sound, usable and orderly condition.
- Signage at least 10 inches by 12 inches to be added to all perimeter fences or lot lines and on the hives indicating that there are "State Registered Beehives of Property" or similar language.
- A source of clean water for the hive(s) shall be kept within 10 feet and available at all times hive(s) are present on the property.
- Owners shall ensure that there are no materials present that will encourage robbing of the hive by other animals and any such materials shall be immediately cleaned and disposed of.
- Hives shall only be located in a rear yard or within the building envelope behind the front plane of the principal structure. Hives shall not be located closer to the property line than other accessory structures (3-10 feet depending on the district), and shall not be located in any easement.
- Apiaries and hives shall not be located on rooftops or balconies, and shall only be permitted in single family districts with owner occupied residences.
- Hives shall not have more than six (6) boxes per hive, and shall not exceed 10 feet in height.
- Properties less than ¼ acre may have three (3) hives, lots ¼ acre to ½ acre may have six (6) hives and properties greater than ½ acre may have ten (10) hives. Lots zoned R0 that are greater than two (2) acres have no limit on the number of hives and are considered Animal Raising, Non-Commercial.